MILWAUKEE CODE OF ORDINANCES

VOLUME 2

Building and Zoning Code

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COMMON COUNCIL

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Office of the City Clerk

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2016 to 2020

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PREFEACE

In 1986, volume 2 of the Milwaukee Code of Ordinances was printed in its current format of an updateable looseleaf. 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 user.

Volume 2, which contains chapters numbering 200 to 299, contains building and zoning regulations. Other looseleaf volumes include Volume 1 (Regulatory Ordinances), 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
January 2019

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MEMO

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9/22/2020
Suppl. #318

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ADMINISTRATION AND ENFORCEMENT

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SUBCHAPTER 1
GENERAL PROVISIONS

200-001. Title. Chapters 200 to 295 constitute and may be cited as the Building and Zoning Code and may also be referred to, within chs. 200 to 295, as "this code."

200-002. Purpose of Code. The purpose of this code is to protect the health, safety and welfare of all persons establishing minimum standards for the design, construction, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilating, energy conservation and fire safety for buildings, to regulate the maintenance of buildings and structures, equipment and sanitation and to regulate occupancy and use of all buildings, structures and premises.

200-01. Department of Neighborhood Services.

1. CREATED. There is created a department of neighborhood services which shall have the same status and standing as any other city department.

2. FUNCTIONS, POWERS AND DUTIES. In order to protect the health, safety and welfare of all persons, the department of neighborhood services shall have the following authority, functions and duties:

a. To enforce the provisions of the building and zoning code by conducting inspections and reinspections, and by issuing orders to correct violations or to stop work whenever a building, structure, equipment or premises is being erected, constructed, installed, enlarged, altered, repaired, removed, converted to other uses, razed, demolished, occupied, used or maintained contrary to the provisions of the building and zoning code.

b. To revoke permits and approvals whenever work on a building, structure, equipment or premises is not being performed in conformance with the building and zoning code, a permit or any conditions relating to such permit, or plans approved by the department of city development.

c. To maintain records of inspections performed and orders and citations issued.

d. To issue and conduct necessary inspections relating to certificates of code compliance, exterior code compliance and habitability of rental units.

e. To administer the city's residential and commercial building recording program.

f. To review plans and applications, issue and revoke permits and licenses, perform inspections and enforce regulations and standards relating to the keeping or sale of domestic animals, the operation of lodging facilities, asbestos hazard control, the commercial application of pesticides, the operation of self-service laundries, dry cleaning establishments, public swimming places and massage businesses, and such other activities for which regulatory and enforcement authority is assigned to the department elsewhere in the code of ordinances.

g. To abate nuisances and control vectors.

h. To assist in the enforcement of the city's solid waste and recycling regulations.

i. To serve as custodian of the official map of the city.

j. To perform investigations and inspections relating to various licenses issued by the city, including but not limited to alcohol beverage licenses, and public entertainment premises licenses.

k. To ensure the proper maintenance of land drainage facilities.

m. To demolish structures on city-owned lots as directed by the common council.

n. To perform plan reviews, approvals and permit issuance for the erection, construction, enlargement, alteration, repair, moving, improvement, conversion to new uses, razing or demolition, occupancy and use of buildings or structures.

o. To keep comprehensive records of all applications for permits, of all permits and fees thereof, approvals and certificates of occupancy issued, and to make such records available for public inspection or as certified copies. Certified copies of any record may be obtained upon payment of the fee specified in s. 200-33 and in compliance with any rules and regulations of the commissioner.

p. To perform all other duties assigned to the department or to the commissioner of neighborhood services in the building and zoning code or elsewhere in the Milwaukee code of ordinances.

3. COMMISSIONER. a. Authority. The department of neighborhood services shall be under the supervision and direction of a commissioner. The commissioner of building inspection shall be the commissioner of neighborhood services.

b. Jurisdiction. The commissioner shall have supervision, control and direction over matters relating to building and zoning code enforcement and inspections, nuisance abatement and vector control and all functions, powers and duties of the department described in sub. 2. The commissioner shall also have control over development permit issuance activities, including the building permit issuance authority of a "building inspector" as provided in s. 62.23(9)(a), Wis. Stats. The commissioner shall provide for the enforcement of all laws and ordinances related to buildings by means of the imposition of forfeitures, injunctive actions and other remedies available at law.

200-02. Adoption of State Code. The city of Milwaukee adopts ch. SPS 361, Wis. Adm. Code, as amended, as part of this code.

200-03. Scope. 1. No building, structure, equipment or premises shall be erected, constructed, installed, enlarged, altered, repaired, removed, converted to other uses, razed, demolished, occupied or used, or maintained, nor shall materials, appliances or devices be used for the equipment of a building, structure or premises be erected, constructed, installed, enlarged, altered, repaired, removed, converted to other uses, razed, demolished, occupied or used, or maintained, except in conformity with this code or any authorized rule or approval of the commissioner.

2. This code applies with equal force to the erection, construction, installation, enlargement, alteration, repair, removal, conversion to other uses, razing, demolition, occupancy or use, sanitation, and maintenance of municipal, county, state, or federal buildings, structures, premises, or equipment, as they do to private buildings, structures, premises, and equipment, except where the erection, construction, installation, enlargement, alteration, repair, removal, conversion to other uses, razing, or demolition, occupancy or use, sanitation and maintenance of the same is specifically regulated in detail by state or federal safety statute or code.

3. In any instance of conflicts between regulations of this code, the more stringent regulations shall govern except as regulated in s. SPS 361.03(2), Wis. Adm. Code, as amended.

200-04. Interpretation, Emergency Rules, and Approvals. 1. All matters concerning, affecting, or relating to the erection, construction, installation, enlargement, alteration, repair, removal, conversion to new uses, razing, demolition, fire, public safety, and health protection, use of equipment, materials, occupancy and use, sanitation, and location and maintenance of all buildings, structures, equipment and premises are presumed to be provided for in this code. All reasonable interpretations of the code or emergency rules covering construction and conditions promulgated by the commissioner in furtherance thereof, and in conformance therewith, or in the absence of specific provisions affecting any of the aforesaid items, shall govern in each case except insofar as such matters are otherwise provided by the city charter or other valid law or ordinances.

2. All interpretations and emergency rules shall be prepared in memoranda form. Approval of materials or methods of construction bearing evidence of approval of Underwriters Laboratory, International Code Council, or those referenced in this chapter will be accepted for use in the city of Milwaukee.

3. NOTICE AND APPEAL PROCEDURE FOR SPECIAL CHARGES. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department, the commissioner shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice may also inform the owner of any prospective charges that will or may be imposed if the amount of those charges can be reasonably determined at the time the notice is mailed. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the amount or necessity of the special charge, including any prospective charge to the administrative review appeals board under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

a. The expiration of the time to appeal to the administrative review appeals board as specified in this section.

b. The administrative review appeals board's affirmation, in whole or in part, of the amount to be imposed as a special charge.

c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review appeals board.

4. APPLICABILITY. a. The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

b. The notice and appeal procedures of sub. 3 shall not apply to special charges assessed and collected under s. 200-33-17. The sole remedy for any owner challenging the amount or necessity of such charges shall be filing a claim in accordance with s. 893.80, Wis. Stats.

200-05. Maintenance. The regulations contained in this code covering the efficient maintenance of devices, equipment or materials for the prevention of fire and for the protection of life and health shall apply to all buildings, structures, premises or equipment and materials now existing or hereafter erected. The removal or nonmaintenance of any existing devices, equipment or safeguards in any building, structure or premises heretofore lawfully required shall be unlawful unless authorized in writing by the commissioner.

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SUBCHAPTER 2
DEFINITIONS

200-06. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ss. SPS 361.04, 361.05(1) and 362.0202, Wis. Adm. Code, as amended, as part of this code.

200-07. Rules of Construction. 1. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular member includes the plural and the plural the singular.

2. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "hotel," "hotel unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

200-08. Definitions. In this code:

1. ABANDONED SIGN means:

a. An on-premise or off-premise sign pertaining to or associated with an event, business or purpose which is no longer on-going and which has been inactive or out of business for a period of 90 consecutive days or longer; or

b. An on-premise or off-premise sign which contains structural components but no display for a period of 90 consecutive days or longer.

2. ACCESSORY BUILDING means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.

2.5. ACCESSORY SHED means an accessory building of not more than 150 square feet in floor area and not more than 14 feet in height.

3. ADDITION means any new construction whereby an existing building or structure, or building or structure in course of construction, is increased in area or cubical content.

4. ALTERATION means any change, addition, modification, or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.

5. APPROVED means approved by the commissioner or the Wisconsin department of safety and professional services under the regulations of this code.

6. APPROVED COMBUSTIBLE MATERIAL means wood, combustible plastics, or other rigid material impervious to water.

7. APPROVED COMBUSTIBLE PLASTICS means only those combustible plastic materials which tested in accordance with the A.S.T.M. Standard Method of Testing for Flammability of Plastics over 0.050 inch in thickness, D635 (latest revision), burn no faster than 2.5 inches per minute in sheets of 0.060 inch thickness.

8. BATH means a bathtub or shower stall properly connected with both hot and cold water lines.

9. BEDROOM means a habitable room in a dwelling unit or in any building of an area and volume as required by this code intended for or used primarily for sleeping purposes and equipped with a door to insure privacy.

10. BILLBOARD means an off premise sign.

11. BOARD means the board of zoning appeals.

12. BOARDING HOUSE. See ROOMING HOUSE.

13. BUILDING means an enclosed structure built, erected or framed of component parts for the housing, shelter, support and enclosure of persons, animals or property.

13.5 CAMPGROUND means any parcel or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel of land is represented as a campground.

13.7 CAMPING UNIT means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

14. CANOPY SIGNS means an on-premise sign attached to or supported by a canopy.

15. CAPACITY means the maximum number of persons which may be accommodated, housed or employed in a building as established by regulations in chs. 214, 222, 225, 236, 239, 240, 257 to 262, and 264.

16. CHANGEABLE MESSAGE SIGN means a sign which has copy that is changed periodically, such as a time-and-temperature sign, message center or reader board. The sigh copy may be changed either manually, with removable or interchangeable letters, or electronically. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also PORTABLE SIGN.

16.5. COMMERCIAL BUILDING means any structure, including exterior parts of the structure, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or part as a place of resort, assemblage, trade, traffic, occupancy, or use by the public. Multiple buildings on a single tax key-numbered parcel may be recorded as a single building.

17. COMMERCIAL TYPE KITCHENS includes restaurants, supper clubs, fraternal organizations, schools, churches, taverns, hospitals, convalescent homes, nursing homes, homes for the aged, children's homes, penal institutions exhibit halls, institutions, asylums, monasteries, convents and all other establishments where food is commercially prepared.

17.5. COMMERCIAL VEHICLE means a motor vehicle used primarily for the movement of property or special-purpose equipment as opposed to persons, or a motor vehicle that is designed to carry 10 or more persons. Commercial vehicles include vehicles commonly called delivery vans, buses and other similar vehicles.

18. COMMISSION means, unless otherwise specified, the standards and appeals commission.

19. COMMISSIONER means, unless otherwise specified, the commissioner of neighborhood services or a designated representative.

20. COMMUNAL means used or shared by, or intended to be used or shared by, the occupants of 2 or more rooming units or 2 or more dwelling units.

20.5. DEADBOLT LOCK means a locking bolt with no automatic spring action which is held fast when in the projected position. A lock bolt moved by a skeleton-type key is excluded from this definition.

21. DEPARTMENT means, unless otherwise specified, the department of neighborhood services.

22. DEPTH OF LOT means the distance from the front lot line to the rear lot line measured in the general direction of a side lines of a lot.

23. DETERIORATION means, as applied to the buildings, structures, equipment, and materials corrosion, decay, wear and tear through use or abuse, obsolescence, effects of the elements, fire damage, lack of maintenance, or by any other cause. It also includes fatigue due to overstressing, disintegration of component parts of a building, structure, and equipment, and the separation of materials and structural parts.

24. DINING ROOM OR DINING SPACE means a habitable room or space in a dwelling unit of an area and volume as required by this code in which meals are served, but not prepared or cooked.

25. DISPLAY AREA means the entire area of any sign within a single continuous perimeter enclosing the extreme limits of the facing and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements outside the limits of the facing unless said elements form an integral part of the display. The display area shall be measured in square feet by the smallest rectilinear polygon, with a maximum of 8 sides, that describes a portion of the sign which encloses all lettering, wording design or symbols together with any internally or externally illuminated background, provided such background is designed as an integral part of the sign.

26. DORMITORY means, unless otherwise specified, a building or part thereof containing a room or rooms to provide sleeping accommodations to persons, without complete separations between cots or beds by partitions or walls. It is not a hotel, household, rooming house or apartment building.

27. DWELLING means, unless otherwise specified any building which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

28. DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit providing complete, independent facilities which are used by one family for living, sleeping, cooking, eating and sanitation.

29. EQUIPMENT means, as specifically regulated by this code, heating, cooling, air conditioning, and ventilating systems; plumbing and sanitary systems; electric light and power systems; telephone, electronic, radio, signal and annunciator systems; dry cleaning, dyeing and washing machines; elevators and dumb waiters; gas pipe systems; standpipes; sprinkler systems; fire protection apparatus, fire extinguishers, and pumps; oil burners, stokers, and conveyors; refrigeration systems; devices, machinery and apparatus of every description; furnaces, boilers; high or low pressure steam systems; gasoline pumps, all movable or portable containers of every description; all air pressure or other tanks; and all other self-contained systems used in conjunction with buildings or structures.

30. ESTABLISHED GRADE means the officially established grade of the street walk at the street line as established by the city engineer and located at the lot corners.

31. EXTERMINATION means the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other approved pest elimination methods.

32. FACING means the surface of the sign upon, against, or through which the message of the sign is exhibited.

33. FAMILY means, unless otherwise specified, a person occupying a dwelling unit, or dwelling unit with one or more persons who are legally related to such occupant by virtue of being husband or wife, son or daughter, mother or father, sister or brother, uncle or aunt, grandparent, grandchild, niece or nephew, first-cousin, mother-in-law or father-in-law, all of whom comprise no more than one nuclear family unit per household. Included in the term family are 4 or fewer legally assigned foster children, except that more than 4 may be legally assigned if all are related to one another as brothers or sisters. Family also means a domestic partnership of 2 individuals who meet all conditions of s. 350-245-3-a to e and at least 3 of the conditions of s. 350-245-5.

34. FLAG means an exhibit made of flexible material mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of government.

35. FLAMMABLE LIQUID means any liquid which, under normal conditions, gives off vapor which, when mixed with air, is combustible or explosive.

35.4. FREESTANDING SIGN means a sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or depended for support from any building.

35.5. FREESTANDING SIGN, PERMANENT means a freestanding sign permanently affixed to the ground.

35.6. FREESTANDING SIGN, PORTABLE means a freestanding sign placed upon a premise but not permanently affixed to the ground.

36. GARBAGE means animal and vegetable wastes resulting from the handling, preparation, cooking, or consumption of food. The term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and other combustible materials.

36.5. GRANDSTANDS includes all reviewing stands, amusement park structures, stadia, bleachers, grandstands and all other open air unenclosed or partially enclosed structures, platforms and open structural tank towers.

40. HABITABLE ROOMS means rooms or enclosed floor spaces used or intended to be used for living, sleeping, cooking or eating purposes.

41. HABITABLE SPACE means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable space.

42. HOLLOW WALK. See STREET WALK BASEMENT.

43. HOOD SIGN means a sign attached to, painted on or suspended from a hood.

44. HOSTEL. See HOTEL.

45. HOTEL means, unless otherwise specified, any dwelling licensed for this purpose, wherein sleeping accommodations are offered for pay, chiefly to transient guests in 5 or more rooms, but not including a rooming house.

46. HOTEL UNIT means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping.

47. HOUSEHOLD means a person, or not more than 2 persons who are not members of the same family, occupying a dwelling unit or dwelling.

48. KITCHEN means a habitable room or space in a dwelling unit of an area and volume as required by this code in which meals are cooked or prepared.

49. KITCHEN SINK means a sink of a size and design adequate for the purpose of washing eating and drinking utensils, located in a kitchen, properly connected with a cold water line and a hot water line.

50. LAVATORY (Wash Basin) means a bowl, basin or other fixture, for washing of the hands or face, connected with hot and coldwater lines and sewer system and which is separate and distinct from a kitchen sink.

51. LEGALLY NON CONFORMING SIGN means any nonconforming sign which was originally installed in accordance with all applicable regulations in effect at the time of installation.

52. LETTERS AND DECORATIONS means the letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the advertising message.

52.5. LICENSED DWELLING FACILITY means any facility licensed by the city of Milwaukee for the purposes of sleeping or living and includes:

a. Hotels and motels.
b. Residential living facilities.
c. Rooming houses.
d. Second class dwellings.

53. LIVING ROOM means the principal habitable room in a dwelling unit of an area and volume as required by this code, which is used or intended to be used for general living purposes.

54. LOT GRADE means the elevation of the finished surface of a lot at all exterior walls of a building or structure.

55. MARQUEE SIGN means an on-premise sign attached to or supported by a marquee.

57. MOTEL. See HOTEL.

58. MULTIPLE-FAMILY BUILDING OR RESIDENCE means any dwelling containing 3 or more dwelling units, or 2 or more dwelling units and also used for business purposes.

59. NONCONFORMING SIGN means a sign that does not meet the regulations of ch. 244 or 295.

60. NON-DWELLING STRUCTURE means any structure except a dwelling used or intended to be used for the shelter or enclosure of any person, animal or property of any kind.

61. OCCUPANT means any person over one year of age, including an owner or operator, living, sleeping, cooking in, or having actual possession of a dwelling, dwelling unit, rooming unit or hotel unit.

62. OFF-PREMISE SIGN means a sign advertising a business, organization, event, person, place, service or product which is not primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premise upon which the sign is located. When a sign displays both on-premise and off-premise advertising the entire sign shall be considered an off-premise sign if the off-premise advertising portion of the display area exceeds 12 square feet.

63. ON-PREMISE SIGN means a sign advertising the sale or lease of property upon which the sign is located or a sign advertising a business, organization, event, person, place, service or product which is a primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located. When a sign displays both on-premise and off-premise advertising, the entire sign shall be considered an on-premise sign if the off-premise advertising portion of the display area is less than or equal to 12 square feet.

64. OPERATOR means any person who rents to another or others or who has charge, care or control of a building or part thereof, in which dwelling units, rooming units or hotel units are let, or who has charge, care or control of any premises or part thereof upon which no structures have been erected or upon which nondwelling structures are present. Such person may be appointed to act as an owner's agent for service of process.

65. OTHER ROOMS means rooms used for recreational or similar purposes.

66. OWNER means any person who alone or jointly or severally with others:

a. Is the recorded or beneficial owner or has legal title or equitable title to any premises upon which no structures have been erected or upon which nondwelling structures are present, or is the recorded or beneficial owner or has legal or equitable title to any dwelling, dwelling unit, rooming unit or hotel unit; or

b. Has charge, care or control of premises upon which no structures have been erected or upon which nondwelling structures are present, or has charge, care or control of any dwelling, dwelling unit, rooming unit or hotel unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

67. PASSAGEWAY means a free, unobstructed pathway between stored merchandise and materials, merchandise counters, etc., in any mercantile, manufacturing, warehouse or storage buildings, or yards, which provides access from one work area to another work area, maintained for fire protection, convenience in work operations and egress in an emergency.

68. PEDESTRIANWAY means any legally established designed public thoroughfare.

68.5. PERMEABLE PAVING means porous concrete, porous asphalt, or other systems designed to allow water to pass through voids in the paving material or between paving units while providing a stable, durable load-bearing system. Use of a coal tar sealant product as defined in s. 66-30-1 or high PAH sealant product as defined in s. 66-30-2 is prohibited.

69. PERSON means any individual, partnership, firm, organization, association, corporation or limited liability company, its agents or assigns or other legal entity capable of holding either legal or equitable title to real estate.

69.5. PORTABLE SIGN means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which can be readily moved. A vehicle carrying advertising, parked at a curb for other than normal transportation purpose, shall be considered a portable sign.

70. PREMISES means one or more lots or portions of lots, including any structures, which are contiguous and under common ownership or control.

71. PROJECTING SIGN means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

71.5. RESIDENTIAL LIVING FACILITY means any facility with one or more sleeping areas for more than 3 unrelated individuals in which space is let or provided without charge and where individuals share toilet or kitchen or other nonsleeping areas and may or may not be assigned specific sleeping rooms or beds. Residential living facilities include, but are not limited to, fraternity houses, sorority houses and temporary or emergency housing operated by public or nonprofit agencies not otherwise licensed by the state or city. Excluded are college dormitories which are owned or operated by accredited educational institutions and convents or facilities owned or operated exclusively by and for members of a religious order.

71.6. RESIDENTIAL BUILDING means, unless otherwise specified, a residential building or any vacant building whose legal use prior to vacancy was as a residential building. Multiple buildings on a single tax key-numbered parcel may be recorded as a single building.

72. ROOF SIGN means a sign erected, constructed and maintained on or above the roof of any building.

73. ROOMER means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not the primary occupant of the dwelling unit.

74. ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. "Rooming house" also means any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units.

75. ROOMING HOUSE, TYPE I means a building in which space is let to more than 2 but fewer than 9 roomers, and also means any dwelling in which a total of 2 roomers share a toilet or bath with the occupants of 2 second class dwelling units.

76. ROOMING HOUSE, TYPE II means a building in which space is let to 9 or more roomers.

77. ROOMING UNIT means any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not for cooking or eating of meals.

78. RUBBISH means noncombustible waste material, and includes the residue from burning of wood, coal, coke, tin cans, metals, mineral matter, glass, crockery, dust and other noncombustible materials.

79. SANITARY PERMIT means a permit issued by the commissioner for the installation of a private sewage system.

80. SECOND CLASS DWELLING means any multiple dwelling which contains 3 or more 2nd class dwelling units.

81. SECOND CLASS DWELLING, TYPE I means a 2nd class dwelling which contains more than 2 but fewer than five 2nd class dwelling units.

82. SECOND CLASS DWELLING, TYPE II means a 2nd class dwelling which contains 5 or more 2nd class dwelling units.

83. SECOND CLASS DWELLING UNIT means a dwelling unit that does not have a toilet, a bath and a lavatory basin for exclusive use of occupants thereof.

83.5. SECURITY DEVICE means a door, window, lock, frame or hardware.

84. SIGN means any structure, device or display that is arranged, intended or designed as an announcement, declaration, demonstration, illustration, indication, symbol, insignia, banner or emblem and which is used for advertisement, identification or promotion when placed so as to be seen from out of doors by the general public. "Sign" includes not only display area but also structural supports, uprights, bracing, framework and trim. Where used in ss. 244-2 to 244-20 "sign" means an on-premise sign. Where used elsewhere in chs. 244 and 295, "sign" includes both on-premise and off-premise signs.

85. SINK means a shallow bowl, basin or other fixture, ordinarily with a flat bottom, and usually used in a kitchen or in connection with the preparation of food, connected with city water and sewer system.

85.2. SLEEPING AREA means the area of a residential building in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by other use areas, such as a kitchen or living room, but not a bathroom, are considered separate sleeping areas.

85.5. SLEEPING DORMITORY means a room occupied for sleeping purposes by more than 4 persons.

86. SMOKE DETECTOR means a device which detects the visible or invisible particles of combustion.

86.2. SQUARE FOOTAGE, for fee computation purposes, means the entire area of all principal floors, mezzanines, basements, attics and exterior porches, decks and platforms. Square footage includes all areas that, with future alterations, could be used as finished (habitable or occupiable) areas. It excludes basement crawlspaces (ceiling heights less than 76 inches) and attic areas accessed only by a scuttle or access panel or having a ceiling height of less than 60 inches.

86.5. STREET LINE. A dividing line between a street and a lot.

87. STREET WALK means that portion of a public thoroughfare which is used for pedestrian traffic or that portion which is included between the curb and the street line.

88. STREET WALK BASEMENT means an excavated space below the surface of any public thoroughfare or portion thereof extending from street line, as regulated by the department of public works and ch. 245.

89. STRUCTURE means, except in ch.295, anything other than a building which is constructed, erected, and framed of component parts and which is fastened, anchored, or rests on a permanent foundation or on the ground for any occupancy or use whatsoever. It includes fair, carnival and festival open structures; fire escape, stairway, or chute escapes and railings; fences and railings; open air observation, water tank and other towers; traveling cranes, hoists

and loading or unloading apparatus; open scaffolding, rigging, swinging platforms, bridges; bins, temporary reviewing stands, platforms and structures; canvas or cloth awnings, tents and other such structures; signs, billboards and advertising devices of every description and use; decorations of every description; open terraces and open grade steps, sidewalks or stairways; all other apparatus and all other objects or property not included under the terms "building" and "equipment."

90. SUPPLIED means paid for, furnished, provided by or under the control of the owner or operator.

91. TOILET means a water closet, with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.

92. TRANSIENT means a person passing through or at a place with only a brief stay or sojourn.

93. TRAVELING MESSAGE means a message shown on a sign's display area and which moves either vertically or horizonally across the display area.

94. TRIM means the mouldings, battans, cappings, nailing strips, latticing and platforms which are attached to the sign.

95. WALL SIGN means a sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

96. WORKMANLIKE MANNER means work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to insure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

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SUBCHAPTER 3
ENFORCEMENT

200-09. Authority. 1. JURISDICTION. Except as otherwise regulated by this code, in addition to the duties and authority prescribed in ch. 8, city charter, the commissioner has the authority to enforce all the provisions of this code and the decisions of the board, the commission, the administrative rules of the Wisconsin department of safety and professional services and all other laws or lawful orders relating to the construction, maintenance, use, and occupancy of buildings, structures, equipment or premises when not in conflict with ch. 295, and to perform all of the various duties as prescribed in all other ordinances and state statutes in a manner to provide that the spirit and intent of the law shall be observed and public welfare and safety be assured. The commissioner shall be the final authority on interpretation of the code except where such authority is preempted by state or federal law.

2. VARIANCES. A variance granted from any provision of the orders of the Wisconsin department of safety and professional services granted by the department, pursuant to s. 101.02, Wis. Stats., as amended, shall apply to an identical or similar regulation of this code and be in force and effect when, in the opinion of the commissioner, such variance shall in no manner adversely affect the public safety and health. Such variance shall not apply to any such or related regulation of this code which obviously creates a higher standard of safety and health than the standard of safety and health established by the regulation of such orders as modified by said department, nor shall any such variance apply to any regulations of ch. 295.

200-10. Enforcement of Former Code of Laws.

1. BUILDINGS BUILT PRIOR TO OCTOBER 9, 1914. All buildings and structures, additions and alterations erected prior to October 9, 1914, shall comply with the provisions of chs. SPS 375 to 379, Wis. Adm. Code, for existing buildings. Buildings and structures built and subsequently changed to a more restrictive use prior to October 9, 1914, shall comply with the more restrictive provisions of chs. SPS 375 to 379, Wis. Adm. Code, on existing buildings.

2. BUILDINGS BUILT BETWEEN OCTOBER 9, 1914, AND JANUARY 30, 1951. Buildings and structures erected or additions or alterations made thereto between October 9, 1914, and January 30, 1951, shall comply with the provisions of the Wisconsin Administrative Code in effect at that time. Buildings changed to a more restrictive use between October 9, 1914, and January 30, 1951, shall comply with the Wisconsin Administrative Code in effect at the time.

3. BUILDINGS BUILT AFTER JANUARY 30, 1951. Any building or structure, addition or alteration or change in use erected or occurring after January 30, 1951, shall comply with either the provisions of the Milwaukee building code or the Wisconsin Administrative Code in effect at the time, whichever shall be more restrictive.

200-11. Enforcement. 1. DEFINITIONS. In this section: a. "Unsafe building" means any building, structure or dwelling unit made unsafe due to: insufficiency of stairs, exits or structural strength thereof; danger from fire; defects in construction; deterioration; removal of any appliance, device or equipment required by this code; the hazardous or illegal manner in which it is occupied or used; or which for any reason is a fire hazard or has other defects endangering life, limb or property.

b. "Building unfit for human habitation" means any building, structure or dwelling unit which is so damaged, decayed, dilapidated, unsanitary, difficult to heat, unsafe or vermin infested, that it creates a hazard to the safety or welfare of the occupants or the public; or which lacks illumination, ventilation or sanitary facilities adequate to protect the safety or welfare of the occupants or the public; or which, because of its general condition or location, is unsanitary or otherwise dangerous to the safety or welfare of the occupants or the public.

2. ACCESS TO BUILDINGS OR STRUCTURES. a. Right of Entry. The commissioner or a duly authorized representative, upon presentation of proper credentials, may enter at any reasonable time, any building, structure or premises to enforce this code.

b. Special Inspection Warrant. If any owner, occupant or other person in charge of a structure subject to this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the commissioner may apply for and obtain a special inspection warrant pursuant to ss. 66.0119, 101.14(2)(b), Wis. Stats., as amended.

c. Access by Owner or Operator. Every occupant of a dwelling, dwelling unit, rooming unit or hotel unit shall give the owner or operator thereof, or an agent or employe, access to any part of such structure or its premises at all reasonable times for the purpose of making such

inspection, maintenance, repairs or alterations as are necessary to comply with the requirements of this code.

3. STOPPING OF CONSTRUCTION WORK; UNSAFE CONSTRUCTION. Whenever the construction of any building, structure, equipment, or additions thereto, or alterations, or repairs thereto, or removal, or demolition thereof is being done contrary to the regulations of this code or contrary to s. 320-20-11 or the conditions of a certificate of appropriateness issued pursuant thereto, or is being done in an unsafe or dangerous manner, or not in accordance with the approved plans, specifications, and data, or with the terms of the permit granted therefor, the commissioner may, by means of a placard posted on the premises, order such work to be stopped at once and thereafter confirm such order by a written order served on the owner of the premises and on the person engaged in doing or causing such work to be done, and any such persons shall immediately stop all such work until satisfactory evidence is presented to the commissioner that all of the provisions of the permit, this code, s. 320-21-11 and the conditions of a certificate of appropriateness issued pursuant thereto, Wisconsin Administrative Code, all other lawful orders of the Wisconsin department of safety and professional services and other laws and ordinances applicable thereto will be complied with, at which time work can again be resumed providing authority is procured from the commissioner to recommence with the work.

4. ILLEGAL OCCUPANCY AND USE. Whenever any existing building, structure, dwelling unit, premises or equipment, has been erected, or constructed, or is being occupied or used in violation of any provision of this code, or any term or condition of a permit issued by the department of city development, the commissioner may serve a written order on the owner of the premises, or on the person occupying, using or causing the use at or on the building, structure, dwelling unit, premises or equipment thereon; to discontinue such occupancy or use. Thereafter, no permits, other than a permit to institute full compliance with the requirements of this subsection, shall be issued for any alterations, additions, or occupancy or use of the buildings, structure, dwelling unit, premise or equipment thereon.

5. BUILDINGS, STRUCTURES, DWELLING UNITS, EQUIPMENT WHICH ARE UNSAFE OR UNFIT FOR HUMAN HABITATION.

a. Inspection. The commissioner may inspect any building, structure, dwelling unit or equipment thereon, which is reported or found to be damaged, dangerous, unsafe or is a fire hazard or unfit for human habitation.

b. Order to Discontinue Occupancy or Use. The commissioner may issue an order to the owner of any building, structure, dwelling unit or equipment thereon, or on the person occupying or using any such building, structure, dwelling unit or equipment, to discontinue such occupancy or use if the building, structure, dwelling unit or equipment is, in the judgment of the commissioner, in an unsafe condition or unfit for human habitation. An order to discontinue occupancy or use shall identify the code violation that causes the building, structure, dwelling unit or equipment to be unsafe or unfit for human habitation.

c. Closing of Unsafe or Unfit Buildings. If the owner or occupant of a building, structure, dwelling unit or equipment thereon, which the commissioner finds to be unsafe or unfit for human habitation, fails or refuses to discontinue the occupancy or use of such building, structure, dwelling unit or equipment within the time prescribed by the commissioner, the commissioner may commence and prosecute an action in circuit court for an order of the court requiring any person occupying a building, structure or dwelling unit whose occupancy has been prohibited under this section to vacate the premises.

d. Order to Keep Vacant. Whenever the commissioner finds a vacant building, structure or dwelling unit to be unsafe or unfit for human habitation, the commissioner may issue an order to the owner of the premises to keep the building, structure or dwelling unit vacant, and shall only permit occupancy pursuant to s. 275-33-1.

e. Temporary Safeguards.

e-1. When in the judgment of the commissioner a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse, or the property is unsafe to the public or users of the property the commissioner may order the owner or agent to immediately provide temporary safeguards, for the protection of the general public and upon installation of such safeguards, may permit the occupancy or use of the building, structure or property to continue or resume on a limited basis as directed by the commissioner. If the owner fails, neglects or cannot provide such temporary safeguards, the commissioner may, with the aid of any available public agency, provide the necessary safeguards and charge the cost thereof against the real estate upon which such building or structure or dangerous condition is located, and if that cost is so charged, it is a lien upon such real

estate and may be assessed and collected as a special tax.

e-2. The commissioner may require that a registered architect or engineer design such temporary safeguards. The commissioner shall approve the drawings for such safeguards and a separate permit issued for the construction of the temporary safeguard.

6. SERVICE OF ORDERS AND PLACARDS. a. In all cases regulated in subs. 4 and 5, the commissioner shall serve the order by both mailing or delivering the order in accordance with s. 200-12-3 and by posting a copy of the order in a conspicuous place on the premises.

b. Placarding of Unfit Buildings. If a building or any part thereof is unfit for human habitation, occupancy or use but is not in danger of structural collapse the commissioner shall post a placard on the premises containing the following words: "This Building Cannot Be Used For Human Habitation, Occupancy or Use." The commissioner shall prohibit the use of the building for human habitation by requiring the owner to vacate and prohibit further occupancy or use until the necessary repairs have been made.

c. Placarding of Illegally Occupied or Unsafe Buildings. In all cases regarding illegal occupancy or use or unsafe buildings, the commissioner may post on the premises a notice to the effect that the building, structure, dwelling unit or equipment is unsafe, or has been ordered razed, or that the building or structure is illegally occupied or used and shall be vacated at once as ordered.

d. Orders and placards shall remain effective until the required repairs or alterations have been made or demolition and removal have been completed. No person may remove a posted order or placard, nor occupy, use or enter a posted or placarded building, structure or dwelling unit, except for the purpose of making the required repairs or alterations, without written permission from the commissioner.

e. Boarding of Placarded Structures. If it becomes necessary to placard a structure under sub. 4 or 5, the commissioner may, to prevent reentry and to provide for safety of persons, protection of the property, or security of personal property, order the immediate boarding of the building, structure, dwelling unit or equipment.

e-1. One attempt shall be made to contact the owner of the property based on the property recording contact information required under s. 200-51.5 or any other reasonable means of contacting the owner of record available to the inspector.

e-2. If contact is made with the owner, the owner shall begin to board the structure within one hour of contact and complete the process within 3 hours. The owner or the owner's agent may obtain a private contractor to board and secure the structure. Boards shall be installed and maintained as specified in s. 275-32-7.

e-3. If the department is unable to make contact with the owner or an authorized representative listed in the property recording under s. 200-51.5, or the owner or authorized representative requests the city to board the structure, or refuses or fails to take action to board the structure, the department may board all doors, windows and openings, as necessary. The cost of the boarding along with an administrative fee as provided in s. 200-33 shall be a lien upon the real estate and shall be assessed and collected as a special charge.

200-11.5. Enforcement of Codes Against Historic Structures. Except in cases where a structure poses an immediate threat to public health and safety, the commissioner shall stay enforcement of chs. 218 and 275 of this code and s. 66.0413, Wis. Stats., against any structure which has local or national designation as an historic structure, or which is part of a local or national historic site or district, provided that the owner of such structure has obtained a mothballing certificate from the historic preservation commission, in accordance with the provisions of s. 320-21-15, and, subsequently, a mothballing permit from the department upon payment of the fee provided in s. 200-33 and in compliance with any rules and regulations of the commissioner.

200-12. Orders to Correct Condition.

1. ISSUANCE OF ORDERS. Whenever the commissioner determines, or has reasonable grounds to believe, that there exists a condition which violates any provision of the Milwaukee code over which the commissioner has enforcement jurisdiction or authority, or the conditions of a certificate of appropriateness issued pursuant to s. 320-21-11, in any building, structure or premises or in the use of any equipment covered by any provision of the Milwaukee code over which the commissioner has enforcement jurisdiction or authority, or that any person builds contrary to the plans and specifications submitted to and approved by the commissioner, or the historic preservation commission in the case of a certificate of appropriateness, or that any person omits, neglects or refuses to do any act required by any

provision of the Milwaukee code over which the commissioner has enforcement jurisdiction or authority, the commissioner may order the owner, operator or occupant thereof to correct the condition. If a placard action which requires posting of the order is warranted, it shall be as prescribed in s. 200-11-6.

2. CONTENT OF ORDERS. All orders of the commissioner shall be in writing and:

a. Provide a description of the real estate to which the order applies sufficient for identification.

b. Identify the sections of the code to which the order applies.

c. Specify a reasonable time for compliance with the order and, when appropriate, state that any illegal occupancy or use of the building, structure, dwelling unit or equipment shall be discontinued at once, or within a period of time deemed appropriate by the commissioner.

d. Whenever the commissioner deems it appropriate, contain an outline of remedial action which, if taken, will result in compliance with the code provisions identified pursuant to par. b.

e. Advise the owner, operator or occupant of the right of appeal.

f. In the case of an order issued pursuant to s. 218-9, indicate that if the order is not complied with, the commissioner may have the building razed and removed, post a sign and publish a newspaper notice giving the building owner's name, home address and telephone number, or both raze and remove the building and post the sign and publish the notice. The costs of razing, removal, sign-posting and publication shall be assessed and collected as a special charge on the property.

3. SERVICE OF ORDERS. a. An order shall be served upon the owner, operator, occupant or agent of the owner or any person specified in sub. 1. The order shall be deemed to be properly served upon the owner, operator, occupant, agent or other person if served either by first class mail to the person's last known address or by delivering a copy to the person. If the person cannot be located, the order shall be deemed to be properly served if a copy of it is left at the person's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the order. If the owner has not filed with the department a current address or the name and address of the person empowered to receive service of process, as required in s. 200-51.5, it shall be deemed sufficient notice to the owner if a copy of the order is sent by first class mail to the last known address of the owner as identified by the records of the commissioner of assessments or the commissioner of neighborhood services.

b. When service has been completed as prescribed in par. a., the order shall be effective as to anyone having an interest in the premises whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the commissioner.

c. An order is posted when a copy is attached on the premises in a conspicuous place.

4. DOCUMENTS ISSUED BY COMMISSIONER OF BUILDING INSPECTION. All orders, permits, certificates or other official documents issued by the commissioner of building inspection shall be enforceable by the commissioner of neighborhood services.

5. INFORMATIONAL PLACARD. In addition to any other order or placard required by this code, the commissioner of neighborhood services may affix an informational placard or placards to any building, structure, piece of equipment or vehicle found to be in violation of the zoning code.

200-12.5. Emergency Orders. 1. ISSUANCE OF EMERGENCY ORDERS. Whenever the commissioner finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, or that any person builds contrary to the plans and specifications submitted to and approved by the commissioner, or that any person omits, neglects or refuses to do any act required by any provision of the Milwaukee code over which the commissioner has enforcement jurisdiction or authority, the commissioner may issue an order to the owner, operator or occupant thereof, reciting the existence of such an emergency and requiring that such action be taken as necessary to meet the emergency.

2. CONTENT OF EMERGENCY ORDERS. All emergency orders of the commissioner shall be in writing and:

a. Provide a description of the real estate to which the order applies sufficient for identification.

b. Identify the sections of the code to which the order applies.

c. Specify a time for compliance with the order and when appropriate, state that illegal occupancy or use of the building, structure, dwelling unit or equipment shall be discontinued

immediately, or within a period of time deemed appropriate by the commissioner.

d. Whenever the commissioner deems it appropriate, contain an outline of remedial action which, if taken, will result in compliance with the code provisions identified pursuant to par. b.

e. Advise the owner, operator or occupant(s) of the right of appeal. Anyone who is served an emergency order under this section may, prior to the time specified for compliance, appeal to the commissioner for a review of the reasonableness of the order. An appeals hearing shall be conducted pursuant to sub. 4. The order shall specify the time period in which an appeal must be brought and the procedures for filing the appeal.

3. SERVICE OF EMERGENCY ORDERS. An emergency order under this section shall be served by posting the order in a conspicuous place on the premises and by sending the order by certified mail to the owner, or owner's agent, or operator, or occupant(s) or other person specified in sub. 1 in the manner provided for in s. 200-12-3. Prior to enforcing the order, the commissioner may attempt to contact all persons who are the subject of the emergency order by telephone to inform them of the contents and requirements of the emergency order.

4. APPEALS HEARING. a. The appeals hearing shall occur within 72 hours after receipt of the appeal.

b. The commissioner, or the person appointed as the commissioner's designee, shall conduct the appeals hearing. At the hearing, the appellant and the commissioner may 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.

c. 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.

d. 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 municipality.

e. 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 therefore. Such determination shall be a final determination.

200-12.7. Transfer of Orders to New Owner of Investor-Owned Residential Property.

1. DEFINITIONS. In this section:

a. "Investor-owned" means that no owner of the premises has domiciled there for at least the last 60 consecutive days.

b. "Person" includes an individual, a partnership, a domestic or foreign limited liability company, a trust, and estate, an association, a corporation or any other legal or commercial entity.

c. "Residential property" means any premises containing a one-, 2-, or multi-family dwelling, or condominium.

d. "Sale, transfer or conveyance of ownership" means to transfer any ownership interest in a dwelling except by mortgage, gift, devise, bequest or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of an ownership interest, the execution of a land contract or the exercise of an option to purchase property.

2. NOTIFICATION OF OUTSTANDING ORDERS TO BE PROVIDED TO NEW OWNER. Any person selling, transferring or conveying an ownership interest in a residential property that is investor-owned at the time of such sale, transfer or conveyance shall expressly inform any person acquiring or receiving an ownership interest in the property of any outstanding orders to correct violations of any provisions of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority.

3. TRANSFER OF ORDER TO NEW OWNER. Provided notice has been effected in accordance with the provisions of s. 200-12, whenever an ownership interest in a residential property is sold, transferred or conveyed, and such property is investor-owned at the time of such sale, transfer or conveyance and has one or more outstanding orders to correct violations of any provisions of the Milwaukee code over which the commissioner of neighborhood services has enforcement jurisdiction or authority, any person acquiring or receiving an ownership interest in the property shall be liable for compliance with each such order within the time period prescribed by the department. No additional extensions to the period for compliance shall be granted solely on the basis of the transfer of ownership.

200-12.8. Reports on Outstanding Orders. On or before the 7th day of each month, the commissioner shall provide, to each common council member, a written report listing every property in the member's district that, as of the first day of the month, was the subject of an order issued by the commissioner pursuant to this chapter, if the date for compliance with the order had passed.

200-13. Inspections. 1. REQUIRED.

a. Following the issuance by the department of any permit for the erection, construction, installation, enlargement, alteration, repair, removal, occupancy, conversion to other uses, raising or demolition of any building, structure or equipment, the commissioner may inspect the work, at intervals sufficiently frequent to ascertain if the work is being done or executed in compliance with this code. The permit holder or an agent shall notify and allow inspection as follows:

a-1. Inspection to determine if the location of the building, structure or equipment to be constructed on any premises or the use of any premises is in compliance with approved certified survey of the premises and the terms of the permit.

a-2. Inspection to determine if the material upon which the proposed building or structure is to be placed is stable and able to support the load to be imposed upon it, and that the footings are to be of the required size, placing of reinforcing steel, if required, and foundation walls are in compliance with approved plans, data and the term of the permit.

a-3. Inspection of all wall, floor and roof framing, fire stopping, insulation and bracing when completed, and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.

a-4. Inspection of all reinforcing steel when placed and before concrete, or masonry is placed or laid in connection therewith, and of all structural parts of buildings and structures when in place, but before covering or concealing any such members, connections or structural parts.

a-5. Inspection of lath or base for interior and exterior plastering, fire-resistive protection of structural steel and other construction, but before plaster or other materials are applied.

b. The permit holder or the permit holder's representative shall notify the commissioner when the stages of construction are reached that require an inspection. All ladders, scaffolds and test equipment required to complete an inspection or test shall be provided by the property owner, permit holder or their representative. If upon any inspection it is found that a required inspection cannot be made because work to be inspected has been covered or concealed, the permit holder or agent shall uncover the work, as directed by the commissioner, and no approval of covered or concealed work shall be given until the required inspection can be made and the work complies with the applicable regulations of this code.

c. The commissioner, in responding to inspectional requests, may approve the work inspected, waive the inspection or issue an order to correct defective work to the permit holder or the agent in charge of the work wherein it fails to comply with the applicable regulations of this code. Any construction which does not comply with this code shall be corrected and no such construction shall be covered or concealed with additional work until approved.

d. When any of the inspections required under this subsection have been made and those portions of construction approved, the commissioner shall so record on the official permit sticker posted on the premises.

e. The commissioner may accept reports of inspections and tests from individuals or inspection agencies approved in accordance with the commissioner's written policy. The individual or inspection agency shall meet the qualifications and reliability requirements established in the written policy. If the commissioner is unable to make a required inspection or test within 2 working days of a request or an agreed upon date or if authorized for other circumstances in the commissioner's written policy, the commissioner shall accept reports for review. The commissioner shall approve the report from such approved individuals or agencies unless there is a cause to reject it. Failure to approve a report shall be in writing within 2 days of receiving it stating the reason for rejection. Reports of inspections conducted by approved third-party inspectors or agencies shall be in writing, indicate if compliance with the applicable provisions of the building code are met and be certified by the individual inspector or by the responsible officer when the report is from an agency.

f. The written policy for third-party inspectors shall establish the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalifications or pre-approval requirements before conducting third-party inspections and any other requirements and procedures established by the commissioner. In determining third-party qualifications, the commissioner may consider such items as safety and professional services certification, other state and national certifications, state professional registrations and any other factors that would demonstrate competency and reliability to conduct inspections.

2. EXISTING BUILDINGS AND STRUCTURES. The commissioner may make inspections, from time to time, or as otherwise required by this code, of all existing buildings, structures or equipment to ascertain if the buildings, structures or equipment are being used, maintained and occupied in accordance with the regulations of applicable codes, all other ordinances, the Wisconsin Administrative Code, and all other laws, or lawful orders of the Wisconsin department of safety and professional services, relating to the maintenance, erection, construction, installation, enlargement, alteration, repair removal, conversion to new uses, raising, demolition, fire and health protection, use of equipment, materials, occupancy and use, and sanitation of buildings, structures, equipment or premises. The commissioner shall also make inspections to ascertain the effect of fires to determine the study of all such buildings, structures or equipment.

3. REINSPECTION. When violations of this code, or s. 320-21-11 or conditions of a certificate of appropriateness issued pursuant thereto, are found to exist, the commissioner may determine, upon reinspection, whether all installations, alterations, repairs, or enlargements resulting from said corrections are permanent, substantial and have been performed in a workmanlike manner.

4. FINAL INSPECTION. Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used, a final inspection may be made by the commissioner and until the building, structure, equipment or construction is in compliance with all the requirements of this code and terms of the permit, a certificate of occupancy shall not be issued. A detailed record shall be made of the final inspection.

5. RECORDS. The commissioner shall keep comprehensive records of all applications for permits, permits and fees therefor, approvals and certificates of occupancy issued. The commissioner shall also keep records of all inspections made and reports rendered, and of orders or citations issued, together with all correspondence and statistics on the various phases of construction and housing. All records maintained pursuant to this subsection shall be open to public inspection at reasonable hours, but shall not be removed from the office in which they are located. Certified copies of any record may be obtained upon payment of the fee specified in s. 200-33 and in compliance with any rules and regulations of the commissioner.

6. COMMERCIAL BUILDING COURTESY INSPECTION. The commissioner may make courtesy inspections of existing commercial buildings, as requested by the building owner or any other interested party, to ascertain if the building structures or equipment would require alterations, modifications, additions, repairs or other updates before the building, or space within the building, could be legally occupied for a particular type of use. The commissioner may charge a fee for this inspection as provided in s. 200-33.

200-14. Assistance of Other Officials. The commissioner in the performance of his or her duties shall receive the assistance of the commissioners of health and public works, the chiefs of the police and fire departments, of all other city officials, and the city attorney in prosecuting violations.

200-15. Prefabricated Construction; Use of New Materials. 1. STATE APPROVAL. All new materials, types of construction, equipment, devices, appliances or prefabricated construction designed for use in the erection, construction, installation, enlargement, alteration or repair of any building or structure not specifically regulated by this code shall not be used until approval in writing by the Wisconsin department of commerce.

2. CITY APPROVAL. State approval of new materials, types of construction, equipment, devices, appliances or prefabricated construction shall be subject to review by the commissioner. The commissioner shall have the option to accept, modify or reject the state approvals. If an approval is to be modified or if it is rejected the petitioner may appeal the matter to the commission. The commissioner is precluded from acting on any state approvals affecting one and two-family dwellings the construction of which was started after June 1, 1980.

200-16. Tests. 1. The commissioner may make tests, or order tests to be made, to determine the structural or fire safety of the condition or use of any building or structure, or part thereof, materials, construction, equipment, devices or appliances, and all other tests as may be prescribed in this code, following which the commissioner shall either approve or disapprove the use of the buildings or structure or part thereof, materials, construction equipment, devices or appliances in accordance with this code.

2. The cost of any test that may be required by this code or by the commissioner or commission, shall be paid for by the owner of the premises in the case of tests involving the structural or fire safety or the condition or use of any building or structure or part thereof, materials, construction, equipment, devices or appliances, or by the person for whom the test is made of any new materials, types of construction, equipment, devices or appliances submitted for approval.

200-16.5. Variances. Upon written application by an owner or an owner's agent and payment of the fee provided in s. 200-33, the commissioner may approve a variance of any provision of the building and zoning code, except ch. 295, provided the spirit and functional intent of the code are observed and the public health, safety and welfare are assured. The decision of the commissioner concerning a variance shall be made in writing, and the application for the variance and the decision by the commissioner concerning the variance shall be retained in the permanent records of the department. The commissioner may require or consider a statement from a registered design professional or another person competent in the subject area of the application as to the equivalency of the proposed variance. In addition, the commissioner may require the application to include construction documents sealed by a registered design professional.

200-17. Standards and Appeals Commission.

1. MEMBERS. a. In order to provide for reasonable interpretations of the regulations of this code in its enforcement, there is created a standards and appeals commission consisting of 7 members who shall be qualified by experience and training to pass on matters pertaining to the building code. Members shall have at least 3 years of recent experience in their qualifying field. Each member shall have been a resident of the city for at least one year immediately prior to appointment or have maintained business offices within the city for at least one year immediately prior to appointment. All members shall continue to be a city resident or maintain a business office within the city. Each member shall serve until a successor has been appointed and qualified. The commission shall consist of:

a-1. One registered architect.

a-2. One person experienced in real estate and property management.

a-3. Two laypersons.

a-4. One representative of labor.

a-5. One builder or home improvement contractor.

a-6. One owner of rental residential or commercial property.

b. The commissioner of the department of public works, or the commissioner's designee, shall serve as an alternate member of the commission. The alternate shall act, with full power, only when a member of the board refuses to vote because of conflict of interest or when a member is absent.

c. Commission members, except the alternate, shall be appointed by the mayor, subject to the approval of the common council, for a term of 3 years.

d. Before such appointments are made, the mayor may request recommendations from such organizations as:

d-1. The Wisconsin Chapter of the American Institute of Architects.

d-2. The Milwaukee Building and Construction Trades Council (A.F.L.).

d-3. The Milwaukee Builders Association.

d-4. The Milwaukee Board of Realtors.

e. Any member of the commission may be removed for just cause by the mayor upon notice. When any member is removed or resigns, or when a vacancy occurs, the mayor shall appoint a new member in the manner prescribed in this subsection.

2. ORGANIZATION. a. The commission during each annual meeting shall elect a chairman and vice-chairman who shall serve for one year. The commission shall adopt reasonable rules and regulations for conducting its meetings, hearings and investigations. The commission shall meet at least once each month for the consideration of any appeals and other matters, and shall set the time for its meetings.

b. The commissioner shall appoint one member of the department who shall act as secretary of the commission, and all minutes and records of the commission shall be filed in the department.

c. Members of the commission shall receive compensation as prescribed by ordinance.

3. POWERS AND DUTIES. a. The commission shall hear all appeals from the decision of the commissioner relative to the application and interpretations or issuance of variances in accordance with s. 200-16.5 of any regulation of this code, except appeals of orders issued under ss. 200-12.5, 218-4.5, ch. 295, the state of Wisconsin department of safety and professional services and appeals under s. 200-04-3.

b. Appeals to the commission shall be taken by filing with the commission secretary a notice of appeal specifying the grounds. The timely filing of a notice of appeal of an order issued under s. 200-12 shall stay the order until the hearing date. The secretary shall transmit to the commission all of the papers constituting the record upon which the action appealed from was taken. Appeals shall be filed with a fee as regulated in s. 200-33.

c. The commission shall have jurisdiction only in matters regulated in this code, and not specifically under the jurisdiction of any other appellate boards created pursuant to this code or the state of Wisconsin department of safety and professional services.

d. No member of the commission shall participate in any hearing or vote on any appeal in which the member has a direct or indirect financial interest, is engaged as a contractor, is engaged in the preparation of plans and specifications, or in which the member has any personal interest.

e. All decisions of the commission shall be in writing and shall be filed with the commissioner, with a copy of the decision forwarded to the appellant. The commission in its determinations shall have all the powers of the officer from whom the appeal is taken.

f. The commission shall hear all appeals relative to the enforcement of ch. 275 and by a concurring vote of the majority of its members may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made.

g. The commission may reverse, modify in whole or in part, or affirm any order of the commissioner issued pursuant to s. 218-9 when it finds that alternatives to demolition of the structure will result in the rehabilitation and reuse of the building within a reasonable period of time. The commission shall hear appeals of such orders from any person with an ownership interest in the property, any holder of an encumbrance of record, any city of Milwaukee agency or any organization whose primary purpose is the preservation of housing and neighborhoods. Such person, agency or organization shall provide the commission with a written, detailed plan for the rehabilitation of the structure and shall demonstrate the existence of the financial resources needed to complete the rehabilitation project. The commission may allow rehabilitation of the property or allow the building to remain in a vacant and secured state, and may set reasonable terms and conditions for the granting of such relief.

h. The commission shall hear all appeals from any order of the commissioner issued pursuant to s. 218-4. For appeals brought under s. 218-4, the powers and duties of the commission shall be expressly limited to those powers and duties set forth in this paragraph. The commission shall determine whether such an order of the commissioner is reasonable as defined in s. 218-4-2-b. If the order is found reasonable, the commission shall dissolve the stay imposed pursuant to par. b, and if found not reasonable, the commission shall continue or modify the stay as the circumstances require. The commissioner may stipulate to a continuation of the stay when approved by the commission. If the commission finds that the order of the commissioner is unreasonable, the commissioner shall issue no other order under s. 218-4 in regard to the same building or part thereof until its condition is substantially changed.

i. The commission shall have the power to conduct a hearing and render a decision regarding the nonrenewal, suspension for a period of not more than 60 days, or revocation of an electrical license issued under ch. 222.

4. APPEALS ON THE INTERPRETATION AND ENFORCEMENT OF THE CODE.

a. The commission may hear an appeal concerning the commissioner's refusal to grant a variance under s. 200-16.5. The authority to interpret the intent of the code does not apply to appeals taken under ss. 200-12.5, 218-4 and 218-4.5, to petition for state building code variances under s. 200-17.5 or revocation of permits, certificates of occupancy or approvals made pursuant to s. 200-31 for violations of ch. 295.

b. Any decision of the commission shall be by a concurring vote of at least 5 members. Failure to secure 5 concurring votes shall be deemed a confirmation of the decision of the commissioner.

5. TIME FOR COMPLIANCE. Whenever at the time of final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the department, the commission shall grant such time as may be reasonably necessary for compliance.

6. USES AUTHORIZED BY COMMON COUNCIL SPECIAL PRIVILEGE. Any use which is in conflict with provisions of this code, except for those sections of the state administrative code adopted by reference, for which the common council has authorized the granting of a special privilege pursuant to s. 245-12 shall be deemed a variance for the duration of the special privilege.

7. DEADLINES FOR APPEALS. Subject to the exceptions provided in sub. 3, appeals of any order issued by the department or departmental refusal to grant a requested variance shall be made in writing within 20 days of the date of service of the order, unless the order requires compliance in less than 20 days. In such cases, appeals shall be made in writing before the end of the term required for compliance. If service of the order is made by mail, any appeal of the order shall be made in writing within 30 days of the date of the order, unless the order requires compliance in less than 30 days. In such cases, appeals shall be made in writing before the end of a period equal to the term required for compliance plus 5 additional days. In no case, however, shall the appeal period be longer than 30 days. Citations issued by the department may not be appealed to the commission.

8. NOTIFICATION OF HEARING. Upon successful filing of an application for appeal, which falls under the jurisdiction of the standards and appeals commission, the appeal shall be heard at the next regularly scheduled hearing provided the appeal is filed no later than 10 working days prior to that hearing date. Appeals filed within 10 working days of the next hearing shall be heard at the following regularly scheduled hearing. In cases involving raze orders, the initial hearing will be adjourned for one cycle to serve as a public notice. The appeal hearing will then be scheduled for the following hearing date. Notices mailed by first class mail to the appellant's mailing address on the appeal application or sent electronically as requested by the appellant shall be considered proper notification of hearing if mailed 10 calendar days prior to the scheduled hearing date.

9. FAILURE TO APPEAL. Failure to appeal an order issued by the department shall create a rebuttable presumption that a violation existed on the date of the issuance of the order.

200-17.5. State Building Code Variances.

1. Pursuant to authority delegated to the city as agent of the state under s. 101.12, Wis. Stats., as amended, and through a memorandum of understanding with the Wisconsin department of safety and professional services, division of industry, the commissioner may evaluate, decide upon and administer petitions for variances to the rules of chs. SPS 316, 318, 320 to 325, 340, 341, 343, 361 to 366, 375 to 379 and 382, Wis. Adm. Code, as amended, and chs. SPS 375 to 379, Wis. Adm. Code, as amended, as they relate to buildings and structures in the city.

2.a. Authority delegated and exercised under this section shall not involve the following types of buildings and structures owned by the state of Wisconsin:

a-1. Buildings and structures owned by Milwaukee county.

a-3. Buildings and structures owned by the city of Milwaukee.

b. In addition, delegation of authority under this section shall not include the following applications:

b-1. Rules which are duplicated in other sections of the Wis. Adm. Code.

b-2. Rules taken from or based exactly upon statutory language. In these cases, the statutory language prevails.

3. The commissioner shall exercise powers with respect to state building code variances pursuant to the process and procedures specified in ch. SPS 303, Wis. Adm. Code, as amended.

4. The commissioner shall process petitions for state building code variances within the following time frames:

a. 30 business days for standard petitions.

b. 10 business days for priority petitions.

5. The fee schedule for processing petitions for variances shall be that specified by s. SPS 302.52, Wis. Adm. Code, as amended. Refunds of 50% of fees shall be made when the required time frame under sub. 4 is exceeded.

200-18. Building Code Task Forces. The commissioner may establish ad hoc task forces to advise and provide technical assistance to the department as may be required in developing building code regulations. Citizen members serving on such task forces shall receive compensation as authorized by the common council.

200-19. Penalties. 1. Any person who is the owner, operator or occupant of any building or premise wherein or whereon there shall be placed or there exists anything in violation of any of the regulations of this code; or who shall build contrary to the plans and specifications submitted to and approved by the commissioner; or who shall omit, neglect or refuse to do any act required in this code, except where special penalty is provided, shall, upon conviction, forfeit not less than $150 per violation per day nor more than $5,000 for each premises, structure or property found to be in violation, together with the cost of the action, and in default of payment thereof to imprisonment in the house of correction or county jail of Milwaukee County, for a period of not less than 6 days nor more than 90 days or until such forfeiture and cost is paid; and every person shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue. If the property contains more than one dwelling unit, the minimum forfeiture may be assessed against each dwelling unit found to be in violation or directly affected by the violation. Accumulated penalties recoverable in any one action shall not exceed $10,000. A violation of this code exists on the date that the order or citation is issued and continues to exist until remedied.

2. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.0113, Wis. Stats., the department may issue citations pursuant to the citation procedure set forth in s. 50-25 to any person violating any provision of ss. 80-44-2, 200-11, 200-20-2, 200-21.5, 200-22-5, 200-24, 200-42, 200-51.7, 200-53, 200-61, ch. 207, ch. 214, ss. 218-2, 218-6, 218-9-6, 218-10, 222-11-2, 222-13-1, 222-19-1, ch. 223, ss. 225-2-1, 225-3-4, 225-3-5-a, ch. 236, ch. 240, s. 244-3, ch. 246, s. 252-1, ch. 261, ch. 275, ch. 289, ch. 290, ch. 295 or s. 320-21-11.

3. The regulations of this code may be enforced by the city by means of injunction.

4. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.0113, Wis. Stats., the health department may issue a citation with a prior order pursuant to the citation procedure set forth in s. 50-25 to any person violating s. 200-51.5.

200-20. Landlord-Tenant Regulations.

1. APPLICABILITY; REGULATIONS. This section applies to any tenancy, except as noted in s. 200-21, where there is no contrary provision in writing signed by both parties. Nothing in this section is intended to affect rights and duties under other provisions of this code.

a. The landlord shall:

a-1. Keep in reasonable state of repair portions of the premises over which the landlord maintains control and all equipment under the landlord's control necessary to supply services which the landlord has expressly or impliedly agreed to furnish to the tenant, such as heat, water, elevator or air conditioning.

a-2. Make all necessary structural repairs.

a-3. Repair or replace any plumbing, electrical wiring, machinery or equipment furnished with the premises and no longer in reasonable working condition.

b. If the premises are part of a building, tenants, negligence or use by one tenant does not relieve the landlord from the duty as to the other tenants to make repairs as provided in par. a.

2. EVICTIONS. No lessor of commercial or residential property shall take retaliatory action toward any lessee who reports building code violations existing on or about the premises by raising rents unreasonably, or by curtailing services or by eviction. It shall be a rebuttable presumption that any attempt by the lessor to initiate any of the aforesaid actions within

6 months of notification of the violations to the commissioner is in violation of this subsection, except that nonpayment of rent or commission of waste upon the premises by the lessee shall be a basis for eviction.

3. FALSE INFORMATION. No landlord, tenant or any other individual may submit false information to the commissioner relative to code violations supposedly existing on or about any premises in this city.

4. PENALTY. Any person who violates any of the provisions of this section shall upon conviction forfeit not less than $25 nor more than $500 together with costs of prosecution, or, in default of payment may be imprisoned in the house of correction of Milwaukee County for not to exceed 90 days. Each day during which a violation continues shall be determined a separate and distinct offense.

200-20.5. Special Charge for Recycling Noncompliance; Landlord-Tenant.

1. Whenever a special charge under s. 79-47-2 is assessed against property and a tenant of that property is responsible for the recycling noncompliance on account of which the order was issued, the landlord may require the responsible tenant to pay the amount of the special charge to the landlord. If more than one tenant is responsible, the landlord shall prorate the amount that each responsible tenant is required to pay. The tenant shall pay the landlord no later than 30 days after billing by the landlord.

2. A landlord may deduct, from a tenant's security deposit, the amount of a special charge under sub. 1 for which the tenant is responsible and which the tenant has not paid to the landlord, provided that this was clearly agreed upon in writing at the time the rental agreement was entered into.

200-21. Essential Services in Residential Premises. 1. FINDINGS. The mayor and common council of the city of Milwaukee do find that there has existed and do exist many instances where owners of residential properties have failed to provide essential services, make necessary repairs or provide needed maintenance of structures or equipment, which create emergency situations that constitute a substantial threat to the health, safety, property and welfare of the citizens of the city and that in order to ensure proper operation and maintenance of the structures, equipment and systems that provide essential services and safe dwellings to such residents and enforce the provisions of ch. 275, it is necessary in unspecified emergencies to authorize the commissioner to enter upon the premises to take certain actions and to recover the cost of such activity from owner or responsible agent.

2. EMERGENCY CONDITIONS.

a. Whenever an emergency condition exists upon residential property, whether owner-occupied or nonowner occupied, which results in either the equipment and systems to supply such premises or units of such premises with heat, hot water, electricity, sanitary facilities or fire safety components, or the building components necessary to maintain the structural integrity, becoming defective or failing to operate so that in the opinion of the commissioner such condition constitutes a substantial hazard and danger to the health, property or safety of the occupants, the commissioner may act according to the provisions of this section unless either:

a-1. The cost of proceeding under this section would exceed 40% of the assessed market value of the property as last determined by the tax assessor; or

a-2. The time needed to either complete repair or correction of the emergency condition or to, at least, effect temporary code complying measures adequate to protect the health and safety of the occupant, will exceed 40 days. If either of these 2 factors are present, the commissioner may, in exercise of sound discretion, elect not to proceed pursuant to this section and may utilize any other remedy available under law as the commissioner deems appropriate.

b. In this section "emergency condition" means any condition dangerous or injurious to the health or safety of the occupants of a building, or occupants of neighboring buildings, which arises out of any of the following conditions:

b-1. A mechanical failure of the heating system or such inefficient operation of such system that it fails to maintain a minimum of 60° F. inside the unit, provided that enforcement of s. 275-61-1-b shall not be affected by this section.

b-2. Lack of adequate water supply, including hot water, provided that the 24-hour notice periods applicable under sub. 3-a and b shall be read as 72 hours and 84 hours respectively when the condition involves hot water supply only.

b-3. Structural, mechanical or electrical defects which increase the hazards of fire, accident, health or other calamity.

b-4. Lack of adequate and properly functioning sanitary facilities.

b-5. A failure of the mechanical systems to function properly due to a lack of utilities or fuel when such utilities or fuel are supplied by the owner or operator.

3. REPAIRING ESSENTIAL SERVICES. If the commissioner determines that an emergency condition described in sub. 2 exists, and neither of the 2 factors listed in sub. 2-a are present, or if either is present, the commissioner elects to proceed under this section, the commissioner shall issue an emergency order pursuant to s. 200-12 specifically describing the violations to be corrected and the action to be taken if the order is not complied with, and attempt to immediately serve the order on the owner or such owner's agent responsible for the maintenance, operation and repair of such structures, equipment or systems. Whenever such a condition exists, the commissioner shall immediately proceed to enter upon the premises and repair or cause to have repaired such condition, in a workmanlike manner by a licensed contractor. Whenever a condition exists as a result of a lack of fuel or utilities as described in sub. 2-b-5, the commissioner shall immediately proceed to enter upon the premises and restore or cause to have restored such utilities or fuel service and shall inform the tenants that the restoration and maintenance of fuel or utility services under this section require that the tenants deposit their rental payments with the city in accordance with s. 200-22 and that such payments continue to be deposited until the city's costs associated with providing fuel and utility services have been recovered and these services have been restored by the owner or operator. Before the commissioner may so act, one of the following 2 conditions must have been met:

a. The commissioner has been unable to give actual notice of the existence of such condition within the 24-hour period following the discovery of its existence to the owner or the owner's agent responsible for the maintenance and repair of such equipment and system or the provision of utilities or fuel services despite having employed his or her best efforts, including telephone calls and personal service, in attempts to do so.

b. The owner or the owner's agent responsible for the maintenance and repair of such equipment and systems or the provision of utilities and fuel services after having been so notified of the existence of such condition by the commissioner fails to begin to remedy such condition within 24 hours of having actual knowledge of having been so notified by the commissioner, or having so begun has not completely remedied such condition within 120 hours. If the remedy of such conditions has not been completed pursuant to this paragraph, but temporary code complying measures have been taken which adequately protect the safety and health of the occupants, the commissioner may extend, by no more than 48 hours the time period for completion of the remedy of such conditions prior to commencing to remedy the condition pursuant to this section.

4. EVICTION ORDERS. The commissioner shall not utilize this section to affect such repairs or provide utilities or fuel services when the unit is occupied by anyone in contravention of a valid court order issued pursuant to s. 799.44, Wis. Stats., unless such action is required to protect the health and safety of other occupants not subject to such an order.

5. TEMPORARY EMERGENCY HOUSING. Whenever an emergency condition described in sub. 2 exists, or wherever there is probable cause to believe that such a condition exists, and that in the opinion of the commissioner such condition cannot be remedied in time to alleviate a hazard and danger to the health and safety of the occupants, the commissioner shall, in addition to effecting repairs or providing utilities or fuel services pursuant to this section, refer the occupants, where necessary, to temporary housing. Whenever the commissioner makes such a referral, he or she must act immediately pursuant to sub. 3.

6. FUND FOR ESSENTIAL SERVICE EMERGENCIES. The comptroller shall set aside a fund for costs incurred by the commissioner in enforcing this section.

7. RECOVERY OF COSTS BY CITY. If, as a result of the enforcement of sub. 3, the commissioner expends monies of the city via the fund established in sub. 6, absent either payment or some binding written agreement for payment by the owner or the owner's agent responsible for the maintenance, repair and operation of such systems and equipment, the commissioner shall:

a. Institute within 30 days of completion of the repairs a court action to recover from such person an amount sufficient to compensate the city for the expense and labor in making such repairs or providing such utilities or fuel services as well as associated administrative costs. Administrative costs shall be deemed to be no less than $50 per hour per inspector field hour incurred pursuant to actions under this section. Additionally, damages shall also include, but not be limited to, costs incurred by the city in providing temporary relocation housing and assistance to the occupant under this section; or

b. Assess, following proper notice and opportunity for a hearing before the commission as provided in s. 200-17, charges upon the premises involved sufficient to compensate the city in an amount equal to that computed under par. a. In the event a judgment under par. a is satisfied, such tax assessment shall be deemed satisfied also vice-versa. At the discretion of the commissioner, charges may be paid as follows:

b-1. If the total amount of the principal of such charges remaining unpaid is the sum of $125, or over, it shall be spread equally over the first available and next succeeding 5 tax rolls.

b-2. If the total amount of the charges remaining unpaid is less than $125, said amount shall be placed on the first available tax roll.

b-3. In addition to the principal remaining unpaid, interest shall be added at a rate of 0.7% per month or 8.4% per year, commencing after the billing date of the invoice. A 45-day grace period for payment will be granted from the date of billing, and if not paid within such period, interest will be charged on a restorative basis to the date of billing.

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 be treated in the same manner and subject to the same laws as a delinquent general property tax.

8. RETALIATION PROHIBITED. No nonowner occupant of premises that become the subject of activity by the department under this section shall be evicted or retaliated against for having notified the department of the existence of such conditions or for having been the occupant at the time the commissioner took such action. It shall be presumed that any attempt to terminate the tenancy, or to increase charges, or to reduce services or to refuse to renew a rental agreement, or to otherwise harass or retaliate against such occupant or to reduce the level of services being rendered to such occupant during the period from the first complaint to the commissioner to 12 months after complete reimbursement to the city for the costs incurred by it in acting under this section is done in retaliation and is void and subject to a forfeiture of not less than $100 nor more than $2,000 for each such attempt. Such an occupant may be evicted for his or her failure to pay rent, or if the occupant commits waste upon the property, or if the occupant commits a substantial violation of a written rental agreement. In order to overcome such presumption, it must beshown by a preponderance of the evidence that such acts were based upon good cause. "Good cause" as used in this subsection means that one must show a good reason for his or her actions, other than one related to or caused by the operation of this section, including but not limited to normal rental increases due to tax increases or increases in maintenance costs.

9. REVIEW. Records shall be kept by the department and an annual report provided to the common council which would indicate whether this section is effective.

10. REMEDIES. Remedies provided under this section are not to be construed to be exclusive of any other remedy available under this code but are considered to be cumulative.

200-21.5. Legal Occupant Lists for Residential Rental Properties. 1. LIST REQUIRED. The owner of any residential rental property shall maintain a current list of all tenants and sublessees authorized to occupy the building or buildings on such property. Upon written request to the owner, this list shall be made available to department personnel within 24 hours.

2. PENALTIES. The penalties provided in s. 200-19, including the minimum penalties, shall apply to any person found to be in violation of this section.

200-22. Rent Withholding. 1. NONCOMPLIANCE. a. Deposit in Escrow. Notwithstanding any other provision of law or
any agreement, whether oral or written, if an owner of real property, except rooming houses licensed under s. 275-20, fails or neglects to comply with an order of the commissioner to correct a violation of this code or an order of the commissioner of health to comply with ss. 66-20 to 66-22, upon the expiration of the order to correct those violations and written notification by the department, the tenant of the premises is authorized to deposit rental payments into an escrow account designated by the commissioner. The only violation exempt from the provisions of this section is that rent withholding is not authorized for failure to comply with an exterior painting order issued pursuant to ch. 275. Rent withholding is available regardless of whether the commissioner has granted an extension of the order to correction violations. Rent withholdingis available for failure to comply with an exterior painting order that was issued pursuant to lead poisoning prevention and control regulations or the residential rental property lead-based paint hazard control pilot project, subch. 2 of ch. 66. Rent withholding is not available if the only violation is for failure to comply with an exterior painting order issued pursuant to subch. 2 of ch. 66 and the commissioner of health has granted an extension of that order for seasonal considerations. A tenant shall not be prevented from withholding rent if other violations are past due even if exterior paint orders are or are not past due. The tenant may commence rental deposits into the escrow account after the orders are past due, and he or she has been notified in writing by the department, provided that payment is made prior to expiration of a 5-day pay or quit notice or service of a 14-day termination notice given by the lessor under ch. 704, Wis. Stats. The owner shall be notified of rent withholding authorization by the commissioner by first class mail within 5 days. In the event that the tenant has commenced rental deposits in the escrow account, it shall be the responsibility of the owner to notify the commissioner of the service of any of the notices referenced in this section that are served after the tenant has commenced rent withholding, and to provide a copy of such notice to the commissioner. The tenant shall be allowed to deposit rent into the escrow account until the copy of the notice is received. It shall be an affirmative defense to a rent withholding under this section to show that the damage or condition on which the violation is based is caused by negligence or improper use by the tenant.

b. If the only violation remaining is failure to comply with exterior painting pursuant to ch. 275 or a violation that has been granted an extension for seasonal consideration, the department shall no longer accept deposits into the escrow account.

c. Owner Appeal. Authorization to deposit rental payments into an escrow account pursuant to par. a shall be stayed if an appeal of rent withholding authorization is made by the owner to the standards and appeals commission in the manner and within the time period provided by s. 200-17. In hearing such appeals the commission shall have the power to affirm or reverse the authorization of rent withholding or require the return to the owner of all or part of the rent paid to the city rent withholding account or postpone to a future time the commencement of rent withholding. The commission, and only the commission, may determine which, if any, of the violations was caused by the negligence of the tenants and, in such event, shall make a specific finding of such fact. This finding shall not affect the responsibility of the party charged with the duty under the code to repair and correct such violations, but the commission shall authorize rent withholding under this section in such instances to continue only until such non-tenant caused violations are certified as corrected by the commissioner.

d. Upon acceptance of rent, receipt will be mailed to the owner or agent and serve as a notice that rent has been paid. The department has no responsibility for the collection of rent.

2. DEPOSIT BY TENANT. The right of tenant to deposit rental payments into the escrow account established by this section shall not preclude or effect in any way the right to use any of the remedies provided by the laws of the state of Wisconsin pertaining to the relationship of landlord and tenant.

3. RELEASE OF FUNDS. Monies deposited in the escrow account shall be released as follows:

a. To the owner of record as recorded with the register of deeds at the time of certification by the department. Certification means that the premises, at the time of inspection for certification, are free of any violation of this code and of any

violation of subch. 2 of ch. 66, except for any violation for which the commissioner of health has granted an extension for seasonal considerations.

b. Monies deposited in such escrow account may be used by the owner or agent to make repairs required to completely correct all the existing violations on the premises.

c-1. Monies deposited in the escrow account may be released by the escrow agent to the owner or agent upon presentation of approved itemized receipts for the work completed and upon certification by the department that the receipts reasonably match the work done. The escrow account shall maintain sufficient funds to cover administrative charges and maintain a minimum balance of $150.

c-2. The entire amount of funds held in the escrow account less any administrative charges may be released by the escrow agent to the landlord or agent and contractor performing the repair work, upon presentation of approved itemized billing for the repair work completed and upon certification by the department that the receipts reasonably match the work done.

d. To any receiver for the premises appointed under s. 823.22, Wis. Stats.

e. Monies deposited in such escrow account shall be used to pay for utilities where the utilities are included as part of the rent.

f. The commissioner may withdraw monies from such escrow account to have the department of public works or a private contractor certified under s. 95-14 make repairs to protect the health, safety and welfare of the tenants. Such repairs shall include violations listed on an order of the commissioner to correct a violation of this code.

g. If the occupancy of a premises is ordered to be discontinued pursuant to s. 200-11-4 or 200-11-5, the commissioner may use such escrow monies to pay the displaced tenants relocation costs up to the amount the tenant has deposited in escrow. If the tenancy of the premises is caused to be discontinued for reasons other than eviction by the owner of record at the time the rent withholding application was filed, the commissioner may use such escrow monies to pay the tenants' reasonable relocation costs up to the equivalent of one month's rent upon proof of displacement, unless an affirmative defense is made by the property owner to the department as described in sub. 1-c.

h. The commissioner may deduct expenses as fees to cover the costs of establishing, maintaining and closing the escrow account as follows:

h-1. $30 to establish the account.

h-2. $5 monthly to maintain the account when no transaction occurs during the month except as specified in subd. 3.

h-3. $25 monthly to maintain the account when no transaction has occurred for more than 6 months.

h-4. $10 monthly to maintain the account when a transaction occurs during the month.

h-5. $30 to close the account.

i. The commissioner may also withdraw monies from an escrow account to pay for any department fee authorized by the code.

j. If the city razes a building for which a rent withholding escrow account has been established, monies in the account shall be utilized by the commissioner to cover the city's demolition costs.

4. APPLICABILITY. The provisions of ss. 200-12 and 200-17 relating to enforcement, notice and hearings applicable to orders issued by the commissioner are made applicable to orders issued by the commissioner pursuant to this section.

5. EVICTION OR RETALIATION.

a. No person or tenant who complains to the commissioner of violations of this code or complies with this section shall be evicted for nonpayment of rent or because the person or tenant has elected to act under this section, so long as rent is being deposited by that tenant in the escrow account approved by the city for the receipt of such rental amounts.

b. No person or tenant shall be evicted or retaliated against for complaining of violations of this code or for complying with this section. It shall be presumed that any attempt to terminate the tenancy of such tenant or to evict such tenant or to raise such tenant's rental payments or to otherwise harass or retaliate against such tenant during the period from the first complaint to the commissioner to 12 months after the certification to the department that all violations have been corrected is done in retaliation for the tenant's complaint to the commissioner of a violation of this code or for his or her compliance with this section and is declared void and subject to a forfeiture of not less than $100 nor more than $2,000 for each such attempt; provided, however, that a tenant may be evicted for failure to pay rent into the escrow account when due or if the tenant commits waste

upon the property. In order to overcome such presumption, the owner must show by a preponderance of the evidence that such acts were based upon good cause. "Good cause" as used in this paragraph means that the owner must show a good reason for his or her action, other than one related to or caused by the operation of this section, such as normal rental increases due to tax increases or increased maintenance costs.

6. PROSECUTION. Use of rent withholding shall not prohibit the commissioner from prosecuting violations of the code relating to the property.

7. COERCION. a. Any person who accepts, as a result of harassment or coercion, rental payments for premises subject to rent withholding under this section shall be subject to a forfeiture of not less than $100 nor more than $2,000 whether the rental payments are tendered by or on behalf of the tenant occupying the premises at the time rent withholding is authorized or by, or on behalf of, any subsequent or other tenant who occupies the premises during the existence of such rent withholding authorization. Each payment accepted shall constitute a separate violation.

b. Any tenant who willfully and maliciously uses or attempts to use this section to harass a lessor shall be subject to a forfeiture of not less than $100 nor more than $2,000.

200-22.5. Registration of Residential Properties Pending Foreclosure. 1. FINDINGS. The common council finds that a significant relationship exists among residential properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Residential property owners involved in foreclosure have less incentive to maintain their properties, and properties in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment. Abandoned buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of residential properties in the foreclosure process help to stabilize and improve affected neighborhoods and aid in code enforcement efforts, as well as public safety. A mortgagee that does not register, inspect, secure and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public health, safety and welfare.

2. PURPOSE AND SCOPE. The purpose of this section is to establish a registration program to monitor residential properties pending foreclosure to identify at-risk properties, and to regulate the securing and maintenance of abandoned residential properties in foreclosure. This section is intended to reduce and prevent neighborhood blight, to ameliorate conditions that threaten public health, safety and welfare, to promote neighborhood stability and residential occupancy by preserving the condition and appearance of residential properties, and to maintain residential property values and assessments. It is declared a matter of public policy and an exercise of the city's police power that mortgagees initiating foreclosure proceedings against a residential property are required to register with the city. This registration process will give city agencies the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the inspections required in this section, and those responsible for the securing and maintenance of abandoned property as required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving or otherwise excusing an owner of residential property from complying with applicable building codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.

3. DEFINITIONS. In this section:

a. "Abandoned property" means a property that is vacant as a result of the relinquishment of occupancy, possession or control by a mortgagor and those claiming by, through or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A residential property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property is abandoned, including:

a-1. Presence of overgrown or dead vegetation.

a-2. Accumulation of newspapers, circulars, flyers or mail.

a-3. Past-due utility notices.

a-4. Accumulation of junk, litter, trash or debris.

a-5. Absence of window treatments, such as blinds, curtains or shutters.

a-6. Absence of furnishings and personal items.

a-7. Statements by neighbors, delivery agents or similarly-situated persons that the property is vacant.

a-8. Any of the items specified in s. 846.102(2), Wis. Stats.

b. "Accessible structure" means a building that is accessible through a compromised door, wall, window or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.

c. "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.

d. "Foreclosure" means the process prescribed by ch. 846, Wis. Stats., and the process for non-judicial sale authorized by a power of sale clause in a mortgage.

e. "Mortgage" means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.

f. “Mortgagee” means the person or entity to which the mortgage has been granted or assigned.

g. “Mortgagor” means the person or entity that granted the mortgage.

h. "Occupied property" means a residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks or otherwise maintains actual possession.

i. “Residential property” means a property used in whole or in part for residential purposes, including single-family, 2-family and multi-family dwellings, and mixed-use commercial and residential structures, but not residential condominium units.

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

4. REGISTRATION REQUIRED. a. Within 5 working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee, or agent, shall register the property in the name of the mortgagee with the commissioner on a form or by an electronic process prescribed by the commissioner. This form shall include all of the following:

a-1. Information identifying the property by address and tax key number.

a-2. The mortgagor of record and the mortgagee of record.

a-3. The register of deeds recording document number for the mortgage being foreclosed and the date of recording.

a-4. The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.

a-5. The date of recording of the lis pendens for commencement of the foreclosure proceedings.

a-6 The case number of the foreclosure action and the plaintiff in the foreclosure action.

a-7. The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.

a-8. Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing and maintaining the property, as required under this section.

b. A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this ordinance [city clerk to insert date], who remains subject to the foreclosure proceedings, and who has registered with the city shall be subject to the periodic inspection and other requirements of this section.

5. AMENDMENT. Within 20 days of a change in information for the registration of a property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee’s agent shall file an amended registration with the commissioner on a form or by an electronic process prescribed by the commissioner.

6. TERMINATION OF REGISTRATION. a. To terminate a registration, the mortgagee or the mortgagee’s agent shall file a registration termination with the commissioner on a form or by an electronic process prescribed by the commissioner within 10 days of either of the following, whereupon the duties of the mortgagor or the agent under this section shall cease:

a-1. A court-confirmed sale of the property in foreclosure, with the deed having been issued in the foreclosure proceedings, and the deed or evidence of the deed having been recorded in the register of deeds office.

a-2. A court order dismissing the foreclosure proceedings, and a discharge of the lis pendens having been recorded in the register of deeds office.

b. The mortgagee or agent shall provide, in the termination filing, the register of deeds recording information for one of the following:

b-1. The deed or the evidence of the deed, as provided in par. a-1.

b-2. The lis pendens discharge, as provided in par. a-2.

c. If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide, with the termination filing, the register of deeds recording information for the discharge or satisfaction of the mortgage.

7. INSPECTION OF RESIDENTIAL PROPERTY. a. Initial Inspection. Whenever a mortgagee or agent initiates foreclosure proceedings against a residential property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than 30 days from the date of filing of the foreclosure proceedings. One or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

b. Periodic Inspections. The mortgagee or agent shall perform a re-inspection of the property subject to the foreclosure proceedings at least once every 30 days following the initial inspection until a registration termination is filed. One or more photographs shall be taken at each re-inspection and shall be dated and preserved.

c. Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or re-inspection required by this section, and, in the case of abandoned property, records of actions taken under sub. 9. Written records and photographs of inspection and re-inspection shall be made available to the commissioner upon request.

8. NOTIFICATION OF ABANDONED RESIDENTIAL PROPERTY. If inspection of the residential property required under sub. 7 shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within 5 working days on a form or by an electronic process prescribed by the commissioner that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person residing in the 7-county area identified in s. 200-52.5-2-j authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance, and secure access, as required in sub. 9.

9. DUTY TO SECURE, MAINTAIN AND POST ABANDONED PROPERTY. a. The property maintenance duties of a mortgagee or agent with an abandoned residential property shall be limited to the following:

a-1. Ensuring that there are no accessible structures on the premises.

a-2. Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety or welfare, including:

a-2-a. Removing or abating fire hazards.

a-2-b. Removing or containing potentially toxic materials and explosives.

a-2-c. Securing the perimeters of swimming pools, ponds or other bodies of water.

a-2-d. Maintaining public walkways and thoroughfares free from ice, snow, mud and other debris consistent with the requirements of par. d.

a-2-e. Mowing grass and eliminating weeds and other plant growth consistent with the requirements of par. d.

b. A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of par. a.

c. Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the commissioner may make a finding that the condition of the property constitutes an immediate threat to public health, safety and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the commissioner's order within 10 days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any of the following:

c-1. Section 79-12, littering of premises.

c-2. Section 79-13, sidewalks to be kept clean.

c-3. Section 80-13, odors from privy vaults, drains, sewers.

c-4. Section 80-17, hay fever weeds, etc.

c-5. Section 80-31, breeding place for flies.

c-6. Section 80-49, nuisance vehicles.

c-7. Section 105-16, icicles on buildings.

c-8. Section 214-11, storing of fuel in a dwelling.

c-9. Section 214-12, securing of pressurized gas cylinders.

c-10. Section 217-13-4, locks.

c-11. Section 236-41, hazardous substance spills.

c-12. Section 275-32-7, vacant structures.

c-13. Section 275-35, graffiti abatement.

c-14. Section 275-81-5, maintenance of premises.

c-15. Section 275-81-6, rat harborages.

d. The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the commissioner to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the federal housing administration (FHA) of the U.S. department of housing and urban development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the state of Wisconsin, including guidelines related to winterization and heating systems. Under these guidelines, debris removal shall be deemed to include snow and ice removal, and the elimination of weeds and other plant growth, as required in s. 80-17. The commissioner may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the city of the reasonable costs incurred by the city related to abatement of conditions that are subject to FHA guidelines specified in this paragraph, or which are subject to an order under par. b and which threaten public health, safety and welfare.

e. A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:

e-1. The name, address and telephone number of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under sub. 8.

e-2. That no trespassing is allowed upon the premises without consent of the agent.

10. FEES. a. The fee for registration of residential property pending foreclosure, as provided in s. 200-33-47-a, shall be due upon registration.

b. If the registration form is filed more than 5 working days after initiation of the foreclosure proceedings, a late fee shall be charged, as provided in s. 200-33-47-b.

c. The registration form and fee may be transmitted electronically or by any other means to be determined by the commissioner. The registration shall be valid from the date the registration form is completed and filed with the commissioner and the registration fee, including any late fee, is received by the commissioner.

d. There shall be no fee for filing an amended registration or for filing a registration termination.

11. PENALTY. a. Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under sub. 4, fails to file an amendment as required under sub. 5, or fails to file a termination as required under sub. 6, shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than $500 nor more than $2,000, together with the cost of the action, and in default of payment thereof may be imprisoned as provided by law.

b. Failure to Inspect. Any mortgagee or agent that fails to inspect or re-inspect a property as required under sub. 7 shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than $250 nor more than $1,000, together with the cost of the action, and in default of payment thereof may be imprisoned as provided by law.

c. Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification of an abandoned property as required under sub. 8, shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than $500 nor more than $2,000, together with the cost of the action, and in default of payment thereof may be imprisoned as provided by law.

d. Failure to Secure and Maintain Abandoned Property. Any mortgagee or agent having a duty to register abandoned property that fails its duty to secure and maintain the property as required under sub. 9 shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than $800 nor more than $2,500, together with the cost of the action, and in default of

payment thereof may be imprisoned as provided by law.

e. Failure to Maintain Records or to Post. Any mortgagee or agent that fails to maintain or provide records required in sub. 7-c, or to post signage as required in sub. 9-e shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than $100 nor more than $500, together with the cost of the action, and in default of payment thereof may be imprisoned as provided by law.

200-23. Notice to Buyer of Code Violations. Any owner selling property must give notice to any prospective purchaser of the existence of any notice of violation of plumbing, electrical or other state or city building codes and if the current tenant is withholding rent under s. 200-22.

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SUBCHAPTER 4
PERMITS

200-24. Permits Required. 1. REQUIRED. No person may erect, construct, enlarge, alter, repair, move, improve, convert to new uses, raze or demolish any building or structure, nor install therein any equipment, occupy and use any building, structure, equipment or premises or cause the same to be done or commence any excavation on any premises without first obtaining a permit from the commissioner and paying the fee as prescribed by this code. Permits may be issued at the discretion of the commissioner to persons in arrears of payment of any fees specified in ss. 200-32 and 200-33 or persons who have failed to comply with any outstanding order of the department if the permit is required to comply with an outstanding order or citation. No permit applied for under this subchapter may be issued unless the applicant has first complied with s. 66-12-5, with respect to submitting an asbestos project statement. Exemptions from permit requirements under this section and the rules of the department shall not be deemed to authorize any work to be done in any manner in violation of any provisions of this code or any other law or rule.

1.5. EXCEPTIONS. No permit shall be required for:

a. Decorative landscaping edging, as regulated in s. 116-54-3.

b. Installation of wiring or equipment that operates at less than 100 volts, or is for networked powered broadband communications systems, except when any such installation is located in a plenum, penetrates fire-rated or smoke-protected construction or is a component of any the following:

b-1. Fire alarm system.

b-2. Fire detection system.

b-3. Fire suppression system.

b-4. Smoke control system.

b-5. Elevator fire safety control system.

b-6. Access or egress control system or delayed egress locking or latching system.

b-7. Fire damper.

b-8. Door control system.

c. Detached accessory structures used as tool or storage sheds or similar uses, provided the floor areas do not exceed 150 square feet and the structures are not accessory to Group F or H occupancies and are at least 3 feet from the property lines.

d. Tents or air-supported structures, or both, that cover areas of 600 square feet or less, provided such structures have occupant loads of less than 50.

e. Retaining walls supporting less than 32 inches of unbalanced fill. This exception shall not apply to any wall impounding Class I, II or III-A liquids, or supporting a surcharge other than ordinary unbalanced fill.

f. Ordinary repairs, including the following:

f-1. Window replacement in a one- or 2-family dwelling, unless one or more of the following is true:

f-1-a The size of the window opening is being changed.

f-1-b. The window is required to be fire-rated.

f-1-c. The dwelling is a city-designated historic structure or located in a city-designated historic district.

f-2. Replacement of plumbing fixtures in one- or 2-family dwellings without alteration of water supply and distribution systems, sanitary drainage systems or vent systems.

f-3. Replacement of general-use snap switches, dimmer and control switches, and luminaries (lighting fixtures) in one- or 2-family dwellings.

f-4. Replacement of mechanical appliances, provided the equipment is not fueled by gas or oil, in one- or 2-family dwellings.

f-5. Replacement of unlimited quantities of roof covering or siding for one- and 2-family dwellings, and replacement of 1,000 square feet or 25% of roof covering, whichever is less in all other use groups.

f-6. Replacement of roof decking on one- and 2-family dwellings without modification to framing members.

f-7. Installation or replacement of floor finishes in all occupancies.

f-8. Painting, papering, tiling, carpeting, cabinet or countertop installation, and similar finish work.

f-9. Replacement of Class C interior wall or ceiling finishes in institutional, educational and assembly uses, and replacement of all classes of interior wall and ceiling finishes in all other occupancies.

f-10. Other repair work deemed by the commissioner to be minor and ordinary and which does not adversely affect public health or safety.

2. NO PERMITS TO VIOLATORS.

a. Whenever a contractor performs work contrary to this code, the commissioner may issue a notice to remedy the defective work to the violator at his or her last known address. Failure to comply with the notice shall be deemed sufficient reason for withholding future permits, in addition to other penalties provided in this code.

b. The following shall also be deemed sufficient reasons for withholding future permits:

b-1. An unreasonable delay in the performance of the work after the issuance of a permit.

b-2. Failure of a contractor to promptly respond to an official communication from the commissioner.

3. DEMOLISHED BUILDINGS. A duplicate copy of every permit issued to any person to raze or demolish any building or structure, issued under this chapter, shall be transmitted to the office of the commissioner of health on the same day it is issued by the department of city development. The commissioner of health shall cause such premises to be inspected for evidence of vermin and rodent infestation and, if evidence of such infestation is found, the commissioner shall take appropriate steps to eliminate the infestation.

4. PENALTY. Any person who violates this section shall be subject to penalty pursuant to s. 200-19-2.

200-25. Posting of Permit. Following the issuance of a permit for any construction under s. 200-24 and before any work is done, there shall be placed at the front of the premises an approved, smooth board sign at least 7.5 by 6 inches in size fastened to a post whereon there shall be posted the permit and the address of the premises as given on the permit. Such sign may be transferredto the front building wall and maintained until the construction of the building or structure is completed. The lack of posting or removal of the sign before approval is prohibited.

200-26. Application for Permits.

1. APPLICATION. a. Any owner of a premises, or person desiring a permit as required by this code, shall file with the commissioner an application in writing on a form furnished for such purpose. Every application shall state the name and address of the owner of the premises, and, when required, a legal description of the premises upon which the proposed construction is to be done.

b. Notice of every change in ownership of any premises on which any construction is being done and for which a permit has been granted shall be filed by the permit holder with the commissioner within 5 days from date of such change in ownership.

c. Every application shall describe the construction to be done, the exact cost thereof, and shall give any other reasonable information as may be required by the commissioner and, except as hereinafter provided, shall be accompanied by 4 sets of plans (drawings) and a set of specifications giving the required information set forth herein. Complete foundation and footing plans may be submitted for approval prior to submitting the building plans if the plot plan, itemized structural loads, complete foundation or footing design calculations and schematic floor plans are included, showing exits, windows and other pertinent information. Six copies of a certified survey shall accompany all plans submitted for approval and shall include:

c-1. Legal description of the lot or parcel of land as obtained from official records.

c-2. Name and address of the owner of the parcel of land.

c-3. Date on which the survey was made.

c-4. Scale drawings of the parcel of land showing:

c-4-a. Dimensions of the lot and lot area.

c-4-b. Exact location of all existing buildings and structures on the parcel of land at time survey was made, giving exact dimensions of buildings or structures and distances to the lot lines and between buildings and structures.

c-4-c. Location of new buildings about to be erected or of existing buildings where alterations or additions thereto are to be made on any parcel of land with all dimensions shown as required under subd. b. Such dimensions shall also include width of side yards to adjoining property lines and setback dimensions to the face of any building, porch piers, bays, overhangs, offsets and cornice projection of a building or structure, whichever is nearer to the adjoining property or street line.

c-4-d. Distance from lot lines to street walks, width of street walks, distances from street walks to outside face of street curb and width of street and alley, if any.

c-4-e. Location and sizes of buildings and structures on adjoining lots or parcels of land and of buildings and structures across the alley, if any, and distances from lot lines.

c-4-f. Distance from the adjoining line of the parcel of land to nearest cross street intersection line.

c-4-g. Elevations of ground lot grade at lot corners, building corners, adjacent building grades, street sidewalks, curbs and alleys.

c-4-h. Established grades of proposed streets and alleys if not improved.

c-4-i. Space set aside for bicycle parking, parking of motor vehicles, utility easements, proposed street widening and relation of creeks and drainage ditches.

c-4-j. Description of any existing or proposed on-site sewage systems or private water supply systems.

c-4-k. Location of the ordinary high-water mark of any abutting navigable waterways.

c-4-L. Boundaries of all shoreland-wetlands.

c-4-m. Existing and proposed topographic and drainage features and vegetative cover.

c-4-n. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.

c-4-o. Location of existing or future access roads.

c-4-p. Specifications and dimensions for areas of proposed wetland alteration.

c-5. Certification of correctness of drawing and legal description of premises as shown on the attached drawing, or in substantial conformity therewith.

d. Complete structural calculations shall be furnished upon request of the department. All plans and specifications shall be sealed or stamped by a registered architect or registered professional engineer, except that plans for buildings having total volume of less than 50,000 cubic feet shall be signed by the designer.

e-1. Plans (drawings), data and specifications shall include floor plans, elevations, sections, and structural details and shall clearly show and describe the amount and character of the work proposed, the materials to be used therein, thermal performance standards and except for dwellings, double dwellings, duplex dwellings and private, accessory buildings shall show or be accompanied by data giving assumed bearing value of soil, assumed live loads and itemized live loads, assumed unit stresses for structural materials, stress diagrams of all trusses and typical calculations for slabs, beams, girders and columns and shall give all other information necessary to show full compliance with the requirements of this code.

e-2. Plans (drawings) shall be made on standard paper or cloth to a scale of not less than 1/8 inch to one foot, with figured dimensions, and shall designate the occupancy and use of all parts of the building structure, premises or equipment, together with intended use of all rooms. Copies of all plans (drawings), data, specifications and certified lot or plot plan presented for approval shall be distinct and intelligible, and the commissioner of city development may refuse to examine or approve any of such documents which do not conform to this code.

e-3. Structural data and other data necessary to enable the commissioner of city development to determine the safety of the building, structure or equipment, and the adequacy of its equipment shall accompany the plans (drawings) and specifications when so required.

e-4. If in the opinion of the commissioner plans (drawings), data specifications and certified lot or plot plan filed for examination with an application for a permit to execute any construction as regulated in s. 200-24 and ch. 295 disclose that following the completion of such construction the same will thereafter obviously be occupied and used in violation of this code, or other ordinances, the Wisconsin Administrative Code, other laws, or lawful orders applicable thereto, the commissioner shall deny the permit until revised plans (drawings), data, specifications and certified lot or plot plan are filed showing that such construction when completed will thereafter be occupied and used in conformance with this code.

f. At the option of the commissioner, plans (drawings), data, specifications and certified lot or plot plans need not be submitted with an application for permit to execute minor alterations or repairs to any building, structure or equipment, or for the construction of private accessory buildings, provided the proposed construction is sufficiently described in the application for permit.

2. ACCEPTANCE OF APPLICATION FOR PERMIT. If, in the opinion of the commissioner of neighborhood services, the character of the construction is sufficiently described in the plans (drawings), data, specifications and certified lot or plot plan in the application for permit, and if the plans (drawings), data, specifications and certified lot or plot plan, as submitted with the application for permit bear the seal, signature and address of the architect, engineer or designer by whom they were prepared, such plans (drawings), data, specifications and certified lot or plot plan and application for permit shall be received for examination.

2.5. REVIEW FOR FLOOD SAFETY. The commissioner shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damage; and be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed or located so as to prevent

water from entering or accumulating within the components during conditions of flooding.

3. REVIEW OF PRELIMINARY PLANS. Architects, engineers and designers may consult with the commissioner and request an examination or preliminary sketches (plans and drawings) for any proposed construction prior to the completion of final plans and application for a permit.

4. HEALTH COMMISSIONER'S APPROVAL. a. When the architectural plans for the following buildings are submitted to the commissioner, he or she shall forward one copy to the commissioner of health for examination:

a-1. Restaurants and other dining establishments.

a-2. Taverns.

a-3. Food processing plants.

a-4. Indoor swimming pools and spas.

b. After the commissioner of health has examined the plan, the plan shall be returned with comments to the commissioner of neighborhood services.

5. APPLICATIONS FOR CERTAIN DEMOLITION PERMITS. Whenever the commissioner has received an application for the demolition of any building or structure, the commissioner shall have the notification of the application published once in a newspaper of general circulation, and notify the common council member of the district in which the proposed demolition is situated. The completed application shall include a color 3x3 inch, or larger, street-facing photograph of the structure to be demolished. Applications for the demolition of any building or structure shall then be processed in accordance with s. 200-28 and when in compliance issued 16 working days following applications, subject to s. 320-21. This subsection does not apply to:

a. Private accessory garages.

b. Private accessory sheds.

c. Structures for which an order has been issued for razing or rehabilitation in accordance with s. 218-4, or those which are in a condition that would constitute the basis on which an order under s. 218-4, would be issued.

d. Structures found not to qualify as a historic structure in accordance with either the interim designation procedures of s. 320-21-13 or the designation procedures of s. 320-21-9.

e. Structures which the staff of the historic preservation commission determines would not qualify for historic designation under s. 320-21-9 or s. 320-21-13. The historic preservation commission shall adopt rules and regulations governing such determinations by staff. In order to be considered for such an exception, the owner of the structure shall make application therefor, on a form provided by the city clerk, to the historic preservation commission staff and pay the fee specified in ch. 81. No structure shall be considered for exemption under this paragraph unless its date of construction was within 50 years preceding the date of application for exemption.

6. ALTERATIONS OF ESTABLISHMENTS SELLING ALCOHOL BEVERAGES.

a. Licensing Committee Approval Required. Except as provided in par. b, any alteration, change or addition to an establishment selling alcohol beverages resulting in expansion of the premises shall be approved by the licensing committee prior to issuance of a permit under s. 200-24.

b. Conditional Construction Permits. Prior to the licensing committee's review of a request for an alteration, change or addition to an establishment selling alcohol beverages, a conditional construction permit for the alteration, change or addition may be issued by the commissioner for a period of up to 180 days. Issuance of a conditional construction permit shall not imply that the licensing committee will approve the applicant's request, and shall not constitute permission for the establishment to use the area being altered, changed or enlarged prior to the issuance of the updated license. A conditional construction permit may be issued only when the following criteria have been met:

b-1. The commissioner has determined that plans for the proposed construction are in compliance with the building code and the zoning code.

b-2. The applicant has filed an application with the city clerk to change the licensed premises, as required by s. 90-4-7.9 or s. 90-5-13, and paid all required fees related to that application.

b-3 The commissioner has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact adjoining property or the neighborhood in general.

b-4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the common council if the license application is not approved.

b-5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

200-27. Design and Supervision. 1. Every new building containing more than 50,000 cubic feet total volume, or an addition to a building which by reason of such addition results in a building containing over 50,000 cubic feet total volume, or structural alteration to a building containing over 50,000 cubic feet total volume, shall be designed by an architect or engineer in accordance with this code and shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the plans and specifications of the designer. A written statement to this effect shall be filed by the architect or engineer with the commissioner of city development with the application for permit. No change from the original plans and specifications shall be made except with the knowledge and consent of the designer, and as approved pursuant to s. SPS 361.31(4) , Wis. Adm. Code.

2. On completion of the construction, the supervising architect or engineer shall file a written statement with the department certifying that, to the best of his or her knowledge and belief, the construction has been performed in accordance with the plans and specifications approved by the department of neighborhood services.

3. In this section "architect" or "engineer" means a registered architect or registered professional engineer, as defined in ch. 443, Wis. Stats.

200-28. Issuance of Permits. 1. APPLICATION. The application for permit, plans (drawings), data, specifications and certified lot or plot plan filed by an applicant as required in s. 200-26 shall be examined by the commissioner within a reasonable time, all of which, together with the proposed occupancy and use of the construction and premises, if found to be in conformity with the requirements of this code, or other ordinances, the Wisconsin Administrative Code, orders issued by the common council, or other lawful orders applicable thereto, shall be approved, and upon the payment of the required fee, a permit shall be issued by the commissioner. When a permit is issued, the commissioner shall endorse, by stamp, seal or otherwise, such plans (drawings), data, specifications and certified lot or plot plan as approved with the date of approval.

2. PERMIT ISSUED. The issuance or granting of a permit or approval of plans (drawings), data, specifications and certified lot or plot plan shall not be deemed or construed to be a permit for, or an approval of any violation of any of the regulations of this code, or an extension of time specified in any order or citation issued by the commissioner. No permit presuming to give authority to violate or cancel any regulation of this code or the Wisconsin Administrative Code shall be valid, except insofar as the construction or use which it authorizes is lawful. The commissioner may set limitations concerning starting and completion of the construction and other conditions necessary to protect the health, safety and welfare of the public.

3. REQUIREMENTS. The issuance of a permit shall not prevent the commissioner from thereafter requiring the correction of errors in plans (drawings), data, specifications, and certified lot or plot plan, from stopping construction operations being carried on thereunder when in violation of any regulation of this code.

4. PLANS FILED. Two sets of approved plans (drawings), data, specifications, and certified lot or plot plan shall be retained by the commissioner and filed as a public record, and 2 sets shall be returned to the applicant.

5. PLANS ON PREMISES. An approved set of plans (drawings), data, specifications, and certified lot or plot plans and the permit shall be kept and maintained in a readily accessible, approved place on the premises upon which construction thereby authorized is in progress and shall be open at all reasonable times to the inspection of properly authorized public officials.

6. PLAN CHANGES. Plans (drawings), data, specifications and certified lot or plot plan approved by the commissioner shall not be changed or modified in any manner, nor shall the amount or character of the work authorized by such approval be changed, modified or increased unless the consent and approval of the commissioner shall have first been obtained in writing.

7. PLAN CHANGES TO BE FILED. No alterations or corrections of plans (drawings), data, specifications and certified lot or plot plan for any construction shall be made in the office of the commissioner. If such plans (drawings), data, specifications, and certified lot or plot plan for any proposed construction do not conform to all of the regulations of this code, violations may be indicated, but the applicant shall be required to prepare and file prints of any new plans (drawings), data, specifications and certified lot or plot plan in corrected form.

8. LICENSED WORKER. When the application for a permit is made by a person other than the owner, no permit will be issued to a

person who is required by any ordinance of the city to have a license or certificate to engage in the work which is contemplated by the application unless that person has, in fact, at the time of issuance of the permit, the required license or certificate.

200-29. Footing and Foundation Permits. 1. In order to facilitate construction, the commissioner may, upon presentation of sufficient preliminary structural plans (drawings), data, specifications and certified lot or plot plan whereupon there is indicated the character of the proposed construction and the proposed use of the building, structure, equipment, and premises, and its compliance with s. 200-28 and ch. 295, except as provided in sub. 2, issue a footing and foundation permit for the excavation, foundations or structural parts thereof, not higher than the first floor level, subject to all other regulations of this code. However, the issuance of such footing and foundation permit shall not be construed as an approval of any other required permit; or any use of any part of the building, structure, equipment, or premises.

2. Such footing and foundation permits, where the proposed construction or proposed use of building is not in conformity with ch. 295, may be issued subject to the following:

a. The building and premises shall, in all other respects, comply with applicable building and zoning code regulations.

b. An application for a variance, special use or zoning district boundary amendment for such use of construction has been completed, fees paid and filed with the board or introduced to the common council.

c. The use or construction would not jeopardize life, health or property.

d. The city is held harmless by the applicant for the footing and foundation permit for any and all damage that may be incurred by the applicant or any other party.

e. The commissioner may require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a footing and foundation permit.

f. The applicant demonstrates that the proposed construction or proposed use of building will not impact adversely on adjoining property or the neighborhood in general.

g. The applicant agrees to restore the site to its previous condition within 30 days if the board denies the application for a variance or a special use.

h. The applicant demonstrates to the commissioner that exceptional, extraordinary or unusual circumstances exist and, therefore, a footing and foundation permit should be issued.

i. The commissioner notifies common council members at least 48 hours prior to the issuance of a footing and foundation permit in their districts.

j. Plumbing plans shall be submitted separately for approval prior to the issuance of a footing and foundation permit.

200-30. Lapse of Permit, Refunds. 1. LAPSE OF PERMIT. a. Except as regulated in s. 200-28-2 and ch. 240, if any construction for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if new construction ceases for more than 3 months, then the permit shall lapse and be void, and no construction shall be begun or resumed until a new permit is obtained and the fees as prescribed in this code are paid.

b. Except as provided for in s. 200-28-2, after the issuance of a permit, if for any reason construction is not started, or there is a cessation of construction, and the commissioner is notified within 30 days of such delay, an extension of time not exceeding 3 months may be granted. Additional extensions of time may be granted if the circumstances warrant such extensions.

c. Extensions of time shall not preclude the commissioner of city development from requiring the permit holder to comply with amended, more restrictive building code regulations which become effective during the time extension period.

2. REFUNDS. a. No refunds shall be made on a building permit that has lapsed and been declared void.

b. No refund shall be made for an unused partial permit.

c. No refund shall be made of the plan examination fee after the building, heating and ventilating, fire detection and suppression system, illumination or plumbing plans have been approved.

d. Any person requesting a refund of any plan examination fee indicated in par. c before the plan has been approved, shall be charged 20% of the plan examination fee for processing. The minimum processing fee shall be $20.

e. Any applicant requesting a refund for an unissued certificate of occupancy must make the request in writing to the commissioner. Any applicant requesting a refund for an unissued licensed dwelling facility license shall make the

request in writing to the department. The processing fee shall be $75 plus $50 for each inspection made. Processing and inspection fees shall be deducted from the application fee and any remaining balance will be refunded to the applicant. There shall be no refund after the certificate or license is issued.

f. Any applicant requesting a refund for an unused permit shall be charged the minimum fee specified in s. 200-33-27.

f-1. Any applicant who requests the department to cancel a certificate of zoning shall do so in writing to the commissioner. No refundshall be made of the fee paid; however, where a plumbing inspection is required and has not been made, the refund will be $50.

f-2. Any applicant who requests the department of neighborhood services to cancel a certificate of code compliance shall do so in writing to the commissioner of neighborhood services. The processing fee charged shall be $35 plus $50 for each inspection made. Processing and inspection fees shall be deducted from the application fee and any remaining balance will be refunded to the applicant.

f-3. No refund shall be made of the fee paid for a temporary certificate of occupancy.

g. Any person requesting a refund for a permit or certificate of occupancy which was issued in error by the commissioner shall be entitled to a full refund of the permit fee.

h. Refunds shall be paid upon certification by the commissioner to the city comptroller who shall charge such refunds to the appropriate revenue account and shall annually inform the common council of the amount of fees refunded and the persons to whom refunds were made.

200-30.2. Permit Expiration and Renewal. 1. PERMIT EXPIRATION. Any permit required by s. 200-24 shall expire 2 years from the date of issuance of the permit. However, a permit for a structure containing more than 100,000 square feet of floor area shall expire 3 years from the date of issuance.

2. PERMIT RENEWAL. If the work authorized by a permit required by s. 200-24 is not complete at the end of the 2-year period or 3-year period, as the case may be, the permit may be renewed for an additional period of time at the discretion of the commissioner of city development. In no case may the permit be renewed for more than 2 additional years.

3. RENEWAL FEE. The fee for renewal of the permit shall be as specified in s. 200-33-34.

4. COMPLIANCE WITH CODE. Work authorized by a renewal permit granted under this section shall be in compliance with the code requirements in effect at the time the original permit was issued. Any work which remains incomplete at the time of expiration of the renewal permit may only be completed upon application for and obtainment of a new permit; such work shall be subject to the code requirements in effect at the time the new permit is granted.

200-30.3. Failure to Request Inspection. When a contractor fails to request a required inspection for a permit open for more than 6 months beyond the date of issuance, the commissioner shall send written notice to schedule the required inspection. The contractor shall be charged the fee specified in s. 200-33 for failure to schedule the inspection within 15 days of written notice from the commissioner. Failure to pay the additional fee after one notice may result in withholding future permits.

200-30.5. Expiration or Extension of Plan Approval. 1. EXPIRATION. If a building permit has not been obtained within 6 months from the date that a plan was approved by the commissioner of city development, the approval shall expire, except as provided in subs. 2 or 3.

2. EXTENSION. A plan approval may be extended 3 months by the commissioner of city development, provided the following conditions are met:

a. A written request is submitted to the commissioner of city development prior to the expiration of the original 6 month approval period.

b. The approval period has not been extended previously.

c. The fee as specified in s. 200-33-36 has been paid.

d. If necessary, the plans have been revised to comply with the existing code.

3. EXEMPTION. A building permit that was not issued within 6 months from the date a plan was approved that was caused by governmental action and without any contributing fault by the applicant shall not be considered as expired. In calculating the length of time for expiration, the delay time caused by governmental action shall be added to the 6-month period.

200-31. Revocation of Permit or Approval.

1. AUTHORITY. The commissioner may revoke any permit, certificate of occupancy or approval issued under this code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. A violation of this code, or of any other ordinance, law or lawful orders or Wisconsin statute relating to the same subject matter.

b. Whenever the continuance of any construction becomes dangerous to life or property.

c. Any violation of any condition or provision of the application for permit or of the permit.d. Whenever in the opinion of the commissioner the person having charge of the construction is incompetent.

e. Whenever any false statement or misrepresentation has been made in the application for permit, plans (drawings), data, specifications and certified lot or plot plan on which the issuance of the permit or approval was based.

f. A violation of any of the conditions of an approval given by the commissioner of city development for the use of any new materials, equipment, methods of construction, devices or appliances.

2. NOTIFICATION. a. The notice revoking a permit, certificate of occupancy or approval shall be in writing and shall be served upon the applicant for the permit, owner of the premises and the owner's agent, if any, and on the person having charge of construction.

b. A revocation placard shall also be posted upon the building, structure, equipment or premises in question, by the commissioner.

c. After the notice is served upon the persons and posted, no person may proceed with any construction operations, occupancy or use on the premises, and the permit, certificate of occupancy or approval which has been revoked shall be void. Before any construction, operation, occupancy or use is resumed, a new permit, certificate of occupancy or approval as required by this code shall be procured, subject to the conditions of par. d, and fees paid, and the resumption of any construction, operation, occupancy or use shall be in compliance with this code.

d. In those cases where the permit, certificate of occupancy or approval for a premises, property, building or portion thereof is revoked for violation of any of the provisions of ch. 295, the commissioner shall act on any subsequent application for occupancy of the same premises, property, building or portion thereof only under the following conditions:

d-1. The owner of the premises, property, building or portion thereof shall submit a written plan of operation to the commissioner of city development.

d-2. The commissioner shall refer the plan of operation to the chief of police and the commissioner of health. Each department shall prepare a finding as to whether the proposed use, if operated in a manner consistent with the plan of operation submitted by the applicant, would be operated in a manner that protects the health, safety and welfare of the public. The commissioner may consider these findings in making the determination to grant the occupancy. The commissioner may act without these findings if they are not provided by the departments within 30 days of the application for a permit, certificate of occupancy or approval.

200-32. Permit Fees. 1. PAYMENT. a. Upon the issuance of a permit by the commissioner and before such permit shall be in effect, the applicant shall pay to the city a fee or fees as required in this code.

b. The commissioner may forward to owners of respective premises or holders of permits, annual, semiannual or periodic bills on which all fees shall be enumerated for all special privileges granted by the common council under s. 66.0425, Wis. Stats., and annual, semiannual and maintenance or periodic inspections fees as prescribed therein, and any unpaid fees of other governmental units as defined in s. 66.0131(1)(a), Wis. Stats. All special privilege and maintenance or periodic inspection fees are payable within 30 days after notice has been forwarded to the person to whom the permit was originally issued or to the owner of the premises. If not paid when due, unpaid fees shall be charged against the real estate upon which the permit or special privilege was granted, and shall be a lien upon such real estate and shall be assessed and collected as a special tax.

2. REGULATIONS. a. Basis. Permit fees for construction of all buildings or structures or additions thereto shall be computed on the cubic contents of such buildings or structures, or additions thereto, in accordance with the schedule of rates for the various groups of buildings or structures classified in this section and an additional fee shall be added as specified in s. 200-33.

b. Cost of Work. For structures where the cubic content cannot be accurately established such as parking lots, reviewing stands and tank towers, see s. 200-33-2.

c. Building Volume. Applicants for permits for new buildings or structures, or additions to existing buildings or structures, shall furnish an estimate of the volume thereof as a basis for determining the fee. The volume shall be as determined in s. 200-06. Such computations of volume shall be subject to review by the commissioner.

3. INCREASED FEES. a. Where construction is started, or when a premises is occupied without first obtaining a permit inspected under the jurisdiction of the department of neighborhood services, as required by this code, the fees specified in this section may be quadrupled, but the payment of such quadruple fee shall not relieve any person from fully complying with all the regulations of this code in the execution of the work nor from any other penalties prescribed in this code.

b. When construction is started without first obtaining a permit as required by this code for work under contract with an agency of the city of Milwaukee, county of Milwaukee, and state of Wisconsin or the United States of America, a permit fee equal to double the amount of the permit fees prescribed in this section shall be paid, but the payment of such double fee shall not relieve any person from fully complying with all of the regulations of this code in the execution of the work nor from any other penalties prescribed in this code. If such application for permit is sent through the United States mail, the official date of such application shall be deemed to be 2 days before its receipt in the office of the commissioner, excluding Saturdays, Sundays and holidays.

3.5. NOTIFICATION OF COMPLETION OF CONSTRUCTION, ETC. Upon completion of construction, erection, alteration or change of a building, structure or premises, the permit holder shall notify the department for inspection. Failure to notify the department may subject the permit holder to a charge of $35.

4. GOVERNMENTAL UNITS. Where the effect of requiring any fee provided in s. 200-33 would be to cause a charge to the city of Milwaukee, the Milwaukee board of school directors, the housing authority or the redevelopment authority, the fee shall not be charged.

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SUBCHAPTER 5
FEES

200-33. Fees. Upon the issuance of a permit as required by s. 200-24, by the commissioner of neighborhood services, and before the license or permit shall be in effect, the applicant shall pay to the city a fee or fees as listed in this section. Other fees may be charged and collected by the department of neighborhood services or department of city development as provided in this section.

1. AIR AND SUBTERRANEAN SPACE.

a. Applications for air and subterranean space leases shall be accompanied by a fee of $200.

b. There shall be a processing fee of $10 for each air and subterranean space lease.

2. ALTERATIONS AND REPAIRS.

a. The fee for all alterations, remodeling, repairs and repairing fire damage to all buildings, structures and equipment shall be computed at 1.3% of the cost of construction.

b-1. The minimum fee for one- and 2-family dwellings and accessory structures shall be $75.

b-2. The minimum fee for all other structures and buildings shall be $100.

b-3. The fees for the application of thin veneers shall be as follows:

b-3-a. One- and 2-family dwellings and accessory buildings: $65.

b-3-b. All other buildings and structures: $85.

c. Repairs which do not involve a structural part of an existing building or structure, room arrangement, fenestration, exits, stairways, electrical work, plumbing, equipment or fire protection can be made without permit provided the repairs are not in conflict with any regulation of the code.

d. There shall be a processing fee of $10 for each alteration or repair.

3. APPEALS. The fee required to appeal a decision of the commissioner of neighborhood services or commissioner of city development to the standards and appeals commission shall be $100 except the fee required to appeal a decision of the commissioner of neighborhood services or commissioner of city development under s. 218-4 shall be $300.

4. AWNINGS. a. The permit fee for the erection of fixed, movable and fabric- covered stationary awnings projecting beyond the street line shall be computed at 1.3% of the cost of construction.

b. The minimum fee shall be $65 per awning.

c. The fee for recovering or alterations to existing awnings shall be 60% of the fee calculated under par. a, except that the minimum fee shall be $65.

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

4.5. BOARDING. A fee of $125 shall be charged for the boarding of a structure.

5. BUILDING PERMITS.

a. Commercial Buildings and Residential Buildings Containing 3 or More Units, New Construction and Additions.

a-1. The fee for all commercial buildings and structures and residential buildings containing 3 or more units shall be computed per square foot, using the definition set forth in s. 200-08-86-2, as follows:

a-1-a. Residential buildings containing 3 or more units: $0.38 per square foot.

a-1-b. Industrial and manufacturing buildings: $0.32 per square foot.

a-1-c. All other commercial buildings: $0.36 per square foot.

a-2. The minimum fee shall be $210.

b. Dwellings, New Construction and Additions.

b-1. The fee for all one- and 2-family dwellings shall be computed at $0.38 per square foot, using the definition set forth in s.200-08-86.2.

b-2. The minimum fee shall be $126.

c. Structures Accessory to One- and 2-family Dwellings. c-1. The fee for garages and other structures of more than 150 square feet in area accessory to one- and 2-family dwellings shall be computed at $0.26 per square foot of area. The minimum fee shall be $68.

c-2. The fee for sheds and other structures accessory to one- and 2-family dwellings and not more than 150 square feet in area shall be $68.

d. Footing and Foundation Permits.

d-1. The fee for footing and foundation permits shall be computed at $0.11 per square foot of floor area of the first floor of the building or structure.

d-2. The minimum fee for one- and 2-family dwellings and accessory structures shall be $262.

d-3. The minimum fee for all other buildings and structures shall be $289.

e. Odd Structures. The fee for permanent odd structures, such as parking lots, reviewing stands and tank towers or additions thereto shall be computed at 1.4% of the cost of construction. The minimum fee shall be $68.

f. Hoop Houses. There shall be no building permit fee for a hoop house.

g. Solar PV.

g-1. There shall be no building permit fee for the installation of a solar PV system on one- or 2-family dwellings not required to undergo structural reinforcement or alterations.

g-2. The building permit fees for installations of all other solar PVs shall be as follows:

g-2-a. 0-20 kilowatts: $74.

g-2-b. 20.1-35 kilowatts: $105.

g-2-c. 35.1-50 kilowatts: $158.

g-2-d. 50.1-75 kilowatts: $210.

g-2-e. 75.1-100 kilowatts: $263.

g-2-f. Over 100 kilowatts: $315.

h. There shall be a processing fee of $10 for each type of building or structure permit issued under this subsection.

6. CANOPIES. a. The permit fee for hoods, canopies, and marquees projecting, and roofed sidewalks beyond a street line shall be computed at 1.3% of the cost of construction.

b. The minimum fee shall be $65.

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

8. CERTIFICATE OF LEGALITY. The fee for certification as to the legality of a building or structure on a given premises shall be $100.

8.5. CERTIFICATES OF OCCUPANCY.

a. Certificates of Occupancy.

a-1. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of less than 10,000 square feet open lots, outdoor storage and outdoor circuses shall be $250.

a-2. The required fee for certificates of occupancy in existing buildings or parts thereof with gross areas of 10,000 square feet or more shall be $450.

a-3. The required fee for certificates of occupancy in sites with multiple existing buildings shall be $375 per 10,000 square feet, with a minimum of $375.

a-4. The required fee for certificates of occupancy in new buildings with gross areas of less than 10,000 square feet shall be as follows:

a-4-a. Common areas: $75.

a-4-b. Each rental or condominium tenant area: $50.

a-4-c. Portions of rental or condominium areas: $50.

a-4-d. Residential apartment buildings not in condominium ownership: $50 if all dwelling units are completed at the time of inspection.

a-5. The required fee for certificates of occupancy in new buildings with gross area of more than 10,000 square feet shall be as follows:

a-5-a. Common areas: $125.

a-5-b. Each rental or condominium tenant area of less than 10,000 square feet: $50.

a-5-c. Each rental or condominium tenant area of more than 10,000 square feet: $100.

a-5-d. Portions of rental or condominium areas less than 10,000 square feet: $50.

a-5-e. Portions of rental or condominium areas more than 10,000 square feet: $100.

a-5-f. Residential apartment buildings not in condominium ownership: $100 if all dwelling units are completed at the time of inspection.

a-6. The required fee for certificates of occupancy not requiring inspections shall be $75

a-7. The required fee for certificates of occupancy with a single inspection shall be $150.

a-8. The required fee for duplicate certificates of occupancy shall be $50.

a-9. The required fee for certificates of occupancy for changes to a business name shall be $50.

a-10. The required fee for a certificate of occupancy for a commercial farming enterprise shall be $25.

b. Conditional Certificate of Occupancy. The application fee for a conditional certificate of occupancy shall be $250. This fee shall be payable at the time the application is submitted to the department.

c. Temporary Certificate of Occupancy. c-1. If issued by the department of neighborhood services, the fee for a temporary certificate of occupancy for buildings with gross area of 10,000 square feet or less shall be $250.

c-2. The fee for a temporary certificate of occupancy for buildings with gross area of greater than 10,000 square feet shall be $250.

d. There shall be a processing fee of $10 for each certificate of occupancy.

8.8. CODE ENFORCEMENT FEE. A monthly fee of $50 may be charged for failure to comply with an order to correct any condition in violation of ch. 223.

8.9 COMMERCIAL BUILDING COURTESY INSPECTION. A fee of $250 shall be charged for a commercial building courtesy inspection.

9. CONDITIONAL PERMIT.

a. The application fee for a conditional permit shall be $150. This fee shall be payable at the time the application is submitted to the department.

b. There shall be a processing fee of $10 for each conditional permit.

10. COPIES OF RECORDS; CERTIFIED. a. The fee for making a certified copy of any public record on file in the office of the commissioner shall be $2 per certificate plus the reproduction fee established pursuant to s. 81-38.5.

b. The fee for reproducing any size or type of record shall be set by the commissioner equivalent to the actual cost of reproduction. A list of the reproduction fees shall be posted in the appropriate department.

11. ELECTRICAL INSTALLATIONS AND REPAIRS. Electrical repairs involving the replacement of a single existing light fixture, convenience outlet or switch, which do not involve changes to existing wiring, change of a circuit or increase in size of load, can be made without permit, providing these repairs do not conflict with any regulation of this code. The following fees shall be collected when permits are submitted for commercial electrical installation or repair, or for residential remodeling projects that involve any of the following electrical installations or repairs:

a. Air conditioner outlet for one and 2-family dwelling units: $20.

b-1. Air conditioner other than one and 2-family dwellings: $35 minimum.

b-2. Air conditioning with heat or roof top unit: $50.

c. Capacitor or converter: $50.

d. Dimmer: $5.

e. Dishwasher: $15.

f. Dryer (electric) outlet: $15.

g. Feeder:

g-1. Up to 400 amps: $40.

g-2. 401-600 amps: $100.

g-3. 601-800 amps: $140.

g-4. 801-1000 amps: $180.

g-5. Over 1000 amps: $220.

g-6. Feeder over 600 volts: $250.

g-7. Feeder switch located at meter main enclosure: $30.

h. Fire alarm system:

h-1. Fire alarm panel: $100.

h-2 Fire alarm initiating and indicating device: $7.

h-3. Fire pump: $150.

h-4. Fire pump controller: $75.

i. Furnace with motor: $15.

j. Garbage disposal: $15.

k. Generator:

k-1. 0-5 KW: $20.

k-2. 6-15 KW: $30.

k-3. 16-30 KW: $75.

k-4. 31-100 KW: $100.

k-5. Over 100 KW: $250.

L. Heater (electric): $1 per kilowatt.

m. Hot tub or swimming pool: $60.

n. Fuel pump: $30.

o. Luminaire:

o-1. Luminaire, new or replacement: $6.

o-2. Luminaire repair: $2.

q. Machine - moving picture, stereoptician, x-ray, high frequency therapeutic apparatus, etc.: $50.

r. Minimum permit fee: $85 for installations and repairs in one- and 2-family dwellings; $95 for installations and repairs in other than one- and 2-family dwellings.

s. Motor and motor control.

s-1. Motor.

s-1-a. 0-2 HP; $5.

s-1-b. 2.1–10 HP: $15.

s-1-c. 10.1-20 HP: $35.

s-1-d. 21-50 HP: $70.

s-1-e. 51-100 HP: $150.

s-1-f. 101-150 HP: $250.

s-1-g. Over 150 HP: $300.

s-2. Motor control: $35.

t. Outlet for switch, receptacle, device, etc.: $2.

u. Range (electric): $15.

v. Reactor or rectifier: $50.

w. Reinspection fee: w-1. Assessed on second inspection for compliance: $100.

w-2. Each additional inspection after the second: $200. Failure to pay reinspection fees after one notice may result in the withholding of future permits.

y. Service with one service switch:

y-1. Up to 400 amps: $100.

y-2. 401-600 amps: $110.

y-3. 601-800 amps: $120.

y-4. 801-1000 amps: $130.

y-5. Over 1000 amps: $140.

y-6. Service over 600 volts: $200.

y-7. Each additional service switch: $25.

ya. Refrigeration, commercial: $30.

yb. Solar PV:

yb-1. 0-20 kilowatts: $70.

yb-2. 20.1-35 kilowatts: $100.

yb-3. 35.1-50 kilowatts: $150.

yb-4. 50.1-75 kilowatts: $200.

yb-5. 75.1-100 kilowatts: $250.

yb-6. Over 100 kilowatts: $300.

yc. Sump pump: $5.

yd. Strip lighting – plug-in strip, similar systems: $10.

ye. Transformer:

ye-1. 1-10 KVA: $7.50.

ye-2. 11-50 KVA: $35.
ye-3. 51-100 KVA: $75.
ye-4. 101-200 KVA: $150.
ye-5. 201-300 KVA: $250.
ye-6. Over 300 KVA : $350.
yf. Water heater (electrical): $15.
yg. Welding outlet: $15.
yh. Whirlpool tub: $60.
yi. Wireway, busway, underfloor raceway, gutter, trough: $10.
yj. Sign: $30.
yk. Special inspection: $200.
yL. Requested inspection during non-working hours: $200.
ym. Transfer switch: $35.
yn. Time clock: $6.
yo. Failure to call for inspection: $75.
yp. Temporary wiring installation: $85.
yq. Fan and motor: $10.
yr. There shall be a processing fee of $10 for each electrical installation or repair permit issued.

13. ELEVATORS.

a. Inspection Fees. Fees for periodic inspections and reinspections of all classes of elevators and lifting devices within the scope of ch. SPS 318, Wis. Adm. Code, shall be as follows:

a-1. Periodic inspections and reinspections:

a-1-a-1. Class 1, 2, 3 and 6 (up to 4 landings): $140 for hydraulic elevators, and $160 for traction elevators.

a-1-a-2. Class 1, 2, 3 and 6 (5-10 landings): $180 for hydraulic elevators, and $180 for traction elevators.

a-1-b. Class 1, 2, 3 and 6 (5 to 10 landings): $140.

a-1-c. Each additional landing $8.

a-1-d. Class 7: $320.

a-1-e. Class 2A, 4, 5 and 8: $160.

a-1-f. Each reinspection of an elevator shall be charged an inspection fee the same as subpars. a to e until the elevator is certified.

a-2. Reinspection of new installation to determine compliance (Classes 2A and 8): $160. (Classes 1, 2, 3, 4, 5, 6 and 7 for hydraulic elevators): $240. (Classes 1, 2, 3, 4, 5, 6 and 7 for traction elevators): $320.

b. Types of Elevator. The following is an identification of the various classes used in par. a:

b-1. Class 1: freight elevators (single belt, double belt and cable controlled sidewalk elevators), sidewalk type elevators and grade level elevators.

b-2. Class 2: passenger and all other freight elevators not in Class 1.

b-3. Class 2A: lifting devices used by the physically disabled.

b-4. Class 3: material lifts.

b-5. Class 4: personnel hoists.

b-6. Class 5: hand power elevators.

b-7. Class 6: dumbwaiters (power).

b-8. Class 7: escalators, moving walks and moving ramps per unit; a single section having a travel of one floor defines an escalator unit.

b-9. Class 8: special purpose personnel elevators.

c. Certificate of Operation. The fee for a certificate of operation shall be $100.

d. Construction Permit Fees.

d-1. New Installation. The fees for permits required by this subsection shall be charged at the rate of 1.6% of the total cost of installation, with a minimum permit fee of $800 for a traction elevator, other driving machines, escalator or moving walk. There shall be a minimum permit fee of $720 for a hydraulic elevator and a minimum permit fee of $640 for a dumbwaiter, platform lift, stair chair lift or special application elevator.

d-2. Application, Repairs and Remodeling. The fees for the review of alteration, repairs or remodeling of such existing devices by this paragraph shall be charged at the rate of 1.6% of the total cost of installation, with a minimum permit fee of $400 for a traction elevator, other elevator driver machines, an escalator or a moving sidewalk. There shall be a minimum permit fee of $360 for a hydraulic elevator, a minimum permit fee of $320 for a dumbwaiter, platform lift, stair chair lift, or special application elevator.

e. Repair Permit Fees. The fees for installation or alteration permits required by s. SPS 302-15, Wis. Adm. Code, shall be charged at the rate of 1.6% of the total cost of repair, with a minimum fee of $65.

13.5. EROSION CONTROL. a. The fees for erosion control permits shall be as follows:

a-1. One- and 2- family lots: $175 per lot.

a-2. Multi-family, commercial, industrial and institutional lots; $167 per building plus $5 per 1,000 square feet of disturbed lot area, with a maximum fee of $2000.

b-1. The plan examination fee for erosion control measures for sites less than one acre shall be $125.

b-2. The plan examination fee for erosion control measures for all other sites shall be $175.

c. There shall be a processing fee of $10 for each erosion control permit issued.

14. EXPLOSIVES. The fee for transporting, storing, selling, delivering, using or having in one's possession any explosives shall be $115, plus any overtime costs necessary. An additional fee of $10 shall be charged for each blast. The permit shall be issued and calculated for a maximum 6 month period. Explosive operations which last longer than 6 months must obtain a new permit.

14.3 FAILURE TO REQUEST INSPECTION. The fee for failure to request a required inspection shall be $250.

14.5. FENCES.

a. There shall be a $25 fee for the construction of fences.

b. There shall be a processing fee of $10 for each fence construction permit issued.

15.5. FILLING PERMIT AND FILLING PERMIT PLAN REVIEW. a. The fee for a filling permit shall be:

a-1. $50 if the filling involves up to 500 cubic yards of fill and the area to be filled does not exceed one-half acre in area.

a-2. $250 if the filling involves more than 500 cubic yards or the area to be filled exceeds one-half acre in area.

a-3. $10 for each additional 250 cubic yards of fill, or fraction thereof, after the first 750 cubic yards.

b. The fee for filling permit plan review shall be:

b-1. $100 if the filling involves an area equal to or less than one acre.

b-2. $300 if the filling involves an area greater than one acre.

15.7 FIRE ALARM PANEL SHOP DRAWING REVIEW. The fees for fire alarm panel shop drawing review for existing and new buildings, or parts thereof, shall be as follows:

a. $100, if the gross area is up to 5,000 square feet.

b. $200, if the gross area is 5,001 to 10,000 square feet.

c. $300, if the gross area is 10,001 to 20,000 square feet.

d. $400, if the gross area is over 21,000 to 40,000 square feet.

e. $500, if the gross area is 40,001 to 50,000 square feet.

f. $700, if the gross area is 50,001 to 75,000 square feet.

g. $1,000, if the gross area is 75,001 to 100,000 square feet.

h. $1,200, if the gross area is 100,001 to 200,000 square feet.

i. $3,000, if the gross area is 200,001 to 300,000 square feet.

j. $4,400, if the gross area is 300,001 to 400,000 square feet.

k. $5,600, if the gross area is 400,001 to 500,000 square feet.

L. $6,400, if the gross area is over 500,000 square feet.

16. FIRE ESCAPE. a. The permit fee for the erection of fire escapes shall be computed at 1.3% of the cost of construction with a minimum fee of $65.

b. There shall be a processing fee of $10 for each fire escape permit issued.

17. FIRE INSPECTIONS. An annual fee shall be charged, equal to 1.5% of the city portion of the combined gross property tax levy, which is levied upon the inspection property. The minimum fee shall be $100 and the maximum fee shall be $525. Fire inspection fees shall be charged against the real estate upon which the inspection takes place, shall be a lien upon the real estate and shall be assessed and collected as a special charge.

17.5. FIRE PREVENTION PERMITS. An annual fee shall be charged upon the approval of the permit during the inspection process as set forth in this subsection. Facilities that qualify under multiple categories will be charged one fee based on the highest fee of the qualified categories. Fire prevention permit fees shall be charged against the real estate and shall be assessed and collected as a special charge.

Note: the references to the International Fire Code are to the 2006 edition of the Code.

a. Aerosol products.
Aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight when manufacturing, storing or handling.
International Fire Code Section: 2801.2
Permit Fee: $50

b. Amusement buildings
International Fire Code Section: 403.3
Permit Fee: $50

c. Asphalt Kettles
International Fire Code Section: 303.10
Permit Fee: $50

d. Aviation facilities
International Fire Code Section: 1101.3
Permit Fee: $50

e. Battery systems. Stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189L)International Fire Code Section: 608.1.1
Permit Fee: $50

f. Carnivals and fairs.
International Fire Code Section: 403.2
Permit Fee: $50

g. Cellulose nitrate film. Storage, handling or use in any assembly or educational occupancy (Group A and E)
International Fire Code Section: 306.3
Permit Fee: $50

h. Combustible dust-producing operations
International Fire Code Section: 1301.2
Permit Fee: $50

i. Combustible fibers. Storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m2) Exception: Not required for agricultural storage
International Fire Code Section: 2901.3
Permit Fee: $50

j. Compressed gas. Storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle
International Fire Code Section: 3001.2
Permit Fee: $50

PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT (CUBIC FEET AT TP)
Corrosive	200
Flammable (except cryogenic fluids and liquified petroleum gases).	200
Highly toxic	Any amount
Inert, simple asphyxiant and non-flammable gases	6,000
Oxidizing (including Oxygen)	504
Toxic	Any amount

For SI: 1 cubic foot = 0.02832m^3

k. Covered mall buildings
International Fire Code Section: 408.11.4
Permit Fee: $50

L. Corrosives. Storage, use, handling:
International Fire Code Section: 3101.2
Permit Fee: $50

Gases	200 cubic feet at (NTP)
Liquids	55 gallons
Solid	1,000 pounds

m. Cryogenic fluids. Produce, store, transport on site, use, handle or dispense.

Type	Inside Building (gal.)	Outside Building (gal.)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any amount	Any amount

Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading

n. Cutting and Welding. Sweating pipes and hot works.
International Fire Code Section: 2601.2
Permit Fee: $50

o. Dry cleaning plants.
International Fire Code Section: 1201.2
Permit Fee: $50

p. Exhibits and trade shows.
International Fire Code Section: 403.3
Permit Fee: $50

q. Explosives and fireworks. An operational permit is required for the manufacture, possession, storage, handling, sale or other disposition, transportation or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects or to operate a terminal for handling explosive materials, or to deliver or receive delivery of explosives or explosive materials from a carrier between sunset and sunrise.
International Fire Code Section: 3301.2
Permit Fee: $50

r. Explosive vehicle inspection. (Valid for 6 months only).
International Fire Code Section: 3309.6
Permit Fee: $50

s. Emergency vehicle access roadway.
International Fire Code Section: 503.1.1
Permit Fee:$50

t. Fire hydrants and valves. Operate or use any fire hydrants or valves used for fire suppression service.
International Fire Code Section: 508.5.1.1
Permit Fee: $50

u. Flammable and combustible liquids.
International Fire Code Section: 3401.4
Permit Fee: $50

u-1. To use or operate a pipeline for the transportation with facilities or flammable or combustible liquids. This requirement shall not apply to the offsite transportation (DOTn) (see s. 3501.1.2 international fire code) nor does it apply to piping systems (see s. 3503.6, International Fire Code).

u-2. To store, handle or use of Class I liquids in excess of 5 gallons (19L) in a building or in excess or 10 gallons (37.9L) outside of a building, except that a permit is not required for the following:

u-2-a. The storage or use of Class I liquids in the fuel tanks of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant unless such storage, in the opinion of the fire official or designee would cause an unsafe condition.

u-2-b The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

u-3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building, except for fuel oil used in connection with oil-burning equipment

u-4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes.

u-5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

u-6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.

u-7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard that for which the tank was designed and constructed.

u-8. To manufacture, process, blend, or refine flammable or combustible liquids.

International Fire Code Section: 3401.4
Permit Fee: $50

v. Flammable Gases
International Fire Code Section: 3501.2
Permit Fee: $50

w. Flammable Solids
International Fire Code Section: 3601.2
Permit Fee: $50

x. Floor Finishing. Using Class I or Class II liquids exceeding 350 square feet (33 m2)
International Fire Code Section: 1510.1.1
Permit Fee: $50

y. Fruit and crop ripening
International Fire Code Section: 1601.2
Permit Fee: $50

z. Fumigation and thermal insecticidal fogging
International Fire Code Section: 1701.2
Permit Fee: $50

za. Hazardous materials

PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See flammable and combustible liquids
Corrosive material	
Gases	See compressed gases
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See explosives
Flammable materials	
Gases	See compressed gases
Liquids	See flammable and combustible liquids
Solids	100 pounds
Highly Toxic materials	
Gases	See compressed gases
Liquids	See flammable and combustible liquids
Solids	100 pounds
Oxidizing materials	
Gases	See compressed gases
Liquids	
Class 4	Any amount
Class 3	1 gallon
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any amount
Class 3	10 gallons
Class 2	100 gallons
Class 1	500 gallons
Organic peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon
Class IV	2 gallons
Class V	No permit required

Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds
Class IV	20 pounds
Class V	No permit required
Pyrophoric materials	
Gases	See compressed gases
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See compressed gases
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any amount
Class 3	Any amount
Class 2	50 pounds
Water-reactive materials	
Liquids	
Class 3	Any amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.
International Fire Code Section: 2701.5
Permit Fee: $50

zb. Heliports and Helistops.
International Fire Code Section: 1107.1.1
Permit Fee: $50

zc. Highly Toxic Materials.
International Fire Code Section: 3701.1
Permit Fee: $50

zd. High-piled storage. Use a building or portion exceeding 500 square feet (46 m2).
International Fire Code Section: 2301.2
Permit Fee: $50

ze. Indoor display of vehicles or equipment.
International Fire Code Section: 314.4.1
Permit Fee: $50

zf. Indoor Pyrotechnics
International Fire Code Section: 3308.2
Permit Fee: $50

zg. Industrial ovens
International Fire Code Section: 2101.2
Permit Fee: $50

zh. Lumber yards and woodworking plants. Storage or processing exceeding 100,000 board feet (8,333 ft3) (236m3)
International Fire Code Section: 1901.2
Permit Fee: $50

zi. Liquid or gas fueled vehicles in assembly buildings
International Fire Code Section: 3903.2
Permit Fee: $50

zj. LP Gas. Storage and use inside or outside of any building. Exception:
1. Individual containers with 500 gallons (1893L) water capacity or less serving occupancies in Use Group R-3.
2. Operation of cargo tankers that transport LP gas
International Fire Code Section: 3801.2
Permit Fee: $50

zk. Magnesium. Melt, cast, heat treat or grind more than 10 pounds (4.54 kg)
International Fire Code Section: 3606.1.2
Permit Fee: $50

zL. Miscellaneous combustible storage. Store in any building or upon any premises in excess of 2,500 cubic feet (71m3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber cork or similar combustible material
International Fire Code Section: 315.1.2
Permit Fee: $50

zm. Open burning.
International Fire Code Section: 307.2
Permit Fee: $50
Open burning-charitable organizations
Permit Fee: $10

zn. Open flames, heat producing appliances, or torches for removing paint.
International Fire Code Section: 308.4.1
Permit Fee: $50

zo. Organic coatings. Manufacturing operation producing more than 1 gallon (4L) of an organic coating in one day.
International Fire Code Section: 2001.2
Permit Fee: $50

zp. Organic peroxides
International Fire Code Section: 3901.2
Permit Fee: $50

zq. Oxidizers.
International Fire Code Section: 4001.2
Permit Fee: $50

zr. Places of Assembly/educational.
occupancy less than 50 persons
International Fire Code Section 408.1.1
Permit Fee: $50
occupancy 50 to 100 persons
Permit Fee: $100
ocupancy over 100 persons
Permit Fee: $200

zs. Private fire hydrants
International Fire Code Section: 508.5.1.1
Permit Fee: $50

zt. Pyrophoric materials.
International Fire Code Section: 4101.2
Permit Fee: $50

zu. Pyroxylin plastics. Storage and handling of more that 25 pounds (11kg) or cellulose nitrate (pyroxylin) plastic and for the assembly or manufacture of articles involving pyroxylin plastics.
International Fire Code Section: 4201.2
Permit Fee: $50

zv. Refrigeration equipment
International Fire Code Section: 606.1.2
Permit Fee: $50

zw. Repair Garages, Service Stations and Motor Fuel Dispensing Facilities.
International Fire Code Section: 2201.2
Permit Fee: $50

zx. Semiconductor Fabrication Facilities - HPM Facilities
International Fire Code Section: 1801.5
Permit Fee: $50

zy. Special Outdoor Assembly and Events.
International Fire Code Section: 403.1.2
Permit Fee: $50

zz. Application of Flammable Finishes, Spraying and Dipping.
International Fire Code Section: 1501.2
Permit Fee: $50

zza. Storage of scrap tires and tire by-products. Establish, conduct or maintain storage of scrap tires and tire by-products exceeding 2,500 cubic feet (71m3) of total volume of scrap tires and for indoor storage of tires and tire by-products.
International Fire Code Section: 2509.2
Permit Fee: $50

zzb. Temporary membrane structures, tents and canopies.
International Fire Code Section: 2403.2
Permit Fee: $50

zzc. Tire rebuilding plants.
International Fire Code Section: 2501.2
Permit Fee: $50

zzd. Torches for removing paint and sweating pipe.
International Fire Code Section: 308.4.1
Permit Fee: $50

zze. Unstable (reactive) materials.
International Fire Code Section: 4301.2
Permit Fee: $50

zzf. Waste material and junk yards.
International Fire Code Section: 316.2
Permit Fee: $50

zzg. Water reactive materials.
International Fire Code Section: 4401.2
Permit Fee: $50

zzh. Wood products. Store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6m3).
International Fire Code Section: 1907.1.1
Permit Fee: $50

18. FIREWORKS DISPLAY. The fee for each fireworks display permit shall be $200.

18.5. FIREWORKS, WHOLESALING. The permit fee for the selling of fireworks at wholesale shall be $150 per year.

19. FLAMMABLE LIQUIDS OR SOLIDS, VAULT OR ROOM. a. The permit fee for the installation or alteration of vaults or rooms in any building for the storage or use of flammable solids, liquids or other combustible material shall be computed at the rate of 1.3% of the cost or fraction thereof. The minimum fee shall be $65.

b. There shall be a fee of $200 for hazardous materials facilities.

c. There shall be processing fee of $10 for each permit issued.

20. FLOOD PLAIN FILL PERMIT.

a. The permit fee for placing fill in a flood plain district shall be $50.

b. There shall be a processing fee of $10 for each flood plain fill permit issued.

21. FLOOD PLAIN LOCATION CERTIFICATE. a. The required fee for written certificate of location of real estate outside of or within designated flood prone areas shall be $75.

b. There shall be a processing fee of $10 for each flood plain location certificate issued.

22. GRANDSTANDS. a. The permit fee for all reviewing stands, amusement park structures, stadia, bleachers, grandstands, portable grandstands or sectional benches shall be computed at $1 for each lineal foot. The minimum fee shall be $50.

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

23. HEATING AND VENTILATING SYSTEMS. a. Heating and Ventilating. The permit fees for installation of heating and ventilating systems and equipment shall be as follows:

a-1. Heating, incinerator units and wood-burning appliances: $55 per unit not exceeding 150,000 BTUs of input. For each additional 50,000 BTUs or fraction thereof, an additional fee of $11 shall be charged.

a-2. Heating and air conditioning distribution systems: $2 per 100 square feet of conditioned area. The minimum fee shall be $50.

a-3. Air conditioning and refrigeration units: $55 per unit not exceeding 3 tons. For each additional ton or fraction thereof, an additional fee of $6 shall be charged.

a-4. Unit, room and radiant heaters: $15 per heater. The minimum fee shall be $35.

a-5. Spray booths: $5 for each 1,000 cubic-feet-per-minute capacity or part thereof of the spray booth fan or blower. The minimum fee for any installation in any one building shall be $40.

a-6. Commercial or industrial exhaust hoods: $175.

b. Testing. The permit fee for the witnessing of an A.S.M.E. welding qualification test shall be $85.

c. Boilers. The permit fee for the installation or replacement of a boiler shall be $55 per unit not exceeding 150,000 BTUs of input. For each additional 50,000 BTUs or fraction thereof, an additional fee of $11 shall be charged.

d. Unfired Pressure Vessels. The permit fee for the installation of an unfired pressure vessel shall be $55 per vessel.

e. Power Piping. The permit fee for the installation of power piping shall be $16 per 100 feet of piping. The minimum fee shall be $55.

f. Repairs. The permit fee for repairs of boilers and pressure vessels shall be $55.

g. Electronic Monitoring. The permit fee for the installation of electronic monitoring shall be computed at $105 for each boiler.

h. Periodic Inspections:

h-1. Power boilers:

h-1-a. 0-250 square feet of heating surface: $130.

h-1-b. Over 250 square feet of heating surface: $200.

h-2. Heating boilers:

h-2-a. 0-200,000 BTUs: $90.

h-2-b. Over 200,000 BTUs: $150.

h-3. Unfired pressure vessels:

h-3-a. 1-12 cubic feet volume: $75.

h-3-b. Over 12 cubic feet volume: $110.

h-4. Air conditioning and refrigeration systems: $75.

i. Reinspection Fee. A fee of $75 shall be assessed for inspections made by the department to gain compliance with the rules of ch. 223, after orders have been issued by the department.

j. Hydrostatic tests for boilers and unfired pressure vessels: $120.

k. Quality Control Review. A fee of $75 per hour, or fraction thereof, shall be charged for the review of an organization's quality control manual with a minimum of 2 hours.

L. Processing Fee. There shall be a processing fee of $10 for each permit issued.

m. Counter Processing Fee.

m-1. There shall be a counter processing fee of $10 per application.

m-2. Effective January 1, 2009, there shall be a fee of $10 per application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

24. HEATING FROM CENTRAL OR DISTRICT SYSTEM. a. The permit fee for the installation of a heating system in any building supplied by a central or district heating system shall be $55 per heating system.

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

24.5. HOME OCCUPATION CERTIFICATE. The fee for a home occupation certificate shall be $50.

25. INTEREST CHARGES. When an unpaid permit, inspection or license fee is placed on the tax roll for collection, interest will be charged on the unpaid balance of the fee. The interest rate will be the rate currently charged on delinquent taxes. The interest period shall be from the date the payment was originally due to the date the fee was placed on the tax roll.

26. LICENSED DWELLING FACILITIES.

a. License Period. Licenses shall be issued for a period of one year from the date of issuance.

b. Hotels. b-1. The fee for a hotel permit shall be $325 per year for a hotel or motel with 99 or fewer rooms. For a hotel or motel with more than 99 rooms, the permit fee shall be $500. 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 department of neighborhood services.

b-2. For inspection of a new hotel or motel, a preinspection fee shall be charged as follows:

b-2-a. For a hotel or motel with 50 or less rooms: $200.

b-2-b. For a hotel or motel with 50 or more rooms: $300.

c. Residential Living Facility.

c-1. Type I facility (8 occupants or less): $83.

c-2. Type II facility (9 occupants or more): $111.

d. Rooming House: $166.

e. Second Class Dwelling: $166.

f. The fee for the processing of a late license renewal application for each licensed dwelling facility shall be $75, except for late license renewal applications for hotels, motels and rooming houses, which shall be $25.

(See s. 275-20.)

26.5 MANUFACTURED HOMES. a. License Fee, Manager. Applications for licenses or renewals shall be filed with the city clerk and shall state the total number of authorized available spaces. The application shall be accompanied by a fee computed at $100 for each 50 spaces or fraction thereof in the existing or proposed community. The licensee shall file a plat of the manufactured home community with the city clerk.

b. Manufactured Home Occupant. There is imposed on each owner of a nonexempt, occupied manufactured home a monthly parking permit fee determined in accordance with s. 66.0435(3), Wis. Stats. The licensee of a manufactured home community shall be liable for the monthly parking permit fee for any home occupying space in the manufactured home community as well as the owner and occupant, and it shall be the responsibility of the licensee to collect the proper amount from each manufactured home owner or occupant of each manufactured home, and to pay to the city the parking fees on or before the 10th of the month following the month for which such fees are due, in accordance with s. 66.0435(3)(c)5., Wis. Stats.

c. Notice of New Homes. Licensees of a manufactured home community shall furnish information to the city comptroller, the commissioner of assessments and the commissioner of neighborhood services on homes added to their park within 5 days after arrival, on forms furnished by the city in accordance with s. 66.0435(3)(c) and (e), Wis. Stats.

d. Reporting Requirements. Pursuant to s. 66.0435 (c) and (e), Wis. Stats., each licensee of a manufactured home community and each owner of land occupied by a manufactured home shall on or before January 10 and July 10 of each year report to the city treasurer the presence of a manufactured home in the community or on the property.

e. Exemption. If a licensee or land owner believes that an exemption should be granted under s. 66.0435(3)(cm), Wis. Stats., the licensee or landowner shall forward to the administrative review appeals board the basis for the exemption, and after reviewing the information the board may grant the exemption consistent with s. 66.0435(3)(cm), Wis. Stats., and shall forward a copy of the exemption to the city treasurer and the comptroller.

f. Audit. The licensee of every manufactured home community shall at least once each year make available to the city comptroller such records as the city comptroller deems necessary in order to satisfy audit requirements.

g. Change in Licensee. Manufactured home community licenses are not transferable. Any change in licensee shall require the filing of a new application and payment of the appropriate fee pursuant to this subsection.

h. Late Fee. There shall be a late fee of $25 if a renewal application is filed after the date specified by the city clerk for renewal.

27. MINIMUM FEE. Unless otherwise regulated, a minimum fee of $50 shall be paid for all permits and plan examinations not otherwise provided for in this section.

28. MORE THAN ONE OCCUPANCY. a. The permit fee for all buildings and structures of more than one occupancy not otherwise regulated in this section shall be at the rates established in this section for each specific occupancy.

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

28.5. MOTHBALLING. The permit fee for mothballing of an historic structure shall be $250.

29. MOTOR VEHICLE EXHIBITION.

a. The permit fee for a motor vehicle exhibition shall be computed at $2 per motor vehicle. The minimum fee shall be $55.

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

30. MOVING. a. The permit fee for an application for moving a building or structure shall be $50.

b. An additional fee of $50 shall be paid for inspection of the filling, grading and site clearance after the moving of a structure.

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

33. OVERTIME FEES. An overtime fee of $75 per hour, or fraction thereof, shall be

charged to any person requesting an inspection at any time other than normal working hours. Minimum hours charged shall be in accordance with union contracts. Inspections of fireworks displays shall be exempt from overtime fees.

34. PERMIT RENEWAL. a. The fee for renewal of a permit in accordance with s. 200-30.2 shall be calculated on the basis of the amount of work authorized by the original permit that remains incomplete at the end of the initial 2-year period or 3-year period, as the case may be.

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

35. PLAN EXAMINATION, BUILDING, AUTOMATIC SPRINKLER, HEATING AND VENTILATING. a. New Construction, Additions and Alterations.

a-1. Commercial Buildings, Structures and Parking Lots. The plan examination fees for new commercial buildings and structures, additions, alterations and parking lots shall be computed on the basis of square footage, in accordance with the following table. For new commercial buildings and structures, and for additions, square footage shall be calculated as defined in s. 200-08-86.2. For alterations, square footage shall be the square footage of the area to be altered. The plan examination fees for buildings and structures, additions and alterations involving hazardous occupancies shall be double the fees specified in the table.

Square Feet	Fee
Less than 250 (alterations)	$ 100
Less than 250 (new construction and additions)	$ 195
250 - 500	$ 195
501 - 2,000	$ 320
2,001 - 3,000	$ 385
3,001 - 4,000	$ 510
4,001 - 5,000	$ 635
5,001 - 6,000	$ 695
6,001 - 7,500	$ 760
7,501 - 10,000	$ 960
10,001 - 15,000	$ 1,020
15,001 - 20,000	$ 1,085
20,001 - 30,000	$ 1,380
30,001 - 40,000	$ 1,760
40,001 - 50,000	$ 2,395
50,001 - 75,000	$ 3,275
75,001 – 100,000	$ 3,875
100,001 – 200,000	$ 6,805
200,001 – 300,000	$11,970
300,001 – 400,000	$17,640
Over 400,000	$22,680

a-2. One- and 2-family Dwellings. The plan examination fees for construction and alteration of one- and 2- family dwellings and additions thereto shall be computed at $0.10 per square foot. For new construction and additions, square footage shall be calculated using the definition set forth in s 200-08-86.2. For alterations, square foot footage shall be the square footage of the area to be altered. The minimum fee for new construction and additions shall be $95. The minimum fee for alterations shall be $45.

a-3. Garages and Accessory One and 2-Family Properties. The plan review fee for a garage shall be $50.

a-4. Sheds and Decks Accessory to One and 2-Family Properties. The plan review fee for a shed or deck shall be $30.

b. Energy Code. The fee for compliance with the state energy code for one-and 2-family dwellings shall be $45.

c. Hazardous Liquid Storage. The fee for the review of flammable and combustible liquid storage system installation, upgrading or stage II vapor recovery plans shall be $305.

d. Transmission Towers. The fee for the review of transmission tower plans shall be $425 and shall include the review of plans for buildings accessory to the tower that are submitted at the same time as the tower plans.

e. Elevators. e-1. New installation. The fee for the review of new elevator installation plans shall be $400 for a traction elevator, and other elevator driving machines, $320 for a hydraulic elevator, dumbwaiter, platform lift, stair chair lift, special application elevator, escalator or moving walk.

e-2. Alteration, Repairs and Remodeling. The fee for the review of existing elevator alterations, repairs or remodeling plans shall be $200 for a traction elevator and other elevator driver machines, $160 for a hydraulic elevator, dumbwaiter, platform lift, stair chair lift, special application elevator or moving walk.

f. The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time after the plan submission is complete and the plan is considered ready for review, shall be 200% of the fees specified in pars. a-1, c, d and e.

36. PLAN EXAMINATION, EXTENSION. The fee for the extension of an approved plan examination shall be 50% of the original plan examination fee, not to exceed $3,300.

37. PLAN EXAMINATION SUPPRESSION SYSTEMS OTHER THAN SPRINKLER SYSTEMS.

a. The plan examination fee for a suppression system, other than a sprinkler system, shall be computed at 0.6% of the cost of construction. The minimum fee shall be $60; the maximum fee $5,500.

b. The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time after submission of required documents and fees, shall be computed at 200% of the fees specified in par. a.

39. PLAN EXAMINATION, PETITION FOR STATE MODIFICATION. The fee for processing a petition for an appeal and variance to the Wisconsin department of safety and professional services shall be $165.

40. PLAN EXAMINATION, PLUMBING. a. Commercial Buildings, New Construction and Additions. The fees for plumbing plan examination apply regardless of the number of fixtures to be installed. Fees shall be computed on the basis of building square footage, as defined in s. 200-08-86.2, as follows:

Square Feet	Fee
3,000 or less	$ 370
3,001-4,000	$ 505
4,001 - 5,000	$ 649
5,001 - 6,000	$ 735
6,001 - 7,500	$ 800
7,501 - 10,000	$ 940
10,001 - 15,000	$1,000
15,001 - 20,000	$1,070
20,001 - 30,000	$1,200
30,001 - 40,000	$1,645
40,001 - 50,000	$1,700
50,001 - 75,000	$2,280
Over 75,000	$2,600 pus $0.0075 per sq. ft. over 75,000 sq. ft.

b. Alterations. b-1. The fees for plumbing plan examination relating to alteration or remodeling of buildings, computed on the basis of the number of plumbing fixtures and water-using appliances (e.g., water heater, dishwasher) to be installed, shall be as follows:

Number of Fixtures	Fee
11 - 15	$ 270
16 - 25	$ 370
26 - 35	$ 505
36 - 50	$ 640
51 - 75	$ 875
76 - 100	$1,010
101 - 125	$1,140
126 - 150	$1,275
Over 150	$1,275 plus $165 for each additional 25 fixtures or fraction hereof

b-2. There shall be no plumbing plan examination for minor alterations consisting of fewer than 11 fixtures. However, plan examination shall be required when fewer than 11 fixtures are to be installed in conjunction with interceptors or garage catch basins; the fee for such examination shall be $110.

b-3. Multi-purpose Piping. Plumbing plan examination is required for multi-purpose piping systems in one- and 2-family dwelling units and manufactured housing regardless of the number of sprinkler heads. The fee for such examination shall be $110.

c. Parking Lots, Private Mains and Storm Sewers. The plan examination fee for each private main or storm sewer serving a new building, addition or parking lot shall be $195. The plan examination fee for storm sewers installed in conjunction with a stormwater management plan shall be $330.

d. Maximum Fee. The maximum fee for any plumbing plan examination shall be $8,250.

e. Rejection of Plumbing Plans. Plans that contain substantial errors or omissions may be rejected. A second submission and plan examination fee may be required for reexamination of a plan that has been rejected.

f. The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in pars. a, b-1 to 3, c and d.

40.5. PLAN EXAMINATION, CODE CONSULTATION. a. The fee for code consultation regarding the Uniform Dwelling Code shall be $95 per hour or fraction thereof.

b. The fee for code consultation regarding the Wisconsin Enrolled Commercial Building Code or the Wisconsin Plumbing Code shall be $185 per hour or fraction thereof.

40.6. PLAN EXAMINATION, FLOOD PLAIN DEVELOPMENT PLAN REVIEW. An additional development plan review fee of $250 shall be charged for new construction, additions and alterations of commercial buildings, structures and parking lots located in a flood plain.

41. PLAN EXAMINATION, SIGNS.

The plan examination fee for the construction or alteration of all signs and billboards shall be 0.7% of the cost of signage. The minimum plan examination fee shall be $60.

41.3. PLAN EXAMINATION, SOLAR PV. The fee for the examination of commercial solar PV building plans shall be $250 per system.

41.5. PLAN EXAMINATION, STORM WATER. The fee for processing storm water plans, maps and other pertinent information shall be $125 per submittal.

42. PLAN EXAMINATION, STRUCTURAL PLANS. The fee for the examination of component submittals, structural plans for precast concrete, laminated wood, beams and other structural elements when submitted separately from the general building plans shall be $250 per plan.

42.5. PLUMBER OR PLUMBING BUSINESS REGISTRATION. The fee for registration of a master plumber or plumbing business pursuant to s. 225-2 shall be $60. This fee shall be paid at the time the applicant files the required performance and indemnity bonds.

43. PLUMBING. Plumbing repairs involving replacement of a single faucet or water closet ballcock not involving the extension or replacement of a water supply, waste or vent system can be made without permit providing the repairs do not conflict with any regulation of this code. Upon the issuance of a plumbing permit by the commissioner of city development and before the permit shall be in effect, the applicant shall pay the following fees:

a. For inspection, reinspection, test or retest of building sewer or water service piping extensions from main, curb or lot line: $75 per 100 feet or fraction thereof, if within the city limits; $100 per 100 feet or fraction thereof, if outside the city limits.

b. For inspection, reinspection, test or retest of gas piping and building drains, new or extensions of existing, $75 per 100 feet or fraction thereof.

c. For inspection, reinspection, test or retest of private interceptor main sewers 4" or larger in size: $75 per 100 feet or fraction thereof (for private interceptor main sewers 8" or larger, an inspection fee must also be paid to the department of public works infrastructure services division prior to the issuance of a plumbing permit).

d. For inspection, reinspection, test or retest of a private water main: $65 per 100 feet or fraction thereof.

e. Septic tank and disposal system, $300; holding tank, $200.

f. Inspection or reinspection for installation of a well or well pump: $60 each.

g. Abandonment of Sewer and Water Lateral, Well, Septic System or Holding Tank.

g-1. Inspection or reinspection for abandonment of each sewer and water lateral: $30 if within the city limits or $45 if outside the city limits, with minimum fees of $60 within the city limits and $85 outside the city limits.

g-2. Inspection or reinspection for abandonment of each well, septic system or holding tank: $30, with a minimum fee of $60.

h. Plumbing survey of an existing building to be included with plumbing permit: $60.

i. Installation and connection of each plumbing fixture or appliance: $15. The minimum permit fee shall be $75. The minimum permit fee for the installation of one plumbing fixture in a one or 2-family building shall be $75.

j. Minimum fee for any inspection, reinspection, test or retest: $75.

k. See s. 200-33-33 for overtime fees.

L. Review of applications for modification under ch. SPS 382, Wis. Adm. Code: $75.

m. For the issuance of a 5-year well operation permit: $90.

n. For the renewal of a 5-year well operation permit: $90.

o. There shall be a processing fee of $10 for each plumbing permit issued.

p. Counter Processing Fees.

p-1. There shall be a counter processing fee of $10 per application.

p-2. Effective January 1, 2009, there shall be a fee of $10 per application filed by an applicant not referenced in subd. 1 who files more than 100 applications in person or by mail at the development center.

43.5. POSTING. a. The fee for posting upon a premise any notice, order or placard pursuant to s. 200-11-6 or s. 218-4, shall be $60. The posting fee shall be assessed and collected as a special tax against the real estate upon which the notice, order or placard was posted and shall be a lien upon said real estate.

b. The fee for posting a placard pursuant to s. 200-11-6 upon any single family premise shall be $60.

c. The fee for posting a placard pursuant to s. 200-11-6 upon any 2-or 3-family premise shall be $120.

d. The fee for posting a placard pursuant to s. 200-11-6 upon any premise with 4 or more residential units shall be $180.

e. The fee for posting a placard pursuant to s. 200-11-6 upon any commercial building not containing residential units shall be $180.

f. The placard posting fee shall be assessed and collected as a special tax against the real estate upon which the placard is posted and shall be a lien upon the real estate.

44. PRESSURE PIPING SYSTEMS HANDLING FLAMMABLE AND COMBUSTIBLE LIQUIDS. a. The permit fee for all flammable and combustible liquids piping systems which utilize pressure piping or a suction system shall be 1% of the cost of construction. The minimum permit fee shall be $50. All installations used for the storage of flammable and combustible liquids which utilize a pressure piping system or a suction system shall be inspected at least once every 3 years. The fee for each periodic inspection shall be $50.

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

44.2. PROPERTY REGISTRATION FEE.

a. The initial registration fee for a residential or commercial building, a condominium unit or a condominium association shall be $75.

b. There shall be a fee of $75 for filing a new application in the event of a change in ownership, and, unless excepted from the fee pursuant to s. 200-51.5-5-b, there shall be a fee of $75 for any other new or subsequent filing of an application required under s. 200-51.5.

c. There may be a fee of $75 for correcting any error or omission on an application filed with the department

d. Owners, operators, condominium association operators and resident agents of condominium associations registered under s. 200-51.5 may request and the department shall issue written verification of the contents of the department's registration file for their buildings, units, or associations (as the case may be).

e. Payment of any unpaid fees or charges shall be made prior to the acceptance of the application by the department.

44.3. PROPERTY REGISTRATION ENFORCEMENT FEE. A monthly fee of $75 may be charged for failure to comply with an order to register a property, unit or association as required by and in accordance with s. 200-51.5.

44.5. PUBLICLY ACCESSIBLE COLLECTION BIN PROVIDER AND BIN PERMITS.

a. Permits shall be issued for a period of one year beginning on October 1, and ending on the following September 30. Those publicly accessible collection bin provider and bin permits whose permits are due to expire April 30, 2009 shall be extended to expire on September 30, 2009.

b-1. The permit fee for a publicly accessible collection bin provider shall be $500.

b-2. The permit renewal fee for a publicly accessible collection bin provider shall be $500.

c-1. The permit fee for each publicly accessible collection bin shall be $50.

c-2. The permit renewal fee for each publicly accessible collection bin shall be $50.

d. There shall be an additional fee of $25 for filing a late renewal application for either permit.

e. The fee for retrieval of a publicly accessible collection bin from a designated holding location shall be $250 for each bin.

(See s. 239-13.)

45. PUMPS, FLAMMABLE LIQUID.

a. The permit fee for the installation of flammable liquid pumps or dispensers on any premises shall be computed at $15 for each pump, dispenser or nozzle.

b. The permit fee for replacements shall be the same rate as for a new installation.

c. Minimum fee: $75.

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

46. RAZING. a. The permit fee for the razing or demolishing of any building or structure shall be $40 plus $0.002 per cubic foot of the volume of the building.

b. The permit fee for interior demolition of any building or structure shall be computed at 1% of the cost of demolition. The minimum fee shall be $60.

c. If, as a result of noncompliance with an order to raze or rehabilitate a property, the city must take action to issue a contract to raze the property, the following contract administration charges shall be assessed before a rehabilitation permit is issued:

c-1. Evaluation of bids, letting contracts and notifying contractor: $200 plus 20% of parcel demolition bid.

c-2. If a parcel is razed on contract by the city, the cost of demolition plus $125 will be assessed against the real estate as a special charge

d. There shall be a processing fee of $10 for each permit issued under par. a or b.

47. REGISTRATION OF RESIDENTIAL PROPERTY PENDING FORECLOSURE.

a. The fee for registration of a residential property pending foreclosure, as required by s. 200-22.5-4 shall be $300.

b. If a completed registration form is not received by the commissioner within 5 working days of initiation of the foreclosure proceedings, or if the registration fee required in par. a is not received by the commissioner upon registration, there shall be an additional late fee of $50.

48. REINSPECTION FEE.

a. To compensate for inspectional and administrative costs, a fee of $175 may be charged for any reinspection to determine compliance with an order to correct conditions of provisions of the code under the jurisdiction of the department of neighborhood services or assigned to the department, except no fee shall be charged for the reinspection when compliance is recorded. A fee of $350 may be charged for each subsequent reinspection. Reinspection fees shall be charged against the real estate upon which the reinspections were 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.

b. To compensate for inspectional and administrative costs, a $50 fee may be charged for any inspection or reinspection when a contractor requests an inspection for permit related work and the work is not ready at the time of the requested inspection. Failure to pay additional reinspection fees after one notice may result in withholding future permits.

49. RENEWING OF PERMIT. a. The fee for renewing a permit, which has been revoked in accordance with s. 200-31 by the commissioner of neighborhood services or commissioner of city development, shall be 50% of the total original permit fees paid.

b. There shall be a processing fee of $10 for renewing a permit.

49.2. REPEAT LITTER CHARGE. To compensate for inspectional, administrative and equipment costs, the commissioner may issue a $100 charge for the 3rd and each subsequent violation of s. 79-12 on any property in a 12-month period.

50. SEWAGE DISPOSAL SYSTEM.

a. The examination fee for each sewage disposal system permit shall be $100.

b. The examination fee shall not be refunded to the applicant irrespective of whether or not the permit for which application is made is granted or denied by the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding.

c. There shall be a processing fee of $10 for each sewage disposal system permit.

51. SIGNS. a. The permit fee for the construction and alteration of all outdoor signs shall be 1% of the cost of signage, with a minimum fee of $50.

b-1. The annual maintenance fee for projecting signs that project into the public right-of-way shall be $35.

b-2. The annual maintenance fee for a free standing sign that encroaches into the public right-of-way shall be $33.

c. The annual maintenance fee for off premises signs shall be computed as follows:

c-1. For off premises signs with a display area of less than 100 square feet in area: $44 for the first display area on a sign and $22 for each additional display area.

c-2. For off premises signs with a display area of 100 to 300 square feet in area: $56 for the first display area on a sign and $22 for each additional display area.

c-3. For off premises signs with a display area over 300 square feet in area: $67 for the first display area on a sign and $22 for each additional display area.

c-4. If a lot contains 2 or more off premises signs, the fee schedule for the largest sign on the lot shall apply.

d. Replacement of lost or destroyed sign plates: $10 per plate.

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

51.5. SPECIAL FEES. The commissioner of neighborhood services or the commissioner of city development may establish special fees where the existing fee structure does not specifically cover the services to be provided by the department of neighborhood services or department of city development or the type of work being done. These special fees shall be based upon the direct and indirect costs of the services being provided by the department of neighborhood services or department of city development.

51.7. SPECIAL PRIVILEGE ENFORCEMENT FEE. a. General Fee. A monthly fee of $25 may be charged for failure to comply with an order issued under s. 245-12.

b. Dumpster in the Public Right-of-Way. In the case of a special privilege for the placement of one or more dumpsters in the public right-of-way, a monthly fee for failure to comply with an order issued under s. 245-12 may be charged as follows:

b-1. For the first month, $250.

b-2. For the second and subsequent months, $500 per month.

52. SPRINKLER, STANDPIPE AND SUPPRESSION SYSTEMS. a. Installation and Repairs. The permit fees for the installation of new suppression systems and all repairs, additions and alterations or removal of existing suppression systems shall be computed at the following rates:

a-1. Chemical suppression systems. 1.5% of the cost of the system; minimum fee $65.

a-2. Fire protection water supply piping, underground or exposed. Each 100 feet or fraction thereof: $60.

a-3. Hydrants. Each hydrant: $30; minimum fee: $65.

a-4. Fire hose standpipe systems. Hose connections (fire department first aid or combined): $10 each outlet; minimum fee: $65.

a-5. Fire pumps: $130 each.

a-6. Sprinkler heads.

a-6-a. 1-15 sprinkler heads: $100.

a-6-b. 16-100 sprinkler heads: $160.

a-6-c. For each additional 100 heads or fraction thereof above 100 heads: $65.

a-7. A reinspection fee for noncompliance of fire suppression permit work: $75.

b. Tests. Inspection for witnessing tests of new and existing suppression systems at the following rates:

b-1. Chemical suppression systems: $65 per hour or fraction thereof.

b-2. Deluge system trip test: $65 per hour or fraction thereof.

b-3. Dry valve trip test: $65 per hour or fraction thereof.

b-4. Fire pump test, each pump: $65 per hour or fraction thereof.

b-5. Hydrostatic test, one hour: $65.

b-6. Hydrostatic test, 2 hours: $130.

b-7. Dry system air test (24 hour test): $65.

b-8. Water supply sprinkler system flow test: $65 per hour or fraction thereof.

b-9. Standpipe system flow test: $65 per hour or fraction thereof.

b-10. Retests: same rate as original tests.

b-11. Reinspection fee: $75.

c. Periodic Inspections.

c-1. Chemical suppression: $30 each; minimum fee: $65.

c-2. Fire hose standpipe systems (fire department first aid or combined): $10 each outlet; minimum fee $65.

c-3. Sprinkler systems:

c-3-a. 0-200 heads: $90 minimum fee.

c-3-b. 201-500 heads: $90 for the first 200 heads, plus $25 per 100 heads, or fraction thereof, up to 500 heads.

c-3-c. 501-1,000 heads: $150 for the first 500 heads, plus $25 per 100 heads, or fraction thereof, up to 1,000 heads.

c-3-d. 1,001-5,000 heads: $265 for the first 1,000 heads, plus $25 per 100 heads, or fraction thereof, up to 5,000 heads.

c-3-e. Over 5,000 heads: $1,100 for the first 5,000 heads, plus $25 per 100 heads, or fraction thereof, over 5,000 heads.

c-4. Spray booths: $30 each; minimum fee: $65.

c-5. Water curtains: $30 each; minimum fee: $65.

c-6. Reinspection fee because of noncompliance on fire suppression system violations: $75.

c-7. Sprinkler and standpipe annual inspections.

c-7-a. Period inspection-hydrant, fee per hydrant: $30.

c-7-b. Periodic inspection-hydrant, minimum fee: $65.

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

54. STATIONARY ENGINEER. Permits to operate as regulated under s. 223-9 shall be issued on an annual basis and shall be valid from January 1 until December 31.

a. The fee for the initial permit and renewals shall be $30. Failure to renew a permit within 30 days of expiration shall result in a lapse of the permit to operate.

b. Whenever a permit is allowed to lapse, the applicant shall pay a reinstatement fee of $40.

55. STREET-WALK BASEMENTS.

a. The permit fee for street-walk basements shall be computed at 1% of the cost of construction. The minimum fee shall be $50.

b. The fee for alterations shall be the same rate as a new installation.

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

56. STREET-WALK OPENINGS.

a. The permit fee for all covered openings in street walks shall be computed at $5 per square foot of openings. The minimum fee shall be $50.

b. An annual inspection maintenance fee shall be assessed thereafter at $5 for each covered opening.

c. The minimum annual fee for any one premises shall be $40. This includes new and existing installations.

d. The fee for alterations shall be computed at the same rate as a new installation.

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

57. SUBTERRANEAN SPACE LEASES. a. Applications for subterranean space leases shall be accompanied by a fee of $200.

b. There shall be a processing fee of $10 for lease. (See Air and Subterranean Space lease fee.)

58. TANKS, LIQUID STORAGE.

a. The permit fee for the installation of tanks for the storage of any liquids regulated by this code, above or underground or in buildings or structures, shall be computed at $30 for each 1,000 gallons or fraction thereof of tank capacity.

b. The minimum fee shall be $80 per tank.

c. The maximum fee shall be $240 per tank.

d. The fee for replacements shall be computed at the same rate as a new installation.

e. The permit fee for the removal or abandonment of tanks used for the storage of any liquids regulated by this code, whether above ground, underground or in buildings or structures, shall be $10 per 1,000 gallons of maximum tank capacity, with a minimum fee of $110. The permit fee for the removal or abandonment of underground home heating oil tanks in one- or 2-family dwellings shall be $60. These fees cover the first inspection and one reinspection. A fee equal to one-half the original permit fee may be assessed for each subsequent reinspection. The maximum fee shall be $290.

f. The permit fee for upgrading a tank or system shall be $15 per $1,000 of construction costs. The minimum permit fee shall be $75.

g. The permit fee for the installation of a stage II vapor recovery system shall be $160.

h. There shall be a processing fee of $8 for each permit issued.

59. TANKS, NATURAL GAS. a. The permit fee for the installation of tanks or holders for manufactured or natural gas shall be computed at $0.15 for each 100 cubic feet of maximum capacity of each tank.

b. The fee for replacements shall be computed at the same rate as a new installation.

c. Minimum fee: $80.

d. Maximum fee: $240.

e. The permit fee for tanks used for temporary heat (less than 90 days) shall be $30.

60. TEMPORARY BUILDINGS AND STRUCTURES. The permit fee for temporary buildings and structures, as permitted in ch. 239, but not including any seasonal market, temporary real estate sales office, temporary concrete/batch plant or live entertainment special event, as these terms are defined in s. 295-201, shall be $75 for 3 months.

60.5. TEMPORARY USES. The fee for a temporary use permit, as provided for in s. 295-305, shall be $75.

61. TENTS. a. The permit fee for the erection of any tent on any one site shall be $10 for each tent.

b. The minimum fee shall be $50.

c. There shall be a processing fee of $10 for each tent permit issued.

61.5. TITLE SEARCH. The fee for a written report on pending special charges and information on pending work orders in the department shall be $50 per address.

61.7. TRAINING AND TECHNOLOGY SURCHARGE. There shall be a training and technology surcharge of 1.6% on each permit fee, plan examination fee, inspection fee, fee for service, and any other fee charged by the department of neighborhood services, with exceptions determined by the commissioner.

62. UNDERGROUND FIRE PROTECTION PIPING FOR FOAM LINES. a. The permit fee for the installation of new piping and for additions and alterations to existing underground fire protection piping for foam lines shall be $50 for each 100 feet or fraction thereof.

b. The minimum fee shall be $60.

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

64. VACANT BUILDING REGISTRATION CERTIFICATE. a. Each vacant building registration certificate shall be issued and shall be valid for 6 months from the date the certificate is issued.

b. There shall be no fee for the initial registration for each building.

c. There shall be a vacant building inspection renewal fee of $250 for each building.

d. Any building in violation of any of the provisions of s. 200-51.7 at the time of any 6-month inspection shall be charged a vacant building inspection renewal fee of $500.

e. Any building continuing to be in violation of any of the provisions of s. 200-51.7 at the time of any 6-month inspection shall be charged a vacant building inspection renewal fee in increasing increments of $250 at each renewal to a maximum of $1,000.

f. Vacant building inspection fees shall be charged against the real estate and shall be assessed and collected as a special charge. (See s. 200-51.7.)

g. A fee of $50 shall be imposed if the department is unable to gain access to the structure for the inspection pursuant to s. 200-51.7-7 at the scheduled time.

64.5. VARIANCES. The fee to petition the commissioner for a variance as provided in s. 200-16.5 shall be $100.

65. VARIANCES, STATE BUILDING CODE. a. The fee required to petition the commissioner for a variance shall be $550.

b. There shall be a processing fee of $10 for each petition issued.

66. WOOD STOVE OR PRE-FABRICATED FIREPLACES. a. The permit fee for the installation of wood stoves or prefabricated fireplaces shall be $50.

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

67. ZONING, BOARD OF APPEALS. Appeals and applications for variances and special use approvals shall be subject to the following fee schedule. Fees shall not be refunded after a notice of appeal is filed except by appeal to the board. The state of Wisconsin and its political subdivisions shall not be required to pay filing fees.

a. Notice of appeal and application for review fee: $125. An applicant filing under this subsection shall pay a filing fee which shall be applied as a credit toward any action requested by an applicant under pars. b to m. The filing fee is not refundable.

b. Dimensional variances: $350 per variance requested.

c. Use variances (per variance requested), based on lot area:

c-1. 0-10,000 square feet: $350.

c-2. 10,001-20,000 square feet: $650.

c-3. Over 20,000 square feet: $950.

d. Special uses (per special use requested) based on lot area:

d-1. 0-10,000 square feet: $300.

d-2. 10,0001-20,000 square feet: $400.

d-3. Over 20,000 square feet: $500.

e. Name changes: $300.

f. Billboards: $650 per sign face.

g. On premise signs: roof signs, freestanding signs and projecting signs:

g-1. 0-50 square feet: $250.

g-2. 51-100 square feet: $350.

g-3. Over 100 square feet: $450.

h. Transmission towers: $950.

i. Application for an extension of time to comply with conditions imposed in a previous decision of the board: $300.

j. Appeal on order of the department: $275.

L. Request for a rehearing: $275 plus all applicable fees.

m. All other requests: $275.

68. ZONING APPEALS, ORIGINAL APPLICATION REVIEW. The fee for review of a board of zoning appeals original application by department staff, when such review is required, shall be $50, except that no fee shall be required when the application pertains to a one- or 2-family dwelling.

69. ZONING, PLAN COMMISSION/ COMMON COUNCIL.

a. Planned Development.

a-1. The fee for an application to establish a planned development shall be $2,500.

a-2. The fee for a planned development amendment application shall be $1,500.

a-3. The fee for an application for a minor modification to a planned development shall be $500.

b. Overlay Zone Plan Review. The fee for plan review in a development incentive overlay zone or a site plan review overlay zone shall be $1,500.

c. Zoning Amendment. c-1. The fee for a zoning map amendment pursuant to s. 295-307, other than creation or amendment of a development incentive overlay zone or a site plan review overlay zone, shall be $1,500.

c-2. The fee for a zoning map amendment to create a development incentive overlay zone or a site plan review overlay zone shall be $2,500. The fee for a zoning map amendment to amend an existing development incentive overlay zone or site plan review overlay zone shall be $1,500.

d. Overlay Zone-related Appeal. The fee for an application to appeal denial of a permit based on failure to meet development, performance or design standards of an overlay zone shall be $150.

e. Deviation From a Performance or Design Standard of an Overlay Zone. The application fee for a deviation from a performance or design standard of an overlay zone shall be $150.

f. All fees under this subsection are nonrefundable.

70. ZONING STATEMENT. The required fee for a signed statement as to current zoning shall be $100 plus $75 per hour for research.

SUBCHAPTER 6
ADDITIONAL PERMIT REGULATIONS

200-34. Indemnity. Any person to whom a permit, certificate of occupancy or approval is issued under this code, shall agree by the acceptance thereof to hold the city harmless and free from claims of any person that may be caused by or arise from any excavation, fill, use, construction or operation of any kind. The permitted construction, approval, use or operation shall be conditional upon such agreement.

200-35. Other City Permits, Certificates or Licenses. No city permit, certificate or license as regulated by code which involves the occupancy or use of any premises, building, structure or equipment or any part thereof, shall be issued by any other city department or office unless the occupancy or use of the premises, buildings, structure or equipment or any part thereof complies with all of the regulations of this code, and for which another city permit, certificate or license is required.

200-36. Restriction on New Construction. Whenever the boundaries of a proposed project area have been designated by a redevelopment authority and submitted to the common council, and whenever the common council has adopted a resolution declaring such area to be blighted area in need of blight elimination, slum clearance or urban renewal project, under s. 66.1333(6)(b)1, Wis. Stats., the common council may, as part of the resolution so declaring or by separate resolution adopted by 2/3 vote, provide that no new construction shall be permitted within any such area pending the further study, preparation, processing and development of the proposed project. The restriction shall remain in force for an initial period of 6 months from its imposition. If study, preparation, processing or development of the project are actively continuing upon the expiration of the initial or any renewal period, the restriction may be successively renewed by like resolutions for like periods. While the restriction remains in force, no agency, board, or commission may authorize any new construction contrary to the terms of the restrictions, unless the common council has determined by resolution that a particular application should be granted, on reasonable conditions to be specified therein, to relieve or avoid substantial damage to the applicant, and that such permission will not substantially interfere with the development of the proposed project. No restriction imposed under this section shall be construed to prohibit any work of ordinary repair or maintenance, or to prohibit changes necessary to continue occupancy under any regulatory order of a public agency, board or commission.

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SUBCHAPTER 7
ALTERATIONS, REPAIRS, ADDITIONS
AND DETERIORATION OF
BUILDINGS AND STRUCTURES

200-37. Alterations. When not in conflict with any regulation of this code, any alterations or repairs to any existing building or structure accommodating a legal occupancy and use but of a nonconforming type of construction, which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room arrangements, fenestration, changes in location of exit stairways and exits, or any or all of them, then such construction shall be of at least one-hour fireresistive rating, and shall further be made to conform to the minimum requirements of this code applicable to such occupancy and use and given type of construction.

200-38. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure, or which do not affect room arrangements, fenestration, access to or efficiency of any exit stairways, or exits, fire protection, equipment, and which do not increase a given existing occupancy and use, shall be deemed minor repairs, the cost of which shall not be considered under ch. 295.

200-39. Alterations and Repairs Required. When any of the structural members of any building, structure or equipment have deteriorated from any cause whatsoever to an extent equal to or greater than 25% of their required strength, the owner of such a building, structure or equipment shall cause such structural members to be restored to their required strength; failing in which, the building, structure or equipment shall be considered a menace to public safety and shall be ordered vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this code are complied with.

200-40. Extent of Deterioration. The amount and extent of deterioration of any existing building, structure, or equipment, as regulated in s. 200-39, shall be determined by the commissioner.

200-41. Additions. Additions to existing buildings, structures, or equipment shall comply with all of the regulations of this code.

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SUBCHAPTER 8
OCCUPANCY AND USE

200-42. Certificate of Occupancy. 1. DEFINITION. In this section, "offer" means to communicate a willingness, desire or intent.

2. WHEN REQUIRED. a. It shall be unlawful to occupy or use, or offer to occupy or use any building, structure or premises now existing or hereafter erected unless or until a certificate of occupancy has been issued by the commissioner, except as provided in s. 200-43 and s. 295-303. A separate certificate of occupancy shall be obtained for each occupancy and use stated in ch. 295, including a commercial farming enterprise, or any other regulation of this code. A new certificate of occupancy shall be required each time there is a change in the operator or tenant of a non-residential premises.

b. It shall be unlawful to maintain, occupy or use, or offer to maintain, occupy or use, any building, structure, premises or part thereof that has been erected, constructed, altered or changed, occupied or used in violation of any regulation of this code or other laws or in violation of the code or other laws which were in effect and which applied to any existing building, structure, or premises, or part thereof at the time of its erection, construction, alteration, or change and designated occupancy or use.

c. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building, structure or premises or part thereof which is vacant under any of the following circumstances:

c-1. It has been found unfit for human habitation or use under any order issued in accordance with this code requiring the repair, alteration, vacation, removal or demolition.

c-2. It has been vacant for a period in excess of 6 months and has orders issued to the property owner by the department.

c-3. It is subject to orders regulating vacant buildings under s. 275-32-7 and the order specified that the internal conditions of the property do not comply with code requirements and that a certificate of occupancy shall be obtained.

d. Where any of the conditions described in pars. c-1 and 3 are found, the premises shall be placarded and shall not be occupied until a certificate of occupancy is first obtained.

e. Unless and until a new certificate of occupancy has been issued by the commissioner, it shall be unlawful to occupy any building or structure if it has been licensed as a rooming house, the license expires and is not renewed, or the license is revoked.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school, or a daycare or a rooming house, or a tavern, fast food/carryout restaurant as defined under s. s. 295-201-499 or a sit-down restaurant, as defined under s. 295-201-501, or where otherwise requested, the commissioner shall issue a certificate of occupancy:

a-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.

a-2. After an inspection or reinspection of the building, structure, premises or part thereof by the commissioner of neighborhood services finds no violations of the regulations of this code applicable to the proposed use.

b. Unless otherwise required by law, in the case of a proposed use, as described in ch. SPS 362, Wis. Adm. Code, as amended, that is within the same group of uses as the prior use, or in the case of a proposed use that is not within the same group of uses as the prior use and that is less hazardous, based on life and fire risk, than the prior use, except whenever the proposed use is an elementary or secondary school, a daycare, a rooming house, a tavern, fast food/carryout restaurant as defined under s. 295-20-449 or a sit-down restaurant, as defined under s. 295-201-501, or if otherwise requested, the commissioner of city development shall issue a certificate of occupancy indicating conformance with the use requirements set forth in ch. 295 and:

b-1. After an application has been filed in the commissioner's office by the owner, agent or tenant.

b-2. After investigation it is found that such building, structure, premises or part thereof complies with all zoning laws applicable to its use.

b-4. After a zoning inspection to determine that the building, structure, premises or part thereof complies with all applicable zoning regulations, if the proposed use is for light or heavy motor vehicle uses including sales, rental and repair facilities, body shops, outdoor storage, and parking lots where parking is the principal use of the premises.

c. If a building, structure, premises or part thereof has been vacant for more than 6 months, the inspection requirements set forth in par. a shall apply.

d. No certificate of occupancy for a family day care home shall be issued by the commissioner of neighborhood services unless the applicant for the certificate provides the commissioner with documentation indicating that the dwelling unit for which the certificate is sought is licensed as a family day care center by the Wisconsin department of children and families under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Adm. Code, or certified as a day care center for not more than 8 children by Milwaukee county.

4. REQUIRED INFORMATION. a. Such certificates of occupancy shall indicate the edition of the building code under which the certificate is issued, the use of the building, structure or premises or part thereof, the type of construction of the building, whether an automatic system is provided, any special stipulations and conditions under which the certificate is issued and whether any variances were issued.

b. An application for a certificate of occupancy submitted by a tenant or prospective buyer shall be accompanied by a written statement by the applicant that the owner or owner's agent has granted permission for the necessary inspections of the premises.

5. CERTIFICATE TO BE POSTED. The certificate of occupancy shall be posted in a conspicuous place in the building, structure or on the premises except one-family and 2-family dwellings and accessory buildings or structures thereto.

6. PENALTY. Any person who violates any of the provisions of this section shall be subject to penalty pursuant to s. 200-19.

200-43. Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the commissioner of neighborhood services for the temporary occupancy and use of any building, structure or premises or part thereof, prior to the completion of the same and the issuance of a final certificate of occupancy, provided that such occupancy or use would not jeopardize life, health or property. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures over and above any code requirements to safeguard the public as a condition of the issuance of a temporary certificate of occupancy.

200-44. Nonconforming Occupancy or Use of Building. Nothing in this code shall require the removal, alteration, or abandonment of, nor prevent the continuance of a legal nonconforming original or changed occupancy or use of a building, structure, or premises or part thereof, lawfully existing at the time of the adoption of this code, except as required by the provisions of s. 295-415. Legal nonconforming structures can be converted to less restrictive occupancies provided said occupancy complies with the regulations of ch. 295.

200-45. Approval of Existing Occupancies. Upon written request from an owner, the commissioner of neighborhood services shall certify and issue a certificate of legality for the continuance of an existing occupancy or use of any existing building, structure, premises, or part thereof, if, after verification of the records on file in the commissioner of neighborhood services' office, and after inspection, it is found that the occupancy or use is a permitted and lawful occupancy or use under current code requirements, and, provided further, that no fire hazards or other hazards are found in the building, structure, premises or part thereof.

200-46. Changes in Occupancy or Use. 1. No change in any occupancy or use as described in ch. SPS 362, Wis. Adm. Code, as amended, of an existing building, structure, premises or part thereof shall be permitted that is not consistent with a lawful occupancy or use permitted under a prior certificate of occupancy, or which is not based upon the requirements applicable to types of construction and zoning as regulated by this code.

2. No change from one group of occupancies to another group of occupancies as provided in ch. SPS 362, Wis. Adm. Code, as amended, shall be permitted unless after inspection it is found that the building, structure, premises or part thereof conforms to the regulations of this code relating to the proposed new occupancy and use and required types of construction.

200-47. Authority for Change in Occupancies and Uses. The commissioner is authorized to approve any change in the occupancy and use of any existing building, structure, or premises or part thereof within any one group of occupancies and uses, as regulated by this code, if the proposed occupancy or use does not fully conform to all of the regulations of this code applicable thereto, provided it is obvious that such change in the occupancy or use will not extend or increase the hazards of fire, health, and public safety, and when not in violation of the regulations of ch. 295.

200-48. Abandonment of Occupancy, Use Rights and Privileges. Whenever a lawful nonconforming occupancy or use of any existing building, or structure, premises or part thereof is changed to an occupancy or use conforming to the regulations of ch. 295 or to a conforming type of construction applicable to such building, structure, premises, or part thereof, as regulated by this code, thereafter any such existing building, structure, premises or part thereof shall not again be occupied or used for any nonconforming occupancy and use rights and privileges. If a nonconforming building or structure, or use is abandoned for one year, the legal nonconforming use of occupancy of that building or structure shall cease and the use of that building or structure shall thereafter be restricted to a legal use or occupancy. If a nonconforming open storage occupancy and use on any premises is vacated for a period of 6 months, then any future occupancy and use of the premises shall conform to the regulations of ch. 295.

200-49. Voiding of Occupancy Applications. If an applicant for a certificate of occupancy does not make use of the application, either by not using the premises or not complying with required regulations of the code within a period of 6 months, such application shall be declared void and no new use of the premises shall be made until a new certificate of occupancy or certificate of zoning has been procured.

200-50. Change in Floor Loads. If the occupancy or use of any existing building or structure or part thereof is changed to any occupancy or use permitted by this code but imposing greater floor loads, then the structural and load carrying portions of such building or structure shall be strengthened to conform with the regulations of this code for such new occupancy or use.

200-51. Rental Units. 1. INSPECTION. Any owner of a rental dwelling unit may request that such unit be inspected by the commissioner. The commissioner shall examine such dwellings to determine if they conform to code standards. Should the commissioner find code violations, the appropriate building code orders will be issued.

2. ISSUANCE OF CERTIFICATE. Once the dwelling unit or units conform to code, the commissioner shall issue a certificate of occupancy which shall contain the following information:

a. The address of the property.

b. The owner's name.

c. A statement specifying that the dwelling unit conforms to all requirements of ch. 275.

d. The date of such conformance.

e. The signature of the commissioner.

200-51.5. Property Registration. 1. PURPOSE. Registration of residential and commercial buildings, and condominium units and associations is essential for the proper enforcement of the city's building and zoning code and to safeguard persons, property and general welfare.

2. DEFINITIONS.

a. "Address" means any location at which first-class mail can be received.

b. “Authorized contact person” means a natural person with charge, care and control of the property, and in the case of a condominium association, a condominium resident agent.

c. “Condominium association” means an association, as defined in s. 703.02 (1m), Wis. Stats.

d. "Condominium-resident agent" means a resident agent as defined in s. 703.23, Wis. Stats.

e. "Common elements" means common elements as defined in s. 703.02 (2), Wis. Stats.

f. "Domicile" means the building or unit at issue which is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. It is the one residence that controls for determining the owner's legal rights and privileges such as voting rights, vehicle registration, driver licensure.

g. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to present use and enjoyment of the premises. The term includes, but is not limited to, a trustee, a trust, a life-estateholder, a remainderman, a condominium association, a land contract grantee (buyer), a general partnership, a limited partnership, a limited liability partnership, a corporation, a limited liability company, and a cooperative.

h. "Owner-occupied" means the owner is domiciled in the subject building or unit.

3. REGISTRATION REQUIRED.

a. Registration Required. Except as specified in sub. 4, the following shall file with the department on forms provided by the department, a registration in compliance with this section:

a-1. Owners of residential or commercial buildings. One registration form for each tax-key-numbered parcel containing a residential or commercial building.

a-2. Owners of commercial condominium units. One registration form for each tax-key-numbered unit.

a-3. Owners of non-owner-occupied residential condominium units. One registration form for each tax-key-numbered unit.

a-4. Condominium associations. One registration form for the common elements that are part of the condominium.

b. Multiple Buildings on Same Tax-Key Number. Multiple buildings on a parcel with a single tax key number shall be registered on one application.

c. Registration After Death. In the event of death of the owner of a building or condominium unit required to be registered under this section, the subsequent owner shall file an application within 15 days after conveyance from the estate or other acquisition of interest. In the event of death of an authorized contact person required under this section, the owner or condominium association, as the case may be, shall have 60 days after that death to file an application naming a new authorized contact person.

d. Registration After Conveyance or Change in Ownership. In the event of any conveyance of any building or condominium unit required to be registered under this section, the new owner shall file a new registration form and pay the fee required within 15 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 15 days of the date of court-confirmation of the sale. New registration forms are required in the event of change in ownership, including, but not limited to, conveyances between an individual and a business entity, and conveyances between business entities.

4. EXCEPTIONS. The following are exempt from having to file registration forms required under this section:

a. Owners of owner-occupied one and 2-family buildings where the ownership is recorded with the Milwaukee county register of deeds.

b. Owners of owner-occupied residential-condominium units where the ownership is recorded with the Milwaukee county register of deeds.

c. Owners of jails, convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the Milwaukee county register of deeds.

d. Owners of hospitals and residential facilities licensed by the city of Milwaukee or the state of Wisconsin where the ownership is recorded with the Milwaukee county register of deeds.

e. Government-owned buildings where the ownership is recorded with the Milwaukee county register of deeds.

f. Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the Milwaukee county register of deeds until actual occupancy of any such building or any unit in any such building commences.

g. Owners of residential and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file a registration form unless otherwise exempt under this subsection.

h. Condominium associations responsible for 2-unit residential buildings.

5. REGISTRATION FORM. Registration forms shall be provided by the department and shall at least contain the following:

a. The tax-key number and address of the parcel containing the residential or commercial building or condominium unit.

b. The legal name of the property owner.

c. The legal name, address and telephone number of the authorized contact person.

6. REGISTRATION FEES; FEE EXCEPTIONS; CHANGES IN INFORMATION.

a. If any information listed on a previously filed registration form changes, within 15 days of the change in information a new registration form shall be filed with, and the requisite fee shall be paid to, the department. Any registration form filed later than that 15-day period shall result in doubling of the fee and subject the required filer to sanctions.

b. Except as provided in par. a, there shall be no fee for the filing of an amendment to an existing registration form where the change in information does not involve a change of ownership interest in the property; where the change in information is associated with a land-contract buyer paying off the land contract and becoming the fee-title holder or with the land-contract relationship otherwise being extinguished; or where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

c. There shall be no fee for the filing of a registration form, but a registration form is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a grantee with a life estate, or an estate for years, or where the grantor has made a conveyance but reserved a life estate, or an estate for years, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one of the grantors or one of the grantees is domiciled in the building or unit after the conveyance.

d. There shall be no fee for the filing of a registration form, but a registration form is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a trust, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one trust settler or one trust beneficiary is domiciled in the building or unit after the conveyance.

e. The commissioner may refund fees paid in error to the department.

f. See s. 200-33-44.2 and 44.3 for fees associated with this section.

7. SELLER NOTIFICATION FORMS.

a. The department shall provide seller notification forms.

b. An owner who conveys any ownership interest in any building or condominium unit required to be registered under this section shall file a seller notification form with the department within 15 days of the conveyance, providing the name and address of the buyer and date of conveyance. There shall be no fee for the filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying owner was also required, but failed to, file a registration form under this section.

c. Upon satisfaction of a land contract registered under this section, the land-contract seller shall file a seller notification form with the department within 15 days after the satisfaction, providing the name and address of the land-contract buyer and date of conveyance in satisfaction of the land contract. There shall be no fee for the timely filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying land-contract seller was also required, but failed to, file a registration form under this section.

8. SERVICE OF ORDER. a. Any order issued under this section shall identify the section of the code to which the order applies in accordance with s. 200-12-2-b.

b. Service of orders shall be in accordance with s. 200-12-3.

c. The order may also be posted on the premises.

d. The commissioner may issue an order to the owner, the condominium association, the condominium-resident agent, or the authorized contact person, requiring the owner or condominium association to comply with this section.

9. ENFORCEMENT; SANCTIONS.

a. Enforcement Fee. If there is a failure to comply within the time set forth in any order issued under this section, or a failure to file an application as required under this section within the time set forth in this section, the commissioner may assess the owner or association a monthly registration enforcement fee under s. 200-33-44.3 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law.

b. Penalties. Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any application required under this section shall be subject to the penalties provided in s. 200-19. Any authorized contact person providing false, misleading or fraudulent information on any registration form required under this section shall also be subject to the penalties provided in s. 200-19.

10. APPEALS. Appeals of orders and notices under this section shall be made pursuant to s. 200-17.

200-51.7. Vacant Building Registration.

1. FINDINGS. The common council finds that a significant relationship exists between vacant buildings and increased calls for service for police services, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Vacant buildings become havens for vandalism, arson and drug crimes, representing not only a clear drain of valuable governmental resources, but also creating a significant reduction of the quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of vacant properties helps stabilize and improve impacted neighborhoods and helps in the development of code enforcement efforts as well as public safety. The common council further finds that a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety. The common council therefore directs the chief of police, fire chief and the commissioner of neighborhood services, as provided in this section, to charge the owner or entity functioning as a trustee of an owner of such property the costs of any public safety services rendered to the property while non-compliant with this section.

2. PURPOSE. Registering of residential buildings or any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare. Residential condominium and rental units are excluded from this section provided the vacancy rate of the building they are situated in does not exceed 95%.

3. DEFINITIONS. In this section:

a. "Owner" means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

b. "Secured" means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.

c. "Vacant" means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant. An owner occupied single family home or owner occupied 2-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.

d. "Violation" means that an order has been issued by the department and the conditions forming the basis for the order have not been fully abated.

e. "Unsecured" means any building that does not meet the definition of secured.

4. REGISTRATION REQUIRED.

a. The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement and pay a registration fee as prescribed in s. 200-33-64 for each such building with the department on forms provided by the department.

b. In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this section. This person shall reside within the 7-county area as described in s. 200-51.5-2-j.

c. The owner shall be required to renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee as

prescribed in s. 200-33-64 for each registered building.

d. If, at the time of any 6-month inspection by the city, the building is in violation of any provision of this section, the owner shall pay a vacant building inspection renewal fee as provided in s. 200-33-64.

5. EXEMPTIONS. The following are exempt from the provisions of this section:

a. Property owned by governmental bodies and the housing authority.

b. Abandoned residential property pending foreclosure while subject to s. 200-22.5.

c. Property that is vacant as a result of a natural disaster and covered by emergency response requirements issued by the commissioner.

d. d-1. Property that is undergoing an active renovation or rehabilitation, provided a written plan for such renovation or rehabilitation has been submitted to and approved by the commissioner in accordance with subd. 2. The commissioner may revoke his or her approval of an exemption under this paragraph for violation of any condition or provision of application for such approval, for violation of any ordinance, law, lawful order or Wisconsin statute relating to the property, or if in the opinion of the commissioner the continuation of the exemption will be contrary to this section's purpose of safeguarding persons, property and general welfare.

d-2. An owner may request an exemption pursuant to subd. 1 by filing with the commissioner a written application and plan for the subject renovation or rehabilitation on a form furnished for such purpose. All plans submitted for approval shall include:

d-2-a. The legal description of the lot or parcel of land as obtained from official records.

d-2-b. The name and address of the owner of the premises.

d-2-c. The name and address of the person or contractor completing the work.

d-2-d A detailed description of the renovation or rehabilitation.

d-2-e. The projected cost of the renovation or rehabilitation.

d-2-f. The time frame for completion of the renovation or rehabilitation.

e. A single family home or owner-occupied 2-family dwelling residential property that has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.

f. Residential condominium and rental units in buildings whose vacancy rate does not exceed 95%.

g. Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides in the 7 county area as defined in 200-51.5-2-j.

6. OWNER RESPONSIBILITIES. The owner of any building that has become vacant shall:

a. Enclose and secure the building as provided in sub. 7.

b. Maintain the building in a secure and closed condition until the building is again occupied or demolished.

c. Acquire or otherwise maintain liability insurance in an amount not less than $300,000 for buildings designed primarily for residential use and not less than $1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the commissioner.

7. MINIMUM REQUIREMENTS FOR VACANT BUILDINGS. The owner of any vacant building for which registration is required by this section shall provide access to the city to conduct an exterior and interior inspection of the building to determine compliance with this section, following reasonable notice. If any owner of a vacant building does not provide access to the property at the scheduled time, the commissioner may apply for and obtain a special inspection warrant pursuant to s. 66.0119, Wis. Stats. In addition, failure to provide access to the property at the scheduled time shall subject the property owner to the fees specified in s. 200-33-64-g. In addition to any other applicable requirements, vacant buildings shall comply with the following requirements**:**

a. Lot Maintenance Standards. Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following:

a-1. All grass and weeds on the premises including abutting sidewalks, gutters and alleys shall be kept below 9 inches in height and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.

a-2. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with s. 79-13.

a-3 Junk, rubbish, waste and any material that creates a health, safety or fire hazard, including but not limited to any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.

a-4. No portion of the lot nor any structure, vehicle, receptacle or object on the premises shall be maintained or operated in any manner that causes or produces any health or safety hazard or permits the premises to become a rodent harborage or is conducive to rodent harborage.

a-5. The lot shall be maintained so that water does not accumulate or stand on the ground.

a-6. All fences and gates shall be maintained in sound condition and in good repair.

b. Exterior Maintenance Standards. The exterior of the building shall be enclosed, secured and maintained to meet the following:

b-1. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition adequate to support the building and protected against the entry of rodents or other animals.

b-2. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals.

b-3. Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building, or the opening shall be secured in accordance with s. 275-32-7. The windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition. All points of possible ingress and egress shall be secured to prevent unauthorized entry.

b-4. The roof shall be adequately supported and maintained in weathertight condition; the gutters, downspouts, scuppers and appropriate flashing shall be in good repair and adequate to remove the water from the building.

b-5. Chimneys and flues shall be kept in sound, functional, weathertight condition and in good repair.

b-6. Every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose.

c. Interior Maintenance Standards. The interior of any building shall be maintained in accordance with the following:

c-1. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for rodents or other animals.

c-2. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.

c-3. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.

c-4. Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the department, and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.

c-5. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.

c-6. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

d. Building Security Standards. The following apply to the securing of vacant buildings:

d-1. All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of s. 275-32-7.

d-2. If a building has been vacant for 6 months or longer, or upon any renewal of the registration statement, the building owner shall implement and provide proof satisfactory to the department that in addition to complying with the security standards in subd. 1, it is secured. If the building fails to be secured as determined by the commissioner or the commissioner's designee, then the building shall be boarded in accordance with s. 275-32-7.

d-3. If the owner has provided proof that a building is secured and based on an inspection by the department the building is found to be in violation, the commissioner shall send by first class mail a written notice of the violation to the person responsible for day-to-day supervision

and management of the building or to the authorized agent for service of process or to the owner of record. Within 30 days of the mailing of the notice of violation, the owner shall be required to either comply with subd. 2 or restore the building to a secured state and also install and maintain a working alarm system. The alarm system shall connect to all areas of the building subject to unauthorized human entry, including but not limited to, all exterior doors, windows or other readily accessible openings. The alarm system shall, upon detecting unauthorized entry, send an automatic signal to a licensed alarm business that has 24-hour live operators who will monitor the system and contact the building owner or designated agent.

8. ISSUANCE OF MODIFICATIONS. Upon written application by an owner or an owner's agent, the commissioner may approve a modification of any provision of this section, including the requirement for inspections and fees, provided the spirit and functional intent of the section will be observed and the public health, welfare and safety will be assured. The decision of the commissioner concerning a modification shall be made in writing and the application for a modification and the decision of the commissioner concerning such modification shall be retained in the permanent records of the department.

9. RULES AND REGULATIONS. The commissioner may issue rules and regulations for the administration of this section. These rules may specify additional board-up materials which may be used when securing a building, if proof is provided satisfactory to the commissioner that the materials will perform in a manner equivalent to, or better than, the materials specified in this section.

10. PENALTY. a. Failure to Register. Any property owner or entity functioning as a trustee of an owner, that fails to register a vacant building as required under sub. 4 shall, upon conviction, forfeit not less than $500 nor more than $2,000, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

b. Failure to Secure and Maintain. Any property owner or entity functioning as a trustee of an owner, having a duty to register a vacant building that fails its duty to secure and maintain the property as required under sub. 6 or 7 shall, upon conviction, forfeit not less than $350 nor more than $1,500, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

10.5. MAINTENANCE OR SECURING OF VACANT BUILDING BY CITY. a. Common Council Findings. Notwithstanding the penalty provisions of sub. 10, the commissioner shall promptly, pursuant to s. 66.0119, Wis. Stats., petition the court for a special inspection warrant to enter upon the premises of a vacant building and immediately take all actions necessary to ensure the building is compliant with subs. 6-a and b and 7 if the common council, by resolution, makes findings that:

a-1. The property owner or entity functioning as a trustee of the owner has failed to secure and maintain the property as required by sub. 6 or 7.

a-2. The lack of proper securing or maintenance of the property by the owner or entity functioning as a trustee of the owner is resulting in the permissive waste of the property.

a-3. The property is of substantial and extraordinary historic, architectural or commercial value to the surrounding neighborhood and to the city as a whole.

b. Cost Recovery. Whenever, pursuant to this subsection, the commissioner takes actions necessary to ensure that a building is compliant with subs. 6-a and b and 7, all costs of such actions shall be charged as a lien upon the property and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

11. CHARGE FOR PUBLIC SAFETY SERVICES. a. Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this section. The chief of police or fire chief shall provide a record of each service rendered to the property and the costs of services, investigation, administration and enforcement to the commissioner of neighborhood services. The costs of the services, investigation, administration and enforcement by any police or fire personnel may be charged to the owner or entity functioning as a trustee of an owner and in whole or in part. Appeal of the determination of the chief of police or fire chief imposing costs against the owner or entity functioning as a trustee of an owner may be submitted to the administrative review appeals board as provided by s. 320-11.

b. Cost Recovery. Upon receipt of a cost referral letter from the chief of police or fire chief pursuant to par. a., the commissioner of neighborhood services shall charge any premises owner or entity functioning as a trustee of an owner found to be in violation of this section the costs of enforcement, including administrative costs, in full or in part. A notice of intent to charge shall be issued to the premises owner or entity functioning as a trustee of an owner along with notice that, if the property is brought into compliance with the vacant building registration program within 30 days of the notice, the public safety service charge shall not be issued. If the property is not brought into compliance within 30 days, all costs shall be charged as a lien upon such premises and may be assessed and collected as a special charge. The commissioner shall establish a reasonable charge for the costs of administration and enforcement of this section.

200-51.8. Hazardous Vacant Building Placarding Program.

1. DEFINITION. In this section, "hazardous vacant building" means any building or other structure that is vacant or abandoned within the meaning of s. 200-51.7-3 and has been ordered closed, removed, shutdown or otherwise vacated under s. 200-12, 200-12.5, 218-4, 218-9 or by court order.

2. WARNING PLACARD AUTHORIZED. The fire chief is authorized to:

a. Mark any hazardous vacant or abandoned building with a first responder warning placard alerting first responders to the existence of the structural or interior hazards at the building of the type that warrant extreme caution when conducting interior firefighting or rescue operations at such building or exterior operations with entry only occurring for known life hazards.

b. Remove a first responder warning placard when the authority responsible for ordering the building closed, removed, shutdown or otherwise vacated lifts the applicable order or otherwise determines that the building is no longer a hazardous vacant building.

3. PLACARD DESIGN AND PLACEMENT. Any hazardous vacant building determined by the fire department to be especially unsafe in case of fire, under s. 110.1.1, International Fire Code, as amended, shall be identified and marked with one or more first responder warning placards in accordance with the following:

a. Design of Placards.

a-1. A square with a diagonal line from the bottom left corner to the upper right corner shall mean that structural or interior hazards exist and interior firefighting or rescue operations should be conducted with extreme caution.

a-2. A square with 2 diagonal lines, one from the bottom left corner to the upper right corner and another from the bottom right corner to the upper left corner, shall mean that structural or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, with entry only occurring for known life hazards in a known location.

a-3. Additional symbols consistent with current Milwaukee fire department policy shall be used to further designate descriptive hazards on the hazardous vacant building placard.

b. Location and visibility.

b-1. The placard shall be applied on the front of the hazardous vacant building and be visible from the street. Additional placards may be applied to the side of each entrance to the building and on penthouses.

b-2. Each placard shall be 16 inches by 16 inches minimum in size with a white background, orange reflective stripes and an orange reflective border. The stripes and border shall have a 1-inch minimum stroke.

b-3. Symbols shall include red lettering 3 inches minimum in height.

c. Inspections. Prior to receiving a placard, every hazardous vacant building shall be inspected by the department of neighborhood services or a representative of the fire chief.

4. REMOVAL OF PLACARD PROHIBITED. It shall be unlawful for any person, other than authorized city officials or their respective designees, to cover, obliterate, deface, damage or remove any first responder warning placard unless written permission to engage in such activity has first been obtained from the fire chief.

5. NOTICE OF DEMOLITION REQUIRED. If any building marked with a first responder warning placard is to be wrecked, demolished or razed, the owner of the building or the owner's agent shall notify the department of neighborhood services for proper removal.

6. PENALTY FOR VIOLATION. Any person who violates any requirement of this section shall be fined not less than $500 nor more than $1,000 for each offense.

7. RULES AND REGULATIONS. The fire chief is authorized to promulgate rules and regulations necessary or appropriate to implement the requirements of this section, including, but not limited to, rules and regulations pertaining to the location, number, size, color, reflective marking, date of application, design, construction, use, symbols or removal of first responder warning placards per current Milwaukee fire department policy.

8. CONSTRUCTION OF SECTION. The marking of a building with a first responder warning placard is informational only and shall not be construed to limit in any way the discretion of the on-scene incident commander or similar fire department personnel. The absence of such warning placard on any building shall not be construed to mean that entry to such building is permitted or that such building is safe or otherwise free of dangerous and hazardous conditions.

200-51.9. Registration of Rental Property and Rental Units. Notwithstanding the provisions of ss. 200-22.5, 200-51.5, 200-51.7 or any other real-property registration ordinance, the only information that shall be required to register a rental property or rental unit is:

1. The name of the owner.

2. The name of an authorized contact person, as defined in s. 200-51.5-2-a.

3. The address at which the authorized contact person may be contacted.

4. The telephone number at which the authorized contact person may be contacted.

200-55. Home Occupations.

1. PURPOSE AND INTENT. The purpose and intent of this section is to permit residents of the city a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income. This section is also intended to protect residential areas from adverse impacts of activities associated with certain home occupations.

2. CERTIFICATE REQUIRED. Any person engaged in a home business requiring a license or permit from the city must first obtain a certificate of home occupation from the commissioner of neighborhood services and pay the fee specified in s. 200-33-24.5. An application for a certificate of home occupation shall be filed with the department of neighborhood services on forms provided by the department. An inspection may be required prior to issuance of the certificate.

3. REQUIREMENTS. All home occupations shall comply with the requirements provided in ss. 295-503-3-c, 295-603-4-c and 295-803-4-c.

200-57. Community Garden Permit.

1. PERMIT REQUIRED. No person may establish or maintain a community garden without first obtaining a community garden permit from the commissioner of city development or the commissioner's designee.

2. APPLICATION. Application for a community garden permit shall be made on a form provided therefor by the commissioner or designee. The application shall contain the following information:

a. The name of the organization that will be operating the community garden, as well as the name, address and home telephone number of an authorized representative of the organization who will be responsible for overall operation of the community garden.

b. The types of vegetables, fruits, flowers or other plants that are expected to be grown on the site.

c. The anticipated daily hours of operation of the community garden.

d. The average and maximum numbers of persons expected to be present at the community garden on a given day.

e. A description of pedestrian and vehicular access to the site.

f. A description of where persons coming to the community garden by motor vehicle are likely to park their vehicles, including any parking restrictions in effect in the anticipated parking area.

g. Whether any motorized vehicles or farm equipment will be brought onto the site, including the means of transporting the vehicles or equipment to and from the site and any provisions for storing the vehicles or equipment on the site.

h. Whether operation of the community garden will involve the application of pesticides or herbicides and, if so, information on the types of pesticides or herbicides that will be applied, the name of the individual or business who will be making the application and a description of measures that will be taken to warn persons entering the community garden site of the presence of these chemicals.

3. COMMUNITY OUTREACH. At the time of submitting an application for a community garden permit, the applicant shall submit to the commissioner of city development or the commissioner's designee a description of the applicant's outreach to the surrounding neighborhood to develop public awareness of, and support for, the proposed community garden. The outreach may include, but shall not be limited to, circulation of petitions of support or distribution of fliers in the surrounding neighborhood.

4. APPROVAL OR DENIAL OF PERMIT. Upon receipt of a completed application for a community garden permit, the commissioner of city development or the commissioner's designee shall submit the application to the local common council member for review. The commissioner or commissioner's designee shall approve and issue the permit unless the common council member, within 10 days of receipt of the application, notifies the commissioner or commissioner's designee that the local common council member opposes issuance of the permit. The commissioner shall issue a permit unless:

a. The applicant is not a group of individuals or a public or non-profit organization, in which case the applicant does not fit the definition of "community garden" in s. 295-201.

b. The applicant has had a community garden permit revoked at some time in the past 3 years.

c. Operation of the community garden will unreasonably disrupt the safe and orderly use of any street, alley or other public place as a result of vehicular traffic or parking related to the community garden.

d. Operation of the community garden will degrade the surface of the adjacent public right-of-way through the tracking of dirt and other materials onto the public right-of-way, damaging of turf, creation of ruts, damaging of curbs and so forth.

e. Operation of the community garden will occur at such hours or at such intensity as to disturb the peace of the surrounding neighborhood.

f. The community garden will not be in compliance with all applicable standards and requirements of this code.

g. The common council member in whose district the community garden will be located opposes the issuance of the permit based on the criteria in pars. a to f.

5. FEE. There shall be no fee for a community garden permit.

6. DROP OFF CENTER USE. The authorized representative of the organization approved for a community garden permit, or his/her designee, may dispose of debris or litter resulting from gardening activities and garden management at the city's drop off centers without charge.

7. REVOCATION OF PERMIT. The commissioner of neighborhood services may revoke a community garden permit upon determining that the community garden is not in compliance with any provision of this chapter or ch. 68, 78, 79 or 275.

8. APPEAL. An applicant whose application for a community garden permit has been denied, or a permit holder whose permit has been revoked, may appeal the denial or revocation to the standards and appeals commission in accordance with the provisions of s. 200-17.

200-61. Architectural Review Board.

1. PURPOSE AND FINDINGS. The common council finds that the physical and architectural character of certain neighborhoods and locations in the city require special regulation with respect to the alteration, rehabilitation and construction of buildings, structures or sites because of significant historical, cultural, social or commercial attributes. In order to promote this goal, an architectural review board is created to review all applications for the alteration, rehabilitation or construction of any building, structure or site in a designated district, except for those exempted under sub. 9, prior to the

issuance of permits under s. 200-24 by the department of city development.

2. DEFINITIONS. In this section:

a. "Alteration" means any material change in the exterior appearance of any building, structure or site in the district.

b. "Board" means the architectural review board.

c. "Certificate of appropriateness" means a certificate issued by the board approving the alteration, rehabilitation or construction of any building, structure or site in the district.

d. "Design guidelines" means guidelines adopted by the common council for the alteration, rehabilitation or construction of any building, structure or site in the district.

e. "District" means the area designated by common council resolution 870501 as business improvement district #2 or the area designated by common council resolution 110693 as the East Side architectural review district. “District” also means such additional areas as may be designated by the common council. Each district created hereunder shall have a separate board.

f. "Rehabilitation" means the improvement of property through repair or alteration.

g. Structure shall include, but is not limited to, a temporary or permanent sign or advertisement placed or erected on the exteriorof any building, structure, site or in the public way in the district.

3. COMPOSITION. a. The board shall be composed of 7 members. The members shall consist of one member of the historic preservation commission appointed by its chair; the commissioner of the department of neighborhood services or the commissioner’s designee; one member of the common council representing the district under sub. 2-e or the council member’s designee, and 4 citizen members appointed by the mayor and confirmed by the common council. A majority of the citizen members shall own or occupy property in the district. Citizen members and the historic preservation commission member shall be appointed for terms of 3 years or until their successors are appointed and confirmed. Members may be reappointed to succeeding terms.

a-1. The common council board member may designate an alternate in writing by filing with the city clerk’s office. The alternate may represent the common council member and exercise all powers of the member when such member is unable to attend board meetings.

b. With respect to any board for any district created after February 18, 2005, 2 of the initial citizen members shall be appointed for one year; one for 2 years and one for 3 years.

c. Citizen members shall be exempt from city service provisions.

d. Citizen members may be removed for cause by the mayor.

e. Board members shall receive no compensation.

f. No member of the board shall vote on any matter that materially affects the property, income or business interest of that member or creates the appearance of a conflict of interest.

4. FUNCTIONS, POWERS AND DUTIES. The board shall:

a. Adopt by-laws, rules and procedures concerning the operation of the board.

b. Designate one of its citizen members, or retain the services of a consultant, as its administrative officer to perform administrative functions pursuant to the direction of the board and to draft decisions, findings and orders for consideration by the board.

c. Utilize the design guidelines when reviewing applications for certificates of appropriateness for the alteration, rehabilitation and construction of buildings, structures and sites in the district.

d. Issue certificates of appropriateness with or without conditions for the alteration, rehabilitation or construction of any building, structure or site in the district.

e. Advise and assist property owners and other persons and groups, regarding the design guidelines, programs and regulations concerning the district.

f. Work closely with the department of neighborhood services to provide training and technical assistance on issues relating to the design, preservation, repair, renovation and maintenance of buildings, structures and sites in the district.

g. Make recommendations to the common council regarding amendments to the design guidelines and the designation of additional areas for inclusion in the district.

5. CERTIFICATE OF APPROPRIATENESS. No person or entity shall, with respect to the exterior of any building, structure or site in the district, alter, rehabilitate, or reconstruct all or any part of, undertake any new construction with respect to, or permit any work to be performed upon a building, structure or site, nor shall the commissioner of city development issue a permit for any such work unless a certificate of appropriateness has been issued by the board, as provided in this subsection.

a. Application. Applications for a certificate of appropriateness shall be obtained from and filed with the district office which address shall be on file in the city clerk's office.

b. Review.

b-1. Upon receipt of an application for a certificate of appropriateness for the alteration, rehabilitation or construction of any building, structure or site in the district, the board shall review it at its next regular meeting, provided the application is complete and is received before the board's published deadline for the receipt of applications.

b-2. The board may designate one or more persons to administratively approve applications for certificates of appropriateness that comply with the design guidelines without board review, provided that the board shall first adopt a written policy on the types of projects which may be administratively approved.

b-3. Except as provided in subd. 2, the board shall review the proposed alteration, rehabilitation or construction project to determine if it complies with the design guidelines. If the proposed project complies with the design guidelines, the board shall find the proposed project appropriate and issue a certificate of appropriateness. If the board finds that the proposed project does not comply with the guidelines, the board shall deny the application and provide written notice of this denial to the applicant within 30 days of such denial.

b-4. In the event that the board denies an application for a certificate of appropriateness pursuant to subd. 3, the applicant may request a public hearing before the board by submitting a written request to the district office within 30 days of the date of denial.

c. Public Hearing.

c-1. Upon receipt of a written request for a public hearing on the board's denial of an application for a certificate of appropriateness, the board shall schedule the hearing within 45 days of receipt of the request.

c-2. Notice of the public hearing shall be sent by certified mail, return receipt requested, addressed to the applicant's address as stated in the application. Notice shall also be posted by the city clerk, sent to the common council member representing the district and sent, via first class mail, to all recorded owners of property within 500 feet of the building, structure or site in the district that is the subject of the public hearing. Notice shall be provided not less than 10 days prior to the date of the public hearing.

c-3. The notice of public hearing may require the applicant to provide supplemental information, including, but not limited to, photographs, plans, floor plans, elevations or detailed drawings of any building, structure, site or portion thereof.

c-4. The board may grant adjournments for any reason upon good cause.

c-5. At the public hearing the applicant shall be entitled to call witnesses and present evidence in support of the application for the certificate of appropriateness. The board shall take testimony from and consider the evidence of any person in attendance at the hearing. An audiotape record shall be made of all proceedings at the public hearing. Such audiotapes shall be made available to any person upon payment of the reasonable costs to process and reproduce such tapes.

c-6. After all evidence has been received, the board shall review the record to determine whether, notwithstanding non-compliance with the design guidelines, the application for a certificate of appropriateness should be granted. In making this determination the board shall consider:

c-6-a. Whether the proposed work would alter or affect any significant architectural feature of the building, structure or site upon which the work is to be done.

c-6-b. Whether the proposed alteration, rehabilitation or construction would harmonize with the character and appearance of neighboring buildings, structures or sites within the district.

c-6-c. Whether the proposed alteration, rehabilitation or construction would be consistent with an approved comprehensive land use plan for the district.

c-6-d. The existence of extraordinary circumstances under which strict adherence to the design guidelines would cause a substantial hardship on the applicant provided, however, that such hardship is not self-imposed or based solely on economic grounds.

c-7. Following review of the record from the public hearing, the board shall either affirm its denial of the application for a certificate of appropriateness or grant the application. If denial of the application is affirmed, the board shall notify the applicant of its decision by certified mail, return receipt requested, within 30 days of its decision. The board shall set forth the findings of fact that constitute the basis for its decision. All decisions of the board shall be filed with the commissioners of neighborhood services and city development.

d. Appeals. Applicants may appeal to the common council the denial of an application for a certificate of appropriateness following a public hearing. Appeals shall be in the form of a written request filed with the city clerk within 30 days after the mailing of the certified letter containing the board's decision. The city clerk shall file the appeal with the common council. The council shall hold a public hearing on the appeal and shall, by a majority vote of its members, affirm or reverse the decision of the board.

e. Resubmission of Application. Whenever an application for a certificate of appropriateness is denied, the proposed alternation, rehabilitation or construction project is ineligible for reconsideration for a period of one year following the denial.

f. The board shall issue a certificate of appropriateness within 30 days of the board's decision granting such application or within 30 days of a decision of the common council reversing the denial of an application of a certificate of appropriateness by the board after public hearing.

6. OTHER PERMITS AND APPROVALS REQUIRED. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other necessary permits and approvals required by the city. All other ordinances, rules and regulations of the city remain applicable.

7. COMPLIANCE WITH CERTIFICATES OF APPROPRIATENESS.

a. Within 12 months of the issuance of the certificate of appropriateness, work on the project must begin, shall at all times be in compliance with the certificate and be completed within 24 months of the issuance of the certificate of appropriateness, or the certificate shall be subject to revocation by the board. The board may grant extensions to complete a project upon good cause.

b. Projects approved, started and not completed prior February 18, 2005, shall be granted an extension of 24 months from February 18, 2005.

c. Failure to comply with a certificate of appropriateness shall be a violation of this section. In the event work is being performed without, or not in accordance with, a certificate of appropriateness, the board shall request that a stop work order be issued by the commissioner of neighborhood services.

8. PERMIT REVOCATION. Any permit issued by the commissioner of city development under the terms of this section may be revoked by the commissioner of neighborhood services whenever any of the conditions under which the permit was issued are not complied with.

9. EXCEPTIONS. a. The Henry W. Maier Festival grounds, except for the grounds' perimeter fences, are exempt from the provisions of this section.

b. Ordinary routine maintenance and repair of buildings, structures or sites may be undertaken without a certificate of appropriateness, provided that the work involves routine maintenance or repair of existing features of a building or structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the exterior appearance and does not require the issuance of a building permit.

10. VIOLATIONS. a. Whenever the commissioner of neighborhood services determines that a violation of this section exists or has reasonable grounds to believe that such a violation exists, the commissioner is authorized to order the owner to correct the violation or issue a stop work order, if requested, as provided in sub. 7-c.

b. Any person violating any provision of this section shall be subject to the penalties under s. 200-19.

For legislative history of chapter 200, contact the Municipal Research Library.

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CHAPTER 207
EXPLOSIVE MATERIALS

TABLE

207-01 Adoption of State Code
207-3 Explosives

207-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ch. SPS 307, Wis. Adm. Code, as amended, as part of this code.

207-3. Explosives. 1. DEFINITIONS. Words and phrases not herein defined shall be as defined in ss. 200-07 and 200-08. For the purpose of this section, the following words shall have the meanings assigned to them in this subsection.

a. Superintendent. The person having general supervision of the work regulated in this section.

b. Foreman. The person who at any time is charged with the immediate direction of the work regulated in this section.

c. Explosive. Shall mean and include any chemical compound or mechanical mixture, commonly used or intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any parts of the compound or mixture may cause a sudden generation of highly heated gases, so that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

d. Magazine. Any building, structure, or receptacle used for the storage of explosives.

e. Primer. A capped fuse, electric exploder, or other source of ignition inserted in a cartridge of explosive.

f. Blaster. Any person or persons designated by the superintendent or employer to supervise blasting operations or to handle explosives, and who shall possess a certificate of competency for blasters issued by the Wisconsin department of safety and professional services.

g. Railroad. Shall mean and include any steam, electric, or other railroad which carries passengers or material for hire.

2. PERMITS. a. See s. 200-33-14 for fees.

b. In all cases involving the use of any explosive, the commissioner may refuse such permit and may limit by permit the use of such explosive to 25 pounds, if in his discretion the use of such explosive or an amount of such explosive greater than 25 pounds is likely to endanger or cause damage to life, health or property.

c. Permits for the storage or use of explosives, when issued, shall at all times be kept on the premises in a readily accessible place for inspection.

d-1. No permit shall be issued by the department unless the applicant furnishes a certificate of insurance issued by an insurance company which is either:

d-1-a. Incorporated pursuant to the laws of the state of Wisconsin.

d-1-b. Licensed to do business in the state of Wisconsin and registered with the office of the commissioner of insurance for the state of Wisconsin.

d-1-c. A surplus lines insurance company where the certificate of insurance is placed by a surplus lines insurance agent licensed to do business in the state of Wisconsin.

d-2. The certificate of insurance shall provide the following:

d-2-a. Bodily Injury/ Property Damage Limits of Liability

each occurrence	$ 1,000,000
general aggregate	1,000,000
products/completed operations aggregate	1,000,000

d-2-b. Verification that there are no exclusions for loss resulting from use of fireworks, explosive material or pyrotechnic displays by the named insured.

d-2-c. Reference to the inclusion of the city of Milwaukee as an additional insured.

3. REVOCATION OF PERMIT. If, after a permit has been granted, an inspection by the commissioner discloses that the permit holder or those acting under him, or those attempting to use or store such explosives are operating contrary to the regulations of this section, the commissioner shall immediately stop all operations and revoke the permit. When such operations are stopped and the permit is revoked, such explosives shall immediately be removed from such premises and the city, subject, however, to the regulations of this section relative to transportation of explosives.

4. DELIVERY IN TRANSIT. No person conveying explosives of any kind or nature by means of a boat, vessel, railroad car, wagon, automobile, or other conveyance shall enter the city under any circumstances without first reporting to the commissioner. The commissioner may permit such conveyance to enter and remain in the city for a specified period of time, and if such time exceeds 5 hours, a permit shall be secured from the commissioner.

5. VEHICLE. a. Any vehicle when used for transporting explosives shall be marked or placarded on both sides and the rear with the words EXPLOSIVES--DANGEROUS in letters not less than 3 inches high. When transporting explosives within the city, such vehicles shall make no stops, except for delivery and stops required by law, and the speed of the vehicle shall not exceed 25 miles per hour.

b. Except in cases of emergency as determined by the commissioner, all explosives shall be transported through the streets of the city between the hours of 12:00 p.m. and 6:00 a.m., and not more than 500 pounds shall be transported at one time. The commissioner may designate the route to be traveled.

c. Exposed metal parts in the interior of the vehicle shall be insulated from the explosives with wood, blankets or other fibrous material.

d. No tools, blasting caps, exploders, detonators or other flame-producing materials shall be carried in a vehicle containing explosives, excepting tools for the operation and repair of such vehicle.

e. Explosives shall not be transported in any bus or in any form of trailer, nor shall any trailer be attached to a vehicle hauling explosives.

6. DRIVERS. Persons transporting explosives by any means whatsoever shall not smoke in or upon such vehicle, nor drive, load, or unload the vehicle while intoxicated, or in a careless or reckless manner; nor shall such persons deliver any explosives to any other place except to an approved magazine and to the person in charge thereof.

7. REPORTS. Any person storing explosives for blasting, sale or for any other purpose or use shall make a monthly report to the commissioner on forms furnished for such purpose, stating the amount and kind of explosives in storage and the location of the magazine, or the exact location of such storage in any building or structure.

8. MAGAZINES. a. Every magazine shall be of approved concrete or masonry construction, or of wood construction consisting of double walls not less than 6 inches apart, filled from sill to plate with dry sand, and the magazine completely surfaced on the outside with not less than No. 26 U.S. gage galvanized iron. Such magazine shall have only approved ventilating screened openings and entry door. The door lock and method of locking the door of the magazine shall be approved by the commissioner, but in all cases the lock shall be a mortise or rim dead lock to open easily from the inside. The magazine shall be constructed as further regulated in general orders issued by the Wisconsin department of safety and professional services.

b. Upon each end of such magazine and above the side walls thereof, or upon each exterior surface of its barricades, or on the premises within a distance of 25 feet of the magazine, there shall be posted permanent signs with the words EXPLOSIVES - KEEP OFF legibly printed thereon in letters no less than 3 inches high.

c. No naked light (open flame) shall be used in a magazine containing explosives.

d. A portable magazine, approved by the commissioner, may be used if constructed of lumber not less than 2 inches in thickness (nominal) and covered on the outside with not less than No. 26 U.S. gage sheet metal, and equipped with a hinged lid and a lock. The words EXPLOSIVES-DANGEROUS in 3 inch letters shall be plainly painted on the outside of the magazine. Not more than 50 pounds of explosives or not more than one day's supply, shall be stored in such magazine at any one time.

e. The door or lid of any magazine containing explosives shall be closed and locked at all times, except when it has to be opened to remove or replace explosives by the person in charge thereof, and such magazines shall at all times be kept clean and dry.

9. LOCATION OF MAGAZINES. a. The location of all magazines in which explosives are held, kept or stored shall be approved by the commissioner.

b. The area surrounding the magazine for a distance of at least 25 feet shall be kept free from rubbish, dead grass, shrubbery and other combustibles or obstructions.

10. STORAGE RESTRICTIONS. Except as otherwise regulated by this section, various types of explosives shall be stored separately in approved magazines as follows:

a. No person shall place, keep or store in a magazine explosives in excess of 500 pounds.

b. No person shall place, keep, or store liquid nitroglycerine within the city.

c. No person shall place, keep, or store black powder, blasting powder, or smokeless powder in a magazine containing any other explosive.

d. No person shall place, keep, or store blasting caps, detonators, electric fuses, cordeau fuses or any other type of primer in a magazine containing other explosives.

e. No person shall prepare a primer in a magazine containing any explosives, or within a radius of 50 feet of such magazine, nor prepare more primers than necessary for immediate use.

f. No person shall store, place, or keep any clothing, cotton waste, rags or other article or thing in a magazine containing explosives, except a wooden mallet and a wooden wedge for the purpose of opening boxes of explosives, which shall be opened only with such implements.

g. No person shall smoke while handling, storing or transporting explosives, nor shall such person permit an open fire to be brought to or near the place where explosives are stored, used, or transported.

11. MANUFACTURE PROHIBITED. No person shall manufacture electric fuses, safety fuses, blasting caps, or explosives within the city.

12. STORAGE AND SALE OF GUNPOWDER. a-1. Persons having a permit may store for sale on their premises a total quantity not exceeding in all 25 pounds of gunpowder and black powder. Such powder shall be kept in closed metal canisters, placed in a separate magazine constructed of lumber not less than 2 inches in thickness (nominal) and covered on the outside with not less than No. 26 U.S. gage sheet metal and equipped with a hinged lid and lock, and mounted on wheels or skids at least 2 inches from the floor. The magazine shall be plainly marked EXPLOSIVES in 3 inch letters and located within a building on the floor nearest the ground level, and within 10 feet from an outside entrance.

a-2. Except for single-family residences, the storage of gunpowder is prohibited in all other buildings occupied for residential purposes.

b. Persons having a permit may store for sale on their premises a total quantity not exceeding in all 300 pounds of modern smokeless powder, generally classified as propellant powder or sometimes as flammable solids, and including double base powder, for ammunition loading, in original containers in a locked cabinet painted red and labeled SMOKELESS POWDER STORAGE in letters at least 4 inches high, and located within a building on the floor nearest the ground level, and within 10 feet from an outside entrance.

c. The commissioner may at his discretion permit a storage arrangement which is not strictly in compliance with this section. Such modifications shall vary only a reasonable minimum from the regulations herein established, but shall comply with the spirit and intent. Requests for such modifications or variations and the action taken thereon shall be in writing.

13. EXPLOSIVES AT SITE. a. Explosives shall be conveyed to the site from the magazine in approved tightly closed boxes or sacks.

b. Detonators shall be conveyed from the magazine to the site in a separate approved container from that used for the explosives. Such container shall be provided with a cover and be lined with soft material.

c. Explosives and detonators shall not be taken down a shaft on the same cage at the same time.

d. While explosives are being taken through locks, no men other than the lock tender and the carrier shall be permitted in the lock.

e. Detonators and explosives must be carried or stored separately at all times.

f. After blasting is completed, all remaining explosives and detonators shall be returned at once to the magazines in the same manner as required for conveying them to the site.

g. Explosives shall not be placed on any site within 10 feet of any electrical wiring system or equipment.

h. No explosives shall be used within 500 feet on each and every side of any church, school, hospital, theater or place of public assemblage without the written approval of the commissioner, bases on his judgment that the physical conditions are such that these facilities will not be unduly disturbed. As a condition of such approval, the commissioner may prescribe limits of charges to be used and hours during which they may be detonated. Explosives shall not be used at distances less than 200 feet away from any church, school, hospital, theater, place of public assembly or any building or structure, and the amount of explosive to be used shall be limited as follows:

h-1. When the distance is 200 feet, not more than 25 pounds.

h-2. When the distance is 250 feet, not more than 50 pounds.

h-3. When the distance is 300 feet, not more than 100 pounds.

h-4. In no case shall more than 100 pounds be used.

This section shall not apply to any sewer construction or any shaft in connection therewith when such sewer is being installed by tunnel construction methods, but the commissioner may apply subs. 2, 16, and 17 to such construction.

14. RECORD ON USE OF EXPLOSIVES. a. Every person using explosives or responsible for the use thereof shall keep a daily blasting record on the job site for view by the commissioner or other interested parties. Such daily blasting record shall show the date of blasting, time, location, number of holes, depth of holes, amount of explosives used by sticks, if dynamite, and pounds or by other applicable measurement if other explosives are used, and number if misfires, if any. Such daily blasting record shall also show the date, kind and quality of explosives purchased, as well as the name of the seller of such explosives. After each entry the blaster shall sign in the presence of 2 subscribing witnesses, certifying all entries are correct.

b. A total of all columns must be submitted to the commissioner of building inspection on jobs completed in 30 days or less, and once a month on jobs of greater duration.

15. BLASTING AND FIRING. a. No person shall explode a blasting charge unless he has a certificate of competency from the Wisconsin department of safety and professional services.

b. All electric apparatus of whatever nature used in blasting operations shall be kept locked and under direct personal charge of the blaster.

c. No person shall conduct blasting operations between 9 p.m. and 7 a.m., nor at any time on Sunday, except under authority of a special permit from the commissioner.

d. Except in cases of instantaneous blasting by electricity, immediately after firing a blast the blaster shall check the number of shots loaded against those exploded. If there are any misfires, or any doubt as to the total number of shots exploding, no person shall be permitted to approach the charges until at least 1/2 hour shall have elapsed, lest the trouble be a hangfire and not a misfire.

e. No person shall load holes in blasting operations except a person holding a certificate of competency; provided, however, that while holes are being actually loaded, laborers may act as blasters' helpers under the direct supervision and responsibility of the blaster.

f. The blaster shall cause sufficient warning to be given and shall be responsible that all persons retreat to a safe distance or shelter before he sets off the blast.

g. Only wooden rods may be used for tamping or loading.

h. No blaster shall attempt to use dynamite that is frozen. Only approved methods of thawing shall be permitted.

i. Before drilling is commenced on any site, all remaining holes shall be examined with a wooden stick for unexploded charges, and if any are found, such unexploded charges shall be fired before work proceeds.

j. When the firing is done electrically, individual electric detonators shall be tested with a galvanometer, both before and after loading.

k. When the firing is done by electricity from power or lighting wires, an approved switch shall be used and so arranged that the lever is down when the switch is in the off position.

L. The switch shall be fixed in a locked box to which no person shall have access except the blaster. This box shall be constructed so that it can be closed and locked only when the switch is in the off position. There shall be provided flexible leads or connecting wires not less than 5 feet in length, with one end plugged in a receptacle on the incoming lines and the other end provided with a plug that can be connected to the switch on the shot-firing circuit inside the switch box. At all times when the switch is in the off position, the lead wires shall be connected to an effective ground. After the blasting, the switch lever shall be pulled out, the wires disconnected, and the box locked before any person shall be allowed to return to the blasting area, and shall remain so locked until ready to blast. When work is being done in a tunnel, the blasting wires shall be laid remote from the lighting and power wires. The commissioner may waive this regulation relating to the switch and the switch box if the number of blasts does not warrant such a switch and switch box.

16. ADDITIONAL REGULATIONS. In addition to the regulations of this section, the commissioner may:

a. Require the blast to be covered with approved mats;

b. Determine the kind and amount of explosive that can be used; and

c. Establish such additional rules and regulations as may be deemed necessary to protect life and property.

17. HAZARDS: AUTHORITY. Whenever in the judgment of the commissioner circumstances arise with reference to the use of dynamite and other explosives in construction or other types of work so that such use would constitute a hazard to either life or property of persons, the commissioner shall have the authority to establish and promulgate regulations with reference to the use of such dynamite or other explosives, and such regulations may relate to each of the following:

a. The volume of dynamite or explosives which may be used by any person during a 24 hour period, or which may be stored at the location of its use in connection with such construction or other work.

b. The storage restrictions for handling such dynamite or explosives, including but not limited to the type of shelter, fences, containers, location and such other safeguards or protection devices which shall render the stored dynamite or explosives less hazardous.

c. The hours during which such dynamite or explosives may be transported from a place to the place where such dynamite or explosive is used.

d. The experience and qualifications which shall be required by a person or persons who shall have immediate control, custody and use of the dynamite or other explosives.

e. Such other and further regulations as in the judgment of the commissioner shall be most appropriate and effective in order to preserve and protect the life and property of persons.

f. The commissioner, upon ascertaining that dynamite or other explosives may either be used or stored in such volume as to constitute a hazard to the life or property of persons, shall cause to be served upon such person or persons having charge of the construction or other work a notice setting forth the safeguards which must be maintained in order to use the dynamite or other explosives. The notice shall also specify the method of adherence to the regulations promulgated by the commissioner on the part of the person or persons undertaking the construction or other work in which dynamite or other explosives are being used.

g. Any person who shall violate any of the provisions of this section shall be subject to penalties as provided in s. 200-19.

LEGISLATIVE HISTORY
CHAPTER 207

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

Section	Action	File	Passed	Effective
ch. 207	cr	891008	10/10/89	10/28/89
207-01	am	961523	2/11/97	2/28/97
207-01	am	111233	1/18/2012	2/4/2012
207-3	rn from 236-33	891008	10/10/89	10/28/89
207-3-1-f	am	961523	2/11/97	2/28/97
207-3-1-f	am	160591	11/1/2016	11/18/2016
207-3-2-b	am	980963	12/18/98	1/1/99
207-3-2-d	cr	912164	7/7/92	7/24/92
307-3-2-d-3	rp	980848	1/17/2007	2/3/2007
207-3-3	am	980963	12/18/98	1/1/99
207-3-4	am	980963	12/18/98	1/1/99
207-3-5-b	am	980963	12/18/98	1/1/99
207-3-7	am	980963	12/18/98	1/1/99
207-3-8-a	am	961523	2/11/97	2/28/97
207-3-8-a	am	980963	12/18/98	1/1/99
207-3-8-a	am	160591	11/1/2016	11/18/2016
207-3-8-d	am	980963	12/18/98	1/1/99
207-3-9-a	am	980963	12/18/98	1/1/99
207-3-12-c	am	980963	12/18/98	1/1/99
207-3-13-h-0	am	980963	12/18/98	1/1/99
207-3-13-h (note)	am	980963	12/18/98	1/1/99
207-3-14	am	980963	12/18/98	1/1/99
207-3-15-a	am	961523	2/11/97	2/28/97
207-3-15-a	am	160591	11/1/2016	11/18/2016
207-3-15-c	am	980963	12/18/98	1/1/99
207-3-15-L	am	980963	12/18/98	1/1/99
207-3-16-0	am	980963	12/18/98	1/1/99
207-3-17-0	am	980963	12/18/98	1/1/99
207-3-17-e	am	980963	12/18/98	1/1/99
207-3-17-f	am	980963	12/18/98	1/1/99

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CHAPTER 214
FIRE PREVENTION

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214-1. Scope. This chapter defines the duties of the chief of the fire department, the right of entry, investigation of fires; the duties of the commissioner relating to the prevention of fires, the storing and use of explosives and flammables; and the responsibilities of owners and agents.

214-2. Adoption of State Code. The city of Milwaukee adopts ch. SPS 314, Wis. Adm. Code, as amended, as part of this code.

214-3. Adoption of Model Fire Code. Pursuant to s. SPS 314.001(2), Wis. Adm. Code, as amended, the city of Milwaukee adopts the 2006 International Fire Code except where in conflict with applicable state statutes or state administrative rules.

214-4. Application of the Model Fire Code.

a. Application of the model fire code is for the use, operation and maintenance of public buildings and places of employment.

b. Where any rule of the model fire code is in conflict with the city code, the city code shall apply.

214-5. Delegation of Authority. The commissioner in the performance of his or her duties relating to fire inspections may delegate limited authority to the health department to conduct such inspections. In addition, the commissioner of health shall have enforcement authority pertaining specifically to fire prevention in food operation premises.

214-7. Fire Prevention. 1. RESPONSIBILITIES OF THE FIRE CHIEF. a. Right of Entry. The chief, or any authorized member of the fire department, may at all reasonable hours enter all buildings, premises or public thoroughfares, except the interior of legally occupied private dwellings for the purpose of investigating the cause, origin and circumstances of fires.

b. Investigation of Fires. b-1. Any authorized officer of the fire department shall investigate the cause, origin and circumstances of fires occurring in the city by which property has been destroyed or damaged, and so far as possible determine whether the fire is the result of accident, carelessness or design. Such investigation shall begin upon the occurrence of a fire. If it appears to the officer making an investigation that the fire is of suspicious origin, the chief shall be notified of such findings. Thereupon the chief or authorizing officer shall immediately take charge of the physical evidence and shall notify the state authorities to further pursue the investigation under s. 165.55, Wis. Stats. The chief or authorized officer shall cooperate with such authorities in the collection of evidence and in the presentation of the case.

b-2. The senior officer in charge of any fire shall file a written report within 24 hours with the chief, containing a statement of all facts relating to the cause, origin and circumstances of such fire and other information as may be required.

c. Fire Inspections. c-1. Pursuant to s. 101.14(2), Wis. Stats., the commissioner of neighborhood services, as building inspector of the city, is authorized to conduct the annual fire inspections of all non-residential properties required by that section. In addition, the commissioner is authorized to conduct annual fire inspections of residential buildings with 3 or more dwelling units and transitional housing, regardless of the number of dwelling units.

c-2. Government Buildings. The fire chief or any authorized member of the fire department may perform all fire inspection duties with respect to buildings, structures and premises owned by the city of Milwaukee, county of Milwaukee, state of Wisconsin and the United

States of America and all political subdivisions thereof.

d. Other Duties. The chief shall be responsible for carrying out the requirements of s. SPS 314.01(11)b(4), Wis. Adm. Code, as amended, and s. 214-31.

2. RESPONSIBILITIES OF THE COMMISSIONER. a. Enforcement. Except for those responsibilities listed in sub. 1 and s. 214-31, the commissioner shall enforce the regulations of this chapter and all other laws and provisions of this code and the Wisconsin Administrative Code relating to:

a-1. The prevention of fires.

a-2. The storing and use of explosives and flammables.

a-3. The installation and maintenance of fire alarm systems, fire protection equipment, appliances and devices as further regulated in this code.

a-4. The maintenance of fire escapes as a means of egress.

a-5. The maintenance of exits from all buildings and structures in which persons live, sleep, work or congregate.

b. Inspections and permits. b-1. Inspection Required. The owner of each public building or place of employment in the city, including each residential property with 3 or more dwelling units, shall have a fire inspection of the building, structure or premises conducted on an annual basis. Pursuant to s. 101.14(2), Wis. Stats., and sub. 1-c-1, the commissioner shall be responsible for conducting the annual fire inspections.

b-2. Fee. The owner of each building, structure or premises for which an inspection or permit is required under subd. 1 shall pay the annual fire inspection and permit fees set forth in s. 200-33. The city, Milwaukee county, state of Wisconsin and the United States of America and all political subdivisions thereof shall be exempt from payment of this fee.

b-3. Hazardous Storage or Obstructions. Whenever an inspector finds in any building or structure, or upon any premises, combustible waste material or explosive matter which is so situated or used as to endanger life or property, or finds in any building or structure an obstruction of exits therefrom or the storage of material on fire escapes, stairs, passageways, doors or windows where such obstruction or storage would interfere with the operation of the fire department or with the safe egress of building occupants in case of an emergency, the inspector may order the owner of the building, structure or premises to remove the hazardous material or remedy the hazardous situation.

b-4. Other Fire Hazards and Violations. Whenever an inspector finds any building or structure which is susceptible to fire because of lack of repairs, required exits, required fire alarm systems or required fire-extinguishing equipment, appliances or devices, or maintenance thereof, or which is especially liable to fire from any cause whatsoever, and such building or structure is so situated as to endanger the occupants thereof or endanger adjoining or adjacent property, or whenever an inspector finds in any building or structure, or upon any premises, any violations of the regulations of this chapter, the inspector may order the violations discontinued at once and order the elimination of conditions dangerous to the safety of any such building, structure or premises or the occupants thereof.

c. Other Duties. Other than the responsibilities of the fire chief listed in sub. 1, the duties of the fire chief as set forth in ch. SPS 314, Wis. Adm. Code, may be carried out by the commissioner.

214-9. Responsibility to Eliminate Fire Hazards.

1. CONTAINERS FOR OPEN BURNING. a. Open burning shall be conducted only in an approved and listed container or a substantial burner built of metal, concrete or brick, well covered or screened to prevent the escape of sparking and burning embers.

b. A burner shall not be operated within 15 feet of any combustible construction. Open flame cooking devices, including charcoal burners and LP gas burners, are exempt from this requirement for one and 2-family dwellings.

c. Open burning shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

2. ENFORCEMENT AUTHORITY. The commissioner may delegate limited authority to the police department to enforce open burning regulations.

3. CARRYING FIRE. No person shall carry, keep or maintain any fire in, through or upon any public thoroughfare or premises, except within an approved, closed, secure pan, vessel or vehicle.

. **4.** SPARKS FROM CHIMNEYS OR SMOKESTACKS. The owner of any chimney or smokestack used in connection with heating or power boilers or furnaces, or for burning of waste or refuse, from which there are emitted sparks or burning embers shall provide on such chimney or stack an approved arrestor, screen or other device that will prevent such emission.

5. WINDOWS AT FIRE OPENINGS; FIRE ESCAPES. a. In a building having windows in exterior walls, a specific window or windows shall be clearly designated as “FIRE OPENING” both on the inside and outside and as approved by the commissioner. Such fire openings shall be maintained at intervals not greater than the intervals established for cross passageways. The purpose of such openings is to provide suitable access for fire department use to the interior of the building.

b. A window serving as access to a fire escape shall be designated as “FIRE ESCAPE,” but may be included in computing the minimum number of required fire openings.

6. ACCESS TO EXITS AND FIRE OPENINGS; DIRECTIONAL SIGNS. a. No material or merchandise shall be placed or stored in such a manner as to prevent access to any required exit window designated as “FIRE ESCAPE” or “FIRE OPENING.” Such windows shall be free and clear and accessible from main passa

geways of by means of secondary passageways at least 36 inches in width which lead to the main passageway.

b. Directional signs indicating windows designated as “FIRE ESCAPE” or “FIRE OPENING” shall be placed in passageways as required by the commissioner.

214-11. Storing of Fuel in a Dwelling. The storing of any receptacle containing gasoline or white gas, or propane containers larger than 2.5 lbs. is prohibited within a dwelling, including basements, crawl spaces and attics. In this section, "receptacle" includes any tank or device attached to any equipment using an internal combustion engine as a source of power, including but not limited to lawnmowers, snowblowers, snowmobiles, chain saws and motorcycles. Private garages attached to or made part of a principal dwelling shall be exempt from this section when provided with a fire-resistive enclosure as set forth in ch. 240; however, the storing of fuel in receptacles in private attached garages shall be limited to not more than 10 gallons.

214-12. Securing of Pressurized Gas Cylinders. All pressurized gas cylinders shall be properly secured to prevent them from falling.

214-19. Fire Escape Inspections. 1. ANNUAL INSPECTION. All fire escapes shall be inspected by the department at least once each year. If upon inspection the department finds any fire escape which is defective or unsafe for any reason whatsoever, the commissioner shall order the needed repairs and the owner thereof shall immediately make such repairs. If any fire escape is unsafe or defective, the owner thereof shall immediately notify the commissioner of such condition. No owner may permit the use of such unsafe or defective fire escape until repaired and made safe. It shall be unlawful to make any repairs to any fire escape without first obtaining a permit to do so.

2. APPROVAL. a. Any owner or agent shall maintain fire escapes and their supports in good repair and safe condition. The owner or agent shall be responsible, except for those fire escapes listed in par. c., to provide for a critical examination once every 5 years by a registered architect or a registered structural engineer employed by the owner or agent. The registered architect or registered structural engineer shall submit a written report showing the structural condition of the fire escape and its supports. Two copies of the report shall in turn be submitted to the commissioner. One copy of the report shall, if satisfactory to the commissioner, be returned to the owner or agent bearing a stamp of approval signed by the commissioner.

b. All defects noted on the written report submitted by the registered architect or registered structural engineer shall be corrected by the owner within 30 days of the date of the report. A written report showing that all defects noted in the prior report have been corrected shall be submitted in duplicate to the commissioner by a registered architect or registered structural engineer. One copy of the report shall, if satisfactory to the commissioner, be returned to the owner or agent bearing a stamp that the correction report has been placed on file.

c. The following fire escapes shall be exempt from examination requirements prescribed in par. a except when the commissioner determines that for safety purposes an examination is necessary for a specific fire escape:

c-1. Fire escapes serving residential occupancies where the escape serves no more than 2 dwelling units per floor and these units are located no higher than the 3rd floor of the building.

c-2. Fire escapes in commercial buildings where the escape serves as exiting for floors up to and including the 2nd floor but no higher.

3. REVIEW OF CRITICAL EXAMINATION REPORT. a. Disallowance and Refusal. If upon inspection the department finds any fire escape is defective or unsafe for any reason whatsoever, the commissioner shall have the following power and authority to:

a-1. Disallow any fire escape critical examination report, submitted within 120 days prior to the date of the inspection by the department, showing the structural condition of the fire escape and its supports to be in good repair and safe condition.

a-2. Refuse to accept any future fire escape critical examination report relating to any other fire escape submitted by the same registered architect or registered structural engineer.

b. Appeal. Any person having a fire escape critical examination report disallowed or refused by the commissioner may appeal the decision to the standards and appeals commission.

214-23. Battery-Operated Smoke Alarms. 1. TYPE. Every battery-operated smoke alarm shall be powered by 10-year or more non-removable batteries. Compliance with this requirement shall be met when replacing an existing battery-operated unit according to the manufacturer's recommended replacement date or by October 1, 2017, whichever is sooner.

2. SILENCING SWITCH. Any smoke alarm located within 20 feet of the primary cooking appliance within the unit shall have a silencing switch.

3. TESTING. Every battery-operated smoke alarm in the building shall be tested by the owner not less than once every calendar year. The owner shall provide a copy of test results to the commissioner or the commissioner's designee upon request. Test results shall include the date on which testing was performed, the specific location of each alarm and the name, telephone number and property relationship of the person who performed the test. Testing shall be performed in accordance with the manufacturer's specifications for testing in the building.

214-25. Smoking Regulations. 1. WHOLESALE AND RETAIL ESTABLISHMENTS. It shall be the duty of the person in charge (operator, licensee, owner or manager) of such establishment to post or affix and maintain approved signs bearing the words "NO SMOKING" at every entrance door and in prominent locations throughout the building, and such person shall be held responsible for enforcement of the regulations of s. 310 of the Int. Fire Code.

2. ELEVATORS. No person may light a match or any other flame-producing device or smoke or carry a lighted cigar, cigarette or pipe into any passenger elevator, or any elevator used as a passenger freight elevator. The person in charge of the structure containing the elevator shall post or affix and maintain approved signs bearing the words "NO SMOKING" in or at the entrance to the elevator, and such person shall be held responsible for enforcement of this subsection.

214-27. Smoke Detectors and Smoke Alarms for Residential Dwellings Built Prior to January 1, 1983. 1. DEFINITION. In this section, "residential building" means any one-family dwelling or 2-family dwelling, or any public building which is used for sleeping or lodging purposes and includes any apartment house, rooming house, hotel, children's home, community-based residential facility or dormitory but does not include a hospital or nursing home.

2. NUMBER AND LOCATION. Every dwelling unit in a residential building constructed prior to January 1, 1983 shall be provided with approved listed and labeled smoke detectors or alarms sensing visible or invisible particles of combustion, installed in a manner and location consistent with their listing. A minimum of one smoke detector or alarm shall be installed in the basement and on each floor level except in an unfinished attic or storage area, and not in a kitchen. For floor levels containing a sleeping area, the required detector or alarm shall be installed within 6 feet of the sleeping area. If a floor level contains 2 or more separate sleeping areas, each sleeping area shall be provided with a smoke detector or alarm. Every residential building other than a one-or 2-family dwelling shall have a functional smoke detector or alarm at the head of every stairway on each floor level in the building.

3. TYPE. Smoke detectors and alarms required under this section shall be single station devices, either battery operated as provided in s. 214-23, plug-in or directed wired A/C units unless otherwise required by the code.

4. RESPONSIBILITY. The owner shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector. The owner shall maintain any such smoke detector that is located in a common area of the building. The occupant of a dwelling unit shall maintain any smoke detector in that unit unless the occupant gives written notice to the owner of the unit that the smoke detector is not functional. The owner shall provide, within 5 days of receipt of such notice, any maintenance necessary to make the smoke detector functional.

5. TAMPERING PROHIBITED. a. No tenant, co-tenant or any other person may tamper with a smoke detector to:

a-1. Render it inoperable or in any other way cause it to be in other than good working order.

a-2. Remove it from its installed location, unless a functioning replacement detector has previously been installed.

a-3. Remove batteries, except to immediately replace them.

b. No tenant, co-tenant or any other person may suffer or permit, or by inefficient control allow any violation of par. a.

214-31. Emergency Access System.

1. RECOMMENDED. An emergency access (key box) system for fire department use may be installed in or upon a commercial building or a multiple dwelling.

2. LOCATION. A key box system may be surface-mounted or flush-mounted in an accessible location approved by the fire department.

3. STANDARDS. A key box system shall meet the following standards:

a. Locks shall be Medeco Biaxial Level 7 or equivalent.

b. Emergency access system devices shall have the ability to be master keyed.

c. Locks shall be designed for high resistance to drilling, picking, punching and pulling.

d. Lock code and key section shall be unconditionally restricted by the key vault manufacturer for use by the Milwaukee fire department only. Lock code restriction shall be traceable to the lock manufacturer and the key vault manufacturer.

e. Locks shall be listed under UL 437, the standard for safety key locks.

f. Emergency access systems shall offer key vaults and data storage cabinets which are listed under UL 1610, the standard for central station alarm units for use with UL listed alarm systems.

g. Emergency access systems shall offer key vault and data storage cabinets which are listed under UL 1037, the standard for antitheft alarms and devices.

h. Emergency access systems shall offer electrical override keyswitches and padlocks compatible with lock code.

i. Official UL listing cards shall be supplied upon request.

j. A fully inserted key shall withstand a minimum of 50 inch pounds torque.

k. Key vaults shall have weatherproof gasket seals of Neoprene material or better around openings.

L. Key vaults shall be covered lock openings constructed of heavy gauge steel, designed to resist vandalism.

m. Key vaults shall have a minimum wall thickness of 1/4" and door thickness of solid 1/2" plate steel.

n. UL listed cabinet style vaults for data storage shall have a minimum wall and door thickness of 10 gauge plate steel with additional 1/4" steel guard plate to protect the lock mechanism and drill resistant hard plate behind panel.

o. Cabinet style vaults for document storage shall be available with 2 separate locks. The key to either lock shall open the vault.

p. The fire department shall be in complete control of rapid entry system authorization and operation.

q. The key box system shall utilize the approved signature from the fire department for release of keys and all lock products from the factory.

r. The factory shall maintain UL listed fireproof cabinets to protect original records.

s. Factory records shall include installation locations, receiving party signature, fire department authorized officer's signature and original order form.

t. Order records shall be available upon request for inspection by fire department authorized officials.

u. The fire department shall not be required to purchase or sell key box system products.

4. FAILURE TO MEET REQUIREMENTS. Failure on the part of a key box manufacturer to satisfy any one of the above requirements may allow the fire chief to disapprove the key box for use by the fire department.

5. KEY BOX CONTENTS. a. The key box shall contain:

a-1. Keys for all exterior doors.

a-2. Keys for all locked electrical, mechanical, elevator equipment and fire control rooms.

a-3. Elevator control keys.

a-4. Any additional keys required by the fire department.

b. If any locks for which there are keys in the key box are changed, the owner shall notify the fire department.

6. LIABILITY. Any owner electing to install a key box system authorized by this section shall enter into a written contract with the city wherein such person shall agree to hold the city harmless for actions undertaken by the city under this section. The city attorney shall approve the form of such contract.

214-33. Access-Controlled Egress Doors.

1. WHEN ALLOWED. Entrance doors in a means of egress, or entrance doors to a tenant space with a group A (assembly), B (business), E (educational), M (mercantile), R-1 (transient residential) or R-2 (permanent residential; more than 2 dwelling units) occupancy, as identified in the International Building Code, may be equipped with an approved entrance and egress access-control system installed prior to July 1, 2002, provided such system meets all of the following criteria:

a. A sensor shall be provided on the egress side to detect an occupant approaching the doors. The doors shall unlock upon a signal from, or loss of power to, the sensor.

b. Loss of power to the part of the access control system that locks the doors shall automatically unlock the doors.

c. The doors shall be installed such that they may be unlocked from a manual unlocking device located 40 to 48 inches above the floor and within 60 inches of the doors. Unrestricted access to the manual unlocking device shall be provided. The device shall be clearly identified by a sign. When operated, the manual unlocking device shall cause interruption of power to the lock, independent of the access control system electronics, and the doors shall remain unlocked for a minimum of 30 seconds.

d. If the building has a fire alarm system, the doors shall be automatically unlocked when that system is activated, and shall remain unlocked until the system has been reset.

e. If the building has an automatic sprinkler or fire detection system, the doors shall be automatically unlocked when that system is activated, and shall remain unlocked until the system has been reset.

f. Entrance doors on a building with a group A, B, E or M occupancy shall not be secured during periods that the building is open to the general public.

2. OTHER OCCUPANCIES. All occupancies not listed in sub. 1 shall be prohibited from having entrance and egress access-control systems unless permission to have such devices is granted by another code which the city has adopted by reference.

3. APPLICABILITY. This section applies to all entrance and egress access-control systems installed prior to July 1, 2002.

214-35. Delayed-Egress Locks. 1. WHEN ALLOWED. In a building protected throughout by either a supervised automatic fire sprinkler system or a supervised automatic fire detection system, the exit doors may be equipped with listed, delayed-egress locking devices installed prior to July 1, 2002, provided the locking devices:

a. Release or unlock upon activation of the sprinkler system or fire detection system.

b. Release or unlock upon the loss of power to the locking devices.

c. Release or unlock within 15 seconds whenever a force of not more than 15 pounds is continuously applied to the release device for a period of not more than 3 seconds.

d. Upon the release or unlocking of the door, activate an audible alarm in the vicinity of the door.

e. Require the manual re-locking of the doors.

f. Have a sign adjacent to each locking device indicating how the door may be opened.

2. USE PROHIBITED OR RESTRICTED. Delayed locking devices shall not be used on any doors of a community-based residential facility, as defined in s. 295-201-113-b, or doors serving as the main entrance and exit of an assembly hall with a legal capacity exceeding 99 persons. Not more than one locking device may be used in any egress path within a health care center, including a hospital or nursing home.

LEGISLATIVE HISTORY
CHAPTER 214

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 214	cr	900965	11/6/90	11/23/90
214-1	am	980963	12/18/98	1/1/99
214-2	am	111233	1/18/2012	2/4/2012
214-3	am	961523	2/11/97	2/28/97
214-3	rn to 214-2	020047	5/14/2002	7/1/2002
214-3	cr	020047	5/14/2002	7/1/2002
214-3	am	030621	9/23/2003	10/10/2003
214-3	rc	071256	2/5/2005	3/1/2008
214-3	am	121706	4/9/2013	4/26/2013
214-4	cr	071256	2/5/2008	3/1/2008
214-5	am	171098	4/17/2018	5/4/2018
214-7	am	111233	1/18/2012	2/4/2012
214-7-1-a	rc	930944	10/19/93	11/5/93
214-7-1-b-3	am	902136	4/23/91	5/10/91
214-7-1-b-3	am	961523	2/11/97	2/28/97
214-7-1-b-3	rp	001457	2/27/2001	3/16/2001
214-7-1-c	cr	961314	12/17/96	1/9/97
214-7-1-c	rc	001457	2/27/2001	3/16/2001
214-7-1-c-1	am	060491	9/26/2006	10/13/2006
214-7-1-c-1	am	100848	5/24/2011	6/14/2011
214-7-1-d	cr	001457	2/27/2001	3/16/2001
214-7-1-d	am	020467	8/1/2002	8/22/2002
214-7-1-d	am	081724	5/5/2009	5/22/2009
214-7-1-d	am	111233	1/18/2012	2/4/2012
214-7-2-a-0	rc	902136	4/23/91	5/10/91
214-7-2-b	rc	001457	2/27/2001	3/16/2001
214-7-2-b-0	am	090259	7/28/2009	1/1/2010
214-7-2-b-1	am	090259	7/28/2009	1/1/2010
214-7-2-b-2	am	090259	7/28/2009	1/1/2010
214-7-2-c	am	961314	12/17/96	1/9/97
214-7-2-c	am	961523	2/11/97	2/28/97
214-7-2-c	am	980963	12/18/98	1/1/99
214-7-2-c	rc	001457	2/27/2001	3/16/2001
214-7-2-c	am	111233	1/18/2012	2/4/2012
214-9	rc	030621	9/23/2003	10/10/2003
214-9-1	rn to 214-9-1-a	051471	3/23/2006	4/11/2006
214-9-1	am	071256	2/5/2008	3/1/2008
214-9-1-b	cr	051471	3/23/2006	4/11/2006
214-9-2-a	am	950296	1/23/96	2/9/96
214-9-2-a-2	am	980963	12/18/98	1/1/99
214-9-5	rp	921114	11/20/92	12/11/92
214-9-6	rn to 214-9-5	921114	11/20/92	12/11/92
214-9-7	rn to 214-9-6	921114	11/20/92	12/11/92
214-9-8	rn to 214-9-7	921114	11/20/92	12/11/92
214-9-8-a	am	902136	4/23/91	5/10/91
214-12	cr	930178	6/15/93	7/2/93
214-13	rp	030621	9/23/2003	10/10/2003
214-15	rp	030621	9/23/2003	10/10/2003
214-15-1	am	921114	11/20/92	12/11/92
214-15-2	am	921114	11/20/92	12/11/92

214-15-5	am	921114	11/20/92	12/11/92
214-17	rp	030621	9/23/2003	10/10/2003
214-19-3	cr	030796	10/14/2003	10/31/2003
214-21	rp	030621	9/23/2003	10/10/2003
214-23	rc	030621	9/23/2003	10/10/2003
214-23	am	040388	9/21/2004	10/8/2004
214-23	rc	120656	11/8/2012	6/1/2013
214-23-3	am	151540	3/1/2016	3/18/2016
215-25	rc	030621	9/23/2003	10/10/2003
214-25-3	am	020467	8/1/2002	8/20/2002
214-27-0	am	030621	9/23/2003	10/10/2003
214-27-0	am	040388	9/21/2004	10/8/2004
214-27-1	am	960204	1/17/97	2/6/97
214-27-1	ra to 214-27-2	030621	9/23/2003	10/10/2003
214-27-1	cr	030621	9/23/2003	10/10/2003
214-27-2	rn to 214-27-3	030621	9/23/2003	10/10/2003
214-27-2	am	040388	9/21/2004	10/8/2004
214-27-3	rn to 214-27-4	030621	9/23/2003	10/10/2003
214-27-3	am	040388	9/21/2004	10/8/2004
214-27-3	am	120656	11/8/2012	6/1/2013
214-27-4	rn to 214-27-5	030621	9/23/2003	10/10/2003
214-27-4	rc	040388	9/21/2004	10/8/2004
214-29	rp	030621	9/23/2003	10/10/2003
214-33	cr	040387	7/27/2004	8/13/2004
214-35	cr	040837	7/27/2004	8/13/2004

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CHAPTER 217
BUILDING SECURITY

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SUBCHAPTER 1
NEW CONSTRUCTION

217-1. Applicability of Subchapter. 1. This chapter applies to all residential building classifications, apartment buildings and one and 2-family dwellings constructed on or after June 24, 1989, except licensed rooming houses as regulated in ch. 275, and hotels and motels.

2. This subchapter applies to all residential buildings and additions and alterations of buildings except buildings constructed on or after June 24, 1989, which have an operating security alarm system in all dwelling units capable of detecting the presence of an intruder or penetration of all doors and windows and activating a bell, horn or other alarm on the interior or exterior of the dwelling unit.

217-3. Swinging Doors and Adjacent Sidelights. 1. APPLICABILITY. This section applies to all interior doors between dwelling units and multiple access tenant corridors and to all exterior swinging doors accessible to grade by stairs of permanently fixed ladders or within 10 feet of grade, except:

a. Screen and storm doors which do not provide the primary closure for the doorway opening.

b. Doors from the exterior into a vestibule where a door meeting the requirements of this subchapter separates the vestibule from the building interior.

c. Entrance doors which are monitored on a 24-hour basis for security purposes by a security guard stationed at the door or at a television monitor where the lock is protected from being shimmed or is a deadlatch or an electronically controlled latch.

d. Entrance doors which are electronically controlled from the dwelling units and where the entrance doors and dwelling units are connected by voice or signal communications.

2. CONSTRUCTION STANDARDS. All doors shall be constructed of 1-3/4 inches (minimum) wood with a solid core, 1-1/2 inches (minimum) metal with a solid or insulating core for exterior doors, 1-3/4 inches plastic laminate with a solid or insulating core or 1/4 inch (minimum) solid or laminated safety glazing material. All glazed panels within 40 inches of the lock shall be constructed of solid or laminated safety glazing material and shall be protected by a steel security screen with wires not less than 1/8 inch in diameter, a laminated security glazing panel or high security plastic (polycarbonate) panel. All protective panels or screens shall be at least one inch larger than the glazed opening they protect and be secured so that they cannot be removed from the exterior side of the door, or shall be built into the door.

3. HINGES. All doors covered by this section shall have hinges with nonremovable hinge pins or be mounted so that the doors swing into the interior of the dwelling unit. Hinges in wood frames shall be attached with screws which are a minimum of 2-1/2 inches long or extend a minimum of 1/2 inch into the wall studs.

4. LOCKS. All doors covered by this section shall have a cylinder lock in addition to the latching device. The lock shall either be a deadbolt type with a minimum one-inch bolt, mounted into the door, or a surface mounted

vertical bolt lock. The lock cylinders shall be high-security type with a minimum of 5 pin tumblers and be flush mounted on the exterior or be protected by a cylinder guard plate or be tapered or rotate to prevent wrenching. Locks shall be openable with the use of a key from the exterior side of the door. The bolts shall be designed to resist sawing and cutting.

5. FRAMES. All door frames for doors covered by this section shall be constructed of hardwood or metal. Soft wood frames may be used provided the frame at the lock strike plate is reinforced with a steel angle 18 inches by 3/4 inch by 3/4 inch by 1/8 inch fastened to the frame with one inch screws or is reinforced by another technique approved by the commissioner.

6. STRIKES. All doors covered by this section shall have high-security strikes for the locks required by this chapter. Strikes in wood frames for surface-mounted vertical-bolt locks shall be fastened with screws through 2 sides of the jamb. The screws through at least one side of the jamb shall be 2-1/2 inches minimum and extend into the wall studs a minimum of 1/2 inch. Strikes in wood frames for deadbolts mounted within the door shall have a metal box for the bolt and both the strike plate and the strike box shall be fastened to the wall studs with 2-1/2 inch minimum screws or metal lugs.

217-5. Sliding Doors. 1. APPLICABILITY. This section applies to all exterior glass door units accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade.

2. CONSTRUCTION. All doors covered by this section shall be constructed to prevent the removal of the panels from the exterior.

3. LOCKS. All doors covered by this section shall have a locking device which pins the fixed and sliding panels together where they overlap. The pins shall be 3/16 inch minimum diameter. The panels need not be pinned together if the sliding panel is prevented from sliding by a charley bar or one inch diameter minimum bar between the edge of the sliding panel and the door frame.

217-7. Windows. 1. All double-hung windows accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade shall have:

a. Bars or security screens removable from the interior; or

b. A crescent or cam-type latch attached with screws of at least one inch in length and an airing lock mounted 5 inches above the top of the lower sash on each vertical rail of the upper sash; or

c. A security bolt with a minimum of 3/16 inch diameter and extending through and into each sash with a head or loop for removal from the inside of the dwelling unit. The holes for the security bolt shall be slanted to prevent the bolt from sliding out from its own weight. One set of holes shall be located to secure the window in the closed position and one additional hole shall be provided at a location to secure the window when it is open 5 inches. The hole shall not penetrate to the exterior of the building.

2. All other types of movable windows accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade shall be secured by a latch and a 2nd securing device.

SUBCHAPTER 2
EXISTING STRUCTURES

217-11. Applicability of Subchapter. 1. This subchapter applies to all residential building classifications, apartment buildings and one and 2-family dwellings constructed prior to June 24, 1989, except licensed rooming houses as regulated in ch. 275, and hotels and motels.

2. This subchapter applies to all residential buildings and additions and alterations of buildings except:

a. Buildings which have an operating security alarm system in all dwelling units capable of detecting the presence of an intruder or penetration of all doors and windows and activating a bell, horn or other alarm on the interior or exterior of the dwelling unit.

b. A dwelling unit occupied by the owner of a residential building.

3. Existing doors, windows, locks, frames or hardware which are not in compliance with the requirements of this subchapter shall be brought into compliance within 90 days after the effective date of this subchapter or at the time the door, window, lock, frame or hardware is replaced for any reason, including normal wear and tear, whichever date is earlier.

217-13. Swinging Doors. 1. APPLICABILITY. This section applies to all interior doors between dwelling units and multiple access tenant corridors and to all exterior swinging doors accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade, except:

a. Screen and storm doors which do not provide the primary closure for the doorway opening.

b. Doors from the exterior into a vestibule where a door meeting the requirements of this subchapter separates the vestibule from the building interior.

c. Exit doors which are monitored on a 24-hour basis for security purposes by a security guard stationed at the door or at a television monitor where the lock is protected from being shimmied or is a deadlatch or an electronically controlled latch.

d. Exit doors which are electronically controlled from the dwelling units and where the entrance doors and dwelling units are connected by voice or signal communications.

e. Common exit doors to hallways which are less than 25 feet in length and which do not connect with any other unsecured hallway or unsecured basement.

2. DOORS. All doors covered by this section shall be maintained in good condition.

3. HINGES. All doors covered by this section which have hinge pins on the exterior side of the building or dwelling unit shall have nonremovable hinge pins, or the pins or hinges shall be modified to prevent removal of the door without the use of special tools or equipment.

4. LOCKS. a. All doors covered by this section shall have a cylinder lock in addition to a latching device. The lock shall be either a deadbolt type, either surface-mounted or mortised into the door, with a minimum 1/2 inch bolt, or a surface-mounted vertical bolt lock. The lock cylinders shall be flush-mounted on the exterior or be protected by a cylinder guard plate or be tapered or rotated to prevent wrenching. Locks shall be openable with the use of a key from the exterior side of the door.

b. In dwelling units which have more than one exterior access door, all exterior access doors shall be equipped with a lock meeting the requirements of this section.

c. All common exit doors covered by this section shall be provided with a pry-resistant or tamper-resistant locking device with a minimum 1/2" throw or be protected by a tamper-resistant plate.

d. All doors to dwelling units shall be protected by a deadbolt lock with a minimum 1/2" bolt. In dwelling units with more than one interior door between the dwelling unit and the public hallway or more than one exterior exit door, only one door shall be required to be equipped with a lock which is openable with a key from the exterior side of the door.

5. FRAMES AND STRIKES. a. All strikes for surface-mounted locks covered by this section shall be attached to 2 sides of the frame and shall be installed with screws through the face of the jamb perpendicular to the door in a closed position.

b. All strikes in wood frames for deadbolts inside of or mortised into doors covered by this section shall be attached to the frame with at least 2 screws.

c. All door frames for doors covered by this section shall be constructed of hardwood, pressed wood, softwood or steel and be maintained in good condition.

217-15. Sliding Doors. 1. APPLICABILITY. This section applies to all exterior glass sliding door units accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade.

2. CONSTRUCTION. All doors covered by this section shall be constructed to prevent the removal of the panels from the exterior.

3. LOCKS. All doors covered by this section shall have a locking device which pins the fixed and sliding panels together where they overlap. The pins shall be 3/16 inch minimum diameter. The panels need not be pinned together if the sliding panel is prevented from sliding by a charley bar or a one inch diameter minimum bar between the edge of the sliding panel and the door frame.

217-17. Windows. 1. All wooden double-hung windows accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade shall be equipped with a lock or latch which when in the locked position will prevent the window from being opened from outside the building. Every such window shall also be provided with a device which will allow the window to be fixed in an open position of not less than 4 inches and not more than 6 inches, and which when in the locked position will prevent the window from being moved to a more open position from the outside. Such device shall be moveable to permit the window to be fully opened from the inside of the building.

2. In lieu of the requirements specified in sub. 1, wooden double-hung windows accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade may be equipped with bars or security screens removable from the interior.

3. Latching or locking devices on storm sashes or screen frames shall not be deemed to meet the requirements of this section.

SUBCHAPTER 3
SECURITY DEVICES

217-21. Maintenance. In all dwellings and dwelling units, security devices required by this chapter shall be furnished, installed and maintained in good working order by the owner, except that the occupant of a dwelling unit shall be responsible for the maintenance of all security devices which are not permanently attached to the dwelling unit. Where the owner receives written notice that a previously installed security device is not functional, within 10 days after receipt of the written notice the owner shall provide any maintenance necessary to make the security device functional. However, pursuant to s. 200-21, the commissioner may repair or replace any security device controlling an access door where the security device is not functional.

LEGISLATIVE HISTORY
CHAPTER 217

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 217	cr	890300	6/6/89	6/24/89
217-0	am	900683	5/14/91	6/1/91
217-1	rc	900683	5/14/91	6/1/91
217-9	rp	900683	5/14/91	6/1/91
217-11	cr	900683	5/14/91	6/1/91
217-13	cr	900683	5/14/91	6/1/91
217-13-1-c	am	911603	3/3/92	3/20/92
217-13-1-d	am	911603	3/3/92	3/20/92
217-13-1-e	cr	911603	3/3/92	3/20/92
217-13-4-c	cr	911603	3/3/92	3/20/92
217-13-4-d	cr	911603	3/3/92	3/20/92
217-15	cr	900683	5/14/91	6/1/91
217-17	cr	900683	5/14/91	6/1/91
217-21	cr	900683	5/14/91	6/1/91

[Pages 97 to 100 are blank]

CHAPTER 218

RAZING OF BUILDINGS

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218-01. Adoption of State Law. Except as otherwise provided in this chapter, the city of Milwaukee adopts s. 66.0413, Wis. Stats., as amended, as part of this code.

218-1. Scope. The regulations in this chapter shall apply to the moving of buildings, unsafe buildings and structures, condemnation of buildings and structures, demolition, abandoned buildings and are intended to supplement the provisions of s. 66.0413, Wis. Stats.

218-2. Moving of Buildings. 1. PERMITS. No building or structure shall be moved without first obtaining a permit from the commissioner. When any building or structure is to be moved over any public thoroughfare, a separate permit shall also be obtained from the commissioner public works.

a. The application for a permit shall conform to the regulations of ch. 200, and shall show the type of construction of the building or structure, its occupancy and use, its location, and the intended occupancy and use in the new location.

b. The commissioner may require a statement from a registered architect or engineer approving and outlining the moving process for large or unusual buildings prior to issuance of the permit.

2. BUILDINGS OR STRUCTURES WHICH CAN BE MOVED. A permit may be granted for the moving of any building or structure which is structurally sound and safe from one location to another location on the same premises, or from one premises to another premises, provided such building or structure conforms to the regulations of this code.

3. BUILDINGS AND STRUCTURES WHICH CANNOT BE MOVED. No permit shall be granted for the moving of any building or structure, or portion thereof, which has deteriorated or been damaged to an extent greater than 50% of the assessed value of the building or structure.

4. CONTINUOUS MOVING OPERATION. The moving of a building or structure shall be a continuous operation. The storage of such building or structure on any property, unless approved by the commissioner of city development, is prohibited.

218-3. Wrecker's and Mover's Bond and Insurance. 1. PERFORMANCE BOND. a. Before any permit is issued for the moving, wrecking, razing or demolishing of a building or structure, except as provided for in sub. 3, the applicant shall file with the commissioner a performance bond and a certificate of insurance.

b. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety, and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of $20,000 or in such other amount as the commissioner shall deem necessary, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city within a reasonable period of time, or within the time specified on the permit, and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees or subcontractors. The corporate surety shall be authorized to execute bonds in the state of Wisconsin and have a power of attorney on file in the city attorney's office.

c. Any person wishing to apply for more than one permit to wreck, raze, demolish or move structures or buildings in the city in any calendar year, in lieu of filing a separate bond for each permit, may file a bond under the same terms and conditions set forth in par. b, binding the surety to the sum of $20,000 for each permitissued, but with an annual calendar aggregate limit of $100,000.

2. INSURANCE. a. Applicants for a wrecker's or mover's permit shall furnish the commissioner of city development a certificate of insurance indicating the applicant holds a general liability policy in the sum of at least $1,000,000 covering bodily injury, property damage and personal injury. The $1,000,000 coverage shall be provided for each occurrence, for general aggregate, and for products/completed operations aggregate. The policy shall name the city as an additional insured. The applicant shall indemnify and save the city, its officers and agents, harmless against any and all claims for injuries or damages and any and all costs or expenses in connection therewith resulting or arising from any act or omission on the part of the applicant, his or her agents, employees and subcontractors. The insurer shall notify the city in writing at least 60 days prior to the cancellation of any certificate of insurance afforded hereunder, the certificate to be in full force and effect as to any permits issued prior to cancellation and all work done under said permits.

b. The insurance carrier shall be authorized to sell insurance in the state of Wisconsin and have an agent's license on file in the city attorney's office.

3. EXCEPTION. The owner of any premises who wishes to wreck, raze or demolish a building on the premises, provided that the volume of such building or structure does not exceed 18,000 cubic feet, and there is no sewer or water service in such building connected to a private or public water or sewer system, may be granted a permit without providing the aforesaid performance bond and insurance.

218-4. Razing of Structures. 1. REPAIR OR RAZE. All such unsafe buildings, structures or parts thereof as defined in s. 200-11 or consistent with the conditions specified in s. 218-9-1, are declared to be a public nuisance, endangering life, limb, health or property, and shall be repaired and made safe, or razed and removed in compliance with this chapter, as ordered by the commissioner, pursuant to the authority provided in s. 66.0413(4), Wis. Stats.

2. RAZE. a. An order to raze, remove and restore the site to a dust-free and erosion-free condition shall be served on the owner, operator or the owner's agent where the agent is authorized to receive service of process on behalf of the owner. Service of the order shall be in the manner provided for service of a summons pursuant to ch. 801, Wis. Stats. If the owner, operator or the owner's agent cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it in a conspicuous place on the premises and by publishing it as a class 1 notice, under ch. 985, Wis. Stats., before the time limit in the order commences to run. The time limited in the order commences to run from the date of service upon the owner, operator or the owner's agent, or, if the owner, operator and agent cannot be found, from the date that the order was posted on the building. The order shall also be served on the holder of any encumbrance of record by first class mail at the last-known address, and by publication as a class 1 notice under ch. 985, Wis. Stats.

b. If the commissioner determines that the cost of such repairs 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, such repairs shall be presumed unreasonable and it shall be presumed for the purposes of this section that the building is a public nuisance.

c. Acts of municipal authorities under this section shall not increase the liability of an insurer.

d. If a raze order issued under par. a is recorded with the Milwaukee County register of deeds, the order is considered to have been served, as of the date the raze order is recorded, on any person claiming an interest in the building or the real estate as a result of a conveyance from the owner unless the conveyance was recorded before the recording of the raze order.

3. FAILURE TO COMPLY. If the owner fails or refuses to comply within the time prescribed, the commissioner may cause the building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use under s. 200-11-4 and 5 or 218-9-1. The cost of the razing, removal and restoration of the site to a dust-free and erosion-free condition or closing may be charged in full or in part against the real estate upon which the building is located, and if that charge becomes delinquent, it is a lien upon such real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

4. FILING OF A NOTICE OF APPEAL. Anyone who is served an order under sub. 2 shall, within 20 days of service or, if service is by publication, within 30 days, file a notice of appeal to the standards and appeals commission for an administrative stay of the commissioner's order to raze and remove the building and restore the site to a dust-free and erosion-free condition pursuant to s. 200-17-3-h or forever be barred. The filing of a notice of appeal shall stay the order until the hearing date. The hearing shall be held within 20 days and shall be given preference. The administrative remedies provided in this subsection are exclusive remedies.

5. FINAL ORDER OF THE COMMISSION. No individual is affected, as described in s. 66.0413(1)(h), Wis. Stats., by an order of the commissioner under this chapter until such time as a final determination from the standards and appeals commission finding the order of the commissioner reasonable is filed in the office of the commissioner.

6. REPAIR PERMIT. If the commissioner allows repairs under this section, a repair permit is required.

218-4.5. Emergency Razing of Structures.

1. The commissioner, pursuant to s. 200-12.5, may order the razing of any structure which is damaged so extensively or is so dilapidated that its physical condition in the judgment of the commissioner poses an imminent risk to the health, safety or welfare of the public.

2.a. Service of an order under this section shall be made pursuant to s. 200-12.5-3.

b. The commissioner shall consider the following when making a determination as to whether a structure should be razed under this section:

b-1. The extent that the structure is unstable.

b-2. The proximity of the structure to adjoining properties and the public right-of-way.

b-3. The cost of repairing the structure. If the cost of repairing the structure exceeds 100% of the structure's value, it shall be presumed that the structure is unsafe and poses an imminent risk to the health, safety or welfare of the public. For the purpose of this section, "structure's value" means the assessed value of the structure divided by the ratio of assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee.

c. Acts of municipal authorities under this section shall not increase the liability of an insurer.

3. If the owner fails, refuses or is unable to comply within the time prescribed, the commissioner may cause the building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition may be charged in full or in part against the real estate upon which the building is located, and if that charge becomes delinquent, it is a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

4. Anyone who is served an order under sub. 1 may, prior to demolition, appeal to the commissioner for a review of the reasonableness of the order to raze and remove the building and restore the site to a dust-free and erosion-free condition. The order shall specify the time period in which the appeal must be brought and the procedures for making the appeal.

218-5. Temporary Safeguards. 1. When in the judgment of the commissioner a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse before demolition and removal can be started, the commissioner may order the owner or agent to immediately provide temporary safeguards as directed for the protection of the general public. If the owner fails, neglects or cannot provide

such temporary safeguards, the commissioner may, with the aid of any available public agency, provide the necessary safeguards and charge the cost thereof against the real estate upon which the building or structure is located, and if that charge becomes delinquent, it is a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

2. The commissioner may require that such temporary safeguards be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner and a separate permit issued for the construction of the temporary safeguard.

218-6. Demolition and Landscaping.

1. PROCEDURE. In the demolition of buildings or structures or parts thereof, work on the structural elements shall begin at the top and, except as regulated in this section, one story at a time shall be completely removed. No wall, chimney, equipment or column of material shall be allowed to fall in mass on a floor or other construction which may be caused to fall because of such practice, except that when the surrounding area is vacant and of sufficient size, and when permitted by the commissioner, the whole or part of a building or structure may be dropped or pulled down if no persons are exposed to the hazard of falling or flying materials. All walls, floorings and structural remnants shall be removed to a depth of 2 feet below the adjacent grade.

2. REMOVAL OF MATERIAL AND EQUIPMENT. All material and equipment removed from the elevated portions of any building or structure or part thereof undergoing alterations, repair or demolition work shall be lowered to grade or other storage of disposal level by means of approved equipment or devices. Where a space on the ground or on a floor is railed off and openings in boundary walls closed, materials or equipment may be dropped into the space. This regulation shall not apply to demolition work in which the material is removed and stored or otherwise disposed of within a story height.

3. CHUTES. a. When a protected or enclosed space for the dropping of materials cannot be provided, or when so ordered by the commissioner, fully enclosed, inclining chutes of wood or metal of a size which will not readily cause their obstruction, shall be provided for the removal of material and debris. Open chutes may be used to lower dismantled false-work or lumber from a height not exceeding 30 feet, but all other material or equipment shall be lowered by means of approved equipment or devices.

b. Enclosed chutes shall not extend in an unbroken line for more that 30 feet, but shall be equipped at intervals of 30 feet or less with stops to prevent descending materials from attaining dangerous speeds. The bottom of each chute shall be equipped with a gate or stop, with approved means for closing or regulating the flow of material.

4. SPRINKLING. All materials as handled under sub. 3 shall be sprinkled to minimize the dust.

5. PROTECTION OF THE PUBLIC AND WORKERS. Protection of the public and workers from falling material or equipment, or other hazards, and the covering of floor openings, other than those openings while in use during demolition, shall conform to the regulations of ch. 228.

6. TEMPORARY OCCUPANCY OF PUBLIC THOROUGHFARES. Permits for the temporary occupancy of public thoroughfares for the storage of materials, construction of sheds, roofs, fences and for other temporary guards, devices and equipment shall be obtained from the commissioner of public works, as regulated in ch. 115.

7. ABANDONMENT OF SEWER AND WATER CONNECTIONS. Any person, firm or corporation demolishing or moving a building or structure that is served by a private or public water or sewer system shall have such system disconnected and abandoned in accordance with s. 225-9.

8. REMOVAL OF MATERIALS, GRADING AND EROSION CONTROL. a. All materials not to be used for fill in excavated areas shall be removed from the premises as the demolition work progresses.

b. To prevent a public hazard or the creation of a public nuisance, upon completion of demolition, the premises shall, unless a permit for new construction has been issued, be filled where necessary with soil or other approved inorganic material not greater than one foot in dimension and graded to the level of the lot grade adjoining the building site, with allowance made for settlement.

c. Once graded, the premises shall be returned to an erosion-free and dust-free condition by utilizing suitable landscaping, grass, trees, shrubs or other planted ground cover, or by other suitable means approved of by the commissioner. If the premises is located in a downtown zoning district, compliance with s. 295-705-8-a shall be required.

d. If an owner fails or neglects to comply with the provisions of this sub. within the time allotted by the commissioner, the commissioner may issue an order to the owner or the owner's agent to correct the violation. If the order expires before it is complied with, the commissioner may cause the premises to be restored to an erosion-free and dust-free condition. The cost of such action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge, as provided in s. 200-21-7.

9. PARTY WALL. When any building or structure adjoining a party wall is demolished, the owner of the demolished building or structure shall remove the anchors at the beam and joist end in the standing wall. All voids in such wall shall be filled with material consistent with the adjacent wall section. All plaster, furring strips, paneling, lathe, gypsum board and stair stringers shall be removed from the standing wall surface as directed and approved by the department.

10. REMOVAL OF DRIVEWAY APPROACHES. a. Pursuant to s. 115-25, whenever the commissioner of city development issues a permit for the demolition of all structures on a premises, and the demolition will result in the discontinuance of the use of an existing driveway, the removal of the driveway and restoration of the street pavement, curb, gutter and sidewalk shall be a condition of issuance of such permit. Such removal and restoration shall not be required whenever the owner has obtained a permit for new construction prior to demolition of the structure or structures and the existing driveway is necessary for proper access to the structure described in the new construction permit.

b. If an owner fails or neglects to comply with the provisions of par. a within the time allotted by the commissioner, the commissioner of neighborhood services may issue an order to the owner or the owner’s agent to correct the violation. If the order expires before it is complied with, the commissioner may cause the driveway to be removed and cause the restoration of the street pavement, curb, gutter and sidewalk. The cost of this action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge.

218-7. Abandoned or Unsecured Buildings. Whenever any building, structure or part thereof is abandoned or unsecured, with one or more doors or windows removed or opened, leaving the interior of such building, structure or part thereof exposed to the elements or accessible to trespassers, so that crime may be committed, the building, structure or part thereof may be deemed to be dangerous, unsafe and a menace to public safety, susceptible to theft of its contents or likely to expose the city to general liability, and may be condemned by the commissioner in accordance with s. 66.0413, Wis. Stats., or boarded by the department of public works at the request and direction of the chief of police.

218-8. Historic Buildings. 1. STABILIZATION OF ABANDONED BUILDINGS. Whenever a locally or nationally designated historic building, or a contributing building in a locally designated historic district, is found to be abandoned or otherwise condemnable under this chapter or s. 66.0413, Wis. Stats., or the building owner has failed to maintain the structure in accordance with the standards of s. 275-32, the commissioner may act to stabilize the structure. The cost of stabilization may not exceed 3 times the estimated cost of demolition, as determined by the commissioner. Stabilization may include, but shall not be limited to, the following:

a. Repair or replacement of deteriorated roofing, flashing and related appurtenances.

b. Boarding of windows and door openings in a manner to secure the structure.

c. Winterization of plumbing and heating systems.

d. Bracing, securing, replacing or otherwise repairing deteriorated structural elements such as roofs, floors, walls, foundations, columns and beams.

e. Tuckpointing of eroded masonry materials and replacement or repair of missing masonry units.

f. Repair or rebuilding of building elements to prevent further deterioration or damage.

g. Removal and storage of architectural elements such as trim, moldings, ornaments, windows, doors and railings in order to protect them from theft or damage.

2. STABILIZATION COST RECOVERY. The cost of stabilization of an abandoned or otherwise condemnable historic building shall be charged against the real estate upon which the building is located and, if the charge becomes delinquent, it shall 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.

218-9. Unsafe or Vacant Noncompliant Buildings. 1. NUISANCE DECLARATION.

a. Requirements for Declaration. The commissioner may declare a building a nuisance and order the building's owner to make the building safe and code compliant or have it razed and removed whenever all of the following are true:

a-1. The building is found to be in violation of this code.

a-2. The building is unsafe and has been ordered closed, pursuant to s. 200-11, or the building is vacant and has been ordered secured pursuant to s. 275-32-7 or s. 218-4, or the building has been secured by the boarding of one or more window or door openings in whole or in part for at least 6 months and is unoccupied.

a-3. The conditions described in subds. 1 and 2 exist at least 6 months after the order to close or secure the structure has been served upon the owner.

b. Additional Factors. Additional factors which may be considered by the commissioner in determining whether a structure constitutes a nuisance include, but are not limited to, whether the building has been the subject of re-board or clean-up orders, complaints received by the department, or police or health department reports.

2. POSTING OF ORDER. In addition to complying with the service requirements of s. 200-12-3, the commissioner shall serve a copy of such order on all holders of encumbrances of record, post a copy of the order in a public place in city hall and provide a copy of the order to the department of city development.

3. RAZING OR SIGN-POSTING BY COMMISSIONER. If the owner fails to comply with the commissioner's order to make the building safe and code compliant or have it razed and removed within the time specified, the commissioner may do either or both of the following:

a. Contract for the razing and removal of the structure and the restoration of the site to a dust-free and erosion-free condition.

b. Post a sign which indicates the address of the building, the fact that the building has outstanding code violations and has been boarded-up for at least 6 months, the name, address and telephone number of the owner, and any available information on related court dates, as specified in sub. 4. The same information shall also be published in one or more daily newspapers, as specified in sub. 5.

4. PROCEDURE FOR POSTING SIGN. Any sign posted pursuant to sub. 3 shall be affixed to, or placed within 10 feet of, the building to which the sign pertains. Such sign shall indicate the address of the building and the fact that the building has had outstanding code violations and has been boarded-up for at least 6 months. Such sign shall also indicate the name and last known home address of the owner as determined by the department from the city's tax rolls or from the property ownership recording information required pursuant to s. 200-51.5, as well as the home telephone number or business telephone number of the owner, if known to the department. If the commissioner has commenced a court action against the owner, the sign may also provide the court case number and a telephone number for obtaining information on the next court date.

5. PROCEDURE FOR PUBLISHING NAMES. Whenever the commissioner posts a sign pursuant to sub. 3, the commissioner shall publish, in one or more daily or community newspapers, including at least one newspaper of general circulation in the community in which the property owner resides, a notice containing the same information presented on the sign.

6. UNLAWFUL SIGN REMOVAL. It shall be unlawful for any person to remove, cover, obliterate or deface any sign posted pursuant to sub. 3.

7. ASSESSMENT OF COSTS. The cost of razing, removal and site restoration or of sign-posting and newspaper notice publication pursuant to sub. 3 may be charged against the real estate upon which the building was or is located, and if that charge becomes delinquent, it shall be a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

8. APPEALS. The standards and appeals commission is authorized to hear appeals of orders issued pursuant to this section and to grant relief from such orders as specified in s. 200-17.

218-10. Deconstruction of Residential Buildings. 1. PURPOSES. This section provides deconstruction requirements for the removal of Milwaukee's older and more historic primary dwelling structures. In particular, through the enactment and enforcement of this section, the common council seeks to:

a. Maximize the salvage of valuable building materials, especially old-growth structural lumber, for reuse, thereby supporting the city's goal of being a sustainable community.

b. Reduce the amount of demolition waste disposed of in landfills, thereby saving city and taxpayer dollars, extending the lives of existing landfills and reducing the need to create new landfills.

c. Create employment opportunities for city residents, as the deconstruction process is much more labor-intensive than demolition, which relies on the use of heavy mechanical equipment.

d. Reduce carbon emissions associated with demolition activity by preserving the embodied carbon and energy of existing building materials and avoiding the creation of greenhouse gasses associated with producing new materials.

e. Minimize the adverse impacts associated with building removal by increasing the likelihood of discovering materials containing lead and asbestos for safe removal and disposal.

f. Reduce the releasing of dust and other hazardous or potentially hazardous airborne substances associated with mechanical demolition of structures.

g. Preserve Milwaukee's historic architectural features and building materials.

2. DEFINITIONS. In this section:

a. "Certified deconstruction contractor" means a contractor that has successfully completed a deconstruction certification program either conducted by the department or approved by the commissioner, and where the contractor appears on a list of certified deconstruction contractors maintained by the commissioner and posted on or accessible from the department's website. A firm shall be considered certified if at least one person currently employed by the firm is certified.

b. "Deconstruction" means the systematic dismantling of a structure, or portion thereof, to maximize the salvage of materials for reuse, in preference over salvaging materials for recycling, energy recovery, or sending the materials to the landfill.

c. "Primary dwelling structure" means a residential structure containing one to 4 dwelling units based on current permitted occupancy at the time of demolition permit application. This term does not include an accessory building such as a garage or shed.

d. "Recycling" means the processing of waste materials into new products or material feed stock for products. Materials that can be recycled include, but are not limited to, concrete, metal piping, and asphalt roofing shingles.

e. "Responsible party" means any owner or person in control of a primary dwelling structure, or that owner or person's authorized agent.

f. "Reuse" means the use of a product or material that was previously installed for the same or similar function to extend its life cycle. Materials salvageable for reuse include but are not limited to cabinets, doors, windows, hardware, fixtures, flooring, siding, and framing lumber.

3. AUTHORITY AND DUTIES OF COMMISSIONER a. The commissioner shall administer and enforce the provisions of this section.

b. The commissioner shall adopt rules, procedures, and forms to implement the provisions of this section, and post the same, or links to the same, on the department's website, provided:

b-1. Any rule adopted pursuant to this paragraph shall pertain to certification of deconstruction contractors, to certification-program training, or to deconstruction method or practice, and shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. The notice shall include the place, time and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.

b-2. During the public review, the commissioner shall hear testimony or receive written comment concerning the proposed rules. The commissioner shall review the recommendations, taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. Unless otherwise stated, all rules shall be effective upon adoption by the commissioner and shall be filed in the office of the commissioner and with the legislative reference bureau, and shall be posted on or accessible from the department's website.

c. The commissioner shall develop, and the department shall conduct, a deconstruction certification training program to teach deconstruction method and practice principles generally recognized in the deconstruction industry. A firm shall apply to the commissioner for certification-program training on a form provided by the commissioner, and, subject to the provisions of this section, shall be listed as a certified deconstruction contractor following successful completion of the program and certification by the commissioner.

d. A contractor may apply to the commissioner, on a form provided by the commissioner, for recognition of deconstruction training certification based on successful completion of a training program other than the department-conducted program. The commissioner shall consider course teaching and certification requirements and generally recognized training and certification principles in the deconstruction industry in determining whether to recognize the alternative certification program. The commissioner may require an interview or testing in making a determination. The commissioner shall inform the contractor of the commissioner's determination regarding recognition of alternative certification in writing.

e. The commissioner shall maintain and post on the department's website a listing, or a link to a listing, of certified deconstruction contractors.

f. The commissioner shall provide reports on the implementation of this section to the common council's zoning, neighborhoods and development committee at least annually. Beginning in 2018, each report shall be submitted to the committee no later than June 30 of each year. These reports shall include, but not be limited to, information on contractors certified for deconstruction, responsive deconstruction bidders, bid amounts, jobs created, buildings deconstructed, and the recovery and marketing of reclaimed materials.

4. REGULATIONS. a. Scope. The deconstruction requirements of this section apply to any demolition permit application under this chapter for any of the following:

a-1. A primary dwelling structure that was built in 1929 or earlier according to building permit records on file with the department or, if no such permit records exist, according to records of the commissioner of assessments or the Milwaukee county register of deeds.

a-2. A primary dwelling structure that has been designated as an historic structure by the common council under s. 320-21.

a-3. A primary dwelling structure located in an historic district designated by the common council under s. 320-21.

b. Requirements. b-1. General. Primary dwelling structures shall be deconstructed in accordance with the provisions of this section and associated administrative rules. Salvaged material may be sold, donated, or reused on- or off-site. Every deconstruction project shall achieve a documented 85% landfill diversion rate by weight, unless:

b-1-a. Otherwise approved by the commissioner in writing for the particular structure based on economic or practical infeasibilty as determined by the commissioner after consideration and inspection; or

b-1-b. Otherwise allowed by administrative rule adopted by the commissioner under this section.

b-2. Demolition Permit Application. An application for a demolition permit under this chapter for any primary dwelling structure shall not be considered complete unless it is accompanied by a completed pre-deconstruction form provided by the commissioner, including a list of targeted salvageable materials and final destinations or by a commissioner-approved exemption issued under this section.

b-3. Certified Deconstruction Contractor. Deconstruction shall only be performed by a certified deconstruction contractor listed on the department's website. At least one certified employee of the contractor shall be present on the job site when activities related to deconstruction are underway. The department shall maintain and make available to the public, and post on the department's website, a list, or a link to a list, of currently-certified deconstruction contractors.

b-4. Site Posting. Prior to commencement of deconstruction activity, a yard sign approved and provided by the commissioner shall be posted on each street frontage of the site. The sign shall:

b-4-a. Indicate that the structure is being deconstructed

b-4-b. Provide department of neighborhood services contact information for questions or concerns.

b-4-c. Remain in place throughout the course of deconstruction.

b-4-d. Be posted within 5 feet of a street lot line, be visible to pedestrians and motorists, and not be posted in a public right-of-way.

b-5. Heavy Machinery. Heavy machinery may be used in deconstruction to assist in the salvage of materials for reuse or to remove material not required to be salvaged for reuse. Heavy machinery may not be used in deconstruction to remove or dismantle components of buildings in ways that render building components unsuitable for salvage. For purposes of this section, heavy machinery includes, but is not limited to, track hoes, excavators, skid steer loaders, and forklifts.

b-6. Documentation. The demolition permit holder shall maintain receipts for donation, sale, recycling, and disposal of all materials for any deconstruction project. Materials intended for reuse on site, and materials disposed of and concerning which no receipt for disposal is obtainable, shall be documented with photographs. The commissioner may ask that the permit holder produce the receipts or photographs for inspection any time until the demolition permit is closed.

b-7. Closing of Demolition Permit. A completed post-deconstruction form and all documentation required in subd. 6. shall be submitted to the department before a department inspector may approve a demolition permit as closed.

c. Exemptions. The following are exempt from the requirements of this section:

c-1. The moving of a building, provided it occurs in accordance with s. 218-2.

c-2. Any primary dwelling structure that the commissioner has determined is unsuitable for deconstruction because either of the following is true:

c-2-a. The structure is structurally unsafe or is otherwise hazardous to the health, safety or welfare of the public and too unsafe or hazardous for deconstruction.

c-2-b. Most, or a substantial portion, of the material in the structure is not suitable for reuse.

d. Request for an Exemption. An applicant may request an exemption from the requirements of this section under par. c by submitting a written request for exemption, together with supporting evidence, when submitting a demolition permit application. Where the city, as the owner of the primary dwelling structure, seeks an exemption, the commissioner shall approve and sign a city-exemption form to document satisfaction of the exemption requirements of par. c.

e. Determination of an Exemption. The commissioner shall make the final determination of exemption based on evidence submitted by the applicant as well as an inspection to confirm conditions and unsuitability. The demolition permit shall not be issued until the final determination is made on the exemption request. If the applicant disagrees with the final determination, the determination may be appealed by the applicant under sub. 6.

5. ENFORCEMENT AND PENALTIES. a. General. a-1. A first violation of this section may be subject to a penalty of up to $1,000.

a-2. A second violation of this section committed by the same person or firm may be subject to a penalty of up to $2,000.

a-3. Third and subsequent violations of this section by the same person or firm may be subject to a penalty of up to $3,000.

a-4. Penalties may be imposed on a per-month, per-day or per-incident basis, or such other basis as the commissioner may determine appropriate based upon the criteria in par. f.

a-5 Any person receiving a notice of violation shall, within 10 days of issuance of the notice, either pay to the city the stated penalty amount or appeal the penalty under sub. 6.

b. Heavy Machinery. b-1. Improper use of heavy machinery in violation of this section may be subject to a penalty of up to $20,000.

b-2. Any person receiving a notice of violation shall, within 10 days of issuance of the notice, either pay to the city the stated penalty amount or appeal the penalty under sub. 6.

c. Additional Enforcement Actions for Certified Deconstruction Contractors. The commissioner may impose the following additional remedies on a certified deconstruction contractor:

c-1. A first violation of this section may result in removal from the list of certified deconstruction contractors for up to 6 months.

c-2. A second violation of this section may result in removal from the list of certified deconstruction contractors for up to 12 months.

c-3. A third or subsequent violation of this section may result in removal from the list of certified deconstruction contractors for an indefinite period. The contractor may not apply for reinstatement to the list of certified deconstruction contractors for a period of 18 months.

d. Temporary Removal. Temporary removal from the list of certified deconstruction contractors shall expire immediately following the end of the term of removal, and shall not require further action by the commissioner except for re-listing of the contractor on the department's website.

e. Stop Work Orders. When necessary to obtain compliance with this section, the commissioner may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the commissioner issues a stop work order, activity subject to the order may not be resumed until such time as the commissioner gives specific approval in writing. The stop work order will be in writing and posted at a conspicuous location at the site. When an emergency condition exists, a stop work order may be issued orally, followed by a written stop work order. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.

f. Criteria. The commissioner shall use the following criteria in determining the type and magnitude of penalties or remedies to impose under this subsection:

f-1. The nature and extent of the person's involvement in the violation.

f-2. Whether the person was seeking any benefits, economic or otherwise, through the violation.

f-3. Whether the person has committed similar violations in the past.

f-4. The length of time since any prior violations.

f-5. Whether the violation was isolated and temporary, or repeated and continuous.

f-6. The magnitude and seriousness of the violation.

f-7. The costs of investigating and remedying the violation.

f-8. Other relevant, applicable evidence bearing on the nature and seriousness of the violation.

g. Inspections. The commissioner may conduct inspections whenever necessary to enforce any provisions of this section, to determine compliance with this section or whenever the commissioner has reasonable cause to believe there exists any violation of this section. If the responsible party is at the site when the inspection is occurring, the commissioner will first present proper credentials to the responsible party and request entry.

6. RIGHT OF APPEAL. Whenever the responsible party has been given a written notice, order or determination pursuant to this section, or has been directed to make any correction, pay a penalty or to perform any act, and the responsible party believes the finding of the notice, order or determination was in error, the responsible party may have the notice, order or determination reviewed by the commissioner. If a review is sought, the responsible party will submit a written request to the commissioner within 10 days of the date of the notice, order or determination. Such review will be conducted by the commissioner. The responsible party requesting such review will be given the opportunity to present evidence to the commissioner. Following a review, the commissioner shall issue a written decision. The responsible party may appeal the commissioner's decision to the administrative review appeals board under s. 320-11.

****Enforcement of s. 218-10 is stayed until March 1, 2021.**

For legislative history of chapter 218, contact the Municipal Research Library.

Pages 111-140 are blank.

CHAPTER 222
ELECTRICAL AND ELEVATOR CODES

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SUBCHAPTER 1
ELECTRICAL INSTALLATIONS

222-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. SPS 305, SPS 316 and SPS 318, Wis. Adm. Code, as amended, as part of this code.

222-02. Scope. The object and purpose of this chapter is to safeguard persons and property from hazards arising from the use of electrical energy by establishing minimum standards for the installation and maintenance of electrical systems. The standards do not constitute a specification for electrical installations and electrical equipment generally.

222-03. Definitions. In this chapter:

1. STATE-LICENSED ELECTRICIAN means a holder of a license issued by the state of Wisconsin as a licensed electrician.

2. STATE-LICENSED ELECTRICAL CONTRACTOR means a holder of a license issued by the state of Wisconsin as a licensed electrical contractor.

3. STATE-LICENSED ELEVATOR CONTRACTOR means a holder of a license issued by the state of Wisconsin as a licensed elevator contractor.

4. STATE-LICENSED ELEVATOR MECHANIC means a holder of a license issued by the state of Wisconsin as a licensed elevator mechanic.

222-1. Regulations. 1. WHEN APPLICABLE.

a. Except as regulated in sub. 2, the regulations of this chapter shall apply to the supply of electricity and to all sales, rentals, leases, uses, installations, alterations, repairs, removals, renewals, replacements, disturbances, connections, disconnections and maintenance of all electrical materials, wiring, conductors, fittings, devices, appliances, fixtures, signs, and apparatus, or parts thereof, or attachments therefor, hereafter referred to as electrical equipment, which are intended to be, or are, within, on, under, over, or near all buildings, structures, equipment and premises.

b. No person other than a state-licensed electrical contractor or person who is exempt from licensing under s. 101.862(4)(am) to (q), Wis. Stats., may install, alter, renew, replace or connect equipment regulated by his or her respective license.

c. The exemption for licensing under s. 101.862(4)(a) shall be limited to the replacement for an existing switch, receptacle or luminaire if the replacement switch, receptacle or luminaire has a rating of not more than 20 amperes.

2. EXCEPTIONS. The electrical license and permit regulations of this chapter shall not apply to the following:

a. Any work associated with:

a-1. The repair of plug-connected electrical appliances or devices.

a-2. Permanently connected electrical appliances or devices which have been electrically and mechanically disconnected and separated from all sources of electrical supply by an electrical licensee. The opening of switches or the blowing or removal of fuses shall not be considered as electrical or mechanical disconnection or separation.

b. The installation or replacement of approved fuses which are not oversize for the circuit involved.

222-2. Enforcement. 1. The commissioner or his duly authorized representative shall enforce this chapter.

2. The commissioner in special cases may waive any of the regulations of this chapter, the enforcement of which in the commissioner's judgment would create an unsafe or dangerous condition.

3. The police and fire departments shall assist the commissioner or any of his duly authorized representatives in the enforcement of this chapter, and permit and allow the commissioner or his representatives inside fire and police lines.

4. No person may impersonate the commissioner or his duly authorized representative to enforce or try to enforce any of the regulations in this chapter.

5. Every person who furnishes electrical current to, or who owns, sells, leases, or lets for hire, uses, designs, installs, repairs, operates, maintains, or grants possession of any electrical equipment or materials, wiring, or apparatus in the city shall comply with the regulations of this chapter.

222-3. Interpretation. Pursuant to s. 200-33 the commissioner shall have the authority to render interpretations of the regulations of this chapter.

222-4. Right of Entry. 1. Pursuant to s. 200-12, the commissioner or his duly authorized representative may enter all buildings and premises and all parts thereof, except occupied dwellings, in order to make an inspection, reinspection, observation, examination, or test of the electrical equipment or wiring contained therein or thereon to enforce the regulations of this chapter.

2. No person may refuse lawful entry to the commissioner or his duly authorized representative, or interfere with, harass, abuse, obstruct or cause delay in the performance of their duties. The commissioner or his duly authorized representatives may order the removal of any and all obstructions including lath, plaster, lumber, boards and partitions.

222-5. Inspections. Upon the completion of any installation, alteration or replacement of electrical equipment which requires a permit, it shall be the duty of the licensee making the installation, alteration or replacement to notify the commissioner, who may inspect the installation, alteration or replacement as soon thereafter as practicable. When any electrical equipment requiring a permit is to be concealed by the permanent placement of parts of the building, the licensee installing the electrical equipment shall notify the commissioner to that effect, and such equipment shall not be concealed by the person installing such parts of the building until after it has been inspected and approved by the commissioner. On installations where the concealment of electrical equipment proceeds continuously, the licensee installing the electrical equipment shall give the commissioner due notice and inspection shall be made periodically during the progress of the work.

222-6. City Not Liable. This chapter shall not be construed to relieve from or lessen the responsibility or liability of any person supplying electricity to, or selling, or renting, or leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting, or maintaining any electrical equipment, for damages to persons or property caused by any defect therein or

therefrom; nor shall the city be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license or permit, or the inspection or reinspection authorized by this chapter, or by reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this chapter. Nor shall the city be held liable for any damages resulting from the enforcement of this chapter.

222-7. Commissioner Not Liable. In all cases where any action is taken by the commissioner to enforce the regulations of this chapter, such action shall be considered as done in the name of and on behalf of the city. The commissioner, in so acting for the city, shall not be judged as liable for any damage that may accrue to persons or property as a result of any such action committed in the discharge of the commissioner's duties. Any lawsuit or action brought against the commissioner relating to the commissioner's enforcement of the regulations of this chapter shall be defended by the city attorney until final termination of the proceedings contained therein.

222-8. Complaints. Complaints on improper or defective electrical equipment shall be investigated and action shall be taken as regulated in ss. 222-19 and 222-20. Where complaints disclose inadequacy of electrical equipment, the commissioner shall notify the owner of the premises, in writing, to that effect.

222-9. Information. 1. All requests for information pertaining to and involving an interpretation of this chapter shall be submitted in detail to the commissioner.

2. The commissioner shall not design or lay out any electrical installation or act in the capacity of a consulting electrical engineer.

222-10. Records. The commissioner shall keep a record of all electrical permits and other electrical matters as regulated in s. 222-13.

222-13. Permits. 1. PERMIT REQUIRED. Except as regulated in s. 222-1-2 or exempted in s. 200-24-1.5, no electrical equipment shall be installed, altered, renewed, replaced or connected without first procuring a permit.

2. APPLICATIONS FOR PERMIT.

a. Any state-licensed electrical contractor, state-licensed elevator contractor or person who is exempt from licensing under s. 101.862(4)(am) to (q), Wis. Stats., desiring a permit as required by this chapter shall file with the commissioner an application for a permit in writing on a form furnished for this purpose. In addition:

a-1. The department may allow any state-licensed electrical contractor to obtain a permit from within the scope of the contractor's license class. A state-licensed electrical contractor shall provide a copy of his or her state electrical contractor license and a copy of the license of the master electrician who is taking full responsibility for all work to be carried out under the permit. The applicant shall provide all necessary contact information on a form that is provided by the department. The permit application shall be signed by the supervising master electrician of the applicant's business.

a-2. The department may allow any state-licensed elevator contractor to obtain a permit from within the scope of the contractor's license class. A state-licensed elevator contractor shall provide a copy of his or her state elevator contractor license and a copy of the license of the elevator mechanic who is taking full responsibility for all work to be carried out under the permit. The applicant shall provide all necessary contact information on a form that is provided by the department. The permit application shall be signed by the supervising elevator mechanic of the applicant's business.

a-3. The following shall be exempt from licensing under s. 101.862(4), Wis. Stats.

a-3-a. Low-voltage Fire Alarm Permit. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a Type LF low-voltage (100 volts or less) fire alarm permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment associated with a fire alarm system and accept payment for any of these activities. The applicant shall provide all necessary contact information on a form that is provided by the department of neighborhood services.

a-3-b. Low-voltage Burglar and Security Alarm Permit. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the

commissioner shall issue a Type LB low-voltage (100 volts or less) burglar and security alarm permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment associated with a burglar and security alarm system and accept payment for any of these activities. The applicant shall provide all necessary contact information on a form that is provided by the department.

a-3-c. Other Low-voltage Permit. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a Type LV low-voltage (100 volts or less) permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment associated with any system other than those described in subpars. a and b and accept payment for any of these activities. The applicant shall provide all necessary contact information on a form that is provided by the department.

a-3-d. Other Exemptions. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment as regulated in s. 101.862(4), Wis. Stats. The applicant shall provide all necessary contact information on a form that is provided by the department.

b. A permit application shall describe and enumerate the electrical equipment to be installed and shall give other reasonable information as may be required by the commissioner.

c. At the time of an issuance of a permit, the commissioner may require the manufacturer, owner, installer or user of electrical equipment to submit plans (drawings), data, and specifications, schedules or literature, information, materials, samples or tests as may be necessary to determine the fitness of equipment for safe installation and use.

d. The approval of general building plans and specifications by the commissioner shall not be considered as including electrical plans or specifications or electrical equipment.

3. ISSUANCE OF PERMIT. a. If upon examination it is found that the information on the application is complete, the commissioner shall issue a permit; provided that the licensee, or applicant exempt from licensing under s. 222-13-2-a-3, agrees and expressly states that he or she is fully capable, and in possession of knowledge and ability to design, lay out, install, alter or replace the work designated in the application in accordance with this chapter, and with all other laws and ordinances pertinent thereto, and will install electrical equipment as described in the application for permit in a safe, legal and workmanlike manner.

b. The issuance of any permit or the serving of any notice or order shall not preclude compliance with all ordinances or other laws relating to occupancy and use, construction (s. 200-26) or zoning (ch. 295).

c. No other electrical work shall be done except work as described in the application for permit.

6. WORK WITHOUT PERMIT. When any work is begun on the installation, alteration, or replacement of any electrical equipment without first obtaining a permit therefor, except as provided in s. 222-1-2 or exempted in s. 200-24-1.5, the commissioner shall have the power and authority to disconnect or order the disconnection immediately of any such equipment and to stop such work until a permit has been procured.

7. NO PERMITS TO VIOLATORS.

a. Whenever any electrical installation occurs contrary to the regulations of this chapter, the commissioner shall issue a notice to remedy the defective work to the violator at his or her last known address. Failure to comply with the notice shall be deemed sufficient reason for withholding future permits, in addition to other penalties provided in this code.

b. The following shall also be deemed sufficient reasons for withholding future permits:

b-1. An unreasonable delay in the performance of electrical work occurs after issuance of a permit.

b-2. An electrical contractor fails to promptly respond to official communication from the commissioner.

b-3. Information provided on a contractor's contact form, state license or certification is no longer valid and the contractor failed to notify the department by providing an updated copy of state license or certification or updated contact form.

8. EXPIRATION OF PERMITS. If any electrical work for which a permit has been issued is not started within 6 months from the date of issuance of the permit, or if any electrical work for which a permit has been issued ceases for more

than 6 months, such permit shall lapse and be void, and all permit fees shall remain the property of the city. No electrical work shall begin or be resumed until a new electrical permit is obtained and the fees prescribed in s. 200-33 are paid therefor.

222-15. Installation Standards. 1. The commissioner of neighborhood services may grant special permission, for a limited period of time, for the installation or use of temporary electrical wiring and equipment which do not conform with the regulations of this chapter. The electrical contractor installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times, and its complete removal at the end of the fixed temporary period, as set forth by the commissioner of neighborhood services or any time sooner when ordered by the commissioner of neighborhood services. Carnivals, circuses, theatrical acts, and exhibitions and all places of temporary outdoor assembly are included in the provisions of this subsection, and all electrical wiring and equipment associated therewith shall be installed, maintained, and operated in a safe and workmanlike manner. All such electric wiring and equipment shall be isolated from the public by proper elevation and guarding and all electric fuses and switches shall be installed in approved enclosures. Cable laid on the ground in areas traversed by the public shall be buried in trenches or protected by approved covers.

2. Existing electrical equipment which does not conform to the regulations of this chapter, but which was lawfully installed prior to the passage of this chapter, may be continued in use if maintained in a safe condition.

3. When any additions, alterations, or renewals of existing electrical equipment lawfully installed prior to the adoption of this chapter are made, such portion of the installation which is added, altered or renewed shall conform to the regulations of this chapter.

4**.** Any change in the occupancy or use of an existing building, structure or premises shall not require a change in the existing electric equipment, provided such change does not create an electric hazard.

222-16. Connections to Installations. It shall be unlawful for any person to make any connection from any source or supply of electricity, or to supply electricity to any electrical equipment for which a permit is required, or which has been disconnected or ordered disconnected by the commissioner, until a certificate of authorization has been issued by the commissioner authorizing the connection and use of such equipment.

222-17. Approval of Electrical Equipment. 1. It shall be unlawful for any person to sell, install or use any type or kind of electrical equipment which has not been approved.

2. The sale, rental, installation or repair of electrical equipment shall by implication warrant that the manufacturer, seller, installer, repairer or person receiving payment for rental therefor, guarantees that such electrical equipment is of merchantable quality and not defective to the extent that it will be dangerous to persons or property when put to the use for which it was designed.

3. It shall be the policy of the commissioner of neighborhood services to approve, subject to the regulations of this chapter, any type or kind of electrical equipment which has been approved by the National Bureau of Standards or any nationally recognized testing laboratory or the state of Wisconsin.

222-18. Installation of Electrical Equipment. Except as otherwise regulated in this chapter, all electrical equipment which has been expressly made for electrical purposes shall be installed or used in the exact manner and for the exact purpose indicated by the manufacturer's instruction, markings or labels. Old or secondhand electrical equipment shall not be installed unless such equipment is in a safe condition and approved. Approved electrical equipment and the original manufacturer's ratings, markings or labels thereon shall not be changed or altered in any manner, except that normal replacements and repairs may be made to such equipment if the replacements and repairs do not change the original characteristics or design.

222-19. Unsafe or Illegal Electrical Equipment.

1. When the commissioner finds any electrical equipment to be unsafe or dangerous to persons or property, the person owning or using such electrical equipment may be issued an order in writing by the commissioner to remove or cause to be removed or to make any changes or repairs as determined by the commissioner so as to restore the electrical equipment to a safe condition. Failure to comply with the order within

the time specified in such notice shall be sufficient cause for the commissioner to disconnect or order the removal of, or order the discontinuance of electrical service to the electrical equipment, or to cause the arrest of such person owning or using such electrical equipment.

2. In any case of emergency affecting the safety of persons or property, or where electrical equipment interferes with the work of the fire department, or where electrical equipment is not installed in conformity with this chapter, the commissioner may disconnect immediately or cause the removal or disconnection of any such electrical equipment.

3. When the commissioner disconnects or causes to be disconnected electrical current from electrical equipment, he shall attach an official notice, tag, lock or seal to such electrical equipment to prevent the use of electricity. No unauthorized person may attach such official notice, tag, lock or seal, or break open, change, remove, destroy, tear, alter, mutilate, cover or otherwise deface or injure any such official notice, tag, lock or seal.

222-20. Seizure of Electrical Equipment. The commissioner shall have the power and authority and is authorized to seize and take possession of any electrical equipment or materials or parts thereof or attachments therefor which in his opinion are dangerous to life or property or which are suspected or found by him to have been the cause of any fire, accident, injury or fatality, and to retain possession of the same for the purpose of making an investigation, examination or for official evidence. After such electrical equipment or material in the possession of the commissioner have served their purposes, and an official report and record thereof has been made, such electrical equipment or materials shall be returned to the owner, provided said owner requests in writing their return within 90 days from the date of their seizure. If no such request is made, such equipment or materials may be destroyed or disposed of.

SUBCHAPTER 2
ELEVATORS, DUMBWAITERS, ETC.

222-50. Scope. 1. Regulations contained in this subchapter with respect to elevators, power dumbwaiters, material handling elevators, moving walks and ramps, personnel hoists, and escalators are deemed supplemental to ch. SPS 318, Wis. Adm. Code. Plans required in subch III, ch. SPS 318, Wis. Adm. Code, shall be submitted to the commissioner instead of the Wisconsin department of safety and professional services together with 3 copies of the permit application.

222-51. Enforcement. 1. The commissioner or his duly authorized representative shall enforce the regulations of this subchapter.

2. It shall be the duty of the police and fire departments to assist the commissioner or any of his duly authorized representatives in the enforcement of this subchapter, and to permit and allow the commissioner or his representatives inside fire and police lines.

3. The commissioner or his duly authorized representative shall have the right and authority to start legal action to enforce the penalties of this code against any person who has violated any of the regulations of this subchapter.

4. The elevator inspector or inspectors and others duly authorized by the commissioner shall have the power and are authorized to enter any building or premises in the city except occupied dwellings without hindrance from anyone for the purpose of examining elevators or other devices regulated in this chapter and for the enforcement of this subchapter. The engineer or operator having charge of such equipment shall assist the commissioner or other duly authorized person or persons to such extent that he or they may be able to make careful and thorough investigation of every portion of the operating machinery, supports and enclosures connected with such equipment.

5. It shall be unlawful for any person to refuse lawful entry to the commissioner or his duly authorized representative, or to interfere with, harass, abuse, obstruct or cause delay in the performance of their duties.

222-52. Construction Permits. 1. PERMIT REQUIRED. Except as regulated in pars. a and b, no person shall install, alter, repair or replace any elevator or other device regulated in s. SPS 318.1002, Wis. Adm. Code, without first obtaining a permit therefor and paying the fees as prescribed in s. 200-33.

a. In cases of emergency the permit may be obtained within 72 hours from the time the work is started.

b. Where the extent and cost of the alteration, repair or replacement work is not known in advance, a minimum permit fee must be obtained and a supplemental fee paid after such cost has been determined.

2. APPLICATION FOR PERMIT. An application for permit shall be filed with the commissioner on a form furnished for such purpose for each elevator, moving stairway (escalator), dumbwaiter or other device regulated in this subchapter. Such application shall describe the installation, alteration, repair or replacement work to be done and shall give the separate cost for each elevator, moving stairway (escalator), dumbwaiter or other device.

3. ISSUANCE OF PERMIT. The issuance of a permit for an elevator or other device regulated in this chapter shall not preclude compliance with all ordinances or other laws referring to occupancy and use or construction. No other work on the elevator or other device regulated in this chapter shall be done except work authorized by the permit and as shown on the approved plans (s. 222-53).

4. WORK WITHOUT PERMIT. Where any work is begun on the installation, alteration, repair or replacement of any elevator or other device regulated in s. SPS 318.1002, Wis. Adm. Code, without obtaining a permit as regulated in sub. 1, the commissioner shall have the power and authority to stop such work until a permit has been procured and quadruple fees paid as regulated in s. 200-32-3.

5. WITHHOLDING OF PERMITS.

a. Whenever any elevator installation occurs contrary to the regulations of this chapter, the commissioner shall issue an order to remedy the defective work to the violator at his or her last known address. Failure to comply with the order shall be deemed sufficient reason for withholding future permits, in addition to other penalties provided in this code.

b. The commissioner may also withhold future permits whenever an elevator contractor fails to:

b-1. Perform elevator work within a reasonable period of time after the issuance of a permit.

b-2. Promptly respond to official communication from the commissioner.

222-53. Plans and Specifications. 1. At the time of a filing of an application for a construction permit the commissioner shall require the manufacturer, owner, installer or user of any elevator or other device regulated in this subchapter to submit plans (drawings) in triplicate, data and specifications, schedules, or literature, information or tests as may be necessary to determine the fitness of equipment for the safe installation and use.

2. The approval of general building plans and specifications by the commissioner shall not be considered as including approval of the installation of any elevator or other device regulated in this subchapter.

222-54. Safety Tests and Tags. A tag shall be fastened to the governor releasing carrier upon completion of a satisfactory test of the car safety device and speed governor. Reports of tests as specified in ch. SPS 318, Wis. Adm. Code, shall also be submitted to the department.

222-55. Protection of Openings in Floors. 1. All openings in floors for the installation, enlargement, extension, alteration, repair or replacement of elevators or other equipment regulated by this chapter shall be protected as provided in ch. 252.

2. It shall be the responsibility of the person making such floor opening to provide and maintain the required protection until the work of installing, enlarging, extending, altering, repairing or replacing such elevator or other equipment is started.

3. Thereafter the person installing, enlarging, extending, altering, repairing or replacing such elevator or other equipment shall be responsible for maintaining the required protection until all of the work on the elevator or other equipment is completed.

222-56. Elevator-Electrical Installation by Licensed Contractor. 1. No person shall engage in electrical work in connection with elevators unless the person is a state-licensed elevator mechanic doing work for a state-licensed elevator contractor or a state-licensed electrician working for a state-licensed electrical contractor.

2. All elevator electrical work shall be regulated by the provisions of this code.

222-57. Mechanical Brakes. Every existing drum type elevator machine equipped with a mechanical brake shall be provided with an electrical brake and direction stop and final limit switches at each terminal of travel.

222-58. Drains in Elevator Pits. In all elevator shaftways located on or below grade, a floor drain or sump pump shall be installed in accordance with ch. SPS 382, Wis. Adm. Code.

222-59. Door Interlock or Contact and Lock. All existing passenger elevators, except roped hydraulic elevators, shall be provided with an approved interlock or contact and lock on each hoistway entrance door or gate in the same manner as required by ch. SPS 318, Wis. Adm. Code, as amended, for new elevators. All necessary requirements of emergency keys and keyways shall also be provided.

222-60. Gates and Doors. Every new or existing passenger elevator, except roped hydraulic elevators, shall be provided with a car gate or car door at each entrance to the car used for loading and unloading. Such gate or door shall be equipped with an approved electric contact which will prevent the car from running unless the car gate or door is in the closed position. Such electric contact shall be so located that it is not readily accessible from the inside of the car.

222-61. Freight Elevators. 1. Freight elevators shall not be permitted to carry passengers.

2. Each freight elevator shall contain a sign which reads: "THIS IS NOT A PASSENGER ELEVATOR. NO PERSON OTHER THAN A FREIGHT HANDLER IS PERMITTED TO RIDE ON THIS ELEVATOR." The sign shall be permanently and securely fastened in a conspicuous location within the car enclosure. The sign shall be of such material and construction that the letters stamped, etched, cast or otherwise applied to the face shall remain permanently and readily legible. The letters shall not be less than 1/2 inch (13 mm.) high.

LEGISLATIVE HISTORY
CHAPTER 222

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 22	rn ch. 222	85-1396	12/20/85	1/1/86
222-01	cr	891008	10/10/89	10/28/89
222-01	am	961523	2/11/97	2/28/97
222-01	am	020467	8/1/2002	8/20/2002
222-01	am	151597	3/1/2016	3/18/2016
222-02	rn from 222-01	891008	10/10/89	10/28/89
222-03	cr	151597	3/1/2016	3/18/2016
222-1-1	am	85-1396	12/20/85	1/1/86
222-1-1	am	170467	9/26/2017	10/13/2017
222-1-1-b	cr	170467	9/26/2017	10/13/2017
222-1-1-c	cr	170467	9/26/2017	10/13/2017
222-1-2-a	rp	151597	3/1/2016	3/18/2016
222-1-2-b	rp	151597	3/1/2016	3/18/2016
222-1-2-c	am	951346	1/23/96	2/9/96
222-1-2-c	rp	151597	3/1/2016	3/18/2016
222-1-2-d	rp	151597	3/1/2016	3/18/2016
222-1-2-e	rp	151597	3/1/2016	3/18/2016
222-1-2-f	rn to 222-1-2-a	151597	3/1/2016	3/18/2016
222-1-2-g	rn to 222-1-2-b	151597	3/1/2016	3/18/2016
222-2	am	85-1396	12/20/85	1/1/86
222-3	am	85-1396	12/20/85	1/1/86
222-3	am	020593	11/8/2002	1/1/2003
222-4	am	85-1396	12/20/85	1/1/86
222-5	am	910636	8/2/91	8/21/91
222-6	am	020593	11/8/2002	1/1/2003
222-7	am	980963	12/18/98	1/1/99
222-7	am	020593	11/8/2002	1/1/2003
222-8	am	85-1396	12/20/85	1/1/86
222-8	am	980963	12/18/98	1/1/99
222-8	am	151597	3/1/2016	3/18/2016
222-9	am	85-1396	12/20/85	1/1/86
222-10	am	85-1396	12/20/85	1/1/86
222-10	am	980963	12/18/98	1/1/99
222-10	am	151597	3/1/2016	3/18/2016
222-11	rc	020593	11/8/2002	1/1/2003
222-11	rp	151597	3/1/2016	3/18/2016
222-11-1-0	am	101025	4/12/2011	6/1/2011
222-11-1	rc	960203	6/4/96	6/21/96
222-11-1-d	cr	101025	4/12/2011	6/1/2011
222-11-1-e	cr	101025	4/12/2011	6/1/2011
222-11-1-f	cr	101025	4/12/2011	6/1/2011
222-11-1-g	cr	101025	4/12/2011	6/1/2011
222-11-1-g	am	110042	5/24/2011	6/14/2011
222-11-2	rc	960203	6/4/96	6/21/96
222-11-2	rn to 222-11-2-a	060491	9/26/2006	10/13/2006
222-11-2-a	rn to 222-11-2	061 052	2/6/2007	2/23/2007
222-11-2-b	cr	060491	9/26/2006	10/13/2006
222-11-2-b	rp	061052	2/6/2007	2/23/2007
222-11-2-c	am	85-1396	12/20/85	1/1/86

222-11-2-d	am	970910	10/14/97	10/31/97
222-11-2-g	rc	950061	5/16/95	6/3/95
222-11-2-h	am	950061	5/16/95	6/3/95
222-11-3-0	am	85-1396	12/20/85	1/1/86
222-11-3	rc	960203	6/4/96	6/21/96
222-11-3-c-1	am	86-675	7/29/86	8/16/86
222-11-3-c-1	am	961523	2/11/97	2/28/97
222-11-3-c-1	am	990863	10/19/99	11/5/99
222-11-3-c-3	am	85-1396	12/20/85	1/1/86
222-11-3-c-3	am	910636	8/2/91	8/21/91
222-11-3-d-1	am	86-675	7/29/86	8/16/86
222-11-3-d-1	am	961523	2/11/97	2/28/97
222-11-3-d-1	am	990863	10/19/99	11/5/99
222-11-3-d-2	am	851396	12/20/85	1/1/86
222-11-3-d-3	am	851396	12/20/85	1/1/86
222-11-3-e-1	am	86675	7/29/86	8/16/86
222-11-3-e-1	am	961523	2/11/97	2/28/97
222-11-3-e-1	am	990863	10/19/99	11/5/99
222-11-3-e-2	am	851396	12/20/85	1/1/86
222-11-3-f-1	am	961523	2/11/97	2/28/97
222-11-3-f-1	am	990863	10/19/99	11/5/99
222-11-3-h	am	941414	1/24/95	2/10/95
222-11-3-i	am	821396	12/20/85	1/1/86
222-11-4	am	851396	12/20/85	1/1/86
222-11-4	am	111233	1/18/2012	2/4/2012
222-11-4-d	cr	101025	4/12/2011	6/1/2011
222-11-4-d	am	121595	4/30/2013	5/17/2013
222-11-4-e	cr	101025	4/12/2011	6/1/2011
222-11-4-e	am	121595	4/30/2013	5/17/2013
222-11-4-f	cr	101025	4/12/2011	6/1/2011
222-11-5-e	cr	030080	6/3/2003	6/20/2003
222-11-5-e	rn to 222-11-5-i	101025	4/12/2011	6/1/2011
222-11-5-e	cr	101025	4/12/2011	6/1/2011
222-11-5-f	cr	101025	4/12/2011	6/1/2011
222-11-5-g	cr	101025	4/12/2011	6/1/2011
222-11-5-h	cr	101025	4/12/2011	6/1/2011
222-11-6	rc	900835	10/16/90	11/2/90
222-11-6-0	am	85-1396	12/20/85	1/1/86
222-11-6-c	am	941414	1/24/95	2/10/95
222-11-7	am	030080	6/3/2003	6/20/2003
222-11-9	rc	030080	6/3/2003	6/20/2003
222-11-9-e-1	am	111233	1/18/2012	2/4/2012
222-11-11-b	am	980848	1/17/2007	2/3/2007
222-12	rp	020593	11/8/2002	1/1/2003
222-12-2-a	am	85-1396	12/20/85	1/1/86
222-12-2-b	rp	85-1396	12/20/85	1/1/86
222-12-2-d	am	980963	12/18/98	1/1/99
222-12-4-b	am	980963	12/18/98	1/1/99
222-12-4-c	am	980963	12/18/98	1/1/99
222-12-4-d	am	980963	12/18/98	1/1/99
222-13-1	am	911943	3/3/92	3/20/92
222-13-1	am	960762	9/24/96	10/11/96
222-13-1	am	121804	12/17/2013	1/9/2014
222-13-1	am	151597	3/1/2016	3/18/2016
222-13-2	am	980963	12/18/98	1/1/99
222-13-2-a	am	020593	11/8/2002	1/1/2003

222-13-2-a	am	110042	5/24/2011	6/14/2011
222-13-2-a	rc	151597	3/1/2016	3/18/2016
222-13-2-a	am	170467	9/26/2017	10/13/2017
222-13-2-b	am	151597	3/1/2016	3/18/2016
222-13-2-c	am	151597	3/1/2016	3/18/2016
222-13-2-d	am	151597	3/1/2016	3/18/2016
222-13-3-a	am	980963	12/18/98	1/1/99
222-13-3-a	am	151597	3/1/2016	3/18/2016
222-13-3-b	am	85-1396	12/20/85	1/1/86
222-13-3-b	am	921114	11/20/92	12/11/92
222-13-4	ra	901086	11/8/90	11/27/90
222-13-4	cr	901086	11/8/90	11/27/90
222-13-4	rp	121804	12/17/2013	1/9/2014
222-13-4-0	rc	911943	3/3/92	3/20/92
222-13-4-a	rc	911943	3/3/92	3/20/92
222-13-4-a	am	980963	12/18/98	1/1/99
222-13-4-b-0	am	911943	3/3/92	3/20/92
222-13-4-b-0	am	941414	1/24/95	2/10/95
222-13-4-b-2	am	941414	1/24/95	2/10/95
222-13-4-b-3	rp	911943	3/3/92	3/20/92
222-13-5	rn to 222-13-6	960762	9/24/96	10/11/96
222-13-5	cr	960762	9/24/96	10/11/96
222-13-5	rc	110042	5/24/2011	6/14/2011
222-13-5	rp	151597	3/1/2016	3/18/2016
222-13-5-a	am	980963	12/18/98	1/1/99
222-13-6	am	151597	3/1/2016	3/18/2016
222-13-7	cr	960762	9/24/96	10/11/96
222-13-7-b-3	cr	110042	5/24/2011	6/14/2011
222-13-7-b-3	rc	151597	3/1/2016	3/18/2016
222-13-8	cr	960762	9/24/96	10/11/96
222-15-0	rp	891008	10/10/89	10/28/89
222-15-1	am	980963	12/18/98	1/1/99
222-15-1	am	110042	5/24/2011	6/14/2011
222-15-2	am	85-1396	12/20/85	1/1/86
222-15-2	am	980963	12/18/98	1/1/99
222-15-2	rp	151597	3/1/2016	3/18/2016
222-15-3	rn to 222-15-2	151597	3/1/2016	3/18/2016
222-15-4	rn to 222-15-3	151597	3/1/2016	3/18/2016
222-15-5	rn to 222-15-4	151597	3/1/2016	3/18/2016
222-16	am	980963	12/18/98	1/1/99
222-16	am	151597	3/1/2016	3/18/2016
222-17-1	am	85-1396	12/20/85	1/1/86
222-17-3	am	980963	12/18/98	1/1/99
222-17-3	am	110042	5/24/2011	6/14/2011
222-17-4	am	980963	12/18/98	1/1/99
222-17-4	am	110042	5/24/2011	6/14/2011
222-19	am	85-1396	12/20/85	1/1/86
222-19-1	am	910636	8/2/91	8/21/91
222-19-1	am	921114	11/20/92	12/11/92
222-20	am	980963	12/18/98	1/1/99
222-21	rp	110042	5/24/2011	6/14/2011
222-22	am	85-1396	12/20/85	1/1/86
222-22	am	991763	5/14/2002	10/1/2002
222-22	rp	110042	5/24/2011	6/14/2011
222-22-1	am	871091	11/17/87	12/10/87
222-23	rp	110042	5/24/2011	6/14/2011

222-23-2-i	am	851396	12/20/85	1/1/86
222-23-2-i	am	961523	2/11/97	2/28/97
222-23-2-k	am	851396	12/20/85	1/1/86
222-23-2-k	am	961523	2/11/97	2/28/97
222-23-3	am	851396	12/20/85	1/1/86
222-50	am	851396	12/20/85	1/1/86
222-50	rc	891008	10/10/89	10/28/89
222-50	am	961523	2/11/97	2/28/97
222-50	am	980963	12/18/98	1/1/99
222-50	am	090332	7/28/2009	8/14/2009
222-50	am	111233	1/18/2012	2/4/2012
222-50-1	am	151597	3/1/2016	3/18/2016
222-51	am	980963	12/18/98	1/1/99
222-52-1-0	am	851396	12/20/85	1/1/86
222-52-1-0	am	111233	1/18/2012	2/4/2012
222-52-1-0	am	151597	3/1/2016	3/18/2016
222-52-1	am	990933	10/19/99	11/05/99
222-52-1	am	001458	2/27/2001	3/16/2001
222-52-1	am	040631	9/21/2004	10/8/2004
222-52-2	am	980963	12/18/98	1/1/99
222-52-2	am	151597	3/1/2016	3/18/2016
222-52-3	am	851396	12/20/85	1/1/86
222-52-4	am	851396	12/20/85	1/1/86
222-52-4	am	980963	12/18/98	1/1/99
222-52-4	am	990933	10/19/99	11/5/99
222-52-4	am	040631	9/21/2004	10/8/2004
222-52-4	am	111678	5/22/2012	6/12/2012
222-52-5	cr	980695	9/23/98	10/10/98
222-53	am	85-1396	12/20/85	1/1/86
222-53	am	980963	12/18/98	1/1/99
222-53	am	151597	3/1/2016	3/18/2016
222-54	am	980963	12/18/98	1/1/99
222-54	am	001458	2/27/2001	3/16/2001
222-54	am	111678	5/22/2012	6/12/2012
222-54	am	151597	3/1/2016	3/18/2016
222-55	am	851396	12/20/85	1/1/86
222-56-1	am	851396	12/20/85	1/1/86
222-56-1	am	980963	12/18/98	1/1/99
222-56-1	am	151597	3/1/2016	3/18/2016
222-58	am	851396	12/20/85	1/1/86
222-58	am	961523	2/11/97	2/28/97
222-58	am	970131	5/13/97	5/31/97
222-58	am	980695	9/23/98	10/10/98
222-58	am	111678	5/22/2012	6/12/2012
222-59	am	970623	7/25/97	8/13/97
222-59	am	111678	5/22/2012	6/12/2012
222-61	cr	930413	7/6/93	7/23/93

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CHAPTER 223
BOILERS

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223-1. Adoption of State Code. The city of Milwaukee adopts ch. SPS 341, Wis. Adm. Code, except s. SPS 341.08, as amended, as part of this code.

223-3. Scope. The regulations of this chapter shall apply to all boilers and piping components associated with boilers, fired pressure vessels, unfired pressure vessels and power piping in use at places of employment and in public buildings, except water heaters and hot water supply boilers used for domestic water supply; and to all operations involving the operation and management of all-steam boiler plants and steam engines and turbines.

223-5. Definitions. In this chapter:

1. AUTHORIZED INSPECTION AGENCY means either of the following:

a. An inspection agency as outlined in ANSI/NB-369 and whose inspectors hold a valid certificate as issued by the state of Wisconsin in accordance with s. SPS 305.60, Wis. Adm. Code, as amended.

b. An individual who holds a valid certificate as issued by the state of Wisconsin in accordance with s. SPS 305.60, Wis. Adm. Code, as amended, and who provides the department annually with proof of general liability and property damage insurance in the sum of $1,000,000 with the city of Milwaukee as an additional insured, and continuing education and training as outlined in the ANSI/NB-369 series code.

2. BOILER HORSEPOWER (BHP) means a gross boiler output of 33,478 Btu per hour or evaporation of 34.5 pounds of water from and at 212 degrees Fahrenheit per hour, whichever is greater. For electric boilers, one boiler horsepower shall be considered equivalent to an input of 10 kilowatts.

3. CONTROL EQUIPMENT means any electrical, mechanical, pneumatic or hydraulic devices or systems that can be used to manually or automatically control the operating conditions of a boiler, turbine or engine.

4. FIRED PRESSURE VESSEL means any vessel in which steam or other vapor is generated, but not withdrawn for external use; or pressure parts subject to direct firing from the combustion of fuels, or electricity, and which are not within the scope of American society of mechanical engineers (ASME) sections I, III or IV.

5. FIRST CLASS PLANT means any boiler plant which contains a high pressure steam boiler or boilers with a total capacity of more than 600 boiler horsepower output, as rated by boiler manufacturer rating or Wisconsin state code.

6. FOURTH CLASS PLANT means any boiler plant which contains low pressure boilers with a total capacity of more than 150 BHP, or any high pressure steam boiler or boilers with a total capacity of 30 BHP but not greater than 110 BHP, as rated by boiler manufacturer rating, or Wisconsin state code, and which does not contain any steam engines or turbines except boiler auxiliaries.

7. HIGH PRESSURE BOILER means any boiler on which the safety valve or valves are set to release at a gage pressure greater than 15 pounds per square inch.

8. LOW PRESSURE BOILER means any boiler on which the safety valve or valves are set to release at a gage pressure of 15 pounds per square inch or less.

9. LOW PRESSURE PLANT means any boiler plant which contains one or more low pressure steam boilers with a total capacity of more than 30 BHP but not greater than 150 BHP output, as rated by boiler manufacturer rating or Wisconsin state code.

10. MONITOR EQUIPMENT means any electrical, mechanical, pneumatic or hydraulic devices or systems which are used to provide a visual display of boiler, turbine, or engine operating conditions and which are located in an approved location. All monitored functions shall have associated audible and visual alarm systems to indicate unsafe conditions.

11. REPAIR means any work necessary to restore a boiler, pressure vessel or power piping to a safe operating condition.

12. SECOND CLASS PLANT means any boiler plant which contains a high pressure steam boiler or boilers with a total capacity of more than 400 but not greater than 600 BHP output, as rated by boiler manufacturer rating or Wisconsin state code.

13. STEAM ENGINE AND TURBINE means any engine, turbine or other prime mover which uses steam as the motive power.

14. THIRD CLASS PLANT means any boiler plant which contains a high pressure steam boiler or boilers with a total capacity of 110 BHP but not greater than 400 BHP, as rated by boiler manufacturer rating or Wisconsin state code, and which contains steam engines or turbines other than boiler auxiliaries.

15. UNFIRED PRESSURE VESSEL means a vessel in which pressure is obtained from an external source or from an indirect application of heat. Electric boilers shall be considered to be fired pressure vessels.

16. WISCONSIN PERMIT TO OPERATE means the permit issued by the Wisconsin department of safety and professional services, as described in ch. SPS 341, Wis. Adm. Code, as amended.

223-7. General Inspection Rules

1. PERMIT REQUIREMENTS. a. No person may install, alter, replace or repair any boiler, unfired pressure vessel, fired pressure vessel or power piping regulated in this section without first obtaining a permit and paying the fees as prescribed in s. 200-33.

b. An application for permit shall be filed with the commissioner of city development on a form furnished for this purpose for each boiler, unfired or fired pressure vessel, or power piping system. The application shall describe the installation, alteration, repair or replacement work to be done.

c. The issuance of a permit for a boiler, unfired or fired pressure vessel, or power piping system shall not preclude compliance with the provisions of this code or other laws referring to occupancy and use or construction. No other work on the boiler, unfired or fired pressure vessel, or power piping system may be done, except work authorized by the permit.

d. Any person who fails to procure a permit for the installation, alteration, replacement or repair of any boiler, unfired pressure vessel, or fired pressure vessel, or power piping shall be subject to penalties and fees as provided in ss. 200-19-1 and 200-32-3 and b.

e. The commissioner may issue a citation with or without prior order for any violation of this chapter as provided in s. 200-19-2.

2. INSPECTION REQUIREMENTS.

a. Notification. a-1. Upon the completion of any installation, alteration, replacement or repair of a boiler, or unfired pressure vessel or fired pressure vessel, the person making such installation, alteration, replacement or repair shall notify the commissioner requesting an inspection of such work as soon thereafter as practicable.

a-2. The installing contractor shall notify the commissioner requesting an inspection of the power piping, prior to the construction, installation, alteration, repair or replacement of any power piping system, so that inspections may be arranged. The commissioner shall be given a minimum of 2 business days' notice prior to the requested date of inspection.

b. Inspection. b-1. Every boiler, unfired pressure vessel or fired pressure vessel may be inspected by the commissioner to determine whether it complies with the requirements of this section before it is placed in service.

b-2. No Wisconsin permit to operate shall be issued by the commissioner until the installation substantially complies with the requirements of this section.

c. Hydrostatic test. c-1. A hydrostatic test may be witnessed by the commissioner of every cast iron boiler which has a heat input of more than 200,000 Btu per hour before being placed in service.

c-2. Factory assembled boilers may be waived from this requirement by the commissioner.

c-3. A test pressure of 1.5 times the maximum pressure (minimum of 45 pounds per square inch) shall be applied to the boiler in the presence of the commissioner.

d. Power Piping Systems Not Covered by the ASME code section 1. All power piping systems not covered by ASME code section 1, and requiring construction in accordance with the ASME code for power piping, may be inspected by the commissioner. If the power piping system is not inspected by the

commissioner, it shall be inspected by an organization having a documented quality control program as described in par. f.

e. Power Piping Installation; Inspections. Except as provided in par. g, no owner shall install, alter or replace any power piping without obtaining inspections in accordance with par. d as follows:

e-1. After the material is delivered to the job site, but prior to the start of construction of the power piping system.

e-2. Prior to the insulating of the power piping system.

e-3. Prior to the power piping system being placed into service.

f. Documented Quality Control Program. A documented quality control program shall:

f-1. Be reviewed and approved annually by the commissioner.

f-2. Contain the scope of work the organization intends to perform.

f-3. Contain a description of the repairs of a routine nature to be performed without prior on site approval by the authorized inspection agency.

f-4. Contain a written description of the authority and responsibility of those persons in charge of the quality control system.

f-5. Contain an organization chart showing the relationship between management and engineering, purchasing, assembling, inspection and quality control.

f-6. Contain procedures, which will assure that the drawings, design calculations, specifications, fabrication, examination, testing and inspections are done in accordance with all applicable codes.

f-7. Contain a material control system, which will insure that the material received is properly identified to satisfy code requirements.

f-8. Contain the method to control welding to insure that welding conforms to section IX of the ASME code.

f-9. Contain a system for correction of nonconformities. A nonconformity is any condition which does not comply with the applicable rule of this code.

f-10. Contain provisions for identifying nondestructive examination procedures for power piping.

f-11. Contain documented inspections, as described in par. e, made by an authorized inspection agency on forms approved by the commissioner.

f-12. Contain sample forms and any detailed procedures for their use.

g. Exemption. An organization having a documented quality control program as described in par. f shall be exempt from the requirements in subs. 1 and 2-a-2.

h. Routine Repairs. Repairs of a routine nature, as specified in the organization's quality control program and which have been approved by the authorized inspection agency, may be performed without a site inspection.

3. INSTALLATION STANDARDS. a. Other Standards. In any case not covered by reference in s. 223-1, the commissioner may use the ASME codes for boilers, pressure vessels and power piping systems, as amended, as representing standard engineering and safe practice.

b. Special Rules. The commissioner may promulgate such rules for the enforcement of the regulations of this section as are deemed proper and desirable, and which are not inconsistent with this chapter and state statutes.

c. Change Orders. The commissioner may order such changes to any boiler, pressure vessel or power piping installation as may be necessary for the proper protection of life and property.

4. PERIODIC INSPECTIONS AND INSPECTION FEES. a. Inspection. The commissioner may inspect boilers, unfired pressure vessels and fired pressure vessels in a manner that is consistent with the provisions of ch. SPS 341, Wis. Adm. Code, as amended.

b. Testing Authority. b-1. The owner or user of a boiler, unfired pressure vessel or fired pressure vessel to be tested by the commissioner shall, after receiving notice, prepare the boiler, unfired pressure vessel or fired pressure vessel for an internal inspection, external inspection, hydrostatic pressure tests or non-destructive examination.

b-2. Failure to comply with such notice within the time specified may result in reinspection fees established in s. 200-33-23-i.

c. Inspection Fees. Each inspection, test, of service performed by the commissioner shall be paid for at rates established in s. 200-33.

d. Authorized Inspection Agency and Reports. In lieu of inspections by the commissioner, the commissioner may accept inspections made by an authorized inspection agency. Such inspections shall be made in accordance with this section. For boilers,

unfired pressure vessels and fired pressure vessels subject to periodic inspection requirements, the authorized inspection agency shall have a detailed report of each inspection filed with the commissioner within 15 days from the date of inspection. The reports shall be printed on an approved form and provide all information requested on the form, including code violations.

e. Failure to Report Inspections. If an authorized inspection agency fails to meet the requirements listed in par. d, the commissioner may make the inspections. Inspections done by the commissioner due to a lack of response by the authorized inspection agency shall be billed to the owner or user in accordance with s. 200- 33.

f. Responsibility. The owner or user of the boiler, unfired pressure vessel or fired pressure vessel shall be responsible for obtaining a periodic inspection and maintaining a valid Wisconsin permit to operate, pursuant to s. 223-1.

g. Service of Order. Any order issued under this section shall be served upon the owner of record pursuant to s. 200-12-2-b. The order may also be posted on the premises. The department may place a charge for the posting in the amount provided in s. 200-33-43.5 and may place a code enforcement fee as provided in s. 200-33-8.8 against the subject property which may be assessed and collected as a special charge.

5. MAINTENANCE: UNSAFE OR HAZARDOUS EQUIPMENT, AND COMPLAINTS.

a. The owner or users of any boiler, unfired pressure vessel, fired pressure vessel or power piping system shall maintain such equipment in a safe operating condition.

b. Complaints on improper or defective boilers, unfired pressure vessels or fired pressure vessels may be investigated and action may be taken as herein regulated.

c. If, upon inspection, any boiler, unfired pressure vessel or fired pressure vessel is found to be unsafe or in a hazardous condition, the commissioner may order such equipment removed from service until such unsafe or hazardous condition is corrected. A written order to remedy conditions may be sent by the commissioner to the person owning or using such equipment. Failure to comply with the order within the time specified shall result in penalties or fees as established in ss. 200-19 and 200-33.

223-9. Stationary Engineer's Permit to Operate.

1. SCOPE. Except as provided in sub. 2, this section shall apply to all boiler plants and steam engines and turbine.

a. No person may operate, manage or take charge of any boiler, steam engine or steam turbine regulated by this chapter without first procuring stationary engineer's permit to operate.

b. No person owning or controlling any boiler, steam engine or steam turbine may authorize or permit any person who does not have a proper and valid permit to operate, have control of, manage or take charge of such boiler, steam engine or steam turbine or any part thereof.

c. Boilers which use liquids other than water shall be subject to the same permit requirements determined by the boiler horsepower rating and safety valve setting of the boilers, except that a person having only a low pressure boiler operator permit shall not be permitted to operate such boilers.

2. EXCEPTIONS. The permit regulations of this section shall not apply to:

a. Boiler plants consisting of one or more low pressure boilers with a total capacity not greater than 30 BHP as rated by boiler manufacturer rating plate or Wisconsin state code.

b. Boiler plants consisting only of one or more miniature boilers which are used as separate units.

c. Steam engines or turbines which are supplied with steam from a miniature steam boiler.

d. Locomotives used in interstate commerce.

e. Low pressure boiler heating plants in one and 2-family dwellings. .

f. Any boiler completely filled with water or other liquid, to be used externally to itself at pressure not greater than 160 pounds per square inch, or at a temperature not greater than 250 degrees Fahrenheit.

3. PERMIT TO OPERATE CLASSIFICATION. Five classes of stationary engineers' permits to operate are established:

a. First class stationary engineer's permit.

b. Second class stationary engineer's permit.

c. Third class stationary engineer's permit.

d. Fourth class stationary engineer's permit.

e. Low pressure boiler operator's permit.

4. APPLICATION AND EXPERIENCE.

a. Application for a permit to operate under this chapter may be made by any person holding a National Institute for the Uniform Licensing of Power Engineers (NIULPE) license or an American Society of Power Engineers (ASOPE) license.

b. The commissioner shall determine the applicant's fitness for a particular class of permit. The city's permit classifications shall correspond to the following NIULPE or ASOPE classifications:

Milwaukee	NIULPE	ASOPE
Low Pressure Boiler Operators Permit	5th Class License	Facility Operating Engineer 3rd Class License
Fourth Class Stationary Engineers Permit	4th Class License	Facility Operating Engineer 2nd Class License
Third Class Stationary Engineers Permit	3rd Class License	Power Plant Operating Engineer 3rd Class License
Second Class Stationary Engineers Permit	2nd Class License	Power Plant Operating Engineer 2nd Class License
First Class Stationary Engineers Permit	1st Class License	Power Plant Operating Engineer 1st Class License

c. A verified application for a permit to perform work as an engineer in the city shall be made on forms furnished by the commissioner.

d. The applicant shall list education and work experience relating to the operation of boiler plants. Applications for stationary engineer's permit to operate should contain the name of the engineer in charge of the plant where the applicant worked, whenever possible.

e. An applicant for a low pressure boiler operator's permit to operate must demonstrate good mechanical aptitude, present evidence of successful completion of an approved stationary engineer's course and the NIULPE or ASOPE student engineer's exam or other equivalent NIULPE or ASOPE licence.

5. GRANTING OF PERMITS TO OPERATE AND FEES.

a. Upon approval by the commissioner the department shall issue a permit to operate to the successful applicant within 7 days after certification.

b. For fees see s. 200-33.

6. SUSPENSION AND REVOCATION OF PERMIT TO OPERATE. a. Causes. The commissioner may suspend or revoke the permit of any stationary engineer for any of the following violations:

a-1. The making of any material false statement on any application for a permit.

a-2. Permitting the water in the boiler to go too low.

a-3. Permitting a higher pressure other than that fixed by the commissioner.

a-4. Unnecessary absence from post of duty.

a-5. Failure to report in writing to the commissioner any defect in or accident to any boiler, steam engine or turbine under the permittee's care.

a-6. Failure to keep a daily log in the boiler, steam engine or turbine room.

a-7. A showing that the permittee has violated any provision of this chapter.

b. Commencement of Proceedings. The commissioner may institute suspension or revocation proceedings. However, the permittee shall be given the opportunity to be heard in his or her own defense prior to any permit suspension or revocation.

7. APPEALS AND BOARD OF ARBITRATION. Any person who wishes to appeal a decision of the commissioner concerning the granting, suspension or revocation of a permit shall file a notice of appeal with the standards and appeals commission as provided for in s. 200-17.

8. GENERAL OPERATION REGULATIONS. a. Notification of Absence by Employer. In any case where a permit to operate holder in charge of a plant is temporarily unable to report to duty because of sickness, personal injury or for any other reason or cause, the employer of the permit to operate holder shall immediately obtain the services of a substitute permit holder. The employer shall notify the commissioner within 24 hours that a substitute permit holder has taken charge of the plant.

b. Temporary Operation. If the employer is unable to obtain the services of a permit holder having the class of permit required for the plant, he or she may apply to the commissioner for a permit to allow one of the following persons to take charge of the plant for the following specified periods of time:

b-1. A stationary engineer having a lower class of permit than that required for the plant for a period not exceeding 60 days.

b-2. Any person who does not have the required boiler operation experience, but can pass a written examination given by the commissioner on the operation of boilers and steam engines and turbines for a period not exceeding 30 days.

c. Notice of Accidents by Engineer. Every stationary engineer who is in charge of a boiler, steam engine or turbine shall notify the commissioner in writing of any accident in which such equipment is involved within 24 hours after the accident occurs and report any serious defects or hazards in such equipment which might be contributory to a serious accident.

d. Notice of Change in Employment. Every person permitted in this section shall notify the commissioner when his or her place of employment as a stationary engineer changes within 3 days from the date of change.

e. Permit to be Displayed. Every person permitted under this section shall display his or her permit to operate under glass or other transparent material in a conspicuous place in the boiler, engine or turbine room.

f. Unlawful to Exceed Boiler Pressures. It shall be unlawful to carry a higher pressure in any boiler other than as set by the commissioner in accordance with ch. SPS 341, Wis. Adm. Code, as amended, and the condition of the boiler as found upon inspection.

g. Daily Log. Every stationary engineer permitted under this section shall keep a daily log in the boiler room to include the time and the day of checks being made on the boiler, engine or turbine.

9. FIRST CLASS PLANTS: OPERATION REQUIREMENTS. a. Personal Supervision. a-1. Each first class plant, when in operation, shall have a first class stationary engineer responsible for the safe operation of the plant. Such first class stationary engineer shall personally supervise the operation of the plant and shall be available at all times to make any decisions which may affect the safe operation of the plant.

a-2. Where a first class plant which contains steam engines or turbines other than boiler auxiliaries is operated on a shift basis, a second class stationary engineer may act as an assistant and operate the plant on any shift.

a-3. Where a first class plant which does not have any steam engines or turbines except boiler auxiliaries is operated on a shift basis, a fourth class stationary engineer may act as an assistant and operate the plant on any shift.

a-4. Boilers, engines or turbines shall be operated by the stationary engineer in charge, or by an assistant with the proper operating permit, who shall be stationed in a position to manually control and visually monitor the control equipment except where permitted in s. 223-11.

b. Automatic Controls; Personal Supervision.

b-1. Where boilers, engines or turbines are equipped with control devices as set forth in subds. 2 or 3, the stationary engineer in charge or an assistant with the proper operating permit, shall be assigned to oversee the boilers, engines or turbines in operation.

b-2. Control devices for boilers shall include the following functions:

b-2-a. Monitor pressure and control firing rate.

b-2-b. Monitor and control water level.

b-2-c. Shut down boiler with dual shutoff valves.

b-2-d. Where required, monitor and control low water cutoff with manual reset.

b-2-e. Visual monitoring of equipment. (Note: Alarms are recommended for low water, high pressure and flame failure.)

b-3. Control equipment for turbines and engines must control overspeed.

b-4. Control equipment must be tested in accordance with ASME CSD-1 at least once per year, and certification of tests shall be required. Control devices and safety equipment shall be checked daily and logged, in addition to the yearly certification check.

c. Separated Boilers, Engines and Turbines. Where the boiler room and the engine or turbine are separate and where the boilers, engines or turbines are not equipped with control devices and monitoring equipment, a second class stationary engineer shall be stationed at the engines or turbines and a fourth class stationary engineer shall be stationed at the boiler at all times while the boilers, engines or turbines are in operation.

10. SECOND CLASS PLANTS: OPERATION REQUIREMENTS. a. Personal Supervision a-1. Each second class plant, when in operation, shall have a second class stationary engineer responsible for the safe operation of the plant. Such second class stationary engineer shall personally supervise the operation of the plant and shall be available at all times to make any decisions which may affect the safe operation of the plant.

a-2. Where a second class plant which contains steam engines or turbines other than boiler auxiliaries is operated on a shift basis, a third class stationary engineer may act as an assistant and operate the plant on any shift.

a-3. Where a second class plant which does not have any steam engines or turbines, except boiler auxiliaries, is operated on a shift basis, a fourth class stationary engineer may act as assistant and operate the plant on any shift.

a-4. Boilers, engines or turbines shall be operated by the stationary engineer in charge, or by an assistant with the proper operating permit who shall be stationed in a position to manually control and visually monitor the control equipment except where permitted in s. 223-11.

b. Automatic Controls; Personal Supervision.

b-1. Where boilers, engines or turbines are equipped with control devices, as set forth in subds. 2 or 3, the stationary engineer in charge or an assistant with the proper grade of permit shall be assigned to oversee the boilers, engines or turbines in operation.

b-2. Control devices for boilers shall include the following functions:

b-2-a. Monitor pressure and control firing rate.

b-2-b. Monitor and control water level.

b-2-c. Shut down boiler with dual shutoff valves.

b-2-d. Where required, monitor and control low water cutoff with manual reset.

b-2-e. Visual monitoring of equipment. (Note: Alarms are recommended for low water, high pressure and flame failure.)

b-3. Control equipment for turbines and engines shall control overspeed.

b-4. Control equipment shall be tested in accordance with ASME CSD-1 at least once per year and certification of tests shall be required. Control devices and safety equipment shall be checked daily and logged, in addition to the yearly certification check.

c. Separated Boilers, Engines and Turbines. Where the boiler room and the engine or turbine room are separate and where the boilers, engines or turbines are not equipped with control devices and monitoring equipment, a third class stationary engineer shall be stationed at the engines or turbines, and a fourth class stationary engineer shall be stationed at the boiler at all times while the boilers, engines or turbines are in operation.

11. THIRD CLASS PLANTS: OPERATIONS REQUIREMENTS. a. Personal Supervision. a-1. Each third class plant, when in operation, shall have a third class stationary engineer responsible for the safe operation of the plant. The third class stationary engineer shall personally supervise the operation of the plant and shall be available at all times to make any decisions which may affect the safe operation of the plant.

a-2. Where a third class plant which does not have any steam engines or turbines except boiler auxiliaries is operated on a shift basis, a fourth class stationary engineer may act as assistant and operate the plant on any shift.

a-3. Boilers, engines or turbines shall be operated by the stationary engineer in charge, or an assistant with the proper operating permit, who shall be stationed in a position to manually control and visually monitor the control equipment except where permitted in s. 223-11.

b. Automatic Controls; Personal Supervision.

b-1. Where boilers, engines or turbines are equipped with control devices, as set forth in subds. 2 or 3, the stationary engineer in charge or an assistant with the proper operating permit shall be assigned to oversee the boilers, engines or turbines in operation.

b-2. Control devices for boilers shall include the following functions:

b-2-a. Monitor pressure and control firing rate.

b-2-b. Monitor and control water level.

b-2-c. Shut down boiler with dual shutoff valves.

b-2-d. Where required, monitor and control low water cutoff with manual reset.

b-2-e. Visual monitoring of equipment. (Note: Alarms are recommended for low water, high pressure and flame failure.)

b-3. Control equipment for turbines and engines must control overspeed.

b-4. Control equipment must be tested in accordance with ASME CSD-1 at least once per year and certification of tests shall be required. Control devices and safety equipment shall be checked daily and logged, in addition to the yearly certification check.

c. Separated Boilers, Engines and Turbines. Where the boiler room and the engine or turbine room are separate and where the boilers, engines or turbines are not equipped with control devices and monitoring equipment, a third class stationary engineer shall be stationed at the engines or turbines and a fourth class stationary engineer shall be stationed at the boiler at all times while the boilers, engines or turbines are in operation.

12. FOURTH CLASS PLANTS: OPERATION REQUIREMENTS. a. Personal Supervision. a-1. Each fourth class plant, when in operation, shall have a fourth class stationary engineer responsible for the safe operation of the plant. The fourth class stationary engineer shall personally supervise the operation of the plant and shall be available at all times to make any decisions which may affect the safe operation of the plant.

a-2. Boilers shall be operated by a fourth class stationary engineer who shall be stationed in a position to manually control and visually monitor the control equipment except where permitted in s. 223-11.

b. Automatic Controls; Personal Supervision.

b-1. Where boilers are equipped with control devices as set forth in subd. 2, a fourth class stationary engineer shall be assigned to oversee the boilers while in operation.

b-2. Control equipment for boilers shall include the following functions:

b-2-a. Monitor pressure and control firing rate.

b-2-b. Monitor and control water level.

b-2-c. Shut down boiler with dual shutoff valves.

b-2-d. Where required, monitor and control low water cutoff with manual reset.

b-2-e. Visual monitoring of equipment. (Note: Alarms are recommended for low water, high pressure and flame failure.)

b-3. Control equipment must be tested in accordance with ASME CSD-1 at least once per year and certification of tests shall be required. Control devices and safety equipment shall be checked daily and logged, in addition to the yearly certification check.

c. Separated Boilers. Where boiler rooms are separate and where the boilers are not equipped with control devices and monitoring equipment, a fourth class stationary engineer shall be stationed at each boiler at all times while the boilers are in operation.

13. LOW PRESSURE PLANTS: OPERATING REQUIREMENTS. a. Personal Supervision. a-1. Each low pressure plant, when in operation, shall have a low pressure boiler operator for the safe operation of the low pressure plant. The low pressure boiler operator shall personally supervise the operation of the plant and shall be available at all times to make any decisions which may affect the safe operation of the plant.

a-2. Each low pressure plant, when in operation, shall have a low pressure boiler operator who shall visit the boiler at least twice each day except where permitted in s. 223-11.

b. Number of Plants Supervised. If permitted by the commissioner, a low pressure boiler operator may take charge of not more than 5 low pressure plants.

c. Daily Log. A daily log shall be maintained in the boiler room and be readily available for inspection. The permitted engineer shall check the boiler for safe operation and enter on the log the time and date on which the boiler was checked**.**

223-11. Electronically Monitored Boiler Plants.

1. PERMIT. a. Permit Required. No person may install, alter, repair or replace an electronically monitored boiler system without first obtaining a permit to do so.

b. Permit Application. Applications shall be obtained from and filed with the department of city development. The application shall require the following information:

b-1. Floor plans of the building indicating the location of the electronic monitoring station, the type and location of all boiler controls and valves, the location of the engineer on duty when the boiler is operating, and a written explanation or diagram of how the signal and notification system works.

b-2. A description of the installation, alteration, repair or replacement work to be done.

b-3. An outline of a preventive maintenance program which follows the ASME guidelines for care of boiler plants.

b-4. Any other information which the department of city development deems necessary to insure safe operation of the boiler.

c. Issuance of Permit. Upon approval of the application by the commissioner of city development, a permit shall be issued for only that work stated on the application.

2. GENERAL OPERATION REGULATIONS. a. Electronically monitored boilers shall be considered to be in operation when they are controlled by a thermostat, pressure control, water temperature control, timing device or other control device.

b. In all cases the stationary engineer or assistant with the proper operating permit shall properly maintain and control the equipment.

c. Whenever the engineer is not stationed in a position to manually control or visually monitor the control equipment, the name of the engineer who is on duty and information on how the engineer may be contacted shall be clearly displayed in the boiler room.

d. The commissioner may shut down all boilers, turbines or engines which are not maintained by an engineer with the proper grade of operating permit.

e. Monitoring may be performed by personnel without a stationary engineer permit from a location approved by the commissioner, provided all responses to the equipment are performed by personnel with the proper operating permit.

f. Failure of the monitoring or control equipment shall revert control of the plant immediately to the person responsible for safe operation of the plant or an assistant with the proper operating permit.

g. The commissioner may require additional equipment, alterations or procedures, as may be deemed necessary, to insure the safe operation of the plant.

h. No equipment may be installed on any electronically monitored boiler plants which would disconnect or override the safety controls.

3. REMOTE MONITORING 1st CLASS, 2nd CLASS, 3rd CLASS AND 4th CLASS PLANTS. Where the stationary engineer responsible for the safe operation of the plant or an assistant with the proper operating permit is not stationed in a position to visually monitor the control equipment at all times while the boilers, engines or turbines are in operation, remote monitoring may be permitted, if the following requirements are met:

a. The plant shall be continuously monitored while in operation.

b. Monitoring equipment for boilers shall include the following functions:

b-1. Low water cut-off alarm with manual reset.

b-2. High pressure alarm with manual reset.

b-3. Flame failure alarm with manual reset.

b-4. Loss of power to monitoring system.

b-5. Dual gas shutoff valves for boiler.

c. Monitoring equipment for turbines or engines shall include the following functions:

c-1. Overspeed trip and alarm.

c-2. Loss of power to monitoring system.

d. Monitoring equipment for an electronically controlled boiler used for laundry and dry cleaning purposes with a maximum of 20 plant boiler horsepower output as rated by the boiler manufacturer rating or Wisconsin administrative code, shall include the following functions:

d-1. Low water cut-off alarm with manual reset.

d-2. High pressure alarm with manual reset.

e. Remote monitoring of a 1st class, 2nd class, 3rd class or 4th class plant shall have an approved preventative maintenance program in accordance with guidelines set in ASME section VII.

4. REMOTE MONITORING; LOW PRESSURE PLANTS. Remote monitoring of low pressure plants may be permitted if the following requirements are met:

a. If an engineer is not manually controlling the plant, it shall be continuously monitored while in operation.

b. Monitoring equipment for the boilers shall include the following functions:

b-1. Low water cut-off alarm with manual reset.

b-2. High pressure alarm with manual reset.

b-3. Flame failure alarm.

b-4. Loss of power to monitoring system.

c. The commissioner shall be furnished with a list of the names of stationary engineers employed by the owner or monitoring service and assigned to boiler surveillance and shall be notified within 3 days whenever names are added or removed from such list.

d. The commissioner shall be notified by monitoring services when a boiler will be monitored at a central station and when a boiler which has been monitored is no longer under contract for such services. Such notification shall be made within 30 days prior to terminating the service.

e. Remote monitoring of a low pressure plant shall have an approved preventative maintenance program in accordance with guidelines set in ASME section VI.

5. TESTING. After the plant has been equipped for electronic monitoring, the system shall be tested and put into safe operating condition. A certificate stating that the plant, its controls and the monitoring system are operating properly shall be furnished to the commissioner. The certificate shall be signed and sealed by an engineer registered by the state of Wisconsin, who shall act as an agent for the owner of the system.

6. INSPECTIONS. Each electronically monitored plant, its controls and monitoring system, shall be inspected annually by an installer to insure that it is operating properly. A certificate stating that the plant is operating properly shall be signed and sealed by an engineer registered by the state of Wisconsin, who shall act as an agent for the owner of the system. The certificate shall be furnished to the department prior to putting the system into permanent operation and annually thereafter. The inspections shall also be noted in the daily log.

LEGISLATIVE HISTORY
CHAPTER 223

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 223	cr	85-1396	12/10/85	1/1/86
ch. 223	rc	921199	11/20/92	12/11/92
ch. 223	rc	981189	12/18/98	1/1/99
ch. 223	rc	000795	10/10/2000	10/27/2000
223-01	cr	891008	10/10/89	10/28/89
223-01	am	111233	1/18/2012	2/4/2012
223-02	rn from 223-01	891008	10/10/89	10/28/89
223-1	am	111233	1/18/2012	2/4/2012
223-1-17	cr	961640	3/4/97	3/20/97
223-2-2-a-1	am	871340	10/27/87	1/1/88
223-2-5-a	rp	871008	10/10/89	10/28/89
223-2-5-b	am	871008	10/10/89	10/28/89
223-3-4-d	am	961523	2/11/97	2/29/97
223-3-4-f	am	961640	3/4/97	3/20/97
223-3-4-g	cr	961640	3/4/97	3/20/97
223-3-4-g	am	980352	7/7/98	7/24/98
223-3-5-d	am	86-1698	2/3/87	2/20/87
223-3-5-d	am	871340	10/27/87	1/1/88
223-3-8-a	am	900676	9/25/90	10/12/90
223-3-14-a	am	86-366	6/17/86	7/9/86
223-5	am	101424	4/12/2011	4/29/2011
223-5-1	am	111233	1/18/2012	2/4/2012
223-5-1-a	am	010687	9/25/2001	10/12/2001
223-5-1-b	am	010687	9/25/2001	10/12/2001
223-5-5	am	160626	11/4/2016	1/1/2017
223-5-6	am	160626	11/4/2016	1/1/2017
223-5-9	am	160626	11/4/2016	1/1/2017
223-5-12	am	160626	11/4/2016	1/1/2017
223-5-14	am	160626	11/4/2016	1/1/2017
223-5-16	am	111233	1/18/2012	2/4/2012
223-7-4-a	am	111233	1/18/2012	2/4/2012
223-7-1-b	am	980963	12/18/98	1/1/99
223-9-2-a	am	160626	11/4/2016	1/1/2017
223-9-4-a	am	030688	9/23/2003	10/10/2003
223-9-4-b	rc	030688	9/23/2003	10/10/2003
223-9-4-e	am	030688	9/23/2003	10/10/2003
223-9-8-f	am	111233	1/18/2012	2/4/2012
223-11-1-b	am	980963	12/18/98	1/1/99
223-11-1-b-4	am	980963	12/18/98	1/1/99
223-11-1-c	am	980963	12/18/98	1/1/99

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CHAPTER 225
PLUMBING AND DRAINAGE

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SUBCHAPTER 1
STATE RULES AND LOCAL ENFORCEMENT

225-01. Adoption of State Law. Except as otherwise provided in this chapter, the city of Milwaukee adopts ss. 145.01, 145.06, 145.11, 145.15(4) and 145.175, Wis. Stats., as amended, and chs. SPS 81-87, Wis. Adm. Code, as amended, as part of this code.

225-02. Retroactivity of Various Wisconsin Administrative Code Plumbing Provisions. Sections SPS 382.21, 382.30, 382.31 and 382.41, Wis. Adm. Code, as amended, shall apply retroactively if upon inspection of any part of an existing plumbing system a condition is identified that tends to create a potential health hazard. If such a condition is identified by the department, then the plumbing system or any part thereof shall be repaired, renovated, replaced, or removed in conformity and compliance with ss. SPS 382.21, 382.30, 382.31 and 382.41, Wis. Adm. Code, as amended.

225-1. Administration. 1. ENFORCEMENT. The commissioners of neighborhood services, health and public works, where specified, or their duly authorized representatives, shall enforce this chapter.

2. DUTIES. a. The commissioner of neighborhood services shall:

a-1. Register upon application every master plumber carrying on his or her trade or business in the city.

a-2. Inspect all plumbing and drainage installations, including connections to main sewer.

a-3. Conduct and witness tests as regulated in this chapter.

a-4. Sign and issue all notices or orders and certificates of inspection and approval.

a-5. Keep a daily record of all inspections and tests made, complaints received and investigated, notices and orders served, and all other services performed.

a-6. Make an annual report.

a-7. Enforce this code.

b. The commissioner shall:

b-1. Examine, approve or reject plans for plumbing.

b-2. Approve applications for permits for all such installations when in compliance with this code.

b-3. Keep a daily record of all permits issued.

225-2. Registration of Plumbing Businesses.

1. REQUIRED. No person may carry on the business of plumbing in the city without having registered his or her name, place of business and license number in the office of the commissioner.

2. BONDS. a. No person may engage in or work at plumbing without first having executed and deposited with the department a performance bond in the penal sum of $10,000 and an indemnity bond in the penal sum of $50,000 for each person injured or the property of any person damaged. No person may engage in or work at drainlaying without first having executed and deposited with the department an indemnity bond in the penal sum of $50,000 for each person injured or the property of any person damaged, or in lieu of the indemnity bond a certificate of insurance in the sum of $50,000 for each person injured or the property of any person damaged. The bonds of the performance bond and certificate of insurance shall be in the form designated by the commissioner in accordance with the specifications set forth in pars. b and c, and be approved by the commissioner as to the sufficiency of sureties. Any person intending to engage in or work at both plumbing and drainlaying need file only one indemnity bond or certificate of insurance covering both operations and one performance bond.

b. The performance bond shall be conditioned that the applicant will perform and sufficiently complete all work for which permits are issued in accordance with the plumbing codes of the state of Wisconsin, city of Milwaukee and all other ordinances of the city of Milwaukee, within a reasonable time so as to fully protect the public health, safety and welfare. In addition, the bond shall provide: that the applicant will backfill and maintain any street, alley or public grounds in any openings or excavations that are made as directed by and to the satisfaction of the commissioner of public works for a period of 6 months after initially backfilling the same and shall pay the cost of restoring the permanent surfaces of the street, alley or public grounds by the city; that in the event that at any time the backfilling of any ditches or excavations between the curb and lot line is found defective in that future settling occurs within a period of 3 years after the date of completion of the work, shall make or cause to be made necessary resultant repairs to curbs, sidewalks, driveways, etc., subject to the provisions of ch. 115 and the rules and regulations established by the commissioner of public works; and that the applicant shall reimburse the city for all damages done by himself, his agents, employes, or subcontractors. The cost of restoring the surface shall be charged to the plumber or drainlayer against the deposit made for the restoration of said surface.

c. The indemnity bond or certificate of insurance shall be conditioned: that the applicant will indemnify and save harmless the city of Milwaukee, its officers and agents against any and all injuries or property damage resulting or arising from any negligence on the part of the applicant, agents, employes and subcontractors; that the applicant or his insurer shall notify the city in writing at least 10 days prior to the cancellation of any certificate of insurance afforded hereunder.

225-3. Plumbing Permits Required.

1. ISSUANCE. No permit for plumbing shall be issued by the commissioner to any person not duly licensed, registered and bonded. Permits issued shall be subject to the rules and regulations of the commissioner, and it shall be unlawful to do any plumbing without a permit with the exception of work as regulated in sub. 3 and work exempted under s. 200-24-1.5.

2. ONE-FAMILY DWELLING. Nothing contained in this chapter shall be construed to prohibit a property owner from doing plumbing work within a one-family dwelling occupied by the owner as his or her home, provided a permit is obtained and the installation is made in accordance with the regulations of this chapter.

3. FAUCETS, ETC. Nothing contained in this chapter will prohibit the elimination of leaks, removing obstructions in soil, waste, and supply pipes, restoring defective valves, faucets, and similar appliances to an efficient operating condition, by others than licensed plumbers, but does not include the installation or changing the location of vertical or horizontal lines of soil, waste, vent supply or interior leader (conductor) pipes in buildings other than one family owner-occupied home.

4. PLUMBING WITHOUT PERMIT. No person may install, alter, extend, move or remove any plumbing, plumbing system, lay any drain pipe, make any attachment to any drain, sewer or manhole, or do any work whatsoever in connection with any sewer service lateral, or public or private sewer leading into any city sewers, or to any river, lake or stream, without first obtaining a permit from the commissioner of city development. Any person violating this regulation shall be subject to penalty pursuant to s. 200-19-2.

5. STOP WORK ORDER. a. When it is found that any plumbing installation is being made, or that any plumbing device, equipment or fixtures required by this code are being installed contrary to the provisions of this code, or that such plumbing installations, devices, equipment or fixtures installed are dangerous or unsafe, the commissioner may issue or cause to be issued a stop work order. Any person violating this regulation shall be subject to penalty pursuant to s. 200-19-2.

b. Such stop work order shall be in writing and shall be served upon the owner of such property, a duly authorized agent or the person responsible for such work. The stop work order shall set forth the reasons why such work is being stopped, and the provisions of the code being violated.

c. A stop work order shall be posted in a conspicuous place upon the premises and it shall be unlawful for any person to remove such order or to perform any work on the plumbing installation, device, equipment or fixtures, so long as the stop work order shall remain.

225-4. Drainage of Yard Areas and Roofs.

1. UNDERGROUND DRAINS. All underground drains from roof rainwater leaders, paved areas, yards, courts and subsurface drains shall be mechanically connected to a storm sewer or combined sewer when they are available and abutting the property, except that such drains may discharge in an approved manner into an adjacent lake, river or stream, provided they are not in conflict with the rules of the Milwaukee metropolitan sewerage district.

2. ROOF RAINWATER LEADERS (CONDUCTORS). a. Discharge to Finished Grade; When Permitted. All buildings, including accessory buildings, may discharge roof rainwater leaders, conductors or downspouts to finished grade provided the discharge to finished grade meets all of the following provisions:

a-1. The point of discharge shall be a minimum of 2 feet from a basement or a foundation wall or alley property line and 5 feet from all other property lines.

a-2. The discharge shall flow parallel to or away from the nearest property line.

a-3. The discharge water shall not discharge to a street, alley or other public way.

a-4. The discha rge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

a-5. The downspout hub shall be sealed with a 1" concrete cap or in a manner approved by the commissioner.

b. Connection to Combined Sewer Prohibited. For all residential structures containing 4 or fewer dwelling units and newly-constructed, or renovated to 50% or more of assessed value, on or after January 1, 2016, that do not have the option of discharging to a storm sewer, and for which discharge to finished grade from roof rainwater leaders, conductors or downspouts of any building, including any accessory building, can meet the provisions of par. a, all roof rainwater leaders, conductors or downspouts shall discharge to the finished grade.

c. Connection to Sewer Required. Whenever discharge to finished grade from the roof rainwater leaders, conductors or downspouts of any building, including any accessory building, cannot meet the provisions of par. a, all roof rainwater leaders, conductors or downspouts, except for those excepted by par. b, shall be mechanically connected to the storm sewer or combined sewer, or to an approved storm sewer facility when it is available and abutting the property. This shall include parcels that have access by easement or private roads when the storm sewer is available at the point of access.

d. Waiver. Any provision of par. a may be waived by the commissioner if the property owner submits, and the commissioner accepts, plans for a discharge system designed by a registered civil engineer for purposes of complying with the intent of par. a.

e. Use as Support Prohibited. No conductor, roof rainwater leader or downspout shall be used as a support for any part of a building, structure or appendage to same.

f. Installation and Maintenance. All outside roof leaders (conductors) installed under or in the ground shall be installed as regulated in s. SPS 382.36, Wis. Adm. Code. Conductors shall terminate with an approved pipe above grade. The sheet metal conductors shall be connected and sealed to the pipe in an approved manner. Roof leaders (conductors) connecting to the storm building drain in the basement shall be of an approved pipe material to a point at least 2 feet inside the basement foundation wall. Roof leaders (conductors) shall be maintained in good repair and free of stoppages.

g. Discharge into Catch Basin or Sand Interceptor Prohibited. Rainwater leaders in the combined sewer area shall not discharge into a catch basin or sand interceptor. The sewer from the rainwater leader shall bypass the catch basin or sand interceptor and shall have a direct connection to the sewer system.

2.5 RAIN BARRELS. a. Definition. In this subsection, a rain barrel means an above-ground prefabricated storage receptacle with an automatic overflow diversion system that collects and stores storm water runoff from the roof of a structure that would have been otherwise routed into a storm drain.

b. Rain Barrels Permitted. Rain barrels shall be permitted provided that the overflow discharge conforms to the provisions of s. 225-4-2-a, or is designed to overflow to a treatment drain or storm water conveyance system.

c. Requirements. A rain barrel shall be securely covered, include an inlet screen, have an overflow discharge device sized to adequately convey overflow to the point of discharge and have a convenient and functional means of water withdrawal.

3. NEWLY PAVED AREAS OR PARKING LOTS. a. Storm Sewer Required. As regulated in s. 252-74, storm sewers shall be required for all paved areas except that paved areas for gasoline pumping islands shall be drained to the streets.

b. Permeable Paving. The commissioner may allow the use of permeable paving as regulated in s. 252-74. For newly paved areas or parking lots, the storm sewer requirement under this section may be waived by the commissioner if adequate drainage is provided. Perforated underdrain piping shall be required for the full length of all permeable pavement applications greater than 1,000 square feet where permeable pavement is being used in lieu of a catch basin or storm inlet.

c. Subsurface Drainage. Subsurface drainage for dewatering parking lots and other areas shall be connected to an approved catch basin before entering a city of Milwaukee sewer.

d. Catch Basins and Storm Inlets. A catch basin or storm inlet shall be located so that no point of an impervious paved area is further than 300 feet from a catch basin, storm inlet, trench drain or permeable pavement surface with subsurface drainage. Every catch basin shall be connected to a combined sewer and every storm inlet shall be connected to a storm sewer.

e. Trench Drains. Trench drains shall be provided where all or part of the paved area is sloped toward the public right of way.

f. Sizing. All sewer lines and drains shall be sized in accordance with the provisions in this code and s. SPS 382.36, Wis. Adm. Code.

g. Slope. All paved areas shall be sloped in such a way that there is drainage toward a drain. Flat areas which allow ponding shall not be allowed. All paved areas shall be sloped away from the street or a trench drain shall be provided to prevent drainage onto the street or sidewalk.

h. Drainage Systems. Plans for a parking lot requiring a drainage system pursuant to s. 252-71 shall be submitted in triplicate to the commissioner of city development. Upon approval of the plans and payment of the fees set forth in s. 200-33, a plumbing permit shall be issued for the drainage system.

4. CATCH BASINS. a. Catch basins shall be constructed in a water-tight and substantial manner of concrete masonry, brick masonry, concrete block masonry, precast reinforced concrete, cast iron, bitumastic enamel coated 12 gauge steel, vitrified clay or other materials approved by the state department safety and professional services.

b. Catch basins in the combined sewer area shall be a minimum of 36 inches inside diameter and shall have a minimum depth of 48 inches to the flow or water line. The outlet shall be provided with a cast iron elbow or an inverted wye connection not less than 4 inches inside diameter and shall be submerged not less than 12 inches below the flow or water line and shall terminate not less than 18 inches above the bottom of the catch basin. A cleanout shall be provided in the horizontal pipe.

c. The catch basins and storm inlets shall have a fitted removable cover of a thickness and strength to sustain weight or traffic to which it will be subjected.

d. Catch basins, retention basins or ponds, underground vaults and filters designed for the management and regulations of storm water pursuant to ch. 120 shall meet the requirements of that chapter and of ss. SPS 382.20, 382.34, and 382.36, Wis. Adm. Code.

5. STORM INLETS. Storm inlets shall be installed as regulated in s. SPS 382.36, Wis. Adm. Code.

6. SEWER FACILITIES. A building shall be deemed to have sewer facilities available if it complies with s. 225-22-2-b.

7. OTHER DRAINAGES. Absorption, permeable paving, natural drainage alley and street drainages are covered in s. 252-71.

225-5. Drain Tile. 1. Subsoil drains placed under the basement floors, around the exterior foundation walls and footings and subsurface drains shall be intercepted by an approved drain tile receiver.

2. Where such drains are connected to a combined sewer, they shall discharge to an approved trapped catch basin, a trapped receiver with a backwater valve or to a clear water sump crock with the rim of the crock one inch above the floor.

3. Where such drains are connected to a storm sewer, they shall discharge into an approved trapped drain tile receiver with a backwater valve or to a clear water sump crock with the rim of the crock one inch above the floor. Where such drains are located outside the building for dewatering, they shall discharge into a trapped storm catch basin.

4. Under no circumstances may any subsoil, foundation, footing, window and door well or yard drains, unroofed basement excavations, cistern overflows, roof conductors or drains from areas exposed to rainfall connect directly to the sanitary sewer, nor shall they be permitted to discharge indirectly into the sanitary sewer.

5. For the installation of drain tiles, see s. 240-01 or s. 252-70.

225-6. Trench Drains. 1. Trench drains for paved lots or parking areas shall be installed entirely across points of ingress and egress of the premises and shall be connected to a storm or combined sewer. The trench shall have a minimum width of 6 inches and a minimum depth of 8 inches and may be constructed of concrete, cast iron, steel or an approved prefab unit. When constructed of concrete it shall have a minimum thickness of 6 inches. When a prefab unit, cast iron or steel unit is used, it shall be installed according to manufacturer's specifications. Where a trench drain is not practical, a catch basin or storm inlet may be used when the grade can be sloped away from the public right-of-way.

2. The trench shall be covered with an approved metal grate and frame having a minimum width of 6 inches and of sufficient strength to sustain the weight of traffic to which it will be subjected. Grates and frames in excess of 6 inches in width shall be proportionately stronger. Manufacturer's ratings will be accepted.

3. Steel load bearing grate bars shall have a minimum width of one and 3/16 inches and a minimum thickness of 3/16 inches set on edge spaced one and 3/16 inches on center.

4. All steel grating shall have the load bearing bars running the short distance and shall be continuously banded with bars on both sides across the face of the load bearing bars with the same material and size as the load bearing bars. Such banding bars shall be welded to the load bearing bars with a 3/16 inch fillet weld at least one inch long; one-quarter inch square twisted cross bars or equal on 4 inch centers shall be welded to the load bearing bars the length of and parallel to the banding bars.

5. All steel grates shall be set into a steel curb angle frame a minimum of one and 1/4 by one and 1/4 by 3/16 inches and set flush with the top of the grade or trench. Bent anchors a minimum of one by 3/16 by 5 inches long or equal shall be welded to the outer face of the angle frame at 3 foot intervals or less.

6. Cast iron grates shall be rated "heavy duty" and shall have a minimum thickness of one and 3/4 inches and a minimum weight of 25 pounds per lineal foot. The drainage opening areas shall be a minimum 30% of the area of the grate. All cast iron grates shall be set into a cast iron or steel curb angle frame flush with the top of the grate or trench. Steel frames for cast iron grates shall be constructed the same as required for steel grates. Cast iron frames shall be a minimum 14 pounds per lineal foot and shall have integral cast anchors and tie lugs at 3 foot intervals or less.

7. Where interior trench drains are installed, the trench shall have a minimum width of 6 inches and a minimum depth of 8 inches and shall be constructed the same as outside trench drains. The frame and grate shall be as specified in this subsection.

225-7. Flooding in Critical Backwater Area. All plans for new buildings, alterations to existing buildings exceeding a total cost of $50,000 for commercial buildings and $10,000 for residential buildings, and building drain replacements shall be referred to the city engineer before any plumbing permit is issued for a determination whether the proposed project is within a critical backwater area. If it is determined to be in such an area, a plan to prevent backwater and basement flooding showing a detail of construction of the building sewer, building drain and soil, waste and vent piping shall be submitted to and approved by the commissioner of city development.

225-8. Sump Pump Regulations. 1. Except for dwellings and buildings described in s. 225-4-2-a-1, all sump pumps shall be connected to a storm sewer or combined sewer when available and abutting on the property unless otherwise approved by the commissioner. Dwellings and buildings described in s. 225-4-2-a-1 may disconnect sump pumps from a storm sewer or combined sewer and discharge sump pumps to finished grade. All discharges of sump pumps to finished grade for reasons of non-connection or disconnection of a previously connected system must meet all of the following provisions:

a. The discharge pipe shall exit the building at one foot above finished grade.

b. The point of discharge must be a minimum of 2 feet from a basement foundation wall and 5 feet from the property line.

c. The discharge must flow parallel to or away from the nearest property line.

d. The discharge water shall not discharge to a street, alley or other public way.

e. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

f. Owners of dwellings and buildings which may disconnect sump pumps as provided in this subsection may request the commissioner to waive the provisions of this subsection upon submission to and acceptance by the commissioner of a discharge system designed by a registered professional engineer or architect for purposes of complying with the intent of this subsection.

2. When a storm sewer or combined sewer is not available, the sump pump shall discharge to grade and must meet all of the following provisions, unless otherwise approved by the commissioner:

a. The discharge pipe shall exit the building at one foot above finished grade.

b. The point of discharge must be a minimum of 2 feet from a basement foundation wall and 5 feet from the property line.

c. The discharge must flow parallel to or away from the nearest property line.

d. The discharge water shall not discharge to a street, alley or other public way.

e. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

225-9. Abandonment of Sewer and Water Connections. 1. Any person, firm or corporation demolishing or moving a building or structure that is served by a sewer or water or both shall engage a licensed master plumber under a permit to properly abandon the building sewer or water service or both immediately inside the front lot line on private property. The plumbing permit shall be obtained from the department of city development before the commissioner of city development may issue a permit to demolish or move a building or structure.

2. The building sewer shall be disconnected at the front lot line and a pie or bulkhead installed. On a vitrified clay or concrete sewer, a pie shall be cemented into the bell or hub. If the pipe, bell or hub is broken, then a swab and 6 inches of concrete shall be inserted in the sewer as a permanent bulkhead. On a cast iron sewer, a cast iron plug with a lead caulked joint shall be installed.

3. Any septic tank or distribution box on the premises shall be pumped dry of its contents and filled with earth.

4. The water supply to the premises shall be turned off at the street main or at the curb or lot line by an authorized employe of the water works.

5. The water shall be disconnected at the front lot line and a plug or cap installed. On copper pipe, a plugged flared adapter shall be installed. On cast iron pipe, a cast iron plug or cap with a lead caulked joint shall be installed. On lead pipe, a solder joint shall be made.

225-10. Main House Trap. Main house traps may be removed in existing buildings where the roof terminals of conductors and rainwater leaders are favorably located. When main house traps are installed or replaced, they shall be provided with a fresh air inlet connected on the house side at least 2 feet from the water seal of the trap, and shall extend to the outer air, where it shall terminate with a 90 degree elbow turned down one foot above the permanent grade and 5 feet from any window, door or other air intake.

225-11. Trapping Prohibited. The trapping of sewers or drains is prohibited.

225-12. Building Sewers and Drains in Combined Sewer Areas. 1. INTERIOR PLUMBING. All building sanitary drains shall be connected to a public sanitary or combined sewer, approved private main sanitary sewer or private sewage system, except that a combined building sewer may be used, starting at a point 5 feet outside the building where the building is served by a combined municipal sewer.

2. SANITARY AND STORM WATER CONNECTIONS. The building sanitary sewer and building storm sewer shall be installed as 2 separate piping systems and shall connect to the appropriate street or public sewer except that a combined building sewer may be used, starting at a point 5 feet outside the building where the building is served by a combined municipal sewer.

3. SEGREGATION OF WASTES. Clear water from a refrigerated drinking fountain, water heater relief valve or water softener may discharge to a sanitary drain system, and a combined building sewer may be used, starting at a point 5 feet outside the building where the building is served by a combined municipal sewer.

225-13. Permits. 1. PLAN AND PERMIT FEES. No person shall install, alter, extend, move or remove any plumbing or plumbing system without first obtaining a permit therefor as regulated in s. 225-3 and this subsection.

2. APPLICATION. a. Any person desiring a permit as required by this chapter shall file with the commissioner of city development an application in writing on a form furnished for such purpose. Such application shall be signed by the registered master plumber or by the owner of the premises if the owner is doing the work.

b. The application shall state: that the owner will be bound by and be subject to all the rules and regulations prescribed by the commissioners of neighborhood services and public works; the premises number, aldermanic district, block and lot; size, kind and purpose for which the drain pipe is to be used; the number and kind of fixtures to be installed; nature of installation, construction, alteration or repair; and all other required information.

c. Any person who willfully makes false statements on any application for a permit shall be subject to the same penalty as provided for in s. 200-19.

3. PLANS. a. Complete plans in triplicate shall be submitted to the commissioner of city development for the installation of all plumbing systems in all buildings except dwellings, double dwellings and duplex dwellings, and for all additions and alterations to such systems.

b. Such plumbing plans shall be submitted and approved by the commissioner of city development before any work is started.

c. Such plumbing plans shall illustrate and describe the plumbing system and shall show the location, kind and size of all drain pipes, soil pipes, vent pipes, fixtures, traps, receptacles and appliances to be installed. All essential information for such equipment shall be shown on the plans.

d. No subsequent alterations in approved plans shall be made without the approval of the commissioner of city development and all work shall be done in accordance with the approved plans.

e. One set of the approved plans shall be kept on the site of the work at all times.

4. NO PERMIT TO VIOLATORS.

a. Whenever the installation of any plumbing occurs contrary to the regulations of this chapter, the commissioner shall issue an order to the violator at his or her last known address to remedy the defective work. Failure to comply with the order shall be deemed sufficient reason for withholding further permits, in addition to other penalties provided in this code.

b. If, after the issuance of a permit, there is an unreasonable delay in the performance of plumbing work, or if there is a failure to promptly respond to official communications, then such acts shall also be deemed sufficient reason for withholding future permits.

5. EXPIRATION OF PERMITS. If any plumbing work for which a permit has been issued is not started within 6 months from the date of the issuance of the permit, or if the plumbing work ceases for more than 6 months, then such permit shall lapse and be void and all permit fees shall remain the property of the city. No plumbing work shall begin or be resumed until a new plumbing permit is obtained and the fees prescribed in s. 200-33 paid therefor.

SUBCHAPTER 2
SEWAGE DISPOSAL AND WATER SYSTEMS

225-14. Definitions. In this subchapter:

1. ALTER means to change in one or more respects the characteristics of construction, installation or operation of an existing facility, but does not include replacement, repair or cleaning of parts of an existing facility.

2. APPROVED means accepted or acceptable under an applicable specification stated or cited in this subchapter, or accepted as suitable for the proposed use by the state department of safety and professional services.

3. COMMISSIONER OF HEALTH means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this subchapter have been delegated pursuant to a memorandum of understanding.

4. HOLDING TANK means a tank conforming to the requirements of subch. IV, SPS 383, Wis. Adm. Code, which is intended for retaining sanitary sewage and intended to be emptied by licensed scavengers and disposed of in a public sewage disposal system.

5. INDIVIDUAL SEWAGE DISPOSAL SYSTEM means a sewage disposal system serving one premises, which system is not operated by the Milwaukee metropolitan sewerage district.

6. SEEPAGE PIT means a covered pit with an open-jointed lining through which septic tank effluent may seep or leach into the surrounding porous soil.

7. SEPTIC TANK means a watertight receptacle which receives the discharge of a draining system or part thereof and which is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquid to discharge into the soil outside of the tank through a system of perforated piping or through a seepage pit.

8. SEWAGE DISPOSAL SYSTEM means a sewer system and any or all connected sewage treatment facilities.

9. SUBSURFACE DISPOSAL FIELD means a system of perforated drains through which septic tank effluent is distributed beneath the surface of the ground and absorbed into the soil.

225-15. Permit Required for Individual Sewage Disposal System. 1. COMMISSIONER OF HEALTH. No person shall construct, install, build or alter any individual sewage disposal system without having first obtained from the commissioner of health a valid permit authorizing the person to perform the work for the specific system for which the permit was issued. Application for permits shall be made in the office of the commissioner of health on forms furnished by the commissioner and prepared in duplicate by the person applying for the permit. Such applications shall be accompanied by an appropriate form as required by ch. SPS 383, Wis. Adm. Code, giving the results of the soil percolation tests performed by a certified soil tester.

2. EXAMINATION. a. The commissioner of health shall be notified in writing at least 5 days prior to the soil percolation tests of the intent and the date and time the certified soil tester will be conducting such tests to allow the commissioner to observe the testing in progress. Failure to provide such notification will be cause of the commissioner of health to reject the results of such tests.

b. The commissioner of health may provide on-site examination of the soil percolation test performed by a certified soil tester to determine whether the test was performed in accordance with s. SPS 385.60, Wis. Adm. Code, to insure that the installation of an individual sewage disposal system is not likely to produce a public health nuisance.

3. COMMISSIONER OF CITY DEVELOPMENT. The commissioner of city development shall not issue a permit for the construction, erection or alteration of any building or structure containing or intended to contain any plumbing fixture or equipment which is now or is intended to be connected to any individual sewage disposal system unless the applicant for the permit has first obtained from the commissioner of health a valid permit for construction or alteration of an individual sewage disposal system as provided in sub. 1.

225-16. Examination. 1. EXAMINATION FEES.

a. Each applicant for any permit required in accordance with s. 225-15 shall pay to the city treasurer the examination fee specified in s. 200-33 prior to filing the application for permit in the office of the commissioner of health. The examination fee shall be for a permit to construct or alter an individual sewage disposal system or to provide a holding tank in conformation with the appropriate provisions of ch. SPS 383, Wis. Adm. Code.

b. The examination fee specified in s. 200-33 is intended to defray in whole or in part, the costs to the city in performing examinations to determine if the proposed sewage disposal system, as described in the required application, is designed to be in conformity with this subchapter.

2. ISSUANCE OF PERMIT. The commissioner of health shall issue a permit as specified in s. 22515 only after he has determined that all of the provisions of this subchapter have been complied with. Such permits shall remain valid for a period of 2 years and may be extended for an additional 2 year period if such extension is deemed appropriate by the commissioner of health.

225-17. Independent Plumbing and Drainage System. 1. NEW INSTALLATIONS. The plumbing and drainage system of each new building or structure or a new plumbing and drainage system installed in an existing building or structure shall be entirely separate and independent from that of any other building or structure. Every building or structure shall have an independent connection with a public or private main sewer when available. Private main sewers shall conform to specifications of public main sewers and shall be approved by the department of city development and the infrastructure services division, department of public works.

2. USE OF EXISTING DRAINS AND SEWERS. Old building drains and sewers may be used in connection with new buildings or structures or new plumbing systems only when such drains and sewers are found on examination and tests to conform in all respects to the regulations relating to drains or sewers. If such installations are found to be defective, the department shall notify the owner of the premises or his agent in writing of the changes necessary to make such installations conform with regulations of this chapter.

225-18. Maintenance of Individual Sewage Disposal System. 1. The owner of any premises served by an individual sewage disposal system shall be responsible for the operation and maintenance of the system, and the operation shall at all times be carried out in a manner which will preclude the development of any public health nuisance or the pollution of any public watercourse. Whenever the commissioner of health determines that an individual sewage disposal system is being operated in such a manner as to cause a public health nuisance or the pollution of any public watercourse, the commissioner of health shall serve notice of such violation on the owner of the premises served by such sewage disposal system; or in cases where a building used for human habitation is located adjacent to a sanitary or combined sewer, the commissioner of health shall notify the commissioner of neighborhood services, who shall issue an order to the owner to connect to the sanitary or combined sewer within 10 days after service of the order.

2. The order shall:

a. Be put in writing.

b. Include a description of the real estate sufficient for identification.

c. Include a statement of the reason or reasons why it is being issued.

d. Allow a reasonable time for the completion of any act it requires.

e. Be served upon the owner. The order shall be deemed to be properly served upon the owner if a copy is delivered to the owner personally, or if not found, by leaving a copy at the owner's usual place of abode in the presence of someone of the family of suitable age and discretion who shall be informed of the contents, or by sending a copy by registered mail with return receipt requested to the owner's last known address, or, if the registered letter with the copy is returned with a receipt showing it has not been delivered, by posting a copy in a conspicuous place in or about the premises affected by the order.

3. The order may contain an outline of remedial action which, if taken, will result in compliance with this subchapter and with rules and regulations adopted pursuant to this subchapter, and ch. SPS 383, Wis. Adm. Code. If the owner of any premises served by an individual sewage disposal system fails to comply with the requirements of the order and continues to operate the system in such a manner as to cause the development of any public health nuisance or the

pollution of any public watercourse, the commissioner of health shall operate the system and make whatever changes he deems necessary in the system, including reconstruction, repair or alteration to attain its proper operation; or the commissioner of neighborhood services shall cause connection to be made to the sanitary or combined sewer, and the cost of reconstruction, repair or alteration and the cost of operation of the system shall be made at the expense of the city; the cost of the connection to the sanitary or combined sewer and the sums so expended in the abatement or removal of any nuisance or nuisances in such cases shall be a lien in the same manner as any tax upon real estate upon the premises served by the individual sewage disposal system; the sums to be collected in the manner specified in s. 17-12, city charter.

4. Nothing in this subchapter shall be construed so as to take away any of the powers of the city to abate a nuisance by an action under applicable provisions of state law, charter or simple ordinance, in cases where there is the development of any public health nuisance or the pollution of any watercourse.

225-19. Hearings. 1. BY WRITTEN REQUEST. If the commissioner of health refuses to issue a permit for construction or alteration of an individual sewage disposal system, the applicant for the permit may file in the office of the commissioner of health a written request for a public hearing by the commissioner. The commissioner shall hold a public hearing at a time and place designated by him within 20 days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than 5 days prior to the date on which the hearing is to be held. The proceedings of such hearings, together with the findings and decision of the commissioner of health, shall be reduced to writing and placed on file in the office of the commissioner, and a copy shall be served on the petitioner by the commissioner of health or by delivery to the petitioner by registered mail, return receipt requested.

2. REVIEW. Any persons, jointly or severally, aggrieved by the decision of the commissioner of health, or any taxpayer, or any officer, department, board or bureau of the city, may seek relief by having the decision reviewed by the circuit court by certiorari, if the petition for the writ is presented to the court within 20 days after the date on which a copy of the hearing proceedings with the commissioner's decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies the commissioner within 10 days after a copy of the hearing proceedings with the commissioner's decision was served on him of his intention to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal in whole or in part, specifying the grounds.

225-20. Rules and Regulations. The commissioner of health is authorized to make and adopt written rules and regulations necessary to carry out the provisions of this subchapter. Such rules and regulations shall have the same force and effect as the provisions of this code, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this subchapter. A copy of such rules and regulations shall be kept on file in the city clerk's office, in the legislative reference bureau, and in the office of the commissioner of health.

225-21. Inspection and Enforcement. Within 3 days after the commissioner of health issues a permit for the construction or alteration of an individual sewage disposal system, he shall transmit to the commissioner of neighborhood services a copy of the permit. The commissioner of neighborhood services, or an authorized representative, shall make such inspections as necessary to assure that every individual sewage system is constructed, installed or altered in accordance with the requirements set forth in the permit, and the commissioner of neighborhood services may prosecute any person who violates the terms of a valid permit issued by the commissioner of health.

225-22. Municipal Service. To preserve public health, comfort and safety, every building intended for human habitation or occupancy and located adjacent to a sanitary sewer, storm sewer or water main shall be connected to each or all in a manner prescribed in this section.

1.a. Every building shall be provided with a supply of potable water in compliance with this section.

b. All property shall be connected to the water main prior to sale, except as provided in par. c.

c. If a property is not connected to the water main because of an existing well, the owner is not required to connect if a statement concerning the property is recorded by the property owner with the register of deeds stating that there is no connection to the public water main at this time and connection is required by ordinance to be made within 30 days after the sale of such property.

d. All property shall be connected to the public water main within 30 days of sale.

e. All property shall be connected to the public water main immediately if upon inspection the private well proves not to be working properly or if the well proves to be tested unsafe in accordance with s. 225-37-4.

f. All property shall be connected to the public water main in a manner consistent with the provisions of s. 225-22.5, to the extent that the provisions of that section apply to the property's water connection.

2. When sanitary sewers approved by the Wisconsin department of natural resources and the department of public works become available, the use of a private sewerage system shall be discontinued within the time stipulated by order of the commissioner but not to exceed a period of one year.

a. When public sewers become available to any premises served by a private sewage disposal system, the private sewage system shall be discontinued and the building sewer shall be connected to the public sanitary sewer within the time allotted under sub. 2 except where a hardship can be justified by letter, but not to exceed 30 days after the sale of such properties. Such properties shall be connected to the public sewer immediately if upon inspection the private disposal system proves not to be working properly.

b. A building shall be deemed to have the facility available if the premises on which the building is located has been determined by the commissioner of public works to be served by the respective facility.

225-22.5. Lead Service Line Replacement. 1. FINDINGS. a. The common council finds that:

a-1. Disturbance of lead water service lines, particularly partial lead service line replacement, has been shown to increase lead levels in drinking water.

a-2. Reconnection of existing lead water service lines to new copper water service lines has been shown to increase lead levels in drinking water.

a-3. Full replacement of lead service lines, as opposed to partial replacement, can reduce exposure to lead in drinking water.

a-4. Because of the significant risks to public health and safety posed by disturbance of lead water service lines and reconnection of lead to copper service lines, the city has a strong public interest in remediating privately-owned lead water service lines under certain circumstances.

a-5. Residential properties containing 5 or more dwelling units are typically investment properties operated for a profit and better able to bear the costs of water service line replacement than residential properties containing one to 4 dwelling units.

b. For the reasons stated in par. a, and under the authority granted to the city to regulate connections to public water mains by ss. 66.0911 and 281.45, Wis. Stats., to act for the health, safety and welfare of the public by s. 62.11(5), Wis. Stats., and consistent with the purpose of this code set forth in s. 200-002, the common council finds that it is necessary and appropriate to establish and enforce requirements for the full replacement of lead water service lines under certain conditions and to provide a funding mechanism to assist affected property owners in complying with those requirements.

2. DEFINITIONS. In this section:

a. "Lead water service line" means a service made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

b. "Privately-owned portion of a lead water service line" means the section of water service piping from the outlet joint of the curb stop to the outlet of the water meter outlet valve with the exception of the water meter itself, regardless of the ownership of the property upon which the piping is located.

c. "Utility-owned portion of a lead water service line" means the section of water service piping from the main to, but not including, the outlet joint of the curb stop.

3. REPLACEMENT REQUIREMENT. The privately-owned portion of a lead water service line shall be replaced whenever any of the following occurs:

a. A leak or failure has been discovered on either the privately-owned or utility-owned portion of the service line.

b. The utility-owned portion of the line is replaced on either a planned or emergency basis.

4. REPAIR OR RECONNECTION PROHIBITED. No repair of a privately-owned lead water service line, or reconnection of a privately-owned lead water service line to a utility-owned water service line, shall be permitted under any of the circumstances specified in sub. 3.

5. EXCEPTION. The commissioner of public works or commissioner's designee may, at his or her discretion, grant a temporary exception to the requirement of sub. 3 and the prohibition of sub. 4 if the commissioner or commissioner's designee determines that doing so will not create an imminent threat to the health, safety or welfare of the public.

6. NOTICE. a. Leak or Emergency Replacement. In the event of a service line leak or failure under sub. 3-a or emergency replacement of the utility-owned portion of the service line under sub. 3-b, the commissioner of public works or commissioner's designee shall provide written notice of the replacement requirement to the owner upon the commissioner's or designee's determination that replacement of the utility-owned portion of the line is required.

b. Planned Replacement. In the event of a planned replacement under sub. 3-b, the commissioner of public works or commissioner's designee shall provide written notice of the replacement requirement to the owner at least 45 days prior to the commencement of the planned replacement of the utility-owned portion of the service line.

7. OWNER ELECTION. Upon receipt of the notice in sub. 6, the owner shall, within 10 business days, do one of the following:

a. Replace the privately-owned portion of the lead service line at the owner's expense by contracting with a licensed contractor. The work shall be performed in accordance with all applicable state, local and utility regulations.

b. Elect to have a city contractor replace the privately-owned portion of the lead service line.

8. FINANCING OF REPLACEMENT BY CITY CONTRACTOR. If the owner elects to have a city contractor complete the replacement under sub. 7-b, the cost of replacing the privately-owned portion of the lead service line shall be paid in the following manner:

a. The owner shall be responsible for the average current cost of replacing the privately-owned portion of the lead water service line. The average current cost shall be established each year by the commissioner of public works, subject to adoption by common council resolution. The owner may be eligible for a city subsidy under sub. 9.

b. The owner's share of the cost shall be assessed to the property as a special assessment. Upon receipt of an invoice for this special assessment from the commissioner of public works or the commissioner's designee, the owner may pay the invoice, without interest, by remitting payment to the city treasurer within 45 days of the date of the invoice. If such invoices are not paid in full within the specified time, they shall be placed upon the tax roll under the following terms and conditions and in the following manner:

b-1. If the total amount of the principal of the invoice remaining unpaid equals or exceeds $125, it shall be spread equally over the first available and next succeeding 9 tax rolls.

b-2. If the total amount of the principal of the invoice remaining unpaid is less than $125, the amount shall be placed on the first available tax roll.

b-3. In addition to the principal remaining, interest shall be added commencing after the billing date of the invoice. A 45-day grace period for payment shall be granted from the date of billing, and if not paid within the period, interest shall be charged on a restorative basis to the date of the billing. The interest rate charged shall be set annually as of the last business day in June as an approximation of the prime rate plus 1%. For the purpose of this subdivision, the prime rate shall be defined as the Wall Street Journal prime rate published in the Wall Street Journal. The monthly rate of interest shall be computed by dividing the average prime rate plus 1% by 12 rounded to the nearest 100th of one percent. The comptroller shall review the interest rate annually and shall notify the commissioner of public works of the 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 provided in s. 115-43. The interest rate in effect at the time the special assessment is levied 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, the amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the property owner 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. CITY SUBSIDY. a. Payment Method. Subject to availability of public funds, a property owner who meets the criteria in par. b shall be eligible to receive a subsidy of the cost of replacing the privately-owned portion of the lead water service line required by sub. 3 in the following manner:

a-1 The property owner's share of the cost shall be the lesser of one-third of the average current cost to replace the privately-owned portion of the lead service line or $1,600. Each March 1, the city clerk shall adjust the fixed-dollar amount based on the most recent monthly constant-quality (Laspeyres) price index for new single-family home construction published by the U.S. census bureau, compared to the same index for January, 2017.

a-2. The city shall pay the balance of the cost to replace the privately-owned portion of the lead service line.

b. Eligibility Criteria. A property owner shall be eligible for the city subsidy provided in par. a if the property owner submits to the commissioner of public works or commissioner's designee documentation, on a form furnished by the commissioner or designee, attesting that all of the following conditions are met:

b-1. The property is a one-, 2-, 3- or 4-family dwelling.

b-2. The owner agrees to have the work performed by a city contractor.

b-3. The owner signs a hold-harmless agreement holding the city harmless and free from any claim or liability for damage done in performance of the water service line replacement work.

b-4. The owner executes a temporary right of entry and construction easement authorizing the city and its contractor access into the dwelling as needed in order to complete the connection.

10. REQUIREMENTS FOR OWNERS INELIGIBLE FOR SUBSIDY. Any owner who elects to have a city contractor perform water service line replacement required by sub. 3 and is not eligible for city subsidy under sub. 9 shall, prior to the commencement of this work:

a. Execute a hold-harmless agreement holding the city harmless and free from any claim or liability for damage done in performance of the water service line replacement work.

b. Execute a temporary right of entry and construction easement authorizing the city and its contractor access into the dwelling as needed in order to complete the connection.

11. REPORTS. a. Semi-Annual Reports: Financial Impacts on Property Owners.

a-1. Prior to January 31, 2018 and every 6 months thereafter, the commissioner of public works or the commissioner's designee shall submit to the common council a report on the financial impacts of implementation of this section on property owners who have had their water service lines replaced under this section.

a-2. Report Contents. Prior to November 30, 2017, the commissioner of public works or the commissioner's designee shall submit, to the appropriate common council standing committee, a description of the types of financial impacts and other information that will be provided to the common council in the reports required by subd.1.

b. Semi-Annual Reports: Status of Water-Service Line Replacement. Prior to January 1, 2018 and every 6 months thereafter, the superintendent of Milwaukee water works or the superintendent's designee and the commissioner of public works or the commissioner's designee shall submit to the common council a report on the status of water-service line replacement or lining efforts, testing results of lead in water, emerging technologies for remediating lead in water, and ongoing plans for addressing the lead-in-water issue. Milwaukee water works and the department of public works shall continuously evaluate lead water-service line lining and coating technologies or other emerging technologies that may present themselves as cost-effective and safe alternatives to lead water-service line removal.

12. ENFORCEMENT. a. Performance of Work by City. If the owner fails to comply with sub. 3 within the time specified in sub. 7, the commissioner of public works or the commissioner's designee may apply for and obtain an appropriate court-issued warrant pursuant to ss. 66.0119 and 196.171, Wis. Stats., to gain access to the property and have the required work performed pursuant to s. 281.45, Wis. Stats. The cost of this work shall be assessed and collected as a special assessment on the property.

b. Penalty. Upon determination that a violation of this section exists, the commissioner of neighborhood services is authorized to issue a citation in the amount of $100 to the property owner. Each day of violation shall constitute a separate offense.

c. Discontinuation of Service. As an alternative to any other methods provided for obtaining compliance with this section, if the commissioner of public works or the commissioner's designee, in consultation with the commissioner of health, determines that the

owner's failure to comply with sub. 3 will create an imminent threat to the health, safety or welfare of the public, the commissioner of public works or the commissioner's designee may discontinue water service to the property upon notice to the owner and reasonable opportunity to comply with the requirements of this section, and in a manner consistent with the rules and regulations of the Milwaukee water works and the public service commission of Wisconsin governing discontinuation of water service.

225-23. Private Sewage Systems.

1. ADOPTION. This section is adopted pursuant to s. 59.70(5), Wis. Stats.

a. This section shall be subject to the provisions of ch. 145, Wis. Stats., and all subsequent rules and regulations promulgated thereunder regarding private sewage systems.

b. This section shall not be more lenient or more stringent than the rules and regulations promulgated pursuant to ch. 145, Wis. Stats.

2. ISSUING AGENT. The commissioner shall act as the issuing agent and is assigned the duties of administering the private sewage system program.

3. SANITARY PERMIT. a Validity.

a-1. No person may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.

a-2. No person may sell at retail a septic tank for installation unless the purchaser holds a valid sanitary permit.

a-3. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter.

a-4. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent.

b. Application Forms. The issuing agent shall use the sanitary permit forms provided by the Wisconsin department of safety and professional services.

c. Application Process. c-1. The applicant shall submit the completed sanitary permit application to the issuing agent.

c-2. The issuing agent shall review the certified soil tester reports for the proposed private sewage systems and verify the report at the proposed site if necessary.

c-3. The issuing agent shall approve or disapprove application for sanitary permits and assist applicants in preparing an approvable application.

c-4. The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall:

c-4-a. State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.

c-4-b. Inform the applicant of the right to appeal and the procedures for conducting an appeal to the commission under s. 200-17.

4. FEES. a. The fee for a sanitary permit shall be as specified for a septic system or holding tank under s. 200-33.

a-1. The city may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12 month period.

a-2. The issuing agent shall forward a copy of each valid sanitary permit and $14 of the fee to the Wisconsin department of safety and professional services within 90 days after the permit is issued.

b. Other Fees. b-1. The fee for the transfer of a sanitary permit shall be the same as the original permit fee.

b-2. The fee for the installation of an alternative design system shall be the same as the original permit fee.

5. INSPECTION. a. The issuing agent shall inspect or cause the inspection of all private sewage systems after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.

b. The issuing agent shall file reports and conduct surveys and inspections as required by city ordinance or the Wisconsin department of commerce.

6. VIOLATIONS. The issuing agent shall investigate violations of this section, issue orders to abate the violations, and submit orders to the city attorney for enforcement.

7. CITATIONS. Violations of this section are subject to the provisions of s. 66.0113, Wis. Stats.

8. OTHER DUTIES. The issuing agent shall perform other duties regarding private sewage systems as considered appropriate by the commissioner or as required by the rules of the Wisconsin department of commerce.

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SUBCHAPTER 3
GAS PIPING SYSTEMS

225-31. Gas Piping Systems; Scope.

1. INSTALLATIONS. The installation and approval of gas piping shall be in accordance with NFPA 54 ANSI Z223.1 NATIONAL FUEL GAS CODE 2009.

2. PERMIT REQUIRED. Except as exempted under s. 200-24-1.5, no gas piping shall be installed, altered, renewed, replaced or connected without first obtaining a permit.

3. APPROVAL. a. In addition to the regulations of this chapter and when not specifically regulated by this chapter, all work done in the installation of gas piping systems shall be done in accordance with approved practice, and such work and all materials used shall conform with accepted standard safe practice.

b. Practice which is in compliance with applicable and latest revisions of standards of either the United States of America Standards Institute, the American Gas Association, the National Fire Protection Association, the National Board of Fire Underwriters, or the Underwriters Laboratories, Inc., shall be deemed approved and to constitute accepted standard safe practice for the purpose of this chapter; provided, however, that any industrial and commercial installation, which shall be subject to the rules and regulations of the Wisconsin department of commerce, and which shall comply therewith, shall be deemed to meet the requirements of this section.

4. PERMIT REQUIRED. Except as exempted under s. 200-24-1.5, no gas piping shall be installed, altered, renewed, replaced or connected without first obtaining a permit.

225-32. Gas Piping and Fittings. 1. SUPPLY PIPES AND METERS. a. Every building or structure hereafter erected, and existing buildings or structures where gas piping is installed hereafter shall have the service or supply pipe equipped with an approved accessible shutoff located outside of the building or structure.

b. The gas utility or other gas supplier shall approve the location of its own meters and shall determine the manner and location of the supply gas pipe entry to a building or structure. The gas meter shall be accessible for inspection and maintenance at all times.

c. The gas piping system in buildings or structures shall extend to the outlet of the meter. Only the gas utility or other gas supplier shall connect its own gas meters to such system.

d. Only the agent or employes of the gas utility or other gas supplier shall disconnect either the inlet or outlet of its own gas meters for any purpose, or make any alterations, additions or changes to its gas service piping, meter connections or other gas supply facilities.

e. No gas meters and no gas piping shall be installed within any stair enclosure or exit passageway or within any other required means of enclosure.

4. AIR SUPPLY. The installation of gas-fired units of any type shall be permitted only in a room where an ample quantity of air for safe combustion and venting is supplied in an approved manner to such room or units. Gas-fired water heaters shall not be installed in bathrooms, bedrooms or any occupied rooms normally kept closed.

5. VENTILATION TO OUTER AIR. Gas-fired equipment and appliances shall be connected to a masonry chimney, metal smokestack or vent pipe to the outer air as regulated in ch. 264.

225-33. Abandoned Gas Piping. All existing buildings provided with gas piping intended for purposes of illumination shall have such piping disconnected and capped as near the gas meter as practicable. All other existing individual gas jets or fixtures shall also be removed or capped.

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SUBCHAPTER 4
WELL ABANDONMENT AND WELL OPERATION PERMIT

225-35. Scope. This subchapter is intended to protect the public health, safety and welfare by complying with s. NR 811.10, Wis. Adm. Code, which directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their systems and to provide a permit system to allow retention of safe, code-complying wells, for the purposes of eliminating sources of unsafe water, preventing such wells from becoming channels for vertical movement of contaminated water, eliminating all existing cross-connections and preventing all future cross-connections. The requirements of this subchapter apply to all wells located on premises served by the city water system.

225-37. Definitions. In this subchapter:

1. MUNICIPAL WATER SYSTEM means the community water system owned by the city of Milwaukee.

2. NON-COMPLYING means a well or pump installation which does not comply with s. NR 812.42, Wis. Adm. Code, standards for existing installations and which has not been granted a variance pursuant to s. NR 812.43, Wis. Adm. Code.

3. PUMP INSTALLATION means the pump and related equipment used for withdrawing water from a well, including discharge piping, underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

4. UNSAFE means a well or pump installation which produces water that is bacteriologically contaminated or exceeds the drinking water standards of s. NR 812.06, Wis. Adm. Code, or for which a health advisory has been issued by the Wisconsin department of natural resources.

5. UNUSED means a well pump installation which is not used or does not have a functional piping system.

6. WELL means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

7. WELL ABANDONMENT means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wis. Adm. Code.

225-39. Abandonment Required. All wells on premises served by the municipal water system shall be properly abandoned in accordance with s. 225-43 no later than 30 days from November 30, 1993 or 30 days from the date of connection to the municipal water system, whichever is later, unless a valid well operation permit has been issued to the well owner by the commissioner of city development under the terms of s. 225-41.

225-41. Well Operation Permit. Owners of wells on premises with connections to the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 30 days after November 30, 1993. Owners of wells on premises served by the municipal water system, but without connections to that system as of November 30, 1993, wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 30 days after connection to the municipal water system. The commissioner of city development shall grant a permit to a well owner to operate a well for a period not to exceed 5 years, providing all conditions of this section are met. Prior to the issuance or renewal of a well operation permit, the commissioner of city development shall require inspections and water quality tests to be conducted by independent certified contractors, at the applicant's expense, to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewal requests shall be made on forms provided by the department of city development. The following conditions shall be met in order for a well operation permit to be issued or renewed:

1. The well and pump installation shall meet or may be upgraded to meet the "Standards for Existing Installations" described in s. NR 812.42, Wis. Adm. Code.

2. The well and pump shall have a history of producing safe water, as evidenced by at least 2 coliform bacteria samples taken a minimum of 2 weeks apart. In areas where the Wisconsin department of natural resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to prove safety of the water.

3. There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.

4. The well water shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

5. The well shall have a functional pumping system.

6. The owner shall be able to demonstrate a need to use the well water in addition to the municipal water system.

7. All applicable fees specified in s. 200-33-43 shall be paid.

225-43. Abandonment Procedure. 1. All wells abandoned under this subchapter shall be done in accordance with the procedures and methods of s. NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners and other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

2. A licensed contractor is required to obtain a well abandonment permit from the department prior to any well abandonment and to notify the department in advance of any well abandonment activities. The department may require the verification of proper abandonment.

3. An abandonment report form, supplied by the Wisconsin department of natural resources and properly filled out, shall be submitted by the contractor to the department of neighborhood services and to the department of natural resources upon completion of the well abandonment.

4. All applicable fees specified in s. 200-33-43 shall be paid before issuance of a well abandonment permit.

225-45. Penalties. The applicable penalties listed in s. 200-19 shall apply.

LEGISLATIVE HISTORY
CHAPTER 225

Abbreviations:

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

Section	Action	File	Passed	Effective
225	cr	85-1396	12/20/85	1/1/86
225-01	am	961523	2/11/97	2/28/97
225-01	am	970131	5/13/97	5/31/97
225-01	am	080195	7/30/2008	8/16/2008
225-01	am	111233	1/18/2012	2/4/2012
225-02	cr	971171	12/16/97	1/8/98
225-02	am	111233	1/18/2012	2/4/2012
225-1-1	am	921114	11/20/92	12/11/92
225-1-1	am	980963	12/18/98	1/1/99
225-1-2	am	980963	12/18/98	1/1/99
225-1-2-b-0	am	120914	11/8/2012	1/1/2013
225-1-2-f	am	921114	11/20/92	12/11/92
225-1-2-g	am	921114	11/20/92	12/11/92
225-2-1	am	871091	11/17/87	12/10/87
225-2-2-a	am	871091	11/17/87	12/10/87
225-2-2-a	am	921058	10/30/92	11/18/92
225-2-2-a	am	980848	1/17/2007	2/3/2007
225-2-2-b	am	901415	12/21/90	1/12/91
225-3-1	am	871091	11/17/87	12/10/87
225-3-1	am	980963	12/18/98	1/1/99
225-3-1	am	121706	4/9/2013	4/26/2013
225-3-1	am	121804	12/17/2013	1/9/2014
225-3-4	am	910262	11/5/91	11/22/91
225-3-4	am	920519	7/28/92	8/14/92
225-3-4	am	980963	12/18/98	1/1/99
225-3-5-a	am	910262	11/5/91	11/22/91
225-3-5-a	am	920519	7/28/92	8/14/92
225-3-7	am	001458	2/27/2001	3/16/2001
225-4	rc	912059	11/20/92	12/11/92
225-4-2	rc	080195	7/30/2008	8/16/2008
225-4-2-a	am	980100	5/27/98	6/13/98
225-4-2-a	rc	000580	11/27/2001	12/14/2001
225-4-2-a-1-0	am	040421	11/3/2004	11/20/2004
225-4-2-a-2	cr	040421	11/3/2004	11/20/2004
225-4-2-a-2	am	070576	2/5/2008	2/22/2008
225-4-2-b	am	980100	5/27/98	6/13/98
225-4-2-b	rc	000580	11/27/2001	12/14/2001
225-4-2-b	rn to 225-4-2-c	151123	12/15/2015	12/31/2015
225-4-2-b	cr	151123	12/15/2015	12/31/2015
225-4-2-c	rn to 225-4-2-d	151123	12/15/2015	12/31/2015
225-4-2-c	am	151123	12/15/2015	12/31/2015
225-4-2-d	am	970131	5/13/97	5/31/97
225-4-2-d	am	991066	11/9/99	11/24/99
225-4-2-d	rn to 225-4-2-e	151123	12/15/2015	12/31/2015
225-4-2-e	am	111233	1/18/2012	2/4/2012

225-4-2-e	rn to 225-4-2-f	151123	12/15/2015	12/31/2015
225-4-2-f	rc	930796	9/28/93	10/15/93
225-4-2-f	rc	000580	11/27/2001	12/14/2001
225-4-2-f	rn to 225-4-2-g	151123	12/15/2015	12/31/2015
225-4-2-h	cr	991066	11/9/99	11/24/99
225-4-2-h	rc	000580	11/27/2001	12/14/2001
225-4-2.5	cr	101212	3/1/2011	3/18/2011
225-4-3-b	rn to 225-4-3-c	070576	2/5/2008	2/22/2008
225-4-3-b	cr	070576	2/5/2008	2/22/2008
225-4-3-b	am	170818	11/7/2017	11/28/2017
225-4-3-c	rn to 225-4-3-d	070576	2/5/2008	2/22/2008
225-4-3-d	rn to 225-4-3-e	070576	2/5/2008	2/22/2008
225-4-3-d	rc	170818	11/7/2017	11/28/2017
225-4-3-e	am	970131	5/13/97	5/31/97
225-4-3-e	rn to 225-4-3-f	070576	2/5/2008	2/22/2008
225-4-3-f	am	931043	11/9/93	11/30/93
225-4-3-f	rn to 225-4-3-g	070576	2/5/2008	2/22/2008
225-4-3-f	am	111233	1/18/2012	2/4/2012
225-4-3-g	rn to 225-4-3-h	070576	2/5/2008	2/22/2008
225-4-3-g	am	980963	12/18/98	1/1/99
225-4-4-a	am	961523	2/11/97	2/28/97
225-4-4-a	am	111223	1/18/2012	2/4/2012
225-4-4-d	cr	931043	11/9/93	11/30/93
225-4-4-d	am	970131	5/13/97	5/31/97
225-4-4-d	am	111233	1/18/2012	2/4/2012
225-4-5	am	970131	5/13/97	5/31/97
225-4-5	am	121706	4/9/2013	4/26/2013
225-4-6	am	871091	11/17/87	12/10/87
225-4-7	am	070576	2/5/2008	2/22/2008
225-5	rc	912059	11/20/92	12/11/92
225-6	rc	912059	11/20/92	12/11/92
225-7	rc	86-1015	11/21/86	12/12/86
225-7	am	980963	12/18/98	1/1/99
225-8	am	87-177	5/27/87	6/12/87
225-8-1	rc	000580	11/27/2001	12/14/2001
225-8-1-0	am	040421	11/3/2004	11/20/2004
225-8-1-f	cr	040421	11/3/2004	11/20/2004
225-8-2	rc	000580	11/27/2001	12/14/2001
225-9-1	am	980963	12/18/98	1/1/99
225-9-1	am	991065	11/9/99	11/24/99
225-9-2	am	991065	11/9/99	11/24/99
225-9-5	am	991065	11/9/99	11/24/99
225-9-6	rp	931042	11/9/93	11/30/93
225-12	rc	86-1015	11/21/86	12/12/86
225-13-1	am	871091	11/17/87	12/10/87
225-13-2-a	am	980963	12/18/98	1/1/99
225-13-2-b	am	980963	12/18/98	1/1/99
225-13-3-a	am	980963	12/18/98	1/1/99
225-13-3-b	am	980963	12/18/98	1/1/99

225-13-3-d	am	980963	12/18/98	1/1/99
225-13-4-a	am	921114	11/20/92	12/11/92
225-14-2	am	111233	1/18/2012	2/4/2012
225-14-3	am	980963	12/18/98	1/1/99
225-14-4	am	970131	5/13/97	5/31/97
225-14-4	am	001458	2/27/2001	3/16/2001
225-14-4	am	111233	1/18/2012	2/4/2012
225-15-1	am	980939	10/30/98	11/18/98
225-15-1	am	111233	1/18/2012	2/4/2012
225-15-2-b	am	970131	5/13/97	5/31/97
225-15-2-b	am	001458	2/27/2001	3/16/2001
225-15-2-b	am	111233	1/18/2012	2/4/2012
225-15-3	am	980963	12/18/98	1/1/99
225-16-1-a	am	970131	5/13/97	5/31/97
225-16-1-a	am	111233	1/18/2012	2/4/2012
225-17-1	am	980963	12/18/98	1/1/99
225-18-1	am	921114	11/20/92	12/11/92
225-18-1	am	980963	12/18/98	1/1/99
225-18-2-0	am	921114	11/20/92	12/11/92
225-18-2-e	am	921114	11/20/92	12/11/92
225-18-3	am	921114	11/20/92	12/11/92
225-18-3	am	970131	5/13/97	5/31/97
225-18-3	am	980963	12/18/98	1/1/99
225-18-3	am	111233	1/18/2012	2/4/2012
225-21	am	980963	12/18/98	1/1/99
225-22-1	am	980963	12/18/98	1/1/99
225-22-1	rc	991650	4/11/2000	4/29/2000
225-22-1-f	cr	160742	12/13/2016	1/1/2017
225-22-2-0	am	980963	12/18/98	1/1/99
225-22-2-b	am	980100	5/27/98	6/13/98
225-22-3	rn	86-979	10/14/86	10/31/86
225-22-4	rn	86-979	10/14/86	10/31/86
225-22.5	cr	160742	12/13/2016	1/1/2017
225-22.5-11	rc	170527	7/31/2017	8/17/2017
225-23-3-b	am	961523	2/11/97	2/28/97
225-23-3-b	am	111233	1/18/2012	2/4/2012
225-23-4-a-2	am	961523	2/11/97	2/28/97
225-23-4-a-2	am	111233	1/18/2011	2/4/2012
225-23-5-b	am	961523	2/11/97	2/28/97
225-23-7	am	001458	2/27/2001	3/16/2001
225-23-8	am	961523	2/11/97	2/28/97
225-31-1	rc	160626	11/4/2016	1/1/2017
225-31-2	am	921114	11/20/92	12/11/92
225-31-2	rc	160626	11/4/2016	1/1/2017
225-31-3-b	am	961523	2/11/97	2/28/97
225-31-4	cr	121804	12/17/2013	1/9/2014
225-32-2	rp	160626	11/4/2016	1/1/2017
225-32-3	rp	160626	11/4/2016	1/1/2017
225-35	cr	931042	11/9/93	11/30/93
225-37	cr	931042	11/9/93	11/30/93
225-39	cr	931042	11/9/93	11/30/93
225-39	am	980963	12/18/98	1/1/99
225-41	cr	931042	11/9/93	11/30/93
225-41-0	am	980963	12/18/98	1/1/99
225-43	cr	931042	11/9/93	11/30/93
225-43-2	am	980963	12/18/98	1/1/99

225-43-2	am	120914	11/8/2012	1/1/2013
225-43-3	am	980963	12/18/98	1/1/99
225-45	cr	931042	11/9/93	11/30/93

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CHAPTER 228
SAFETY IN CONSTRUCTION

TABLE

228-1	Scope
228-2	General Regulations
228-3	Temporary Occupancy of Public Thoroughfares
228-4	Storage of Materials
228-5	Fire Hazards

228-1. Scope. 1. This chapter governs the safety and welfare of the public during the construction, alteration or demolition of buildings and structures on public and private property.

2. The regulations of this chapter and OSHA Safety and Health Standards (29 CFR 1926/1910) apply to all buildings and structures under construction, alteration or demolition.

3. Nothing in this chapter shall be construed to nullify any existing laws, rules, orders, ordinances, regulations or statutes governing the protection of the public from health, fire or other hazards. The regulations of this chapter shall be construed as supplemental to the requirements of federal laws, Wisconsin statutes, or orders issued by the Wisconsin department of safety and professional services, commissioners of health and public works, and the chiefs of the police and fire departments of the city.

228-2. General Regulations. 1. WALKWAYS AND SIDEWALKS. Except as otherwise required or approved by the commissioner of public works, safeguards for the protection of the general public shall be provided as herein regulated.

a. Walkways or temporary sidewalks at least 4 feet wide shall be maintained for pedestrians, except that in congested districts the commissioner of public works may require additional width. Such walkways or sidewalks shall be a part of the permanent sidewalk or public thoroughfare and shall be located and constructed as authorized in the temporary occupancy permit issued by the commissioner of public works, and may be crossed by a driveway to give access to the building site. At such driveway when intermittent hazardous operations are conducted across the walkway or sidewalk, the street permit holder shall assign a flagman to such locations to warn the general public.

b. Walkways of wood or other approved materials may be placed at the established grade or at any elevation not exceeding 4 feet above such grade, in which case there shall be provided approaches thereto by means of ramps having a pitch of not more than 1 to 8, all designed for a uniform live load of 150 pounds per square foot.

2. ROOFS OVER WALKWAYS AND SIDEWALKS. a. During the construction or demolition of any building or structure, the commissioner of neighborhood services may require, and in the case of construction or demolition of any building or structure on property in a C9 downtown zoning district where the work is occurring more than 10 feet above grade, shall require, that there shall be erected and maintained a protective canopy roof over walkways or sidewalks of a length and width as required by the commissioner of public works. Such canopy roof shall be erected as soon as the building or structure reaches a height of 10 feet above established adjacent grade and shall be maintained until the entire work on the side abutting or near the public sidewalk is completed. The canopy roof shall be tightly boarded and have a clear height of 10 feet above the walkway or sidewalk. The entire structure shall be designed to carry loads to be imposed on it, provided the minimum live load to be used in design shall not be less than 30 pounds per square foot, uniformly loaded.

b. The commissioner of neighborhood services may require that the canopy roof be designed by a registered architect or engineer. The drawings shall be approved by the commissioner and a separate permit issued for the construction of the canopy roof.

c. If materials are stored or work is done on such canopy roof, the entire structure shall be designed as a scaffold, and the sides and ends shall be protected by a tight curb board not less than 18 inches high, and a railing not less than 36 nor more than 42 inches high.

d. The space under such canopy roof over the walkway or sidewalk and the approaches thereto shall be kept lighted, in an approved manner, with artificial lighting continuously during darkness and between sunset and sunrise.

e. The commissioner of neighborhood services may approve thrust-out platforms or other substitute protections in lieu of walkway or sidewalk canopy roofs when deemed adequate to insure the public safety. No such platforms shall be used for the storage of materials.

3. FENCES. Every construction operation, including excavations, when located 10 feet or less from the street line shall be enclosed with close board or other approved fences not less than 4 feet high, and when located more than 10 feet from the street line, a fence shall be erected when required by the commissioner of neighborhood services.

228-3. Temporary Occupancy of Public Thoroughfares. Permits for the temporary occupancy of public thoroughfares for the storage of materials, erection of outhouses over sanitary or combined sewer system manholes, construction of sheds, roofs, fences, underpinning, temporary guards, devices and construction equipment used during or in connection with such construction operations shall be obtained from the commissioner of public works under the terms and conditions regulated in this chapter and in chs. 115 and 245.

228-4. Storage of Materials. 1. All materials and equipment required in construction operations shall be stored and placed with a minimum hazard to the public and adjoining property.

2. Materials or equipment stored within the building or structure, or on canopy roofs over walkways, sidewalks or scaffolds shall be placed so as not to overload any part of the construction beyond its design capacity, nor interfere with the safe prosecution of the work.

3. Materials stored on the canopy roofs over walkways or sidewalks and on scaffolds shall not exceed one day's supply. All materials shall be piled in an orderly manner and height, so that individual pieces may be removed without endangering the stability of the pile.

4. No person shall store or place any material or equipment on a public thoroughfare without first obtaining a permit from the commissioner of public works to do so, in conformance with the requirements of the commissioner of public works.

5. Waste, debris or other similar loose materials being removed from a building or structure shall not be dropped by gravity or thrown outside the exterior walls but shall be removed by means of wood or metal chutes, or by other approved equipment.

6. All such materials which during removal cause excessive dust shall be wet down to prevent the creation of a nuisance.

228-5. Fire Hazards. Storage of flammable or combustible materials, use of temporary heating equipment and enclosures, flame cutting and welding, removal and disposition of combustible rubbish, and other fire hazards incident to or present during building operations, and the providing of approved fire extinguishing equipment shall be as regulated in ch. 236.

LEGISLATIVE HISTORY
CHAPTER 228

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 228	cr	85-1396	12/20/85	1/1/86
228-1-3	am	961523	2/11/97	2/28/97
228-1-3	am	111233	1/18/2012	2/4/2012
228-2-1-a	am	921114	11/20/92	12/11/92
228-2-2-a	am	921187	11/20/92	12/11/92
228-2-2-a	am	980963	12/18/98	1/1/99
228-2-2-a	am	171535	2/6/2018	2/23/2018
228-2-2-b	rn to 228-2-2-c	921187	11/20/92	12/11/92
228-2-2-b	cr	921187	11/20/92	12/11/92
228-2-2-b	am	980963	12/18/98	1/1/99
228-2-2-b	am	171535	2/6/2018	2/23/2018
228-2-2-c	rn to 228-2-2-d	921187	11/20/92	12/11/92
228-2-2-d	rn to 228-2-2-e	921187	11/20/92	12/11/92
228-2-2-e	am	980963	12/18/98	1/1/99
228-2-2-e	am	171535	2/6/2018	2/23/2018
228-2-3	am	980963	12/18/98	1/1/99
228-3	am	881465	11/18/88	12/9/88
228-5	am	86-979	10/4/86	10/31/86

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CHAPTER 236
HAZARDOUS OCCUPANCIES

TABLE

236-01	Adoption of State Code
236-11	Spray Coating
236-21	Flammable and Combustible Liquids
236-31	Fireworks
236-41	Hazardous Substance Spills
236-51	Hazardous Substance Identification System

236-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. ACTP 93, SPS 310 and 340, Wis. Adm. Code, as amended, as part of this code.

236-11. Spray Coating. 1. SCOPE AND PURPOSE. a. Scope. These rules shall govern the use and control of all spray coating apparatus, in every place of employment; provided, however, that they shall not prohibit any farmer, horticulturist, fruit grower or other person engaged in farming or fruit or vegetable growing from using spray coating apparatus for the purpose of spraying trees, shrubs and vines with chemicals to protect the same from disease; or prohibit any dairyman, creamery owner or operator or other person from using any spray coating apparatus to spray any building or part thereof with solutions composed of water and chemicals of recognized value in keeping said building in a sanitary condition.

b. Existing Booths. These rules are not applicable to existing installations except where adequate protection to the health and safety of the operator or helper requires alterations. All such alterations shall show reasonably close adherence to the provisions of these rules.

c. Plans, Booth Installations. Plans and specifications in duplicate shall be submitted to the commissioner of city development for approval before installing any spray booth.

2. DEFINITIONS. a. Apparatus, Spray Coating. Any and all devices used in the application of finishing materials by a method employing air pressure.

b. Approved. Of such design and arrangement as to meet the approval of the commissioner.

c. Booths: Cabinet, Canopy, Room and Tunnel. c-1. Cabinet booth. An enclosure open on one side only and equipped with independent exhaust system.

c-2. Canopy Booth. An overhead dome enclosure open on all sides at the bottom and equipped with an independent exhaust system.

c-3. Room Booth. A room or enclosure equipped with independent exhaust system.

c-4. Tunnel Booth. An enclosure with both ends open, equipped with independent exhaust system.

d. Breathing Zone. The immediate area around the mouth and nose of the operator while in a working position.

e. Contaminated Airway. A contaminated airway in connection with any type of spray booth is any duct, chamber or space containing vapors or fumes of a deleterious, flammable or explosive character, or of other harmful nature, generated by spray coating operations.

f. Discharge Orifice. An opening through which ventilating air is discharged from a booth.

g. Discharge Pipe. An extension of the discharge orifice to convey spray-laden or contaminated air to the outside atmosphere.

h. Distributor Plates. Solid or perforated noncombustible plates placed in a booth to deflect and distribute air currents.

i. Exhaust System. All equipment connected with the removal of ventilating air from the spray zone.

j. Incombustible Material. Material which cannot be burned.

k. Installations, Existing and New.

k-1. Existing installations. Installations in existence and use prior to the effective date of this code.

k-2. New installations. Installations completed, or the contracts for which are let after the effective date of these rules.

L. Lamps, Extension, Portable, Explosion-proof and Vapor-proof.

L-1. Extension lamp. Lamp or extension cord not fixed, nor self-supporting, and not equipped with standard.

L-2. Portable, explosion-proof lamp. A portable explosion-proof lamp is a lamp not fixed, but with self-supporting, properly weighted stand, capable of being readily moved and having the lighting unit so designed and constructed that its use to provide artificial illumination at different points within any type of spray booth will not ignite any fumes, vapors or residues formed in the process of coating objects with a spray gun.

L-3. Vapor-proof or vapor-tight lamp. A lamp that is so enclosed that vapor will not enter the enclosure.

m. Orifice Outlet. See Discharge orifice.

n. Place of Employment. For purposes of administering this code, a place of employment is any place where spray coating is being carried on for profit.

o. Pressure, Atomizing and Paint.

o-1. Atomizing pressure. Pressure of the air used to atomize or break up the paint or other coating material.

o-2. Paint pressure. Pressure in a closed tank bearing on the paint or other coating material to raise it to the spray gun level.

p. Pressure Regulator. An instrument or device for regulating or controlling air pressure.

q. Pressure Tank. A tank in which air pressure is used to develop pressure on paint or other coating material.

r. Respirators, Air Line and Chemical Cartridge. r-1. Air line respirator. A device consisting of a hood or head and face covering to which fresh air is fed, creating a slight outward pressure excluding fumes and mist, thus permitting breathing of uncontaminated air.

r-2. Chemical cartridge respirator. A respirator which is equipped with a chemical cartridge which mechanically removes solid particles and chemically removes vapors from air being breathed.

s. Settling Chamber. A space located in the exhaust air stream for the purpose of collecting solids in spray mist.

t. Spray Gun. A mechanical device employing air pressure for the application of paints, varnishes, lacquers and similar finishing materials.

u. Vacuum Type Feed Cup. (Sometimes erroneously referred to as a siphon type.) A type of materials container in which the liquid is drawn into the atomizing air stream by a partial vacuum created by the flow of air over the paint chamber outlet opening.

v. Ventilating System. See Exhaust system.

3. SPRAY COATING OF BUILDINGS, STRUCTURES, AND OUTDOOR SPRAYING.

a. Scope. The requirements of this section shall apply to all spray coating operations on buildings, ships and structures of any kind or nature, and to all outdoor spray coating operations, but these requirements need not apply to spray coating operations in approved booths.

b. Equipment. b-1. Type of Equipment. Any type of equipment may be used, except the vacuum type of more than one quart capacity.

Note: The vacuum type of spray coating apparatus is sometimes erroneously referred to as siphon type, suction type and ejector type.

b-2. Character of Equipment. All spraying equipment shall be complete in all details essential to effective operating and prevention of excessive mist.

c. Operation. c-1. Nozzle Distance from Surface. During operation the nozzle of the spray gun shall not at any time be more than 13 inches from the surface being spray coated.

c-2. Scaffolding. When necessary, scaffolding or other approved support shall be used so that the maximum allowable distance between the gun nozzle and surface being spray coated will not be exceeded.

c-3. Maximum Allowable Paint Pressure. The paint pressure shall at no time exceed that necessary to produce a free flow of paint at the nozzle when the gun is operated independent of atomizing pressure.

Note a. Testimony of spray gun manufacturers and observations have shown that excessive paint pressure over that actually necessary to produce this result requires a correspondingly higher atomizing pressure, resulting in excessive mist.

Note b. Exterior painting-wind advantage. During exterior spray coating, the operator shall at all times take advantage of draft and wind conditions, spraying with the air current whenever possible.

Note c. Interior painting-natural ventilation. During interior spray coating of walls or structural members of a building the operator should at all times produce and maintain all ventilation possible by opening doors and windows, spraying with the air current whenever possible.

c-4. Operation at Different Levels. At no time shall 2 or more operators working at elevations differing more than 8 feet use paint from the same supply tank unless spray guns are equipped with paint pressure regulators.

Note: If this maximum allowable difference in working elevations were exceeded, the operators working at the lower levels would be subjected to excessive mist.

c-5. Exclusion of Others. None other than the paint sprayers and their helpers shall be permitted within a zone where a mist or deposit is apparent, unless such a person is protected the same as operators and helpers.

c-6. Contamination of Adjacent Areas. Proper precautionary measures shall be taken to prevent contamination of the atmosphere in adjacent occupied areas.

4. SPRAY COATING OPERATIONS INSIDE OF BUILDING. a. Scope. The requirements of this section shall apply to all spray coating of walls, structural members and fixtures of a building or other structure.

b. Booths Required. Spray coating of objects with paint, varnish, lacquer, siliceous materials or other materials which may endanger the health of a person exposed thereto, or which would create a fire or explosion hazard, shall be carried on only in suitable booths provided and maintained for such purposes. Whenever practicable, a cabinet booth shall be used. A tunnel booth, canopy booth or a room booth may be used only with the written permission of the commissioner.

Exception No. 1: Large objects such as heavy machinery, large castings and structural members not adaptable to booth spraying may be sprayed without booth protection provided that in such cases the requirements in sub. 3 are complied with and provided further, that the room in which such spraying is done is cleaned periodically as often as is necessary to prevent accumulation of residue, but in no case shall more than 48 hours of actual spraying operations be permitted without thoroughly cleaning the room.

Exception No. 2: In any garage or other place where a spray gun is used intermittently to apply hazardous coating materials to spots on motor vehicles or other objects, such intermittent spraying operations may be carried on without booth protection only when the following regulations are observed.

First. No more than one spray gun may be used at a time.

Second. In each 8-hour day or shift, the total time of actual spraying operations shall not exceed 30 minutes.

Third. No individual spraying job shall be greater in area than 10 square feet.

Fourth. During spraying operations the operator and every other person exposed to the contaminated area shall wear an approved respirator and be otherwise protected as specified in sub. 3-c.

Fifth. Where spraying operations are carried on, the room, including floor, walls and ceiling as well as fixtures and equipment, shall be cleaned at intervals as often as necessary to prevent accumulation of residue in quantities to create a fire or explosion hazard, but in no case shall more than a total of 48 hours of actual spraying be done without this thorough cleaning.

Sixth. A reasonably accurate record shall be made of each separate spraying job done each calendar day. This record shall include the name of spray gun operator; time of actual spraying operations; name of article or object spray coated and name of owner; approximate area in square feet of the spot or object spray coated, and in case of a motor vehicle, the license number. These records shall be kept on file and open during reasonable hours for examination by the commissioner.

Note: Failure to keep such records and to show them to the commissioner would constitute wilful violation of lawful orders of the code and subject the violator to prosecution.

c. Booth Construction. c-1. Cabinet Booths. c-1-a. Type of Construction. The floor, walls and roof of every cabinet booth shall be constructed of incombustible material in such a manner as to facilitate effective maintenance and control of required ventilation. If constructed of steel, except where ceramics only are sprayed, every such booth shall be kept thoroughly painted on the inside to minimize fire hazards from possible sparks.

c-1-b. Combustible Floor Covered. If the building floor on which any cabinet booth is installed is of combustible material, the floor within the booth and for a distance of 4 feet in front of the booth shall be covered with incombustible material, preferably zinc or other nonsparking metal.

Exception: Small booths set on benches composed of or covered under such booths with incombustible material, and booths in which only ceramics are sprayed.

c-1-c. Deflector Curtain. Every cabinet booth over 4 feet wide, measured along the floor at the front of the booth, shall be constructed with fixed incombustible deflector curtain along the upper outer edge of the booth, not less than 2-1/2 inches nor more than 5 inches.

c-1-d. Inside Smooth. The inside of each cabinet booth shall be of reasonably smooth construction.

Note 1. In building a booth of steel in a manner to make it incombustible, metal studs and sheathing must be used. No wood is permitted in any portion of the walls, floors, ceiling or equipment of a new booth.

Note 2. If the floor of the building is of combustible material, the floor of the booth and an adequate distance in front of the booth (usually 4 feet), will need to be protected by a covering of metal or an insert of reinforced concrete 1-1/2 inches or more in thickness. It is advisable to consult the insurance carrier in any case so that accredited construction may be selected.

c-2. Room Booths; Constructed of Incombustible Material. Every new booth installation of a new building, including walls, floor and ceiling, shall be constructed of incombustible material and shall be separated from other portions of the building by means of fire-resistive partitions. Every window and every door in the walls of a new room booth shall be of fire-resistive construction.

Note: Before constructing a spray booth in a building, it is advisable to consult the commissioner so that the violation of general and fire protection requirements may be avoided. For example, the spray coating of automobiles is not permitted in a building having wood floors or wood walls, unless such building has been occupied for the housing, repairing or painting of automobiles continuously since September, 1918.

c-3. Tunnel Booths. Every tunnel booth shall be constructed of incombustible material and shall be reasonably smooth on the inside. The ventilation of each tunnel booth shall be arranged so as to adequately protect persons within or in the immediate vicinity from the spray and fumes.

c-4. Canopy Booths. Each canopy booth must be constructed of incombustible material; shall be reasonably smooth on the inside; and the ventilation shall be arranged so as to adequately protect persons under the canopy and in the immediate vicinity.

d. Equipment. d-1. Electrical Equipment. All electrical equipment in connection with spray coating operations shall be installed, operated and maintained in accordance with all the requirements of ch. SPS 316, Wis. Adm. Code, complying to such locations.

d-2. Sprinklers or Fire Suppression Systems Required. Every spray booth shall be equipped with one or more sprinklers or fire suppression systems installed in accordance with applicable NFPA requirements.

d-3. Fire Extinguishers. Every spray booth, except where ceramics only are sprayed, shall be adequately equipped with fire extinguishers of suitable type for the nature of hazard and materials involved.

d-4. Discharge Orifices. d-4-a. Free Passage of Contaminated Air. Discharge orifices shall be provided for all spray booths and shall be of such size and arrangement in each case as to permit spray-laden or contaminated air to freely pass from the booth.

d-4-b. Uniform Distribution of Air Movement. Every booth of any type shall be tapered to the discharge orifice or be equipped with approved removable distribution plates or other approved means of securing reasonably uniform distribution of air motion through the booth, especially in the breathing zone.

Note 1. The purpose of the tapering of a booth to the discharge orifice or of equipping a booth with distribution plates is to distribute the air flow throughout the spray booth and thus protect the operator at all points in the booth.

Note 2. Where a booth is tapered toward the orifice, the angle of tapering should be not less than 45° with the plane of the front of the booth. This arrangement is preferable where dust-producing coating material, such as

lacquer, is sprayed. In such cases, the spray or mist should be removed from the booth through exhaust as quickly as possible.

d-4-c. Gathering of Sticky Materials. Where the spray material is such that air-borne solids are of a sticky nature, distribution plates and settling chamber shall be provided and be so arranged as to assure deposits of as much as practicable of this material.

Note 1. Distribution of plates of the filter type will aid in the deposit of spray material before it reaches the fan and exhaust duct. The water wash type of booth is very satisfactory for this purpose.

Note 2. Distribution plates should be placed in a plane parallel to the rear wall and distant therefrom not less than 1/4 the minimum cross section dimension of the booth. The openings through the distribution plates should be spread over the cross sectional area and should be arranged in a manner to meet the approval of the commissioner.

d-5. Ventilation System Required. Every spray booth shall be suitably equipped and operated with an exhaust or ventilation system which shall protect operators, helpers and other persons in the vicinity from deposit or inhalation of the materials discharged from the spray apparatus, but the movement of air through the booth shall in no case be less than 100 lineal feet per minute in the breathing zone. Every such system shall be of such type and arrangement that efficiency of operation will be maintained independent of weather conditions.

Note 1. Observations show that booth construction and arrangement, as well as the nature of the work done, have great influence on the amount of air necessary to effect the required protection.

Note 2. From the standpoint of maintenance and fire protection, the indirect type of exhaust unit seems preferable.

d-5-a. Fans. Each fan shall be of an effective type, capacity and performance in place so as to insure the required protection under all operating conditions, and every such fan located in a contaminated airway shall be constructed of such metals or combination of metals as to prevent sparking in practical ion, except that this latter equipment will not be required where ceramics only are sprayed. Every fan shall be substantially mounted to maintain ample clearance in use, even though the rotating parts become considerably out of balance due to deposits of paint or other cause. Fan bearings shall be of the ring-oiling or other equally effective type and should be located outside of the contaminated airways, but in any case shall be arranged to be oiled from the outside.

d-5-b. Discharge Pipes. Every discharge pipe and duct conveying spray-laden or contaminated air from a booth to the outside atmosphere or to an air cleansing device, shall be as short, direct and free from resistance to air flow as practicable, based on maximum air flow at low velocities; shall be provided with means of easy access or removal for cleaning, and shall be arranged to minimize fire hazards. Each discharge pipe shall deliver to outside atmosphere above the roof of the building or to other means or device approved for the purpose. The termination of such discharge pipe delivering to outside atmosphere shall be protected by a hood of the inverted cone type or other approved device from the detrimental effects of weather and hazards due to sparks from any source and shall be arranged so as to not constitute a nuisance or fire hazard in the neighborhood. Every discharge pipe passing through a combustible wall, ceiling or roof shall be encased with incombustible material at least 4 inches thick, or with a double safety thimble made of 2 concentric rings of sheet metal, with at least one inch open air space between them and the outer ring, covered with at least 1/4 inch asbestos. There shall be no connection between the discharge or exhaust outlets of separate spray booths.

d-6. Pressure Tanks and Other Containers. d-6-a. Construction and Approval. Every pressure tank supplying a spray nozzle shall be constructed and equipped as to meet the approval of the commissioner, and each tank of more than 2 gallons capacity shall be designed so that the bottom of the shell will not be subjected to wear when moved about on the floor.

Note: Approval by the Underwriters' Laboratories, Inc. will be accepted by the department of neighborhood services.

d-6-b. Gravity Tanks, Closed Type. Other containers supplying spray nozzles shall be of a closed type or approved with metal covers kept in place. Those not resting on the floor shall be supported on metal brackets or be suspended by wire cables.

d-6-c. Capacity of Gravity Tanks Limited. No gravity tank of more than 10 gallons capacity shall be used to supply a spray nozzle.

d-6-d. Clamping Devices for Shipping Drums Used as Pressure Tanks. Where the original shipping drum is used to supply a spray nozzle by the pressure system, the drum shall be clamped in a suitable device to prevent the drum from bursting.

d-6-e. Protective Clothing Required. The entire person, except face and neck of the spray operator and his helper, shall be protected by suitable clothing and equipment during spraying operations.

Exception: Where ceramics only are applied.

e. Air Supply. e-1. Quality. Uncontaminated, tempered air shall be furnished and maintained within the breathing zone of each operator of every spray booth.

e-2. Quantity. The air supplied to each room containing or constituting any spray booth shall be admitted by natural or mechanical means and the volume shall be at least equal to that removed from such an enclosure by the booth exhaust fan or other ventilation system.

Note 1. Where a cabinet booth is located in a building or room where the volume of properly tempered air exhausted through the booth is only a small portion of that available, and the withdrawal of this tempered air is such that it does not appreciably affect the air conditions or distribution in other working areas, it is not necessary to provide air supply for the booth exhaust other than through the general ventilating system. Often, however, means must be provided for supplying tempered air to replace that exhausted through the booth. This can be accomplished by natural or mechanical means. In any case, the air from the source of supply, ordinarily outside the building, is caused to pass through or in contact with heating units.

Note 2. The air supply for the spray booth should be delivered at a point, or points, as far from the booth as other operations in the building will permit.

Note 3. The air required to supply the exhaust or ventilating system in any room booth should be properly tempered, clean air from an outside source supplied directly to the room.

Note 4. In any case, the arrangements for the exhaust and supply of air should be such as not to produce an excessive draft or vacuum in any area outside of the booth.

e-3. Direction of Air Flow in Booths. The direction of air flow in any booth shall be from the operators and helpers toward the objects or work being spray coated and thence to the discharge orifice of the booth.

f. Maintenance. f-1. Cleanliness.

f-1-a. Booths Periodically Cleaned. Every booth in which spray coating is done shall be cleaned thoroughly at reasonably frequent intervals, but in no case shall a booth be used for more than 48 hours of spraying operation without cleaning.

Exception: Parts and equipment located in the air stream beyond the water curtain of any approved water wash booth.

Note 1. Each fan shall be cleaned at regular intervals because deposits of spraying materials seriously reduce the efficiency of the fan and constitute a fire hazard except when spraying ceramics. Likewise, air passages, chambers and ducts should be cleaned regularly for the same reasons.

Note 2. Distribution plates and similar removable parts should be cleaned in an isolated or protected location to reduce the fire hazard.

Note 3. Only nonsparking tools should be used for cleaning or making repairs.

f-1-b. Spray Rooms Periodically Cleaned. Each room where a spray booth is located shall be thoroughly cleaned at least once every year where spray coating is done regularly, or at least once every 2 years where spray coating is done intermittently.

f-2. Storage of Materials.

f-2-a. Volatile Liquids. The main supply of solvents, paints, lacquers and other volatile materials shall be stored in a location remote from the spraying process, preferably in an outside oil house or an especially constructed room. Each container for such material to be used in the vicinity of the booth shall be tightly covered when not in use.

f-2-b. Booths Not Store Rooms. No material or equipment shall be stored in any spray booth.

Note: Isolated mixing rooms and pipe line circulation systems are recommended in every case where the spraying operations are extensively continuous.

236-21. Flammable and Combustible Liquids. In addition to the regulations set forth in ch. ACTP 93, Wis. Adm. Code, above ground flammable liquid storage facilities shall comply with the following:

1. FOAM EXTINGUISHING MATERIAL. a. All new and existing above ground tanks for the storage of Class I, II or III liquids in excess of 8,000 gallons shall be provided with a supply of aqueous film, foam-producing material suitable for use in the fire department's equipment, listed in Underwriters' Laboratories or Factory Mutual, in the quantity as follows:

ABOVE GROUND STORAGE CAPACITY	QUANTITY OF 3% AQUEOUS FOAM SOLUTION
8,001 to 50,000 gallons	55 gallons
50,001 to 150,000 gallons	110 gallons
150,000 to 500,000 gallons	215 gallons
Over 500,000 gallons	430 gallons

b. The place and manner of storage of such material shall be as directed by the commissioner after obtaining approval from the fire chief, with particular consideration being given to accessibility for fire fighting purposes and susceptibility of the solution to freezing conditions. The commissioner may prorate the amount of foam-producing liquid based upon the total storage capacity in an area which has been set aside or designated for the sole purpose of the erection of storage tanks.

c. Any and all material supplied for purposes of this subsection shall be compatible to the current equipment in use by the fire department.

2. RELINING OF UNDERGROUND STORAGE TANKS. The relining of steel, underground tanks used for the storage of flammable and combustible liquids shall be permitted, provided s. SPS 310.530, Wis. Adm. Code, are complied with and flex connectors are placed at the top of the tank and between the tank and the vent pipe.

Pages 308-312 are blank.

236-31. Fireworks. 1. DEFINITIONS. In this section:

a. "Fireworks" means any devise or contrivance commonly used or sold as fireworks containing nitrates, chlorates, oxylates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound containing any of the same or other explosives.

b. "Pyrotechnics" means any display of fireworks or chemicals for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation.

1.5. STORAGE AND WHOLESALING. a. Any resident, wholesaler, dealer or jobber firm may sell fireworks at wholesale, provided they are shipped or delivered directly outside the limits of the city and that a permit for such sale has been obtained from the commissioner.

b. Every wholesaler, dealer or jobber keeping or exposing for sale within the city fireworks of any description shall immediately notify the commissioner of the receipt of such stock of fireworks, the removal of such stock of fireworks from one location to another, and the location where the stock of such fireworks is stored.

c. Fire extinguishers approved by the commissioner shall be provided where fireworks are stored or handled. Smoking shall not be permitted where fireworks are stored or handled.

d. No fireworks shall be stored in any building used for dwelling purposes, or in any building situated within 50 feet of a building used for dwelling purposes or places of public assemblage.

2. PYROTECHNIC DISPLAYS, BLANK CARTRIDGES, FLARES PERMITTED. This section does not prohibit:

a. The use of fireworks for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals under permit granted by the department, provided that no fireworks shall be discharged after 11:00 p.m. or before 8:00 a.m. in the city, except as provided in par. e.

b. The use or sale of blank cartridges for circus and theatrical purposes, or for signal purposes in athletic contests or sports events, or for the use by militia, police or military organizations.

c. The use or sale of flares for railway signal and motor vehicle emergency warning purposes.

d. The use of pyrotechnics inside of buildings for theatrical performances provided such displays are limited to explosive devices or chemical illumination devices fired by electric match and approved for use inside of buildings by the department.

e. The use of fireworks for pyrotechnic displays held in conjunction with events at Miller Park, under permit granted by the department, provided that no fireworks shall be discharged:

e-1. After midnight on any Friday, Saturday, holiday or day preceding a holiday.

e-2. After 11 p.m. on any day not specified in subd. 1.

3. APPLICATIONS FOR PERMITS FOR PYROTECHNIC DISPLAYS. Application by organizations sponsoring pyrotechnic displays shall be submitted at least 15 days in advance of the date set for the display and shall contain the following:

a. The address and exact location of the proposed pyrotechnic display.

b. The date and time of display.

c. The name of the organization sponsoring the display and the name of the person responsible for arrangements.

d. The name of the organization and the names of the person in charge of firing the pyrotechnics and the person responsible for recovery of unfired pyrotechnics.

e. The number and kinds of pyrotechnics which will be fired.

f. The location where the pyrotechnic material will be stored prior to the display.

g. A diagram of the area where the display will take place showing the firing area, distances to the audience, buildings, roadways and public pathways, and special conditions.

h. The fee prescribed in s. 200-33.

4. ISSUANCE AND DENIAL OF PERMITS. The following requirements shall be complied with before a permit for a pyrotechnic display is issued:

a. The applicant shall furnish a certificate of insurance issued by a company licensed to do business in the state of Wisconsin, by an agent whose license is on file in the city attorney's office. The certificate of insurance shall be for an amount as approved by the city attorney and shall name the city one of the insured.

b. Upon receipt of the application and site plan, the department may make an investigation of the site of the proposed display to determine compliance with this section.

c. No permit may be granted for any display of fireworks where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush.

d. Failure to provide all information requested 2 weeks prior to the display, including the certificate of insurance, failure to pay the required fee or a determination by the city that the proposed display would subject the public to undue hazards shall be sufficient cause for the commissioner to deny the permit.

5. CONDUCT OF DISPLAY. All fireworks displays shall be conducted so as to provide maximum safety for the public and shall meet the following requirements:

a. Spectators at a display of fireworks shall be restrained behind barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these barriers during the preparation, unloading or firing of fireworks.

b. No aerial fireworks or ground fireworks are to be fired from a point less than 200 feet from the nearest spectator, permanent building, public highway or thoroughfare, railroad or other means of travel, or less than 50 feet from the nearest above ground communication or power line, tree or other overhead obstructions.

c. Fireworks displays not in conformance with pars. a and b may be approved by the commissioner if proper safeguards are provided to protect life and property.

d. All fireworks that fire a projectile over land shall be so set up that the projectile will go into the air as nearly as possible in a vertical position.

e. Any fireworks that remain unfired after a display shall immediately be disposed of or removed in a safe manner. Upon the conclusion of any display, the operator shall make a complete and thorough search for any unfired fireworks which have failed to fire or function and shall dispose of them in a safe manner.

6. FIREWORKS CONTRACTORS.

a. Fireworks contractors shall comply with the following safety regulations:

a. Post "No Smoking" signs at the fireworks storage area and launching site.

b. Locate the launching site as shown in the site plan submitted to the department.

c. Provide appropriate safe storage of fireworks at the launching site using plastic, wood or cardboard boxes with lids.

d. Provide first aid firefighting equipment such as fire extinguishers or a water hose at the fireworks storage area and the launching site.

e. Provide and secure fencing and barriers to keep the public out of the launching and storage areas.

f. When racks are used to hold mortar tubes, they shall be securely supported.

g. Mortar tubes shall be in safe operating condition.

h. Mortar tubes shall be horizontally and vertically restrained to prevent movement during firing. The side of the mortar tube the loader will be working on shall be sandbagged to protect the loader.

i. Magazine operators shall use flash lights when selecting shells.

j. All shells shall be sorted and stored by size one hour prior to the start of the display. The proper diameter shell shall be loaded into the appropriate-sized mortar tubes.

k. The contractor or person responsible for the fireworks display shall provide the department with the names of the persons assigned to the fireworks display at each site.

L. All personnel assigned to fireworks displays shall wear identification badges.

m. Unused fireworks shall be removed from the launching area in an approved container and in a safe manner immediately after the fireworks display.

7. AUTHORITY TO TERMINATE OR DELAY DISPLAY. The department may order a display to be delayed or terminated if any requirement of this section is being violated or if the display is causing a hazard to life or property. If the department takes action under this section, a fireworks permit may not be issued to the contractor during the following 15 months.

7.5. EXEMPTION. This section shall not apply to employees and agents of Milwaukee county while they are on property owned by Milwaukee county under the control of General Mitchell International Airport or Timmerman Field.

8. PENALTY. Any person violating this section shall upon conviction forfeit not less than $250 nor more than $1000, and upon default thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 40 days, or until the forfeiture and costs are paid.

236-41. Hazardous Substance Spills.

1. DEFINITIONS. In this section:

a. "Discharge" includes, but is not limited to, any spilling, leaching, pumping, pouring, emitting, emptying, escaping, releasing, disposing, injecting or dumping of a hazardous substance.

b. "Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizes or explosives.

c. "Storage" means containment in such a manner as not to constitute disposal.

d. "Transport" means the movement from the point of generation of any intermediate site, and finally to the point of ultimate storage or disposal.

e. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to render it nonhazardous, safer to transport, amenable for recovery or storage, or reduced in volume.

2. DISCHARGES PROHIBITED. No person shall discharge or cause to be discharged any hazardous substance upon any public street, alley or property, surface waters, subsurface waters or aquifer into the air, or upon any private property except those areas specifically licensed for waste disposal or landfill activities.

3. CONTAINMENT, CLEANUP AND RESTORATION. a. If a hazardous substance is discharged, the person responsible for the discharge shall immediately notify the fire, health and neighborhood services departments, the Milwaukee metropolitan sewerage district, Milwaukee county division of emergency government and the state of Wisconsin department of natural resources and begin immediate actions to contain, clean up and remove the offending substance, in a manner approved by the regulating agencies, to an approved repository and restore the site to its original condition to the extent practicable.

b. If the person responsible for a discharge fails to comply with par. a, and the discharge presents an immediate risk to the public health, safety or environment, the fire, health or neighborhood services departments, their agents or contractors may either clean up the discharge and require reimbursement for actual and necessary expenses incurred for materials, supplies and equipment to the city by the person violating this section or issue orders to the violator for the clean up of the discharge.

c. If the discharge of a hazardous substance is upon privately-owned property, upon written order to the owner, the owner shall begin immediate action to contain, clean up and remove the offending substance in a manner approved by the regulating agencies. If the discharge presents an immediate risk to the public health, safety or environment, the fire, health or neighborhood services department or their agents or contractors may contain, clean up and remove the discharge and the cost of the containment, clean up and removal as a charge against the real estate, which shall be a lien upon the real estate and assessed and collected as a special charge, or in the alternative proceed against the property owner for the cost of containment, clean-up or removal.

4. ACCESS. When a prohibited discharge has occurred or is reasonably thought to have occurred, access to the site, upon notice to the owner or occupant whether on public or private land, shall be granted to fire, health and neighborhood services department personnel for the purpose of evaluating the extent of the discharge, monitoring the containment of the discharge, and monitoring the cleanup and restoration of the site. Notice to the owner or occupant is not required if the delay will result in imminent risk to public health or safety or the environment.

5. EXEMPTIONS. a. The following are exempted from the reporting and penalty provisions of this section:

a-1. Any person holding a valid permit for a water pollution discharge elimination system with respect to substances discharged within the limits authorized by the permit.

a-2. Any person discharging in conformity with a permit or program approved under ch. 283, Wis. Stats.

a-3. Any person applying a registered pesticide according to the label instructions.

b. In addition, law enforcement officers or members of the fire, health or neighborhood services departments using hazardous substances in carrying out their responsibility to protect the public health, safety or welfare are exempted from the penalty provisions of this section, but shall report any discharge of a hazardous substance which occurs within the performance of their duty.

6. PENALTY. Any person who violates this section shall be subject to a forfeiture of not more than $2,000. Upon default or refusal to pay such forfeiture, the person shall be imprisoned in the house of correction of Milwaukee County for not more than 60 days for each offense.

7. SPECIAL PURPOSE ACCOUNT. All forfeiture payments derived from violations of this section shall be placed in a special purpose account to offset purchases of equipment and supplies used by the neighborhood services, fire and health departments in the cleanup or containment of hazardous substance spills.

236-51. Hazardous Substance Identification System. All fixed installation storage facilities containing hazardous materials as defined in s. 236-41-1-b shall comply with the provisions of NFPA No. 704, Standard for Hazard Identification System.

For legislative history of chapter 236, contact the Municipal Research Library.

Pages 317-330 are blank.

CHAPTER 239
ACCESSORY BUILDINGS AND STRUCTURES

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239-1. Detached Private Garages. 1. GENERAL REGULATIONS. a. An automobile shall not be placed or stored in any building or structure except as permitted and regulated in this code.

b. Detached private garages on premises used entirely for residential purposes and located on premises occupied by no more than 2 families, may be of Type VB construction or better.

2. LOCATION. a. Detached private garages shall be located on premises as regulated in ch. 295 and as follows:

a-1. When swinging doors are used, not less than the width of such doors from street to alley lines.

a-2. When of Type VB construction, not less than 10 feet from any residence building, except that such distances may be reduced to not less than 3 feet when the exterior walls of such garage adjacent to a residence building are protected with not less than one-hour, fire resistant construction.

a-3. When of Type IIB unprotected noncombustible frame construction, not less than 6 feet from any residence building.

a-4. When of Type IA, IB, IIA, IIIA, IIIB, IV or VA construction, not less than 3 feet from any residence building.

b. The regulations in par. a apply to private garages which are constructed as an ancillary use to one and two-family dwellings.

4. FOOTINGS AND FOUNDATIONS. Footings and foundations as regulated in chs. SPS 361 and 362, Wis. Adm. Code, shall be provided for all private garages, except that private garages of Type IIB, VA or VB construction may be provided with a continuous floating slab of reinforced concrete not less than 4 inches in thickness. Reinforcement shall be a minimum of number of 10 (6X6) inch wire mesh or fiber reinforced concrete. The slab shall be provided with a thickened edge all around, 12 inches wide and 8 inches below the top of the slab. The thickened edge shall have 2 continuous #4 horizontal reinforcement bars placed in the lower third of the thickened edge. Exterior wall curbs shall not be less than 8 inches above the adjoining grade.

5. FLOOR SURFACE. The floor in all private detached garages shall be of concrete construction. No openings or pits in the floor shall be permitted.

6. CONSTRUCTION. Private detached garages shall be constructed as follows:

a. Load bearing foundation walls and piers, masonry walls and partitions shall be constructed as regulated in sub. 5.

b. Detached private garages of Type VA or VB construction shall be constructed as regulated in chs. Comm 61 and 62, Wis. Adm. Code, with the following exceptions:

b-1. Studs may have a maximum spacing of 24 inches on centers. Doubling of studs shall not be required at jambs of openings less than 40 inches wide.

b-2. Diagonal corner bracing may be applied on the inside surface of studs.

b-3. Corner posts may consist of 2 2 by 4 inch studs or a single 4 by 4 inch stud.

b-4. Top plate may be single, provided rafters are placed over studs and plates are lapped to provide ties.

b-5. Sheathing and sheathing paper may be omitted. Siding may be applied directly to the studs.

b-6. Interior wall and ceiling finish need not be provided when not required for fire protection.

b-7. Horizontal bracing and collar beams may be 2 by 4 inches with a maximum spacing of 6 feet on centers. Private detached garages of Type IIB unprotected and noncombustible frame construction shall have a structural frame of the conventional hot-rolled structural steel shapes or approved light gauge steel and the exterior and

interior walls and roof shall be made of metal or other approved noncombustible material. Metal when used for exterior or interior walls or the roof shall be of not less than No. 24 U.S. gauge corrosion-resistant metal or steel which has been painted, galvanized, enameled or covered with other approved integral weatherproof covering or treatment.

7. ELEVATION OF PRIVATE GARAGES. No permit shall be issued by the commissioner of city development for the construction of a private garage where the elevation of the floor at any point of the garage is less than 3 inches above the grade of the sidewalk or alley from which access by a motor vehicle is to be made or where the slope of the approach from the street or alley line is greater than 2 inches per foot.

8. DOORS. Detached private garages and accessory buildings designed or utilized for the storage of motor vehicles shall be equipped with operative doors at all entranceways.

9. HEATING APPLIANCES. a. Except as provided in pars. b to d all fuel-fired heating equipment, including but not limited to boilers, furnaces or water heaters, shall be isolated from the rest of the building by at least a 2-hour fire-resistive enclosure.

b. Direct vent sealed combustion chamber appliances need not be enclosed with fire-resistive rated construction.

c. Boilers up to 200,000 BTU input, water heaters up to 200,000 BTU input, furnaces and vented unit heaters may be used if the units are suspended at least 7 feet above the floor.

d. Electric heating equipment may be used if it is of a listed or an approved type.

239-2. Fences. 1. DEFINITION. In this section, "fence" means a structure of masonry, posts and boards, pickets or metal chain link, or wrought iron.

2. HEIGHT, SETBACK AND VISION TRIANGLE. Fences, including all posts and vertical structural supports, shall meet the applicable fence height, setback and vision triangle regulations of ch. 295.

3. STRUCTURAL REGULATIONS.

a. The maximum dimension of wood posts shall be 6 inches nominal.

b. The maximum dimension of boards shall be one by 8 inches nominal.

c. The maximum diameter of individual poles of a stockade fence shall be 3 inches nominal.

d. All fences shall be constructed of approved fencing material and constructed in workman-like manner. The use of doors or plywood sheets, snow fence, pallets, chicken wire or plastic material less than 1/2 inch in thickness is prohibited. Notwithstanding the prohibition on use of snow fence, such fence may be used from November 15 to April 15 provided it is installed such that drifted snow does not impact on adjoining properties or street right-of-way.

e. The supporting horizontal and vertical members of a fence shall face the interior of the lot on which the fence is erected.

f. The fence material which faces the exterior of the lot must be the same grade, or better, of the material facing the interior of the lot.

g. The construction of any opaque fence that is 4 feet or more in height shall be properly anchored to a depth of not less than 30 inches.

h. Each fence shall be uniform in color, except that a fence painted, stained or otherwise finished in 2 colors shall be permitted. A fence may be painted, stained or otherwise finished in 3 or more colors only with the permission of the commissioner.

4. CLEARANCE. The fence height regulations established in this section shall not prevent an increase in height not exceeding 2 inches to allow for clearance between the fencing material and the surface below to prevent decay or corrosion.

5. BARBED WIRE. Barbed wire may be used for fence purposes only on premises zoned C9H (warehousing and light manufacturing) or industrial, and when used shall be located not less than 6 feet above the grade directly below the wire.

6. WIND PRESSURE. All fences, screens or other similar structures shall be constructed to withstand a wind pressure of at least 30 pounds per square foot.

7. REMOVAL OF EXISTING FENCE. Whenever a new fence is constructed parallel to and within 6 feet of an existing fence on the same lot, the existing fence shall be removed within 10 days of completion of the new fence.

239-3. Pigeon Lofts. 1. In addition to the regulations of this section, pigeon lofts shall comply with the regulations of ss. 239-1 and 239-7.

2. In residential, neighborhood shopping, local business and high density residential zoning districts, pigeon lofts shall not be permitted as detached or separate buildings, nor shall such lofts be attached to exterior walls or placed on the roof of any existing accessory building. Pigeon lofts in these districts may only

be constructed as an integral and inner part of an accessory building used principally for storage, private garage and similar uses customarily incidental to a residential use. The area of the loft shall not exceed 1/3 of the area of the accessory building in which such loft is located. Accessory buildings accommodating pigeon lofts shall be limited in height as regulated in ch. 295.

3. In districts other than those enumerated in sub. 2, pigeon lofts may be erected as detached or separate buildings or structures when in compliance with the accessory building area limitations of ch. 295. In such districts, pigeon lofts may also be attached to or placed on the roof of accessory buildings; provided the area of the loft shall not exceed 200 square feet.

239-4. Smokehouses. 1. In addition to the regulations of this section, smokehouses shall comply with the regulations of s. 239-1.

2. Detached smokehouses shall have walls of not less than 2 hours fire-resistive construction with a noncombustible floor and roof, and a metal door overlapping the door opening at least one inch at the top and on both sides, and shall have a noncombustible vent or smoke flue.

3. Smokehouses may be located within the principal building if constructed of 3 hour fire-resistant construction throughout.

239-5. Outdoor Storage of Lumber.

1. APPLICABILITY. The regulations of this section shall apply to all premises used for wholesale or retail outdoor storage of new and used lumber and to any lumber stored outdoors elsewhere in piles exceeding 6 feet in height.

2. HEIGHT. No lumber pile shall exceed 20 feet in height.

3. ACCESS. No lumber pile shall exceed 1,000 square feet in area. For each such area, there shall be provided access passageways not less than 4 feet wide on at least 3 sides of such lumber piles and a fire access lane of not less than 20 feet in width on the remaining side. Such fire access lanes shall at all times be unobstructed, except for the loading and unloading of lumber, and shall continue to at least one street or alley.

4. LOCATION. a. Except as otherwise regulated herein, no lumber piles shall be placed or maintained less than 20 feet from adjoining lot lines or from any building or structure on the same premises. No such lumber piles shall be placed or maintained less than 30 feet from any building or structure on an adjoining property or from any public viaduct or bridge.

b. Lumber piles may be placed on any premises adjacent to or adjoining a building or structure having the exterior wall of not less than 4-hour fire-resistive construction and having no openings therein, except that the height of such lumber piles shall be not less than 3 feet below the top of such walls.

239-6. Coal and Material Bins (Hoppers); Trestles. 1. APPLICABILITY. Except as otherwise regulated in ch. 236, the regulations of this section shall apply to buildings and structures used for the storage and handling of coal, minerals, and similar materials in bulk.

2. CONSTRUCTION. a. Coal and material bins (hoppers) located more than 30 feet from adjoining lot lines or building or structures on the same premises, or along a railroad or water right-of-way, and not more than 30 feet in height, nor more than 15,000 square feet in area, may be constructed of wood planking and timbers of the dimension regulated for Type IV construction. Trestles located as regulated herein when not more than 30 feet in height may also be of such wood construction.

b. Coal bins (hoppers) not in compliance with par. a shall be of Type IA construction, except that such bins (hoppers) exceeding 15,000 square feet in area may be of such wood construction when divided into compartments or sections by fire walls of not less than 4-hour fire-resistive construction so that no such compartment or section exceeds 15,000 square feet in area. For noncombustible materials such bins (hoppers) may be of Type IIB construction.

c. Trestles not in compliance with par. a shall be of Type IA, IB or IIB approved construction.

d. Storage bins (hoppers) used for the storage or handling of noncombustible materials not exceeding 500 square feet in area may be enclosed with approved wood frame construction but not including structural supports of such bins. Enclosures for all other bins (hoppers) shall be of approved noncombustible construction.

239-7. Buildings and Structures for Animals and Fowl. 1. In addition to the regulations in this section, buildings and structures for the housing of animals and fowl shall comply with the regulations of s. 239-1.

2. Buildings and structures for animals and fowl must comply with ch. 295 and Wisconsin department of agriculture, trade and consumer protection regulations.

3. Buildings and structures for fowl shall comply with the regulations of s. 78-6.5, **[s. 78-6.5 will be effective 7/28/2011]** and shall not be subject to any of the regulations of subs. 1 and 2 if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height.

239-8. Automobile Parking Lot Shelters. Shelter sheds, used in connection with automobile parking lots, and shelter offices used in connection with sale of automobiles or equipment, shall not exceed an area of 100 square feet and a height of 10 feet.

239-9. Temporary Buildings and Structures.

1. An approved temporary building or structure, counters, platforms and stands used in connection with the sale of flowers, plants and shrubs shall be located on premises at a distance of not less than 10 feet from adjacent buildings and structures of Type VB construction, not less than 5 feet from adjacent buildings and structures of other type of construction, and not less than 6 feet from street lot lines. Only one such building or structure with a roof shall be permitted on any one premises, and shall not exceed an area of 100 square feet and a height of 9 feet. Platforms, stands and sales counters erected on any premises shall not exceed an area of 200 square feet. Permits for such temporary buildings or structures for counters, platforms and stands shall be limited to 90 days.

2. a. Temporary buildings and structures such as reviewing stands or platforms, and other miscellaneous buildings and structures conforming to the regulations of this code, and sheds, canopies, or fences used for the protection of the public around and in conjunction with construction work, may be erected on any premises by special permit from the commissioner of city development for a limited period of time. Such temporary buildings and structures shall be removed upon the expiration of the time limit stated on such permit. For such buildings and structures erected on any public thoroughfare, permits shall be obtained from the department of public works.

b. The commissioner of city development may require that canopies used for protection purposes around construction work be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner of city development and a separate permit issued for their construction.

3. A trailer, mobile home, motor vehicle, wagon or a portable building cannot be used in place of a permanent building with a foundation for any business, religious, educational, restaurant, commissary, shop, storage, office, laboratory, merchandise display or other similar occupancy.

239-10. Display Garages. Display garages may be erected on a premises as an accessory building for a legally permitted business use for a limited period of time as prescribed by the commissioner.

239-11. Accessory Sheds and Structures.

1. a. In addition to the regulations of this section, accessory sheds shall comply with the regulations of ss. 239-1 and 4 and the applicable provisions of ch. 295.

b. As an alternative to requirements in s. 239-1-4 for footings and foundations, an accessory shed may have an approved hard surface. Approved hard surfaces shall include but not be limited to concrete of at least 3 inches in thickness, 2 inches of macadam laid on 3 inches of gravel, or patio block laid on 3 inches of gravel.

c. When of type VB or petrochemical-based construction, a shed or accessory structure shall not be less than 10 feet from the principal building on the premises, except that the distance may be reduced to not less than 3 feet when the exterior walls of such structure is protected with not less than one-hour fire resistance construction.

2. Accessory sheds shall be anchored to the ground in a manner approved by the department of neighborhood services.

3. All accessory structures larger than accessory sheds shall comply with the regulations for detached private garages in s. 239-1.

239-12. Yards and Pool Decks. A permit issued by the department of city development is required for any deck that is attached to a principal building and for any deck that is freestanding and greater than 2 feet above grade. Frost footings are optional for freestanding decks. Decks shall also meet the requirements specified in s. 295-505-3-h.

239-13. Publicly Accessible Collection Bins.

1. DEFINITION. In this section:

a. "Publicly accessible collection bin" means any container, except any container placed by any government or governmental agency, that allows for any member of the public to deposit items into the container for the purpose of collection by the provider of the container.

b. "Publicly accessible collection bin provider" means any person, company or entity that places publicly accessible collection bins on private property to collect clothes and shoes either to give away, sell to raise money for charities or to sell for profit.

c. "Local operator" means an operator as defined in s. 200-51.5-2-e.

d. "Nonprofit organization" means an organization as defined in s. 101-23.7-1-c.

2. PERMIT REQUIRED. No publicly accessible collection bin shall be placed on a property unless the provider of the bin has first obtained a permit. In addition to the permit for the provider, a separate permit shall be required for each publicly accessible collection bin.

3. APPLICATION. a. An application for a new or renewal publicly accessible collection bin provider and bin permit shall be filed with the commissioner of neighborhood services on a form provided therefor. An application for renewal of a provider permit and a bin permit shall be filed at least 60 days before the expiration date.

b. The application for a publicly accessible collection bin provider permit shall require the name, address and phone number of the provider and whether the provider is a for-profit or nonprofit organization.

c. The application for a publicly accessible collection bin permit shall require:

c-1. The name, address and phone number of the provider.

c-2. The name, address and phone number of an employe of the provider in charge of the bin.

c-3. The name, address and phone number of the owner of the property where the bin is located**.**

c-4. The name, address and phone number of the local operator, if the owner of the property is different from the owner of the business.

c-5. Proof of general liability insurance pursuant to sub. 7-d.

c-6. A copy of the written permission of the owner of the property pursuant to sub. 7-i.

c-7. A site plan demonstrating compliance with the regulations set forth in sub. 7, for each publicly accessible collection bin application.

4. FEES. All applications for permits issued pursuant to this section shall be accompanied by the fee specified in s. 200-33-44.5.

5. INSPECTION. Upon receipt of an application for a publicly accessible collection bin permit, the commissioner of neighborhood services shall inspect the bin for compliance with the regulations set forth in sub. 7.

6. PERMIT ISSUANCE. The commissioner of neighborhood services shall issue a publicly accessible collection bin provider permit and separate bin permits upon receipt of completed application forms, permit fees and satisfactory inspection pursuant to sub. 5. Permits issued by the department shall be affixed to the front of each bin.

7. REGULATIONS. All publicly accessible collection bins shall comply with the following:

a. A bin shall be no larger than 6 feet in height measured at lot grade; however, the height shall include any pad or elevating device which is higher than the parking lot grade. A bin shall also be no larger than 6 feet in width by 5 feet in depth. The storage compartment of a bin shall be able to be securely locked at all times so as to limit access by the public to the material placed inside the bin.

b. A bin shall prominently display on the front and on at least one other side of the bin, the name, address and phone number of the provider of the bin and whether that provider is a for-profit or nonprofit organization or entity. This information shall be printed in characters that are at least 3 inches in height.

c. A bin shall be emptied no less than once per week. Whenever the commissioner of neighborhood services notifies the provider of the bin, the owner of the property or the local operator where the bin is located of the fact that

material of the type intended to be collected in the bin has been left outside the bin, the provider, owner or local operator shall have 72 hours to remove the material**.**

d. The provider of the bin shall maintain a general liability policy on each bin. The minimum limit of such insurance coverage shall be $150,000 combined single limit for bodily injury, including death and property damage.

e. A bin shall be maintained in a clean condition and kept in good repair. The provider of the bin shall monitor each bin so that it is kept clean and free of graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, and is kept in good repair. The provider shall also ensure that each bin under his or her ownership or control is not used as a depository for the placement of refuse. Whenever the commissioner of neighborhood services notifies the provider of the bin where the bin is located of the fact that the bin contains graffiti or refuse, the provider, owner or local operator shall have 72 hours to have the graffiti or refuse removed.

f. Whenever the commissioner of neighborhood services notifies the provider of the bin that the bin has been damaged or vandalized the provider of the bin shall repair, replace or remove the bin within 5 days of receipt of notice of the damage or vandalism. If the bin has been damaged or vandalized so as to constitute a danger to persons or property, it shall be made safe within 24 hours following notice of the condition.

g. No publicly accessible collection bin shall be placed on any public place as defined in s. 115-1-10, or on any sidewalk, sidewalk area or street as defined in s. 115-1-14 to 16.

h. No publicly accessible collection bin shall be used for advertising or promotional purposes, other than for the name, address and phone number of the provider and information regarding the purpose for which the bin is intended.

i. No publicly accessible collection bin shall be placed on any private property without written permission of the property owner or local operator. A copy of this agreement shall be filed with the commissioner of neighborhood services at the time a permit application is submitted for a publicly accessible collection bin**.**

j. No publicly accessible collection bin shall be placed on any private property within 3 feet of any sidewalk, sidewalk area or street as defined in s. 115-1-14 to 16, or within 3 feet of a front, rear or side setback line.

k. Only one publicly accessible collection bin per premises shall be allowed.

L. A publicly accessible collection bin may be located on:

L-1. Any premises in a commercial, industrial or institutional zoning district.

L-2 In a residential or downtown zoning district, only a premises containing an elementary or secondary school or religious assembly.

m. Each publicly accessible collection bin shall be located a minimum of 500 feet from any other publicly accessible collection bin. The distance between any 2 bins shall be measured, without regard to intervening structures, as the closest distance between the property lines of the properties containing the bins.

n. Each publicly accessible collection bin shall be placed on an approved surface, as specified in s. 252-74-1-a.

8. ENFORCEMENT. The commissioner of neighborhood services shall be responsible for enforcing this section**.** The commissioner may issue orders to correct conditions for violations of this section to the property owner upon which the collection bin is located. The commissioner may charge reinspection fees for violations of this section pursuant to s. 200-33.

9. REMOVAL. a. Whenever a publicly accessible collection bin has been allowed to remain standing on a public place, sidewalk, sidewalk area or street for more than 72 hours after the commissioner of neighborhood services has placarded the publicly accessible collection bin and 48 hours after mailing a notice to the provider of the bin, the bin shall be deemed to have been abandoned and the commissioner shall arrange to remove and dispose of the publicly accessible collection bin. The notice shall inform the bin provider of the manner of avoiding a declaration of abandonment and of the means of reclaiming the publicly accessible collection bin.

b. When a publicly accessible collection bin for which no permit has been issued has been allowed to remain standing on any private property for longer than 72 hours, the commissioner of neighborhood services shall placard the bin pursuant to the procedures set forth in par. a.

c. A bin provider may retrieve a bin removed pursuant to pars. a and b, by appearing during normal business hours at the designated bin holding location and paying the bin retrieval fee for the removal of the bin established in s. 200-33-44.5-e.

d. The commissioner may dispose of bins that have been held for 30 days or more at the designated holding facility.

10. APPEAL. Appeal of the determination of the commissioner of neighborhood services imposing charges pursuant to this code may be submitted to the administrative review appeals board as provided by s. 320-11. Appeals filed pursuant to this section shall be filed no later than 30 days after the charges are imposed.

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LEGISLATIVE HISTORY
CHAPTER 239

Abbreviations:

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

Section	Action	File	Passed	Effective
239-1	cr	85-1396	12/20/85	1/1/86
239-1-1-b	am	86-975	9/23/86	10/10/86
239-1-1-b	am	020467	8/1/2002	8/20/2002
239-1-2-a-0	am	86-975	9/23/86	10/10/86
239-1-2-a-2	am	020467	8/1/2002	8/20/2002
239-1-2-a-3	am	020467	8/1/2002	8/20/2002
239-1-2-a-4	am	020467	8/1/2002	8/20/2002
239-1-2-b	am	980939	10/30/98	11/18/98
239-1-2-b	am	020467	8/1/2002	8/20/2002
239-1-3	rp	911204	11/5/91	11/22/91
239-1-4	rp	991763	5/14/2002	10/1/2002
239-1-4	am	060491	9/26/2006	10/13/2006
239-1-4	am	121706	4/9/2013	4/26/2013
239-1-5	am	020467	8/1/2002	8/20/2002
239-1-5	rn to 239-1-4	991763	5/14/2002	10/1/2002
239-1-5	am	060491	9/26/2006	10/13/2006
239-1-6	rn to 239-1-5	991763	5/14/2002	10/1/2002
239-1-7	rn to 239-1-6	991763	5/14/2002	10/1/2002
239-1-7-b-0	am	020467	8/1/2002	8/20/2002
239-1-7-b-7	am	020467	8/1/2002	8/20/2002
239-1-8	am	980963	12/18/98	1/1/99
239-1-8	rn to 239-1-7	991763	5/14/2002	10/1/2002
239-1-9	cr	84-809-a	2/24/87	3/13/87
239-1-9	rn to239-1-8	991763	5/14/2002	10/1/2002
239-1-10	cr	890409	6/27/89	7/18/89
239-1-10	rn to 239-1-9	991763	5/14/2002	10/1/2002
239-2	cr	85-1396	12/20/85	1/1/86
239-2	rc	951206	6/25/96	7/13/96
239-2-2	rc	991763	5/14/2002	10/1/2002
239-2-2	am	110738	11/30/2011	12/17/2011
239-2-3	am	86-799	6/28/88	7/16/88
239-2-3	rp	991763	5/14/2002	10/1/2002
239-2-3-h	cr	110738	11/30/2011	12/17/2011
239-2-4	rp	991763	5/14/2002	10/1/2002
239-2-4	am	991763	5/14/2002	10/1/2002
239-2-4-b	am	901415	12/21/90	1/12/91
239-2-4-b	am	980963	12/18/98	1/1/99
239-2-4-c	rc	891608	11/27/90	12/15/90
239-2-5	rp	991763	5/14/2002	10/1/2002
239-2-6	rp	991763	5/14/2002	10/1/2002
239-2-6-e-1	rc	980963	12/18/98	1/1/99
239-2-7	rn 239-2-3	991763	5/14/2002	10/1/2002
239-2-7	cr	110738	11/30/2011	12/17/2011
239-2-7-d	am	020064	5/14/2002	6/1/2002
239-2-7-f	rn to 239-2-7-g	010491	8/2/2001	8/18/2001
239-2-7-f	cr	010491	8/2/2001	8/18/2001
239-2-8	rn to 239-2-4	991763	5/14/2002	10/1/2002

239-2-8-c-2	am	86-799	6/28/88	7/16/88
239-2-8-c-3	am	872587	6/7/88	6/24/88
239-2-8-c-3	am	881378	12/20/88	1/13/89
239-2-9	rn to 239-2-5	991763	5/14/2002	10/1/2002
239-2-11	rp	991763	5/14/2002	10/1/2002
239-3	cr	85-1396	12/20/85	1/1/86
239-3-2	am	020467	8/1/2002	8/20/2002
239-3-3	am	020467	8/1/2002	8/20/2002
239-4	cr	85-1396	12/20/85	1/1/86
239-5	cr	85-1396	12/20/85	1/1/86
239-6	cr	85-1396	12/20/85	1/1/86
239-6-2-a	am	020467	8/1/2002	8/20/2002
239-6-2-b	am	020467	8/1/2002	8/20/2002
239-6-2-c	am	020467	8/1/2002	8/20/2002
239-7	cr	85-1396	12/20/85	1/1/86
239-7-3	cr	110088	6/14/2011	7/1/2011
239-8	cr	85-1396	12/20/85	1/1/86
239-8	am	980134	5/27/98	6/13/98
239-8	am	020467	8/1/2002	8/20/2002
239-9	cr	85-1396	12/20/85	1/1/86
239-9-1	am	020467	8/1/2002	8/20/2002
239-9-2	am	921187	11/20/92	12/11/92
239-9-2	am	980963	12/18/98	1/1/99
239-9-3	cr	85-1396-a	5/6/86	5/23/86
239-10	cr	85-1396	12/20/85	1/1/86
239-11	cr	872164	3/8/88	3/25/88
239-11-1-a	am	991763	5/14/2002	10/1/2002
239-11-1-a	am	071525	4/9/2008	5/1/2008
239-11-1-c	cr	071525	4/9/2008	5/1/2008
239-11-2	am	980963	12/18/98	1/1/99
239-11-2	am	151199	3/29/2016	4/15/2016
239-12	cr	031738	5/25/2004	6/12/2004
239-12	am	060491	9/26/2006	10/13/2006
239-13	cr	070329	10/23/2007	11/9/2007
239-13-1-c	rn to 239-13-1-d	081474	6/16/2009	7/3/2009
239-13-1-c	cr	081474	6/16/2009	7/3/2009
239-13-3-c-4	am	081474	6/16/2009	7/3/2009
239-13-3-c-7	cr	081474	6/16/2009	7/3/2009
239-13-7-a	am	081474	6/16/2009	7/3/2009
239-13-7-c	am	081474	6/16/2009	7/3/2009
239-13-7-e	am	081474	6/16/2009	7/3/2009
239-13-7-i	am	081474	6/16/2009	7/3/2009
239-13-7-k	cr	081474	6/16/2009	7/3/2009
239-13-7-L	cr	081474	6/16/2009	7/3/2009
239-13-7-m	cr	081474	6/16/2009	7/3/2009
239-13-7-n	cr	081474	6/16/2009	7/3/2009
239-13-8	am	071366	2/26/2008	3/14/2008

(Pages 341-356 are blank)

CHAPTER 240
ONE AND TWO FAMILY UNIFORM DWELLING CODE

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240-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. SPS 320 to 325, Wis. Adm. Code, as amended, as part of this code.

240-1. General Regulations. 1. PERMITS AND FEES. The city shall require permits and fees for construction, additions, alterations and repairs in accordance with ss. 200-24 to 200-33.

2. LEGAL RESPONSIBILITY. The city shall not assume legal responsibility for the design or construction of dwellings.

3. RETROACTIVITY. The provisions of the code are not retroactive.

4. LANDSCAPING. The scope of this chapter does not extend to driveways, sidewalks, landscaping and other similar features not having an impact on the dwelling structure. See s. 252-75 for the landscaping requirements which apply to premises containing one- and 2-family dwellings.

5. EXISTING DWELLING. The provisions of this chapter shall apply to additions and alterations to all one and 2-family dwellings existing prior to the effective date of this chapter **[January 1, 1986]** if construction was commenced after the effective date of this chapter.

240-2. Zoning Restrictions on Construction. Buildings not more than 2 stories in height shall be of Type 7 construction or better when located in a restricted office, neighborhood shopping, local business, regional shopping or central business district.

240-3. Pre-existing Structures. Although the uniform state one and 2-family dwelling code does not apply to additions or alterations to buildings erected prior to June 1, 1980, it is the intent of the city not to have a separate code in these instances. Should an owner, in the construction of an addition or alteration to a one or 2-family structure erected prior to June 1, 1980, find undue hardship in complying with any provisions of this chapter which are more restrictive than the former city one and 2-family code, the owner may petition the commissioner of city development for relief to build in accordance with ch. 33 of the Milwaukee building code of 1977 or the construction requirements of the "Southeast Wisconsin Alterations and Remodeling Guidelines" found in s. 30.55 of the Wisconsin uniform building code.

240-21. Elevation of Finished Yard Grade at the Building Perimeter. The proposed finished yard grades of a newly-constructed one or 2-family dwelling at the building perimeter, as shown on the plat of survey required by s. 200-26-1-c, shall be compatible with adjacent properties and adjoining existing or proposed streets and alleys. Compatibility shall be determined using one or more of the following criteria:

1. The elevation of existing or proposed public walks which adjoin the property.

2. The elevation of existing or proposed streets which adjoin the property.

3. The elevation of existing or proposed alleys which adjoin the property.

4. The elevation of the lot as shown on the subdivision grading plan, if such plan exists. In the absence of such plan, existing, established grades shall be used.

5. The elevations of the lot lines of the adjacent properties.

6. If an adjoining property has been developed, the finished yard grades of that property.

7. If an adjoining property is not developed, the proposed finished yard grades of that property.

8. The natural drainage of the lot with respect to the topography of the lot and the surrounding topography.

9. Natural features on the lot, such as wooded areas, that would be disturbed if the existing lot grade were to be altered.

240-22. Attics and Third Floor Spaces.

1. ATTICS. For all buildings regulated by this chapter and constructed prior to June 1, 1980, an attic may not contain habitable space, bathrooms, toilet rooms or other plumbing fixtures. In this subsection, "habitable space" means space for living, sleeping, eating or cooking. Closets, hall storage or utility spaces and similar areas are not considered habitable space. The installation of a bathroom, toilet room or use of habitable space in an attic shall result in the classification of that level of the building as a story.

2. THIRD FLOOR SPACES. a. For all buildings regulated by this chapter and constructed prior to June 1, 1980, all 3rd floor spaces used for other than storage and loft space shall meet the exiting requirements in ch. SPS 321, Wis. Adm. Code, as amended, except that one of the 2 required exits shall be a stair leading into the interior space of the 2nd floor, and the other exit shall be an interior stair discharging to grade.

b. Third floor space used for other than storage may not contain bathrooms, toilet rooms, other plumbing fixtures or space used for eating and cooking.

240-23. Basement Rooms. In existing buildings, no habitable rooms, including sleeping rooms, shall be located and maintained in a basement when not in compliance with the following:

1. Ceiling height shall be in compliance with ch. SPS 21, Wis. Adm. Code, as amended.

2. Light and ventilation requirements shall be in compliance with ch. SPS 21, Wis. Adm. Code, as amended.

3. Exiting shall be in compliance with ch. SPS 21, Wis. Adm. Code, as amended.

4. All walls and floors shall be damp proof and waterproof.

5. Such rooms shall be fit for human habitation as determined by the department.

240-25. Foundation Repairs and Damp-Proofing. 1. APPLICATION. a. Any contractor engaged in foundation repairs or damp-proofing of a single or 2-family dwelling shall be required to obtain an alteration and repair permit from the department of city development prior to making any repairs.

b. When applying for the permit, an applicant shall submit plans and specifications which shall include a statement of existing defects and an analysis of the cause of those defects to ensure that the plan addresses all conditions responsible for the defects and includes measures to correct them.

2. REPAIR STANDARDS.

a. EXTERIOR REPAIR STANDARDS.

a-1. In the area of the repair, the following requirements shall apply:

a-1-a. The portion of the wall to be repaired shall be excavated from grade to footing unless otherwise authorized in the permit and verified in the field by the inspector.

a-1-b. When affected repairs include porches or stoops, the work must comply with this chapter.

a-1-c. Exposed wall shall be cleaned.

a-1-d. Loose parging shall be removed.

a-1-e. Cracks and parging shall be repaired with Type M mortar or other approved material.

a-1-f. Walls shall be returned as near as possible to plumb and damp-proofed with a heavy coat of bituminous damp-proofing material or other approved waterproof material.

aB1-g. Existing drain tile systems shall be functional or repaired to function.

a-1-h. Where a hydrostatic water problem is found to exist, a water collection drain tile system shall be installed in accordance with the code.

a-2. Upon completion, the department shall inspect the repairs to insure compliance with par. a and authorize that backfill, with crushed rock or washed stone to within 18 inches of final grade, be completed.

a-3. Final grade shall ensure drainage away from the foundation.

a-4. No other form of wall repair or replacement shall be done without prior approval of the department of city development.

b. INTERIOR REPAIRS AND STANDARDS. b-1. A wall may not be reinforced if the wall has not been made plumb to close any horizontal cracking. Walls that are not plumb may be reinforced if supported by engineering data.

b-2. Constructed masonry pilasters shall be made integral with the exterior wall and reinforced with at least 2-number 3 rods and filled with 3,000 PSI concrete or other approved material.

b-3. No other form of reinforcement shall be done without prior approval by the department of city development.

b-4. Affected walls to be repaired may have loose or cracked mortar joints cleaned to a minimum depth of 1/2 inch and tuckpointed with Type M mortar or other approved material.

b-5. When installing weep holes in foundation walls, care shall be taken to provide adequate drainage from weep holes to drain tile by either stone or mechanical means. There shall be no more than one weep hole per cell. When the floor is replaced, a minimum of 3 inches of concrete shall be placed over drain tile and a minimum of 2 inches of concrete shall be placed over the footing, or be replaced to match the existing floor.

b-6 Drain tile placed under the basement floor shall be open jointed drain tile, earthenware pipe or other approved material not less than 3 inches in diameter and shall be covered with crushed rock or washed stone connected to a proper drain tile receiver or a properly functioning existing system. Bleeders shall be open and functioning if present.

c. As an alternative to par. a or b, repairs shall be in accordance with the requirements of the best management standards for foundation repair, dated January 8, 2008, adopted by the building inspectors association of southeastern Wisconsin.

For legislative history of chapter 240, contact the Municipal Research Library.

Pages 360-400 are blank.

CHAPTER 244
SIGNS AND OUTDOOR ADVERTISING

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244-01. Scope. 1. GENERAL. Except as otherwise regulated herein, the regulations of this chapter shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction, erection, attachment, support, anchorage and maintenance. The number, location, height and size of signs is further regulated in ch. 295.

2. ZONING REGULATIONS. No regulations of this chapter shall authorize or permit the erection or maintenance of any sign, advertising structure or device contrary to any regulations of ch. 295.

3. COMPLIANCE. No outdoor sign, advertising structure or device erected prior to the effective date of the adoption of this chapter **[chapter initially enacted January 12, 1954]** shall be rebuilt or relocated except in conformity with the regulations of this chapter and in conformance with the applicable regulations of ch. 295.

a. The regulations set forth in this subsection and sub. 3 shall not prohibit the maintenance of the structural supports of any existing sign providing the size of the display area remains unchanged.

b. The regulations as set forth in this subsection and sub. 3 shall not preclude the removal of the advertising facing of an existing sign and its transport to a shop or other off-premise location for the purpose of changing the advertising facing providing the display area is not increased.

4. RECONSTRUCTED SIGNS. When any outdoor sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structures shall not be re-erected, reconstructed, rebuilt or relocated except in conformity with the regulations of this chapter.

5. STANDARDS. Where the standards of this chapter conflict with those found elsewhere in this code, or ordinances, state statutes or laws of other governmental units having jurisdiction over signs and billboards, the most restrictive regulations shall apply.

244-2. Permits. 1. PERMIT REQUIRED. a. No person shall erect, construct, enlarge, move, relocate or maintain any sign or billboard regulated in this chapter or ch. 295 without first obtaining a permit therefor from the commissioner of city development and paying the fee prescribed in this section.

b. In addition to the permit required in par. a, a permit shall also be obtained for electrically illuminated signs and billboards as regulated in ch. 222.

c. No permit shall be required for the following:

c-1. Signs listed in s. 295-407-8.

c-2. Permanent and temporary window signs as regulated under s. 295-407-2-b-7 and 8.

c-3. Entrance and exit signs which are in compliance with the requirements of s. 295-407-3-e.

d. A permit shall be required for any sign permitted by a variance granted by the board of zoning appeals or the standards and appeals commission.

2. APPLICATION FOR PERMITS.

a. Applications for permits shall be as regulated in s. 200-26, except that at the option of the commissioner of city development the requirements for the submitting of plans (drawings), data, specifications and certified survey map or plot plan may be modified or waived, provided the proposed sign or billboard is sufficiently described in the application for permit. In order to gain an understanding of the location of existing and proposed signs, the commissioner may require the applicant to submit photographs of the premises.

b. Applications for permits to erect signs or billboards in which plastic materials will be employed shall set forth either the manufacturer's trade name for, or the common name of the plastic material to be used; and the applicant shall certify either that the plastic material is noncombustible or that the plastic material has been tested by a recognized testing laboratory and rated as an approved combustible plastic.

c. All off-premises sign permit applications shall be accompanied by data acceptable to the commissioner of city development identifying the specific location of such off-premise sign.

d. All permit applications for off premise signs visible from an expressway shall be accompanied by evidence of a state permit.

3. PERMIT FEES. The fees for permits for outdoor advertising are as contained in s. 200-33.

4. PERMIT ISSUANCE. The commissioner of city development shall issue a permit for any proposed sign that meets the regulations of this chapter.

244-3. Maintenance, Abandonment and Removal.

1. MAINTENANCE STANDARDS. All signs and billboards, including those exempt from permit requirements and other regulations by s. 244-2-1-c, shall be maintained in good structural condition at all times. Maintenance of signs and billboards shall include, but not be limited to, the replacement of defective parts, removal of graffiti-type markings or drawings, painting or repainting as necessary, and periodic cleaning.

1.5. SIGNS INSTALLED PRIOR TO OCTOBER 1, 2002. a. Existing Signs Installed with Permits. A sign installed with a permit prior to October 1, 2002 may remain as long as the sign does not become an abandoned sign, in which case it shall be subject to the provisions of sub. 2. A box-type sign with a plastic-faced display area may be changed, with a permit, for a new tenant or business, even if the existing sign size is larger than permitted under this code and is considered nonconforming, provided the change to the display area occurs within 90 days after the former tenant or business ceases to occupy the location.

b. Existing Signs Illegally Installed Without Permits. An existing sign for which a permit is required under this code, and for which a permit was also required under the code in effect prior to October 1, 2002 but was not obtained, including but not limited to a sign or advertising painted directly on the wall of a building, or a side or advertising painted directly on a former window of a building such that the window became opaque, shall be subject to the following provisions:

b-1. If the sign meets the regulations of this code, the property owner shall, by October 31, 2002, obtain a permit for the sign or remove the sign.

b-2. If the sign does not meet the regulations of this code, the property owner shall remove the sign by October 31, 2002.

c. Existing Signs for Which Permits Were not Required Under the Previous Code; Temporary Window Signs and Prohibited Signs. Temporary window signs and signs prohibited by s. 295-407-5 which were installed prior October 1, 2002 shall be removed by October 31, 2002.

d. Existing Signs for Which Permits Were not Required Under the Previous Code; Signs for Which Permits are Currently Required. For any sign installed prior to October 1, 2002 for which no permit was required prior to that date but for which a permit is required under this code, the property owner shall, by October 31, 2002, obtain a permit for the sign or remove the sign.

2. ABANDONED SIGNS. A sign or billboard classified as abandoned is prohibited and shall be removed by the owner of the sign or the owner of the premises upon which located. If the sign conforms with all regulations of ch. 295 and this chapter, then, as an alternative to

removal, the facing of the abandoned sign or billboard may be changed so that the advertising content refers to an ongoing, on-site event or business, or changed to a blank, opaque, exterior-grade panel consistent with the original construction and design of the sign and filling the entire display area of the sign, provided that the change of facing is accomplished within 90 days of the actual date of discontinuance of the previously-advertised business, service or activity.

3. ENFORCEMENT. a. The commissioner shall cause the repair of any sign or billboard which is not well maintained by issuing an order to correct the violation to the sign or billboard owner or to the owner of the premises upon which a sign or billboard is located. The order shall state the nature of the violation and shall further state that if the sign or billboard in question is not repaired within a period of time ranging from 10 to 60 days as determined by the commissioner, the sign or billboard shall be removed.

b. The commissioner may in whole or in part cause the removal of signs or billboards which have been classified as abandoned or which are not repaired in a timely manner or are poorly maintained or have been installed without necessary permits. The process of removing poorly maintained, abandoned or illegally installed signs or billboards shall be initiated through the issuance of a sign or billboard removal order. All orders shall be served in accordance with s. 200-12 to the property owner, sign or billboard owner, or to both as is appropriate. The order shall state that the sign or billboard referenced therein shall be removed within a period of time not exceeding 60 days as determined by the commissioner. Failure to comply with the order shall be regarded as a violation of this chapter.

4. APPEALS. Any person receiving a sign or billboard removal order may appeal the order to the standards and appeals commission.

5. EMERGENCIES. Nothing in this section shall prevent the commissioner from removing in the manner deemed most appropriate any sign or billboard which presents a clear and immediate safety hazard. Such a sign or billboard shall constitute a public nuisance.

6. FAILURE TO COMPLY. If a property owner or sign or billboard owner fails to comply with an order issued by the commissioner within the time prescribed, the commissioner may cause the removal of a sign or billboard as provided in sub. 3, and the cost of such removal may be charged against the real estate upon which the sign or billboard is located and may be assessed and collected as a special charge.

7. PENALTY. Any person who violates this section shall be subject to a forfeiture provided in s. 200-19.

244-4. Location; Obstruction; Movement; Historic Buildings. 1. No sign or billboard or any part thereof shall be erected, constructed or maintained so as to obstruct any exit, any window opening necessary for required light or ventilation, or other opening of a building, so as to prevent free passage from one part of a roof to any other part thereof.

2. No sign or billboard shall be attached to, or erected and maintained on any standpipe, exterior stairway, fire escape, smokeproof stair tower balcony or balcony serving as a horizontal exit, or so as to interfere with the use thereof.

3. No sign or billboard may be placed upon a designated historic building or structure without prior approval from the city's historic preservation commission.

3.7. No sign or billboard may be placed on a building, structure or site within the historic third ward, as defined in s. 200-61-2-e, without approval of the architectural review board, as provided in s. 200-61.

4. The display area of any sign or billboard shall not be designed to move mechanically.

4.5. City buildings, facilities or other assets identified by the Milwaukee civic partnership initiative, established under s. 310-21, shall be exempt from this section, if authorized by common council resolution.

244-5. Wind Pressure, Allowable Stresses, and Materials.

1. WIND PRESSURE. a. All signs and billboards shall be constructed, erected, and maintained to safely withstand a wind pressure of not less than 30 pounds per square foot.

b. The exposed area subjected to wind pressure shall be the total area of all parts of the sign or billboard, including structural framing projected on a plane perpendicular to the direction of the wind. In determining the stress in any member, the wind shall be assumed to blow from that horizontal direction and from the inclination of the vertical (but not to exceed 20° above or below the horizontal) which produces the maximum stress in such

member. No shielding effect of one element from another shall be considered where the distance between such elements exceeds 4 times the smaller projected dimension of the windward element.

2. ALLOWABLE STRESSES, MATERIALS. a. All materials used in structural members of signs or billboards, and the allowable stresses for such materials, shall be in conformity with the applicable regulations of this code.

b. The allowable stresses in chains, wire ropes and steel guy rods and their fastenings shall not exceed one-quarter of their ultimate strength.

c. All ferrous chains, wire ropes, guy rods, their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. All other ferrous parts of signs or billboards subject to corrosion shall be protected and maintained free from corrosion by approved corrosion-resistant coating.

244-6. Identification. 1. All signs hereafter erected shall bear the manufacturer's name, and the name, trademark or other approved mark or symbol of the person erecting such sign.

2. All billboards hereafter erected shall bear the name, trademark or other approved mark or symbol of the erector or of the person in charge, possession or control of such billboard.

244-7. Freestanding Signs or Freestanding Billboards. 1. MATERIALS. Ground signs and billboards may have facings constructed of approved combustible materials with a flame spread classification of 25 or less provided all structural components shall be of approved noncombustible materials.

2. HEIGHT. Freestanding signs and billboards shall comply with the applicable height restrictions of ch. 295.

3. LOCATION. Freestanding signs and billboards shall comply with the applicable location restrictions of ch. 295.

4. SUPPORTS AND ANCHORAGE. a. All ground signs and billboards shall be constructed and supported to resist dead load and the wind pressure acting in any direction.

b. Vertical supports for ground signs and billboards shall be driven into or set in the soil or rigidly attached to bases imbedded in the soil, and shall be designed as regulated in s. 244-5.

c. The vertical members or bases for vertical members, supporting unbraced ground signs or billboards, shall be so proportioned that the bearing loads imposed on the soil in either a horizontal or vertical direction shall not exceed safe values. Braced signs and billboards shall be anchored to resist wind pressure acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil, and for an effective resistance to pull-out amounting to a force 25% greater than the required resistance to overturning.

d. The soil used for backfill for the dug-in type of anchor or vertical support shall be carefully placed and thoroughly compacted. The anchors, bases and supports shall be constructed or driven not less than 4-1/2 feet below ground level.

e. Whenever anchors or posts consisting of wood imbedded in the soil are used to support ground signs or billboards which are to remain in place for more than 6 months, the wood shall be pressure treated with creosote or given other approved preservative treatment before erection.

5. MAINTENANCE OF PREMISES. Any person occupying any premises by means of a freestanding sign or billboard shall be subject to the same duties and responsibilities as the owner of the premises with respect to keeping such premises clean, sanitary, inoffensive and free and clear of debris, obnoxious substances and unsightly conditions.

244-8. Roof Signs or Roof Billboards. 1. NEW CONSTRUCTION. The erection of new roof signs and roof billboards and the maintenance of all existing roof signs and roof billboards shall be in compliance with this section and with applicable provisions of ch. 295. All new construction requires drawings certified by a registered engineer.

2. MATERIALS. Roof signs and billboards may have facings constructed of materials as regulated in s. 244-7-1. All structural components shall be of approved noncombustible materials.

3. HEIGHT. The height of roof signs or billboards shall be limited to 50% of the building height limitations as regulated in ch. 295 for the district in which such sign is located and shall include the highest point of the sign structure, and provided further that in no case shall any roof sign exceed a maximum height of 50 feet.

4. LOCATION ON ROOF. a. The facing of roof signs erected parallel to the exterior wall of a building shall be located not less than 5 feet from the exterior wall. No part of such sign or billboard placed at an angle to the exterior wall of a building shall be located less than 2.5 feet from the exterior wall.

b. No roof sign or billboard shall be erected on a building of Type No. 7 or 8 construction, unless such building is structurally capable of supporting such additional load with a safety factor of 4.

5. SUPPORTS AND ANCHORAGE. a. Roof signs and billboards shall be secured and anchored in an approved manner to buildings or structures over which they are constructed or erected. The dead and wind loads of such signs and billboards shall be distributed to the structural members of the building or structure in such a manner that no structural member shall be over stressed.

b. Uplift due to overturning of roof signs and billboards shall be resisted by approved anchorage to the building or structure. Approved anchorage to the building or structure shall include such alterations to the building or structure as may be needed to integrate and interconnect sufficient dead load to equal not less than 10% in excess of the computed uplift applied to such building or structure by the sign or billboard.

244-9. Wall Signs or Wall Billboards.

1. MATERIALS. Wall signs and billboards not exceeding at any point 13 feet in height from the lower to the upper edge of the facing may be constructed as regulated in s. 244-7-1. Wall signs and billboards exceeding such height shall be constructed of noncombustible materials, except molding and furring strips.

2. HEIGHT. a. No part of a combustible wall sign shall be erected or maintained above the sill of a second story window or windows of the building or structure to which such sign is to be attached, nor shall any part of such sign be more than 30 feet above the established grade immediately below, except as further regulated in par. b.

b. All signs extending above exterior walls shall be provided at each end thereof with a space not less than 5 feet in width above the wall to which attached to provide access to the roof.

3. PROJECTION. a. No part of any wall sign or billboard, except lighting reflectors, shall extend more than 12 inches from the face of the wall to which such sign or billboard is attached. Lighting reflectors elevated no less than 10 feet above the established grade may extend 5 feet into a right-of-way, and not closer than 2 feet from the curb line. Reflectors shall not project into an alley.

b. No wall sign shall be erected or maintained to extend beyond the ends of the wall to which such sign is attached.

4. SUPPORT AND ANCHORAGE. a. Wall signs and billboards attached to exterior walls of concrete or masonry shall be securely fastened to such walls by means of metal anchors, bolts, expansion screws or by other approved methods which will insure stability and safety, but no fastening shall be of less strength or permanence than that provided by a 3/8 inch diameter expansion bolt extending at least 5 inches into a suitable expansion sleeve imbedded within the masonry or concrete, and no bolt for fastening to masonry or concrete shall be less than 3/8 inch in diameter.

b. Except in the case of wall signs or billboards attached to buildings or structures with walls of wood, no wooden blocks or anchorage with wood used in connection with screws or nails shall be considered approved anchorage.

c. No wall sign or billboard shall be entirely supported by a parapet wall.

244-10. Signs Projecting into Public Right-of-Way. 1. MATERIALS. a. All signs projecting into public right-of-way shall be constructed of noncombustible materials except as follows:

a-1. Letters, decorations and facings of signs may be of approved combustible plastic when in compliance with the regulations of s. 244-14.

a-2. Signs not exceeding 17 square feet may be constructed of wood not less than one inch in nominal thickness. Such wood shall be pressure preservative treated to prevent decay and shall be maintained in good repair. Fastenings of such signs shall be brass, bronze, copper, galvanized iron or stainless steel. Supports and attachments of such signs shall conform to the requirements of sub. 3.

b. Glass or porcelain shall be wired glass or porcelain or shall be protected with a wire screen of a mesh of such size as to prevent broken pieces thereof from falling upon the public thoroughfare, excepting signs with molded glass letters of which only the letters or trademarks are exposed.

c. Globes of glass or approved combustible plastics shall be not more than 14 inches in diameter, at least 10 feet above the established grade immediately below, and not more than 4 feet beyond the street line. Glass globes or glass signs shall be made of wired glass or protected with a wire screen as regulated in par. b. All globes shall be suspended in an approved manner from the building or structure and shall not be supported by supports located upon any public streetwalk or thoroughfare.

2. PROJECTION: CLEARANCE. a. Except as otherwise regulated in par. b, all signs projecting from a building or other structure may project a total distance of not more than 4 feet beyond the street line.

b. Projecting signs erected over marquees shall be set back not less than 2 feet from the outer edge of such marquee.

c. No sign projecting into public right-of-way shall at the lowest point be less than 10 feet above the established grade immediately below, except in the historic third ward, as defined in s. 200-61-2-e, where a minimum of 8 feet, 6 inches is prescribed.

d. No sign shall be permitted to project into a public thoroughfare having a width of less than 30 feet.

3. SUPPORTS AND ATTACHMENT.

a. The dead load of signs that project into public right-of-way and the load due to wind pressure shall be supported entirely by the building or structure to which such signs are attached, by means of structural shapes, chains, wire ropes, or steel guy rods. Lateral supports shall be spaced not more than 8 feet apart unless otherwise approved. Turnbuckles or other approved means of adjustment shall be placed in all chains, wire ropes or steel rods supporting or bracing signs projecting into public right-of-way. No staples, nails or wire shall be used to secure any projecting sign to any building or structure.

b. No part of a sign projecting into public right-of-way shall be supported from a parapet wall unless approved bracing is provided.

c. No swinging or revolving sign or device shall be constructed or maintained over a public thoroughfare.

d. Where supports for signs projecting into public right-of-way are fastened to walls of wood construction, the supporting device shall be fastened securely in an approved manner.

e. Ground or pole signs shall have approved vertical supports of metal.

244-11. Marquee Signs. 1. MATERIALS. a. All marquee signs shall be constructed of noncombustible materials; provided, however, that the letters, decorations and facings of signs so constructed may be made of approved combustible materials when in compliance with the regulations of s. 244-14.

b. Glass or porcelain when used shall be wired glass or porcelain or shall be protected as regulated in s. 244-10-1-b.

2. LENGTH AND HEIGHT. a. Marquee signs may be attached directly to, or made a part of, the sides or front face of a marquee, and such signs may extend the entire length and width of such marquee but not beyond such length and width. Such sign or signs shall not exceed 8 feet in vertical dimension, nor shall such sign or signs extend below the face of a marquee (s. 245-10).

b. Signs may be erected on the roof of a marquee, provided the total combined height of the sign on the face of the marquee and the sign erected on the roof shall not exceed 13 feet. The outer edge of signs erected on the roof of the marquee shall be set back not less than 2 feet from the outer edge of the marquee.

244-12. Canopy Signs. 1. MATERIALS. Materials for canopy signs shall be as regulated in s. 244-11-1.

2. LENGTH AND HEIGHT. a. Except as regulated in par. c, canopy signs may be attached directly or made a part of the sides or front face of a canopy. Such signs may extend the entire length or width of such canopy but not beyond such length or width, and shall not exceed 18 inches in vertical dimension nor extend beyond the face of a canopy (s. 245-8).

b. Except as regulated in par. c, canopy signs may be erected on the roof of a canopy, provided such signs do not extend more than 18 inches above the top edge of the canopy. Such canopy roof signs shall not extend beyond the length or width of the canopy.

c. A canopy on any one building or structure may have signs attached thereto or placed thereon as permitted in either par. a or b, but in no case shall there be placed or erected on such canopy both types of signs.

244-13. Hood Signs. 1. MATERIALS. Materials for hood signs shall be as regulated in s. 244-11-1.

2. LENGTH AND HEIGHT. Hood signs may be erected either in the face or on the roof of a hood. Such signs shall not exceed 15 inches in vertical dimension, nor extend beyond the length or width of the hood.

244-14. Combustible Facings, Letters, Decorations, etc. 1. FACINGS. Facings of signs and billboards may be made of approved combustible materials, including the supports, uprights, bracing, framework, and structural trim, provided that the surface area of each facing is not in excess of 100 square feet, and provided further that such facings shall be separated from each other in an approved manner with noncombustible material. The letters and decorations mounted upon such plastic facings may be made of approved combustible plastics.

2. LETTERS AND DECORATIONS. The area of the display surface or facing occupied or covered by plastic letters or decorations shall not exceed a total area calculated on the following basis:

Area of Facing or Display Surface	**Area Occupied by or Covered by Plastics**
100 sq. ft. or less	100% of display surface area
Over 100 sq. ft. but not over 2000 sq. ft.	100 sq. ft. plus 25% of the difference between 100 sq. ft. and the area of the display surface
Over 2000 sq. ft.	Not more than 575 sq. ft.

244-15. Illuminated Signs and Billboards. Illuminated signs and billboards shall be permitted subject to the following regulations:

1. All such illumination shall be in accordance with the regulations in ch. 222 and s. 295-409.

2. Illumination shall be confined to the facing of the sign or billboard and shall not cause glare onto abutting properties as prohibited by s. 80-19.

3. Illuminated signs or billboards shall bear an Underwriter's Laboratories, Inc. label of approval or that of any other certified agency.

4. No sign or billboard shall be of such character or shall include such inscription or marking which may be mistaken for a traffic signal, railroad warning sign, or any street traffic mark or sign per s. 346.41, Wis. Stats.

244-17. Barber Poles. Barber poles shall comply with the regulations for projecting signs set forth in ch. 295.

244-18. Temporary Banners and Other Nonrigid Signs. 1. SIGNS ON PUBLIC PROPERTY PROHIBITED. It shall be unlawful for any person, except a public officer or a government employee in the performance of a public duty, to maintain, place, erect, paint, paste, print, nail, tack, or otherwise fasten any card, banner, picture, handbill, sign, poster, advertising, or notice of any kind, or cause the same to be done, on any curb, streetwalk, or public thoroughfare surface, fence, board, barrel, box, case, railing, pole, post, tree, barricade, material, bridge, bridge fender, dock, pile, building or structure of any kind on public ground, or public waterway, within the city, except as may be permitted by this chapter or any provision of the Milwaukee code, the Milwaukee charter, Wis. Stats., or federal laws.

2. SNIPE ADVERTISING PROHIBITED. It shall be unlawful to place, erect, paint, paste, print, nail, tack, or otherwise fasten or maintain any snipe advertising or deface any exterior wall or surface of any building, board, barrel, box, case, railing, pole, post, tree, barricade, material, dock, pile, or structure of any kind with advertising or notice of any kind.

3. BANNERS, PAPER, DEBRIS PROHIBITED. Except as permitted by this chapter or by the permanent banner sign or temporary banner sign regulations of s. 295-407, it shall be unlawful to place, erect, tack, or otherwise fasten, use, or maintain any outdoor advertising such as banners, decorative displays or other advertising devices of cloth, paper or other nonrigid materials. All permitted permanent and temporary banner signs shall be anchored or supported in a manner approved by the commissioner.

4. EXCEPTION.

a. The provisions of subs. 1 to 3 shall not apply to Milwaukee county transit system transit shelters with advertising that are authorized by common council resolution.

b. City buildings, facilities or other assets identified by the Milwaukee civic partnership initiative, established under s. 310-21, shall be exempt from this section, if authorized by common council resolution.

5. RESPONSIBILITY. a. Any person, partnership, corporation or officer of any group or association who authorizes or pays for any form of advertising or who directly benefits financially therefrom and any candidate, person, or officer of any group or association who authorizes or pays for political advertising or who directly benefits financially therefrom shall assume responsibility for the distribution and posting or display of such advertising, and if it is posted or displayed in violation of this section with or without their knowledge, they are required immediately upon notice from the commissioner, or an authorized agent, or the chief of police, or an authorized agent, to cause the removal of such advertising at their expense, and they shall be liable pursuant to this section.

b. Any person, partnership or corporation who owns property on which such illegally posted or displayed advertising of any form appears, or any manager or operator of such property on which such illegally posted or displayed advertising of any form appears shall assume responsibility for the posting or display of such advertising and, if it is posted or displayed in violation of this section with or without their knowledge, they are required immediately upon notice from the commissioner, or an authorized agent, or the chief of police, or an authorized agent, to cause the removal of such advertising at their expense, and they shall be liable pursuant to this section.

6. COPIES OF CODE PROVISIONS. The election commission shall furnish copies of this section to candidates for public office.

7. PENALTY. Any person, partnership, corporation or officer of any group or association who authorizes or pays for any form of advertising or who directly benefits financially therefrom and any candidate, person or officer of any group or association who authorizes or pays for political advertising or who directly benefits financially therefrom and any person, partnership or corporation who owns property on which such illegally posted or displayed advertising of any form appears, and any manager or operator of such property on which such illegally posted advertising of any form appears, who violates this section, and fails to perform the duties imposed upon them by this section, shall upon conviction be punished by a fine of not less than $25 and not more than $500, together with the costs and disbursements of prosecution, and in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, cost, and disbursement are paid, such imprisonment not to exceed 30 days; and every such person shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, neglect, or refusal shall continue; provided, however, that said accumulated penalties recoverable in any one action shall not exceed the sum of $2,000.

244-19. Advertising Device. An advertising device not herein regulated shall be constructed and erected in an approved manner.

244-21. Distribution of Commercial Advertising Material. 1. WHERE PROHIBITED. a. It shall be unlawful for any person, firm or corporation, or for any officer, member, agent, servant, or employe of any person, firm or corporation to distribute or place, or cause to be distributed or placed, any commercial advertising material in or upon any automobile, steps, lawn, yard, driveway or porch of any private building or residence, unless the said advertising material shall be securely fastened in such manner so that the said material will not likely be scattered or blown on or about said premises or onto adjacent lots or yards, or upon the sidewalks, streets, alleys and other public places within the city.

b. It shall be unlawful to distribute commercial advertising material at any residential building or residential dwelling unit where the owner or occupant has caused to be placed in a position clearly visible to the person making delivery an appropriate sign or notice, or by written notification, stating that no commercial advertising material may be placed on their property.

2. NAME AND ADDRESS REQUIRED. The name and post office address of the principal advertiser of the delivery service shall be required on all commercial advertising delivered to residential buildings or residential dwelling units in the city, unless such material is enclosed in a plastic bag, wrapper or other container which discloses the

name and post office address of the principal advertiser or the delivery service responsible for delivering said material.

3. ADVERTISING, PLASTIC BAG REQUIREMENTS. Distribution of materials at any residential building or residential dwelling unit in a polyethylene or other type of flexible plastic container more than 4 inches in diameter shall be unlawful unless the said container is ventilated with at least 2 holes not less than 1/4 inch in diameter and is one mill (0.001 inch) gauge or more in thickness.

4. EXCEPTIONS. The provisions of sub. 1-a and b shall not apply to the distribution of commercial advertising material via mail or newspaper.

5. PENALTY. Violations of this section shall be punishable by a fine of not more than $50 for each offense.

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LEGISLATIVE HISTORY
CHAPTER 244

Abbreviations:

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

Section	Action	File	Passed	Effective
Ch. 244	rn from ch. 44	85-1396	12/20/85	1/1/86
Ch, 244 (Title)	am	991763	5/14/2002	10/1/2002
244-01-1	am	991763	5/14/2002	10/1/2002
244-01-2	rp	991763	5/14/2002	10/1/2002
244-01-2-0	am	85-1396	12/20/85	1/1/86
244-01-2-c	am	85-1396	12/20/85	1/1/86
244-01-2-j	am	882342*	7/25/89	3/1/90
244-01-2-u	am	882342*	7/25/89	3/1/90
244-01-2-v	am	882342*	7/25/89	3/1/90
*Note File #882342 repealed by File #891944 (passed 2/6/90, eff. 2/23/90)				
244-01-3	am	85-1396	12/20/85	1/1/86
244-01-3	rn to 244-01-2	991763	5/14/2002	10/1/2002
244-01-4	rn to 244-01-3	991763	5/14/2002	10/1/2002
244-01-4-0	am	85-1396	12/20/85	1/1/86
244-01-5	rn to 244-01-4	991763	5/14/2002	10/1/2002
244-01-6	rn to 244-01-5	991763	5/14/2002	10/1/2002
244-2-0	rc	991763	5/14/2002	10/1/2002
244-2-1	am	85-1396	12/20/85	1/1/86
244-2-1-a	am	980963	12/18/98	1/1/99
244-2-1-a	am	991763	5/14/2002	10/1/2002
244-2-1-c	cr	991763	5/14/2002	10/1/2002
244-4-1-c-3	cr	031422	4/13/2004	4/30/2004
244-2-1-d	cr	991763	5/14/2002	10/1/2002
244-2-2-a	am	85-1396	12/20/85	1/1/86
244-2-2-a	am	980963	12/18/98	1/1/99
244-2-2-a	am	991763	5/14/2002	10/1/2002
244-2-2-c	am	980963	12/18/98	1/1/99
244-2-3	am	85-1396	12/20/85	1/1/86
244-2-3	am	871340	10/27/87	1/1/88
244-2-4	rc	991763	5/14/2002	10/1/2002
244-2-4-a	am	980963	12/18/98	1/1/99
244-3-0	rc	991763	5/14/2002	10/1/2002
244-3-1	am	970497	11/25/97	12/16/97
244-3-1.5	cr	991763	5/14/2002	10/1/2002
244-3-2	am	85-1396	12/20/85	1/1/86
244-3-2	rc	991763	5/14/2002	10/1/2002
244-3-3	am	921114	11/20/92	12/11/92
244-3-3-b	rc	970497	11/25/97	12/16/97
244-3-4	am	921114	11/20/92	12/11/92
244-3-4	am	970497	11/25/97	12/16/97
244-3-5	am	980963	12/18/98	1/1/99
244-3-6	cr	970497	11/25/97	12/16/97
244-3-6	am	040043	6/15/2004	7/2/2004
244-3-7	cr	970497	11/25/97	12/16/97

244-4-3.7	cr	901979	5/14/91	6/1/91
244-4-3.7	am	991763	5/14/2002	10/1/2002
244-4-3.7	am	051471	3/23/2006	4/11/2006
244-4-4.5	cr	140518	11/5/2014	11/22/2014
244-7-0	rc	991763	5/14/2002	10/1/2002
244-7-2	rc	991763	5/14/2002	10/1/2002
244-7-3	rc	991763	5/14/2002	10/1/2002
244-7-3-d	am	882295	5/16/89	6/3/89
244-7-4-a	am	85-1396	12/20/85	1/1/86
244-7-4-a	am	991763	5/14/2002	10/1/2002
244-7-4-b	am	85-1396	12/20/85	1/1/86
244-7-4-b	am	991763	5/14/2002	10/1/2002
244-7-4-c	am	991763	5/14/2002	10/1/2002
244-7-4-e	am	991763	5/14/2002	10/1/2002
244-7-4-f	am	85-1396	12/20/85	1/1/86
244-7-4-f	rp	991763	5/14/2002	10/1/2002
244-7-5	am	991763	5/14/2002	10/1/2002
244-7-6	rc	901977	3/26/91	4/12/91
244-7-6	rp	991763	5/14/2002	10/1/2002
244-7-6-f	am	85-1396	12/20/85	1/1/86
244-8-1	am	85-1396	12/20/85	1/1/86
244-8-2	rc	991763	5/14/2002	10/1/2002
244-8-2-a	am	85-1396	12/20/85	1/1/86
244-8-3	am	85-1396	12/20/85	1/1/86
244-9-1	am	85-1396	12/20/85	1/1/86
244-9-2-b	am	991763	5/14/2002	10/1/2002
244-9-2-c	rc	970497	11/25/97	12/16/97
244-9-2-c	am	980963	12/18/98	1/1/99
244-9-2-c	rp	991763	5/14/2002	10/1/2002
244-9-2-d	rp	991763	5/14/2002	10/1/2002
244-9-3-a	am	991763	5/14/2002	10/1/2002
244-10-0	rc	991763	5/14/2002	10/1/2002
244-10-1-a-0	am	991763	5/14/2002	10/1/2002
244-10-1-a-1	am	85-1396	12/20/85	1/1/86
244-10-2-c	am	971631	2/10/98	2/27/98
244-10-2-c	am	991763	5/14/2002	10/1/2002
244-10-2-c	am	051471	3/23/2006	4/11/2006
244-10-2-d	am	991763	5/14/2002	10/1/2002
244-10-3-a	am	991763	5/14/2002	10/1/2002
244-10-3-b	am	991763	5/14/2002	10/1/2002
244-10-3-d	am	991763	5/14/2002	10/1/2002
244-11-1-b	am	85-1396	12/20/85	1/1/86
244-11-2-a	am	85-1396	12/20/85	1/1/86
244-12-1	am	85-1396	12/20/85	1/1/86
244-12-2	am	85-1396	12/20/85	1/1/86
244-13-1	am	85-1396	12/20/85	1/1/86
244-15	rc	991763	5/14/2002	10/1/2002
244-15-1-a	am	85-1396	12/20/85	1/1/86
244-15-2	am	001402	2/27/2001	3/16/2001
244-16	rp	991763	5/14/2002	10/1/2002
244-16-2	am	85-1396	12/20/85	1/1/86
244-17	rc	991763	5/14/2002	10/1/2002
244-18-0	am	870561	7/7/87	7/24/87
244-18-0	rc	991763	5/14/2002	10/1/2002
244-18-1-0	am	991763	5/14/2002	10/1/2002

244-18-3	am	991763	5/14/2002	10/1/2002
244-18-4	rn to 244-18-5	980542	10/9/98	10/28/98
244-18-4	cr	980542	10/9/98	10/28/98
244-18-4	rn to 244-18-4-a	140518	11/5/2014	11/22/2014
244-18-4-b	cr	140518	11/5/2014	11/22/2014
244-18-5	rn to 244-18-6	980542	10/9/98	10/28/98
244-18-5	am	980963	12/18/98	1/1/99
244-18-6	rn to 244-18-7	980542	10/9/98	10/28/98
244-18-6	rc	060322	7/12/2006	7/29/2006
244-20	rn to 244-21	971613	3/3/98	3/24/98
244-20	cr	971613	3/3/98	3/24/98
244-20	rp	030306	6/24/2003	7/11/2003
244-20-1-b	rc	971842	3/20/98	3/25/98
244-20-4	am	85-1396	12/20/85	1/1/86
244-20-4	cr	980861	10/9/98	10/28/98

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CHAPTER 245
ENCROACHMENTS, PROJECTIONS AND SPECIAL PRIVILEGES

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245-1. General Regulations. 1. Except as otherwise regulated in this chapter, no part of any building, structure, addition, alteration or construction hereafter erected shall project beyond a street line.

2. Structures, appendages or architectural ornamentations projecting beyond a street line as regulated and permitted by this chapter shall be constructed of materials as required in ch. 251 and as further regulated herein. The projection of any structure, appendage or ornamentation shall be the distance measured horizontally from the street line to the outermost point of such structure, appendage or ornamentation.

3. No person shall erect, place or store any material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public thoroughfare, nor shall any person move any building or structure onto, across or over any public thoroughfare without first obtaining a permit therefor from the commissioner of public works.

4. Permits and permit fees for permissible projections shall be as regulated in s. 200-33.

5. There shall be no permitted projections which limit the clear paved sidewalk width to less than 5 feet.

6. No permission shall be given for projections into the public right-of-way where there is no paved public sidewalk, unless the encroachments are otherwise allowed by code.

245-2. Structural Supports. All projections permitted in this chapter, except footings and their supports, shall be so constructed that their removal may be made without causing the building or structure to become structurally unsafe.

245-3. Maintenance and Removal. 1. All construction for which a permit is hereafter granted pursuant to the regulations of this chapter by the commissioner of city development for projections beyond the street line, or by the commissioner of public works permitting the occupancy or use of public property or public thoroughfares, and any special privilege granted by the common council pursuant to s. 245-12, and all other existing projections or encroachments shall be maintained in good state of repair and in a safe condition.

2. Such construction shall be removed and the permit revoked whenever public necessity or public safety so requires when ordered by the commissioner of neighborhood services, the commissioner of public works, by resolution of the common council or by authorities of the state of Wisconsin.

3. No change or enlargement shall be made to any such existing projection or encroachment except in conformity with the regulations of this chapter.

245-4. Permissible Projections and Encroachments. Projections and encroachments beyond the street line other than those listed in this section may be permitted by special privilege granted by the common council under s. 245-12. Under the conditions prescribed in this chapter and within the limitations regulated herein, the following projections and encroachments beyond a street line are permitted:

245-4-1 Encroachments, Projections And Special Privileges

1. Main cornices or roof eaves projecting not more than 3 feet, provided they are a minimum of 14 feet above the adjacent established grade.

2. Cornices of porches and false mansard-type structures projecting not more than 15 inches, provided they are a minimum of 10 feet above the adjacent established grade.

3. Pediments, nonstructural columns or pilasters, and similar architectural projections, including bases and capitals, projecting not more than 8 inches.

4. Masonry projections, including but not limited to quoins, belt courses, lintels, sills, base courses and rustications, projecting not more than 4 inches.

5. Footings or walls and their supports at street lines projecting not more than one foot, provided the tops of the footings are a minimum of 4 feet below the adjacent established grade. Projections beyond the one-foot line shall be subject to the approval of the commissioner of public works.

6. Emergency exit doors, when open, projecting not more than 48 inches into an alley. All other doors when open may project not more than 36 inches.

7. Fire escapes and balconies to smoke-proof stair towers or horizontal exits projecting not more than 7 feet. All other balconies may project not more than 6 feet. Fire escapes and balconies shall be a minimum of 10 feet above the adjacent established street walk grade and 14 feet above alley grade.

8. Oriel or bay windows projecting not more than 24 inches, provided that the lowest portion of the window is a minimum of 10 feet above the adjacent established grade. No oriel or bay window that projects into a public right-of-way shall exceed 10 feet in width. Oriel and bay windows shall not be permitted to project into a public right-of-way which is less than 30 feet in width.

9. Exterior hose connections for fire protection equipment, in approved locations, projecting not more than 8 inches, provided that such connections are a minimum of 1 1/2 feet but not more than 3 feet above the adjacent established grade.

10. Street walk basements or sidewalk vaults when constructed and located as regulated in s. 245-5.

11. Movable awnings when constructed and located as regulated in s. 245-6.

12. Awnings, canopies and sunshades when constructed and located as regulated in s. 245-7.

13. Fixed awnings in the Historic Third Ward projecting beyond the street line under s. 245-7-9.

14. Marquees when constructed and located as regulated in s. 245-10.

15. Remodeled building facades encroaching a maximum of 6 inches.

16. Temporary encroachments and use of public thoroughfares during erection, construction, enlargement, alteration, repair, renovation, moving, removing or demolition of buildings and structures when in compliance with the regulations of ch. 228 and s. 245-11.

17. Signs or advertising devices when constructed as regulated in ch. 244.

18. Roof gutters and conductors projecting not more than 8 inches into a public alley. Roof gutters and conductors may not project into a public street.

19. The cutting of street curbs, the installation of driveways and any construction therewith, when in conformity with rules and regulations of the commissioner of public works and permitted by the commissioner of public works.

20. Electrical or gas lighting fixtures attached to the exterior walls of buildings or structures, in approved locations, projecting not more than one foot, provided that the lowest portion of the fixture is a minimum of 7 feet but not more than 10 feet above the adjacent established grade. The fixtures, when more than 10 feet above grade, may extend 5 feet into the public right-of-way and shall be a minimum of 14 feet above grade when projecting into an alley.

21. Security cameras attached to the exterior walls of buildings or structures projecting not more than 5 feet into the public right-of-way, provided they are greater than 10 feet above the adjacent established grade. The fixtures shall be a minimum of 14 feet above grade when projecting into an alley.

22. Sewer sampling manholes, catch basins, water meter pits, sprinkler pits and similar underground structures when in compliance with s. 245-5.

23. Monitoring wells when associated with a remediation project recognized by the state of Wisconsin.

24. Flagpoles for the flying of federal, state, county or municipal flags only, attached to the exterior walls of buildings or structures, projecting a distance not closer than 3 feet from the curb line, provided the flag and pole have at least 8 feet clearance above the street walk.

25. Permissible projections, obstructions and encroachments as provided by s. 115-32.

26. Items installed in the public right-of-way as part of a streetscape for which a maintenance agreement, approved by the common council, has been fully executed.

27. Projections and encroachments for one- and 2-family residential properties as provided in s. 245-4.5.

28. Decorative landscaping edging in the public right-of-way as regulated in s. 116-54.

29. Approved appliances and devices used in connection with equipment not otherwise regulated herein, in approved locations, projecting not more than one foot, provided the lowest portion thereof is a minimum of 10 feet above the adjacent established grade.

245-4.5. Encroachments for One- and 2-Family Residential Properties. 1. DEFINITION. "Encroachments for one- and 2-family residential properties" means objects or structures placed in the public right-of-way that are approved by the commissioner of public works and that are not otherwise permitted by s. 245-4.

2. GENERAL REGULATIONS. All encroachments for one- and 2-family residential properties shall comply with the following guidelines:

a. Plans shall be submitted to the commissioner of public works for approval and issuance of a permit prior to applying for any other necessary permits.

b. All necessary permits shall be obtained prior to construction of a proposed encroachment.

c. Any proposed encroachments shall conform to this section, as well as any other requirements of the code. If a conflict exists, the more restrictive requirement shall govern.

3. PROJECTION. a. If a paved public sidewalk is present, encroachments may be located between the sidewalk and the street line and may project to the edge of the sidewalk.

b. If no paved public sidewalk is present, encroachments may not project into the public right-of-way unless specifically allowed by s. 245-4.

c. Encroachments may not project into an alley, pedestrian way or bicycle way unless otherwise allowed by the code.

4. APPLICATION. The owner of a property under consideration for construction and installation of a public way encroachment shall submit plans to the city engineer for review and approval. The grantee shall subsequently submit plans and obtain permits from the commissioner of public works and commissioner of city development, as necessary, for any installation.

5. CONDITIONS OF PERMIT. The owner of a public way encroachment for one- or 2-family residential property shall:

a. Become primarily liable for damages to persons or property by reason of the granting of a permit for the encroachment.

b. Remove or modify the encroachment whenever the city determines that the public convenience would be enhanced by such removal or modification as provided in s. 115-32-2. The owner shall not be entitled to damages relating to the removal or modification.

6. SPECIAL PROVISIONS. Any encroachment for one- or 2-family residential property as herein regulated, in existence as of June 12, 2010, which meets the requirements of sub. 3, shall be allowed to remain in its existing location until such time that removal of the encroachment is ordered pursuant to sub. 5. The owner of the existing encroachment shall be deemed primarily liable for damages to persons or property by reason of the maintenance of the existing encroachment.

245-4.7. Dumpsters. No dumpster may be placed in the public right-of-way, including any alley, sidewalk, paved roadway, tree border or other unpaved portion of the right-of-way, unless the owner of the property served by the dumpster has obtained a special privilege granted by the common council under s. 245-12. When 2 or more dumpsters serve a particular property, the property owner may apply for a single special privilege for all dumpsters located in the right-of-way. The commissioner of public works is authorized to remove, or to have removed, from the right-of-way any dumpster for which no special privilege has been granted.

245-5. Street Walk Basements. 1. GENERAL REGULATIONS. a. Street-walk basements entirely below a street walk and adjoining a building or structure may be constructed, maintained, occupied and used in connection with such building or structure for any purposes not inconsistent with this code, other laws or ordinances, or rules regulating the construction, maintenance, occupancy and use of such basements, on condition that the right to maintain, occupy and use such basements may be revoked by the city at any time. When an order is issued for the removal of such basement, the owner of the building or structure shall execute all construction work and assume all costs and expenses attendant therewith. Such street-walk basements shall not interfere with any public work or improvement, and the city in granting a permit to construct such basements, reserves the right at any time to construct under or within such basements municipally owned utilities for the public service.

b. Boilers, engines or machinery using steam, gas or explosive mixtures, or tanks containing volatile flammable liquid, shall not be located in such basements or under any public thoroughfare.

2. DESIGN. a. Street-walk basements may extend beyond the street line for a distance as approved by the commissioner of public works, but not beyond the curb line. Such basements shall be of approved construction and shall be provided with a roof or top of noncombustible material, capable of carrying a live load of 250 pounds per square foot. The top surface of the street walk shall be at a grade as established by the city and shall be constructed of concrete or other approved material with a nonslippery surface. No glass in such street walk surface shall be permitted.

b. The walls of such basements shall be constructed of solid masonry units, plain or reinforced concrete, and shall be of a strength and thickness to resist safely lateral pressure from the adjacent earth, and to support vertical loads. Footings for such walls shall be designed and constructed to maintain a safe load on the soil and shall not project beyond the curb line.

3. OPENINGS IN STREET WALKS.

a. Openings in street walks shall be permitted when protected with approved non slippery metal covers or gratings, as herein regulated, flush with the top surface of the street walk, designed to support a live load of 250 pounds per square foot. Such covers or gratings shall be maintained normally closed and secured in place, and when open shall be equipped with approved guards to prevent accidents. Such openings, when used for ventilating purposes and located in street-walk basements, shall be protected with gratings or covers having openings therein not more than 3/4 inch in width, and shall be equipped with approved pans or screens with mesh openings therein not in excess of 1/4 inch. Electric transformer vaults need not be equipped with approved pans or screens with mesh openings.

b. Except as otherwise required or approved by the commissioner of public works, the location and size of openings in street walks shall be as follows:

b-1. For existing elevators and for conveyors or chutes, openings shall be located with not more than 2 feet of space from the face of the curb. The length of such openings on the side parallel to the curb shall not exceed 8 feet. The width of such openings shall not exceed 1/3 the distance from the face of the curb to the street line, but not more than 6 feet in any case. New elevator installations shall not pierce a sidewalk or be located in an area used by people or vehicles as a place of travel.

b-2. For the delivery of coal or other materials, openings shall be located with not more than 2 feet of space from the face of the curb, and shall not exceed 8 square feet in area.

b-3. For ventilation or other approved purposes, openings shall be located with not more than 2 feet of space from the face of the curb on the street line and shall not exceed 8 square feet in area.

c. If upon inspection the department finds any cover or grating which appears defective or unsafe for any reason whatsoever, the commissioner may order that a critical examination be performed by a registered architect or registered structural engineer employed by the owner or the agent. The registered architect or registered structural engineer shall submit a written report showing the structural condition of the cover or grating. Two copies of the report shall in turn be

submitted to the commissioner. One copy of the report shall, if satisfactory to the commissioner, be returned to the owner or agent bearing a stamp of approval signed by the commissioner. All defects noted on the written report submitted by the registered architect or registered structural engineer shall be corrected by the owner within a time period mandated by the commissioner. A written report showing that all defects noted in the prior report have been corrected shall be submitted in duplicate to the commissioner by a registered architect or registered structural engineer. One copy of the report shall, if satisfactory, be returned to the owner or agent bearing a stamp that the correction report has been placed on file.

4. APPROVAL. a. No permit shall be issued by the commissioner for the construction of a street-walk basement unless such basement is first approved by the commissioner of public works.

b. The cost of protecting, altering or changing the location of any city-owned utilities to permit the construction of a street-walk basement shall be paid by the owner of the real estate abutting such basement.

5. REMOVAL. All street-walk basements used in connection with a building or structure shall be removed whenever such building or structure is removed or razed. Removal of such basements shall be construed to mean the removal of all work executed in the construction of the basement to the extent required by the commissioner of public works. After the street-walk basement is removed, the area shall be filled to grade and the street curb, street walk, pavement and other public improvements shall be restored. The type and placement of the fill and the construction of the curb, walk, pavement and other improvements beyond the street lot line shall be in accordance with the specifications and regulations of the department of public works. The owner of the premises affected shall be responsible for the removal of such basement (vault) and for the restoration of public improvements as herein regulated, and shall assume all costs and expenses attendant therewith.

245-6. Movable Awnings. 1. DEFINITION. "Movable awning" means a tractable rooflike shelter attached to the exterior wall of a building or structure in an approved manner, and so constructed and erected to permit being rolled, collapsed or folded back to a position against the building or structure.

2. GENERAL REGULATIONS. All movable awnings erected on any building or structure and projecting beyond a street line shall comply with the regulations of this section.

3. LENGTH. There shall be no limitation on the length of a movable awning.

4. PROJECTION. The projection of a movable awning from the street line shall not exceed 1/2 the distance from street line to the curb line, but not more than 6 feet in any case. If a sidewalk is less than 12 feet in width, the awning may project 6 feet, but not closer than 2 feet to the curb line. Awnings shall not project into a public right-of-way which is less than 30 feet in width.

5. CLEARANCE. There shall be not less than 7 1/2 feet in the clear between any point of the frame of a movable awning and the sidewalk grade directly below.

6. CONSTRUCTION AND DESIGN.

a. Movable awnings shall be supported entirely by the building or structure to which they are attached.

b. The covering shall be of canvas, cloth or other approved material, which shall be sufficiently flame proofed.

c. Movable awnings shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction when the awning is not retracted.

d. Approved supporting structure shall be provided for the support and fastening of awnings.

7. SIGNS AND ADVERTISING DEVICES. No sign or advertising device shall be hung from, attached to, printed or painted on a movable awning unless the sign complies with the awning sign regulations of ch. 295.

8. REMOVAL. The owner shall remove or modify a movable awning whenever the city determines that the public convenience would be enhanced by such removal or modification as provided in s. 115-32-2. The owner shall not be entitled to damages relating to the removal or modification.

9. SUPPORTING STRUCTURE. Approved supporting structure shall be provided for the support and fastening of awnings.

245-7. Awnings, Canopies and Sun Shades.

1. DEFINITION. In this section "awning, canopy or sun shade" means a roof-like structure attached to the exterior of a building or structure in an approved manner.

2. GENERAL REGULATIONS. Awnings, canopies and sun shades, when projecting beyond the street line shall comply with the regulations of this section. No awning, canopy or sun shade shall project into a public right-of-way which is less than 30 feet in width.

3. LENGTH. There shall be no limitation on the length of an awning, canopy or sun shade.

4. PROJECTION. The projection of an awning, canopy or sun shade from the street line shall not exceed 1/2 the distance from such street line to the curb line, but not more than 6 feet in any case. If a sidewalk is less than 12 feet in width, the awnings may project 6 feet, but not closer than 2 feet to the curb line.

5. CLEARANCE. There shall be not less than 7 1/2 feet in the clear between any point of an awning, canopy or sun shade and the sidewalk grade directly below.

6. CONSTRUCTION AND DESIGN. Awnings, canopies and sun shades shall be:

a. Constructed of noncombustible, rust-resistive materials. Awnings covered in cloth, canvas or other approved pliable material shall be sufficiently flame-proofed.

b. Supported entirely by the building or structure to which they are attached.

c. Designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction.

7. SIGNS AND ADVERTISING. No sign or advertising device shall be hung from, attached to, printed or painted on an awning, canopy or sun shade unless the sign complies with the sign regulations of ch. 295.

8. EXISTING FIXED AWNINGS. All fixed awnings heretofore erected and projecting beyond the street line except fixed awnings covered under sub. 9, shall be made to conform to the regulations of this section, or they shall be removed within 30 days following the effective date of June 12, 2010.

9. AWNINGS IN THE HISTORIC THIRD WARD. An awning which is located in the Historic Third Ward District, as defined in s. 200-61-2-e, projects beyond the street line and was in existence on December 16, 2003, may be maintained without a special privilege. The awning may also be repaired, altered or replaced without a special privilege, provided the projection from the street line is equal to that of the existing awning or the distance to the curb face, whichever is greater. The awnings shall be constructed in accordance with sub. 6. A permit shall be required for repair, alteration or replacement of an awning, but not for maintenance of an awning. Whenever a permit is required, the owner of the building to which the awning is attached shall:

a. Become primarily liable for damages to persons or property by reason of the granting of a permit for the awning.

b. Remove or modify the awning whenever the city determines that the public convenience would be enhanced by such removal or modification as provided in s. 115-32-2. The owner shall not be entitled to damages relating to the removal or modification.

245-10. Marquees. 1. DEFINITION. A marquee as herein regulated shall mean a rigid, flat, roof-like structure, affording shelter, attached to the exterior walls of a building or structure in an approved manner and erected only over an entrance to a building or structure.

2. GENERAL REGULATIONS. Marquees, when constructed and erected as regulated in this section, shall be permitted to project beyond a street line above the entry doorways of any building or structure, provided, however, that no such marquee shall project into a public thoroughfare which is less than 30 feet in width.

3. LENGTH. The length of marquees, measured parallel to the face of the building or structure to which attached, shall not exceed the width of the entrance doorway or doorways by more than 10 feet, but in no case shall the front face of such marquee be closer than 6 feet to an alley line or 3 feet to an intersecting street line.

4. PROJECTION. The projection of marquees from the street line shall not exceed a distance beyond one foot inside the face of the street curb.

5. CLEARANCE. There shall be not less than 10 feet in the clear between any point of a marquee and the sidewalk grade directly below.

6. CONSTRUCTION AND DESIGN.

a. Marquees shall be constructed of noncombustible materials throughout.

b. Marquees shall be supported entirely by the building or structure to which they are attached.

c. Marquees shall be designed and constructed to safely support a superimposed load of 80 pounds per square foot.

d. The roof of the marquee shall be made watertight and shall have a slope of not more than one in four. Such roofs shall slope and drain toward the building or structure and shall be provided with conductors connected with the house sewer or drain.

e. The vertical dimension of the side or front face of a marquee shall not exceed 8 feet.

7. SIGNS AND ADVERTISING DEVICES. No signs or advertising devices shall be hung from or attached to the bottom of a marquee, except that other signs or advertising devices may be attached to or made a part of the sides or front face of a marquee, as regulated in ch. 244 and in accordance with the regulations for hood signs in ch. 295. Illumination by means of recessed lighting fixtures or by other approved means shall be provided in soffits or marquees.

8. EXISTING MARQUEES. All marquees projecting 4 feet or less and being 32 square feet in size or smaller and heretofore erected prior to June 12, 2010 shall be made to conform to the regulations of this section when altered or replaced.

9. REMOVAL. The owner of a marquee shall remove or modify the marquee whenever the city determines that the public convenience would be enhanced by such removal or modification as provided in s. 115-32-2. The owner shall not be entitled to damages relating to the removal or modification.

245-11. Permits and Fees. 1. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, raze or demolish any permissible projection regulated in s. 245-4-1 to 15, 17, 18, 20 to 24, 27 and 29, or any existing projections without first obtaining a permit therefor from the commissioner of city development and paying the fee as prescribed in s. 200-33.

2. Permits for the temporary occupancy and use of public thoroughfares, the cutting of street curbs, installation of driveways, the establishment of sidewalk area dining facilities and any construction therewith regulated in s. 245-16, 19 and 25, shall be obtained pursuant to ch. 115 and by rules, fees and regulations established by the commissioner of public works.

245-12. Special Privileges. 1. COMPLIANCE. Privileges for an obstruction or excavation beyond the street line, other than those regulated by this chapter or by other ordinances, may be granted by the common council pursuant to s. 66.0425, Wis. Stats.

2. FIXED COSTS. Any person, firm, association or corporation desiring such special privileges shall file with the commissioner of public works a petition in writing on a form furnished for such purpose by the city engineer or the commissioner of city development, and shall pay to the city treasurer the fee as specified in s. 81-115, special privileges, for the purpose of defraying the cost of printing and other expenses which the city may incur in the consideration of such resolution for a special privilege, as regulated in s. 301-7.

3. PROVISIONS. A special privilege shall be granted only on condition that by acceptance of such special privilege the grantee shall:

a. Become primarily liable for damages to persons or property by reason of the granting of such special privilege.

b. The applicant shall file with the commissioner of public works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least $25,000 covering bodily injury to any one person, and $50,000 covering bodily injury to more than one person in any one accident, and $10,000 covering property damage to any one owner on the area or areas included within the special privilege, and naming the city of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least 30 days' notice in writing to the commissioner of public works. In lieu of the insurance policy coverage, a public service corporation, or a cooperative association organized under ch. 185, Wis. Stats., to render or furnish telephone, gas, light, heat or power, or colleges and universities may file with the commissioner of public works proof of financial responsibility containing the conditions and giving the protection required in the public liability policy. Acceptance of the proof of financial responsibility shall be subject to approval by the city attorney upon consultation with the city comptroller.

c. Pay to the city treasurer the annual fee fixed by the special privilege board.

d. Maintain a minimum sidewalk clearance of 5 feet, which shall be kept clear of all obstructions.

e. Remove such special privilege whenever public necessity so requires, and when so ordered by resolution adopted by the common council; such grantee shall not be entitled to damages for such removal.

f. Waive the right to contest in any manner the validity of s. 66.0425, Wis. Stats., or the amount of the annual fixed fee as determined by the special privileges board.

g. Put the special privilege into use within one year after approval by the common council. Should the grantee fail to do so, the commissioner may, by resolution, seek revocation of said privilege.

h. If the special privilege is for placement of one or more dumpsters in the public right-of-way, the grantee shall ensure that:

h-1. Each dumpster remains in the location for which the special privilege was granted.

h-2. No dumpster has rusted surfaces or is otherwise in a state of disrepair.

h-3. The lid or lids of each dumpster remain closed at all times except when refuse is being placed in the dumpster or the dumpster is being emptied.

h-4. No contents of a dumpster spill onto the public right-of-way.

h-5. No refuse remains on the ground on the perimeter of any dumpster

.**4.** RECOMMENDATIONS. The common council shall refer all petitions for special privileges for consideration and recommendation to the commissioners of public works and neighborhood services for consultation with the commissioner of city development when the special privilege includes the extension of use.

5. AMENDMENTS. a. A grantee desiring to add items to or remove items from a special privilege shall file with the commissioner of public works a special privilege amendment petition in writing on a form furnished for this purpose by the city engineer or the commissioner of city development.

b. Any sale, transfer or conveyance of ownership of a property with a special privilege requires the new ownership to file with the commissioner of public works a special privilege amendment petition in writing on a form furnished for this purpose by the city engineer or the commissioner of city development.

6. FIXED CHARGE EXEMPTIONS. The city of Milwaukee, county of Milwaukee, state of Wisconsin, and the United States of America and all political subdivisions thereof shall be exempt from the paying of the fixed charge made for the purpose of defraying the cost of printing and other expenses which the city may incur in the consideration of such resolution for a special privilege.

7. ENFORCEMENT; SANCTIONS. If the commissioner of public works determines that a person has failed to comply with the provisions of this section, the commissioner shall notify the person of the violation. If the person fails to comply with any order issued by the commissioner within 60 days of receipt of the order, or, in the case of a special privilege for placement of one or more dumpsters in the public right-of-way, within 24 hours of receipt of the order, the commissioner may assess the person a monthly enforcement fee under s. 200-33 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law. In addition, in the case of a special privilege for placement of one or more dumpsters in the public right-of-way, the common council may, by resolution, revoke the special privilege for failure to comply with any of the standards of sub. 3-h.

245-12.5. Special Privileges Board. A special privileges board is established consisting of 3 members: the mayor, the commissioner of public works and the city attorney. Any member may appoint a designee. The commissioner of neighborhood services shall act as secretary of the board. The special privileges board shall determine annual fees for special privileges grantees when fees are appropriate.

245-13. Roofed Sidewalks (Covered Walks).

1. DEFINITION. A roofed sidewalk or covered walk shall mean a rooflike structure, other than an awning, canopy, hood or marquee, erected over a sidewalk for the sole purpose of providing shelter for persons entering or leaving a public building.

2. GENERAL REGULATIONS. No roofed sidewalk (covered walk) shall be constructed or maintained beyond the street line without individual and specific rights and privileges granted by the common council, pursuant to s. 245-12 and s. 66.0425, Wis. Stats. The construction and location of such roofed sidewalks (covered walks) shall be in compliance with the terms and conditions set forth in the privilege. All privileges for such structure shall also comply with the standards and policy established by the common council.

3. SIGNS AND ADVERTISING DEVICES. No sign or advertising device shall be hung from, attached to, printed or painted on any part of a roofed sidewalk (covered walk). The name, street number, or character of the business may be indicated on the vertical portion only, not to exceed 8 inches in height.

245-14. Air and Subterranean Space Lease Structures. 1. There is created a committee on air and subterranean space lease structures composed of the following or their designees:

a. Commissioner of neighborhood services.

b. Commissioner of public works.

c. City engineer.

d. Planning director, department of city development.

e. City real estate agent.

1.5. An assistant city attorney shall be assigned to the committee by the city attorney to provide legal advice for the conduct of the committee and the drafting of the necessary documents.

2. Such committee shall have for its duties the coordination of all air space and subterranean lease requests which are made to the city of Milwaukee pursuant to s. 66.0915(3) and (4), Wis. Stats.

3. The committee shall design all forms to be used, and the commissioner of neighborhood services shall distribute application forms to those requesting the same. The members of the committee shall elect one of their members chair to preside over the committee for a term at the pleasure of the committee. Verbatim reports of the committee activities need not be kept unless the committee so decides. Completed applications shall be returned to the commissioner of neighborhood services or his or her representative on the committee, together with the building plans, plot plans and other data that will show the elevations, location, height and site of the proposed structure, its relationship to adjoining buildings, and a memorandum of ownership showing the last recorded owner of all of the properties proposed to be joined by the air or subterranean space structure.

4. The application and additional submissions, in duplicate, shall be accompanied by the fee specified in s. 200-33, special privileges, etc., which shall be paid to the city treasurer, and the commissioner of neighborhood services shall submit the original of the application to the city clerk, who shall transmit the same to the common council for introduction at its next regularly scheduled meeting. A combination air space and subterranean lease shall require individual leases and a separate application and fee shall be required for each. Such fee shall not be returnable, nor shall such fee be waived at any time. The council, on receipt thereof, shall refer the same jointly to an appropriate committee of the common council, the city plan commission and the special committee on air and subterranean space lease structures, and shall be transmitted to the special committee for investigation.

5. The special committee may meet with the applicant from time to time, and may request additional information, maps, drawings, documents, plans and other information from the applicant relative to the request. When the special committee completes its investigation, it shall make a written report thereof, attach it to the common council file and transmit same to the city plan commission.

6. Upon receipt of the entire file from the special committee, the city plan commission shall review the same, make its recommendations thereon in writing, attach such recommendations to the file and return such file to the special committee. Upon receipt thereof, the special committee shall transmit the entire file including the suggested lease fee to the committee of the common council to which it was referred.

7. The common council committee may make further references of the file to such other boards, commissions or officers for any further information that it may deem necessary, or may return the file to the special committee with instructions or for additional information.

8. This section is intended to be procedural only and is not intended to supersede or nullify any other section of the Milwaukee code, or the building and zoning code.

LEGISLATIVE HISTORY
CHAPTER 245

Abbreviations:

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

Section	Action	File	Passed	Effective
Ch. 45	rc	77-558	7/26/77	8/12/77
45-4-2	am	82-1876	2/15/83	3/3/83
45-4-3	am	82-1876	2/15/83	3/3/83
45-4.5	cr	79-559	10/23/79	11/8/79
45-4.6	cr	79-1565	12/21/79	1/8/80
Ch. 245	rn from ch. 45	85-1396	12/20/85	1/1/86
245-1	am	85-1396	12/20/85	1/1/86
245-1-5	cr	091615	5/25/2010	6/12/2010
245-1-6	cr	091615	5/25/2010	6/12/2010
245-3	am	85-1396	12/20/85	1/1/86
245-3-1	am	86-676	7/29/86	8/16/86
245-3-1	am	980963	12/18/98	1/1/99
245-3-2	am	980963	12/18/98	1/1/99
245-4	am	85-1396	12/20/85	1/1/86
245-4	rc	091615	5/25/2010	6/12/2010
245-4.5	rc	091615	5/25/2010	6/12/2010
245-4.6	rp	091615	5/25/2010	6/12/2010
245-4.7	cr	170930	10/17/2017	11/3/2017
245-4-10	am	991763	5/14/2002	10/1/2002
245-4-12	am	882295	5/16/89	6/3/89
245-4-14.5	cr	86-979	10/14/86	10/31/86
245-4-19	am	020467	8/1/2002	8/20/2002
245-4-21	am	991763	5/14/2002	10/1/2002
245-4-28	cr	980249	6/16/98	7/3/98
245-4-29	cr	030307	11/25/2003	12/16/2003
245-4-30	cr	081573	5/5/2009	5/22/2009
245-4.5-2	am	85-1396	12/20/85	1/1/86
245-4.5-2-a	am	921114	11/20/92	12/11/92
245-4.5-2-a	am	991763	5/14/2002	10/1/2002
245-4.5-4	am	031602	6/15/2004	7/2/2004
245-4.6-1	am	980963	12/18/98	1/1/99
245-4.6-3	am	980963	12/18/98	1/1/99
245-4.6-4	am	85-1396	12/20/85	1/1/86
245-4.6-4-a	am	980963	12/18/98	1/1/99
245-4.7	cr	170930	10/17/2017	1/1/2018
245-5-1	am	85-1396	12/20/85	1/1/86
245-5-2	am	85-1396	12/20/85	1/1/86
245-5-3	am	85-1396	12/20/85	1/1/86
245-5-3-c	cr	990819	5/19/2000	6/8/2000
245-5-4	am	85-1396	12/20/85	1/1/86
245-5-4	am	120914	11/8/2012	1/1/2013
245-5-4-a	am	980963	12/18/98	1/1/99
245-6	rc	091615	5/25/2010	6/12/2010
245-6-7	am	86-676	7/29/86	8/16/86
245-6-7	rc	991763	5/14/2002	10/1/2002
245-6-7	rc	021287	5/13/2003	5/30/2003
245-6.5	cr	86-676	7/29/86	8/16/86

245-6.5	rp	091615	5/25/2010	6/12/2010
245-6.5-7 and 8	rn	871339	10/27/87	11/13/87
245-6.5-7	cr	871339	10/27/87	11/13/87
245-6.5-7	rc	991763	5/14/2002	10/1/2002
245-6.5-7	rc	021287	5/13/2003	5/30/2003
245-7	am	85-1396	12/20/85	1/1/86
245-7	rc	091615	5/25/2010	6/12/2010
245-7-7	rc	991763	5/14/2002	10/1/2002
245-7-7	rc	021287	5/13/2003	5/30/2003
245-7-8	am	030307	11/25/2003	12/16/2003
245-7-9	cr	030307	11/25/2003	12/16/2003
245-8	am	85-1396	12/20/85	1/1/86
245-8	rp	091615	5/25/2010	6/12/2010
245-8-7	am	991763	5/14/2002	10/1/2002
245-9	am	85-1396	12/20/85	1/1/86
245-9	rp	091615	5/25/2010	6/12/2010
245-9-7	am	991763	5/14/2002	10/1/2002
245-10	am	85-1396	12/20/85	1/1/86
245-10-1	am	091615	5/25/2010	6/12/2010
245-10-7	am	991763	5/14/2002	10/1/2002
245-10-7	am	091615	5/25/2010	6/12/2010
245-10-8	cr	091615	5/25/2010	6/12/2010
245-10-9	cr	091615	5/25/2010	6/12/2010
245-11	am	85-1396	12/20/85	1/1/86
245-11	am	091615	5/25/2010	6/12/2010
245-11-1	am	980963	12/18/98	1/1/99
245-11-2	am	881465	11/11/88	12/9/88
245-11-2	am	980249	6/16/98	7/3/98
245-12	am	85-1396	12/20/85	1/1/86
245-12-1	am	001458	2/27/2001	3/16/2001
245-12-2	am	881930	3/7/89	3/25/89
245-12-2	am	980963	12/18/98	1/1/99
245-12-2	rc	091268	2/9/2010	2/26/2010
245-12-2	rc	091665	5/4/2010	7/20/2010
245-12-3-b	am	86-342	7/29/86	8/16/86
245-12-3-b	am	080754	10/7/2008	10/24/2008
245-12-3-b	am	081687	5/5/2009	5/22/2009
245-12-3-b	am	091665	5/4/2010	7/20/2010
245-12-3-c	am	980963	12/18/98	1/1/99
245-12-3-c	am	051188	1/18/2006	2/4/2006
245-12-3-d	rn to 245-12-3-e	061340	4/17/2007	5/4/2007
245-12-3-d	cr	061340	4/17/2007	5/4/2007
245-12-3-e	am	001458	2/27/2001	3/16/2001
245-12-3-e	rn to 245-12-3-f	061340	4/17/2007	5/4/2007
245-12-3-f	am	980963	12/18/98	1/1/99
245-12-3-f	rn to 25-12-3-g	061340	4/17/2007	5/4/2007
245-12-3-h	cr	170930	10/17/2017	1/1/2018
245-12-4	rc	86-1461	4/7/87	4/24/87
245-12-4	am	980963	12/18/98	1/1/99
245-12-5	rn to 245-12-6	081687	5/5/2009	5/22/2009
245-12-5	cr	081687	5/5/2009	5/22/2009
245-12-5	am	091665	5/4/2010	7/20/2010

245-12-7	cr	081687	5/5/2009	5/22/2009
245-12-7	rc	091665	5/4/2010	7/20/2010
245-12-7	am	170930	10/17/2017	1/1/2018
245-12-7	am	171140	11/28/2017	1/1/2018
245-12.5	cr	051188	1/18/2006	2/4/2006
245-13	am	85-1396	12/20/85	1/1/86
245-13-2	am	001458	2/27/2001	3/16/2001
245-14	am	85-1396	12/20/85	1/1/86
245-14-1	rc	051188	1/18/2006	2/4/2006
245-14-1-a	am	980963	12/18/98	1/1/99
245-14-1.5	cr	051188	1/18/2006	2/4/2006
245-14-2	am	001458	2/27/2001	3/16/2001
245-14-3	am	980963	12/18/98	1/1/99
245-14-3	am	151199	3/29/2016	4/15/2016
245-14-4	am	871340	10/27/87	1/1/88
245-14-4	am	980963	12/18/98	1/1/99
245-14-4	am	151199	3/29/2016	4/15/2016

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CHAPTER 246
MANUFACTURED HOMES AND MANUFACTURED HOME COMMUNITIES

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246-1. Purpose. The common council finds that in order to protect and promote public health, morals, safety and welfare, to conserve the taxable values of lands and buildings, to preserve the appropriate character of each area within the sound principles of zoning and to comply with s. 66.0435, Wis. Stats., it is necessary to provide for the licensing, regulation, permits and fees for the location and operation of manufactured homes and manufactured home communities within the city.

246-3. Adoption of State and Local Codes. 1. STATE CODE. Except as otherwise provided in this chapter, the city of Milwaukee adopts as part of this code s. SPS 321.40, and ch. SPS 326, Wis. Adm. Code, as amended.

2. ELECTRICAL CODE. All electrical installations shall be in compliance with ch. SPS 316, Wis. Adm. Code, as amended, and ch. 222.

3. HOUSING CODE. The provisions of ch. 275 shall apply to every manufactured home and every manufactured home community.

246-5. Definitions. In this chapter:

1. LICENSEE means any person licensed to operate and maintain a manufactured home community under this chapter.

2. MANUFACTURED HOME means either a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425, or a mobile home, unless a mobile home is specifically excluded under the applicable statute. It does not include a mobile recreational vehicle as defined in sub. 5.

3. MANUFACTURED HOME COMMUNITY means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. It does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

4. MOBILE HOME means a vehicle manufactured or assembled before June 15, 1976, designed to be to towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. It includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

5. MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, measures 400 sq. feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel or seasonal use.

6. SITE means a plot of ground within a manufactured home community designed for and designed as the location for only one unit.

7. TEMPORARY DWELLING means a dwelling occupied no more than 4 continuous months in a 12-month period.

8. UNIT means one manufactured home, mobile home or mobile recreational vehicle subject to this chapter.

246-7. Manufactured Home Community Licenses. Any person desiring to continue operating or to establish or maintain a manufactured home community on any premises in the city shall file a written application with the city clerk on forms furnished for such purposes. If the application is made by a person other than the owner of the premises, it shall be accompanied by a duly verified affidavit of the owner that the proposed manufactured home community is authorized by the owner and that the person making the application is authorized to make the application. The application shall be accompanied by the license fee as set forth in s. 200-33-26.5.

246-9. License and Monthly Parking Permit Fees. 1. ISSUED BY CITY CLERK. Manufactured home community licenses shall be issued by the city clerk after approval by the common council for a period of one year commencing on July 1 and ending upon June 30 of the following year. It shall be renewable by the common council annually upon the filing of a renewal application with the city clerk and approval. Prior to the issuance of the first manufactured home community license and prior to each renewal, the licensee shall file an affidavit executed before a notary public with the city clerk. The individual submitting the affidavit shall state that he or she is the owner or lessee, manager and operator of such manufactured home community, and that he or she shall be responsible for the proper upkeep, maintenance and sanitary condition of the premises, and that he or she shall keep the premises, buildings and all equipment in a state of good repair, and in full compliance with all laws and applicable ordinances.

2. LICENSE FEE (MANAGER). See s. 200-33-26.5.

3. MONTHLY PARKING PERMIT FEE. See s. 200-33-26.5.

4. CHANGE IN OWNERSHIP. Any change in ownership, operation and management of any manufactured home community for which a license was issued shall be registered with the city clerk immediately and a new affidavit, as required in sub. 1, and an application for a new license by the new owner, operator and manager shall be filed within 10 days after such change.

246-11. Renewal of Manufactured Home Community Licenses.

1. RENEWAL OF LICENSES. Application for renewal of a manufactured home community license shall be made to the city clerk on forms furnished for such purposes and shall be accompanied by the fee specified in s. 200-33-26.5.

2. TIMELINESS OF RENEWAL APPLICATIONS. Application for renewal shall be made on or before the date set by the city clerk for renewal. An applicant shall be notified on the renewal form that a license may lapse if application for renewal is not made by the date specified by the city clerk for renewal. If a renewal application is filed after the date specified by the city clerk for renewal a late filing fee shall be imposed pursuant to s. 200-33-26.5. If the application for renewal is not made by the date set by the city clerk, the common council shall be under no obligation to consider the renewal application prior to the license expiring. In the event any license lapses, no activities for which a license is required shall be conducted at the manufactured home community until the common council grants and the city clerk issues another license for the manufactured home community.

3. RENEWAL PROCEDURE. The city clerk shall refer all applications for license renewal to the chief of police, the commissioner of neighborhood services, the commissioner of health and the district common council member for their review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets all of the licensing qualifications and the district common council member has no objections, the application shall be referred to the common council for approval.

4. PROCEEDINGS. Denial of renewal or revocation proceedings may be instituted by the commissioner of health, the commissioner of neighborhood services or the chief of police pursuant to s. 66.0435 (2) (d), Wis. Stats.

Written objections regarding the renewal of any license may be filed with the city clerk by any person bringing an objection. The city clerk shall notify the district common council member of any objections and forward the objections to the appropriate city agency for verification. After investigation and conducting any required inspections, the commissioner of health, the commissioner of neighborhood services or the chief of police may initiate denial of renewal or revocation proceedings by filing a written complaint to the renewal of the license with the city clerk no later than 45 days prior to the expiration of the license.

5. CAUSES FOR NON-RENEWAL OR REVOCATION OF A LICENSE. A license issued under this chapter may be denied renewal or revoked for any of the following:

a. The conviction of the licensee, the licensee's agent, manager, operator, the officers or directors of the corporation or any other employe for keeping a gambling house or house of prostitution, or for any violation of law in which the circumstances are substantially related to the operation of the manufactured home community.

b. The manufactured home community is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise or undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood.

c. The police department receives calls for service at the manufactured home community for reasons and in numbers as to indicate the manufactured home community constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood, or that the premise has been declared a chronic nuisance premise as defined in s. 80-10.

d. The manufactured home community is operated in such a manner that it constitutes a public or private nuisance or that conduct on or by the residents and guests of the manufactured home community has had a substantial adverse effect upon the health, safety, convenience or property interests of the immediate neighborhood.

e. The manufactured home community does not conform or has not conformed in all respects to the building and zoning code, the Wisconsin administrative code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such building, structure or premises.

f. The manufactured home community has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

g. The license was procured by fraudulent conduct or false statement of a material fact.

246-13. Procedure for Non-Renewal or Revocation of Licenses.

1. DUE PROCESS AND COMMON COUNCIL REVIEW. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall apply.

2. EVIDENCE AND COMMITTEE RECOMMENDATION. In addition to the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including the reasons listed in ss. 246-11-5 and 246-17.

3. EFFECTIVE DATE OF NON-RENEWAL. Non-renewal shall take effect 60 days following the final action of the common council.

4. EFFECTIVE DATE OF REVOCATION. Revocation of a license shall take effect 60 days following the final action of the common council.

5. REQUEST TO SURRENDER A LICENSE. In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee shall request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the non-renewal or revocation hearing.

6. DISQUALIFICATION FOR LICENSE. a. Whenever a license is not renewed or revoked it shall be entered into record by the city clerk and no other license shall be granted to such person within 12 months of the date of its nonrenewal or revocation, nor shall any part of the money paid for any license be refunded.

b. If the license was not renewed or revoked for a reason relating to the fitness of the location, no other license for a manufactured home community at that location shall be granted within 12 months from the date of the nonrenewal or revocation of the license.

246-15. Manufactured Home Requirements.

1. Unless otherwise provided in this chapter, no person shall park, place, keep or abandon any manufactured home on any street, alley, highway, other public place or on any premises or tract of land within the city.

2. No owner, tenant or lessee of any premises in the city shall do the following:

a. Keep, place or maintain thereon or to permit the keeping, placing or maintenance of any manufactured home, vehicle originally designed as a manufactured home or other vehicle, which is used or which is to be used for an office or for the display or sale of merchandise.

b. Use or permit the use of any manufactured home, vehicle originally designed as a manufactured home or other vehicle on any premises for business, religious, educational, restaurant, commissary, shop, storage, office purposes or any other commercial purpose.

3. Installation or occupation of manufactured homes shall be permitted in manufactured home communities and upon other premises only after first securing a license, all permits required in this chapter and upon paying the fees prescribed. No license shall be issued until all requirements of this chapter and all other ordinances, laws and applicable regulations have been complied with.

4. Alteration, expansion or intensification of continuous non-conforming manufactured homes are governed by s. 295-415. Existing units may be replaced by the installation of new manufactured homes or the relocation of existing units to vacant sites provided that the installation conforms to the parameters of the premise's current manufactured home community license and all requirements of this chapter and all other ordinances, laws and applicable regulations have been complied with.

5. The installation of new manufactured homes and the relocation of existing units in manufactured home communities, after April 17, 2010, shall require a manufactured home occupancy permit be obtained prior to the unit being occupied. Installation of new units, including the placement of units on foundations or other support systems and the connection of plumbing and electrical systems, shall be performed by a licensed manufactured home installer as required by s. SPS 305.327(1), Wis. Adm. Code and s. 101.96, Wis. Stats.

6. Separate applications for building, plumbing, electrical and similar permits required by this code and any applicable codes shall be filed in accordance with s. 200-26.

7. No person shall open to public patronage or rent units of land to any person or permit any person to occupy units of land or any part of the premises for the parking, placing or keeping of any manufactured home in or upon the premises before all of the requirements of this chapter have been complied with and a current license for the use of the premises has been issued.

8. The regulations of this chapter shall not apply to manufactured homes used for purposes other than dwelling or sleeping purposes by:

a. The city of Milwaukee, county of Milwaukee, state of Wisconsin, and the United States of America, and all political subdivisions.

b. Public utilities and contractors in connection with excavation, construction, alteration, or demolition work.

9. A maximum of 3 mobile recreational vehicles, as defined in s. 246-5-5, shall be allowed in a manufactured home community at one time as a temporary dwelling. Each mobile recreational vehicle shall be located on an approved site and shall be in compliance with all requirements of this chapter and all other ordinances, laws and applicable regulations. The duration of stay of a mobile recreational vehicle in a manufactured home community shall not exceed 4 continuous months in a 12-month period.

246-17. Responsibilities of Licensee. Every person licensed to operate and manage a manufactured home community shall be responsible for:

1. Maintaining all records pertaining to the management, operation and supervision of the manufactured home community.

2. The maintenance of an illuminated sign measuring no less than 8 square feet containing the statement that the premise is a licensed facility and contact information for the operator and licensee in case of emergency.

3. The maintenance of an orderly and clean manufactured home community and the maintenance of all streets, roadways or thoroughfares necessary as fire lanes of a manufactured home community free and clear of all refuse, rubbish, snow, ice or other materials or objects.

4. The placing of not more than one unit on one site.

5. The numbering of all units, which numbers shall correspond to the number shown in the registry signed by each new arrival, permitting such person to occupy a given site.

6. The proper illumination on the licensed premises of all streets, roadways, private driveways, entrances and exits to and from premises, and all buildings used by transient persons, from 1/2 hour after sunset to 1/2 hour before sunrise on the succeeding day.

7. The confinement of all dogs and other domestic animals as directed by the commissioner of health, his or her designated representative, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding.

8. The prompt reporting to the police department of any violation of an ordinance or other law committed on the premises.

9. The prohibition of the installation of additional flues in any unit to be used in connection with cooking or heating equipment, unless such installation is first approved by the commissioner of city development.

10. The observing of fire prevention rules and laws; the keeping of all buildings, fences, illumination, streets, roadways, water, sewer and electric street lighting systems in good serviceable condition, clean, sanitary and in good repair; and the keeping of the entire premises clean and sanitary so as to minimize obnoxious odors, flies, mosquitoes, vermin or other insects.

11. Every licensee or operator shall be available at reasonable hours of the day to staff of the department of neighborhood services, health department, fire department and police department. The manufactured home community operator or a designee shall be available in the community, in close proximity to the community or via electronic means during reasonable hours.

246-19. Responsibilities of Owners and Occupants. All manufactured home owners and occupants of manufactured homes in a manufactured home community shall comply with ch. SPS 326.19, Wis. Adm. Code, as amended, including, but not limited to, registration and maintenance of their site and unit. In addition, owners and occupants of manufactured homes in a manufactured home community shall obey all orders from the city and comply with all federal, city and state health and safety laws and regulations.

246-21. Enforcement. 1. RIGHT OF ENTRY. For the purpose of securing enforcement of this chapter, the commissioner of neighborhood services and commissioner of health and their respective duly authorized representatives shall have the right and are empowered to enter upon any premises licensed as a manufactured home community, any premises for which application for a manufactured home community license has been made, or any premises whereon units have been placed, located or are about to be placed and located, or maintained, to inspect the same, and all facilities and accommodations connected for compliance with this chapter.

2. INSPECTION. a. The commissioner shall inspect every licensed manufactured home community at such intervals as he or she deems necessary to ascertain if it is clean and sanitary and is in compliance with this chapter as well as the provisions of other applicable sections of the code relating to health, sanitation, building maintenance and zoning.

b. If upon inspection the condition of the premises or any manufactured home or building is found to be in violation of any applicable provisions of any section of the code, the commissioner shall notify the licensee and may notify the occupant in writing to correct the existing violation or violations within a reasonable period of time. If the licensee or occupant fails to do so the commissioner shall proceed to enforce the department's order or orders in the same manner prescribed in the code.

3. COMPLIANCE. a. If the licensee fails to comply with any lawful order issued by the commissioner after a written notice is served, the commissioner may make written complaint to the licensing committee of the common council, which shall hold a public hearing after the licensee shall

have had 10 days' written notice. If cause is shown, the licensing committee may recommend revocation and the council may revoke the license. After revocation, the license shall not be issued until the licensee has met all the requirements for the issuance of a new license pursuant to s. 246-13-6.

b. If the commissioner shall find it necessary for the proper protection of the health of the community, he or she may order the use and occupancy of any unit or manufactured home community modified or vacated until its condition is made satisfactory and in conformity with all applicable regulations.

c. Nothing in this chapter shall limit or be construed to limit the powers of the commissioner to summarily abate any nuisance or to enforce any applicable provisions contained in the code.

d. If the chief of police determines that the mobile home park or any residence therein is the source of nuisance abatement letters or determinations of guilt of violations of any law or section of the municipal code, the chief of police is authorized to seek denial, revocation, or nonrenewal of any license issued under this section.

4. RECORDS. The commissioner shall keep detailed records of all inspections made.

246-23. Discrimination. No licensee shall deny to another or charge another a higher price than the regular rate for the full and equal enjoyment of any manufactured home community due to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identify or expression, past or present membership in the military service, familial status, or an individual's affiliation with, or perceived affiliation with, any of these categories.

246-25. Penalty. 1. Any person who violates s. 246-15-3 shall, upon conviction, be subject to a forfeiture of $2,500 to $5,000, together with the costs of prosecution, and in default of payment thereof to imprisonment in the house of correction or county jail of Milwaukee County for a period of not more than 90 days.

2. Any licensee or property owner who fails to comply with the provisions of s. 66.0435(3)(c) and (e), Wis. Stats., shall forfeit no more than $25 for each offense. Each failure to report shall constitute a separate offense.

3. Any condition existing or permitted to exist in violation of any of the provisions of this chapter shall be deemed a public nuisance and may be summarily abated as such by proper officers of the city.

4. Any person violating any of the provisions of this chapter, except s. 246-15-3, shall upon conviction thereof be subject to penalties as provided in s. 200-19.

246-27. Severability. The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional, or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the unconstitutional provision or application. It is declared the intent of the common council that this chapter would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.

LEGISLATIVE HISTORY
CHAPTER 246

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 46	rn to 246	851396	12/20/85	1/1/86
46-2-5	am	85305	12/20/85	1/1/86
46-2-6	am	85305	12/20/85	1/1/86
246	rc	091396	4/13/2010	4/17/2010
246-01	am	001458	2/27/2001	3/16/2001
246-1	am	851396	12/20/85	1/1/86
246-2-5	am	980963	12/18/98	1/1/99
246-2-6	am	980963	12/18/98	1/1/99
246-2-8	am	980963	12/18/98	1/1/99
246-3-1	am	971031	5/13/97	5/31/97
246-3-1	am	970623	7/25/97	8/15/97
246-3-1	am	111233	1/18/2012	2/4/2012
246-3-2	am	111233	1/18/2012	2/4/2012
246-3-3	am	851396	12/20/85	1/1/86
246-3-5-c	am	980963	12/18/98	1/1/99
246-3-6	am	970623	7/25/97	8/13/97
246-3-7	am	851396	12/20/85	1/1/86
246-4-1	am	871340	10/27/87	1/1/88
246-4-1	am	980963	12/18/98	1/1/99
246-4-3	am	980963	12/18/98	1/1/99
246-5	am	980963	12/18/98	1/1/99
246-6-1	am	980963	12/18/98	1/1/99
246-6-2	am	871340	10/27/87	1/1/88
246-6-3	am	871340	10/27/87	1/1/88
246-6-4	am	980963	12/18/98	1/1/99
246-6-5	am	871340	10/27/85	1/1/88
246-7-1	am	980963	12/18/98	1/1/99
246-7-8	am	980963	12/18/98	1/1/99
246-7-11	am	980963	12/18/98	1/1/99
246-7-14	am	980963	12/18/98	1/1/99
246-8-1	am	980963	12/18/98	1/1/99
246-8-2-0	am	980963	12/18/98	1/1/99
246-8-2-c	am	980963	12/18/98	1/1/99
246-8-3	am	980963	12/18/98	1/1/99
246-8-4	am	921114	11/20/92	12/11/92
246-8-4	am	980963	12/18/98	1/1/99
246-8-5	am	980963	12/18/98	1/1/99
246-10	am	851396	12/20/85	1/1/86
246-15-5	am	111233	1/18/2012	2/4/2012
246-19	am	111233	1/18/2012	2/4/2012

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CHAPTER 251
FIRE PROTECTION SYSTEMS

TABLE

251-1	Adoption of State Code
251-3	Definitions
251-5	General Regulations
251-7	Permits, Plan Examination, Tests and Inspections
251-9	Fire Department and First Aid Standpipe Systems
251-11	Automatic Fire Sprinkler Systems

251-1. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts s. SPS 361.05, Wis. Adm. Code, as amended, and ss. 145.01(1), (2), and (4), 145.15(4), 145.165, and 145.175, Wis. Stats., as amended, as part of this code.

251-3. Definitions. In this chapter:

1. "NFPA" means the National Fire Protection Association.

2. "Sprinkler system" means an automatic fire sprinkler system.

Note: See also the definitions section of NFPA 13.

251-5. General Regulations. 1. CONTROL AND SUPERVISION. The commissioner shall have jurisdiction over the methods of installation and materials used in any part of a sprinkler or standpipe system on the system side of the main control valve of the fire protection system. All water service piping between the main control valve and the water supply main in the street shall be installed as specified in the Milwaukee water works code.

2. REQUIREMENTS. a. New Construction. Sections 251-5, 251-7 and 251-9 apply to all buildings and structures, and all additions to buildings and structures, upon which construction was commenced after November 12, 1973.

b. Existing Buildings. The requirements of this section and s. 251-7 with respect to inspections, tests and specifications apply to all fire protection systems in all existing buildings which have exterior fire department connections. When circumstances justify, the commissioner may require tests of these systems which are in addition to tests required by this chapter.

251-7. Permits, Plan Examination, Tests and Inspections. 1. PERMITS REQUIRED. No person shall install, alter, repair or remove any sprinkler system or other fire protection system without first having procured a permit from the department of city development and having paid the fees prescribed in s. 200-33.

2. PLAN EXAMINATION. a. Items Required. Except as provided in par. e, prior to issuance of a permit to install or alter a sprinkler system or other fire protection system, 4 sets of installation drawings and one set of hydraulic calculations shall be submitted to the department of city development for review along with the required plan examination fee prescribed in s. 200-33. Automatic fire sprinkler plans shall contain the information required by the applicable NFPA standard.

b. Plan Preparation. Plans for sprinkler systems shall be prepared by an architect, professional engineer or licensed fire protection designer. The plans shall be stamped or sealed, signed, and dated in accordance with the requirements of the Wisconsin departments of regulation and licensing, and commerce.

c. Preliminary Plans. Preliminary plans submitted for approval shall be subject to the provision set forth in s. 200-26-3.

d. Plans on Job Site. Automatic fire sprinkler plans shall be kept on the job site as required by the state of Wisconsin building code.

e. Exemption. For alterations to existing sprinkler systems involving the addition of fewer than 21 heads, plan examination is not required.

3. TESTS. a. General Requirements. The owner or agent shall conduct all tests as required herein in the presence of a representative of the commissioner and pay the testing fees prescribed in s. 200-33. Notice of a test shall be provided to the department at least 24 hours prior to the test.

b. Types of Tests. b-1. New Piping. All new sprinkler system piping, Class I and Class III standpipe system piping, and fire department pumper connection piping to any other fire protection system, excluding underground water service piping from the water main to the first control valve of the system, shall be tested hydrostatically in accordance with current NFPA standards.

b-2. Vacant Buildings. When a building which has been vacant for one year or longer is reoccupied, a hydrostatic test shall be conducted on the sprinkler system or standpipe system in such building. The test shall include all piping except underground piping from the water main to the first control valve of the system.

b-3. Systems Exposed to Severe Weather. When the interior of a building has been exposed to a temperature of 32 degrees fahrenheit or lower, a hydrostatic test which is in accordance with current NFPA standards shall be conducted on the sprinkler or standpipe system in such building.

b-4. Class II Standpipe Systems. A hydrostatic test in accordance with current NFPA standards shall be conducted on a Class II standpipe system when such system is part of a sprinkler system or has a fire department connection.

b-5. Exposed Dry Systems. All exposed dry standpipe systems shall be tested once every 3 years at 200 pounds per square inch pressure for a period of one hour.

b-6. Concealed Dry Systems. All concealed dry standpipe systems shall be hydrostatically tested once each year.

b-7. Additions and Alterations. Additions and alterations to existing sprinkler systems shall be hydrostatically tested when any or all of the following apply:

b-7-a. More than 15 sprinkler heads are being added.

b-7-b. More than 15 existing sprinkler heads are being relocated.

b-7-c. More than 15 new sprinkler heads are being installed below dropped ceilings.

b-7-d. New fire protection water supply piping is being installed.

b-7-e. Existing fire protection water supply piping is being relocated or added to.

b-8. Newly Installed Systems. All newly installed dry sprinkler systems and deluge systems or valves shall be trip-tested as prescribed in applicable NFPA standards. All newly installed fire protection systems shall be tested to determine that they are properly installed and meet applicable performance standards.

c. Standards. Hydrostatic tests shall be conducted in accordance with the applicable NFPA standard, as adopted by reference in s. 251-1.

d. Final Approval. Final approval of the installation of any sprinkler system or standpipe system shall be contingent on the installer furnishing the department of city development with a contractor's material and test certificate in accordance with the currently-adopted edition of NFPA 13.

4. INSPECTIONS. It shall be the responsibility of the owner or agent of the owner of any fire protection system listed in s. 200-33-52-c to have such system inspected. The inspection shall be performed by a representative of the commissioner periodically and in accordance with current NFPA standards. Fees for these inspections shall be paid to the city by the owner in accordance with s. 200-33. Any reinspection required because of noncompliance with orders issued shall be subject to the reinspection fee prescribed in s. 200-33.

251-9. Fire Department and First Aid Standpipe Systems. 1. CONTROL VALVES. Standpipe control valves shall be located no higher than the first story and shall be properly identified.

2. CONNECTION TO DOMESTIC WATER SUPPLY. Where a fire protection standpipe connection to a domestic water supply is permitted, it shall be made after the water meter and ahead of the first domestic branch, unless otherwise approved by the commissioner of city development. The connection shall be equipped with an approved indicating valve, a backflow protection device, a pressure gauge and a drain valve.

251-11. Automatic Fire Sprinkler Systems.

1. WATER SUPPLY. a. General Requirements. Water supply connections, piping, and tanks shall be installed according to Milwaukee water works regulations. Recessed indicating valves shall be prohibited. Sprinkler systems containing a total of 20 or fewer sprinkler heads may be connected to domestic water piping if adequate pressure and flow are available.

b. Connection to Domestic Water Supply. Where a sprinkler system connection to a domestic water supply is permitted, such connection shall be made after the water meter and ahead of the first domestic branch, unless otherwise approved by the commissioner of city development. The connection shall be

equipped with an approved indicating valve, a backflow protection device, a pressure gauge and a drain valve.

2. SPRINKLER ALARMS. a. Installation. The sprinkler contractor shall be responsible for the installation of an alarm bell and identification sign.

b. Location. The alarm bell, identification sign and fire department connection may be located only on an exterior building wall which fronts on a street. These items shall be located in close proximity to one another, so that the alarm will indicate the location of the fire department connection to the fire department.

Note: See s. 236-11-4-d-2 for the fire protection requirements for spray booths.

Note: See NFPA 25 for sprinkler head replacement requirements.

3. TESTING OF AUTOMATIC FIRE SPRINKLER SYSTEMS. Automatic fire sprinkler systems shall be inspected and tested annually in accordance with NFPA 25 and NFPA 72. This does not preclude non-licensed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.

LEGISLATIVE HISTORY
CHAPTER 251

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 251	cr	85-1396	12/20/85	1/1/86
251	rc	940929	10/18/94	11/4/94
251-01	am	86-675	7/29/86	8/16/86
251-01	am	891008	10/10/89	10/28/89
251-1	am	971589	2/10/98	2/27/98
251-1	am	020467	8/1/2002	8/20/2002
251-1	am	050735	10/18/2005	11/4/2005
251-1	am	111233	1/18/2012	2/4/2012
251-02-1	am	85-1396-a	5/6/86	5/23/86
251-7-1	am	980963	12/18/98	1/1/99
251-7-2-a	am	980963	12/18/98	1/1/99
251-7-2-b	am	961523	2/11/97	2/28/97
251-7-3-b-5	am	941797	6/6/95	6/23/95
251-7-3-d	am	980963	12/18/98	1/1/99
251-9-2	am	980963	12/18/98	1/1/99
251-11-1-b	am	980963	12/18/98	1/1/99
251-11-3	cr	071256	2/5/2008	3/1/2008
251-23-2-a	am	85-1396-a	5/6/86	5/23/86

CHAPTER 252
GENERAL REQUIREMENTS

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252-1. Population Placards for Certain Class "B" Licensed Establishments. 1. REQUIRED. It shall be the duty of a holder of the certificate of occupancy or license, if any, of any building or structure or part thereof now used or hereafter to be used in conjunction with a Class "B" tavern or Class "B" fermented malt beverage license to securely post and maintain in a conspicuous place near the main exit or exit access doorway from the room or space, placards indicating the approved maximum number of persons permitted in such occupancies as regulated in this code. All placards posted under this subsection shall be issued by the department of city development.

2. BASIS FOR ESTABLISHING POPULATION. a. The allowable maximum of persons on any floor or part thereof of any building or structure regulated under this section shall be based on the building code requirements in effect at the time the establishment first occupied the building or alterations last occurred in the establishment that included the reconfiguration of space and addition or elimination of any door or window. In the event the establishment first occupied the building prior to July 1, 2002, oralterations that included the reconfiguration of space and addition or elimination of any door or window last occurred in the establishment prior to July 1, 2002, the restroom fixture count shall comply with the following minimum requirements: one water closet per each 40 males or fraction thereof, one water closet for each 40 females or fraction thereof, and one lavatory for every 75 persons or fraction thereof with a minimum of one lavatory in each restroom. Where more than one water closet is required for males, urinals may be substituted for up to 50 percent of the required water closets.

b. The capacity of any building or structure under this section that provides a sidewalk area dining facility as defined under s. 115-32.6-2 shall not include the number of persons occupying the sidewalk area dining facility as part of the total capacity.

3. UNLAWFUL TO OVERPOPULATE BUILDINGS. It shall be unlawful to permit in any building or structure or part thereof, regulated in sub. 1, a greater number of persons than that indicated on placards as posted pursuant to this section and established by the commissioner, and it shall further be unlawful to alter, deface, obstruct from view or remove any such placards.

252-51. Recycling Space in New, Enlarged or Remodeled Public Buildings. 1. DEFINITIONS. In this section:

a. "Enlarge" means to increase the gross floor area of a building by not less than 50%.

b. "Public building" means a building that is used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public or by 5 or more tenants.

c. "Remodel" means to renovate not less than 50% of the square footage of a building whose existing gross floor area is not less than 10,000 square feet. The term does not include reroofing, alterations to an electrical or mechanical system or cosmetic redecorating such as painting or the installation of wall covering, floor covering or suspended ceilings.

2. RECYCLING SPACE REQUIRED. A person who enlarges, remodels or constructs a public building shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the public building. In enlarged or remodeled public buildings, this requirement applies only to the enlarged or remodeled portion of the public building.

252-70. Basements. 1. GENERAL REQUIREMENT. Any building or structure or part thereof hereafter erected, or any existing building or structure or part thereof shall have underneath such floors either a basement or open space for the entire area of the building or structure, or in lieu thereof, a floor of damp-proof construction.

2. HEIGHT OF BASEMENT. Basement ceiling heights, measured from the top of the basement floor to the bottom of the floor joists, shall be not less than 7 feet; except that for buildings regulated in ch. 257, such height shall be 6 feet 10 inches.

3. OPEN SPACES. All buildings or structures hereafter erected without a basement, or not provided with a damp-proof floor, shall be provided with a ventilated open space conforming to the following:

a. The ground level shall be at least 2 feet below any part of the wood or metal floor construction.

b. In such space all debris, sod, tree stumps and other inorganic material shall be removed and a smooth surface free of pockets shall be provided.

c. Where the ground level in such space is below the outside established grade, approved means to assure drainage at all times shall be provided.

d. When one side of such space, exclusive of structural supports, is open to a ventilated basement, foundation wall vents shall not be required, provided the total area of ventilating openings in the exterior walls of the basement is at least 2% of the combined area of the basement and open space.

e. Where such space is not open to ventilated basement, as regulated in par. d, either:

e-1. At least 4 foundation wall vents shall be provided and located near the corners of such space, having an aggregate free ventilating area equal to 2 square feet per 100 lineal feet of wall enclosing such space plus 1/300 of the ground area of such space; or

e-2. Ground surface treatment in the form of a layer of a minimum of 5 mil. polyurethane or equivalent lapped a minimum of one foot and covered with at least 2 inches of stone plus at least 2 foundation wall vents located for effective cross-ventilation.

f. In each vent opening regulated in par. e, corrosion-resistant screening having a mesh of not less than 8 per inch shall be installed.

4. DAMP-PROOF FLOORS. In all buildings and structures hereafter erected where the lowest or first floor rests directly on the ground, a damp-proof floor shall be provided. In this subsection "damp-proof floor" means a floor construction so erected with a vapor barrier of at least 5 mil. polyurethane or equivalent and lapped at least one foot over which a minimum thickness of 3 inches of concrete shall be spread. Care shall be taken that the vapor barrier used is not pierced during concrete pouring.

5. BASEMENT WALLS. Masonry foundation walls of basements shall be made waterproof by application of a continuous coat of cement mortar at least 1/2 inch in thickness, from the footings to the adjoining finished established grade or lot grade. A heavy coat of undiluted hot tar, hot asphalt or other approved waterproof material shall be applied to foundation walls. Any other method of waterproofing which will assure a damp-proof basement will be accepted if approved by the commissioner.

6. DRAIN TILE. All foundation walls of basements of structures regulated in chs. 240 and 257 shall have drain tiles on each side of such walls. Bleeder tiles shall be placed in foundation footings spaced no farther than 8 feet on center. Drain tile will not be required if engineering data is supplied showing that drain tile is not required. Drain tile placed under the basement floors and around the exterior foundation wall and footings of a building or structure shall be of the approved type, not less than 3 inches in diameter, and shall be covered with crushed rock or washed stone.

7. BASEMENT FLOORS. Basement floors shall be constructed of concrete and shall be designed to withstand the anticipated live load; however, in no case shall the floor be less than 3 inches in depth. The floor shall be pitched to provide positive drainage to the floor drain.

8. FOUNDATION REPAIRS AND DAMP-PROOFING. All foundation repairs and damp-proofing shall be done as provided in s.240-23.

252-71. Drainage. 1. ROOF GUTTERS AND CONDUCTORS. Except for private detached accessory buildings not more than 1,000 square feet in area, all roofs of buildings and structures shall be provided with approved watertight gutters and conductors for conducting water from roofs as regulated in ch. SPS 382, Wis. Adm. Code. Such gutters and conductors shall be fastened in place in an approved manner and maintained in good repair at all times, and all conductors shall be provided with approved screens. The cross-section of all conductors shall be as regulated in ch. SPS 382, Wis. Adm. Code.

2. DRAINAGE OF PAVED AREAS.

a. Newly Paved or Repaved Areas Where Storm Sewers Are Available. All storm water which is generated from a newly paved or repaved area of more than 1,000 square feet, such as a parking lot, terrace or patio area, loading areas or other hard surface, shall be disposed of within the lot lines through a sewer, permeable paving, natural absorption or combination thereof without discharging to adjacent private or public property not specifically designed for this purpose. No such paved or hard surface shall be paved and contoured in such a way as to interrupt a natural drainage system serving adjacent properties. No such paved area shall be paved or contoured in such a way as to impose a greater drainage burden on adjacent property.

b. Newly Paved or Repaved Areas Where Storm Sewers Are Not Available. Where no public storm sewer is available or where the commissioner determines that natural absorption, permeable paving, or combination thereof may accommodate all on-site water within the property, the commissioner may allow a drainage system which is not connected to a storm sewer. The commissioner may request soil borings, absorption tests, engineering calculations prepared and sealed by a registered civil engineer or other information to verify that the water can be disposed of within the property. No water shall be drained across or onto a public street or private property under different ownership than the property generating or containing the surface water.

c. Permeable Paving. The commissioner may allow the use of permeable paving as regulated in s. 252-74. For newly paved areas or parking lots, the storm sewer requirement under s. 225-4 may be waived by the commissioner if adequate drainage is provided.

d. Alley and Street Drainage. Driveway aprons between the public sidewalk and the public street or between the parking area and the public alley shall be allowed to drain to the public street or the public alley where conditions would cause an unnecessary hardship to the property owner as determined by the commissioner. The maximum area which may be drained to the alley shall not exceed a total area of 10 feet times the length of the property along the public alley.

e. Existing Parking Lots. In the following cases, par. a shall apply:

e-1. When an existing parking lot or area which does not have an asphalt or concrete pavement is paved.

e-2. When an existing parking lot or area is enlarged, the portion to be enlarged shall comply.

e-3. When an existing parking lot or area is graded or drained in a manner which will damage or create a nuisance onto adjoining premises or street walk.

f. Natural Drainage. Natural or constructed drainage swales and ditches which serve adjacent properties shall be maintained by each property owner through which the natural drainage accrues. Existing natural drainage shall be maintained by ditches, swales, culverts or a catch basin and storm sewer system designed to meet the existing water conditions. Where existing ponding or marsh areas accrue on a continuing seasonal basis, a property owner shall not fill the property in such a manner that the pond or marsh area is shifted off the property onto an adjacent property not under the same ownership. Where it is necessary to fill or grade a property such that a pond or marsh area will be filled, a storm sewer shall be provided to eliminate the water which would be imposed on the adjacent properties.

g. Areas of 1,000 Square Feet Or Less. All paved areas of 1,000 square feet or less may discharge to an alley or street with proper drainage.

h. Washing of Motor Vehicles. All premises, now or hereafter used for the washing of motor vehicles, where because of such use water drains over a street walk or onto an adjoining premises, approved drains

connected to a city sewer shall be provided and constructed as regulated in s. SPS 382.34, Wis. Adm. Code.

252-72. Parking Lots. 1. DEFINITION. In this section "motor vehicle parking lot" means any lot, plot of land or premises upon which motor vehicles are parked, but excluding accessory parking of not more than 4 motor vehicles as regulated in ch. 295.

2. COMPLIANCE. All licensed motor vehicle parking lots shall comply with the regulations of s. 84-20 relating to licensing, maintenance and operation of parking places in addition to the regulations of this section.

3. INGRESS AND EGRESS. There shall be provided to all motor vehicle parking lots a means of ingress and egress at street walk or public thoroughfare level as determined by the commissioner of public works. Such ingress and egress and adjoining public thoroughfare shall remain unobstructed at all times. For the cutting of street curbs to provide ingress and egress to all parking lots, and for the construction or reconstruction of driveways in connection therewith, permits shall be obtained as regulated in s. 245-4-24.

252-72.5. Parking Garage Ingress and Egress.

1. Motor vehicle ingress and egress to any building and structure occupied as a storage garage or open parking structure for the parking of more than 50 motor vehicles shall be as far as practicable from street intersections but not less than 75 feet in any case.

2. In all structures or buildings, when parking or storing is done by attendants or employes, an approved waiting space shall be provided within the building at the ingress thereto.

252-73. Wheel Guards and Barriers. 1. SCOPE AND PURPOSE. At all new and existing motor vehicle service lots (filling stations; private, public or customer parking lots; drive-ins; and motor vehicle sales lots) there shall be provided wheel guards or barriers for the purpose of preventing removal of motor vehicles from such places except at the established exits and entrances, and to prevent any portion of a motor vehicle from encroaching onto adjoining premises or over established street or alley lot lines.

2. SIZE AND CONSTRUCTION.

a. Wheel guards shall be at least 6 inches high and barriers shall be at least 2 feet high.

b. Wheel guards and barriers shall be of such construction, design and weight so as to accomplish the purpose for which they are intended.

c. Wheel guards shall be secured in a manner to prevent them from being displaced.

3. LOCATION. a. Wheel guards shall be so located as to prevent any part of a vehicle from projecting beyond a lot line, but in no case less than 2 feet from any lot line.

b. Barriers may be located along any lot line unless otherwise regulated by the code.

c. Unless otherwise regulated by this code, wheel guards or barriers may be omitted along the edges of driveways and access lanes that are adjacent to lot lines, and where the parking areas are clearly marked on the pavement and the drives and access lanes are not normally used for parking of vehicles.

252-74. Paving of Parking Lots, Areas and Spaces. All new and existing public or private parking lots, spaces or areas, or off-street loading and unloading berths and all access roads, drives or lanes leading from the street or alley lot line to these lots, berths, spaces or areas, whether it be the principal use or accessory to a principal use, shall conform to the regulations in this section.

1. PAVEMENT. a. All parking lots, parking spaces, parking areas, off-street loading or unloading berths or areas, and all access roads, drives or lanes leading thereto shall have a surface of concrete, asphalt or permeable pavement. Crushed stone, sand, gravel, cinders or other materials except as listed in par. b, shall not be used for the surfacing materials.

a-1. Prohibited Uses. Permeable paving shall not be used for paved surfaces at filling stations, service stations, where motor vehicles are regularly serviced or other locations where hazardous liquids could be absorbed into the soil through the permeable pavement.

b. Permeable paving or paving blocks may be used for single family and 2-family parking areas. Paving blocks shall be a minimum of 3 inches thick and installed on a minimum of 4 inches of properly compacted

sand or crushed stone. The parking areas shall conform to the standards of s. 295-403-3. The finished parking area shall be constructed to be of a proper grade and pitch to allow for drainage to the alley or street, to prevent water from pooling on or around the parking surface and to prevent runoff from flowing onto adjacent properties.

2. COMPLIANCE. a. Except for one and 2-family dwellings, all new parking lots, parking spaces, parking areas, off-street loading and unloading berths and areas, and all access roads, drives or lanes shall comply with this section within 6 months after partial or complete occupancy of the premises.

b. All one and 2-family dwellings constructed after July 17, 1973, shall have driveways and parking spaces paved with concrete, asphalt, permeable paving or paving blocks within one year of occupancy.

c. In the case of one and 2-family dwellings constructed prior to July 17, 1973, parking spaces constructed prior to July 17, 1973, may be covered with the following paving material notwithstanding any other provision of this code: concrete, asphalt macadam, crushed stone, paving blocks, traffic bond, or other paving material approved by the commissioner. Areas on properties constructed prior to July 17, 1973, that are covered with crushed stone, paving blocks less than 3 inches thick, traffic bond, or other paving material not listed in sub. 1, shall not be converted to parking spaces by the installation of drives or lanes to gain access to such areas.

d. All newly created driveways and parking spaces on one and 2-family residential properties are required to have a minimum width of 8 feet. A driveway may be placed directly adjacent to an interior side property line provided all setbacks and parking restrictions are in compliance with ch. 295.

e. For newly created driveways on a one or 2-family residential property, any access drive shall be located on the lot on which the dwelling is located, and shall not be shared with an adjoining lot, except where a shared access drive is permitted under s. 295-505-4-c-4.

3. MAINTENANCE. The surface of all lots, spaces and areas regulated in this section shall be maintained free of holes and ruts, which may accumulate standing water. Stones or other such paving material shall not be permitted to spread from the premises to any street, alley or sidewalk. All existing graveled parking areas, lanes and drives shall be maintained free of weeds and grass. Should any parking spaces constructed prior to July 17, 1973, pursuant to sub. 2-c, fail to be maintained in a reasonably good state of maintenance and repair, they may then be required to adhere to current concrete, asphalt or permeable paving requirements pursuant to sub.1.

4. EXCEPTIONS. This section does not apply to any premises that fronts on a street or alley, the roadway of which is paved with gravel, crushed stone or cinders.

5. PLANS, PLAN EXAMINATIONS, FEES AND PERMITS. a. Parking Lots for New Buildings and Additions. Plans for a parking lot to be installed in conjunction with new construction, or an addition to an existing building, shall be submitted to the commissioner of city development for examination simultaneously with the construction plans. The information required on these plans shall be set forth in par. c. No additional building plan or examination permit fee shall be required.

b. Existing Unpaved Parking Lots. Plans for the paving of existing unpaved parking lots shall be submitted to the commissioner of city development in triplicate, and a plan examination fee as set forth in s. 200-33 shall be paid. The plans shall contain information as outlined in par. c. Upon approval of the plans, the permit fee set forth in s. 200-33 shall be paid and a permit issued. No permit shall be issued for paving before drainage plans are approved.

c. Information Required on Plans. Plans for the paving of a parking lot shall indicate existing and paved areas, distance of paved areas to lot lines, finished grade elevations, swales, buildings, wheel guards and barriers, curbs, curb cuts, location of drains and catch basins, size and arrangement of parking spaces and width of aisles and driveways.

d. Drainage Systems. Plans for a parking lot requiring a drainage system pursuant to s. 252-71 shall be submitted in triplicate to the commissioner of city development. Upon approval of such plans and payment of the fees set forth in s. 200-33, a plumbing permit shall be issued for the drainage system.

e. Drains for Parking Lots. Trench drains shall be installed in compliance with ch. 225. Catch basins and storm inlets shall be installed in compliance with s. SPS 382.34, Wis. Adm. Code.

f. Curb Cuts. f-1. Whenever curb cuts are to be installed in conjunction with paving, the plans for said curb cuts shall be submitted to the commissioner of public works and a permit procured pursuant to s. 115-23 prior to the start of construction.

f-2. Curb cuts shall be required prior to the construction of any accessory or principal building or structure requiring ingress from street or lane, or prior to the construction of any driveway requiring access from any street or lane. Said curb cut shall be installed in compliance with s. 115-23 and shall be approved by the commissioner of city development after a determination that the accessory or principal building or structure or parking area shall not be in violation of ch. 295.

252-75. Planting and Maintenance of Vegetation. 1. VEGETATION REQUIRED. In addition to any applicable requirements of ch. 295, within one year of occupancy of any single-, 2- or multi-family dwelling, a land-disturbing addition to such dwelling or an accessory structure related to such dwelling, the premises upon which such dwelling is located shall be covered with seeded or sodded grass, trees, shrubs, gardens or other vegetation. Such vegetation shall not contain Canada thistle, leafy spurge, field bindweed or any other weed which the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious. The vegetation shall thereafter be maintained and shall not be replaced with gravel, pavement or any other non-vegetation material. The area upon which vegetation shall be planted and maintained includes any unpaved portion of the public street between the property line and the curb or edge of the street pavement; however, no vegetation other than grass shall be planted and maintained on public street right-of-way unless approved by the commissioner of public works in accordance with ch. 116. The landscaped areas required by this subsection may be used for storm water treatment purposes.

2. EXCEPTIONS. The provisions of this section shall neither apply to lands that are used for farming activities nor preclude the installation of a driveway, parking space, sidewalk, swimming pool, patio, deck or other accessory use or structure which is otherwise in conformance with this code, provided that no parking space, swimming pool, deck exceeding one foot in height or other accessory use or structure shall be located in a front yard, as regulated by ss. 295-13 and 295-17. Furthermore, this section shall not preclude installation of non-living landscaping materials, including but not limited to landscaping timbers, wood chips, decorative bark or landscaping stones, provided that such materials are installed and maintained in conjunction with vegetation required under sub. 1.

252-76. Security Barriers In Commercial Districts. 1. DEFINITIONS. In this section:

a. "Facade" means any exterior wall that faces a public street or streets.

b. "Security barrier" means any device intended to limit or block access to individual doors or windows on a building facade, or to an entire building facade. This term shall include, but not be limited to, window bars, fixed metal grilles, and side-mounted or overhead-mounted retractable metal security gates or grilles, regardless of whether such devices are solid or semi-transparent. It shall not include strengthened vision glass, non-glass transparent materials, electronic alarms or security cameras.

2. APPLICABILITY. This section shall not apply to any security barrier placed on the exterior or interior of the facade of any dwelling unit.

3. EXTERIOR SECURITY BARRIERS. No security barrier shall be placed on the exterior of any portion of any facade of any enclosed building located in a residential and office, neighborhood shopping, local business, commercial service, regional shopping or downtown zoning district. Any security barrier in place on the exterior of the facade of an enclosed building in one of the specified zoning districts on July 1, 1998, may remain in place until a new certificate of occupancy is issued for the premises on which the barrier is located.

The security barrier shall be removed within 180 days of the date of issuance of the new certificate of occupancy.

4. INTERIOR SECURITY BARRIERS.

a. Standards. All security barriers placed on the interiors of facades of enclosed buildings located in a residential and office, neighborhood shopping, local business, commercial service, regional shopping or downtown zoning district shall conform with the following standards:

a-1. If the security barrier was manufactured to be retractable, it shall remain retracted for the duration of the building occupant's normal business hours or hours of operation.

a-2. The opacity to light of the security barrier shall not exceed 25% at any time.

a-3. The security barrier and any associated enclosures or casings shall be of a color that matches, or painted to match, the mullion pattern or window or door surrounds.

a-4. The security barrier shall comply with all applicable regulations of the Wisconsin statutes and the Wisconsin administrative code.

b. Business Improvement Districts. Nothing in this subsection shall be interpreted as precluding the board of a business improvement district created by the city from prohibiting non-retractable security barriers on the interiors of facades in the district.

5. BLOCKAGE OF DOORS OR WINDOWS. No person may replace a security barrier with any opaque materials, including but not limited to wood, masonry products and plastic-type materials, that completely and permanently block, fill in or otherwise cover up any door or window opening on any facade of a building located in a residential and office, neighborhood shopping, local business, commercial service, regional shopping or downtown zoning district. This subsection shall not apply to any boarding of structures required by s. 275-32-7 or ordered by the commissioner pursuant to this code.

252-77. Outdoor Play Space for Elementary Schools. 1. DEFINITION. In this section, "elementary school" means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 5, inclusive, and which is commonly known as an elementary school or grade school.

2. REQUIREMENTS. Except when an exemption is requested and approved by the department of city development under sub. 3, every premises upon which use of the premises as an elementary school begins on or after the effective date of this ordinance [September 25, 2012] shall comply with all of the following requirements for outdoor play space:

a. There shall be at least 75 square feet of outdoor play space for each child using the space at any given time.

b. The total outdoor play space of the school shall accommodate not less than 1/5 of the number of children enrolled in the school or a minimum of 750 square feet, whichever is greater.

c. The outdoor place space shall be on the premises of the school.

d. An energy-absorbing surface, such as loose sand, pea gravel or pine or bark mulch, in a depth of at least 9 inches, is required under climbing equipment, swings and slides and in a fall zone of 4 feet beyond and whenever play equipment is 4 feet or more in height. Shredded rubber and poured surfacing shall be installed to the manufacturer's specifications based on the height of the equipment.

e. Concrete and asphalt under climbing equipment, swings and slides shall be prohibited.

f. The outdoor play space shall be well-drained and shall be free of hazards such as uncovered wells, cisterns and unused appliances. Structures such as playground equipment, railings, decks and porches accessible to children that have been constructed with CCA-treated lumber shall be sealed with an exterior oil-based sealant or stain. Wood containing creosote, including railroad ties, shall not be accessible to children.

3. EXEMPTION FOR OFF-PREMISE OUTDOOR PLAY SPACE. a. Exemption Request. If a school has no outdoor play space available on the premises of the school, the school may request an exemption from the requirements of sub. 2. A request for an exemption shall be in writing and accompanied by a plan for outdoor play space which does all of the following:

a-1. Identifies and describes the location to be used, the travel distance from the school to that location and the means of transporting the children to that location.

a-2. Provides for adequate adult supervision of the children. The minimum number of adults supervising children in the outdoor play space shall be one per 30 children or fraction thereof.

a-3. Provides for daily vigorous outdoor exercise for the school's children.

a-4. Describes the arrangements to meet the toileting needs of the children.

a-5. Affirms the school's compliance with the requirements of par. b.

b. Requirements for Off-Premise Outdoor Play Space. The off-premise outdoor play space shall meet the following requirements:

b-1. The off-premise outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced in-ground swimming pools, heavily wooded areas and adjacent arterial streets, as defined in s. 295-201-637.

b-2. There shall be at least 75 square feet of outdoor play space for each child using the space at a given time.

b-3. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.

c. Department Review and Approval. A school's plan for use of an off-premise outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements of sub. 2, the department shall either approve the plan and grant the exemption or not approved the plan and deny the request for exemption. The department shall notify the school in writing of its decision and, if it does not grant an exemption, shall state its reasons for not granting the exemption.

d. Plan Changes. If any circumstance described in an approved plan for use of an off-premise outdoor play space changes, or if any condition for plan approval is not met or is no longer met, the department of city development may withdraw its approval of the plan and cancel the exemption. A school with an approved plan shall immediately report to the department any significant change in any circumstance described in the plan.

252-80. Tree Protection in Milwaukee River Greenway Site Plan Review Overlay Zone. 1. PURPOSE AND FINDINGS. The common council finds that the Milwaukee River greenway site plan review overlay zone, as shown on the city zoning map and established by common council file number 081568, supports a fragile riparian ecosystem that is rare in Milwaukee, providing up to 100% urban tree canopy, native floodplain grasses, a rich diversity of flora and fauna, and critical habitat. The purpose of this section is to promote the public health, safety and general welfare by regulating the planting, maintenance, restoration and removal of desirable trees within the Milwaukee River greenway site plan review overlay zone in order to promote the benefits derived therefrom, including management of storm water runoff, stabilization of shoreline and slopes adjacent to the river, protection of bluffs and floodplains from soil erosion, enhancement of air and water quality, creation and promotion of wildlife habitat, and preservation of aesthetics.

2. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of public works or the commissioner's designee.

b. "Critical root zone" means the portion of the root system of a tree that is the minimum necessary to maintain the continued health, vitality or stability of the tree, defined by a concentric circle around a tree with a radius that is equal to 1.5 feet for every inch in trunk diameter at breast height.

c. "Damage" means any action that in the sole opinion of the commissioner adversely impacts the health, vitality or stability of trees located within the primary environmental corridor. Damage may include direct injury to a tree, injury to or loss of roots within the critical root zone, changes to existing grade within the critical root zone, soil compaction within the critical root zone, chemical injury, removal of bark, injury to trunk, branch breakage or removal, crown reduction pruning, improper pruning, removal of more than 25% of a tree's live branches, alteration of the natural shape of a tree or any action contrary to generally accepted arboricultural or horticultural practices which cause tree infection, infestation or decay. Damage also includes the indiscriminate cutting of tree branches to stubs, buds or lateral branches that are less than 1/3 the diameter of the stem removed, or removal of more than 25% of the crown wood from a tree.

d. "Diameter at breast height" means the diameter of a tree measure at 4.5 feet above the ground.

e. "Diseased tree" means any tree with one or more significant structural defects or an infection, infestation or decay, or high probability thereof, as determined by a professional forester or professional arborist certified by the International Society of Arboriculture, which makes it subject to a high probability of failure or decline.

f. "Disturb" means any alteration to the branches, trunk or root system of a tree, including excavation within the critical root zone. The term does not include crown cleaning, which is the selective removal of one or more of the following items from a tree: dead, dying or diseased

branches, weak or broken branches and water sprouts. Nor does it include crown raising, which is the selective removal of the lower branches of a tree to provide additional vertical clearance underneath a tree

g. "Primary environmental corridor" means the primary environmental corridor within the Milwaukee River greenway site plan review overlay zone, as mapped by the southeastern Wisconsin regional planning commission.

h. "Removal" means the actual cutting down or removal of a tree, or the effective removal of a tree through damage, abuse, poisoning or other actions resulting in the death of a tree.

i. "Tree" means any self-supporting woody plant, greater than 15 feet in height, together with its root system, having one trunk of at least 6 inches in diameter at breast height or having a multi-stemmed trunk system with a definitely formed crown.

3. APPLICABILITY. The provisions of this section shall be applicable to all 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.

4. PROHIBITED ACTS. a. No person shall remove, damage, break, top, disturb or otherwise destroy any living and structurally sound tree located within the primary environmental corridor except as permitted under par. b or by a tree maintenance and conservation permit issued pursuant to sub. 5.

b. The following may be removed from the primary environmental corridor without a permit:

b-1. Dead or diseased trees, as determined by a professional forester or professional arborist certified by the International Society of Arboriculture.

b-2. Common or European Buckthorn (Rhamnus catharticus), Glossy or Smooth Buckthorn (Rhamnus frangula) or any species of Honeysuckle (Lonicera sp.).

b-3. Trees less than 6 inches in diameter at breast height.

c. To minimize the removal of trees, no pedestrian path shall be constructed within the primary environmental corridor unless the path meets all of the following conditions:

c-1. The pedestrian path does not exceed 6 feet in width.

c-2. The pedestrian path has a permeable surface.

c-3. The pedestrian path is located and constructed to effectively control erosion and to minimize removal and disruption of trees within the primary environmental corridor.

5. TREE MAINTENANCE AND CONSERVATION PERMIT. a. Application. Any person desiring a permit to remove or disturb a tree within the primary environmental corridor shall file with the commissioner an application in writing on a form furnished for this purpose. Every application shall:

a-1. State the name and address of the property owner.

a-2. Describe the location, species and diameter at breast height of each tree proposed to be removed or disturbed.

a-3. Describe any construction plans associated with the requested tree removal.

a-4. If the application proposes removal of a tree in excess of 6 inches in diameter at breast height, describe the proposed replacement tree or trees pursuant to par. c-1.

a-5. If the application involves construction of a pathway, describe the width, length, depth of excavation and surface material of the pathway.

a-6. If the proposed tree removal or disturbance is part of a construction or site development project, include a site plan containing the following additional information:

a-6-a. Primary contact for the project, including name, business affiliation, address, phone, email and fax.

a-6-b. Name of the project, if any.

a-6-c. A plat of survey prepared by a registered land surveyor or engineer showing all proposed improvements or site alterations to a recognized engineer or architect scale.

a-6-d. Date of site plan submittal, along with any and all dates of revision.

a-6-e. Existing and proposed grade for any grade change within the primary environmental corridor.

a-6-f. North arrow.

a-6-g. Location to scale, including critical root zone, of all trees 6 inches or larger in diameter at breast height proposed to be removed or located within the limits of construction in the primary environmental corridor.

a-6-h. Approved tree protection fencing installed at the critical root zone of all trees or groups of trees 6 inches or larger in diameter, not shown to be removed, located within the limits of construction or site disturbance.

a-6-i. The location of all existing and proposed easements on the site.

a-6-j. Slopes greater than or equal to 12% located within the limits of soil disturbance.

a-6-k. Defined points of temporary and permanent ingress and egress in the primary environmental corridor.

a-6-L. Existing and proposed utilities, including sanitary sewers, storm sewers and water mains and service laterals, underground utility laterals and clean-out and surface valves, electrical and telecommunication cables, and gas mains and service laterals. All locations for the proposed connections to utilities and the proposed elevations of these connections shall be indicated on the site plan.

a-6-m. A scale landscape plan showing the location and quantity of all landscape plantings proposed for the site, including a listing of the proposed species, cultivar and common name, including notation of Wisconsin native species, as well as the size and quantity of the plantings, whether they are balled-and-burlapped or container-grown, and installation notes and details.

a-7. Any other information that may be required by the commissioner.

b. Issuance of Permit. The application for permit shall be examined by the commissioner and, if found to be in conformity with the requirements of this subsection, shall be approved and a permit issued by the commissioner. The commissioner may impose any conditions necessary to ensure the permitted activities are executed professionally, safely and in accordance with the requirements of this section.

c. Requirements. The following requirements shall apply to all permits issued under this subsection:

c-1. Replacement of Trees Removed.

c-1-a. Non-native trees in excess of 6 inches in diameter at breast height which are removed shall be replaced on a diameter-equivalent basis during the designated planting season with Wisconsin-native, nursery-grown trees conforming to American National Standard Institute (ANSI) Z60.1 American Standard for Nursery Stock, as amended.

c-1-b. Native trees in excess of 6 inches in diameter at breast height which are removed shall be replaced on a 2-to-one diameter ratio during the designated planting season with Wisconsin-native, nursery-grown trees conforming to American National Standard Institute (ANSI) Z60.1 American Standard for Nursery Stock, as amended. For example, 4 native trees measuring 3 inches each in diameter in breast height shall be planted for every native tree removed that is 6 inches in diameter at breast height.

c-1-c. All replacement trees shall be planted within the primary environmental corridor.

c-2. Planting Season. c-2-a. Balled-and-Burlapped Trees. The planting season for balled-and-burlapped trees shall be between October 15 and December 1 and between March 15 and May 15.

c-2-b. Container-Grown Trees. The planting season for container-grown trees shall be between September 1 and December 1 and between March 15 and June 15.

c-3. Plant Installation, Inspection and Warranty. c-3-a. Installation. All trees shall be planted in accordance with accepted horticultural practices and any other specific planting instructions provided by the commissioner.

c-3-b. Inspection. Inspection of work to determine its completion and establish the beginning of the warranty period shall be performed by the commissioner upon request of the property owner submitted to the commissioner at least 10 days prior to the inspection date. After inspection, the commissioner shall notify the property owner of the date of the beginning of the warranty period by issuing a notice of acceptance. In the event of any deficiencies, the commissioner shall notify the property owner of the requirements for beginning the warranty period.

c-3-c. Warranty Period. All plants shall be guaranteed to be alive and healthy, as determined by the commissioner at the end of the warranty period. The warranty period shall extend for a period of one year from the date of notice of acceptance. During the warranty period, the property owner shall replace any trees that die or, in the opinion of the commissioner, are in an unhealthy condition or have lost their shape due to dead branches, excessive pruning, inadequate, improper maintenance or any other causes. Replacement trees shall be planted immediately, if the time of rejection occurs during the planting season, or during the next planting season, if the time of rejection falls outside the planting season.

c-4. Soil Erosion or Slope Destabilization. No tree removal or disturbance shall be permitted under this section whenever the commissioner determines that the tree removal or disturbance would result in soil erosion or slope destabilization due to soil conditions or the existing degree of slope. In evaluating whether this requirement is satisfied, the commissioner shall consider such factors as existing grade, available soil surveys, maps, representative soil borings or classifications, existing vegetation in the immediate vicinity of the tree or trees proposed for removal, degree of site disturbance caused by the tree removal and any associated risks to public health and safety. If an applicant proposes removal or disturbance of a tree located in an area where the slope is at least 12%, the applicant shall provide a report prepared by a professional engineer that certifies the proposed tree removal or disturbance, when considered with any proposed mitigation measures, will not result in soil erosion or slope destabilization.

d. Permit Revocation. The commissioner may revoke any permit issued under this subsection for violation of any permit conditions. Violation of any conditions of a permit issued under this subsection shall constitute a violation of this section. The notice revoking a permit shall be served on the permittee and posted upon the premises to which the permit applies. After the notice is served and posted, the permit which has been revoked shall be void and no person may proceed with any further tree removal or site disturbance activities within the primary environmental corridor on the premises. Before any tree removal or site disturbance activities are resumed, a new permit shall be procured.

e. Permit Exemptions. No permit shall be required for Milwaukee county or any other governmental or non-profit conservation entity that has a mission or purpose consistent with the purpose of this section and that conducts its activities in accordance with the forest best management practices promoted by the Wisconsin department of natural resources and the Accredited National Standard Institute (ANSI) A300 Tree Care Operation Standards, as amended. Permit exemptions may be approved at the discretion of the commissioner upon receipt of documentation from the entity seeking exemption confirming that the entity meets the criteria for exemption. Any exemption may be revoked by the commissioner in accordance with the procedure for permit revocation if the exempt entity violates the provisions of this section or the commissioner has reasonable grounds to believe that the exempt entity has violated this section.

6. ENFORCEMENT. a. Violations. When the commissioner determines that a willful violation of the provisions of this section exists, or has reasonable grounds to believe that a violation exists, the commissioner may order the person to correct the violation by issuing a notice of violation or a stop-work order. If the person to whom the notice or order was issued fails to take corrective action after receiving the notice or order, the commissioner shall take whatever steps are necessary to correct the violation, including but not limited to using city forces or private contractors. When trees are removed, destroyed or damaged beyond recovery in violation of this section, the commissioner may require that the trees be replaced on a 2-to-one diameter basis. Failure to replace trees as required by the commissioner shall constitute a violation of this section.

b. Recovery of Costs. Any costs incurred by the commissioner in correcting violations of this section shall be billed to the owner of the premises and payable within 30 days. If the owner 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.

c. Citations. In addition to other applicable enforcement procedures and pursuant to the authority of s. 66.0113, Wis. Stats., the commissioner may issue citations pursuant to the citation procedure set forth in s. 50-25 to any person who violates any provision of this section.

d. Penalties. Any person who violates any provision of this section shall, upon conviction, forfeit not less than $150 per violation per day nor more than $5,000 for each premises found to be in violation, together with the cost of the action.

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LEGISLATIVE HISTORY
CHAPTER 252

Abbreviatio ns:

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

Section	Action	File	Passed	Effective
252-01	cr	85-1396	12/20/85	1/1/86
252-01	am	85-1396-a	5/6/86	5/23/86
252-01	am	980939	10/30/98	11/18/98
252-01	rp	020467	8/1/2002	8/20/2002
252-1	cr	85-1396	12/20/85	1/1/86
252-1-0	am	050384	7/26/2005	8/12/2005
252-1-1	rc	050384	7/26/2005	8/12/2005
252-1-1	am	060491	9/26/2006	10/13/2006
252-1-2	am	882291	6/27/89	7/18/89
252-1-2	rc	050384	7/26/2005	8/12/2005
252-51	cr	931894	6/7/94	1/1/95
252-70	cr	85-1396	12/20/85	1/1/86
252-70	rc	912061	11/20/92	12/11/92
252-70-6	am	86-979	10/14/86	10/31/86
252-71	cr	85-1396	12/20/85	1/1/86
252-71	rc	912061	11/20/92	12/20/92
252-71-1	am	970131	5/13/97	5/31/97
252-71-1	am	111233	1/18/2012	2/4/2012
252-71-2-a	am	011103	3/26/2002	4/13/2002
252-71-2-a	am	070576	2/5/2008	2/22/2008
252-71-2-b	am	011103	3/26/2002	4/13/2002
252-71-2-b	am	070576	2/5/2008	2/22/2008
252-71-2-c	rn to 252-71-2-d	070576	2/5/2008	2/22/2008
252-71-2-c	cr	070576	2/5/2008	2/22/2008
252-71-2-d-0	am	930944	10/19/93	11/5/93
252-71-2-d	rn to 252-71-2-e	070576	2/5/2008	2/22/2008
252-71-2-e	rn to 252-71-2-f	070576	2/5/2008	2/22/2008
252-71-2-f	rn to 252-71-2-g	070576	2/5/2008	2/22/2008
252-71-2-g	am	970131	5/13/97	5/31/97
252-71-2-g	rn to 252-71-2-h	070576	2/5/2008	2/22/2008
252-71-2-h	am	111233	1/18/2012	2/4/2012
252-71-3	am	970131	5/13/97	5/31/97
252-71-3	rp	000580	11/27/2001	12/14/2001
252-72	cr	85-1396	12/20/85	1/1/86
252-72.5	cr	020467	8/1/2002	8/20/2002
252-73	cr	85-1396	12/20/85	1/1/86
252-74	cr	85-1396	12/20/85	1/1/86
252-74-0	am	882295	5/16/89	6/3/89
252-74-0	am	900962	11/27/90	12/15/90
252-74-1	am	882295	5/16/89	6/3/89
252-74-1	am	070576	2/5/2008	2/22/2008
252-74-2-a	am	882295	5/16/89	6/3/89
252-74-2-b	rc	900962	11/27/90	12/15/90
252-74-2-b	am	940652	2/14/95	3/3/95

252-74-2-b	am	070576	2/5/2008	2/22/2008
252-74-2-c	cr	900962	11/27/90	12/15/90
252-74-2-c	am	912060	3/24/92	4/10/92
252-74-2-c	am	070576	2/5/2008	2/22/2008
252-74-2-c	am	161306	2/7/2017	2/24/2017
252-74-2-d	cr	031738	5/25/2004	6/12/2004
252-74-2-e	cr	031738	5/25/2004	6/12/2004
252-74-2-e	am	050900	12/13/2005	12/30/2005
252-74-3	am	900962	11/27/90	12/15/90
252-74-3	am	070576	2/5/2008	2/22/2008
252-74-5-a	am	980963	12/18/98	1/1/99
252-74-5-b	am	980963	12/18/98	1/1/99
252-74-5-d	am	980963	12/18/98	1/1/99
252-74-5-e	am	970131	5/13/97	5/31/97
252-74-5-e	am	111233	1/18/2012	2/4/2012
252-74-5-f	am	881465	11/18/88	12/9/88
252-74-5-f-2	am	980963	12/18/98	1/1/99
252-75	cr	940652	2/14/95	3/3/95
252-75-1	am	980963	12/18/98	1/1/99
252-75-1	am	991763	5/14/2002	10/1/2002
252-75-1	am	021287	5/13/2003	5/30/2003
252-75-1	am	080195	7/30/2008	8/16/2008
252-75-2	am	991763	5/14/2002	10/1/2002
252-76	cr	971318	5/5/98	5/22/98
252-76-3	am	991763	5/14/2002	10/1/2002
252-76-3	am	081724	5/5/2009	5/22/2009
252-76-4-a-0	am	991763	5/14/2002	10/1/2002
252-76-5	am	991763	5/14/2002	10/1/2002
252-77	cr	120191	9/5/2012	9/25/2012
252-77-3-c	am	120914	11/8/2012	1/1/2013
252-80	cr	081570	9/23/2014	10/10/2014

CHAPTER 257
APARTMENT BUILDINGS, HOTELS AND ROOMING HOUSES

	TABLE
257-4	Capacity of Buildings
257-9	Minimum Ceiling Heights
257-9.3	Substandard Living Units and Bedrooms
257-9.6	Locker Room Partitions
257-10	Ventilation of Attic Spaces
257-11	Elevation of Finished Yard Grade at the Building Perimeter
257-12	Sanitary Facilities; Individual Living or Sleeping Units
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257-20	Waste Containers Required

257-4. Capacity of Buildings. 1. SLEEPING AREA. The capacity of habitable rooms of the living units of the building, other than community-based residential facilities, shall be established in accordance with Table 257-4.

2. MINIMUM SIZE. Habitable rooms shall be sized to provide the minimum areas specified in sub. 1.

3. OVERCROWDING. The number of occupants permitted in any room or in the building shall not exceed the capacity specified in this section.

TABLE 257-4
CAPACITY OF HABITABLE ROOMS

	Minimum Areas in Square Feet
Living room	150
Living room with dining space	160
Living room with dining and cooking space	210
Living room with a closet, wall, day or other bed	190
Living room with a closet, wall, day or other bed, dining and cooking spaces	250
Dining room	70
Dining room and cooking space	90
Kitchen in dwelling unit of one bedroom	50
Kitchen in dwelling unit of more than one bedroom	60
Kitchen and dining space	90
Minimum Areas in Square Feet Bedroom in dwelling unit of one bedroom	100
Bedroom, second in dwelling unit of more than two bedrooms	100
Habitable rooms other than rooms regulated above	70
Bedrooms in convents, dormitories, monasteries	
Rooms occupied by one person	70
Rooms occupied by more than one person (per person)	50
Bedrooms in homes for the aged	
Rooms occupied by one person	70
Rooms occupied by more than one person (per person)	60
Rooms used for clothes storage shall have minimum dimensions of 2 feet 6 inches.	
Bathrooms:	
Water closet and tub	12
Each shower, urinal, lavatory or other sanitary plumbing fixture	10
Toilet room containing one water closet	10

257-9. Minimum Ceiling Heights. 1. The minimum ceiling height of rooms shall not be less than 7 feet.

2. Except as otherwise regulated herein, the minimum clear ceiling height of rooms shall not be less than 8 feet. Such ceiling height may be reduced to 7 feet 6 inches when the area of the room is increased to provide a volume equivalent to that obtained with an 8 foot ceiling height.

3. In dwelling units in which kitchens are used exclusively as work areas and are not provided with dining space, suspended luminous ceilings or panels may be installed with a clear ceiling height of 7 feet.

4. Sloping roofs may penetrate rooms, provided that any portion of any room under a sloping roof having a height of less than 5 feet shall not be considered as part of the floor area in computing areas or volume of such rooms. Rooms under a sloping roof shall have a minimum ceiling height of 7 feet 6 inches for not less than 1/2 of the required area of the room.

5. Rooms in any building or structure having ceiling heights of areas which do not conform to the regulations of this section shall not be used for human habitation.

6. See s. 257-17 for ceiling heights for rooms below grade.

257-9.3. Substandard Living Units and Bedrooms. 1. No additional dwelling units (apartments) or bedrooms shall be created or maintained by rearranging room suites, by subdividing of rooms, or by alterations in any existing building or structure unless such dwelling units or bedrooms have been authorized by permit and comply with the regulations of this chapter and ch. 295.

2. Where in any building or structure a room or suite of rooms is not provided with a kitchen sink and running water, it shall be unlawful for any owner, tenant or lessee to cook or permit cooking in such room or suite of rooms, or to use or permit the use of any lavatory (wash basin) as a kitchen sink. Such rooms may be used for living and sleeping only.

257-9.6. Locker Room Partitions. Partitions of locker rooms used for tenant or building accessory storage shall be constructed of noncombustible material (wire mesh or other approved material), except that supports having a cross-sectional area of not less than 8 square inches (nominal) may be of wood.

257-10. Ventilation of Attic Spaces. Attic spaces and spaces between roofs and top floor ceilings shall be provided with openings to effectuate cross-ventilation in these areas. Said openings shall be protected against entrance of snow, rain, insects and birds. The free vent area shall be one three-hundredths of the ceiling area. In attics 50% of the ventilating area is to be located in the upper portion of the space to be vented and with the balance of the required ventilation area provided in the eave or cornice. Spaces between roofs and top floor ceilings shall be provided with openings to effectuate cross-ventilation in these areas.

257-11. Elevation of Finished Yard Grade at the Building Perimeter. The proposed finished yard grades of a newly-constructed 3 to 8-unit residential building at the building perimeter, as shown on the plat of survey required by s. 200-26-1-c, shall be compatible with adjacent properties and adjoining existing or proposed streets and alleys. Compatibility shall be determined using one or more of the following criteria:

1. The elevation of existing or proposed public walks which adjoin the property.

2. The elevation of existing or proposed streets which adjoin the property.

3. The elevation of existing or proposed alleys which adjoin the property.

4. The elevation of the lot as shown on the subdivision grading plan, if such plan exists. In the absence of such plan, existing, established grades shall be used.

5. The elevations of the lot lines of the adjacent properties.

6. If an adjoining property has been developed, the finished yard grades of that property.

7. If an adjoining property is not developed, the proposed finished yard grades of that property.

8. The natural drainage of the lot with respect to the topography of the lot and the surrounding topography.

9. Natural features on the lot, such as wooded areas, that would be disturbed if the existing lot grade were to be altered.

257-12. Sanitary Facilities; Individual Living or Sleeping Units. 1. KITCHEN SINK. One kitchen sink, equipped with hot and cold water, shall be provided in living units equipped for food preparation.

2. BATHROOMS AND TOILET ROOMS. Bathrooms and toilet rooms in individual living and sleeping units shall have a floor area of not less than 12 square feet for each water closet and each tub, and 10 square feet for each shower, urinal, lavatory (wash basin), or other sanitary plumbing fixtures or equipment installed therein. Toilet rooms containing one closet fixture shall be not less than 14 square feet in area with a minimum width of 3 feet. The ceiling height of bathrooms or toilet rooms shall be not less than 7 feet.

3. SHOWER COMPARTMENTS. Shower compartments shall have at least 1,024 square inches of floor area, a curb at least 3 inches in height and shall have a minimum dimension of 30 inches. Each shower room or

compartment shall be constructed of materials impervious to water and shall have walls of smooth, noncorrosive, nonabsorbent, waterproof materials to a height of 6 feet above the floor level. The walls shall form a watertight joint with each other and with the tub, receptor or shower floor. Preformed and prefabricated units shall comply with this section.

4. PRIVACY. Each bathroom or toilet room shall be provided with a door. No bathroom or toilet room shall provide sole access to any other room.

257-17. Basement Rooms. In existing buildings, no living or sleeping rooms shall be located and maintained in a basement when not in compliance with the following:

1. Rooms shall have a minimum ceiling height of 7 feet 6 inches from floor to basement ceiling.

2. A minimum to 50% of the clear ceiling height of any basement dwelling shall be above the lot grade adjoining that room.

3. All rooms shall have a window or windows opening upon an open space, and the total window area for each room shall be at least 1/10 of the floor area of that room, with the upper half of such window capable of being open for the full width of the window.

4. The walls and floor shall be dampproof and waterproof.

5. Such rooms shall be fit for human habitation as determined by the department.

6. Such rooms shall be provided with 2 means of exiting. The exiting requirements shall comply with ch. SPS 362, Wis. Adm. Code, as amended.

257-18. Light and Ventilation; Habitable Rooms. 1. Kitchens, dining rooms and other rooms, excepting living and sleeping rooms, need not be provided with windows if such rooms have openings in the common walls with rooms having windows. The areas of these openings shall be at least 25% of the area of the room without openings, but in no case less than 20 square feet.

2. An exhaust fan with a capacity of at least 50 CFM shall be provided in any such room without windows when any portion of the required openings is equipped with doors. Such exhaust shall discharge to the outside, directly or by means of a duct. Doors used in required openings shall have louvered openings of at least 50% of the door area.

3. An exhaust fan with a capacity of 50 CFM shall be provided in any kitchen without windows when the area in the common wall between the kitchen and the room with windows is less than 50% of the floor area of the kitchen. The fan shall discharge to the outside, directly or by means of a duct.

4. Rooms without windows shall have their floor area added to the room with windows when determining the required window area for such room without windows.

257-20. Waste Containers Required.
The site plan submitted for new multi-family buildings of 5 units or more shall designate an area on the plan for the location of solid waste receptacles suitable for the building requirements and shall be in compliance with the following:

1. Such designated areas shall be screened from the view of adjacent properties by a fence or wall having at least 80% opacity and at least 3 feet in height, or a combination of shrubs and trees; except such shrubs shall be limited to varieties which average, at a minimum, 2.5 feet to 3.5 feet in height at maturity.

2. The designated waste receptacle area shall be located to the rear of the property if possible.

3. All designated waste receptacle areas shall be secured and be maintained in a neat and orderly manner.

4. Site plans related to provisions of this section must be approved by the department of public works - operations division and the department of city development.

LEGISLATIVE HISTORY
CHAPTER 257

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 257	cr	85-1396	12/20/85	1/1/86
257-01	am	980939	10/30/98	11/18/98
257-01	rp	020467	8/1/2002	8/20/2002
257-11	rc	010349	7/17/2001	8/3/2001
257-11-2-a	am	980963	12/18/98	1/1/99
257-17	am	111233	1/18/2012	2/4/2012
257-17-5	am	980963	12/18/98	1/1/99
257-17-6	cr	051471	3/23/2006	4/11/2006
257-17-6	rc	060491	9/26/2006	10/13/2006
257-16-6	am	111233	1/18/2012	2/4/2012
257-20	cr	000322	11/8/2000	11/29/2000
257-20-4	am	010858	11/9/2001	1/1/2002

[Pages 483 to 490 are blank]

CHAPTER 261
SPECIAL OCCUPANCIES

TABLE

261-35 Setbacks on Residential Properties
261-42 Tents
261-97 Outdoor Assembly Facilities
261-98 Beer Gardens
261-101 Toilet Rooms

261-35. Setbacks on Residential Properties. All antenna systems located on residential property shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the topmost point. No wires, cables or guy wires shall extend over any street or other public thoroughfare or over any electric power or communication lines.

261-42. Tents. 1. DEFINITION. In this section "tent" means a portable and temporary shelter, structure or stand, the covering of which in whole or in part is made of pliable material, but not including shelters and tarpaulins used exclusively for construction purposes.

2. NO PERMIT FOR CERTAIN TENTS.

The following tents are exempt from the permit requirements of s. 200-24-1. All other regulations of this chapter apply.

a. Tents less than 600 square feet in area.

b. Tents erected solely for the private use by the owner and/or tenants on premises which are exclusively one- to 4-family residential uses.

c. Tents with 3 or more open sides.

3. OCCUPANCY USE OF TENTS.

a. In addition to all other regulations set forth in this chapter, the use of tents shall be limited to:

a-1. For circuses, carnivals, religious meetings, civic events or similar assembly purposes.

a-2. For promotional sales when located on the same premises as the principal occupancy use and adequate parking and sanitary facilities are provided.

a-3. For promotional sales on public or private paved lands having an area not less than 10,000 square feet, providing adequate parking and sanitary facilities are provided and the tent area covers 4,000 square feet or more.

b. Tents as regulated in par. a shall be erected for a period not to exceed 15 days.

c. Tents erected solely for the private use by the owner or tenants on premises which are exclusively one- to 4-family residential uses shall be erected for a period not exceeding 150 days per calendar year and shall not be used for vehicle storage.

4. TENTS USED IN CONJUNCTION WITH A LICENSED PREMISES. Tents used in conjunction with premises licensed as a Class "B" establishment under ch. 90 may be erected for a period not exceeding 180 days per calendar year and shall be used only for activities permitted by the license.

5. CAPACITY. The capacity of any tent covered by this section shall not exceed one person for each 6 square feet of tent area.

261-97. Outdoor Assembly Facilities.

1. SCOPE. This classification governs the uses of premises for outdoor assembly of more than 100 persons in the open air.

2. CAPACITY. a. The nominal capacity of any open or fenced premises used for outdoor assembly shall be the number of fixed seats plus one person for each 6 square feet of ground area used or intended to be used. A distance of 24 inches along any undivided bench shall constitute one seat in computing the population. The ground area of aisles or passageways used for access or circulation shall not be considered in computing the population and shall not be used for seats or standing room.

b. The number of persons admitted to any place of outdoor assembly shall not exceed the population as computed in par. a.

c. When the 2 sexes are accommodated in places of outdoor assembly and when no definite information is filed with the commissioner, it shall be assumed that the sexes are equally divided.

3. EXITS. a. Except as regulated in par. c, every place of outdoor assembly shall have one or more frontages on a street, or an open space not less than 30 feet wide and having an unobstructed access to a street as shown in Table 261-97-3-a.

Table 261-97-3-a

Population Outdoor Assembly	Frontage on, or Open Space Having Access to
Up to 1,000	1 street
Up to 5,000	2 streets
Up to 10,000	3 streets
Over 10,000	4 streets

b. Where more than one street is required, an available public park, unoccupied field or open space not less than 30 feet wide, approved as an area of refuge, may be used in lieu of required streets in excess of one street.

c. A fenced place of outdoor assembly shall have at least 2 exits from the enclosure. If more than 6,000 persons are to be accommodated, there shall be at least 3 exits; and, if more than 9,000, there shall be at least 4 exits. Exits shall be distributed uniformly in an approved manner.

d. Access to required exits from a fenced outdoor assembly shall be by means of aisles of passageways with access to a street or approved open space.

e. The aggregate width of exits or a fenced outdoor assembly shall be provided for the number of persons for which an area is designed. Such exits shall be computed on the basis of 22 inches per 100 persons.

4. PUBLIC PASSAGEWAYS. a. Public passageways shall be provided for the normal number of persons for which the area is designed, and the width thereof shall be computed as regulated in sub. 3-e but in no case shall such width be less than 44 inches. Such public passageways shall be designed and apportioned as to prevent congestion and confusion.

b. Where 2 or more such public passageways lead into one public passageway in the direction of travel to an exit, such combined public passageway shall be at least equal in width to the combined width of merged public passageways.

c. Aisles having seats on both sides shall not be less than 42 inches in width. Aisles having seats on one side only shall not be less than 24 inches wide. Cross aisles shall not be less than 48 inches in width.

261-98. Beer Gardens. 1. DEFINITION. In this section "beer garden" means an outdoor accessory use on a premises licensed and operated year round as a class "B" establishment under ch. 90 and which is used for recreation, entertainment or dining purposes, whether or not enclosed in whole or part by a fence or a tent.

2. APPLICATION. This section applies to all beer gardens licensed on or after May 13, 1989 and to those beer gardens previously licensed and does not apply to municipally-owned facilities.

3. HEALTH DEPARTMENT REGULATIONS. No beer garden may be approved or be operated unless it meets the requirements of the health department and has obtained the necessary licenses or permits required by city code.

4. TENTS. Tents used in conjunction with beer gardens shall meet the requirements of s. 261-42, and all applicable requirements of chs. SPS 361 and 362, Wis. Adm. Code, as amended.

5. HEATING EQUIPMENT. Any heating equipment located in or serving a tent shall meet the applicable requirements of ch. SPS 364, Wis. Adm. Code, as amended.

6. CAPACITY. The nominal capacity of a beer garden shall be calculated on the basis of one person for each 10 square feet of ground area enclosed or intended to be used as a beer garden. A sign indicating the capacity of the beer garden shall be posted in the beer garden as required under s. 252-1.

7. BEER GARDEN AREAS NOT CONTAINED WITHIN A TENT. All beer garden areas not contained within a tent shall comply with the following:

a. A beer garden exceeding 250 square feet shall have at least 2 exits from the enclosed or fenced area, located at or near opposite ends of the beer garden. If the beer garden is equal to or less than 250 square feet, only one exit is required. Fence heights shall meet the requirements of s. 239-2. The total exit width shall be not less than 22 inches per 100 persons with a minimum width of 36 inches per exit.

b. If a beer garden is enclosed and the fence or enclosure is in excess of 4 feet in height, the exit openings shall meet the applicable requirements of chs. SPS 361 and 362, Wis. Adm. Code, as amended, except that lighted exit signs and exit directional signs are not required in beer

gardens. Gates and exit doors shall be marked with a sign of 5-inch letters with the words "exit" or "emergency exit only".

c. Exits from the beer garden through buildings located on the same premises or from such buildings through the beer garden shall be permitted, providing the width of the exits shall accommodate both the capacity of the building as calculated in the code for the building use and the capacity of the beer garden as calculated in this section.

d. Exterior exit stairways which serve beer gardens shall comply with provisions of this code for exit stairways except that enclosures are not required.

8. OPEN FLAME DEVICES. No unapproved open flame device shall be permitted in a beer garden.

9. FIRE EXTINGUISHERS. Portable fire extinguishers shall be provided as set forth in chs. SPS 361 and 362, Wis. Adm. Code, as amended.

10. TOILET AND SANITARY FACILITIES. a. Toilet rooms and sanitary facilities shall be provided for males and females in connection with all beer gardens. The number of toilets required shall be based upon the code requirements for taverns and restaurants rather than general assembly and, where special conditions exist, additional toilets may be required by the health department to provide for proper sanitation. Toilet rooms in the building on the licensed premises may be used to meet the minimum requirement for the beer garden if sufficient toilet rooms exist to meet the total number required from both areas. Beer gardens which have net areas of 250 square feet or less are not required to be provided with toilet facilities.

b. Portable toilets and handwashing facilities shall be permitted in lieu of permanent facilities, provided that the beer garden is used less than 180 days per calendar year.

11. NONABSORBENT CLEANABLE SURFACES. All food preparation areas and back bar areas shall be placed upon a hard surface which is nonabsorbent and easily cleanable. Such surfaces shall be fitted with drains and equipment so plumbed that these surfaces do not remain wet as a result of the food and drink handled in these areas.

12. PERMIT. Applicants for beer garden permits shall submit to the department of city development a dimensioned site plan and floor plan at the time of the application. It is the obligation of the operator to submit any revision to these plans to the department of city development.

261-101. Toilet Rooms. Separate toilet rooms shall be provided for males and females in connection with all places of outdoor assembly.

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LEGISLATIVE HISTORY
CHAPTER 261

Abbreviations:

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

Section	Action	File	Passed	Effective
Chapter 261 in existence, 1986-2002				
ch. 261	cr	85-1396	12/20/85	1/1/86
ch. 261	rp	020467	8/1/2002	8/20/2002
261-01	am	980939	10/30/98	11/18/98
Chapter 262 renumbered to 261 and amended, 2002-present				
ch. 262	rn to 261	020467	8/1/2002	8/20/2002
261-01	rp	020467	8/1/2002	8/20/2002
261-10	rp	060520	9/26/2006	10/13/2006
261-35	am	991763	5/14/2002	10/1/2002
261-42-3-c	cr	060491	9/26/2006	10/13/2006
261-98-4	am	020467	8/1/2002	8/20/2002
261-98-4	am	121706	4/9/2013	4/26/2013
261-98-5	am	020467	8/1/2002	8/20/2002
261-98-5	am	151199	3/29/2016	4/15/2016
261-98-7-a	am	991763	5/14/2002	10/1/2002
261-98-7-b	am	020467	8/1/2002	8/20/2002
261-98-7-b	am	151199	3/29/2016	4/15/2016
261-98-9	am	020467	8/1/2002	8/20/2002
261-98-9	am	111233	1/18/2012	2/4/2012
261-98-10-a	am	020467	8/1/2002	8/20/2002
261-101	am	020467	8/1/2002	8/20/2002
261-103	rp	131559	5/13/2014	8/1/2015
261-103-2-a	am	030175	6/3/2003	6/20/2003
261-103-2-e	cr	030175	6/3/2003	6/20/2003
261-103-4-0	rc	030175	6/3/2003	6/20/2003
261-103-5	am	081724	5/5/2009	5/22/2009
261-103-5-a	am	030175	6/3/2003	6/20/2003
261-103-5-a	am	091396	4/13/2010	4/17/2010
261-103-5-b-5	cr	030175	6/3/2003	6/20/2003
261-103-5-c-0	am	030175	6/3/2003	6/20/2003
261-103-5-d	rc	030175	6/3/2003	6/20/2003
261-103-5-f	am	991763	5/14/2002	10/1/2002
261-103-6	rn to 261-103-7	030175	6/3/2003	6/20/2003
261-103-6	cr	030175	6/3/2003	6/20/2003
261-103-6-a	am	081724	5/5/2009	5/22/2009
261-103-6-a	am	091396	4/13/2010	4/17/2010
261-103-6-b	rc	991763	5/14/2002	10/1/2002
261-103-7	rn to 261-103-8	030175	6/3/2003	6/20/2003
261-103-8	rn to 261-103-9	030175	6/3/2003	6/20/2003
261-103-9	rn to 261-103-10	030175	6/3/2003	6/20/2003
Chapter 262 history, 1986-2002				
262-01	am	85-1396-a	5/6/86	5/23/86
262-10-1	rc	85-109-b	4/15/86	5/1/86
262-10-1	rc	941797	6/6/95	6/23/95
262-10-2-b	am	980963	12/18/98	1/1/98
262-10-2-e-1-a	am	86-465	6/17/86	7/9/86
262-35	am	882295	5/16/89	6/3/89

262-42-1	rn to 262-42-2	950719	9/27/95	10/14/95
262-42-1	cr	950719	9/27/95	10/14/95
262-42-1	rc	960077	6/25/96	7/13/96
262-42-2	rn to 262-42-3	950719	9/27/95	10/14/95
262-42-2	rc	960077	6/25/96	7/13/96
262-42-2-a-0	am	882295	5/16/89	6/3/89
262-42-3	cr	85-1396-a	5/6/86	5/23/86
262-42-3	am	880522	3/7/89	3/25/89
262-42-3	rn to 262-42-4	950719	9/27/95	10/14/95
262-42-5	cr	960077	6/25/96	7/13/96
262-98	cr	881425	4/25/89	5/13/89
262-98-4	am	980939	10/30/98	11/18/98
262-98-5	am	980939	10/30/98	11/18/98
262-98-7-b	am	980939	10/30/98	11/18/98
262-98-9	am	980939	10/30/98	11/18/98
262-98-10-a	am	980939	10/30/98	11/18/98
262-98-12	am	980963	12/18/98	1/1/99
262-103	cr	960375	7/12/96	7/31/96
262-103-5-a	am	980963	12/18/98	1/1/99
262-103-5-c-0	am	980963	12/18/98	1/1/99
262-103-5-d	am	980963	12/18/98	1/1/99
262-103-5-e	am	980963	12/18/98	1/1/99
262-103-8-b	am	980963	12/18/98	1/1/99

[Pages 497-502 are blank]

CHAPTER 262
COMMERCIAL BUILDINGS AND STRUCTURES

262-01. Adoption of State and International Building Codes. The city adopts ch. SPS 362, Wis. Adm. Code, as amended, and ch. 9, s. 907.1.1, International Building Code, as part of this code.

262-02. Rules and Regulations. The commissioner shall issue rules and regulations for the administration of this chapter.

LEGISLATIVE HISTORY
CHAPTER 262

Abbreviations:

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

Section	Action	File	Passed	Effective
ch. 262	rn to 261	020467	8/1/2002	8/20/2002
ch. 262	cr	020467	8/1/2002	8/20/2002
262-01	am	100690	11/5/2010	1/1/2011
262-01	am	121706	4/9/2013	4/26/2013
262-02	cr	100690	11/5/2010	1/1/2011

CHAPTER 263
ENERGY CONSERVATION

263-01. Adoption of State Code. The city of Milwaukee adopts ch. SPS 363, Wis. Adm. Code, as amended, as part of the code.

LEGISLATIVE HISTORY
CHAPTER 263

Abbreviations:

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

Section	Action	File	Passed	Effective
Ch. 263	cr	85-1396	12/20/85	1/1/86
263-01	am	980939	10/30/98	11/18/98
263-01	am	121706	4/9/2013	4/26/2013
263-01	am	140737	9/23/2014	10/10/2014
263-01	am	151199	3/29/2016	4/15/2016

CHAPTER 264
HEATING, REFRIGERATION, VENTILATING AND AIR CONDITIONING

TABLE

264-01 Adoption of State Code
264-06 Master Control Switch for Ventilating Systems
264-67 Automatic Fire Suppression Systems in Commercial Kitchens
264-70 Incinerators

264-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. SPS 345 and 364, Wis. Adm. Code, as amended, as part of this code.

264-06. Master Control Switch for Ventilating Systems. Central mechanical ventilating systems serving more than 2 floors in any building or structure shall be provided with a master control switch at or near an outside entry door to the building or structure for the use of the fire department and shall be protected and identified with a permanent sign, all in an approved manner. Such switch shall not be required if the building or structure has a central control station which is continuously monitored by a trained operator.

264-67. Automatic Fire Suppression Systems in Commercial Kitchens. All commercial automatic fire suppression systems in kitchens used for commercial purposes shall be maintained at full operating capacity by the owner and shall be serviced every 6 months in accordance with NFPA 96-1984. A record of this service indicating the month and year the service was performed and identifying the person performing this service shall be firmly attached to the system.

264-70. Incinerators. 1. DEFINITION. In this section, "incinerator" means any device used for burning trash, refuse, scrap, animal matter or other waste materials.

2. CONSTRUCTION. a. Portable incinerators which are not constructed as an integral part of the building shall have clearances to combustible construction and shall be mounted on floor construction as per manufacturer's specifications.

b. Incinerators which are built as an integral part of the building shall have the enclosing walls of the fire box or combustion chamber constructed of solid masonry units, not less than 9 inches in nominal thickness where the grate area does not exceed 9 square feet, and not less than 13 inches in nominal thickness where the grate area is in excess of 9 square feet. The inner surfaces of such walls shall be lined with firebrick not less than 4-1/2 inches thick laid in fire clay mortar.

c. An air space shall be left between the firebrick and the remaining portion of the wall for expansion and contraction.

d. Incinerators and waste material bins, or containers used in connection therewith, which are installed in buildings where fire-resistive enclosures are required for boilers and furnaces shall be installed in such enclosures or in a separate room having the same fire-resistance rating as required for boiler or furnace enclosures.

e. The design and construction of incinerators and chimneys used in connection therewith shall be governed by the nature of the material to be burned and shall be of an approved type so as to avoid causing nuisances prohibited by the Wisconsin department of natural resources.

3. INCINERATOR CHIMNEYS.

a. Except as otherwise regulated herein, chimneys for incinerators shall be constructed as regulated in ch. SPS 364, Wis. Adm. Code, as amended, for low temperature chimneys. Chimneys for incinerators having a grate area of more than 9 square feet shall be provided with a lining of firebrick not less than 4-1/2 inches in thickness for the entire height of the chimney, except that such lining need not extend for a distance of more than 40 feet above the top of the combustion chamber.

b. No smoke flue of an incinerator hereafter constructed shall be used as a refuse chute. Existing incinerator installations wherein the refuse chute is used as a smoke flue for the incinerator or for any other fuel-burning equipment may be continued in operation, provided such installations are maintained in a safe and smokeproof condition. When such installations are the cause of a fire or constitute a hazard by reason of escaping gases or smoke as determined by the fire department, then the use of such installations shall be discontinued until they are made to comply with the regulations of this section.

c. No smoke pipe of any heating appliance shall hereafter be connected into the flue of any existing incinerator which has the rubbish chute identical with the smoke flue.

4. INCINERATOR REFUSE CHUTES. If a refuse chute is provided for an incinerator, the chute shall be constructed as regulated in ch. SPS 364, Wis. Adm. Code, as amended, for low temperature chimneys. The chutes shall extend not less than 4 feet above the roof and shall be capped with an approved ventilating weather hood, designed so as not to act as a smoke flue. Each service opening into the chute shall be equipped with an approved self-closing hopper so constructed that the opening is closed off while the hopper is being charged, and that no part of the hopper will project into the chute. The area of each service opening shall not exceed 1/3 of the cross sectional area of the chute.

5. INCINERATOR SMOKE PIPES AND BREECHINGS. a. The fluxe connections or breechings from incinerators shall be constructed of ferrous metal not lighter than U.S. gages and protected with firebrick not less in thickness than shown in Table 264-70-5-a.

TABLE 264-70-5-a

Diameter of Greatest Dimension of Breeching in Inches	Minimum Thickness of Metal, U.S. Gage	Minimum Thickness Firebrick Protection, in Inches
6 or under	24	Not required
Over 6 but not over 12	16	Not required
Over 12 but not over 18	12	2-1/2
Over 18	12	4-1/2
Other approved construction and protection may be used.		

b. Incinerator flue connections or breechings for incinerators constructed as an integral part of the building shall have a clearance of 36 inches to combustible construction.

LEGISLATIVE HISTORY
CHAPTER 264

Abbreviations:

am = amended	ra = renumbered and amended	rn = renumbered
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Section	Action	File	Passed	Effective
264-01	cr	85-1396	12/20/85	1/1/86
264-01	am	85-1396-a	5/6/86	5/23/86
264-01	am	880335	6/28/88	7/16/88
264-01	am	961523	2/11/97	2/28/97
264-01	am	980939	10/30/98	11/18/98
264-01	am	121706	4/9/2013	4/26/2013
264-06	cr	85-1396	12/20/85	1/1/86
264-67	cr	86-1402	12/16/86	1/8/87
264-70	cr	85-1396	12/20/85	1/1/86
264-70-3-a	am	980939	10/30/98	11/18/98
264-70-3-a	am	020467	8/1/2002	8/20/2002
264-70-3-a	am	121706	4/9/2013	4/26/2013
264-70-4	am	980939	10/30/98	11/18/98
264-70-4	am	020467	8/1/2002	8/20/2002
264-70-4	am	121706	4/9/2013	4/26/2013

[Pages 510-516 are blank]

CHAPTER 265
FUEL GAS APPLIANCES

265-01. Adoption of State Code. The city of Milwaukee adopts ch. SPS 365 Wis. Adm. Code, as amended, as part of this code.

LEGISLATIVE HISTORY
CHAPTER 265

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cr = created	rc = repealed and recreated	rp = repealed

Section	Action	File	Passed	Effective
ch. 265	cr	020467	8/1/2002	8/20/2002
265-01	am	111233	1/18/2012	2/4/2012

[Pages 519-550 are blank]

CHAPTER 275
BUILDING MAINTENANCE

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275-2 Delegation of Authority; Lead Abatement

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275-35 Graffiti Abatement
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SUBCHAPTER 4
LIGHT, VENTILATION, SPACE

275-40 Scope; Responsibility
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275-60 Scope; Responsibility
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SUBCHAPTER 7
SANITATION AND PEST CONTROL

275-80 Scope
275-81 Sanitary Conditions
275-82 Extermination

275-1. Title and Purpose. 1. TITLE. This chapter shall be known as the building maintenance code of the city of Milwaukee, hereinafter referred to as the property maintenance code or as this code.

2. BOCA PROPERTY MAINTENANCE CODE. There are paragraphs in this code that are extracted from the BOCA Basic Property Maintenance Code/1978, copyright 1978, Building Officials and Code Administrators International, Inc., all rights reserved, and are used with permission.

3. PURPOSE. The purpose of this code is to protect the public health, safety and welfare in all existing premises by:

a. Establishing minimum maintenance standards for basic equipment and facilities for: light, ventilation, space heating and sanitation; for space, use and location; and for safe and sanitary maintenance.

b. Fixing the responsibilities of owners, operators and occupants of all structures.

c. Authorizing the vacation or condemnation of dwelling structures or other buildings unsafe or unfit for human habitation.

d. Requiring inspection and licensing for rooming houses, hotels, residential living facilities and 2nd class dwellings.

e. Providing for administration, enforcement and penalties.

4. RELATIONSHIP TO OTHER REGULATIONS. a. This code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided in this code.

b. Any repairs or alterations to a structure or a change of use in a structure which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the building code.

c. This code shall not be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

5. NUISANCE ABATEMENT. This chapter shall not be construed or interpreted to impair or limit in any way the authority of the city to define and declare nuisances or of the commissioner of health or the commissioner's authorized representative to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

6. EXISTING STRUCTURES. This code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinances which may be additional or more stringent for the construction, repair, alteration or use of structures, equipment or facilities.

275-2. Delegation of Authority; Lead Abatement. The department of neighborhood services may delegate limited authority to the health department to enforce provisions in this chapter directly related to lead abatement. The health department may issue orders to correct violations pursuant to procedures in ch. 200.

SUBCHAPTER 2
LICENSING

275-20. Licensing Of Licensed Dwelling Facilities. 1. DEFINITION. In this section, "offer" means to communicate a willingness, desire or intent.

1.1 COMPLIANCE. No person may operate or let to another for occupancy any licensed dwelling facility**,** except in compliance with the requirements of this section.

1.2 POLICY. The common council declares its purposes in adopting these provisions are to:

a. Protect the public health, safety and welfare of the people of the city.

b. Protect the character and stability of residential areas.

c. Correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying licensed dwelling facilities.

1.5. ADOPTION OF STATE CODE. Except as otherwise provided in this subchapter, the city of Milwaukee adopts ch, ACTP 72, Wis. Adm. Code, as amended, as part of this code.

2. LICENSE REQUIRED. No person, firm or corporation, either as owner, operator, lessee, manager, officer or agent, may keep, maintain, conduct or operate for gain or profit, or may offer to keep, maintain, conduct or operate for gain or profit, any licensed dwelling facility in the city without first obtaining a license therefor in the manner hereinafter provided.

3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. In addition, if the applicant is a nonresident of Milwaukee county, the application shall contain the name and street address of a local representative inside the Milwaukee county limits who shall be a natural person upon whom service can be made under this chapter of a summons or other processes issued by any court.

4. PLAN OF OPERATION. An application for a licensed dwelling facility license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of customers expected on a daily basis at the premises.

c. The legal occupancy limit of the premises.

d. The number of off-street parking spaces available at the premises.

e. Plans the applicant has to provide security for the premises.

f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

i. Plans the applicant has to train employees to recognize and report guest or resident behaviors that are indicative of human trafficking at the premises.

j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

5. CHANGES TO BE REPORTED. See ss. 85-35 to 85-39 for provisions relating to changes to applications and plans of operation.

6. LICENSE FEE. See s. 200-33 for the required license fee.

7. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

8. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

9. INVESTIGATION. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21.

10. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

11. ISSUANCE.

a. General. See s. 85-12.5 for provisions relating to the issuance of a license.

b Occupancy. Each license shall list the maximum number of persons that may reside in the total building or portion thereof for which the license is issued.

c. Expiration. A license shall expire on the date specified, unless sooner suspended or revoked as provided in this section.

12. POSTING. Each license shall be posted in a conspicuous place on the premises.

13. TRANSFER. No license for a licensed dwelling facility may be transferred. See s. 85-19 for additional provisions relating to the transfer of a license and change of licensee names.

14. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

15. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

16. DUE PROCESS AND COMMON COUNCIL REVIEW. If there is a possibility that the licensing committee will not recommend renewal of the license, or if revocation proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration in ss. 85-3 to 85-5 shall apply.

17. CAUSES FOR NONRENEWAL, SUSPENSION OR REVOCATION. In addition to the provisions of s. 85-4-4, the recommendation of the committee may also be based upon evidence including sub. 20 and any of the following:

a. A conviction of the licensee, the licensee's agent, manager, operator or any other employee for keeping a gambling house or house of prostitution or for any violation of law, the circumstances of which are substantially related to the circumstances of the operation of the licensed dwelling facility.

b. The licensed dwelling facility is operated in such a manner that it generates complaints from neighbors or residents relating to, but not limited to, loud and raucous noise, undesirable activities of residents or guests of residents, and has a substantial adverse effect upon the health, safety, convenience or property interests of the surrounding neighborhood.

c. The conviction of the licensee, local representative of the licensee or the officers or directors of a corporation, or any employee for any felony, misdemeanor or civil forfeiture the circumstances of which substantially relate to the operation of the licensed dwelling facility.

d. The police department receives calls for service at the licensed dwelling facility for such reasons and in such numbers as to indicate the dwelling facility constitutes a threat to the health, safety, convenience or property interests of the surrounding neighborhood.

e. The licensed dwelling facility is in violation of this code or has had separate orders to correct violations issued on substantially the same code violations within an 18-month period.

f. The licensed dwelling facility is operated in such a manner that it constitutes a public or private nuisance or that conduct on or by the residents and guests of the licensed premises has had a substantial adverse effect upon the health, safety, convenience or property interests of the immediate neighborhood.

g. The licensed building, structure or licensed dwelling facility does not conform or has not conformed in all respects to the building and zoning code, the Wisconsin Administrative Code, and all other ordinances, laws and lawful orders relating to the construction, maintenance, use or occupancy of such building, structure or premises.

h. The licensee, any employee, resident or guest of a resident of the licensee has had persons who, while going to, remaining at, or leaving that premises, violates any laws of the United States, state of Wisconsin or ordinances of the city.

i. The licensee, any employee, resident or guest of a resident of the licensed dwelling facility has had persons who have generated nuisances or engaged in disorderly conduct or disturbance of the peace while going to, remaining at or leaving the licensed dwelling facility.

j. The license was procured by fraudulent conduct or false statement of a material fact.

k. The licensed dwelling facility is housing more residents than can be conveniently and appropriately housed and has an adverse effect on the public health safety, welfare or property interests of the adjoining property owners.

18. EFFECTIVE DATE OF NON-RENEWAL.

Non-renewal shall take effect 60 days following the final action of the common council.

19. EFFECTIVE DATE OF REVOCATION.

Revocation of a license shall take effect 60 days following the final action of the common council.

20. REGULATIONS.

b. Operator or Building Owner to Control Occupancy. No operator or building owner may at any time allow a larger number of persons to occupy any sleeping rooms and sleeping dormitories located within a licensed dwelling facility than the maximum number of persons allowed by this code. No operator or building owner may at any time permit any person to occupy any sleeping room or sleeping dormitory which is not licensed.

c. Operator or Building Owner to Require Identification. The owner or operator of a licensed dwelling facility shall require a guest to furnish photographic identification before being assigned sleeping quarters.

d. Relationship of License to Building Codes. The issuance of a license for a licensed dwelling facility shall not in any way insure that the licensed dwelling facility conforms with this code or the Wisconsin Administrative Code. The issuance of a license for a licensed dwelling facility shall not relieve the owner or operator of the responsibility for compliance with the applicable provisions of this code.

e. Bedding and Towels. Where sheets, pillow cases or towels are supplied to the occupants, they shall be changed whenever a new occupant is admitted. All supplied bedding and towels shall be maintained in a clean, sanitary and well-mended condition.

f. Mattresses. Where mattresses are furnished to the occupants, they shall be maintained in a clean, sanitary and well-mended condition. Mattresses shall be fire resistant or covered by a fire resistant cover that meets one of the following fire tests:

f-1. National Bureau of Standards NBS IR 77-1290 (1986).

f-2. United States Department of Commerce FF 4-72 (1986).

f-3. American Society for Testing and Materials ASTM D-568 or D-1692 or E-162 (1986).

f-4. California Standard Bulletin 117 or 121 (1986).

f-5. Any other national standard approved by the commissioner.

g. Shades, Drapes, Etc. Every window of every sleeping room and sleeping dormitory shall be supplied with shades, drapes, obscure glass or other devices which will afford privacy to the occupants.

h. Sanitary Maintenance. The operator and building owner of every licensed dwelling facility shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every other part of the licensed dwelling facility; and they shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the licensed dwelling facility is contained is leased or occupied by the operator and the building owner. The occupant of every sleeping room or sleeping dormitory shall keep his or her personal belongings contained so as to facilitate the ability of the operator and building owner to discharge their responsibilities for sanitary maintenance with every sleeping room and sleeping dormitory as set forth in this subsection.

i. Garbage Disposal or Storage. Adequate garbage and rubbish disposal facilities or garbage and rubbish storage containers whose type and location are approved shall be supplied by the licensed dwelling facility operator and building owner. The operator and building owner shall be responsible for the disposal of all garbage

and rubbish in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers.

j. Hanging Screens, Storm Doors and Storm Windows. The operator and building owner of a licensed dwelling facility shall be responsible for hanging all screens and double or storm doors and windows whenever they are required under this chapter or any rule or regulation adopted under this chapter. Screens shall be hung not later than June 1 of each year.

k. Extermination Of Pests. The operator and building owner of a licensed dwelling facility shall be responsible for the extermination of any insects, rodents or other pests therein; and they shall be further responsible for such extermination on the entire premises where the entire structure or building within which the licensed dwelling facility is contained is leased or occupied by the operator and building owner. Notwithstanding provisions of this subsection, whenever infestation of a licensed dwelling facility is caused by the failure of the owner to maintain the dwelling within which the licensed dwelling facility is contained in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

L. Exits. Every licensed dwelling facility for 9 or more occupants shall have a minimum of 2 exits from each floor which shall be in compliance with this subsection. Every exit shall comply with the following:

L-1. It shall be easily accessible from every sleeping room and sleeping dormitory by passage through public passageways and without passing through any part of any other sleeping room or sleeping dormitory.

L-2. It shall be kept in such state of repair as to be usable in the event of an emergency.

L-3. It shall be unobstructed at all times.

L-4. All exit stairways of 4 or more risers shall have at least one handrail, and all stairways which are 5 feet or more in width or
which are open on all sides shall have a handrail on each side.

L-5. All handrails shall be not less than 30 inches vertically above the nose of the stair treads and not less than 42 inches above stairway platforms.

m. Stairway Exit Enclosures. All rooming houses, residential living facilities and hotels which contain 9 or more occupants and all 2nd class dwellings that contain 5 or more 2nd class dwelling units shall have exit stairway enclosures which comply with par. n, except those with exterior stairways or fire escapes.

n. Room Separation. All existing licensed dwelling facilities shall have each sleeping room and sleeping dormitory separated from the hall, corridor and exitway by an enclosure which complies with the following minimum requirements:

n-1. The walls and the ceiling shall be covered with at least one layer of 1/2 inch drywall, plaster or equivalent.

n-2. Doors, panels and transoms shall be of 1.5 inch solid wood, or the door, panel and transom shall be covered with 16 gauge sheet metal screwed or otherwise securely fastened to the door, panel or transom or the equivalent of 1/2 inch of plywood or hardboard secured to the existing door, panel or transom or a labeled 20 minute door, panel or a transom and door frame with a minimum rating of 20 minutes. All doors panels and transoms shall be tightly fitted to the frames and the frames shall be maintained in a structurally sound condition. All such transoms shall be fixed in a closed position.

n-3. No cracks, holes, grills, windows or other openings shall be permitted between sleeping rooms or sleeping dormitories and the hall, corridor and exitway.

o. Negligence By Smokers. In each sleeping room of all hotels, rooming houses, and other places of public abode, a plainly printed notice shall be posted in a conspicuous place advising residents and guests of the following regulations: Any person who, by smoking, or attempting to light or to smoke cigarettes, cigars, pipes or tobacco, in any manner in which lighters or matches are employed, shall, in a careless, reckless or negligent manner, set fire to any bedding, furniture, curtains, drapes, house or any household fittings, or any part of any building
so as to endanger life or property in any way or to any extent, shall be guilty of violating this section and shall upon conviction be subject to penalties provided in s. 200-19.

21. EMERGENCY ORDERS. The commissioner may issue emergency orders to the owner, operator or occupancy of a licensed dwelling facility in accordance with the provisions of s. 200-12.5.

22. PENALTIES. a. Any person who violates sub. 2 shall, upon conviction, be subject to a forfeiture of $2,500 to $5,000, together with the costs of prosecution, and in default of payment thereof to imprisonment in the house of correction or county jail of Milwaukee County for a period of not less than 45 days nor more than 90 days.

b. Any person who violates any provision of this section other than sub. 2 shall, upon conviction, be subject to the penalties provided in s. 200-19.

275-21. Maintenance Of Hotels And Motels.

1. APPLICABILITY. No person may operate a hotel or motel unless all of the requirements of this section and all general requirements of this chapter are complied with. For the purpose of interpreting the requirements of the designated sections applicable in the enforcement of this section, "multiple dwelling" or "dwelling" shall be interpreted to mean "hotel" or "motel", and "dwelling unit" or "dwelling units" shall be interpreted to mean "hotel unit", "hotel units", "motel unit", or "motel units". Every dwelling unit located within a hotel or motel shall comply with all of the requirements for dwelling units as established in accordance with this chapter.

2. BED LINENS AND TOWELS TO BE SUPPLIED. The operator of every hotel or motel shall supply clean bed linens and towels to every hotel or motel unit within such hotel or motel prior to letting of any room to any occupant.

4. PREPARATION OF MEALS IN HOTEL OR MOTEL UNITS PROHIBITED. No occupant of a hotel or motel may prepare meals in a hotel or motel unless such meals are prepared in a dwelling unit contained therein, except that occupants of a hotel or motel who are employed in a public restaurant located within that hotel or motel may live and sleep in rooms located within the hotel or motel. Meals prepared in a public restaurant may be served to and eaten by the occupants of a hotel or motel unit, provided the dishes and tableware
are returned to the restaurant kitchen for washing and the garbage is disposed of in an approved manner.

5. COMMUNAL KITCHENS PROHIBITED. No communal kitchen shall be contained in any hotel or motel.

6. EVACUATION PLAN. The operator of a hotel or motel shall, prior to the letting of any hotel or motel unit, post a fire evacuation plan approved by the fire department on the interior of every unit entry door.

275-22. Maintenance of 2nd Class Dwellings.

1. APPLICABILITY. No person may operate a 2nd class dwelling and no person shall occupy any 2nd class dwelling unit in a 2nd class dwelling unless all of the requirements of this section and all general requirements of this chapter are complied with.

2. NUMBERING OF UNITS. Every 2nd class dwelling unit and every other dwelling unit in every 2nd class dwelling shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to the unit. No 2 doors shall bear the same number. No number on any door of any unit shall be changed to any other number without notification or letter to the commissioner.

275-23. Maintenance Of Rooming Houses.

1. APPLICABILITY. No person may operate a rooming house unless all of the requirements of this section and all general requirements of this chapter are complied with. For the purpose of interpreting the requirements of the designated sections applicable in the enforcement of this section, "multiple dwelling" or "dwelling" shall be interpreted to mean "rooming house", and "dwelling units" shall be interpreted to mean "sleeping rooms", "sleeping dormitory" or "rooming units". Every dwelling unit located within a rooming house shall comply with all of the requirements for dwelling units as established in accordance with this chapter.

2. TOILETS. At least one toilet properly connected to an approved water and sewer system and in good working condition shall be supplied for each 8 persons or fraction thereof residing in a rooming house, including members of the operator's family, whenever they share the facilities. In a rooming house where rooms are let only to males or where separate toilet rooms are furnished for each sex, flush urinals may be substituted for not more than 1/2 of the required number of toilets for males.

3. LAVATORY BASINS, BATHS OR SHOWERS. At least one lavatory basin, one bath or one shower, properly connected to an approved water and sewer system, supplied with hot water, and in good working condition, shall be supplied for each 8 persons or fraction thereof residing within a rooming house, including members of the operator's family, whenever they share the use of the facilities.

4. LOCATION OF SANITARY FACILITIES. All facilities required in subs. 2 and 3 shall be so located within the rooming house as to be accessible to the occupants of each sleeping room or sleeping dormitory sharing such facilities without going outside of the building and without going through a sleeping area or through a dwelling unit of another occupant.

5. MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes for more than one, but not more than 4 persons, shall contain at least 50 square feet of floor space for each occupancy. Every room occupied for sleeping purposes by more than 4 persons shall be defined as a sleeping dormitory and shall contain at least 200 square feet plus 50 square feet for each occupant over 4 occupants.

7. MEALS IN A SLEEPING AREA PROHIBITED. No occupant of a rooming unit shall prepare or eat meals or store unwashed cooking utensils or open food or food packages in a sleeping dormitory or sleeping area.

8. MEALS IN ROOMING HOUSE. Preparation or eating of food in a rooming house shall be restricted to a kitchen or communal dining room specifically designated and limited to that purpose. Kitchens for 20 occupants or less or which serve 20 occupants or less per meal shall comply with sub. 9. Rooming houses having kitchens for over 20 occupants or which serve over 20 persons per meal or for any meal per day shall comply with the requirements for restaurants in ch. 68, except for the public toilet rooms.

9. COMMUNAL KITCHENS. A communal kitchen shall comply with the following:

a. The kitchen shall be accessible to the occupants sharing the use of the kitchen without going outside of the building or through a sleeping room.

b. The kitchen may not be a part of a sleeping room or sleeping dormitory.

c. The kitchen shall contain a kitchen sink for manual dishwashing.

d. All equipment, utensils and furnishings shall be maintained in a sanitary condition and in good repair.

e. All garbage and refuse shall be kept in watertight, covered containers. The garbage and refuse area shall be kept in a clean and sanitary condition.

f. All food shall be stored so as to be protected from flies, insects, rodents, dust and moisture.

g. A refrigerator shall be provided and maintained in an operational, clean and sanitary condition.

h. A cooking stove fueled by gas or electricity shall be provided. Hot plates are prohibited.

i. Birds, cats, dogs or other animals are not permitted in rooms or areas in which food is prepared, stored or served or where utensils are washed or stored.

j. A food preparation area shall be provided having a total surface area of not less than 6 square feet. The surface of the area shall be smooth, free of cracks and easily cleanable. The food preparation surface shall not be used for eating meals.

k. A kitchen in which occupants are allowed to eat shall be supplied with one chair and 2 linear feet of dining table space for each occupant of a rooming house who is permitted to eat in the kitchen at any particular time. The surface of each dining table shall be smooth, free of cracks and easily cleanable.

L. The kitchen shall contain at least one cabinet of adequate size for and suitable for storage of food and eating and cooking utensils to prevent dust and grease accumulation. Cabinets shall be kept in a clean and sanitary condition.

m. Every kitchen shall contain a minimum floor space of 60 square feet and each kitchen used for dining purposes shall contain at least 100 square feet or a communal dining area shall be provided in accordance with sub. 10.

10. COMMUNAL DINING AREA. Every rooming house within which the occupants are served meals or allowed to prepare meals or cook within a kitchen which contains less than 100 square feet shall contain a communal dining room which complies with the following:

a. Every communal dining room shall be located on the same floor of the rooming house as the communal kitchen and shall be as nearly adjacent to the communal kitchen as practicable.

b. Every communal dining room shall be accessible to the occupant of each sleeping room sharing the dining room, without going outside of the rooming house and without going through a sleeping room or sleeping dormitory of another occupant.

c. Every communal dining room shall contain not less than 70 square feet of floor area.

d. Every communal dining room shall be supplied with one dining chair and 2 linear feet of dining table space for each occupant of a rooming house who is permitted to occupy the dining room at any time. The surface of each dining table shall be smooth, free of cracks and easily cleanable.

11. NUMBERING OF UNITS. Every rooming unit, every 2nd class dwelling unit, and every other dwelling unit in every rooming house shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to the unit. No 2 doors shall bear the same number. No number on any door of any unit shall be changed to any other number without notification or letter to the commissioner.

275-24. Maintenance of Residential Living Facilities. 1. APPLICABILITY. No person may operate a residential living facility unless all of the requirements of this section as well as all general requirements of this chapter are complied with. For the purpose of interpreting the requirements of the designated sections applicable in the enforcement of this section, "multiple dwelling" or "dwelling" shall be interpreted to mean "residential living facility", and "dwelling units" shall be interpreted to mean "sleeping rooms" or "sleeping dormitory". Every dwelling unit located within a residential living facility shall comply with all of the requirements for dwelling units as established in accordance with this chapter.

2. TOILETS. At least one toilet properly connected to an approved water and sewer system and in good working condition shall be supplied for each 8 persons or fraction thereof residing in a residential living facility, including members of the operator's family, whenever they share the use of the facility.

3. LAVATORY BASINS, BATHS OR SHOWERS. At least one lavatory basin, one bath or one shower, properly connected to an approved water and sewer system, supplied with hot water, and in good working condition, shall be supplied for each 8 persons or fraction thereof residing within a residential living facility, including members of the operator's family, whenever they share the use of the facilities

4. LOCATION OF SANITARY FACILITIES. All facilities required in subs. 2 and 3 shall be so located within the residential living facility as to be accessible to the occupants of each sleeping room or sleeping dormitory sharing the facilities without going outside of the building and without going through a sleeping area or through a dwelling unit of another occupant.

5. MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes for more than one, but not more than 4 persons, shall contain at least 50 square feet of floor space for each occupant. Every room occupied for sleeping purposes by more than 4 persons shall be defined as a sleeping dormitory and shall contain at least 200 square feet plus 50 square feet for each occupant over 4 occupants.

6. CHILDREN RESTRICTED. No person under 16 years of age may sleep in a sleeping dormitory or sleeping area with occupants over 16 years of age or of a different sex unless all occupants of the sleeping dormitory or sleeping area are members of the same family.

7. MEALS IN A SLEEPING AREA PROHIBITED. No occupant of a residential living facility may prepare or eat meals or store unwashed cooking utensils or open food or food packages in a sleeping dormitory or sleeping area.

[Pages 560-564 are blank]

SUBCHAPTER 3
MAINTENANCE

275-31. Scope. This subchapter deals with the maintenance of structures a nd equipment.

275-32. Exterior Structure. 1. RESPONSIBILITY. The general welfare of the residents of the city requires that the exterior of structures, whether vacant or occupied, shall be kept in a good state of repair and maintained by the owner or operator in such a way as to protect the safety, health and welfare of the occupants and public and to prevent the blighting of city neighborhoods.

2. STRUCTURAL MEMBERS. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

3. EXTERIOR SURFACES. Every foundation, exterior wall and roof shall be reasonably weatherproof, watertight, rodent-proof, insect-proof and shall be kept in a reasonably good state of maintenance and repair.

a. Wood. All exterior wood surfaces shall be reasonably protected from the elements and against decay, by paint or other approved protective coating applied in a workmanlike manner.

b. Ferrous Metal. All ferrous metal surfaces shall be properly surface-coated when required to prevent deterioration.

c. Previously Painted Surfaces. The following types of surfaces must be maintained to prevent blighting effect on the surrounding neighborhood:

c-1. Painted masonry surfaces must be maintained painted or have the paint removed from the surfaces.

c-2. Other painted surfaces must be maintained painted.

d. Decorative Features. All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

e. Signs, Marquees and Awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

f. Chimneys and Supplied Smoke Pipes. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.

g. Stairways and Porches. Every inside and outside stairway, porch and appurtenance thereto shall be constructed as to be reasonably safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and in a reasonably good state of maintenance and repair.

h. Stairways, Exits and Service Walk Stairways. Stairways, exits and all service walk stairways shall be kept in a reasonable good state of repair and be unobstructed at all times.

h-1. Required. h-1-a. Every stairway and service walk stairway of more than 3 risers shall have at least one handrail mounted on the left, as one mounts the stairs.

h-1-b. Stairways of more than 3 risers shall have a handrail on each open side.

h-2. Height. Handrails shall not be less than 30 inches nor more than 34 inches vertically above the nose of the stair tread.

h-3. Opening Below Top Rail.

h-3-a. When handrails protecting the open sides of a stairway are replaced, they shall have an intermediate rail or rails, or an ornamental pattern designed to prevent the passage of an object with a diameter larger than 4 inches.

h-3-b. Handrails in industrial occupancies shall provide an intermediate rail at midheight.

h-3-c. Subdivision 3 does not apply to service walk handrails.

i. Guardrails. i-1. Opening Below Top Rail.

i-1-a. When guardrails are replaced they shall have an intermediate rail or rails, or an ornamental pattern designed to prevent the passage of an object with a diameter larger than 4 inches.

i-1-b. Industrial occupancies shall provide an intermediate rail at midheight.

i-2. Height. All replacement guardrails shall comply with the following:

i-2-a. Guardrails in one and 2-family dwellings shall be not less than 36 inches in height.

i-2-b. Guardrails in occupancies other than one and 2-family dwellings shall be not less than 42 inches in height.

4. WINDOWS, DOORS AND BASEMENT HATCHWAYS. a. Condition. Every window, exterior door and basement hatchway shall be reasonably weathertight and rodent-proof, and shall be kept in a reasonably good working condition and a reasonably good state of maintenance and repair.

b. Openable Windows. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

c. Door Hardware. Every exterior door, door hinge and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

5. ROOF DRAINAGE. All water shall be conveyed and drained from every roof so as not to cause dampness or damage to the exterior or interior of the structure. Water shall be drained and directed in a manner which will in no way damage the adjoining premises.

6. ROOF GUTTERS AND CONDUCTORS. Except for private detached accessory buildings not more than 1,000 square feet in area, all roofs of all buildings and structures shall be provided with approved-type gutters and conductors. Gutters and conductors shall be properly installed and maintained in good repair at all times.

7. VACANT STRUCTURES.

a. Owners shall have the responsibility for maintaining all vacant dwelling units, dwellings, structures, principal buildings and accessory buildings in a locked or closed condition so that they cannot be entered without an unlawful break-in. The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement pursuant to s. 200-51.7-4. The commissioner may, to assure compliance with this subsection, order an owner to board a structure.

a-1. Owners prior to boarding of a structure under order of the commissioner shall apply for a permit and pay the fee required under s. 200-33.

a-2. Boarding of a structure shall be required for all doors and windows on ground level, those doors and windows accessible to grade by stairs or permanently fixed ladders or within 10 feet of grade and any other doors, windows or other means of ingress or egress as directed by the commissioner.

a-3. Boards shall be cut to fit door and window openings, and square head or star drive screws at least 3 inches in length with washers shall be used to fasten boards to a structure.

a-4. At least one door boarded at the grade level shall be maintained with locks or hinges to permit entry for inspection purposes under subd. 7.

a-5. Boards shall be a minimum of 5/8" thick and be painted to match the trim or siding color of the structure, or be painted forest green.

a-6. Screening or alternate methods of boarding may be permitted when approved by the commissioner.

a-7. The owner of a structure boarded under subd. 1 shall be required, upon notification, to provide entry to the structure to the commissioner at least once every 6 months, for inspection purposes as specified as s. 200-51.7, or at anytime when the structure has been unlawfully entered.

a-8. The owner of a board structure shall notify the commissioner in writing no later than 10 days after sale of the structure or the unboarding of the property.

b. If, after a reasonable notice, the owner fails to board the structure, the commissioner may request the department of public works either by city personnel or by contract to correct the situation and charge the cost thereof upon the tax rolls of the property.

8. FENCES. Every fence shall be kept in a reasonably good state of maintenance and repair or shall be removed.

9. GARAGE DOORS. Garages and accessory buildings designed or utilized for the storage of motor vehicles shall be equipped with operative doors at all entranceways.

10. PUBLIC AREAS. All servicewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair.

11. ADDRESS NUMBERS. All dwellings and principal nonresidential buildings shall be provided with address numbers so that numbers placed on houses and buildings shall not be less than 3 inches, including background, in height, and shall be distinctly legible and shall be posted in a conspicuous place on the front of each house or building, and at the rear or side of properties that abut or are adjacent to alleys so as to be easily seen and read from such public ways. When a background is used, the number proper shall not be less than 2 inches in height.

12. ROOFING MATERIAL. Rolled roofing material shall not be installed over any existing roofing material except existing rolled roofing.

13. FACADE CRITICAL EXAMINATION

a. Purpose. In order to maintain a building's facade in a safe condition, the following requirements shall apply to all buildings which are 15 years old or greater and which have 5 or more stories.

b. Exemptions. This subsection shall not apply to:

b-1. Walls above the 5th story that are set back more than 25 feet from the wall below, provided the setback has an access door for building maintenance and service only, from the occupied space.

b-2. Exterior walls that are 12 inches or less from the exterior wall of an adjacent building.

c. Definitions. In this subsection:

c-1. "Category I building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with non-corrodeable metal.

c-2. "Category II building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with corrosion-resistant metal.

c-3. "Category III building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with or are in direct contact with corrodeable metal.

c-4. "Category IV building" means a building constructed with exterior walls and parts thereof that are primarily secured to the substrate by adhesive bond or with masonry headers.

c-5. "Close-up visual examination" means that the professional or the architect- in-training, engineer-in-training, technician, contractor or skilled trades person, under the professional's direct supervision, must actually touch the façade by hand or tool, unless other methods are approved prior to the inspection by the commissioner.

c-6. "Corrodeable metal" means unprotected carbon steel, shop-primed steel, uncoated reinforcing bars and other metals that can corrode.

c-7. "Corrosion-resistant metal" means corrodeable metal that is galvanized, epoxy-coated or painted specifically to resist corrosion with that finish intact.

c-8. "Critical examination" means a close-up visual examination of the condition of one scaffold drop per elevation of façade, or parts thereof, performed by or under the direct supervision of a professional employed by the owner or agent for the purpose of determining if remedial work is required. The façade area which cannot be examined through a close-up visual examination shall be subject to a remote examination.

c-9. "Façade" means all areas on the exterior of the building, except for horizontal roof areas. The façade includes all walls, windows, balconies, cornices, parapets and appurtenances. The façade also includes walls supported on roofs, such as penthouse walls, chimneys, etc.

c-10. "Non-corrodeable metal" means stainless steel, aluminum or other metal that does not corrode under atmospheric conditions.

c-11. "Professional" means a registered architect or registered structural engineer in the state of Wisconsin. The professional responsible for the critical examination shall be qualified by education and experience in design, inspection or repair design of the type of exterior wall system(s) on the building being examined and shall perform services only in the areas of his or her competence as required under ch. A-E 8, Professional Conduct, Wis. Adm. Code.

c-12. "Remote examination" means an examination performed by a professional and involving the use of binoculars, photographic magnification techniques, remote observation equipment or infra-red or thermography cameras, which can demonstrate reasonable reliability in determining if an area needs a critical examination.

c-13 "Repair plan" means a plan created by the professional which identifies the nature of the defect to be corrected, a detailed procedure for making the repairs, a detailed sketch of the corrections or installation, a plan outlining protective measures for the public when applicable and a time schedule for the repairs.

c-14. "Safe" means a condition observed in a wall that exhibits neither an "unsafe and imminently hazardous condition" nor "safe with an ordinary repair and maintenance program" at the time of the critical examination.

c-15. "Safe with an ordinary repair and maintenance program" means a condition of a building façade, or part thereof, that is safe at the time of inspection, but requires ordinary repairs or maintenance within a time period designated by the professional, not to be later than the next required façade inspection date, in order to prevent its deterioration into an unsafe or unsafe and imminently hazardous condition.

c-16. "Scaffold drop" means a movement from top to bottom of a building façade and covering an area at least 24 feet wide using scaffolding, cranes, hoists, cherry pickers, ladders and other devices that permit a close-up visual examination of the façade at elevations above grade level.

c-17. "Story" means the space in a building between the surfaces of any floor and the floor next above or below, or roof next above, or any space not defined as basement, ground floor, interior balcony, mezzanine, penthouse or attic. The number of stories of a multistory building includes all stories except the basement, ground floor, interior balcony, mezzanine, penthouse or attic.

c-18. "Unsafe and imminently hazardous condition" means a condition in which a façade has no reliable means of structural support and is dangerous to people or property.

c-19. "Unsafe condition" means a condition of a façade, or part thereof, which was reported as safe with an ordinary repair and maintenance program in an earlier critical examination report and, upon inspection, is found not to have been corrected within the time period designated by the professional.

d. Periodic Critical Examination. A critical examination shall be performed by a professional and shall include all of the following:

d-1. The examination shall begin with an elevation parallel to any public sidewalk, walkway, street or alley.

d-2. A close-up visual examination of the building to be performed from a platform or device which allows an inspection of the facade area which can be reached by one scaffold drop per elevation. Other methods may include photographic magnification techniques, remote observation equipment or infra-red or thermography cameras, which can demonstrate reasonable reliability and which may be approved in addition to the close-up visual examination by the commissioner on a case-by-case basis.

d-3. A remote examination of those facade areas which are not accessible during the close-up visual examination.

d-4. A complete review of the most recently prepared inspection report.

d-5. A complete review of the pertinent drawings and specifications of the building to determine the specified designs of the facades on the building.

d-6. A complete review of the drawings, specifications and maintenance reports on previous repair work performed on the facades

d-7. Documentation of the condition of the facades through photographs and drawings.

d-8. A notification to the owner or agent of any wall areas that are bowed, bulged, displaced or leaning inward or outward and, where such defects exist, an examination of the condition of a sufficient number of metal ties, anchors and shelf angles that support the wall at these locations. The owner or agent shall promptly notify the department of such defects, and it shall be the responsibility of the professional to determine the appropriate repair or stabilization procedures. All work necessary to rectify the defects shall be done on a schedule set by the department, in consultation with the professional.

d-9. Examination of the substrate of wall areas with external visible distress.

e. Remote Examination. A remote examination, rather than a critical examination, may be performed by a professional on all facades which are more than 25 feet from the street line, alley, sidewalk, any paved walkways, plazas or play areas that are routinely used by the public and shall include all of the following:

e-1. Methodically scanning the facade area through the use of magnification devices.

e-2. Viewing vertically from street grade and down from parapet (where possible) and along all corners for alignment of facade elements.

e-3. Viewing horizontally to check for alignment of bands of facade elements (such as cornices, water tables, balconies, window lintels and sills).

e-4. Examining any areas which are bowing, bulging, displaced or leaning inward or outward by performing a critical examination.

f. Fire Escape Critical Examinations. Fire escape critical examination reports, as required by s. 214-19-2, may be provided as part of this report.

g. Examination Schedule. Inspection reports must be filed with the department on the following schedule, unless otherwise ordered by the commissioner:

g-1. Category I Buildings. g-1-a. If constructed prior to 1920, by December 1, 2004 and every 12 years thereafter.

g-1-b. If constructed between 1920 and 1950, by December 1, 2005 and every 12 years thereafter.

g-1-c. If constructed in 1951 or later and 15 years old or older, by December 1, 2006 and every 12 years thereafter.

g-2. Category II and IV Buildings.

g-2-a. If constructed prior to 1920, by December 1, 2004 and every 8 years thereafter.

g-2-b. If constructed between 1920 and 1950, by December 1, 2005 and every 8 years thereafter.

g-2-c. If constructed in 1951 or later and 15 years or older, by December 1, 2006 and every 8 years thereafter.

g-3. Category III Buildings.

g-3-a. If constructed prior to 1920, by December 1, 2004 and every 5 years thereafter.

g-3-b. If constructed between 1920 and 1950, by December 1, 2005 and every 5 years thereafter.

g-3-c. If constructed in 1951 or later and 15 years or older, by December 1, 2006 and every 5 years thereafter.

g-4. If a critical examination report was completed 5, 8 or 12 years or less prior to the submission due date, depending on the building category, the report may be submitted to the department for review. If the report is accepted, the next report will be due within 5, 8 or 12 years of when that report was originally completed, depending on the building category.

h. Critical Examination Reports. The professional shall submit a written report to the owner or agent and 2 copies of the report to the commissioner. A critical examination by a professional shall be performed with the understanding that, because of the physical properties of the many materials commonly used for constructing facades, and the limitations on detecting concealed internal wall distress, a critical examination performed by a professional may not find “unsafe and imminently hazardous conditions” in the façade that are not visible from the exterior. Therefore, submittal of the critical examination report is not a representation that all “unsafe and imminently hazardous conditions” in the façade have been identified. The report shall include:

h-1. The name and address of the building.

h-2. The name, address and phone number of the building owner and agent.

h-3. The name, business address and phone number of the professional preparing the report.

h-4. A site plan of the building showing adjacent streets and alleys, and relationship of the building to property lines and adjacent buildings.

h-5. A description of the building, including the number of stories, height, plan dimensions, age and type of exterior wall construction, describing (as applicable) cornices, soffits or similar overhangs or features.

h-6. Overall photographs or drawings of the 4 elevations of the building.

h-7. A detailed description of the critical examination in narrative form, including start and completion dates.

h-8. A designation of the building’s status by the professional, as defined in par. c.

h-9. Drawings or photographs describing the locations and extent of all significant distress or deteriorated conditions observed in the facades.

h-10. A description of recommended repair work and precautionary measures that will be taken to safeguard the public, if any, and the recommended completion date of such work.

h-11. Where appropriate, a comparison of conditions of facades on the building with conditions observed during previous examinations.

h-12. A recommendation for future examination, if earlier than 5 years from date of the report.

h-13. The signature and seal of the professional who performed the critical examination.

h-14. The signature of the owner or agent acknowledging his or her knowledge of the building's condition and responsibility to maintain the building in a safe condition.

h-15. The date of the report.

h-16. Other documents, notes, summaries, memoranda, letters or ancillary reports pertinent to the critical examination report prepared by the professional and submitted to the owner.

i. Building Status. Based upon the exterior maintenance status of each building, the commissioner may issue orders to make needed repairs and obtain required permits . The procedure shall be as follows, based upon the exterior maintenance status of each building:

i-1. Buildings Determined "Safe". One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent, and professional, bearing a stamp of receipt signed by the commissioner.

i-2. Buildings Determined "Safe With an Ordinary Repair and Maintenance Program". One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon approval of a repair schedule prior to the commencement of any work and filing of a second report by a professional stating the required work was performed.

i-3. Buildings Determined to be in an "Unsafe Condition". One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon filing of a repair plan prepared by a professional, filing of a follow-up report by the professional stating that the building has been brought back to a "safe condition" within the time schedule established by the commissioner and completion of a scheduled inspection by the department.

i-4. Buildings Determined to be in an "Unsafe and Imminently Hazardous Condition". One copy of the report shall, if completed in compliance with par. h, be returned to the owner or agent bearing a stamp of receipt signed by the commissioner upon completion of the following:

i-4-a. Notification by the professional to the commissioner by the next business day related to the condition of the building.

i-4-b. Detailing the appropriate precautionary measures to be taken by the owner prior to a scheduled city inspection to prevent further deterioration and to make the site safe to the public and building occupants prior to scheduled repairs being performed. If the building owner fails to take these measures prior to the city inspection, the commissioner may cause the precautionary measures to be taken. The cost incurred by the city in taking the necessary precautionary measures may be charged against the real estate upon which the building is located, and if that cost is so charged it is a lien upon such real estate and may be assessed and collected as a special charge.

i-4-c. Submission of a repair plan within 3 business days of the notification to the commissioner of the condition of the building.

i-4-d. A written report by the professional noting that repairs have been performed to bring the building into a "safe condition" on a schedule created by the commissioner shall be submitted in duplicate to the commissioner by the owner.

i-4-e. A professional has submitted a maintenance plan for the building and monthly reports to the commissioner related to the maintenance work performed.

i-4-f. Another critical examination has been scheduled to be performed within a year, with the report of that examination to be submitted to the commissioner.

275-33. Interior Structure. 1. GENERAL. The interior of a structure and its equipment shall be maintained by the owner or operator in a structurally sound and sanitary condition so as not to pose a threat to the health and safety of the occupants, and protect the occupants from the environment. No person shall occupy as owner-occupant, or let to another for occupancy or use any structure, dwelling, dwelling unit or portion thereof, which does not comply with the requirements of this section and subchs. 4 to 7.

2. STRUCTURAL MEMBERS. The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

3. INTERIOR SURFACES. a. Every interior partition, wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit them to be kept in a clean and sanitary manner.

b. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

4. FREE FROM DAMPNESS. In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

5. INTERIOR STAIRWAYS. a. Every interior stairway shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

b. Handrails for interior stairways shall comply with s. 275-32-3-h-1-a.

6. INTERIOR DOORS. Every interior door, door hinge and door latch shall be maintained in a good state of repair.

7. MEANS OF EGRESS FOR ONE AND 2-FAMILY DWELLINGS. a. No owner or operator of a one or 2-family dwelling that has 2 or more means of egress from the dwelling unit or units shall reduce or permit to be reduced the number of means of egress from any dwelling unit to less than 2. Second floor airing porches may be counted as one of the required means of egress from second floor units if a second exit was not provided.

b. In a 2-family dwelling, no doors that serve as a common means of egress shall be locked against egress when the building is occupied. All locking devices which prevent egress or which require the use of a key to exit shall be prohibited.

275-34. Supplied and Furnished Equipment.

1. SUPPLIED FACILITIES. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function properly, and shall be maintained in reasonably good working condition.

2. PLUMBING FIXTURES FURNISHED BY OCCUPANTS. Every plumbing fixture furnished by the occupant shall be properly installed and shall be maintained in reasonably good working condition, in a clean and sanitary state, and free from defects, leaks or obstructions.

3. STORM WINDOWS. In any rental dwelling or rental dwelling unit, storm windows or at least double glazed windows shall be supplied by the owner for each window in each habitable room of the rental dwelling unit except that such windows need not be provided if heat in the rental dwelling or rental dwelling unit is supplied by the owner. Storm windows shall cover the entire window surface and be capable of adequately sealing out cold air and be constructed of rigid, clear material. Clear, rigid plastic or film materials may be used instead of storm windows when installed on the interior of the primary window in a manner to prevent air infiltration. Flexible film shall not be allowed on the exterior of buildings. Flexible film shall be removed during periods when screens are required. The responsibility of installing the storm windows or other approved materials shall be assumed by the owner, except in one and 2-family dwellings, the tenants shall be responsible for installation.

4. USE OF HEATING FACILITIES. Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care, proper use and proper operation of supplied heating facilities.

5. DISCONTINUANCE OF SERVICES. No owner or operator may cause any service, facility, equipment or utility which is required or supplied to be removed from or shut off from, or discontinued for any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary while actual repairs, replacements or alterations are being made.

6. DAMAGE TO PROPERTY. No person may wilfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures and equipment, and supplied furnishings or any other property of another.

275-35. Graffiti Abatement. 1. DEFINITION. In this section, "graffiti" means any inscription, word, figure or design marked, scratched, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye or other similar substances on buildings, fences, structures, equipment and similar places without the express permission of the owner or operator of the property.

2. PUBLIC NUISANCE. The existence of graffiti on any real property within the city is expressly declared to be a public nuisance as it affects the public health, safety and welfare, and it shall be the duty of the owner or operator of the property to keep the property free of graffiti at all times.

3. GRAFFITI PROHIBITED. No owner or operator of any real property within the city may maintain or allow any graffiti to remain upon any structure located on such property when the graffiti is visible from the street or other public or private property.

4. NOTIFICATION BY DEPARTMENT. Whenever the department determines that graffiti on any building or structure within the city is visible from the street or other public or private property, the department may notify by letter the owner or operator of the property that the graffiti shall be abated in a timely manner.

5. GRAFFITI ABATEMENT. a. The commissioner may issue an order to the property owner or operator of the property to abate the graffiti observed by the commissioner at the time of inspection within a reasonable time after notification.

b. The minimum compliance of any order shall be the obliteration of graffiti by a primer paint. Removal of the graffiti with primer paint and matching building paint or other suitable removal system appropriate to the surface shall be encouraged.

c. Upon the failure of the property owner or operator to comply with the order of graffiti abatement issued by the department by the designated date, the department may cause the graffiti to be abated by city forces or private contract. The city or private contractor shall be expressly authorized to enter on the property and abate the graffiti upon exterior walls, fences and other structures abutting public streets, property or right of way. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate graffiti shall be as close as practicable to the background color or colors. The cost of the graffiti abatement and inspection costs shall be charged against the property, shall be a lien upon the property and shall be collected as a special charge.

275-36. Below-Grade Structure.

1. DEFINITION. In this section, "below-grade structure" means any underground space, of which all or a portion extends beyond the building line. This includes, but is not limited to sidewalk vaults, equipment vaults, retaining walls, pits, etc., but does not include underground storage tanks of steel or plastic.

2. INSPECTION. The department is authorized to perform an exterior and interior inspection of any below-grade structure which is deemed by the department to be a potential safety hazard.

3. CRITICAL EXAMINATION. a. If upon inspection the department finds any below-grade structure which appears defective or unsafe, or creates a nuisance, the commissioner may order that a critical examination be performed by a registered architect or registered structural engineer employed by the owner or the agent.

b. The registered architect or registered structural engineer shall submit a written report showing the structural condition of the below-grade structure to the commissioner.

c. All defects noted on the written report submitted by the registered architect or registered structural engineer shall be corrected by the owner within a time period prescribed by the commissioner. Any structural repairs will require the owner to obtain a repair permit.

d. A written report showing that all defects noted in the prior report have been corrected shall be submitted in duplicate to the commissioner by a registered architect or registered structural engineer.

4. ABANDONED BELOW-GRADE STRUCTURE. If an owner chooses to abandon a below-grade structure, the owner shall obtain a permit from the department of city development. If the structure is located within the public right-of-way, a permit shall be obtained from the department of public works.

SUBCHAPTER 4
LIGHT, VENTILATION, SPACE

275-40. Scope; Responsibility. 1. SCOPE. This subchapter governs the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements of this subchapter insofar as they are applicable.

2. RESPONSIBILITY. The owner or operator of the structure shall provide and maintain light and ventilation and space conditions in compliance with this subchapter. No person may occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with this subchapter.

275-41. Light. 1. GENERAL. All spaces or rooms shall be provided with sufficient light so as not to endanger health and safety.

2. WINDOW AREA. Every habitable room shall have at least one window facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be at least 8% of the floor area of the room. Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room. Skylight-type windows existing on and after December 6, 1968, may, if less than 15% of the total floor area, be increased to 15% but no skylight-type window shall be installed in lieu of a window where a skylight has not previously existed.

3. LIGHTING OF COMMON HALLS AND STAIRWAYS. a. Two to 4 Family Dwellings. Public pathways and stairways in buildings accommodating 2, 3 or 4 families shall be provided with convenient light switches controlling an adequate lighting system which may be turned on when needed. An emergency circuit is not required for this lighting.

b. Five or More Families. Public pathways and stairways in buildings accommodating more than 4 families, or more than 30 persons, and every building which accommodates transients shall be lighted at all times with adequate artificial lighting; except that such artificial lighting may be omitted from sunrise to sunset where adequate natural lighting is provided. Whenever the occupancy of the building exceeds 100 persons, the artificial lighting as regulated herein shall be on an emergency circuit.

c. Intensity of Light. Adequate lighting system, as herein required, shall mean an intensity of 2-1/2 foot candles at a plane 30 inches above the floor line. The required intensity shall apply to both natural and artificial lighting.

4. OTHER SPACES. All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions and the safe use of the space and the appliances, equipment and fixtures.

275-42. Ventilation. 1. GENERAL. All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of natural ventilation, the mechanical ventilation system shall be maintained in operation during the occupancy of any structure or portion thereof.

2. ADEQUATE VENTILATION. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 50% of the minimum window area size or minimum skylight-type size, as required in s. 275-41-2, except where there is supplied some other device affording adequate ventilation.

3. BATHROOMS AND TOILET ROOMS. Every bathroom and toilet room shall comply with the light and ventilation requirements for habitable rooms contained in sub. 2 and s. 275-41-2 except that no windows or skylights shall be required in adequately ventilated bathrooms and toilet rooms equipped with an adequate mechanical ventilation system.

4. WINDOW SCREENS. a. Every window required for ventilation, including bath and toilet room, shall be supplied with approved screening having a wire mesh of not less than number 16 covering at least 1/3 of the window area, except that screens shall not be required for window areas above the 5th floor.

b. Notwithstanding any provision of par. a, in any rental dwelling unit, every openable window shall have a window screen with a wire mesh of not less than number 16 covering at least 1/3 of the window area. Except as provided in par. d, the property owner shall be responsible for the installation and maintenance of window screens.

c. Every dwelling having 2 or more basement windows shall have at least 2 window screens which cover the entire window. Where there is only one basement window, it shall be similarly screened. Such screens shall have a wire mesh of not less than number 16.

d. In any rental dwelling or rental dwelling unit, the responsibility for installing the screens shall be assumed by the owner, except that in one and 2-family dwellings the tenants shall be responsible for insertion of pre-fit screens. Screens shall be hung not later than June 1 of each year. Tenants in multiple dwellings shall be responsible for the installation of adjustable frame screens when the same are provided by the owner or operator and can be easily installed from the inside.

275-43. Dwelling Unit Limitations. Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

275-44. Space Requirements. 1. MAXIMUM OCCUPANCY. a. The maximum occupancy for a one room dwelling unit shall be 2 people.

b. No dwelling unit consisting of 2 or more rooms shall be occupied by more occupants than the total number which is calculated on the following basis:

TYPE OF ROOM	OCCUPANCY SUBTOTAL
Kitchen	0
Each habitable room containing less than 70 square feet of floor area	0
Each habitable room containing at least 70 but less than 100 square feet of floor area	1
Each habitable room containing 100 or more square feet of floor area	2

2. RESTRICTIONS. a. Sleeping in Kitchens or Hallways. No person may use any kitchen, nonhabitable space or public space for sleeping purposes.

b. Minimum Ceiling Height. At least 1/2 the floor area of every habitable room shall have a ceiling height of at least 7 feet. The floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

c. Sharing a Toilet and Bath. No dwelling unit may be permitted where occupants share a toilet, bath or lavatory basin with the occupants of another dwelling unit in accordance with s. 275-51-1-b, 2-b and 3-b unless the unit has been created in accordance with the provisions of the code applicable at the time of its creation, and unless the dwelling unit is located in a 2nd class dwelling for which a valid 2nd class dwelling permit was issued in accordance with s. 275-20 and in effect on October 20, 1971.

SUBCHAPTER 5
PLUMBING

275-50. Scope and Responsibility. 1. SCOPE. This subchapter governs the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements prescribed in this subchapter insofar as they are applicable.

2. RESPONSIBILITY. The owner or operator of the structure shall provide and maintain plumbing facilities and fixtures in compliance with this subchapter. No person may occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premise which does not comply with this subchapter.

275-51. Required Facilities. Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin required in accordance with this section.

1. TOILET. a. Every dwelling unit shall contain a toilet, except as otherwise permitted in par. b.

b. The occupants of 2 or more 2nd class dwelling units may share a toilet if the total number of occupants sharing a single toilet does not exceed 8.

2. LAVATORY BASIN. a. When existing dwelling units are remodeled to include any change in floor plans or there are additions thereto, each unit, except as otherwise specified under par. b, shall contain a lavatory basin within the room in which the required toilet is located.

b. Every 2nd class dwelling unit shall contain lavatory basins within the rooms in which communal toilets are located and the total number of lavatory basins shall not be less than the number of toilets.

3. BATH. a. Every dwelling unit shall contain a bath, except as otherwise permitted in par. b.

b. The occupants of every 2nd class dwelling unit shall have access to a bath located within the 2nd class dwelling unit occupied by them or the occupants of 2 or more 2nd class dwelling units may share a bath, provided the total number of occupants in the 2 or more 2nd class dwelling units sharing a single bath does not exceed 8.

4. KITCHEN SINK. Every dwelling unit shall contain an approved kitchen sink.

275-52. Toilet Rooms. 1. PRIVACY. Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy to a person within the rooms.

2. DIRECT ACCESS. Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

3. LOCATION. Every communal toilet and bath, required to be provided in accordance with s. 275-51-2-b and 3-b shall be located within rooms accessible to the occupants of each dwelling unit sharing the facilities without going through a dwelling unit of another occupant and without going outside of the dwelling, and the rooms shall be located on the same floor of the dwelling, or on the floor immediately above or immediately below the dwelling units whose occupants share the use of the facilities.

275-53. Plumbing Fixtures. 1. CONDITION. All plumbing fixtures shall be maintained in a safe and useable condition. All plumbing fixtures shall be of approved material.

2. MAINTENANCE. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a good, sanitary, working condition.

3. ACCESS. Plumbing fixtures shall be installed as to permit easy access for cleaning both the fixture and the area about it.

275-54. Water System. 1. GENERAL. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to an approved water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

3. SUPPLY. The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressure adequate to enable them to function satisfactorily.

4. HOT WATER. Each hot water heating facility shall be properly connected to the water system, as provided in sub. 1, and shall be capable of providing an adequate amount of hot water to be drawn at each sink, lavatory, bathtub and shower that is part of the water system at a temperature of not less than 110EF.

275-55. Sewage System. 1. GENERAL. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

2. MAINTENANCE. Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with this code.

SUBCHAPTER 6
MECHANICAL HEATING AND
ELECTRICAL REQUIREMENTS

275-60. Scope; Responsibility. 1. SCOPE. This subchapter governs the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements of this subchapter insofar as they are applicable.

2. RESPONSIBILITY. The owner or operator of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with this subchapter. No person may occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with this subchapter.

275-61. Heating Facilities. 1. GENERAL HEATING REQUIREMENTS. a. Every dwelling unit shall be supplied with a heating facility unless the heat is provided by a central heating facility. Such facilities shall be properly installed, be maintained in reasonably good working condition, and be capable of adequately heating all habitable rooms, bathrooms and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least 67EF. at a distance 3 feet above floor level when the outdoor temperature is at or above 1OE below zero Fahrenheit.

b. Every owner or operator who rents, leases or lets any dwelling unit on terms, either expressed or implied, to supply heat to the occupants thereof, shall maintain a minimum temperature of 67EF continuously during periods of occupancy.

c. Whenever a dwelling is heated by means of a furnace, boiler or other heating apparatus under the control of the owner or operator of the dwelling, the owner or operator, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with this subsection to every dwelling unit which contains radiators, furnace heat duct outlets or other heating apparatus outlets, and to every communal kitchen, communal dining room, communal bathroom and communal toilet room located within each dwelling.

2. CENTRAL HEATING SYSTEMS. Every supplied central heating system shall comply with the following requirements:

a. The central heating unit shall be in reasonably good operating condition.

b. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function so that an adequate amount of heat is delivered where intended.

c. Every seal between the sections of a hot air furnace shall be tight so noxious gases will not escape into heat ducts.

3. SPACE HEATERS. Every space heater shall be properly installed, maintained in reasonably good working condition and shall comply with the following requirements:

a. No space heater burning solid, liquid or gaseous fuels shall be a portable type.

b. Every space heater burning solid, liquid or gaseous fuels shall be properly vented to a chimney or duct leading to outdoor space.

c. Every coal-burning space heater shall have a fire-resistant panel beneath it.

d. Except as noted in par. f, every space heater located within 2 feet of a wall shall be equipped with insulation sufficient to prevent the overheating of the wall.

e. Every space heater smoke pipe shall be equipped with guards, properly constructed of nonflammable material at the point where the pipe goes through a wall, ceiling, or partition.

f. The clearance of automatically controlled gas space heaters to combustible construction shall be as set forth in s. SPS 323.17, Wis. Adm. Code, as amended.

4. COOKING AND HEATING EQUIPMENT. All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

5. INSTALLATION. All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

a. All fuel-burning equipment shall be connected to an approved chimney flue or vent.

b. All required clearances to combustible materials shall be maintained.

c. All safety controls for fuel-burning equipment shall be maintained in effective operation.

d. A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

6. FIREPLACES. Fireplaces and other construction and devices intended for use similar to a fireplace shall be stable and structurally safe and connected to approved chimneys.

275-62. Electrical Facilities. 1. OUTLETS. Where there is suitable electric service available from supply lines which are not more than 300 feet away from a dwelling, including all existing dwellings now supplied with electrical services, every kitchen, living room, rooming unit and hotel unit within the dwelling shall contain at least 2 separate and remote floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling or wall-type electric light fixture, and every bedroom, dining room, toilet room, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling-type or wall-type electric light fixture. In lieu of one supplied ceiling-type or wall-type electric light fixture, a bedroom and a dining room may each contain at least 2 separate and remote floor or wall-type electric convenience outlets. Every outlet and fixture shall be properly installed and shall be connected to the source of electric power in a proper manner.

2. INSTALLATION. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

3. DEFECTIVE SYSTEM. Where it is found, in the opinion of the commissioner, that the electrical system in a structure constitutes a hazard to the occupants of the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the commissioner shall require the defects to be corrected to eliminate the hazard.

4. OCCUPANT TO HAVE READY ACCESS. a. Each occupant shall have ready access to all overcurrent devices protecting the conductors supplying that occupancy.

b. In a multiple-occupancy building where electric service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service overcurrent devices and feeder overcurrent devices supplying more than one occupancy shall be permitted to be accessible to authorized management personnel only.

SUBCHAPTER 7
SANITATION AND PEST CONTROL

275-80. Scope. This subchapter governs the responsibility of persons for the maintenance of structures, equipment and premises thereof.

275-81. Sanitary Conditions. 1. CLEANLINESS.

a. Occupant's Responsibility. Every occupant of a structure shall keep in a clean and sanitary condition that part of a structure and premises thereof which the occupant occupies or controls, and prior to moving, vacating, or relinquishing occupancy or control.

b. Owner's Responsibility. Every owner or operator of a structure in which 2 or more occupants share a structure or premises shall be responsible for maintaining in a clean and sanitary condition all communal, shared or public areas of the structure and premises thereof which are used or shared by 2 or more occupants. The owner shall maintain vacant land in a clean and sanitary condition.

2. RUBBISH. Every occupant of a dwelling or dwelling unit shall dispose of rubbish in a clean and sanitary manner by placing it in rubbish containers required by sub. 4.

3. GARBAGE. Every occupant of a dwelling or dwelling unit shall dispose of all garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by sub. 4.

4. GARBAGE AND RUBBISH CONTAINERS. The owner of every dwelling unit shall furnish each dwelling unit with adequate garbage and rubbish storage containers of a type and in a location as described in ss. 79-3 and 79-4 or as otherwise approved by the commissioner of public works.

5. MAINTENANCE OF PREMISES.

a. Every premises shall be graded and drained so that:

a-1. No stagnant water accumulates or stands on the premises or within any building or structure located on the premises.

a-2. No soil spills onto the sidewalk, street or adjoining property as a result of soil erosion.

b. Every premises shall be maintained in an erosion-free and dust-free condition utilizing suitable landscaping, grass, trees, shrubs or other planted ground cover or, except in the case of a premises occupied by a single-, 2- or multi-family dwelling, other suitable means approved by the commissioner. Crops, vegetation or other planted material shall be reasonably maintained to prevent a public nuisance, as determined by the commissioner.

c. If an owner fails or neglects to comply with the provisions of this sub. within the time allotted by the commissioner, the commissioner may cause the premises to be restored to an erosion-free and dust-free condition. The cost of such action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge.

6. RAT HARBORAGES. Whenever accumulations of rubbish, boxes, lumber, scrap metal, motor vehicle bodies or any other materials upon a premises provide rat harborage, the person owning or in control of the premises shall cause the material to be removed or the materials shall be stored so as to eliminate the rat harborage. Lumber, boxes and similar materials shall be neatly piled at least one foot above the ground. If, after a reasonable notice, the owner fails to remove or properly store lumber, boxes, scrap metal or other materials that can provide a rat harborage, or to remove dilapidated and inoperative motor vehicles, the commissioner may, by city personnel or by private contractor, cause the materials or motor vehicles to be removed from the premises and disposed of. The cost thereof shall be charged against said real estate, shall be a lien upon the real estate and shall be assessed and collected as a special charge.

275-82. Extermination. 1. GENERAL. The owner or operator of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.

2. EXTERMINATION OF PESTS.

a-1. Owner's Responsibility. Every owner or operator of a structure in which 2 or more occupants share a structure or premises shall be responsible for the extermination of insects, rodents or other pests on the premises whenever infestation exists in portions of the premises controlled by more than one occupant or the infestation exists in shared or public portions of the premises.

a-2. Every owner or operator of a condominium unit shall be responsible for the extermination of insects, rodents or other pests in the condominium unit whenever an infestation exists within 2 or more condominium units that are part of a cluster of contiguous condominium units or whenever an infestation exists in the common or limited common elements, in accordance with s. 703.02, Wis. Stats., of a cluster of contiguous condominium units.

b. Occupant's Responsibility. Every occupant of a structure containing a single occupancy shall be responsible for the extermination of any insects, rodents or other pests on the premises. Every occupant of a structure containing more than one occupancy shall be responsible for extermination within the occupancy whenever the occupancy is the only one infested. Whenever infestation is caused by failure of the owner to maintain a structure in a reasonably rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

3. VACANT STRUCTURES AND LAND. The owner shall maintain all vacant dwelling units, dwellings, structures, principal buildings and yards free from rodents or vermin. If, after the issuance of an order to correct conditions and a reasonable time to comply, the owner fails to keep the property free from rodents or vermin, the commissioner may request the health department either by city personnel or by contract to correct the situation and charge the cost upon the tax rolls of the property, or the commissioner may perform this function if the health department's function under this subsection has been delegated to the department of neighborhood services by a memorandum of understanding.

For legislative history of chapter 275, contact the Municipal Research Library

Pages 579-580 are blank.

CHAPTER 289
FILLING OF LAND

TABLE

289-1 Definitions
289-3 Filling Permits
289-5 Filling Regulations
289-7 Violations
289-9 Penalties

289-1. Definitions. In this chapter:

1. COMBUSTIBLE MATERIALS means and includes oils, oil lights, sweepings, barrels, containers containing oil or similar liquids, boxes, rags, cloth, paper, cardboard, wood, grease, paints, varnish or other similar substances, any of which are likely to be readily flammable or combustible.

2. FILL or FILLING means the act of placing, setting down or depositing solid fill on land for the purpose of, or which has the resultant effect of, changing the existing contour of, or raising the elevation of, the land or any part thereof.

3. FILLING PERMIT means a permit which allows the permit holder to engage in the act of filling on a specified parcel of land.

4. GRADING means the act of moving earth or solid fill materials to change the topography of any land or part thereof.

5. SOLID FILL means earth, clay, soil, ground, stones and rocks, as well as broken concrete not exceeding 12 inches in diameter, or any mixture or combination thereof.

289-3. Filling Permits. 1. PERMIT REQUIRED. No person may fill or grade any lot, tract or parcel of land without first obtaining a permit from the commissioner of city development. However, no permit shall be required whenever excavation, filling or grading is performed in conjunction with a construction project for which the department has issued a permit, the proposed final grade is included in the plans approved by the department and the total amount of material other than that deposited in or taken from the building footprint does not exceed 500 cubic yards. Further, no permit shall be required when the total amount of material does not exceed 100 cubic yards. A permit shall be required whether fill is brought to the site or is moved and deposited within the boundaries of the site.

2. APPLICATION FOR PERMIT. Application for a filling permit shall be made on a form provided by the department of city development and accompanied by the permit fee specified in s. 200-33. The application shall be signed by the person applying for the permit and, if different, the owner of the premises for which the filling is proposed. The application shall specify the location of the premises, a detailed description of the portion of the premises to be filled and an estimate of the number of cubic yards of solid fill necessary to fill the area to approximately the grade of the terrain bounding it.

3. PERMIT VALIDITY; REVOCATION. A filling permit shall be valid for a period of 6 months. Permits may be renewed for additional 6-month periods upon reapplication to the commissioner of city development. Reapplications shall be referred to the commissioner of neighborhood services for approval. A permit may be revoked by the commissioner of neighborhood services upon service of written notice to the permit holder whenever the permit holder is depositing, or permitting or causing to be deposited, any materials on the premises other than solid fill or has failed to or refused to comply with any of the regulations of this chapter.

4. PLAN REQUIRED FOR LARGE PROJECTS. For a project involving land area greater than one-half acre in size or the excavation, filling or grading of more than 500 cubic yards of earth or fill material other than that deposited in or taken from the building footprint, an applicant shall submit a plan prepared at a recognized engineering or architectural scale. This plan shall be consistent with the city of Milwaukee's comprehensive plan and shall include the following information:

a. The existing and proposed topography of the site at a contour interval of 2 feet. All topographic information shall be prepared to city datum by a registered professional engineer or land surveyor.

b. The existing and proposed grades of the lot at each corner of the lot, at each corner of any existing or proposed buildings and at the center of the street pavement at the lot lines extended.

c. The existing and proposed grades of all driveways and parking lots.

d. Drainage patterns, or special drainage devices proposed, as well as spot elevations at the top and bottom of all drainage swales, if applicable.

e. Spot elevations of all significant cut and fill areas.

f. Locations of existing or proposed buildings.

g. Locations of any recorded easements as well as above- or below-ground utilities.

h. The date of the plan, the north arrow and graphic scale.

i. A schedule for the project indicating the duration of the project, phasing and the proposed handling of interim conditions including, but not limited to, stockpiling of materials and equipment storage.

j. The proposed use of the site after the completion of the project.

k. Any other information as may be reasonably requested by the city.

5. SURETY BOND. Applicants for projects requiring the filing of a plan pursuant to sub. 4 shall file with the commissioner of neighborhood services a bond of a surety company duly incorporated in the state of Wisconsin or duly licensed to do business in this state in an amount equal to the cost of the excavation, filling or grading project, but in no case less than $10,000, such bond to be approved by the city attorney. Individual sureties shall not be deemed in compliance with this section. The bond shall provide that they shall not be cancelled until after 30 days' notice in writing to the commissioner of neighborhood services. In lieu of the bond, a public service corporation, or a cooperative association organized under ch. 185, Wis. Stats., to render or furnish telephone, gas, light, heat or power may file with the commissioner of neighborhood services proof of financial responsibility containing the conditions required in the public liability policy. Acceptance of this proof shall be subject to approval by the city attorney.

6. ZONING PERMIT. In addition to the permit required by this section, a special use permit from the board of zoning appeals may be required for a filling or grading project. A special use permit may be required even if no permit is required by this section. See s. 295-419 for additional information.

289-5. Filling Regulations. 1. GENERAL REQUIREMENTS. Every person who fills or grades any lot, tract or parcel of land shall do so in such a manner so as to minimize adverse effects to nearby properties. At the completion of the project, all final grades shall be level and match existing, adjacent topographies. The top of the filled area shall be free from concrete and relatively free from gravel, and the topmost 4 inches of the fill material shall be soil suitable for growing grass. The surface of the filled area shall be kept free of dust and rodents at all times during the filling operation and thereafter.

2. EROSION CONTROL. All filling activity shall be performed in compliance with ch. 290. No filling activity shall be permitted unless an erosion control permit has been issued for the fill site. All materials delivered to the fill site shall be deposited in such manner as to prevent erosion into any waterways or onto any adjoining properties. No natural drainage ways or swales shall be blocked as a result of filling. Fill materials shall be placed in such manner that they do not create water or wind nuisances or insect breeding ponds.

3. HOURS OF OPERATION. No filling shall be performed outside the hours of 7 a.m. to 5 p.m. on weekdays and 7 a.m. to 12:00 p.m. on Saturdays unless specifically allowed on the filling permit. No filling shall be performed on Sundays.

4. NOISE CONTROL. A permit holder shall comply with the provisions of ch. 80 with respect to noise control.

5. PROHIBITED MATERIALS. No person shall deposit on any land any combustible materials or any fly ash, foundry refuse or similar materials which are capable of becoming airborne. The depositing of such materials is declared a public nuisance. The depositing of used materials such as used automobiles, automobile parts, appliances, scrap metal, demolition debris or junk shall also be prohibited and declared a public nuisance unless the site is licensed as a junk yard or sanitary landfill.

6. ENVIRONMENTAL CONTAMINATION PROHIBITED. No fill material shall be placed in such a manner as to cause a violation of any of the following environmental standards:

a. Groundwater quality as contained in ch. NR 140, Wis. Adm. Code, as amended.

b. Surface water quality as contained in chs. NR 102 to 106, Wis. Adm. Code, as amended.

c. Air quality as contained in chs. NR 400 to 499, Wis. Adm. Code, as amended.

7. INSPECTIONS. No person shall deny the commissioner the right of entry onto a property for which a filling permit has been issued for the purpose of inspection and determining compliance with this chapter and the terms of the filling permit.

289-7. Violations. **1.** CESSATION OF WORK. Whenever the department finds that any person engaged in filling is failing to conform with the provisions of this chapter, the terms of a filling permit or other rules, regulations or orders imposed by the department, the department may require that such person cease filling at once and until such time as the person complies with the chapter, terms, rules, regulations or orders.

2. COMPLETION OR CORRECTION OF WORK BY CITY. Whenever any person fails to perform or complete a filling project in accordance with the terms of the permit or the provisions of this chapter, the commissioner shall notify the permit holder that the city will complete or correct the work by using city staff or by contract, and assess the reasonable cost thereof against the property upon which the filling is being performed.

3. PROHIBITED MATERIALS. Whenever any person brings upon any land fill materials which are prohibited by this chapter, the commissioner shall refuse to permit the materials to be unloaded. Whenever any portion or all of such materials have already been unloaded, the commissioner shall order the person bringing the materials onto the site to reload the materials and remove them from the premises.

289-9. Penalties. **1.** PENALTY. Any person violating any of the provisions of this chapter shall be subject to the penalty provisions of s. 200-19.

2. ENFORCEMENT-RELATED EXPENSES. Any person violating any provision of this chapter shall be liable for any expenses which the city may incur in enforcing any of the terms or provisions of this chapter with respect to the person's filling activity.

3. FIRE-RELATED EXPENSES. Any person violating any provision of this chapter shall be liable for any and all damages or expenses incurred by the city as a result of any fire occurring on any public or private property in the city and caused by the person performing filling activity or depositing materials referred to in this chapter.

LEGISLATIVE HISTORY
CHAPTER 289

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

Section	Action	File	Passed	Effective
Ch. 289	cr	020604	8/1/2002	8/20/2002
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289-1-4	cr	031243	4/13/2004	4/30/2004
289-1-5	am	031243	4/13/2004	4/30/2004
289-3-1	am	031243	4/13/2004	4/30/2004
289-3-3	am	031243	4/13/2004	4/30/2004
289-3-4	rc	031243	4/13/2004	4/30/2004
289-3-5	am	031243	4/13/2004	4/30/2004
289-3-6	cr	031242	4/13/2004	4/30/2004
289-5-1	am	031243	4/13/2004	4/30/2004
289-5-2	am	031243	4/13/2004	4/30/2004
289-5-6	rn to 289-5-7	031243	4/13/2004	4/30/2004
289-5-6	cr	031243	4/13/2004	4/30/2004

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CHAPTER 290
EROSION CONTROL

Table

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290-14	Public Service Corporations and Cooperative Associations
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290-1. Definitions. In this chapter:

1. AGRICULTURAL LAND USE means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

2. BEST MANAGEMENT PRACTICE (BMP) means structural or non-structural measures which are temporary or permanent measures, methods, procedures and devices employed to avoid or minimize soil, sediment and pollutant movement, or to manage storm water runoff, onto or off a site, developed in consultation with the Wisconsin department of natural resources.

3. COMMERCIAL LAND USE means use of land in whole or in part as a place of resort, assemblage, trade, traffic, occupancy, or use by the public.

4. CONSTRUCTION SITE means an area upon which one or more land disturbing construction activities occurs, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

5. CONSTRUCTION SITE CONTROL MEASURE means a control measure used to meet the requirements of s. 290-7-2.

6. CONTROL MEASURE means a practice or combination of practices to control erosion and attendant pollution.

7. CONTROL PLAN means a written description or drawing with the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this chapter submitted by the applicant for review and approval by the department of city development in case of private property or by the department of public works in case of a public right-of-way.

8. EROSION means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

9. 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.

10. LAND DISTURBING CONSTRUCTION ACTIVITY means any man-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 construction activities include clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

11. LAND USER means any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

12. LANDOWNER means any person holding title to or having an interest in land.

13. MAINTENANCE means the upkeep by the applicant, or subsequent landowner or land user during the period of land disturbance and land development of the site or any portion thereof, in a manner to ensure adequate performance and to prevent nuisance conditions.

14. MAXIMUM EXTENT PRACTICABLE means the highest level of performance that is achievable but is not equivalent to a performance standard specified in this chapter, as determined in accordance with s. 290-1.5.

15. PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS means lands platted, dedicated or used for streets, alleys, county parkways, pedestrian ways and drainage channels, and easements granted for drainage purposes, sewers, water main and city underground or overhead cable.

16. RUNOFF means the rainfall, snowmelt, dewatering or irrigation of water flowing over the ground surface.

17. SET OF ONE YEAR DESIGN STORMS means the following rain intensities and rain volumes or corresponding values specific to the community for storms that occur approximately once per year:

Average Storm Duration (hours)	Rain Intensity (inches/hour)	Total Rain (inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

18. SITE means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application. This includes all work in the public right-of-way.

290-1.5. Applicability of Maximum Extent Possible. Maximum extent practicable applies when a person who is subject to a performance standard of this chapter demonstrates that a 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 responsible party 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.

290-2. Intent. It is the intent of this chapter to prevent site materials, construction residue or illicit discharges from entering any portion of the storm sewer system and watercourses. This applies to construction grading and excavation in or adjacent to any public way, watercourse or storm drainage facility.

290-3. Design, Criteria, Standards and Specifications. Each project shall have an individual control plan. All control measures shall comply with this chapter and shall be based on any of the following:

1. Design guidance and technical standards identified or developed by the Wisconsin department of natural resources under subch. V of ch. NR 151, Wis. Adm. Code.

2. Soil loss prediction tools, such as the Universal Soil Loss Equation (USLE) and revised versions of the USLE (RUSLE and RUSLE2), when using an appropriate rainfall or runoff factor (R factor), or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance. In relation to soil loss prediction tools in which the R factor has been developed to estimate annual soil erosion, averaged over extended time periods, it is permissible to modify the R factor to estimate monthly and single-storm erosion.

3. Technical standards and methods approved by the city.

290-5. Maintenance of Control Measures. To meet the requirements of this chapter the applicant or subsequent landowner shall:

1. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs.

2. Allow the department of neighborhood services to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the plan.

3. Keep a copy of the control plan on the site.

4. Send record of inspection and repairs to the appropriate city department as defined in the erosion control permit.

290-7. Control of Erosion and Pollutants.

1. APPLICABILITY. This section applies to the following sites of land disturbing construction activities and storage of erodable material:

a. Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.

b. Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

c. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.

d. Those involving excavation, filling or storage, or a combination of excavation and filling of storage affecting 100 cubic yards or more of dirt, sand or other excavation or fill material.

e. Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

f. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility on private property or in the public right-of-way for a distance of 300 feet or more.

g. Those involving demolition, razing or major repair of any building where soil could be exposed to wind and rain.

2. REQUIREMENTS. The following requirements shall be met at all sites described in sub. 1 to the maximum extent practicable.

a. Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upslope chambers, hydro-cyclons, swirl concentrators or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the department. Water may not be discharged in a manner that causes erosion of the site or receiving channels. This includes truck washout or disposal of spent water.

b. Disposal. All waste and unused building materials, including but not limited to garbage, debris, cleaning wastes wastewater, toxic materials, or hazardous materials, shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

c. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed immediately by street cleaning, other than flushing.

d. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, frame with filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.

e. Site Erosion Control. The following criteria apply to land development or land disturbing activities that result in runoff leaving the site:

e-1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in subd. 5. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

e-2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

e-3. All disturbed ground left inactive for 10 or more days shall be stabilized by seeding or sodding, or by mulching or covering, or other equivalent control measure. Seeding and sodding may only be used from May 1 to September 15 of any year.

e-4. Erosion and sediment control practices shall be used to prevent or reduce all of the following:

e-4-a. The discharge of sediment from disturbed areas into adjacent waters of the state.

e-4-b. The discharge of sediment from drainage ways that flow off the site.

e-4-c. The transport by runoff waters of the state of chemicals, cement and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

e-4-d. The discharge of sediment from erosive flows at outlets and in downstream channels.

e-4-e. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

e-5. For sites with more than one acre disturbed, in addition to the erosion and sediment control practices described elsewhere in this subsection, the following erosion and sediment control practices shall be employed:

e-5-a. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

e-5-b. No person shall be required to employ more BMPs than are needed to meet a performance standard of this paragraph in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

e-5-c. Notwithstanding subpar. a, if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

e-6. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than 7 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

e-7. Within the public right-of-way no erodable materials shall be located within 100 feet of any unprotected storm drain inlet.

e-8. The city shall be notified 3 working days before any land disturbing activities are commenced.

e-9. The city shall be notified when erosion control measures are in place.

f. Native Vegetation. The land development or land disturbing activity shall preserve, to the maximum extent possible, 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.

3. IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

a. Erosion and sediment control practices shall be constructed or installed before land disturbing activities begin.

b. Erosion and sediment control practices shall be maintained until final stabilization.

c. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

d. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

e. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

290-9. Control Plan for Building and Site Development. No landowner or land user may commence a land disturbing construction activity subject to this chapter without receiving prior approval of a control plan for the site and a permit from the department, except as provided in s. 290-11. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing construction activity subject to this chapter shall submit an application

for a permit and a control plan and pay an application fee to the department. By submitting an application, the applicant is authorizing the department to enter the site to obtain information required for the review of the control plan.

1. ACTIVITIES COVERING ONE ACRE OR MORE. The control plan for land disturbing construction activities covering one acre or more shall consist of:

a. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:

a-1. Site boundaries and adjacent lands which accurately identify site location.

a-2. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

a-3. One hundred year floodplains, flood fringes and floodways.

a-4. Location of the predominant soil types, minimization of soil compaction and preservation of topsoil.

a-5. Vegetative cover, including the location of any 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, that will be preserved or destroyed in conjunction with the land-disturbing activity.

a-6. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.

a-7. Locations and dimensions of utilities, structures, roads, highways and paving.

a-8. Site topography at a contour interval not to exceed 5 feet.

b. A plan of final site conditions on the same scale as the existing site map showing the site changes.

c. A site construction plan including:

c-1. Locations and dimensions of all proposed land disturbing construction activities, temporary soil or dirt stockpiles and construction site management control measures necessary to meet the requirements of this chapter.

c-2. Schedule of anticipated starting and completion date of each land disturbing construction activity including the installation of construction site control measures needed to meet the requirements of this chapter.

c-3. Provisions for maintenance of the construction site control measures during construction.

c-4. Minimization of land disturbing construction activity on slopes of 20 percent or more.

c-5. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

c-6. Development of spill prevention and response procedures.

d. Calculation to show the compliance with the performance standard in s. 290-7-2-e-5-a.

2. ACTIVITIES COVERING LESS THAN ONE ACRE. For land disturbing construction activities covering less than one acre, an erosion control plan statement with simple map shall be submitted to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of this chapter.

3. REVIEW. Within 15 days of receipt of the application, control plan, or control plan statement and fee, the department of city development shall review the application and control plan to determine if the requirements of this chapter are met. The department of city development shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the department of city development shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 10 days of receipt of needed information, the department of city development shall again determine if the plan meets the requirements of this chapter. If the plan is disapproved, the department of city development shall inform the applicant in writing of the reasons for the disapproval.

4. PERMITS. Duration. a. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The department of city development may extend the period one or more times for up to an additional 180 days. The department of city development may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this chapter.

b. Erosion Control Performance Deposit.

b-1. Requirement. As a condition of approval and issuance of the permit, the department of city development shall require the owner or contractor responsible for erosion

control measures at the site to provide an erosion control performance deposit to guarantee a good-faith execution of the approved control plan and associated permits. The deposit shall be in the form of an irrevocable letter of credit, bond or certified check conditioned that the owner or responsible contractor will perform and sufficiently complete all work engaged in as a result of being granted a permit and guarantee that the applicant will perform in accordance with this chapter. The erosion control performance deposit shall be released or returned when the erosion control permit is closed by the inspector.

b-2. Form. An irrevocable letter of credit shall be prepared in a form and manner acceptable to the office of the city attorney.

b-3. Amount. The amount of the letter of credit, bond or certified check shall be calculated at the rate of $0.50 per square foot of disturbed area.

b-4. Waiver. On a site where a one- or 2-family residence is being constructed or demolished, the commissioner of city development may waive the requirement for an irrevocable letter of credit, bond or certified check.

b-5. Term of Deposit. Whenever the deposit is submitted in the form of a bond or letter of credit, such instrument shall be in effect for one year. If the associated construction project remains incomplete at the time of expiration of the bond or letter of credit, the permit holder shall submit a bond or letter of credit which has been extended for another one-year period.

c. Permit Conditions: All permits shall require the permittee to:

c-1. Notify the department 3 business days prior to commencing any land disturbing construction activity.

c-2. Notify the department of the schedule of installation and completion of the control measures.

c-3. Obtain permission in writing from the department of city development prior to modifying the control plan.

c-4. Install all control measures as identified in the approved control plan prior to commencing any land disturbing construction activity.

c-5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.

c-6. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities.

d. Recovery of Costs. Any other necessary erosion control measure not specified under sub. 1 shall be determined by the commissioner of neighborhood services or the commissioner of public works. If the actual cost of implementing an erosion control plan exceeds the amount deposited in the irrevocable letter of credit, the department shall recover the additional cost from the prime contractor by initiating within 30 days of completion of the erosion control measure a court action to recover from such person an amount sufficient to compensate the city for the expense and labor in making such repairs or providing such utilities or fuel services as well as associated administrative costs. Administrative costs shall be deemed to be no less than $50 per hour per inspector field hour incurred pursuant to actions under this section.

290-11. Control Plan for Certain Right-of-Way and Public Utility Easements Projects. Land disturbing construction activities involving streets, alleys, highways, bridges, or an underground pipe, cable or facility may not commence construction without an approved erosion control plan and a permit issued by the department of public works. The permit shall be subject to ch. 115.

1. EROSION CONTROL PLAN. The erosion control plan shall be detailed enough to describe those activities necessary to comply with the requirements of this chapter and must include a statement describing the erosion control measures to be undertaken, whether or not there will be materials stockpiled and, if so, where, a construction schedule, and a simple site map of the construction.

a. Public works contracts. The erosion control plan required by this chapter for contracts awarded by the department of public works, with the exception of non-erodable stockpiles, shall be developed by the contractor. The control plan shall be submitted to the city engineer and approved prior to start of construction.

b. Other work. For construction work by private contractors within the public right-of-way or public utility easement, the erosion control plan shall be submitted to the department of public works as part of the permit process. Within 10 working days after receipt, the department shall have reviewed the plan to determine if the requirements of this chapter have been met. The department shall either approve the plan and issue the permit, if all requirements are met, or notify the applicant, in writing, with the reasons for the disapproval of the erosion control plan and what must be done to correct it. Within 7 working days after resubmittal, the department shall either approve the plan or again notify the applicant, repeating the approval process.

2. PERMIT DURATION. The permit shall be valid for a period of 90 days for excavation work or 180 days, or as determined by the public works contract for occupancy of the right-of-way.

3. IRREVOCABLE LETTER OF CREDIT, BOND OR CERTIFIED CHECK. As a condition of approval and issuance of the permit, the department of public works shall require the prime contractor or owner to deposit an irrevocable letter of credit, bond or certified check to guarantee a good faith effort of the approved control plan and any permits. The irrevocable letter of credit, bond or certified check shall be conditioned that the applicant will perform and sufficiently complete all work engaged in as a result of being granted a permit and guarantee that the applicant will perform in accordance with this chapter. The form of the irrevocable letter of credit shall be prepared by the department of public works and approved as to form and execution by the office of the city attorney. The certified check required shall be based on the schedule provided for under s. 290-9-4-b.

4. AMENDMENTS. All amendments to the control plan shall be approved by the appropriate city department prior to installation.

290-13. Inspection. 1. The department shall inspect site development, building construction sites and building services not let to public works contract, at least once each month while the permit is active to ensure compliance with the control plan. If land disturbing construction activities are being carried out without a permit, the department shall enter the land pursuant to s. 66.0119, Wis. Stats.

2. The department of public works shall inspect construction work for which it has issued permits to ensure compliance with the erosion control plan at least once each month while the permit is active.

290-14. Public Service Corporations and Cooperative Associations. The requirements of ss. 290-9-4-b and 290-11-3 shall not apply to public service corporations, Milwaukee county, the Milwaukee metropolitan sewerage district or to cooperative associations organized under ch. 185, Wis. Stats., to render or furnish telecommunications service, gas, light, heat or power, but such corporations shall secure a permit from the proper officials for erosion control on a highway or private property and shall be liable for all injuries to person or property thereby.

290-15. Enforcement. 1. BUILDING, SITE DEVELOPMENT AND SERVICES NOT LET TO PUBLIC WORKS CONTRACT. a. The department may issue an order to correct violations or a stop-work order or both if any land disturbing construction activity regulated under this chapter is being undertaken without a permit or in violation of the conditions of the permit.

b. If the prime contractor or owner does not cease the activity or comply with the permit conditions within 24 hours or as specified by the department, the department may revoke the permit.

c. If the prime contractor or owner does not cease the activity within 24 hours or as specified by the department, the department may request the city attorney to obtain a cease and desist order.

d. The department may retract the stop-work order or the revocation.

e. After the time for compliance on the stop-work order or order to correct violations notice has passed, the department may issue a notice of intent to the prime contractor or owner of the department's intent to perform work necessary to comply with this chapter. The department may go on the land and commence the work after 3 days from mailing or serving the notice of intent.

f. The department may issue a citation with or without prior order for any violation of this chapter as provided in s. 200-19-2.

g. Any person violating this chapter shall be subject to penalty pursuant to s. 200-19-2.

2. RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS; PUBLIC WORKS CONTRACT. a. The department of public works may order construction halted if:

a-1. The activity regulated under this chapter is undertaken without a permit.

a-2. The control plan is not being implemented in good faith.

a-3. The conditions of the permit are not being met.

b. After the department of public works notifies the offender of noncompliance, it may take whatever steps are necessary to enforce the plan, including, but not limited to, having the permittee make corrections, using its own forces, or engaging other contractors. The cost of such work shall be charged to the permittee and collectable as provided in chs. 79, 115 and 116 or the contract specifications.

3. RECOVERY OF COSTS. If the actual costs of implementing an erosion control plan exceeds the amount deposited in the irrevocable letter of credit, the department shall recover the additional cost from the prime contractor or owner by initiating within 30 days a court action to recover from such person an amount sufficient to compensate the city for the expense and labor in making such repairs or providing such utilities or fuel services as well as associated administrative costs. Administrative costs shall be deemed to be no less than $50 per hour per inspector field hour incurred pursuant to actions under this section.

290-17. Appeals. Appeals not covered by s. 200-17 may be submitted to the administrative review appeals board as provided in s. 320-11.

LEGISLATIVE HISTORY
CHAPTER 290

Abbreviations:

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

Section	Action	File	Passed	Effective
Ch. 290	cr	86-2037	3/29/88	7/14/88
290-1	rc	021113	2/11/2003	2/28/2003
290-1-3	rp	160166	7/6/2016	7/23/2016
290-1-4	rn to 290-1-3	160166	7/6/2016	7/23/2016
290-1-4	cr	160166	7/6/2016	7/23/2016
290-1-5	am	980963	12/18/98	1/1/99
290-1-8	am	901764	3/26/91	4/12/91
290-1-10	rc	160166	7/6/2016	7/23/2016
290-1-11	rp	160166	7/6/2016	7/23/2016
290-1-12	rn to 290-1-11	160166	7/6/2016	7/23/2016
290-1-13	rn to 290-1-12	160166	7/6/2016	7/23/2016
290-1-14	rn to 290-1-13	160166	7/6/2016	7/23/2016
290-1-14	cr	160166	7/6/2016	7/23/2016
290-1-18	am	160166	7/6/2016	7/23/2016
290-1.5	cr	160166	7/6/2016	7/23/2016
290-2	cr	021113	2/11/2003	2/28/2003
290-3	rc	021113	2/11/2003	2/28/2003
290-3	rc	160166	7/6/2016	7/23/2016
290-5	rc	021113	2/11/2003	2/28/2003
290-7-1-0	rc	021113	2/11/2003	2/28/2003
290-7-1-0	am	160166	7/6/2016	7/23/2016
290-7-1-d	rc	021113	2/11/2003	2/28/2003
290-7-1-f	rc	021113	2/11/2003	2/28/2003
290-7-1-g	cr	901764	3/26/91	4/12/91
290-7-1-g	rc	021113	2/11/2003	2/28/2003
290-7-2-0	am	160166	7/6/2016	7/23/2016
290-7-2-a	rc	021113	2/11/2003	2/28/2003
290-7-2-c	am	010348	7/17/2001	8/3/2001
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290-7-2-e-0	rc	021113	2/11/2003	2/28/2003
290-7-2-e-1	am	880468	6/28/88	7/16/88
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290-7-2-e-3	rc	021113	2/11/2003	2/28/2003
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290-7-2-e-9	cr	021113	2/11/2003	2/28/2003
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290-9-1-0	am	080195	7/30/2008	8/16/2008
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290-9-1-a-4	am	160166	7/6/2016	7/23/2016
290-9-1-a-5	am	080195	7/30/2008	8/16/2008
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290-9-1-c-5	cr	160166	7/6/2016	7/23/2016
290-9-1-c-6	cr	160166	7/6/2016	7/23/2016
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290-9-2	am	160166	7/6/2016	7/23/2016
290-9-3	am	980963	12/18/98	1/1/99
290-9-4-a	am	980963	12/18/98	1/1/99
290-9-4-b	rc	901764	3/26/91	4/12/91
290-9-4-b	rc	050386	7/26/2005	8/12/2005
290-9-4-b-0	am	912281	7/28/92	8/14/92
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290-9-4-b-1	rc	021113	2/11/2003	2/28/2003
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290-9-4-b-3	rc	021113	2/11/2003	2/28/2003
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290-9-4-d	am	980963	12/18/98	1/1/99
290-11-0	am	881465	11/18/88	12/9/88
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290-11-2	rc	021113	2/11/2003	2/28/2003
290-11-3	cr	901764	3/26/91	4/12/91
290-11-3	am	912281	7/28/92	8/14/92
290-11-3	rc	021113	2/11/2003	2/28/2003
290-11-4	cr	021113	2/11/2003	2/28/2003
290-13	rc	021113	2/11/2003	2/28/2003
290-13-1	am	980963	12/18/98	1/1/99
290-13-1	am	001458	2/27/2001	3/16/2001
290-13-1	am	160166	7/6/2016	7/23/2016

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290-14	am	921114	11/20/92	12/11/92
290-15-1	rc	901764	3/26/91	4/12/91
290-15-1-a	am	921114	11/20/92	12/11/92
290-15-1-a	am	980963	12/18/98	1/1/99
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290-15-2-b	am	980963	12/18/98	1/1/99
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ZONING

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ZONING
SUBCHAPTER 1INTRODUCTION

295-101. Title. This chapter shall be known as the “City of Milwaukee Zoning Code” and may be referred to as the "zoning code.” The locations of the districts enumerated in this chapter, and boundaries of such districts, are established as shown on the zoning map located in the office of the city plan commission. The map referred to herein shall be known as the “City of Milwaukee Zoning Map,” and may be referred to as the "zoning map".

295-103. Purpose. The purposes of this chapter are to:

1. Promote land uses and development that are consistent with the city's comprehensive plan.
2. Promote and protect the public health, safety and general welfare of the city.
3. Secure safety from fire, overcrowding and other dangers.
4. Maintain and promote safe pedestrian and vehicular circulation.
5. Provide adequate standards for light, air and open space.
6. Further the maintenance of safe and healthful water conditions.
7. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
8. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
9. Protect environmentally sensitive areas.
10. Encourage compatibility of adjacent land uses.
11. Maintain a compatible scale of development within an area.
12. Promote sound, attractive development within the city.
13. Classify property in a manner that reflects its suitability for specific uses.
14. Assure adequate provision of urban services, including transportation, water, utilities, sewers, schools, parks and other services.
15. Enhance the streetscape and pedestrian environment.
16. Encourage innovative project design in the city, including developments that incorporate mixed uses.
17. Provide for effective signage that is compatible with the surrounding urban environment.
18. Encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
19. Conserve historic resources.
20. Promote the construction of affordable housing in the city.
21. Establish procedures to increase citizen awareness of land use activities and their impacts, and to coordinate necessary review processes.
22. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

295-105. Applicability. The provisions of this chapter shall be applicable to all property within the corporate limits of the city.

295-106. Comprehensive Plan. 1. PLAN ADOPTION. The city's comprehensive plan shall be the 13 area comprehensive plans and the citywide policy plan that are contained in common council file no. 100247, passed July 27, 2010, as well as any amendments or updates to those plans that are adopted by common council resolution. Copies of the plan, including any amendments or updates, shall be maintained and made available for public inspection by the department of city development and the city clerk.

2. ZONING CODE CONSISTENCY WITH PLAN. All provisions of this chapter shall be consistent with the adopted comprehensive plan, as required by s. 66.1001(3), Wis. Stats.

295-107. Zoning Districts. 1. GENERAL. The city is divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, to implement the adopted city comprehensive plan and to achieve the purposes of this code.

2. ESTABLISHMENT OF DISTRICTS. For the purposes of this code, all land and water areas in the city are divided into the zoning districts listed in Table 295-107-2. The purposes of the districts are described in ss. 295-501, 295-601, 295-701, 295-801, 295-901, 295-1001 and 295-1105.

TABLE 295-107-2
ZONING DISTRICTS

District	Map Indicator	Most Similar District(s) Under the Previous Code	Subchapter Reference
Residential Districts			
Single-Family	RS1, RS2, RS3, RS4, RS5 and RS6	R/F-1/40, R/F-2/40, R/F-3/40, R/F-4/40 and R/F-5/40	5
Two-Family	RT1, RT2, RT3 and RT4	R/D-1/40, R/C-1/40 and R/E/40	5
Multi-Family	RM1	R/D/40	5
Multi-Family	RM2	R/C/40	5
Multi-Family	RM3	R/D/40, R/D/60 and R/D/85	5
Multi-Family	RM4	R/C/40, R/C/60, R/C/85 and R/C/125	5
Multi-Family	RM5	R/B/40	5
Multi-Family	RM6	R/B/60	5
Multi-Family	RM7	R/B/85, R/A/85 and R/A/125	5
Residential and Office	RO1, RO2	all O and RO districts	5
Commercial Districts			
Neighborhood Shopping	NS1, NS2	all S districts	6
Local Business	LB1, LB2	all L districts	6
Commercial Service	CS	all CS districts	6
Regional Business	RB1, RB2	all RS districts	6
Central Business	C9A-C9H	C9A-C9H	7
Industrial Districts			
Industrial-Office	IO	M/D/40, M/C/60, I/D/40 and I/E/40	8
Industrial-Light	IL	M/B/85, M/A/125, I/C/60, I/D/40, I/D/60 and I/E/60	8
Industrial-Commercial	IC	none	8
Industrial-Mixed	IM	none	8
Industrial-Heavy	IH	I/A125 and I/B/85	8
Special Districts and Overlay Zones			
Parks	PK	none	9
Institutional	TL	all T districts	9
Planned Development	PD and DPD	GPD and DPD	9
Redevelopment	RED	none	9
Neighborhood Conservation	NC	none	10
Interim Study	IS	none	10
Development Incentive	DIZ	DIZ	10
Site Plan Review	SP	SPROD	10
Shoreland-Wetland	WL	Shoreland-Wetland	10
Lakefront	LF	LF/C/60	10
Master Sign Program	MSP	none	10
Floodplain	FW, FF, FSD and GF	FP1 and FP2	11

295-109. Zoning Map. 1. GENERAL. All land in the city is zoned in accordance with the zoning map available in the office of the city plan commission.

2. NEW OR UNCLASSIFIED LAND. Any land not currently shown on the zoning map or any land annexed to the city shall be classified as RS2 until a zoning amendment establishes a different zoning classification in accordance with the city's comprehensive plan.

3. COMBINING OR DIVIDING PROPERTY. To insure that the zoning of property reflects its suitability for specific uses, the combination or division of lots will only be permitted if the lot or lots created meet the requirements of this chapter and each lot is located wholly within one base zoning district. If a land combination or division resulting from a right-of-way vacation will result in a lot being located in 2 zoning districts, the commissioner shall assign a single zoning designation to the lot, that designation being the zoning district in which the majority of the lot is located.

4. DISTRICT BOUNDARIES. The following rules shall be used to establish the precise location of any zoning district boundary line shown on the zoning map:

a. Except as provided in par. c, every district boundary line shall coincide with a property line. The centerlines of streets, alleys, railroads and watercourses shall not be district boundary lines except that, in the case of a watercourse, if the centerline of the watercourse is a property line, the centerline may also be a district boundary line.

b. If a street, alley or other public right-of-way is vacated, the vacated land will assume the zoning of the adjoining parcel, as determined by the commissioner.

c. The boundaries of an overlay zone established pursuant to subch. 10 need not coincide with property lines.

295-111. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. It is not the intent of this chapter to interfere with, abrogate or annul any easements, covenants or other agreements between parties, or to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of structures or premises. However, where this chapter imposes a greater restriction upon the use of land, the provisions of this chapter shall control.

295-113. Uses Not Specifically Enumerated. If a proposed land use is not specifically enumerated as a permitted use, limited use, special use or prohibited use in any of the zoning districts established in this chapter, the commissioner of city development shall determine whether the use in question is similar to a use already listed. If such a determination can be made, the proposed use shall be allowed only upon compliance with the standards and regulations applicable to the designated similar use. If such a determination cannot be made, the proposed use shall be referred to the board of zoning appeals for consideration at its next regularly scheduled meeting. The board shall, within 30 days of such meeting, determine whether the proposed use should be classified as a permitted use, limited use, special use or prohibited use in each of the various zoning districts. The departments of city development and neighborhood services shall provide reports and recommendations to assist the board in its deliberations.

295-115. Basis for Discretionary Reviews. The land use policies of this chapter or the relevant comprehensive plan component, as applicable, shall be considered in making all discretionary land use decisions in all zoning districts where reliance on the land use policies is specifically made a criterion for the decisions. The land use policies or comprehensive plan component shall also be considered by the commissioner of city development in the promulgation of administrative procedures, making a decision upon a request for an interpretation and, where authorized, making a determination of what constitutes a similar use.

295-117. Relief from Other Provisions. Nothing in the provisions of this chapter shall relieve any property owner from satisfying any condition or requirement associated with a previous approval, special use permit, variance, development permit or other permit issued under any zoning ordinance previously in effect, or any other local, state or federal ordinance or statute.

295-119. Severability. If any section, subsection, paragraph or other portion of this chapter, or any provision adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. If any section, subsection, paragraph or other portion of this chapter, or any provision adopted by reference, is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of this chapter to other property, uses or structures shall not be affected.

295-121. Conflicting Requirements. If any provision of this chapter 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.

295-123. Completion and Restoration of Existing Structures. No amendment of this chapter shall require any change in the plans, construction or intended use of a structure for which a completed application for a permit was made prior to the effective date of the amendment, provided that construction or use of the structure was diligently undertaken and pursued in accordance with subch. 4 of ch. 200.

295-125. Vesting. Rights to a permit shall vest in applicants for approvals whose applications conform in all respects with zoning and building code requirements in effect at the time of the application. No applicant for a permit requiring discretionary approval can obtain a vested right. If construction or use is abandoned, the use shall no longer be permitted and a new permit conforming with this chapter shall be required. The applicant shall bear the burden of providing evidence that construction has commenced prior to permit expiration.

295-127. Rules of Construction. 1. TENSE; NUMBER. In this chapter, words used in the present tense include the future, the singular number includes the plural, and the plural the singular.

2. PARTS OF STRUCTURES. When used in this chapter, the term "building", "structure," or "premises," or any similar term, shall be deemed to include the phrase "or any part thereof" unless otherwise stated.

3. HEADINGS. Section, subsection, paragraph, and all other headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify or otherwise affect the scope, meaning or intent of any provision of this chapter.

4. ILLUSTRATION. In the case of any real or apparent conflict between the text of this chapter and any illustration explaining the text, the text shall control.

5. SHALL AND MAY. "Shall" is always mandatory; "may" is discretionary.

6. CONJUNCTIONS. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

a. "And" indicates that all connected item or provisions apply.

b. "Or" indicates that the connected items and provisions may apply singly or in any combination.

c. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

295-129. Statutory Authorization for Floodplain Regulations. The provisions of this chapter relating to use and development of floodplain lands are adopted pursuant to ss. 62.23 and 87.30, Wis. Stats.

[Pages 657 to 660 are blank]

SUBCHAPTER 2
DEFINITIONS AND RULES OF MEASUREMENT

295-201. Definitions. In this chapter, unless otherwise defined in a specific subchapter:

1. ACCESS DRIVE means a roadway leading from a public right-of-way to a parking area. Such a roadway shall be considered part of the parking area when it is adjacent to one or more parking spaces.

3. ACCESSORY BUILDING means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.

7. ACCESSORY STRUCTURE means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. An accessory structure does not contain habitable space. Examples of accessory structures include, but are not limited to, garages, sheds, decks, fences, trellises, arbors, pergolas, flagpoles, air conditioners, open pavilions and awnings.

9. ACCESSORY USE means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.

13. ADULT FAMILY HOME means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.

15. ADULT RETAIL ESTABLISHMENT means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

17. AIRPORT means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.

19. AIRPORT PERIMETER FEATURE means a fence, lighting system, antennae system, on-premise sign, driveway or access road, other than a taxiway, associated with an airport.

20. ALCOHOL BEVERAGE PRODUCTION FACILITY, MICRO means an establishment that produces and packages up to 20,000 barrels of fermented malt beverages, up to 200,000 gallons of vinous spirits or up to 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption.

20.5. ALCOHOL BEVERAGE PRODUCTION FACILITY, LARGE means an establishment that produces and packages more than 20,000 barrels of fermented malt beverages, more than 200,000 gallons of vinous spirits or more than 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption. This term includes ancillary tasting rooms and facility tours.

21. ALLEY means a service way providing a secondary means of public vehicular access to abutting property and not intended for general traffic circulation.

23. ALTERATION means any change, addition, modification or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.

25. AMBULANCE SERVICE means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

27. ANIMAL BOARDING FACILITY means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a “kenneL” in ch. 78.

29. ANIMAL GROOMING OR TRAINING FACILITY means an establishment providing bathing, trimming or training of domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

31. ANIMAL HOSPITAL/CLINIC means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term includes an animal crematorium.

33. ANTIQUE STORE means a retail establishment in which the display of man-made articles produced or constructed at least 100 years ago, or articles collected and recognized by a formal organization established to research, promote and provide information about such articles, covers at least 85% of the display floor area. See RETAIL ESTABLISHMENT, GENERAL.

35. APARTMENT BUILDING. See MULTI-FAMILY DWELLING.

37. APPLIANCE, MAJOR means non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers and stoves.

39. APPLIANCE, SMALL means a portable device or instrument used for domestic functions, including but not limited to vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios and food processors.

40. ARBOR. See PERGOLA.

41. ARCADE means an open space covered by a roof or portion of a structure and open to the outside on at least one side.

43. ARTIST STUDIO means work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

45. ASSEMBLY HALL means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club or meeting space for a club or membership organization. This term does not include a convention center.

47. ATRIUM means a fully enclosed space lighted by skylights, or an outdoor space enclosed by walls and open to the sky.

49. ATTACHED SINGLE-FAMILY DWELLING means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

51. AUTOMOBILE. See LIGHT MOTOR VEHICLE.

53. AWNING means a roof-like shelter which is attached to the exterior wall of a structure and which slopes and drains away from such building or structure. See also HOOD.

55. BANK OR OTHER FINANCIAL INSTITUTION means a depository institution, mortgage banker, mortgage broker or mortgage loan originator, as defined in s. 224.71, Wis. Stats. This term does not include a currency exchange, a payday loan agency, an installment loan agency or a title loan agency.

56.5. BASEMENT means any enclosed area of a building having its floor below grade on all sides.

57. BED AND BREAKFAST means an establishment which:

a. Provides rooms for rent for short periods of time.

b. Provides meals only to renters of rooms in the establishment.

c. Is the owner's personal residence.

d. Is occupied by the owner at the time of rental.

e. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

58. BICYCLE PARKING SPACE, LONG-TERM means an area set aside, designated and of sufficient size for the parking of one bicycle by an employee, resident, student, commuter or other person expected to park his or her bicycle for approximately 3 hours or more.

58.5. BICYCLE PARKING SPACE, SHORT-TERM means an area set aside, designated and of sufficient size for the parking of one bicycle by a customer, patron, client, visitor, messenger or other person expected to park his or her bicycle for less than approximately 3 hours.

59. BILLBOARD. See SIGN, OFF-PREMISE.

61. BLOCK means land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

63. BLOCKFACE means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the blockface parallel to the lot's front lot line.

65. BLOOD PROCESSING CENTER. See MEDICAL SERVICE FACILITY.

67. BOARD means the board of zoning appeals.

69. BOATHOUSE means a structure used for the storage of watercraft and associated materials, which has one or more walls or sides.

70. BREWPUB means a tavern or restaurant which contains an on-premises alcohol beverage production facility that produces up to 10,000 barrels of fermented malt beverages, 100,000 gallons of vinous spirits or 15,000 gallons of distilled spirits annually, primarily for on-site consumption or retail sale.

71. BROADCASTING OR RECORDING STUDIO means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

73. BUFFER means a setback or open space with a fence, wall or landscaping that provides a visual barrier between uses.

75. BUILDABLE AREA means the area enclosed by the front, side and rear setbacks, as well as any side street or rear street setbacks.

77. BUILDING means an enclosed structure built, erected or framed of component parts for the housing, shelter, support and enclosure of persons, animals or property.

79. BUILDING CODE means chs. 200 to 290 of this code.

81. BUILDING ENVELOPE means the 3-dimensional area enclosed by the front, side and rear setbacks and the maximum height, as well as any side street or rear street setbacks.

83. BUILDING MAINTENANCE SERVICE. See CONTRACTOR's SHOP or CONTRACTOR's YARD.

85. BUILDING SUPPLY STORE. See HOME IMPROVEMENT CENTER.

87. BULK means the volumetric character of a structure, including but not limited to combinations of height, lot coverage, floor area, floor area ratio and open space.

89. BUSINESS SERVICE means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.

91. CANOPY means a rigid, roof-like structure which is accessory to a principal building and which provides shelter but is not enclosed. Such a structure, which may be either freestanding or attached to a principal building, is characterized by vertical support elements.

93. CAR WASH means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.

94. CASH-FOR-GOLD BUSINESS means an establishment primarily engaged in buying used gold or jewelry.

95. CATERING SERVICE means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.

97. CEMETERY OR OTHER PLACE OF INTERMENT means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

101. CHURCH. See RELIGIOUS ASSEMBLY.

103. CLERESTORY WINDOW means a window in the upper part of a wall, with a sill at least 6.5 feet above the interior floor level of a building.

105. COLLEGE means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.

106. COMMERCIAL FARMING ENTERPRISE means a premises used to grow and harvest plants or compost for sale to the general public, retail businesses or wholesale establishments. This use does not include community gardens or outdoor storage facilities.

107. COMMISSION means the city plan commission.

109. COMMISSIONER means, unless otherwise specified, the commissioner of city development or a designated representative.

111. COMMUNITY CENTER means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.

112. COMMUNITY GARDEN means any use of land or a premises for the growing of crops, plants or other vegetation by a group of individuals or by a public or non-profit organization. This use includes composting and the raising of crops, native vegetation or fruit not otherwise in violation of this code. It also includes the sale of produce and ornamental crops grown on-site. This use does not include a commercial farming enterprise or outdoor storage facilities.

113. COMMUNITY LIVING ARRANGEMENT means either of the following facilities licensed, operated or permitted by the state of Wisconsin:

a. Residential care center. A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons, jails or institutions for children with mental health disabilities having a capacity of less than 150 children.

b. Community-based residential facility. A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or services above the level of room and board but less than nursing care. Such care shall include supportive home care service unless contraindicated by the facility program, and may also include 7 hours or less of prescribed personal care service per week, per resident. This term does not include nursing homes, prisons, jails, correctional facilities, convents or facilities owned or operated exclusively by and for members of a religious order, or educational institutions and related student housing.

114. CONCRETE/BATCH PLANT, PERMANENT. See MANUFACTURING, HEAVY.

115. CONCRETE/BATCH PLANT, TEMPORARY means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

117. CONFORMING USE means any of the following:

a. A use which is currently classified as a permitted use in the zoning district in which it is located.

b. A use which is currently classified as a limited use in the zoning district in which it is located and has received approval from the commissioner.

c. A use which is currently classified as a special use in the zoning district in which it is located and has received special use approval from the board.

d. A use for which the board has granted a variance.

119. CONSTRUCT or CONSTRUCTION means the erection of a new structure or an addition to a structure.

121. CONTIGUOUS means land abutting other land which is not separated by streets, ways, pipelines, electric power lines, conduits or rights-of-way owned by other persons.

123. CONTRACTOR'S SHOP means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

125. CONTRACTOR'S YARD means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.

127. CONVENT, RECTORY OR MONASTERY means a building used to house the staff of a church or the members of a religious order.

129. CONVENTION AND EXPOSITION CENTER means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

131. CORRECTIONAL FACILITY means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

133. CULTURAL INSTITUTION means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

135. CURRENCY EXCHANGE means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

137. DAY CARE CENTER means an establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

138. DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

139. DEPARTMENT means the department of city development, unless otherwise specified.

141. DEPTH OF LOT means the distance from the front lot line to the rear lot line, measured in the general direction of the side lines of a lot.

143. DEVELOPMENT means any man-made modification to real estate, including construction or alteration of structures, repair of damaged structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storing, depositing or extracting materials or equipment, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

144. DISABLED PERSON means a person who is or will be housed in a community living arrangement or other group living facility required to be licensed by the state of Wisconsin and who falls into one or more of the following client groups:

a. Advanced age.
b. Irreversible dementia/Alzheimer's disease.
c. Developmental disability.
d. Emotionally disturbed/mental illness.
e. Physical disability.
f. Terminal illness.

g. Traumatic brain injury.

h. Acquired immunodeficiency syndrome ‘AIDS).

i. Alcohol or other drug abuse.

j. Any other physical or mental impairment which substantially limits one or more of such person’s major life activities, or a record of having such an impairment, provided the impairment is not related to current, illegal use of, or an addiction to, a controlled substance.

145. DISPLAY AREA. See s. 295-205.

147. DORMITORY means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.

149. DRAINAGE SYSTEM means one or more artificial ditches, tiles, drains or similar devices which collect water and convey it to a point of discharge.

153. DRY CLEANING ESTABLISHMENT means an establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

155. DUPLEX. See TWO-FAMILY DWELLING.

157. DWELLING means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, excluding any commercial lodging facility.

159. DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit providing complete, independent facilities which are used by one family for living, sleeping, cooking, eating and sanitation.

161. EASEMENT means any portion of a parcel subject to an agreement between the property owner and another person which grants the other person the right to make use of that portion of the property for a specified purpose.

163. EMERGENCY RESIDENTIAL SHELTER means a facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

164. ENCROACHMENT INTO THE FLOODWAY means any fill, structure, equipment, building, use or development in the floodway.

165. ENLARGEMENT means an increase in the floor area, bulk or dimensions of a structure or of the portions of a site devoted to a use.

167. ENVIRONMENTAL CONTROL FACILITY means any facility which is used to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed to supplement or replace facilities not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

173. EXTENSION means an increase in the amount of floor area devoted to a use within a structure or an increase in the land area devoted to a use.

175. FAÇADE means all wall planes of a building which are visible from one side or perspective.

177. FAÇADE, FRONT means those portions of a façade which face and are most closely parallel to the front lot line.

179. FAÇADE, STREET means those portions of a façade which face and are most closely parallel to a street lot line.

181. FAMILY means a single person or group of persons who are related by blood, marriage, adoption or affinity and live together in a stable family relationship.

183. FAMILY DAY CARE HOME means a dwelling unit licensed as a family day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee county, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.

185. FENCE means a structure composed of posts, boards, pickets or chain link which are fabricated from masonry, wood, metal or other rigid materials and intended to provide a visual screen or a separation of properties or uses.

187. FESTIVAL GROUNDS means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

189. FILLING STATION means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast-food/carry-out restaurant.

191. FIXED HOUSEBOAT means a floating structure which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

193. FLAG means an exhibit made of flexible material which is mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of government.

213. FLOOR AREA. See s. 295-205.

215. FLOOR AREA, GROSS. See s. 295-205.

217. FLOOR AREA PREMIUM means additional floor area allowed as a bonus in certain zoning districts.

219. FLOOR AREA RATIO. See s. 295-205.

220. FOOD PROCESSING means the preparation, processing, or canning or other packaging of food products. This term does not include the processing or packaging of alcohol beverages or animal or poultry slaughter.

221. FORMER CODE means ch. 295 in existence as of the September 30, 2002.

223. FOSTER HOME means either of the following facilities, licensed by either the state of Wisconsin, a county agency or a child welfare agency, where children reside and are provided with care and maintenance by persons other than a relative or guardian:

a. Foster family home. A facility which houses from one to not more than 4 children and is the primary dwelling of a foster parent.

b. Small foster home. A facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation.

225. FRATERNITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

227. FREEWAY means a highway with full control of access and with all crossroads separated in grade from the lanes used for through traffic.

229. FUNERAL HOME means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary

231. FURNITURE AND APPLIANCE RENTAL AND LEASING means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

233. GAMING FACILITY means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

235. GARAGE, PRIVATE RESIDENTIAL means a structure which is accessory to a residential building and which is used for the parking or storage of light motor vehicles owned by a resident of the principal residential building, and which is not a separate commercial enterprise available to the general public.

237. GARDEN SUPPLY OR LANDSCAPING CENTER means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

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239. GENERAL OFFICE means use of a building for business, professional or administrative office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor. Accessory uses may include, but are not limited to, common areas, break rooms and lounge areas, including kitchens, coffee bars, outdoor spaces, pet-friendly areas, game rooms, fitness centers, locker and shower rooms, meeting rooms and conference centers. Accessory conference or meeting spaces may be occasionally used by outside groups. Accessory uses and functions may be related to an individual building occupant or may be common resources available to all occupants in a multi-tenant office building.

241. GOVERNMENT OFFICE means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

243. GROUND TRANSPORTATION SERVICE means an establishment providing the storage, maintenance or dispatching of:

a. Taxicabs, limousines or other public passenger vehicles, as defined in s. 100-3-23.

b. Vehicles licensed or otherwise regulated as human service vehicles by the state of Wisconsin and used for the transportation of elderly or handicapped persons.

c. School buses, as described in s. 341.26(2)(d) and (dm), Wis. Stats.

d. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

245. GROUP HOME OR GROUP FOSTER HOME means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

246. HABITABLE STRUCTURE means any structure or portion thereof used or designed for human habitation.

247. HALFWAY HOUSE. See COMMUNITY LIVING ARRANGEMENT.

249. HEALTH CLINIC means a group of associated offices for 4 or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours. This term does not include a medical office or hospital.

251. HEALTH CLUB means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

252. HEARING NOTICE means publication or posting meeting the requirements of ch. 985, Wis. Stats., as amended. For appeals, a class 1 notice, published at least 7 days before the hearing, is required. For all zoning map and text amendments, a class 2 notice, published twice, once each week consecutively, the last at least 6 days before the hearing is required.

253. HEAVY MOTOR VEHICLE means any construction or agricultural equipment, van used for commercial purposes, truck used for commercial purposes or having a cargo capacity or more than 1.5 tons, boat exceeding 20 feet in length or recreational vehicle exceeding 3 tons in weight, 20 feet in length or having more than 6 wheels.

255. HEAVY MOTOR VEHICLE BODY SHOP means an establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

257. HEAVY MOTOR VEHICLE OUTDOOR STORAGE means the outdoor storage of operable heavy motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

259. HEAVY MOTOR VEHICLE PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

261. HEAVY MOTOR VEHICLE PARKING LOT, PRINCIPAL USE means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include parking lots that are used exclusively for the parking of light motor vehicles.

263. HEAVY MOTOR VEHICLE RENTAL FACILITY means an establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

265. HEAVY MOTOR VEHICLE REPAIR FACILITY means an establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

267. HEAVY MOTOR VEHICLE SALES FACILITY means an establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance

269. HEIGHT, BUILDING. See s. 295-205.

271. HEIGHT, SIGN. See s. 295-205.

273. HEIGHT, TRANSMISSION TOWER. See s. 295-205.

275. HELICOPTER LANDING FACILITY means a facility used for the takeoff and landing of helicopters, including, but not limited to, any heliport, helipad or helistop. Accessory features such as hangars, parking pads, terminals and service areas are also part of such a facility.

277. HOME IMPROVEMENT CENTER means an establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

279. HOME OCCUPATION means an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

281. HOOD means a rigid, roof-like structure which affords shelter to a doorway or window, is attached to the exterior walls of a structure, and which has a top surface that is flat or slopes toward such structure. This term includes structures commonly referred to as "marquees." See also AWNING.

282. HOOP HOUSE means a temporary or permanent structure typically constructed with, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops, but not for storage of inorganic materials. A hoop house is considered more temporary than a greenhouse.

283. HOSPITAL means a state-licensed institution providing primary health services and medical, psychiatric or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.

285. HOSTEL. See HOTEL, COMMERCIAL.

287. HOTEL means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.

289. HOTEL, COMMERCIAL means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.

291. HOTEL, RESIDENTIAL means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

293. HOUSEHOLD GOODS means products used in the home which are necessary for or supplemental to normal household activities, including small appliances but excluding furniture and major appliances.

295. HOUSEHOLD MAINTENANCE AND REPAIR SERVICE means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

301. 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 conventional street and alley surfaces, roofs, sidewalks, parking lots and similar improvements.

302. INDUSTRIAL BUILDING means, for purposes of applying design standards, any building containing any use listed under the heading of “storage, recycling and wholesale trade uses,” “transportation uses,” “industrial uses” or “utility and public services uses” in the district uses tables.

302.5. INSTALLMENT LOAN AGENCY means an establishment licensed as a loan company by the Wisconsin department of financial institutions under s. 138.09, Wis. Stats., and providing personal loans that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include a bank or other financial institution, a payday loan agency, a title loan agency or a currency exchange.

303. INTENSIFY means to alter the character of a use to the extent that the use generates new or different impacts on the health, safety or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage or other similar conditions associated with the use.

305. KENNEL. See ANIMAL BOARDING FACILITY.

307. LABORATORY. See MEDICAL RESEARCH LABORATORY or RESEARCH AND DEVELOPMENT.

309. LANDSCAPE MATERIALS means living trees, shrubs and ground cover, fences and other similar natural and decorative features.

311. LANDSCAPE PLAN means a plan associated with a subdivision, land development or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities and method of installation.

312. LAND USE means any nonstructural use made of unimproved or improved real estate.

312.5. LARGE AGRICULTURAL STRUCTURE means an accessory structure that does not fit the definition of a hoop house and that is greater than 150 square feet in area. This term includes a rain catchment system.

313. LAUNDROMAT means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public for laundering or dry cleaning purposes.

315. LAUNDRY. See DRY CLEANING ESTABLISHMENT.

317. LIBRARY means a public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

319. LIGHT MOTOR VEHICLE means any motor vehicle used primarily for recreational or personal purposes, including but not limited to an automobile, van, sports-utility vehicle, truck with a cargo capacity of 1.5 tons or less, motorcycle, boat not exceeding 20 feet in length or recreational vehicle not exceeding 3 tons in weight, 20 feet in length or having more than 6 wheels.

321. LIGHT MOTOR VEHICLE BODY SHOP means an establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

325. LIGHT MOTOR VEHICLE OUTDOOR STORAGE means the outdoor storage of operable light motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

327. LIGHT MOTOR VEHICLE RENTAL FACILITY means an establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

329. LIGHT MOTOR VEHICLE REPAIR FACILITY means an establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

331. LIGHT MOTOR VEHICLE SALES FACILITY means an establishment providing retail sale of light motor vehicles, including incidental storage and maintenance. This term does not include a light motor vehicle wholesale facility.

332. LIGHT MOTOR VEHICLE WHOLESALE FACILITY means an office for wholesale trade in light motor vehicles.

333. LIMITED USE means a use which is generally compatible with permitted uses in a given zoning district, but has operating or physical characteristics that require certain conditions be placed on the use.

335. LIVE ENTERTAINMENT SPECIAL EVENT means a concert, carnival, circus, fair or similar event lasting less than 15 days.

337. LIVE-WORK UNIT means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.

339. LOT means a platted lot of a recorded subdivision or certified survey map or a lot created as otherwise provided by law to be used as a single parcel.

341. LOT AREA means the land area of a lot, measured in square feet.

343. LOT, CORNER means a lot abutting 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.

345. LOT COVERAGE means the area of a site, expressed as a percentage, covered by a principal building, but excluding decks less than 3 feet in height above grade and projecting eaves, balconies, stairs and similar features.

347. LOT, INTERIOR means a lot other than a corner lot.

349. LOT LINE means a line dividing one lot from an adjoining lot, public place, or public right-of-way, including any of the following:

a. Front Lot Line. The street frontage shall be the front lot line. On a corner lot, the front lot line shall be along the same street as the front lot line of the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street frontage with the smallest dimension shall be the front lot line.

b. Interior Lot Line. A side lot line that is not also a street lot line.

c. Rear lot line. The lot line most closely opposite the front lot line. A triangular lot has 2 side lot lines but no rear lot line. For any other irregularly-shaped lot, the rear lot line is any lot line that is nearly opposite the front lot line. An irregularly-shaped lot may have more than one rear lot line.

d. Side lot line. Any lot line that is neither a front nor a rear lot line.

e. Street lot line. Any lot line that is also a street right-of-way line.

351. LOT SIZE REQUIREMENT means the lot area and lot width requirements of the applicable zoning district.

353. LOT, THROUGH means a lot, other than a corner lot, having frontage on 2 streets.

355. LOT WIDTH means the distance between a side lot line and another side lot line or a side street lot line, measured at the front setback.

357. LUMBER YARD. See HOME IMPROVEMENT CENTER.

359. MALL means an interior, multi-story open space completely enclosed within a building and open to the public.

360. MANUFACTURED HOME means either a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425, or a mobile home, unless a mobile home is specifically excluded under the applicable statute. It does not include a mobile recreational vehicle as defined in s. 246-5-5

361. MANUFACTURING, HEAVY means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

363. MANUFACTURING, INTENSE means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:

a. Animal or poultry slaughter or auction facility.
b. Leather tannery.
c. Distillery of products for finishes.
d. Explosives manufacturer.
e. Sawmill.
f. Paper or pulp mill.
g. Steel mill.
h. Petroleum refinery.
i. Petrochemical plant.
j. Ore smelting facility.

365. MANUFACTURING, LIGHT means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials. The establishment shall meet the following standards; failure to meet any one of these standards shall result in the establishment being classified as heavy manufacturing:

a. Smoke, exhaust, glare, dust and airborne particulates shall be internally-remediated.
b. Noise, sounds and vibrations shall not be evident beyond the walls of the establishment.
c. Motor vehicle operating areas shall have sufficient turning-motion areas that are contained entirely on-site.

367. MARINA means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal.

369. MATERIAL RECLAMATION FACILITY means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, any recycling, salvaging or towing premises, as defined in s. 93-3-20, primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

371. MEDICAL OFFICE means an establishment providing diagnostic and outpatient medical care on a routine basis, but which is unable to provide prolonged inpatient medical or surgical care. Such facility may be staffed by up to 3 doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use, as well as a dialysis establishment. See also HEALTH CLINIC.

373. MEDICAL RESEARCH LABORATORY means an establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

375. MEDICAL SERVICE FACILITY means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products, but does not include a dialysis establishment.

377. MIXED-WASTE PROCESSING FACILITY means an establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

379. MOBILE HOME means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

381. MOBILE HOME PARK means a lot or tract of land used as the site of occupied mobile homes, including any structure, vehicle or equipment accessory to the mobile home park.

382. MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, measures 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. This term does not include a manufactured home that was towed or carried onto a parcel of land but does not remain capable of being towed or carried, including parked model homes.

383. MOTEL. See HOTEL.

385. MOTOR VEHICLE means any trailer or motorized vehicle, including but not limited to any automobile, truck, motorcycle, boat, snowmobile or recreational vehicle. See also HEAVY MOTOR VEHICLE and LIGHT MOTOR VEHICLE.

386. MOTOR VEHICLE PARKING SPACE means an area set aside, designated and of sufficient size for the parking of one automobile, van, sport-utility vehicle or truck with a cargo capacity of 1.5 tons or less, but does not include a designated motorcycle parking space.

387. MULTI-FAMILY DWELLING means a building containing more than 2 dwelling units.

389. MULTIPLE PRINCIPAL RESIDENTIAL BUILDINGS means use of a site for more than one principal residential building.

391. NAVIGABLE WATERS means Lake Michigan, all natural inland lakes within Milwaukee, and all streams, ponds, sloughs, flowages and waters within the city which are navigable under the laws of Wisconsin.

393. NONCONFORMING means legally established but no longer conforming with the regulations of this chapter.

395. NONCONFORMING PROHIBITED USE means a use which was legally established but which is no longer classified as a permitted use or no longer classified as a special use in the zoning district in which it is located.

397. NONCONFORMING SITE FEATURE means a site improvement which was legally established but no longer conforms with the regulations of this chapter.

399. NONCONFORMING SPECIAL USE means a use which was legally established, at a later date became classified as a special use in the zoning district in which it is located, and which has not received special use approval from the board.

401. NONCONFORMING STRUCTURE means, except in subch. 11, a structure which was legally constructed but which no longer complies with the dimensional requirements of the zoning district in which it is located. In subch. 11, “nonconforming structure” means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of subch. 11 for the area of the floodplain which it occupies.

402. NONCOMFORMING USE means, in s. 295-415-9, an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of s. 295-1011 for the area of the floodplain which it occupies. In all other sections, “nonconforming use” shall have the meaning established in subs. 393, 395 or 399, as applicable.

403. NON-RESTAURANT DRIVE-THROUGH FACILITY means a facility which is used for dispensing services or products to customers in motor vehicles. Such facility may include access lanes, signing, lighting and audio systems. This term does not include a drive-in theater or a restaurant with drive-through facility.

405. NURSERY SCHOOL. See DAY CARE CENTER.

407. NURSING HOME means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in s. 50.01, Wis. Stats.

411. OPACITY means the screening effectiveness of a buffer-yard or fence expressed as the percentage of vision that the screen blocks.

412. OPEN PAVILION means a freestanding canopy that provides shade or rain coverage over a patio or deck not more than 3 feet above grade.

413. OPEN SPACE, SURFACE means the at-grade area of any site or development site not covered by structures or devoted to vehicular use.

415. OPEN SPACE, USABLE means a common or private outdoor area at grade level or on a roof, porch, deck, court or balcony or any combination thereof, designed for outdoor living, recreation or landscaping with a minimum horizontal dimension of 6 feet. Open space with a horizontal dimension less than 6 feet or a total area of less than 60 square feet is not considered usable.

416. OPEN SPACE USE means a use having a relatively low flood damage potential and not involving structures.

419. OUTDOOR MERCHANDISE SALES means retail sale of produce, other foodstuffs or any of the products listed in sub. 505, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot

421. OUTDOOR RACING FACILITY means an establishment engaged in operating a track for racing, including but not limited to the racing of motor vehicles, dogs or horses.

423. OVERLAY ZONE means an area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

425. PARCEL. See LOT.

427. PARK OR PLAYGROUND means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

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429. PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

431. PARKING LOT, PRINCIPAL USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles.

435. PARKING SPACE, OFF-STREET means any motor vehicle parking space that is located on the same premises as the use it serves and is not located on public right-of-way.

437. PARKING STRUCTURE, ACCESSORY USE means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the principal use of the premises. This term does not include private one-story garages for single-, 2- or multi-family dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

439. PARKING STRUCTURE, PRINCIPAL USE means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, 2- or multi-family dwellings.

441. PASSENGER TERMINAL means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term includes a bank, general retail establishment, personal service, light motor vehicle rental facility, tavern, fast-food/carry-out restaurant or sit-down restaurant when any such use is an accessory use located within the terminal structure. This term does not include an airport or heliport.

443. PAWN SHOP means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state of Wisconsin pursuant to s. 134.71, Wis. Stats.

445. PAYDAY LOAN AGENCY means an establishment licensed by the Wisconsin department of financial institutions under s. 138.14, Wis. Stats., to originate or service payday loans.

447. PEDESTRIAN LINK means a clearly defined pedestrian walkway between the public sidewalk and a building entrance.

447.5. PERGOLA means a vertical structure without a solid roof or solid walls, but which may include lattice. It is typically used for decoration, to provide support for plants, or to frame a view.

448. PERMANENT SUPPORTIVE HOUSING means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

449. PERSON means any individual, partnership, firm, organization, association, corporation or limited liability company, its agents or assigns or other legal entity capable of holding either legal or equitable title to real property.

451. PERSONAL SERVICE ESTABLISHMENT means an establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

453. PET SHOP. See RETAIL ESTABLISHMENT, GENERAL.

455. PLANT NURSERY OR GREENHOUSE means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.

457. PLAZA means an exterior open space which is open to the public and located between a building and a public street or pedestrian walkway.

459. POWER GENERATION PLANT means a facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels or nuclear power, into electrical energy or steam. This term does not include a small wind energy system. A power generation plant may also perform either or both of the following:

a. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.

b. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

461. PREMISES means one or more lots or portions of lots, including any structures, which are contiguous, under common ownership or control through the use of a permanent deed restriction or a certified survey map, and located entirely within one base zoning district.

463. PRINCIPAL BUILDING or PRINCIPAL STRUCTURE means a building or structure containing the principal use of the lot on which it is located.

465. PRINCIPAL USE means a primary use of a premises which is not accessory to any other use on the premises. Unless the use customarily occurs outdoors, or the definition of the use explicitly mentions that it occurs outdoors, a principal use occurs indoors.

467. PROCESSING OR RECYCLING OF MINED MATERIALS means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.

469. PUBLIC SAFETY FACILITY means a government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

471. RAILROAD SWITCHING, CLASSIFICATION YARD, OR FREIGHT TERMINAL means a facility for the operation of a line-haul or short-line freight railroad.

473. RAISING OF LIVESTOCK means the use of land or buildings for aquaculture, or the keeping of bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.

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

477. RECEPTION/TRANSMISSION SYSTEM means a system of electrical components that emit or receive radio frequency waves, including antennae, communication dishes and similar devices.

479. RECREATION FACILITY, INDOOR means a facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.

481. RECREATION FACILITY, OUTDOOR means a facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility or health club.

483. RECREATIONAL VEHICLE. See MOTOR VEHICLE, HEAVY MOTOR VEHICLE or LIGHT MOTOR VEHICLE.

485. RECYCLABLE MATERIAL means waste material for which there exists a commercially demonstrated processing or manufacturing technology for the use of the material as a raw material.

487. RECYCLING COLLECTION FACILITY means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

489. RELIGIOUS ASSEMBLY means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty/personal instruction school or a college.

491. RENTAL CENTER. See FURNITURE AND APPLIANCE RENTAL AND LEASING.

493. RESALE SHOP. See SECONDHAND STORE.

495. RESEARCH AND DEVELOPMENT means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

497. RESIDENTIAL DISTRICT means a single-family, 2-family or multi-family residential zoning district or a planned development district where a majority of the land area or floor area is devoted to residential uses.

499. RESTAURANT WITH DRIVE-THROUGH FACILITY means a restaurant where some or all of the food prepared is dispensed to customers in motor vehicles. The drive-through facility may include access lanes, signing, lighting and audio systems.

501. RESTAURANT WITHOUT DRIVE-THROUGH FACILITY means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles.

503. RETAIL means sale to the ultimate consumer for direct consumption and not for resale.

505. RETAIL ESTABLISHMENT, GENERAL means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult retail establishment, lumber yard, building supply or home improvement center, garden center or secondhand store.

507. ROOFLINE means the top of a roof or building parapet, excluding any cupola, pylon, chimney or other minor projection.

509. ROOMER means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and also means an occupant of a dwelling unit who is not the primary occupant of the dwelling unit.

511. ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

513. RUMMAGE SALE means the sale of used household goods from a residential premises.

515. SALVAGE OPERATION, INDOOR means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable motor vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

517. SALVAGE OPERATION, OUTDOOR means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

519. SCHOOL, ELEMENTARY OR SECONDARY means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12, inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school or high school.

521. SCHOOL, PERSONAL INSTRUCTION means a business, professional, trade or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology. This term does not include a flight school or an elementary or secondary school.

523. SEASONAL MARKET means a temporary facility used to conduct retail trade for a period not exceeding 180 days in a calendar year.

525. SECONDHAND STORE means an establishment in which used merchandise is sold at retail. This term does not include a cash-for-gold business, a pawn shop or an antique or collectibles store, jewelry store or other general retail establishment.

527. SERVICE STATION. See FILLING STATION or LIGHT MOTOR VEHICLE REPAIR FACILITY.

529. SETBACK means the required distance between a lot line and a setback line.

531. SETBACK, FRONT means the area extending the full width of a lot and located between a front lot line and a front setback line.

533. SETBACK LINE means a line parallel to a lot line which marks the required setback distance and which establishes the required front, side, side street, rear or rear street setback of a lot.

535. SETBACK, REAR means the area extending the full width of a lot and located between a rear lot line and a rear setback line.

537. SETBACK, REAR STREET means the area extending the full width of a lot and located between the rear street lot line and the rear street setback line.

539. SETBACK, SIDE means the area extending from a front setback line to a rear setback line and located between a side lot line and a parallel side setback line.

541. SETBACK, SIDE STREET means a side setback of a corner lot which faces a public street.

543. SEWAGE TREATMENT PLANT means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

544. SHED means an enclosed accessory building of not more than 150 square feet in floor area and not more than 14 feet in maximum height.

545. SHELTER CARE FACILITY means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., including:

a. Family shelter care facility. A facility which houses not more than 4 children.

b. Small group shelter care facility. A facility which houses at least 5 but not more than 8 children.

c. Large group shelter care facility. A facility which houses at least 9 but not more than 20 children.

547. SHIP TERMINAL OR DOCKING FACILITY means a facility for the docking, loading or unloading of ships, barges or boats that primarily transport freight.

549. SHOPPING CENTER means a group of retail or service establishments planned, developed, owned or managed as a unit.

553. SIGN means any structure, device, display, illumination or projected image that is arranged, intended or designed as an announcement, declaration, demonstration, illustration, indication, symbol, insignia, banner or emblem and which is used for advertisement, identification or promotion when placed so as to be seen from out of doors by the general public.

555. SIGN, ABANDONED means:

a. A sign pertaining to or associated with an event, business or purpose which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer; or

b. A sign which contains structural components but no display for a period of 90 consecutive days or longer.

557. SIGN, ANIMATED means a flashing, blinking, moving or rotating sign or a sign with illumination or surface features that change with time. This term shall not include a barber pole or a changeable message sign.

559. SIGN, AWNING means a sign consisting of letters, numbers or symbols applied to or integral with the fabric covering of an awning or awning-like structure.

561. SIGN, CANOPY means an on-premise sign attached to or supported by a canopy.

563. SIGN, CHANGEABLE MESSAGE, AUTOMATIC means a sign which has copy, graphics or images that are changed periodically by an electronic mechanism, such as a time-and-temperature sign, message center, reader board or video screen. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also PORTABLE SIGN.

565. SIGN, CHANGEABLE MESSAGE, MANUAL means a sign which has copy that is changed periodically by manual means, such as a message center or reader board with removable or interchangeable letters. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also SIGN, PORTABLE.

567. SIGN, CONSTRUCTION means a temporary on-site sign designed and constructed to identify a project while it is under construction.

569. SIGN, DILAPIDATED means a sign where elements of the display area or panel are visibly cracked, broken or discolored, where the support structure or frame members are visibly corroded, bent, broken, torn or dented, or where the message can no longer be read under normal viewing conditions.

571. SIGN, FREESTANDING means a sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.

573. SIGN, HOOD means a sign attached to, painted on or suspended from a hood. This term includes signs commonly referred to as “marquee signs.”

575. SIGN, MOBILE. See SIGN, PORTABLE.

577. SIGN, MONUMENT means a freestanding sign supported by a solid foundation or base that is at least as wide as the sign’s display area.

579. SIGN, OFF-PREMISE means a sign advertising a business, organization, event, person, place, service or product which is not the primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located.

581. SIGN, ON-PREMISE means a sign advertising the sale or lease of property upon which the sign is located or a sign advertising a business, organization, event, person, place, service or product which is a primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located.

583. SIGN, PENNANT or STREAMER means a sign, with or without a logo, made of flexible materials suspended from one or 2 corners, used in combination with other such signs to create the impression of a line.

585. SIGN, PERMANENT BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by one or more fixed, rigid supports, such as poles or rods.

587. SIGN, POLE means any freestanding sign supported by one or more poles, except a monument sign.

589. SIGN, POLITICAL means a sign which is intended to advertise support of, or opposition to a candidate for public office or a referendum question, or a sign intended to convey a non-commercial social or political message.

591. SIGN, PORTABLE means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which is not installed in accordance with the provisions of s. 244-7-4. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

593. SIGN, PROJECTING means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

595. SIGN, REAL ESTATE means a temporary sign that relates to the sale, lease or rental of property or buildings.

597. SIGN, ROOF means a sign erected, constructed and maintained on or above the roof of any building.

599. SIGN, TEMPORARY BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

601. SIGN, TETHERED means a sign which is anchored by a rope, wire, chain or similar method.

603. SIGN, WALL means a sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

605. SIGN, WINDOW means a sign placed in or painted on a window, or placed within 3 feet of a window or building opening, which is clearly visible and readable from a street or public place.

607. SINGLE-FAMILY DWELLING means a building containing one dwelling unit.

609. SITE means a premises.

611. SITE WORK means any of the following:

a. Physical expansion of any principal or accessory building.

b. Alteration, replacement, addition or removal of exterior building features such as, but not limited to, porches, railings, balconies, gables, awnings, signs, bay windows, fire escapes, cornices, capitals, lintels, sills and pediments.

c. Alteration of the size, number or location of curb cuts.

d. Alteration of loading or unloading facilities.

e. Alteration of existing off-street parking spaces or installation of new off-street parking spaces.

f. Modification of landscaping.

g. Relocation of an existing freestanding sign or installation of a new freestanding sign.

612. SMALL WIND ENERGY SYSTEM means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where “total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

613. SOCIAL CENTER. See COMMUNITY CENTER.

615. SOCIAL SERVICE FACILITY means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

615.5. SOLAR ARRAY means an accessory system or device that is roof-mounted or ground-mounted with poles or racks that are used to collect radiant energy directly from the sun for use in a solar collector’s energy transformation process.

616. SOLAR COLLECTOR means a device, structure or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

616.5. SOLAR FARM means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

617. SORORITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

619. SPECIAL USE means a use which is generally acceptable in a particular zoning district but which, because of its characteristics and the characteristics of the zoning district in which it would be located, requires review on a case-by-case basis to determine whether it should be permitted, conditionally permitted or denied.

621. SPECIALTY SCHOOL. See SCHOOL, SPECIALTY OR PERSONAL INSTRUCTION.

623. SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, including human male genitals in a discernibly turgid state, even if completely and opaquely covered.

625. SPORTS FACILITY means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

627. STORAGE FACILITY, HAZARDOUS MATERIALS means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

629. STORAGE FACILITY, INDOOR means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a self-service storage facility, a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a moving company which might store personal or household items on a short-term basis, but does not include a business that consists largely of individual storage lockers or is self-service.

631. STORAGE FACILITY, OUTDOOR means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

632. STORAGE FACILITY, SELF-SERVICE means an enclosed storage facility having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of personal or household property, where the storage areas are designed to allow private access to the units and the facility owner or operator has limited access to the units. This term includes a mini-storage facility. This term does not include an indoor storage facility or a wholesale and distribution facility.

633. STORY means that portion of a building included between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a floor area equal to at least two-thirds of the floor area of the floor immediately below it, but not including any basement, mezzanine, balcony, penthouse or attic.

635. STREET means any vehicular way other than an alley which is an existing state, county or municipal roadway or is shown on a plat approved pursuant to law, including the land between the street lines, whether or not improved.

636. STREET-ACTIVATING USE AREA means specific interior rooms and spaces within a use that provides visual activation of the street through windows or other openings. In multi-family residential buildings, examples include lobbies, community rooms, exercise rooms and other similar amenity spaces, but not individual dwelling units. In retail uses, examples include sales areas, break rooms and other active spaces. In office uses, examples include lobbies, conference rooms, amenity spaces and other communal working spaces. In entertainment and accommodation uses, examples include customer seating and waiting areas, and circulation areas. Interior parking areas, storage and locker rooms, restrooms, coat-check areas and other passive spaces not intended to be visually open to the outdoors shall not be considered street-activating uses.

637. STREET, ARTERIAL means a street shown as a principal or minor arterial street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

639. STREET, COLLECTOR means a street shown as a collector street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

640. STREET FRONTAGE, BUILDING means the building façade or elevation most closely parallel to the street property line.

640.5. STREET FRONTAGE ZONE, INTERIOR means the floor area measured perpendicular from the building street frontage, where the depth may vary by district or other requirement. This area is defined for restriction on use of the area.

641. STREET LEVEL AREA means any floor area of a structure located not more than 6 feet above nor more than 6 feet below street grade as measured at principal points of access to the floor area, exclusive of any floor area designed for common use in a multi-tenant building.

643. STREET, LOCAL means a street shown as a local street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

645. STRUCTURE means any constructed or erected materials or combination of materials for use, occupancy or ornamentation installed on, above or below the surface of land or water. This term includes any constructed or built object which requires location on the ground or attachment to something located on the ground. Examples include, but are not limited to, buildings, decks, fences, towers, gas or liquid storage tanks, bridges, dams, culverts, flagpoles, signs and similar objects.

647. 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.

648. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

649. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term does not include:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which is solely necessary to assure safe occupancy conditions.

b. Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the national register of historic places.

c. Ordinary maintenance repairs including internal and external painting, decorating, paneling or the replacement of doors, windows and other nonstructural components.

651. SUBSTATION/DISTRIBUTION EQUIPMENT, INDOOR means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

a. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

653. SUBSTATION/DISTRIBUTION EQUIPMENT, OUTDOOR means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

a. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

655. TAVERN means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

657. TEMPORARY REAL ESTATE SALES OFFICE means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

659. THEATER means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater.

661. TITLE LOAN AGENCY means an establishment providing loans to individuals in exchange for receiving title to the borrowers' motor vehicles as collateral.

663. TOOL/EQUIPMENT RENTAL FACILITY means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

664. TOW TRUCK means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery and transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

664.5. TRANSITIONAL HOUSING means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

665. TRANSMISSION TOWER means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

666. TRELLIS. See PERGOLA.

667. TRUCK FREIGHT TERMINAL means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

669. TWO-FAMILY DWELLING means a building containing 2 dwelling units.

671. UNIVERSITY. See COLLEGE.

673. USE means the purpose for which land or a structure is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

675. VARIANCE, DIMENSIONAL means permission from the board to depart from any of the literal requirements of this chapter except use regulations, including but not limited to a departure from an area, setback, frontage, height, bulk, density or design requirement.**676.** VARIANCE, USE means permission from the board to depart from any of the use regulations of this chapter.

676.3. VEHICLE OPERATING AREA means an area adjacent to a street lot line where motor vehicles are operated, including but not limited to such areas located on the premises of filling stations, automatic teller machines, drive-through facilities and car washes.

677. WATCHMAN/SERVICE QUARTERS means one dwelling unit designed for an employee who is employed on the premises.

679. WATER TREATMENT PLANT means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

685. WHOLESALE means sale for resale and not for direct consumption.

687. WHOLESALE AND DISTRIBUTION FACILITY, INDOOR means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

689. WHOLESALE AND DISTRIBUTION FACILITY, OUTDOOR means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

690. WIND ENERGY SYSTEM means equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by s. 66.0403(1)(m), Wis. Stats. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

691. YARD means all areas of a lot not covered by a principal building.

693. YARD, FRONT means the area extending the full lot width and situated between the front lot line and the face of the principal building which is parallel to, or most nearly parallel to, the front lot line.

695. YARD, REAR means the area extending the full lot width and situated between the rear lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line.

697. YARD, REAR STREET means the area extending the full lot width and situated between the rear street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear street lot line.

699. YARD, SIDE means the area extending between the front yard and rear yard or rear street yard and situated between the side lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

701. YARD, SIDE STREET means the area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

295-203. Use Definitions. This section defines each use listed in the use tables of the various zoning districts, in the order the uses are listed in those tables. **1.** RESIDENTIAL USES. a. “Single-family dwelling” means a building containing one dwelling unit.

b. “Two-family dwelling” means a building containing 2 dwelling units.

c. “Multi-family dwelling” means a building containing more than 2 dwelling units.

d. "Permanent supportive housing" means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

e. "Transitional housing" means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

f. "Attached single-family dwelling" means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

g. "Live-work unit" means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.

h. "Mobile home" means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

i. "Watchman/service quarters" means one dwelling unit designed for an employee who is employed on the premises.

j. "Family day care home" means a dwelling unit licensed as a day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee County, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.

k. "Rooming house" means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

2. GROUP RESIDENTIAL USES. a. "Convent, rectory or monastery" means a building used to house the staff of a church or members of a religious order.

b. "Dormitory" means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.

c. "Fraternity" means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

d. "Sorority" means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

e. "Adult family home" means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.

f. "Foster family home" means a facility which houses from one to not more than 4 children, is the primary dwelling of a foster parent, and is licensed by either the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children by persons other than a relative or guardian of the children.

g. "Small foster home" means a facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation licensed by the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children.

h. "Group home or group foster home" means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

i. "Family shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses not more than 4 children.

j. "Small group shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses at least 5 but not more than 8 children.

k. "Large group shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses at least 9 but not more than 20 children.

L. "Community living arrangement" means either of the following facilities licensed, operated or permitted by the state of Wisconsin:

L-1. Residential care center. A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons, jails, or institutions for children with mental health disabilities having a capacity of less than 150 children.

L-2. Community-based residential facility. A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or services above the level of room and board but less than nursing care. Such care shall include supportive home care service unless contraindicated by the facility program, and may also include 7 hours or less of prescribed personal care service per week, per resident. This term does not include nursing homes, prisons, jails, correctional facilities, convents or facilities owned or operated exclusively by and for members of a religious order, or educational institutions and related student housing.

3. EDUCATIONAL USES. a. "Day care center" means an establishment in which the operator is provided with compensation in return for providing one or more individuals with care for less than 24 hours at a time. The term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

b. "School, elementary or secondary" means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12, inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school or high school.

c. "College" means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.

d. "School, personal instruction" means a business, professional, trade or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology. This term does not include a flight school or an elementary or secondary school.

4. COMMUNITY-SERVING USES. a. "Library" means a public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

b. "Cultural institution" means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

c. "Community center" means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.

d. "Religious assembly" means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college.

e. "Cemetery or other place of interment" means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

f. "Public safety facility" means a government facility for public safety and emergency services including a facility that provides police or fire protection and related administrative facilities.

g. "Correctional facility" means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

5. COMMERCIAL AND OFFICE USES. a. "General office" means use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor. Accessory uses may include, but are not limited to, common areas, break rooms and lounge areas, including kitchens, coffee bars, outdoor spaces, pet-friendly areas, game rooms, fitness centers, locker and shower rooms, meeting rooms and conference centers. Accessory conference or meeting spaces may be occasionally used by outside groups. Accessory uses and functions may be related to an individual building occupant or may be common resources available to all occupants in a multi-tenant office building.

b. "Government office" means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

c. "Bank or other financial institution" means a depository institution, mortgage banker, mortgage broker or mortgage loan originator, as defined in s. 224.71, Wis. Stats. This term does not include a currency exchange, a payday loan agency, an installment loan agency or a title loan agency.

d. "Currency exchange" means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

e. "Title loan agency" means an establishment providing loans to individuals in exchange for receiving titles to the borrowers' motor vehicles as collateral.

f. "Payday loan agency" means an establishment licensed by the Wisconsin department of financial institutions under s. 138.14, Wis. Stats., to originate or service payday loans.

g. "Installment loan agency" means an establishment licensed as a loan company by the Wisconsin department of financial institutions under s. 138.09, Wis. Stats., and providing personal loans that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include a bank or other financial institution, a payday loan agency, a title loan agency or a currency exchange.

h. "Cash-for-gold business" means an establishment primarily engaged in buying used gold or jewelry

i. "Pawn shop" means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state of Wisconsin pursuant to s. 134.71, Wis. Stats.

j. "Retail establishment, general" means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sales of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult retail establishment, lumber yard, building supply or home improvement center, garden center or secondhand store.

k. "Garden supply or landscaping center" means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

L. "Home improvement center" means an establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractor's building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to retail sales of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

m. "Secondhand store" means an establishment in which used merchandise is sold at retail. This term does not include a cash-for-gold business, a pawn shop or an antique or collectibles store, jewelry store or other general retail establishment.

n. "Outdoor merchandise sales" means retail sale of produce, other foodstuffs or any of the products listed in par. g, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot.

o. "Artist studio" means work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

p. "Adult retail establishment" means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

6. HEALTH CARE AND SOCIAL ASSISTANCE. a. "Medical office" means an establishment providing diagnostic and outpatient medical care on a routine basis, but which is unable to provide prolonged inpatient medical or surgical care. Such facility may be staffed by up to 3 doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use, as well as a dialysis establishment. See also "health clinic."

b. "Health clinic" means a group of associated offices for 4 or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours. This term does not include a medical office or hospital.

c. "Hospital" means a state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.

d. "Medical research laboratory" means an establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

e. "Medical service facility" means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products, but does not include a dialysis establishment.

f. "Social service facility" means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not

limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

g. "Emergency residential shelter" means a facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

h. "Nursing home" means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in s. 50.01, Wis. Stats.

7. GENERAL SERVICE USES. a. "Personal service establishment" means an establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

b. "Business service" means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.

c. "Building maintenance service" means an establishment providing routine maintenance of buildings. This term includes, but is not limited to, a window washing, building cleaning, pest extermination or disinfecting service.

d. "Catering service" means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.

e. "Funeral home" means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary.

f. "Laundromat" means an establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for laundering or dry cleaning purposes.

g. "Dry cleaning establishment" means an establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

h. "Furniture and appliance rental and leasing" means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

i. "Household maintenance and repair service" means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

j. "Tool/equipment rental facility" means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

k. "Animal hospital/clinic" means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term also includes an animal crematorium.

L. "Animal boarding facility" means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a "kennel" in ch. 78.

m. "Animal grooming or training facility" means an establishment providing bathing, trimming or training services for domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

8. MOTOR VEHICLE USES. a. "Light motor vehicle sales facility" means an establishment providing retail sale of light motor vehicles, including incidental storage and maintenance. This term does not include a light motor vehicle wholesale facility.

b. "Light motor vehicle rental facility" means an establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

c. "Light motor vehicle repair facility" means an establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

d. "Light motor vehicle body shop" means an establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

e. "Light motor vehicle outdoor storage" means the outdoor storage of operable light motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

f. "Light motor vehicle wholesale facility" means an office for wholesale trade in light motor vehicles.

g. "Heavy motor vehicle sales facility" means an establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance.

h. "Heavy motor vehicle rental facility" means an establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

i. "Heavy motor vehicle repair facility" means an establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

j. "Heavy motor vehicle body shop" means an establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

k. "Heavy motor vehicle outdoor storage" means the outdoor storage of operable heavy motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

L. "Filling station" means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair work on the premises. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast food restaurant.

m. "Car wash" means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.

n. "Non-restaurant drive-through facility" means a facility which is used for dispensing services or products to customers in motor vehicles. Such facility may include access lanes, signing, lighting and audio systems. This term does not include a drive-in theater or a restaurant with drive-through facility.

o. "Parking lot, principal use" means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles.

p. "Parking lot, accessory use" means surface parking spaces for 5 or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does

include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

q. "Parking structure, principal use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, 2- or multi-family dwellings.

r. "Parking structure, accessory use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the principal use of the premises. This term does not include private one-story garages for single-, 2- or multi-family dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

s. "Heavy motor vehicle parking lot, principal use" means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include parking lots that are used exclusively for the parking of light motor vehicles.

t. "Heavy motor vehicle parking lot, accessory use" means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

9. ACCOMMODATION AND FOOD SERVICE USES. a. "Bed and breakfast" means an establishment which:

a-1. Provides rooms for rent for short periods of time.

a-2. Provides meals only to renters of rooms in the establishment.

a-3. Is the owner's personal residence.

a-4. Is occupied by the owner at the time of rental.

a-5. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

b. "Hotel, commercial" means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.

c. "Hotel, residential" means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

d. "Tavern" means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

e. "Brewpub" means a tavern or restaurant which contains an on-premises alcohol beverage production facility that produces up to 10,000 barrels of fermented malt beverages, 100,000 gallons of vinous spirits or 15,000 gallons of distilled spirits annually, primarily for on-site consumption or retail sale.

f. "Assembly hall" means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club or a meeting space for a club or membership organization. This term does not include a convention center.

g. "Restaurant without drive-through facility" means a restaurant where food is prepared and sold for on-site or off-site consumption, or both, but where no food is dispensed to customers in motor vehicles.

h. "Restaurant with drive-through facility" means a restaurant where some or all of the food prepared is dispensed to customers in motor vehicles. The drive-through facility may include access lanes, signing, lighting and audio systems.

10. ENTERTAINMENT AND RECREATION USES. a. "Park or playground" means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

b. "Festival grounds" means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

c. "Recreation facility, indoor" means a facility for the indoor conduct, viewing or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.

d. "Recreation facility, outdoor" means a facility for the outdoor conduct, viewing or participation in recreational activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement park or water park. This term does not include a sports facility or health club.

e. "Health club" means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

f. "Sports facility" means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

g. "Gaming facility" means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

h. "Theater" means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater.

i. "Convention and exposition center" means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

j. "Marina" means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal.

k. "Outdoor racing facility" means an establishment engaged in operating a track for racing, including but not limited to the racing of motor vehicles, dogs or horses.

11. STORAGE, RECYCLING AND WHOLESALE TRADE USES. a. "Recycling collection facility" means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

b. "Mixed-waste processing facility" means an establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

c. "Material reclamation facility" means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, any recycling, salvaging or towing premises, as defined in s. 93-3-21, primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

d. "Salvage operation, indoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable motor vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

e. "Salvage operation, outdoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

f. "Wholesale and distribution facility, indoor" means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

g. "Wholesale and distribution facility, outdoor" means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

h. "Storage facility, indoor" means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a self-service storage facility, a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a moving company which might store personal or household items on a short-term basis, but does not include a business that consists largely of individual storage lockers or is self-service.

i. "Storage facility, self-service" means an enclosed storage facility having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of personal or household property, where the storage areas are designed to allow private access to the units and the facility owner or operator has limited access to the units. This term includes a mini-storage facility. This term does not include an indoor storage facility or a wholesale and distribution facility.

j. **"**Storage facility, outdoor" means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

k. "Storage facility, hazardous materials" means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

12. TRANSPORTATION USES. a. "Ambulance service" means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

b. "Ground transportation service" means an establishment providing the storage, maintenance or dispatching of:

b-1. Taxicabs, limousines or other public passenger vehicles, as defined in s. 100-3-23.

b-2. Vehicles licensed or otherwise regulated as human service vehicles by the state of Wisconsin and used for the transportation of elderly or handicapped persons.

b-3. School buses, as described in s. 341.26(2)(d) and (dm), Wis. Stats.

b-4. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

c. "Passenger terminal" means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term includes a bank, general retail establishment, personal service, light motor vehicle rental facility, tavern, fast-food/carry-out restaurant or sit-down restaurant when any such use is an accessory use located within the terminal structure. This term does not include an airport or heliport.

d. "Helicopter landing facility" means a facility used for the takeoff and landing of helicopters, including, but not limited to, any heliport, helipad or helistop. Accessory features such as hangars, parking pads, terminals and service areas are also part of such a facility.

e. "Airport" means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. The term also includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.

f. "Ship terminal or docking facility" means a facility for the docking, loading or unloading of ships, barges or boats that primarily transport freight.

g. "Truck freight terminal" means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

h. "Railroad switching, classification yard, or freight terminal" means a facility for the operation of a line-haul or short-line freight railroad.

13. INDUSTRIAL USES. a. "Alcohol beverage facility, micro" means an establishment that produces and packages up to 20,000 barrels of fermented malt beverages, up to 200,000 gallons of vinous spirits or up to 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption.

b. "Alcohol beverage facility, large" means an establishment that produces and packages more than 20,000 barrels of fermented malt beverages, more than 200,000 gallons of vinous spirits or more than 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption. This term includes ancillary tasting rooms and facility tours.

c. "Food processing" means the preparation, processing, or canning or other packaging of food products. This term does not include the processing or packaging of alcohol beverages or animal or poultry slaughter.

d. "Manufacturing, light" means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials. The establishment shall meet the following standards; failure to meet any one of these standards shall result in the establishment being classified as heavy manufacturing:

d-1. Smoke, exhaust, glare, dust and airborne particulates shall be internally-remediated.

d-2. Noise, sounds and vibrations shall not be evident beyond the walls of the establishment.

d-3. Motor vehicle operating areas shall have sufficient turning-motion areas that are contained entirely on-site.

e. "Manufacturing, heavy" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

f. "Manufacturing, intense" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:

f-1. Animal or poultry slaughter or auction facility.

f-2. Leather tannery.

f-3. Distillery of products for finishes.

f-4. Explosives manufacturer.

f-5. Sawmill.

f-6. Paper or pulp mill.

f-7. Steel mill.

f-8. Petroleum refinery.

f-9. Petrochemical plant.

f-10. Ore smelting facility.

g. "Research and development" means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

h. "Processing or recycling of mined materials" means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.

i. "Contractor's shop" means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

j. **"**Contractor's yard" means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.

14. AGRICULTURAL USES. a. "Plant nursery or greenhouse" means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.

b. "Raising of livestock" means the use of land or buildings for aquaculture, or the keeping of bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.

c. "Community garden" means any use of land or a premises for the growing of crops, plants or other vegetation by a group of individuals or by a public or non-profit organization. This use includes composting and the raising of crops, native vegetation or fruit not otherwise in violation of this code. It also includes the sale of produce and ornamental crops grown on-site. This use does not include a commercial farming enterprise or outdoor storage facilities.

d. "Commercial farming enterprise" means a premises used to grow and harvest plants or compost for sale to the general public, retail businesses or wholesale establishments. This use does not include community gardens or outdoor storage facilities.

15. UTILITY AND PUBLIC SERVICE USES. a. "Broadcasting or recording studio" means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

d. "Transmission tower" means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

e. "Water treatment plant" means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

f. "Sewage treatment plant" means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

g. "Power generation plant" means a facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels or nuclear power, into electrical energy or steam. This term does not include a small wind energy system. A power generation plant may also perform either of the following:

g-1. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.

g-2. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

h. "Small wind energy system" means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

i. "Solar farm" means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

j. "Substation/distribution equipment, indoor" means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

j-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

j-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

k. "Substation/distribution equipment, outdoor" means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

k-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

k-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

16. TEMPORARY USES. a. "Seasonal market" means a temporary facility used to conduct retail trade for a period not exceeding 180 days in a calendar year.

b. "Temporary real estate sales office" means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

c. "Concrete/batch plant, temporary" means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

d. "Live entertainment special event" means a concert, carnival, circus, fair or similar event lasting less than 15 days.

295-205. Rules of Measurement. The following rules of measurement shall be used in the administration and enforcement of this chapter:

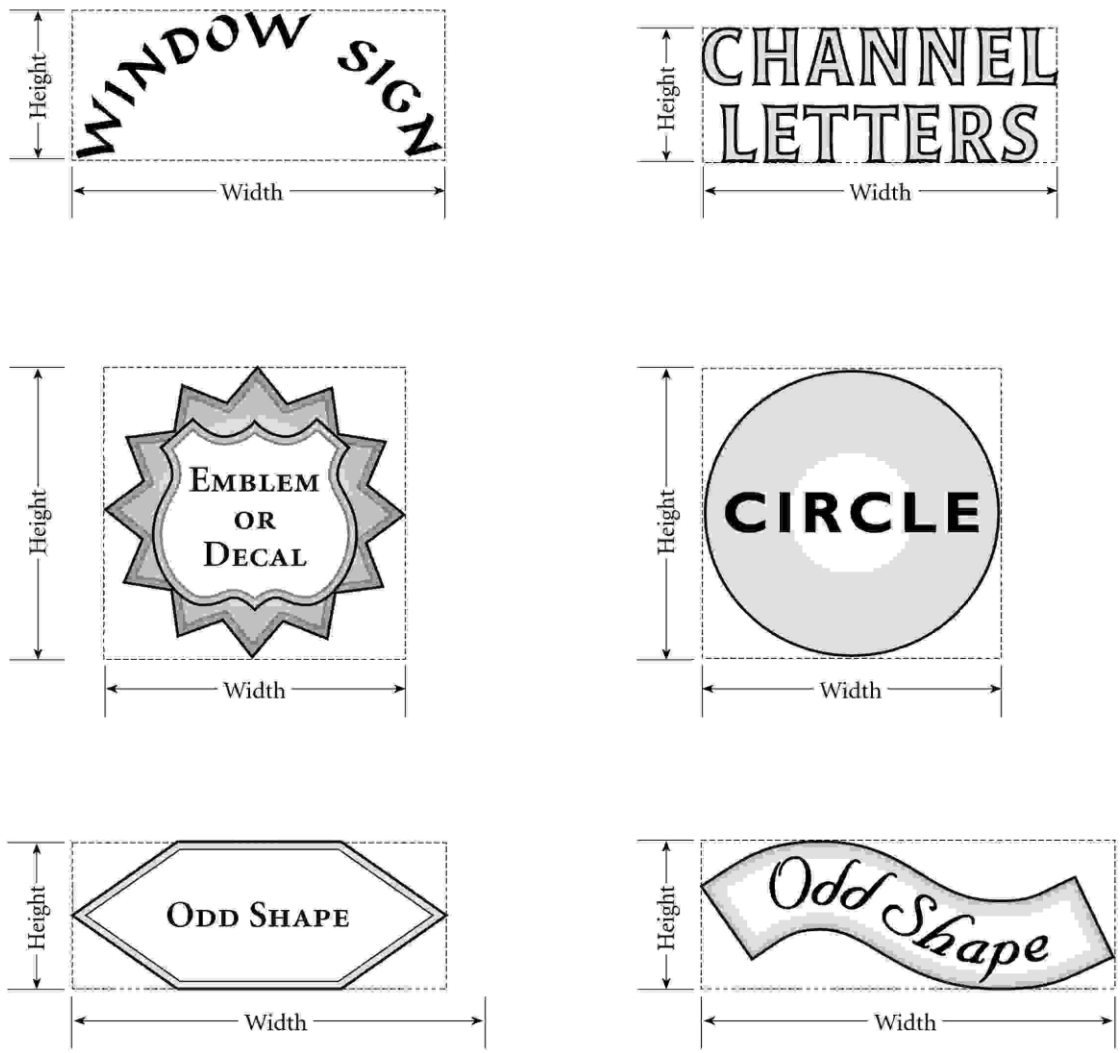
1. BUILD-TO LINE. The build-to line shall be measured so that the accuracy of the building placement shall be within one foot, except that no encroachment into public rights-of-way shall be permitted unless allowed or authorized pursuant to the provisions of ch. 245.

3. BUILDING HEIGHT. Building height shall be measured from finished grade to the highest point of the building. Where a building is located on a sloping lot, the building height shall be the average of the building height on each building elevation, measured at the mid-point of the elevation.

5. DISPLAY AREA. The display area of a sign shall be measured as the area, in square feet, of the smallest rectilinear polygon, with a maximum of 8 sides, that describes the portion of the sign which encloses all lettering, wording design, or symbols together with any background that, through the use of illumination, color or other techniques, helps the sign stand out from its surroundings. The following rules shall also be used in measuring display area:

a. Where a sign has multiple display surfaces and any 2 of these display surfaces are parallel and face in opposite directions, only one of the parallel display surfaces shall be included when calculating display area.

Figure 295-205-5
MEASUREMENT OF DISPLAY AREA



b. For an internally-illuminated awning sign, the display area shall be calculated as the height of the awning multiplied by its width.

c. The area of temporary signs shall not be included in computation of allowable area for permanent signage. Only one of the parallel display surfaces shall be included when calculating display area.

d. Where a sign contains elements of both type A and type B signs, neither element shall exceed the maximum size for its sign type, and the combined area of both elements shall not exceed 100% of the combined total permitted area for the 2 sign types. For example, a freestanding sign in an LB1 district could include a 40-square-foot type A element (40% of the maximum size of 100 square feet) and a 30-square-foot type B element (60% of the maximum size of 50 square feet).

7. FLOOR AREA. Floor area shall be measured as the sum of the actual gross horizontal area of all floors, mezzanine space and interior balconies located at or above the established grade of the lowest abutting street, excluding:

a. Attic space having less than 7 feet of head room.

b. Any space devoted to off-street parking or loading.

c. A utility room or furnace room.

9. FLOOR AREA, GROSS. Gross floor area shall be measured as the total horizontal area in square feet of all floors within the exterior walls of a building, but not including the area of unroofed inner courts or shaft enclosures.

11. FLOOR AREA RATIO. Floor area ratio shall be measured as the ratio of floor area to lot area. For example, a floor area ratio of 2:1 means that there are 2 square feet of floor area for every one square foot of lot area.

13. FRACTIONS. When calculations result in fractions, the results shall be rounded as follows:

a. Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 40-foot strip, the resulting fraction of 1.33 shall be rounded up to 2 required trees.

b. Maximum Amounts. When a regulation is expressed in terms of a maximum amount, any fractional result shall be rounded down to the next lower whole number. For example, if a maximum of one dwelling unit for every 3,000 square feet is applied to an 8,000-square-foot site, the resulting fraction of 2.67 shall be rounded down to 2 dwelling units.

15. LOT COVERAGE. When measuring lot coverage, the following shall not be included:

a. Eaves projecting less than 2.5 feet from a building.

b. Trellises, arbors, pergolas and similar structures which do not have solid roofs.

c. The portion of any uncovered and unenclosed deck, porch, landing, balcony, planter or stairway that is less than 36 inches above grade.

17. MEASURING DISTANCES. Distances shall be measured using the following standards:

a. Horizontal Distances. When determining distances for setbacks and structure dimensions, all distances shall be measured along a horizontal line from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances shall not be measured by following the topography of the land.

b. Shortest Distances. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the 2 objects, features or points.

c. Vehicle Stacking or Travel Areas. Minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, shall be measured down the center of the vehicle maneuvering lane. For example, a curving driveway or travel lane is measured along the arc of the driveway or traffic lane.

d. Distance Between Uses. Whenever the provisions of this chapter require measuring the distance between existing and proposed uses, the distance shall be measured as the shortest distance between lot lines of the 2 uses.

19. SIGN HEIGHT. The height of a sign shall be determined by measuring the distance between the highest point of the actual sign structure and the finished grade directly below it. Sign height shall be measured in feet.

21. TRANSMISSION TOWER HEIGHT. The following principles shall apply when measuring the height of a transmission tower:

a. The transmission tower height shall include the height of any reception/transmission systems extending above the top of the tower.

b. Transmission tower height shall be measured in feet.

c. For a freestanding tower, the height of such tower shall be the height of the tower above finished grade, measured at the center of the tower.

d. Unless otherwise noted in this chapter, whenever a transmission tower is mounted to a building or other structure, the height of such tower shall be considered to include both the height of the tower itself plus the height of the building or structure from the ground to the lowest point of attachment.

23. UPPER STORY SETBACK. The upper story setback shall be measured as the distance that the exterior wall of an upper floor is recessed from the exterior wall of the floor below.

[Pages 699 to 710 are blank]

SUBCHAPTER 3
ADMINISTRATION, ENFORCEMENT AND APPEALS

295-301. Authority. The administration of this chapter shall be vested in the commissioner of city development and commissioner of neighborhood services, with the commissioner of neighborhood services charged with the duty and authority to issue certificates of occupancy and construction permits. The commissioner of neighborhood services shall issue no certificate or permit for the use or development of any land or structure, nor for the erection, alteration, relocation, extension or substantial improvement of any structure, or part thereof, if the intended use or the plans and specifications therefor are not in all respects in conformity with the provisions of this chapter. In issuing permits, all city departments, officers and employees shall check all proposed work, activities, construction and uses for compliance with the provisions of the zoning code.

295-303. Occupancy. Pursuant to s. 200-42, it shall be unlawful to occupy or use any building, structure or premises unless a certificate of occupancy has been issued by the commissioner of neighborhood services. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter. However, pursuant to s. 200-43, a temporary certificate of occupancy may be issued by the commissioner of neighborhood services for occupancy and use of any building, structure or premises prior to completion of construction. In addition, a conditional certificate of occupancy may be issued by the commissioner of neighborhood services for a period of up to 180 days for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional certificate of occupancy shall not imply that the board or common council is going to approve the applicant's request. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures are necessary to safeguard the public as a condition of issuance of a conditional certificate of occupancy. A conditional certificate of occupancy may be issued only when the following criteria have been met:

1. The applicant has applied for a certificate of occupancy and paid the required fees.

2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, and a common council file number has been established.

3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.

4. All required inspections have been completed and passed.

5. The applicant agrees to discontinue the use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

6. The applicant agrees to hold the city harmless for any claims resulting from the use of the property during the period the conditional certificate of occupancy is in effect.

295-304. Conditional Construction Permits. A conditional construction permit may be issued by the commissioner of neighborhood services for a period of up to 180 days for the development of land or the erection, alteration, relocation, extension or substantial improvement of a structure, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional construction permit shall not imply that the board or common council will approve the applicant's request. A conditional construction permit may be issued only when the following criteria have been met:

1. The department has determined that plans for the proposed construction are in compliance with the building code and with all aspects of the zoning code except those provisions for which a permit denial letter has been sent to the applicant.

2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, and a common council file number has been established.

3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.

4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

295-305. Temporary Use Permits. A temporary use permit authorizing any of the temporary uses listed in the use tables of the various zoning districts, except a live entertainment special event, for which no temporary use permit is required, may be issued by the commissioner of neighborhood services in accordance with the following provisions:

1. APPLICATION AND FEE. A completed application form, accompanied by the required fee specified in s. 200-33, shall be submitted to the commissioner neighborhood services.

2. APPROVAL PROCEDURE. The commissioner of neighborhood services shall approve, approve with conditions, or deny a complete application within 5 working days. No notice or public hearing shall be required.

3. FINDINGS. To approve the application for a temporary use, the commissioner of neighborhood services shall make the following findings:

a. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the comprehensive plan and the provisions of this chapter.

b. Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

4. CONDITIONS OF APPROVAL. When issuing a temporary use permit, the commissioner of neighborhood services may impose conditions, including but not limited to permit term limitations, necessary to:

a. Achieve the general purposes of this code and the specific purposes of the zoning district in which the temporary use will be located.

b. Protect the public health, safety and general welfare.

c. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties.

295-306. Council Member Notification of Certain Limited Uses. Whenever the department issues a certificate of occupancy for any small group shelter care facility, small foster home, group home, group foster home or community living arrangement classified by this chapter as a limited use in the zoning district in which the facility is located, the department shall provide written notice of such issuance, including the location and description of the facility, to the local common council member. Notification by electronic mail shall be deemed sufficient for compliance with this requirement.

295-307. Amendments To The Zoning Text Or Map. **1.** PURPOSE. The provisions of this section are intended to prescribe procedures by which amendments may be made to this chapter, including changes to the text and the boundaries of districts as shown on the zoning map.

2. INITIATION OF MAP AMENDMENTS. An amendment to the base zoning map or the establishment of, or amendment to, an overlay district may be initiated by any one of the following:

a. By Application. A person with an ownership, possessory or contractual interest in the land subject to the application may apply for a map amendment.

b. By Common Council. The common council may initiate a map amendment by its own motion.

c. By Petition. The owners of 50% or more of the area of land included in a proposed amendment may submit to the common council a petition requesting the zoning map amendment.

3. PROCEDURE FOR MAP AMENDMENT. Consideration of a proposed map amendment shall be in accordance with the following procedure:

a. Introduction of Map Amendment. Upon receipt of a valid application, the affidavit required by s. 295-313 and the required fee, a valid petition, the affidavit required by s. 295-313 and the required fee, or a motion of common council, the department shall prepare an ordinance and map representing the requested amendment.

b. Referral to City Plan Commission. Upon introduction, the ordinance to make the zoning map amendment shall be referred to the city plan commission pursuant to s. 62.23, Wis. Stats.

c. Staff Actions. The department shall establish a time and date for a public hearing, notify affected property owners at least 10 days in advance of the hearing and prepare a staff report on the map amendment. In the case of any map amendment relating to a floodplain overlay zone, the department shall also submit the amendment and the notice of public hearing to the Wisconsin department of natural resources.

d. City Plan Commission. The commission shall hold at least one public hearing on any proposed map amendment. Notice of the public hearing shall be provided according to the commission's by-laws. Upon completion of its public hearing, the commission shall prepare a report of its findings and recommendations on the proposed map amendment and file a copy of the report with the common council.

e. Zoning, Neighborhoods and Development Committee. Following notice, review and report by the city plan commission, the common council's zoning, neighborhoods and development committee shall hold a class 2 public hearing after notifying the applicant, petitioners, owners of property under consideration and owners of property immediately surrounding and within at least 200 feet thereof, including streets and alleys. Upon conclusion of the public hearing, the committee shall prepare a recommendation for submittal to the common council.

f. Common Council. Upon receipt of the recommendation of the zoning, neighborhoods and development committee, the council shall either approve or disapprove the map amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

4. STANDARDS. A proposed amendment to the zoning map may be approved if the common council finds:

a. The proposed amendment is consistent with other provisions of this chapter and with the comprehensive plan.

b. The adoption of the proposed amendment will not adversely affect the public health, safety and general welfare of residents of the city.

5. PROTEST OF MAP AMENDMENT. In case of a protest against a map amendment, duly signed and acknowledged by the owners of 20% or more of the areas of the land included in the proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of the opposite land, the amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the common council voting on the proposed change. A protest against a proposed change, or any modification to a protest, shall be submitted no later than 48 hours prior to the date of common council action on the proposed change.

6. INITIATION OF TEXT AMENDMENTS. An amendment to the zoning text shall be initiated as an ordinance introduced to the common council.

7. PROCEDURE FOR TEXT AMENDMENT.

a. Referral of Text Amendment. Upon introduction of an ordinance to amend zoning code text to the common council, the city clerk shall simultaneously refer the ordinance to the city plan commission and to the zoning code technical committee.

b. Zoning Code Technical Committee. b-1. Composition. The zoning code technical committee shall be composed of one representative each from the city attorney's office, the department of neighborhood services, the department of city development and the legislative reference bureau, designated by the respective agency heads. The representative of the legislative reference bureau shall serve as chair of the committee.

b-2. Staff. Staff for the zoning code technical committee shall be provided by the city clerk's office.

b-3. Procedure. The zoning code technical committee shall review each proposed zoning text amendment referred to it for legality and enforceability, administrative efficiency and consistency with the format of the zoning code. Within 30 days of the date on which the city clerk refers the proposed text amendment to the committee, the committee shall provide a report of its findings with respect to these 3 criteria, as well as any recommended changes to the proposed amendment, to the zoning, neighborhoods and development committee.

c. City Plan Commission. The city plan commission shall hold a class 2 public hearing on the proposed zoning text amendment and, after receiving a report from the department, submit its report and recommendation to the zoning, neighborhoods and development committee.

d. Zoning, Neighborhoods and Development Committee. Following receipt of reports from the city plan commission and the zoning code technical committee, the zoning, neighborhoods and development committee shall prepare a recommendation for the common council. The zoning, neighborhoods and development committee may provide a recommendation to the common council prior to receipt of a report from the zoning code technical committee if the 30-day period described in par. b-3 has lapsed.

e. Common Council. Upon receipt of the report of the zoning, neighborhoods and development committee, the council shall either approve or disapprove the text amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

8. RECONSIDERATION OF APPLICATION. Whenever an application for an amendment to the zoning map is denied, the application for the amendment shall not be eligible for reconsideration for one year following the denial, except in the following cases:

a. The common council may initiate reconsideration once during the 12-month period following the date on which the common council voted to deny the zoning map amendment, provided a notice of intent to reconsider the matter has been filed with the city clerk at least 24 hours prior to the time of the common council meeting at which reconsideration is to occur. If a protest against the map amendment submitted under sub. 5 is found to be both in form and sufficient, reconsideration shall not be granted except by a favorable vote of at least three-fourths of the members of the common council voting on the proposed change.

b. An applicant may submit an application for reconsideration if the application was originally denied because the proposed zoning would not conform to the comprehensive plan and the comprehensive plan was subsequently amended such that the proposed zoning amendment would conform to the comprehensive plan. In such a case, at least 30 days must pass between approval of the comprehensive plan amendment and approval of the zoning amendment.

295-309. Enforcement. 1. COMMISSIONER OF NEIGHBORHOOD SERVICES. The commissioner of neighborhood services shall be authorized to enforce the provisions of this chapter. The commissioner of neighborhood services shall, on his or her own initiative or on complaint or referral, proceed to the remedy of violations.

2. PERMIT REVOCATION. Any permit issued by the commissioner of neighborhood services under the terms of this chapter may be revoked by the commissioner of neighborhood services whenever any of the conditions under which the permit was issued are not complied with.

3. PERMIT ISSUED IN ERROR. Any permit or approval granted in error or in conflict with any provision of this chapter shall be void.

4. FAILURE TO COMPLY a. Correction of Violation. In the event of failure to comply with an order issued by the commissioner of neighborhood services to comply with any provision of this chapter, the commissioner of neighborhood services may take appropriate actions to restrain, correct or abate the violation of the order or cause the order to be carried out. The cost of restraining, correcting or abating the violation or of causing the order to be carried out shall be charged against the real estate upon which the violation is located, shall be a lien upon such real estate and shall be assessed and collected as a special charge.

b. Periodic Property Inspection Program. b-1. The commissioner of neighborhood services shall establish a periodic property inspection program to monitor properties to confirm that activities and uses of the properties are in compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

b-2. Inspection intervals shall be determined by the commissioner of neighborhood services based on the nature of the business or operation and its potential for negative impacts upon the health, safety and welfare of the public and the impacts on the quality of life within the immediate neighborhood and surrounding community. The commissioner of neighborhood services reserves the right to increase inspection intervals at a property in the case of documented non-compliance.

5. REMEDY. If any structure is erected, constructed, reconstructed, altered, converted or maintained, or any premises is used, in violation of this chapter, the proper city officials, in addition to other remedies, may take any appropriate action to prevent such unlawful erection, construction, reconstruction, alteration or conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the premises, to prevent any illegal act, conduct, business or use in or about the premises, or to petition the proper court to order the removal of any structure erected in violation of this chapter.

6. PENALTIES. Any person, firm or corporation that owns, controls or manages any premises on which there shall be placed or there exists anything in violation of this chapter, assists in the commission of any violation of this chapter, builds contrary to the plans or specifications submitted to and approved by the commissioner of neighborhood services or omits, neglects or refuses to do any act required by this chapter shall be subject to revocation of such person's permit, certificate of occupancy or previous approval as provided in s. 200-31 and to injunction as provided in s. 200-19-3. In addition, such person shall be subject to penalties as provided in s. 200-19-1 and 2 or a code enforcement fee as provided in s. 200-33-8.8 assessed against the subject property, which may be collected and assessed as a special charge.

295-311. Appeals. 1. BOARD OF ZONING APPEALS. a. Creation; Authority. a-1. There is created a board of zoning appeals which shall have the powers granted by state statutes and the authority to interpret this chapter, to approve, conditionally approve or deny variances and special use permits, to resolve disputes concerning floodplain district boundaries and to hear and decide appeals of administrative decisions of the commissioner of city development or the commissioner of neighborhood services that may arise under this chapter, except as provided in subdiv. 3, or state statutes.

a-2. The board of zoning appeals shall also have the authority to hear and decide appeals of revocation of permits, certificates of occupancy or approvals for violations of this chapter made pursuant to s. 200-31.

a-3. The board shall have the authority to adopt its own rules of procedure.

b. Membership. The board shall consist of 5 members appointed by the mayor, subject to confirmation by the common council, for terms of 3 years. Board members shall be residents of the city and hold no other public office or employment except that of notary public. At least one member shall be licensed to practice law in the state of Wisconsin. The mayor shall designate one of the members as chairperson. The mayor shall appoint, for terms of 3 years, 2 alternate members of such board in addition to the 5 members already provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of conflict of interest or when a member is absent. The 2nd alternate shall act, with full power, only when the 1st alternate so refuses, is absent or defers to the 2nd alternate, or when more than one member of the board so refuses or is absent. The alternate members shall be entitled to the same compensation as is provided for other members of the board. Board members, including alternates, shall be removable by the mayor for cause upon written charges and after public hearing. Vacancies, including vacancies for alternate members, shall be filled for the unexpired terms of members whose terms become vacant.

c. Board Budget and Staff. The board shall constitute a separate, independent budget control unit in city government and may employ a secretary and other employees. The board may designate one of its members who shall be licensed to practice law in the state of Wisconsin, as its administrative officer to perform administrative functions pursuant to the directions of the board and to draft decisions, findings and orders for consideration by the board.

d. Board Fees. Appeals and applications for variances, special use permits and beneficial use determinations are subject to the fees listed in s. 200-33.

2. SPECIAL USE PERMITS. a. Application. Every application for a special use permit shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form, the affidavit required by s. 295-313 and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the request.

b. Public Hearing. Prior to making a determination with respect to a special use permit request, the board shall hold a public hearing and provide, by mail, written notice of the hearing to the petitioner, at the address provided on the special use permit application, and to owners of property under consideration and owners of property immediately surrounding and within at least 200 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. Such notice shall state that the board will be considering and conducting a public hearing on a request for a special use permit, and shall otherwise be in accordance with s. 19.84, Wis. Stats.

c. Consideration Of Input From Parties Of Interest. No special use hearing shall be held and no special use permit shall be granted unless the board or its staff has received a report of any comments,

concerns or recommendations relating to the proposed special use from the department of public works, the department of city development, the department of neighborhood services and the common council member in whose district the special use would be located. The board may proceed with its hearing and decision on the special use permit request regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which the board's office notified each of these parties that a completed special use permit application had been received.

d. FINDINGS. No special use permit shall be granted unless the board, after due notice to the parties of interest, finds that the following facts and conditions exist, and so indicates in the minutes of its proceedings or its decision:

d-1. Protection of Public Health, Safety and Welfare. The use will be designed, located and operated in a manner so that the public health, safety and welfare is protected. A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the public health, safety and welfare will not be protected.

d-2. Protection of Property. The use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the proposed use will substantially impair or diminish property values.

d-3. Traffic and Pedestrian Safety. Adequate measures have been or will be taken to provide safe pedestrian and vehicular access.

d-4. Consistency With Comprehensive Plan. The special use will be designed, located and operated in a manner consistent with all applicable elements of the city's comprehensive plan.

e. Conditions Of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and the city’s neighborhoods and to ensure compatibility of land uses and consistency with the purposes and intent of this chapter. Conditions of approval may include, but shall not be limited to: limitations on size, bulk and location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

f. Additional Procedures For Certain Special Uses. Those uses involving the bulk storage or manufacture of explosives, acid manufacture, petroleum refining, smelting of raw ores (except by electrical process), dead animal reduction, fat rendering, glue manufacture or distillation of bones, or any use requiring local approval under s. 289.22, Wis. Stats. (excluding city of Milwaukee-owned, leased, operated or contracted facilities) shall also require reports from the commissioner of health and the fire and police chiefs. Applicants shall present all applicable permits or approvals from the U.S. environmental protection agency and the Wisconsin department of natural resources. Presentation of all such approvals is a necessary, but not sufficient, condition for local approval to take effect. Such uses shall also be subject to the following:

f-1. The use shall not be closer than 200 feet to any property line nor less than 600 feet from the boundary of the industrial district in which it is located.

f-2. The site shall be entirely enclosed with a fence at least 8 feet in height.

f-3. Transportation of hazardous waste, as defined in ch. NR 600, Wis. Admin. Code, to and from the site shall be limited to routes designated in the special use application.

f-4. Trucks or vehicles used for intrastate or interstate transportation of waste shall be marked, labeled or placarded according to U.S. department of transportation regulations as adopted by reference in 40 CFR, parts 262 and 263.

f-5. The use shall not cause pollution of any public waterways, flood control channels, the storm drainage system, the sanitary sewer system or ground water.

f-6. The use shall not cause air pollution, malodorous emissions prohibited under ch. NR 429, Wis. Adm. Code, or noise prohibited under ch. 80 of this code.

f-7. The applicant shall submit a copy of the detailed facility-specific information required by the Wisconsin department of natural resources or the U.S. environmental protection agency.

f-8. Unless included under subd. 7, the applicant shall submit a map of the site and the area within 1/4 mile of the exterior property lines of the proposed site showing:

f-8-a. Water on the land surfaces such as a pond, creek, river, lake, stream or canal.

f-8-b. Any wells or reservoirs.

f-8-c. Wetlands, as defined in s. 23.32(1), Wis. Stats.

f-8-d. Floodplains.

f-8-e. Topography at l0-foot intervals.

f-8-f. Environmental corridors.

f-9. Unless included under subd. 7, the applicant shall submit an engineering certification for the proposed site indicating:

f-9-a. Depth to wet-weather seasonal high water table.

f-9-b. Soil drainage, composition, thickness and permeability.f-9-c. Depth to bedrock and aquifers.

f-10. The applicant shall submit an assessment of the potential environmental impacts of a proposed project or activity following the format and provisions of ch. NR 150, Wis. Adm. Code, which shall include:

f-10-a. A description of the project, including proposed functions.

f-10-b. A description of the proposed site.

f-10-c. Environmental impacts of the proposed project.

f-10-d. Mitigating adverse impacts.

f-10-e. Adverse impacts which cannot be mitigated.

f-10-f. Alternatives to the project, including alternative sites, projects, sizes and designs.

f-10-g. A conclusion as to whether or not an environmental impact statement should be written for the project.

g. Filling or Grading of Land. For a filling or grading project for which a special use permit is required by s. 295-419, the applicant shall submit a plan, prepared at a recognized engineering or architectural scale, that includes:

g-1. The existing and proposed topography of the site at a contour interval of 2 feet. All topographic information shall be prepared to city datum by a registered professional engineer or land surveyor.

g-2. The existing and proposed grades of the lot at each corner of the lot, at each corner of any existing or proposed buildings and at the center of the street pavement at the lot lines extended.

g-3. The existing and proposed grades of all driveways and parking lots.

g-4. Drainage patterns, or special drainage devices proposed, as well as spot elevations at the top and bottom of all drainage swales, if applicable.

g-5. Spot elevations of all significant cut and fill areas.

g-6. Locations of existing or proposed buildings.

g-7. Locations and heights of existing and proposed fences.

g-8. Locations of any recorded easements as well as above- or below-ground utilities.

g-9. The date of the plan, the north arrow and graphic scale.

g-10. A schedule for the project indicating the duration of the project, phasing and the proposed handling of interim conditions including, but not limited to, stockpiling of materials and equipment storage.

g-11. The proposed use of the site after the completion of the project.

g-12. The hours of the day and days of the week when the filling or grading activity will occur.

g-13. A description of the measures that will be taken to minimize the impacts, on the surrounding area, of noise, truck traffic and dust generated by the filling or grading activity.

g-14. Any other information as may be reasonably requested by the city.

h. Additional Findings for Day Care Centers. No special use permit for a day care center, other than an adult day care center, shall be granted by the board unless the board finds, in addition to the findings required by par. d, that:

h-1. The proposed day care center will not be located within 500 feet of an adult retail establishment.

h-2. If the day care center is not located in a building containing an elementary or secondary school, religious assembly, community center, cultural institution or library as a principal use, the facility will not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This finding shall not be required for a day care center that is in operation as a nonconforming use or that has been granted a special use permit by the board.

i. Additional Finding for a Group Home, Group Foster Home, Community Living Arrangement, Small Group Shelter Care Facility or Large Group Shelter Care Facility. No special use permit for a group home, group foster home, community living arrangement, small group shelter care facility or large group shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by par. d, that:

i-1. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home, community living arrangement, small group shelter care facility or large group shelter care facility.

i-2. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee. This provision shall not apply to an applicant for a special use permit for a small or large group shelter care facility.

3. VARIANCES. a. Application. Every application for a variance shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the variance request. In the case of a use variance, the applicant shall also submit the affidavit required by s. 295-313.

b. Public Hearing. Prior to making a determination with respect to a variance request, the board shall hold a public hearing and provide, by mail, written notice of the hearing to the petitioner, at the address provided on the variance application, and to owners of property immediately surrounding and within at least 150 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. Such notice shall state that the board will be considering and conducting a public hearing on a request for a variance, and shall otherwise be in accordance with s. 19.84, Wis. Stats. In the case of a fence variance, written notice of the hearing need only be provided to owners of abutting properties, to the owner of the property determined by the department to be directly across the street from the premises, and to owners of properties on each corner opposite the premises if the property to which the variance would apply is a corner lot.

c. Consideration Of Input From Parties Of Interest. No variance hearing shall be held and no variance shall be granted unless the board or its staff has received a report of any comments, concerns or recommendations relating to the proposed variance from the department of public works, the department of city development, the department of neighborhood services and the common council member in whose district the premises to which the variance would apply is located. The board may proceed with its hearing and decision on the variance request regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which the board's office notified each of these parties that a completed variance application had been received.

d. Findings. No variance shall be granted unless the board, after due notice to the parties of interest, finds that the following facts and conditions exist, and so indicates in the minutes of its proceedings or its decision:

d-1. Preservation of Intent. A variance would not be inconsistent with the spirit, purpose and intent of the regulations for the district in which it is requested.

d-2. Exceptional Circumstances. Exceptional, extraordinary or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent nature to suggest amendment of the regulation.

d-3. Preservation of Property Rights. The variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and same vicinity.

d-4. Absence of Detriment. The variance will not create substantial detriment to adjacent property, and will not materially impair or be contrary to the spirit, purpose and intent of this chapter, or the public interest.

d-5. Hardship; Dimensional Variance. In the case of a dimensional variance request, compliance with the code requirement from which the variance is requested would unreasonably prevent the property owner from using his or her property for a permitted purpose or would otherwise be unnecessarily burdensome.

d-6. Hardship; Use Variance. The alleged difficulty or hardship is not self-imposed, nor is it based solely on economic grounds.

e. Conditions Of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and the city's neighborhoods and to ensure compatibility of land uses and consistency with the purposes and intent of this chapter. Conditions of approval may include,

but shall not be limited to: limitations on size, bulk and location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

4. ADDITIONAL SPECIAL USE AND VARIANCE REGULATIONS. a. General Operation. A special use or variance which has been approved by the board shall operate in conformance with its approved plan of operation, site plans and conditions of approval. Such special use or variance shall not be enlarged or intensified without the approval of the board unless otherwise permitted by this section.

b. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of an approved special use or variance without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this chapter and the addition, enlargement, expansion or reconstruction is in conformance with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not require modification of the approved plan of operation.

c. Changes to Improvements. Parking areas, landscaping, signs, structures, fences, awnings or similar site features of an approved special use may be constructed, expanded, enlarged or rebuilt without board approval provided that the construction, expansion, enlargement or reconstruction is in conformance with all other provisions of this code, any applicable elements of the city’s comprehensive plan and the plan of operation or conditions established by the board.

d. Repairs And Maintenance. The buildings, site features and structures of an approved special use or variance may be repaired and maintained in compliance with this code without board approval.

5. APPEALS OF ADMINISTRATIVE DECISIONS. a. Purpose. To avoid results inconsistent with the purposes of this chapter, administrative decisions of the commissioner of city development and the commissioner of neighborhood services may be appealed to the board. This subsection establishes general provisions for appeals of administrative decisions.

b. Application. Every appeal shall be made upon a form which has been furnished by the board secretary and approved by the board. The appellant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the appeal. Appeals to the board shall be filed within a reasonable time, as provided by the rules of the board and in accordance with s. 62.23(7)(e)4., Wis. Stats.

c. Grounds For Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the zoning code applicable to the appeal. Grounds for appeal shall include at least one of the following:

c-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.

c-2. A description of how it is claimed a standard or review criteria was incorrectly applied.

c-3. A description of how the decision creates an inconsistency with the city's comprehensive plan or the code of ordinances.

d. Consideration of Input From Parties of Interest. After a completed notice of appeal is filed with the officer whose action is appealed, that officer shall submit a written report to the board that describes the reasons for the action or send a representative to the appeal hearing who will be prepared to comment on the action. The board may proceed with its hearing and decision on the appeal regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which each of these parties was notified that an appeal was filed.

e. Public Hearing. The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties.

f. Actions. The board may reverse or affirm, wholly or partially, or may modify the requirement, decision or determination as appropriate.

g. Standards. A decision of the officer whose action is being appealed shall not be reversed or modified unless there is demonstrated evidence that the action:

g-1. Resulted from an error or abuse of discretion.

g-2. Resulted from an incorrect application of a standard or review criteria.

g-3. Is not supported by the evidence in the record.

g-4. Is inconsistent with the city's comprehensive plan or the code of ordinances.

6. APPEALS OF ORDERS. a. Purpose. To avoid results inconsistent with the purposes of this chapter, orders issued by the commissioner of neighborhood services relating to enforcement of the provisions of the zoning code may be appealed to the board. This subsection establishes general

provisions for appeals of orders of the commissioner of neighborhood services relating to enforcement of the zoning code.

b. Application. Every appeal shall be made upon a form which has been furnished by the board secretary and approved by the board. The appellant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the appeal.

c. Deadline for Appeal. An appeal of an order of the commissioner of neighborhood services relating to enforcement of the provisions of the zoning code shall be made in writing within 20 days of the date the order was issued, unless the order requires compliance in less than 20 days. Whenever an order requires compliance in less than 20 days, the appeal shall be made in writing before the end of the term required for compliance. If notification of the order is made by mail, any appeal of the order shall be made in writing within 30 days of the date of the order, unless the order requires compliance in less than 30 days. Whenever an order delivered by mail requires compliance in less than 30 days, the appeal shall be made in writing before the end of a period equal to the term required for compliance plus 5 additional days. In no case, however, shall the appeal period be longer than 30 days. Citations issued by the commissioner of neighborhood services may not be appealed to the board.

d. Grounds for Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the zoning code applicable to the appeal. Grounds for appeal shall include at least one of the following:

d-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.

d-2. A description of how it is claimed a standard or review criterion was incorrectly applied.

d-3. A description of how the order creates an inconsistency with the city's comprehensive plan or the code of ordinances.

e. Consideration of Input From Parties of Interest. After a completed notice of appeal is filed with the officer whose action is appealed, that officer shall submit a written report to the board that describes the reasons for the action or send a representative to the appeal hearing who will be prepared to comment on the action. The board may proceed with its hearing and decision on the appeal regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which each of these parties was notified that an appeal was filed.

f. Public Hearing. The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties.

g. Actions. The board may reverse or affirm, wholly or partially, or may modify, the order being appealed.

h. Standards. An order of the commissioner of neighborhood services shall not be reversed or modified unless there is demonstrated evidence that the order:

h-1. Resulted from an error or abuse of discretion.

h-2. Resulted from an incorrect application of a standard or review criterion.

h-3. In not supported by the evidence in the record.

h-4. Is inconsistent with the city's comprehensive plan or the code of ordinances.

7. APPEALS OF PERMIT DENIALS; OVERLAY ZONES. a. Purpose. To avoid results inconsistent with the purposes of this chapter, any denial of a permit by the commissioner of neighborhood services on the basis of failure to meet performance or design standards of a neighborhood conservation, development incentive or site plan review overlay zone may be appealed to the city plan commission. This subsection establishes general provisions for appeals of permit denials relating to development in these overlay zones.

b. Application. Every appeal shall be made upon a form which has been furnished by the commission secretary. The appellant shall provide all information requested on the form and any additional information requested by the commission chair or secretary that is necessary to inform the commission of the facts of the appeal. An application for appeal to the commission shall be filed with the commission secretary within 30 days of the date of permit denial. Upon receiving the appeal application, the commission secretary shall provide a copy of the application to the city officer whose decision to deny a permit is being appealed.

c. Grounds For Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the neighborhood conservation plan or the development, performance or design standards or criteria applicable to the appeal. Grounds for appeal shall include at least one of the following:

c-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.

c-2. A description of how it is claimed a plan, standard or review criterion was incorrectly applied or interpreted.

c-3. A description of how the decision to deny the permit creates an inconsistency with the citys comprehensive plan or the code of ordinances.

d. Consideration of Input From Parties of Interest. After a completed application for appeal is filed with the commission secretary, the officer whose decision to deny a permit is being appealed shall submit a written report to the commission that describes the reasons for the action or send a representative to the appeal hearing who will be prepared to comment on the action. The commission may proceed with its hearing and decision on the appeal regardless of whether this report has been submitted to the commission, provided that 30 days have elapsed since the date on which the appeal application was filed with the commission secretary.

e. Public Hearing. The commission shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties.

f. Actions. The commission may reverse or affirm, wholly or partially, the decision of the city officer to deny the applicant's permit request.

g. Standards. A decision of the officer whose permit denial action is being appealed shall not be reversed or modified unless there is demonstrated evidence that the denial of the permit:

g-1. Resulted from an error or abuse of discretion.

g-2. Resulted from an incorrect application or interpretation of a neighborhood conservation plan or a development, performance or design standard or criterion.

g-3. Is not supported by the evidence in the record.

g-4. Is inconsistent with the city's comprehensive plan or the code of ordinances.

295-311. Appeals.

8. APPEALS OF SITE WORK DECISIONS; OVERLAY ZONES. Any person may appeal to the common council the decision of the city plan commission regarding an application for approval of site work within a development incentive or site plan review overlay zone. The appellant shall file a written request with the city clerk within 20 days of the date on which the city plan commission rendered its decision with respect to site work approval. The city clerk shall file the request to appeal with the common council. After a public hearing at the next regularly-scheduled meeting of the common council's zoning committee, the council may, by majority vote of the common council, reverse or modify the decision of the commission based on whether the development plan for the site work meets the standards of s. 295-1007-3-b or s. 295-1009-3-b, as the case may be.

9. DEVIATIONS FROM PERFORMANCE OR DESIGN STANDARDS; OVERLAY ZONES.

a. Plan Commission Approval Required. A deviation from the performance or design standards for a neighborhood conservation, development incentive or site plan review overlay zone established before the effective date of this ordinance [city clerk to insert date] may be approved by the city plan commission. An application for a deviation of this type shall be made upon a form furnished by the commission secretary. The applicant shall provide all information requested on the form and any additional information requested by the commission chair or secretary that is necessary to inform the commission of the facts of the request for deviation.

b. Common Council Approval Required. A deviation from the performance or design standards for a neighborhood conservation, development incentive or site plan review overlay zone established on or after the effective date of this ordinance [city clerk to insert date] may be approved by the common council, following review by the city plan commission and the common council's zoning committee. An application for a deviation of this type shall be made upon a form furnished by the commission secretary. The applicant shall provide all information requested on the form and any additional information requested by the commission chair or secretary that is necessary to inform the commission and the common council of the facts of the request for deviation.

c. Criteria for Deviation. The application shall state the specific grounds for the deviation and identify the provisions of the neighborhood conservation plan or the development, performance or design standards or criteria applicable to the request for deviation. A deviation from a performance or design standard shall be approved by the commission or the common council, as provided in pars. a and b, if the commission or the common council, whichever applies, finds all of the following to be true:

c-1. The purpose of the overlay zone is met.

c-2. The deviation improves the aesthetics of the site.

c-3. If applicable, the deviation addresses one or more unique site factors that make application of the standard impractical.

c-4. The deviation is consistent with the comprehensive plan.

d. Staff Report. After a completed application for deviation is filed with the commission secretary, department staff shall submit a written report to the commission that describes the reasons for the request for the deviation, along with a staff recommendation.

e. Plan Commission or Zoning Committee Public Hearing. The commission or the common council's zoning committee, whichever applies under pars. a and b, shall establish a reasonable time for a hearing of the application and give public notice thereof, as well as due notice to the interested parties.

f. Commission Action. In the case of a deviation under par a., the commission shall approve or deny the application following the public hearing and making a determination as to whether the deviation meets all of the standards of par. c.

g. Zoning Committee and Common Council Action. In the case of a deviation under par. b, the plan commission secretary shall prepare a report of the commission's findings and recommendation and provide a copy to the city clerk, who shall refer the report to the zoning committee of the common council. The committee shall hold a hearing on the application, following which it shall prepare a recommendation to the common council, basing its recommendation on its determination as to whether the deviation meets all of the standards of par. c. Following receipt of the committee's recommendation, the common council shall approve or deny the deviation.

295-313. Affidavits Required for Various Zoning-Related Applications. 1. POLICY. Each applicant for a zoning map amendment or approval of a planned development, and each applicant for a use variance or special use permit, shall submit to the city plan commission or the board of zoning appeals, as the case may be, a signed affidavit indicating whether the applicant is:

a. Delinquent in the payment of any property tax, special assessment, special charge or special tax due to the city, provided that all appeals of the tax, assessment or charge have been concluded or the time to appeal has expired.

b. A party against whom the city has an outstanding judgment, provided that all appeals of the judgment have been concluded or the time to appeal has expired.

c. A party against whom the city has outstanding health or building and zoning code violations or orders from the commissioner of health or commissioner of neighborhood services that are not actively being abated, provided that all appeals of orders to correct violations have been concluded or the time to appeal has expired.

d. A party who has been convicted of violating an order of the commissioner of health or commissioner of neighborhood services within the past year, provided that all appeals of the conviction have been concluded or the time to appeal has expired.

e. The owner of a premises found to be in violation of s. 80-10 to whom the commissioner of neighborhood services has charged the costs of police enforcement, pursuant to s. 80-10-4, provided that all appeals of these charges have been concluded or the time to appeal has expired.

2. NON-INDIVIDUAL APPLICANTS. a. Corporations. If the applicant is a corporation, a duly authorized officer or director of the corporation shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each officer and director of the corporation, as well as each shareholder owning 5% or more of voting stock, fits any of the descriptions in sub. 1-a to e.

b. Partnerships. If the applicant is a partnership or limited partnership, a duly authorized partner, general partner or limited partner shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each partner, general partner and limited partner fits any of the descriptions in sub. 1-a to e.

c. Limited Liability Companies. If the applicant is a limited liability company, a duly authorized member or manager of the company shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each member and manager of the company fits any of the descriptions in sub. 1-a to e.

d. Nonstock Corporations. If the applicant is a nonstock corporation, a duly authorized officer or director of the corporation shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each officer and director of the corporation fits any of the descriptions in sub. 1-a to e.

3. EXCEPTION. The affidavit requirement of sub. 1 shall not apply to any zoning map amendment request relating to an overlay zone other than a request for creation or amendment of a development incentive overlay zone.

SUBCHAPTER 4
GENERAL PROVISIONS

295-401. Introduction. The provisions of this subchapter apply to development and uses in all zoning districts unless otherwise noted elsewhere in this chapter.

295-403. Motor Vehicle Parking. 1. INTRODUCTION. All parking lots and off-street parking spaces shall comply with the requirements of this section.

2. NUMBER OF SPACES. a. Number Required. The number of off-street motor vehicle parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street motor vehicle parking spaces shall be required for uses located in downtown zoning districts. Furthermore, no off-street motor vehicle parking spaces shall be required for uses located in a RED redevelopment district Prior to issuance of any occupancy or construction permit, documentation that the required off-street motor vehicle parking spaces exist shall be provided to the commissioner of neighborhood services. For a use where the number of required spaces is "as required by the board for special use approval," the board shall not be bound to require parking spaces, but if any parking spaces are to be required, the requirement shall be specified by the board at the time of special use approval. A planned development shall comply with the minimum parking standards set forth by this code unless otherwise specified in the planned development documents. In addition, all uses shall comply with the applicable bicycle parking requirements of s. 295-404.

Table 295-403-2-a
NUMBER OF PARKING SPACES, BY USE

Uses	**No. of Parking Spaces Required**
RESIDENTIAL USES	
Single-family dwelling	no min.; max. of 4 spaces
Two-family dwelling	no min.; max. of 4 spaces on the premises
Multi-family dwelling: Zoning Districts — Min. ratio of parking spaces to dwelling units* RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1 — 1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2, LB3, RB2, CS, C9A, IM — 2:3 * Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.	
Permanent supportive housing	one for every 5 dwelling units
Transitional housing	one for every 5 dwelling units
Attached single-family dwelling	no min.; max. of 4 spaces
Live-work unit	one for each live/work unit in the building
Mobile home	N.A.
Watchman/service quarters	none
Family day care home	see requirement for dwelling unit type
GROUP RESIDENTIAL USES	
Rooming house	one for every 2 rooms

Table 295-403-2-a
NUMBER OF PARKING SPACES REQUIRED BY USE

Uses	No. of Parking Spaces Required
Convent, rectory or monastery	one per facility
Dormitory	one for every 15 beds or fraction thereof
Fraternity or sorority	one for every 2 rooms
Adult family home	one
Foster Homes	
Foster family home	one
Small foster home	one
Group home or group foster home	one
Shelter Care Facilities	
Family shelter care facility	one
Small group shelter care facility	one
Large group shelter care facility	one
Community living arrangement	one
EDUCATIONAL USES	
Day care center	None (limited use) or as required by the board (special use)
School, elementary or secondary	none
College	none
School, personal instruction	none
COMMUNITY-SERVING USES	
Library	none
Community center	as required by the board for special use approval
Religious assembly	one for every 6 seats in the assembly hall
Cemetery or other place of interment	none
Public safety facility	none
Correctional facility	none
COMMERCIAL AND OFFICE USES	
General office	one for each 500 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. of gross floor area in excess of 2,000 sq. ft.; storage or utility spaces shall not be included when calculating gross floor area
Government office	see general office
Bank or other financial institution	see general office
Currency exchange, payday loan or title loan agency	see general retail establishment
Installment loan agency	see general retail establishment
Cash-for-gold business	see general retail establishment
Pawn shop	see general retail establishment
Retail establishment, general	min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-d; storage or utility spaces shall not be included when calculating gross floor area
Garden supply or landscaping center	see general retail establishment
Home improvement center	see general retail establishment
Secondhand store	see general retail establishment
Outdoor merchandise sales	one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale

Table 295-403-2-a

NUMBER OF PARKING SPACES REQUIRED, BY USE

Uses	No. of Parking Space Required
Artist studio	none
Adult retail establishment	see general retail establishment
HEALTH CARE AND SOCIAL ASSISTANCE USES	
Medical office	see general office
Health clinic	see general office
Hospital	one for every 4 beds
Medical research laboratory	see general office
Medical service facility	see general office
Social service facility	see general office
Emergency residential shelter	as required by the board for special use approval
Nursing home	one for every 4 beds
GENERAL SERVICE USES	
Personal service establishment	see general retail establishment
Business service	see general retail establishment
Catering service	see general office
Funeral home	one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces
Laundromat	see general retail establishment
Dry cleaning establishment	see general retail establishment
Furniture and appliance rental and leasing	see general retail establishment
Household maintenance and repair service	see general retail establishment
Tool/equipment rental facility	see general retail establishment
Animal Services	
Animal hospital/clinic	see general retail establishment
Animal boarding facility	see general retail establishment
Animal grooming or training facility	see general retail establishment
MOTOR VEHICLE USES	
Light Motor Vehicle	
Sales facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted or limited use) or as required by the board (special use)
Repair facility	as required by the board for special use approval
Body Shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)
Wholesale facility	none
Heavy Motor Vehicle	
Sales Facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted use) or as required by the board (special use)
Repair facility	none (permitted use) or as required by the board (special use)
Body shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	**No. of Parking Spaces Required**
General Motor Vehicle	
Filling station	as required by the board for special use approval
Car wash	none
Non-restaurant drive-through facility	none
Parking	N.A.
Parking lot, principal use	N.A.
Parking lot, accessory use	N.A.
Parking structure, principal use	N.A.
Parking structure, accessory use	N.A.
Heavy motor vehicle parking lot, principal	N.A.
Heavy motor vehicle parking lot, accessory	N.A.
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	one for each sleeping room, plus one additional space
Hotel, commercial	one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above
Hotel, residential	one for every 2 sleeping rooms
Tavern	see general retail establishment
Assembly hall	one for every 1,000 square feet of gross floor area or fraction thereof
Brewpub	see general retail establishment
Restaurant without drive-through facility	see general retail establishment
Restaurant with drive-through facility	see general retail establishment
ENTERTAINMENT AND RECREATION USES	
Park or playground	none
Festival grounds	none
Recreation facility, indoor	see general retail establishment
Recreation facility, outdoor	as required by the board for special use approval
Health club	see general retail establishment
Sports facility	as required by the board for special use approval
Gaming facility	N.A.
Theater	one for every 100 square feet of floor area in the theater auditorium
Convention and exposition center	as required by the board for special use approval
Marina	none
Outdoor racing facility	as required by the board for special use approval
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	none
Mixed-waste processing facility	none
Material reclamation facility	none
Salvage operation, indoor	none
Salvage operation, outdoor	none
Wholesale and distribution facility, indoor	none
Wholesale and distribution facility, outdoor	none
Storage Facilities	
Indoor	none
Self-service	none
Outdoor	none
Hazardous material	none

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	**No. of Parking Spaces Required**
TRANSPORTATION USES	
Ambulance service	see general office
Ground transportation service	see general office
Passenger terminal	none
Helicopter landing facility	none
Airport	none
Ship terminal or docking facility	none
Truck freight terminal	none
Railroad switching, classification yard or freight terminal	none
INDUSTRIAL USES	
Alcohol beverage facility, micro	none
Alcohol beverage facility, large	none
Food processing	none
Manufacturing, light	none
Manufacturing, heavy	none
Manufacturing, intense	none
Research and development	none
Processing or recycling of mined materials	none
Contractor's shop	see general office
Contractor's yard	none
AGRICULTURAL USES	
Plant nursery or greenhouse	none
Raising of livestock	none
Community Garden	none
Commercial farming enterprise	none
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	see general office
Transmission tower	see general office
Water treatment plant	see general office
Sewerage treatment	see general office
Power generation plant	see general office
Small wind energy system	none
Solar farm	none
Substation/distribution equipment, indoor	see general office
Substation/distribution equipment, outdoor	see general office
TEMPORARY USES	
Seasonal market	none
Temporary real estate sales office	none
Temporary concrete/batch plant	none
Live entertainment special event	none

b. Adjustment to Number Required. For any use except one- or 2-family residential, the number of parking spaces required for a particular use may be reduced in accordance with the following credits:

b-1. One space for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the use in question. Such off-site spaces shall be located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking facility to the main public entrance of the use served, except that for a use located in the LB3 district, such spaces shall be located within 1,200 feet of the use. For a non-residential use, the off-site spaces shall not be located on a site containing a wholly residential use. If the use provides a valet parking service, the off-site spaces may be located more than 700 feet or 1,200 feet from the use, as the case may be, provided the property or business owner submits to the department written documentation of permission to use an off-site

parking lot or structure for valet parking. Off-site parking spaces shall also conform with the regulations of the zoning district in which they are located.

b-2. One space for each on-street parking space that is located immediately adjacent to the site of the use, provided that such on-street space is available for public use during the hours of operation of the use. To qualify for this credit, an on-street parking space shall be in compliance with all city parking regulations and shall measure at least 20 feet long if a parallel space.

b-3. 0.75 spaces for each space in a shared parking facility that serves different uses on a shared site or adjacent sites. An applicant requesting approval of a shared parking facility shall submit survey data substantiating a request for shared parking facility credits. The application shall describe the limits of the area in which the shared parking credits are to apply and the parking space reduction applicable to each use. The number of required parking spaces shall only be reduced if the following criteria are met:

b-3-a. The shared parking spaces shall be maintained as long as the uses they serve are in operation.

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide.

b-3-d. The required number of bicycle parking spaces will be provided.

b-3-e. The property owner or owners shall sign and record, with the Milwaukee county register of deeds, a written agreement which is in a form satisfactory to the city attorney and which states that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the commissioner of neighborhood services.

b-4. A reduction of 25% in the number of parking spaces required if the use is located in the area bounded by Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43rd Street/Sherman Boulevard on the west or is within 1,000 feet of any regularly scheduled bus stop. This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in the designated area and in locations in close proximity to bus stops. A reduction of 25% shall also be permitted if the property owner or developer submits written documentation of an ongoing, formally-established bike-and-shower or car pool program at the principal use of the premises and the commissioner of neighborhood services determines that the bike-and-shower program or car pool program is of sufficient magnitude and duration to warrant the reduction.

b-5. One space for each space that the use is required to have but does not because the use was previously legally established without the currently required number of parking spaces and without a variance or special use permit from the board.

b-6. A reduction in the number of spaces required may be granted by the board upon a determination that a reduced number of spaces would be appropriate. Such reduction may occur only upon request of the owner, who shall submit survey data to support the argument for reducing the required number of spaces. In order to approve such a reduction, the board shall find either of the following:

b-6-a. The number of spaces needed to serve the use is fewer than the number normally required for this land use.

b-6-b. In the long term, occupancy of the structure or property will not result in an increase in parking demand.

b-7. One space for each space in a public parking lot or public parking structure located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

c. Shared Parking Required When Feasible. c-1. If the development is adjacent to a land use with off-street parking facilities and different hours of operation, and the applicant believes that provision of shared parking is infeasible, the applicant shall submit to the commissioner of neighborhood services a signed affidavit indicating that the applicant has made a good-faith effort to locate shared parking facilities, documenting the nature and extent of that effort, and explaining the rationale for concluding that the provision of share parking facilities is infeasible.

c-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner of neighborhood services a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

d. Exception to Exceed Maximum Number of Off-Street Parking Spaces. d-1. The number of off-street parking spaces provided for a general retail establishment, or for any land use for which the off-street parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner of neighborhood services finds one or more of the following to be true:

d-1-a. The additional spaces will be located in a parking structure.

d-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

d-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

d-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner of neighborhood services, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

d-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner of neighborhood services a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

d-3. If the commissioner of neighborhood services determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

3. STANDARDS OF DESIGN. a. Dimensions. Parking spaces shall contain at least 160 square feet, excluding drives, lanes or aisles, and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner of neighborhood services, except that spaces designated for compact cars shall contain at least 120 square feet. A minimum of 50% of the required parking spaces in a parking area shall be designated for compact cars.

b. Paving. All areas used for the parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved surfaces, as required in s. 252-74. The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.

c. Illumination. Parking spaces and areas shall comply with the illumination standards of s. 295-409.

d. Landscaping. Parking spaces and areas, and their required setbacks, shall comply with the applicable requirements of s. 295-405.

e. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

295-404. Bicycle Parking. 1. NUMBER OF SPACES. a. Number Required. The number of bicycle parking spaces required for a particular use shall be as specified in table 295-404-1. Bicycle parking spaces shall be required in all zoning districts, including RED redevelopment districts. Prior to issuance of any occupancy permit, documentation that the required bicycle parking spaces exist shall be provided to the commissioner of neighborhood services. A planned development shall comply with the minimum bicycle parking standards set forth by this code unless otherwise specified in the planned development documents.

b. Compliance; When Required. Compliance with the bicycle parking space requirements of table 295-403-2-a shall be required for any of the following:

b-1. Construction of a new building.

b-2. Construction of an addition to an existing building.

b-3. Substantial improvement of an existing building.

b-4. A change in the use classification of an occupancy of any portion of an existing building, as evidenced by an application for a certificate of occupancy.

b-5. Reconstruction, reconfiguration or increase in the number of on-site parking spaces that serve a use for which short-term bicycle parking spaces are required. Long-term bicycle parking space requirements shall not be applicable.

c. Minimum Required. c-1. Where table 295-404-1 specifies a minimum number of bicycle parking spaces, this number is the minimum number of spaces required. A greater number of bicycle parking spaces may be provided.

c-2. The minimum number of bicycle parking spaces required apply to each use on a lot.

d. Calculation of Number Required. d-1. Square Footage Basis. The minimum number of bicycle parking spaces required shall be based on the gross square footage of each occupancy, unless information is presented to the commissioner of building inspection that shows actual net habitable or occupied space is a lesser amount. Basement, preparation and mechanical areas shall not be included in the gross square footage used to calculate the number of spaces required.

d-2. Multiple Uses. In a building with multiple uses, the minimum number of bicycle parking spaces required shall be calculated by adding the required number of spaces for each proposed use within the building, based on the square footage associated with each use.

d-3. Multiple Occupancies; Retail and Office Uses. In a building with multiple retail or office occupancies, the minimum number of bicycle parking spaces required shall be calculated by adding the minimum number of spaces required for each occupancy.

d-4. Multiple Buildings. For a property with multiple buildings, the minimum number of bicycle parking spaces required, as well as the locational requirements for those spaces, shall be determined and enforced on a building-by-building basis.

e. Spaces Required for a Special Use. For any use classified as a special use, the number of bicycle parking spaces required shall be determined by the board, regardless of the number required by table 295-404-1. The board shall not be bound to require bicycle parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.

2. LOCATION OF SPACES. a. Location of Long-Term Spaces. a-1. All required long-term bicycle parking spaces serving an office or retail use greater than 12,000 square feet shall be located indoors, except as provided in subd. 4.

a-2. All required long-term bicycle parking spaces serving a residential use containing 4 or more dwelling units shall be located indoors, except as provided in subd. 4.

a-3. Indoor bicycle parking spaces may be provided in a bicycle storage room, an integral structured parking area, or other dedicated area located to provide direct access to an entrance a bicyclist may use. If the spaces are on a floor other than the ground floor, an elevator that is sufficiently large to accommodate bicycles, or other reasonable means, shall be provided to access the bicycle parking area.

a-4. Long-term bicycle parking may be provided in an approved outdoor structure if the structure meets the accessory-structure placement standards for the district in which it is located or if approved within a detailed plan development or approved by the commissioner of neighborhood services. Long-term spaces for educational uses may be located outdoors provided they meet the location standards for short-term spaces.

a-5. A bicycle rack in an indoor bicycle storage room or located in a parking garage shall meet the design and security standards for short-term bicycle storage racks specified in par. b.

a-6. A bicycle storage rack may have an upper tier for additional bicycles. However, required bicycle parking spaces shall be provided in bicycle-rack spaces at floor-surface level.

a-7. If required long-term bicycle parking spaces are provided in an integral or accessory parking structure, bicycle parking spaces may be distributed throughout the garage, but at least 50 percent of the required spaces shall be on the same level as the vehicular entrance to the structure, or the level closest to entry level in a mixed-occupancy garage, and be not more than 100 feet from that entrance. In addition, bicycle parking areas shall be clearly marked as such and shall be separated from motor vehicle parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a motor vehicle. Furthermore, all required bicycle parking spaces shall be located inside the structure or in areas protected from the weather.

b. Location of Short-Term Spaces. b-1. For convenient access by visitors and patrons, short-term bicycle parking spaces shall be located outdoors and, except as provided in subds. 2 and 3, within 50 feet of the main entrance of the occupancy served. Short-term bicycle parking spaces shall be readily visible to visitors and patrons, and located to allow maximum visibility for security of bicycles. The location of the bicycle parking spaces shall be sufficiently lit and not obstructed in a way that creates difficulty in accessing or locking bicycles.

b-2. Exception for Bicycle Corral. A location for the short-term parking of multiple bicycles, such as a bicycle corral, that does not comply with the 50-feet requirement of subd. 1 may be provided, as long as the first 2 spaces are located within 50 feet of the main entrance of the occupancy served. The bicycle corral shall be located within 100 feet of the path between the entrance to the site and the building entrance, shall not be in a location which discourages its use, such as behind a building or at the far end of the parking lot, and shall meet the design standards of sub. 4-d. A bicycle corral may be located within the public right-of-way subject to approval of the department of public works.

b-3. Spaces to be Provided On-Site Whenever Possible. If space near the entrance of the occupancy served, and visible from that entrance, is available on the lot on which the occupancy is located, the required short-term bicycle parking spaces shall be located on-site. If site layout and building placement do not allow for the required spaces to be located on-site within 50 feet of the entrance of the occupancy served, the required spaces may be located within the public right-of-way, subject to the approval of the department of public works. All required short-term bicycle parking spaces provided in the public right-of-way shall be located within 50 feet of the entrance of the occupancy served, shall allow for safe storage of bicycles, and shall not, in the determination of the department of public works, obstruct pedestrian traffic on the sidewalk.

b-4. Visibility and Signage. Whenever short-term bicycle parking spaces are not visible from the primary street frontage of the occupancy they serve, signage shall be used to direct cyclists safely to the parking spaces.

3. ADJUSTMENT TO NUMBER OF SPACES REQUIRED. a. Long-Term Bicycle Parking. a-1. For an office or manufacturing use, or a use for which one of these uses is cross-referenced in table 295-404-1, the required number of long-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 240,000 square feet.

a-2. For a retail use, or a use for which a retail use is cross-referenced in table 295-404-1, the required number of long-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 36,000 square feet.

a-3. For any individual retail occupancy, not more than 10 long-term bicycle parking spaces shall be required. However, this maximum does not eliminate the requirement to provide a minimum number of bicycle parking spaces for other occupancies on the lot.

a-4. In elderly multi-family housing, bicycle parking spaces shall be required only for independent living units.

b. Short-Term Bicycle Parking. b-1. For an office or manufacturing use, or a use for which one of these uses is cross-referenced in table 295-404-1, the required number of short-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 240,000 square feet.

b-2. For a retail use, or a use for which a retail use is cross-referenced in table 295-404-1, the required number of short-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 36,000 square feet.

b-3. For any individual retail occupancy, not more than 20 short-term bicycle parking spaces shall be required. However, this maximum does not eliminate the requirement to provide a minimum number of bicycle parking spaces for other occupancies on the lot.

4. STANDARDS OF DESIGN. a. Bicycle Parking Space. A bicycle parking space provided to comply with the requirements of this section shall be a minimum of 2 feet in width and 6 feet in length, with a vertical clearance of at least 7 feet, and allow for both wheels to be at or near the floor or ground surface. If located outdoors, the space shall be hard-surfaced, well-drained and illuminated. A properly-positioned inverted, U-shaped rack, commonly referred to as a bike staple, shall be considered 2 bicycle parking spaces.

b. Bicycle Rack. b-1. General Design. A bicycle rack used to comply with the requirements of this section shall be a stationary device of steel tubing or stock, not less than one inch in diameter nor more than 3 inches in diameter, or 2.25 inches square, which provides bicycle-locking points between one and 3 feet off the ground and a gap near the bottom for pedal clearance, such that a person can lock a bicycle frame and

one bicycle wheel to the tubing with a standard, 4-inch-by-8-inch or larger, U-shaped bicycle lock. A bicycle rack shall be securely anchored to the ground or adjacent structure.

b-2. Securing of Bicycles. The rack shall be designed such that there are 2 or more contact points between a bicycle and the rack. A rack which only allows securing of a wheel, such as a low-profile rack, grid rack or comb rack, may not be used to meet the requirements of this section.

b-3. Wave Rack. An existing rack of the type known as a wave rack may be used to comply with the requirements of this section; however, new racks may not use wave racks for provision of new bicycle parking spaces.

b-4. Decorative Rack. A decorative or custom rack that meets all of the requirements of this subdivision shall be permitted.

b-5. Proximity to Ground or Floor. A rack used to meet the requirements of this section shall allow a bicycle to have both wheels on or near the ground or floor surface to ensure the rider does not have difficulty with parking and securing the bicycle. Additional racks providing more than the required number of bicycle parking spaces may be provided in alternative designs, such as wall-hung, vertically-stored or placed on a second, raised tier of storage.

b-6. Townhouses. In townhouse-style dwelling units with private garages, bicycle parking may be accommodated within the garage space. A wall-hung rack is acceptable.

c. Outdoor Enhanced Facilities; Long-Term Bicycle Parking Spaces. An outdoor enhanced facility for long-term bicycle parking spaces shall be coordinated with the overall site layout of the property and follow any placement and setback requirements applicable to an accessory structure. The facility may consist of individual bicycle lockers or a locked common area that accommodates multiple bicycles, provided the facility provides protection from rain or snow and is located on a hard, well-drained surface. For a multiple-bicycle facility, any bike rack used for securing bicycles shall meet the standards of pars. a and b and allow securing of individual bikes. Access aisles, minimum vertical clearance and other standards for bicycle parking spaces shall be met.

d. Bicycle Corral. A bicycle corral shall meet the positioning and spacing standards for bike racks set forth in sub. 5-d. The corral shall be protected from motor vehicles with appropriate guarding as needed for the specific installation.

5. OUTDOOR BICYCLE PARKING POSITIONING. a. Part of Overall Site Layout and Design. Bicycle parking shall be an integral part of the overall site layout and landscape design, and be placed to minimize visual clutter. No bike rack shall be placed in landscaping or in a position that damages adjacent landscaping.

b. Preservation of Pedestrian Circulation. Bicycle parking spaces shall be placed such that they do not interfere with pedestrian circulation on the site, including required pedestrian paths from the street to building entrances and site circulation between entrances. Nor shall bicycle parking spaces obstruct any fire access routes or facilities, access from parking areas, or Americans with Disabilities Act-required circulation features.

c. Protection of Bicycles from Damage. Bicycle parking and motor vehicle parking shall be located in a manner that protects bicycles from damage. To this end, each bicycle parking space shall meet the design standards of sub. 4-a and allow reasonable movement when securing or removing a bicycle.

d. Positioning and Spacing of Racks. Every bicycle rack shall comply with the following standards:

d-1. The rack shall be properly positioned to allow sufficient space to properly lock the frame of a bicycle to the rack.

d-2. Sufficient space shall be provided to allow for access to the rack and for bicycle wheels to extend beyond the rack.

d-3. The positioning of the rack shall not result in bicycles blocking a walkway or conflicting with adjacent site elements, such as parked motor vehicles.

d-4. If the rack is parallel to a walkway, it shall not be placed closer than 18 inches from the edge of the walkway, to avoid blocking the walkway.

d-5. If the rack is an inverted U-type rack placed parallel or perpendicular to a wall or similar obstruction, a minimum distance of 30 inches shall be maintained between the rack and the wall, to ensure a bicycle will fit at proper contact points with the rack.

d-6. When a bicycle rack is positioned parallel to a curb in a parking lot, the rack shall be located not less than 30 inches from the curb. If motor vehicles are parked parallel or perpendicular to the curb, additional space may be required to protect both bicycles and motor vehicles from damage. If a bicycle rack is located on a public sidewalk, the rack shall be placed such that at least 5 feet of pedestrian clearance is maintained and the rack is at least 30 inches from the curb.

d-7. Where inverted U-type racks are positioned parallel to each other or mounted in a series in one row, a minimum distance of 3 feet shall be provided between the racks.

d-8. In a location with multiple rows of bicycle racks, the bicycle parking area shall have access aisles at least 4 feet wide between all rows.

d-9. The rack shall be positioned so that no bicycle parking space is closer than 4 feet from any driveway, crosswalk, egress route, emergency equipment or other object deemed by the commissioner of neighborhood services as needing setback from the rack.

e. Maintenance of Bicycle Parking Facilities. All racks and other facilities associated with the parking of bicycles shall be properly maintained. Proper bolting of racks to the surface shall be required, and corroded or rusted racks which prevent or limit the proper securing of bicycles shall be replaced. In addition, racks shall be kept free of abandoned bicycles to prevent obstructions to short-term users.

6. INDOOR BICYCLE PARKING. A bicycle storage room or other indoor bicycle parking area shall:

a. Meet all applicable standards of sub. 5, including the design and security standards for short-term bicycle racks.

b. Be clearly marked or signed at the location, as well as along access routes if not readily apparent.

c. Shall be appropriately illuminated to allow for safe nighttime use. This requirement shall apply to both the bicycle parking spaces and all access routes leading to them.

7. APPLICABILITY OF RACK DESIGN AND PLACEMENT STANDARDS. The standards of subs. 4-a and 5-a, b and d shall apply to bicycle racks placed in situations where no bicycle parking spaces are required:

Table 295-404-1
NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE

Use	**Long-Term Bicycle Parking Spaces Required**	**Short-Term Bicycle Parking Spaces Required**
RESIDENTIAL USES		
Single-family dwelling	none	none
Two-family dwelling	none	none
Multi-family dwelling	one for every 4 dwelling units	one for every 30 dwelling units; min. of 2 spaces
Permanent supportive housing	none	none
Transitional housing	none	none
Attached single-family dwelling	none	none
Live-work unit	none	none
Mobile home	none	none
Watchman/service quarters	none	none
Family day care home	none	none
GROUP RESIDENTIAL USES		
Rooming house	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Convent, rectory or monastery	none	none
Dormitory	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Fraternity or sorority	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Adult family home	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	**Long-Term Bicycle Parking Spaces Required**	**Short-Term Bicycle Parking Spaces Required**
Foster Homes		
Foster family home	none	none
Small foster home	none	none
Group home or group foster home	none	none
Shelter Care Facilities		
Family shelter care facility	none	none
Small group shelter care facility	none	none
Large group shelter care facility	none	none
Community living arrangement	none	none
EDUCATIONAL USES		
Day care center	none	none
School, elementary or secondary	one per classroom	one per classroom
College	one per classroom	one per classroom
School, personal instruction	one per classroom	one per classroom
COMMUNITY-SERVING USES		
Library	see general office	see general retail establishment
Cultural institution	see general office	see general retail establishment
Community center	see general office	see general retail establishment
Religious assembly	none	one for every 30 seats in the assembly hall; min. of 2 spaces
Cemetery or other place of interment	none	none
Public safety facility	none	none
Correctional facility	none	none
COMMERCIAL AND OFFICE USES		
General office	for an occupancy larger than 12,000 sq. ft., one for every 6,000 sq. ft. of gross floor area; min. of 2 spaces	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Government office	see general office	see general office
Bank or other financial institution	see general office	see general office
Currency exchange, payday loan or title loan agency	see general retail establishment	see general retail establishment
Installment loan agency	see general retail establishment	see general retail establishment
Cash-for-gold business	see general retail establishment	see general retail establishment
Pawn shop	see general retail establishment	see general retail establishment
Retail establishment, general	for an occupancy larger than12,000 sq. ft., one for every 6,000 sq. ft. of gross floor area; min. of 2 spaces	one for every 3,000 sq. ft. of gross floor area; min. of 2 spaces
Garden supply or landscaping center	see general retail establishment	see general retail establishment
Home improvement center	see general retail establishment	see general retail establishment
Secondhand store	see general retail establishment	see general retail establishment
Outdoor merchandise sales	none	see general retail establishment
Artist studio	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	**Long-Term Bicycle Parking Spaces Required**	**Short-Term Bicycle Parking Spaces Required**
Adult retail establishment	see general retail establishment	see general retail establishment
HEALTH CARE AND SOCIAL ASSISTANCE USES		
Medical office	see general office	see general office
Health clinic	see general office	see general office
Hospital	see general office	see general office
Medical research laboratory	see general office	see general office
Medical service facility	see general office	see general office
Social service facility	see general office	see general office
Emergency residential shelter	as required by the board for special use approval	as required by the board for special use approval
Nursing home	see general office	see general office
GENERAL SERVICE USES		
Personal service establishment	see general retail establishment	see general retail establishment
Business service	see general office	see general office
Catering service	see general office	see general office
Funeral home	see general office	see general office
Laundromat	see general retail establishment	see general retail establishment
Dry cleaning establishment	see general retail establishment	see general retail establishment
Furniture and appliance rental and leasing	see general retail establishment	see general retail establishment
Household maintenance and repair service	see general retail establishment	see general retail establishment
Tool/equipment rental facility	see general retail establishment	see general retail establishment
Animal Services		
Animal hospital/clinic	see general retail establishment	see general retail establishment
Animal boarding facility	see general retail establishment	see general retail establishment
Animal grooming or training facility	see general retail establishment	see general retail establishment
MOTOR VEHICLE USES		
Light Motor Vehicle		
Sales facility	none	none
Rental facility	none	none
Repair facility	none	none
Body shop	none	none
Outdoor storage	none	none
Wholesale facility	none	none
Heavy Motor Vehicle		
Sales facility	none	none
Rental facility	none	none
Repair facility	none	none
Body shop	none	none
Outdoor storage	none	none
General Motor Vehicle		

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	**Long-Term Bicycle Parking Spaces Required**	**Short-Term Bicycle Parking Spaces Required**
Filling station	see general retail establishment	see general retail establishment
Car wash	none	none
Non-restaurant drive-through facility	none	none
Parking		
Parking lot, principal use	none	none
Parking lot, accessory use	none	none
Parking structure, principal use	none	one space for every 50 motor vehicle spaces
Parking structure, accessory use	none	none
Heavy motor vehicle parking lot, principal use	none	none
Heavy motor vehicle parking lot, accessory use	none	none
ACCOMMODATION AND FOOD SERVICE USES		
Bed and breakfast	none	none
Hotel, commercial	see general retail establishment, with number of spaces required based on aggregate floor area devoted to restaurant, tavern and retail space accessory to hotel	see general retail establishment, with number of spaces required based on aggregate floor area devoted to restaurant, tavern and retail space accessory to hotel
Hotel, residential	one for every 4 beds	one for every 30 beds; min. of 2 spaces
Tavern	see general retail establishment	see general retail establishment
Brewpub	see general retail establishment	see general retail establishment
Assembly hall	none	one for every 30 seats in the assembly hall; min. of 2 spaces
Restaurant without drive-through facility	see general retail establishment	see general retail establishment
Restaurant with drive-through facility	see general retail establishment	see general retail establishment
ENTERTAINMENT AND RECREATION USES		
Park or playground	none	none
Festival grounds	none	none
Recreation facility, indoor	see general retail establishment	see general retail establishment
Recreation facility, outdoor	none	none
Health club	see general retail establishment	see general retail establishment
Sports facility	none	none
Gaming facility	none	none
Theater	one per screen	4 per screen
Convention and exposition center	none	none
Marina	none	none
Outdoor racing facility	none	none
STORAGE, RECYCLING AND WHOLESALE TRADE USES		
Recycling collection facility	none	none
Mixed-waste processing facility	none	none
Material reclamation facility	none	none
Salvage operation, indoor	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	**Long-Term Bicycle Parking Spaces Required**	**Short-Term Bicycle Parking Spaces Required**
Salvage operation, outdoor	none	none
Wholesale and distribution facility, indoor	none	none
Wholesale and distribution facility, outdoor	none	none
Storage Facilities		
Indoor	none	none
Self-service	none	none
Outdoor	none	none
Hazardous materials	none	none
TRANSPORTATION USES		
Ambulance service	see general office	see general office
Ground transportation service	see general office	see general office
Passenger terminal	none	none
Helicopter landing facility	none	none
Airport	none	none
Ship terminal or docking facility	none	none
Truck freight terminal	none	none
Railroad switching, classification yard or freight terminal	none	none
INDUSTRIAL USES		
Alcohol beverage facility, micro	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Alcohol beverage facility, large	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Food processing	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, light	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, heavy	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Manufacturing, intense	for office space, see general office; no requirement for non-office areas	one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces
Research and development	see general office	see general office
Processing or recycling of mined materials	none	none
Contractor's shop	none	none
Contractor's yard	none	none
AGRICULTURAL USES		
Plant nursery or greenhouse	none	none
Raising of livestock	none	none
Community garden	none	none
Commercial farming enterprises	none	none

Table 295-404-1 NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE		
Use	**Long-Term Bicycle Parking Spaces Required**	**Short-Term Bicycle Parking Spaces Required**
UTILITY AND PUBLIC SERVICE USES		
Broadcasting or recording studio	see general office	see general office
Transmission tower	none	none
Water treatment plant	none	none
Sewage treatment plant	none	none
Power generation plant	none	none
Small wind energy system	none	none
Solar farm	none	none
Substation/distribution equipment, indoor	none	none
Substation/distribution equipment, outdoor	none	none
TEMPORARY USES		
Seasonal market	none	see general retail establishment
Temporary real estate sales office	none	see general retail establishment
Concrete/batch plant, temporary	none	none
Live entertainment special event	none	none

295-405. Landscaping and Screening. 1. INTRODUCTION. a. Purposes. The standards of this section are established to promote and protect the health, safety and general welfare of the public in the following ways:

a-1. Protecting and enhancing the aesthetic quality of the city of Milwaukee by ensuring a well-defined and pedestrian-friendly public realm and by screening parking lots and unsightly uses and site features from public streets.

a-2. Mitigating the effects of excessive light, noise, and dust in neighborhoods by screening parking lots and unsightly uses and site features from adjacent properties and providing buffers between incompatible uses.

a-3. Increasing Milwaukee's urban tree canopy, providing areas for stormwater infiltration and improving water quality in streams, rivers and in Lake Michigan.

b. Applicability. b-1. New Construction. Any new building, parking lot or other site improvement shall comply with the requirements of this section. When a new principal building is added to a premises, and occupies at least 10 percent of the site area, the entire premises shall comply with the requirements of this section.

b-2. Addition or Expansion. When an existing parking lot is expanded by 25 percent or more within a 2-year period, the entire property shall be brought into compliance with the landscaping and screening requirements of this section. If the parking lot is expanded by less than 25 percent, compliance shall only be required for the added area.

b-3. Repaving or Reconstruction. When 25 percent or more of an existing parking lot is repaved or reconstructed within a 2-year period, the entire parking lot shall be brought into compliance with the landscaping and screening requirements of this section. If less than 25 percent of the parking lot is repaved or reconstructed, compliance shall only be required for the repaved or reconstructed area. For the purposes of this subdivision, repaving includes activities such as removing the top layer of asphalt through milling and replacing with new asphalt, applying a surface course of new asphalt on top of existing asphalt, or pulverizing and stabilizing existing asphalt. Reconstruction means replacement of the underlying base structure of a parking lot. Ordinary maintenance and repairs, including infrared patching, crack filling, seal coating and line striping, shall not necessitate application of the landscaping or screening requirements of this section.

b-4. Change in Use. When a use requiring screening changes, or an additional use requiring screening is added, the entire premises on which that use is located shall be brought into compliance with the landscaping and screening requirements of this section.

b-5. Substantial Improvement. When a substantial improvement is made to a principal building, the entire premises on which that principal building is located shall be brought into compliance with the landscaping and screening requirements of this section.

b-6. Applicability Waiver. If the landscaping and screening requirements of this section are applicable because of a repaving or reconstruction project, a change in use or a substantial improvement to a principal building, and the commissioner of neighborhood services determines that strict compliance with the requirements of this section is not possible, the commissioner may waive part or all of the landscaping and screening requirements provided that they are complied with to the fullest extent possible. If the commissioner determines that a waiver is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance. Screening requirements may also be waived by the commissioner in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the use or object to be screened is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions. Parking lot landscaping requirements described in s. 295-405-3-c may be waived in whole or in part if the commissioner finds one or more of the following to be true:

b-6-a. Full compliance is not possible due to site dimensions or the location of existing buildings.

b-6-b. Full compliance would result in the number of parking spaces being reduced to below the minimum number required by s. 295-403-2.

b-6-c. Full compliance would result in the number of existing parking spaces being reduced by more than 10%, and a parking demand study indicates that a greater number of spaces is necessary to accommodate anticipated parking demand.

b-6-d. The adverse environmental effects of non-compliance with parking lot landscaping requirements will be offset by other mitigation measures approved by the commissioner, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

c. Landscaping and Screening Plan Required. Prior to issuance of any permit for a site modification in which landscaping or screening is required by this section, a landscaping and screening plan illustrating how compliance with the standards of this section will be achieved shall be submitted to the department of neighborhood services for approval. The landscaping and screening plan shall be accurately drawn to scale and include the following:

c-1. Location of all existing and proposed buildings and the location of adjacent buildings if within 5 feet of the common property line.

c-2. The location of property lines, adjacent rights-of-way, and features within rights-of way, including curb lines, driveways, sidewalks, street trees, light poles, transit stops, transit shelters, on-street parking spaces and loading areas.

c-3. The location of all on-site motor vehicle and bicycle parking spaces, including the exact number of spaces provided, and the square footage of all motor vehicle parking and operating areas, except those areas within structures.

c-4. The location, size and type of all permanent site features relevant to the landscaping plan, including but not limited to landscape areas, fences, walls, outdoor seating, pedestrian paths, lighting fixtures and signage.

c-5. The location, size, type, and quantity of all proposed plant materials and existing plant materials to be retained, along with a key or table referencing all plants by common or scientific name.

c-6. The location of mechanical equipment, trash and recycling collection equipment, dumpster and waste storage areas, substation/distribution equipment, and truck berths for loading docks, if applicable.

c-7. North arrow and scale.

d. Implementation Schedule. Required landscaping, screening and green infrastructure shall be installed as soon as practical, preferably prior to occupancy. A delay in the installation of plantings may be permitted by the department of neighborhood services for up to six months after permit issuance due to season.

e. Encroachment into Public Right-of-Way. Landscaped areas may encroach into the public right-of-way, but fences and walls used for screening shall not be constructed in the public right-of-way. No tree or shrub may be planted in the public right-of-way unless such planting is authorized by a permit issued by the commissioner of public works pursuant to s. 116-52. At no point may plants or other landscaping elements obstruct or encroach on public sidewalks.

f. Maintenance. All required landscaping materials, including trees, plants and fences or walls, shall be properly maintained and replaced as necessary to maintain code compliance. In addition, any future alterations shall meet the minimum requirements of this section. Features shall be kept free of refuse and debris. Plant material shall be regularly maintained in a healthy, vigorous condition, free from disease, pests and noxious species. Maintenance shall include weeding, edging, mulching, fertilizing, trimming, sweeping, pruning and deadheading. Failure to regularly maintain the required landscaping, screening or green infrastructure shall constitute a violation of this section.

g. Vision Triangle. g-1. General. A vision triangle shall be provided at each intersection of 2 streets, an alley and a street, or an access drive and a street in the zoning districts specified in this paragraph. A vision triangle shall not be required at a residential driveway used exclusively by a single-family or 2-family dwelling.

g-2. Description. A vision triangle is the triangular area formed by connecting the point of intersection of the curbs at the intersection of 2 streets, or the point of intersection of the alley or driveway line with the side of sidewalk closest to the property line, with 2 other points each located an equal distance away from the point of intersection along the 2 lines that intersect. Where sidewalks are not present, the point of intersection shall be 4 feet from the street side of the property line, along the alley or driveway line extended.

g-3. Required Vision Triangles. The measured distance along the intersecting lines, as specified in subd. 2, shall be the following:

g-3-a. In all zoning districts, 10 feet for the intersection of an access drive and a street.

g-3-b. In the RS6, RT4, RM4 and RO2 zoning districts, 15 feet for the intersection of 2 streets or an alley and a street.

g-3-c. In the RS5, RT3 and RM3 zoning districts, 20 feet for the intersection of 2 streets or an alley and a street.

g-3-d. In the RS1 to RS4, RT1 and RT2, RM1 and RM2, RO1, NS1, LB1, RB1, IO1, IL1 and PK zoning districts, 25 feet for the intersection of 2 streets or an alley and a street.

g-3-e. In all other zoning districts, no vision triangle shall be required at the intersection of 2 streets or an alley and a street.

g-4. Objects Within Vision Triangle. Opaque fences and other opaque objects, such as coniferous trees and shrubs and utility boxes, located in the vision triangle shall not exceed 3 feet in height. Semi-opaque and open fences and other semi-opaque objects, such as deciduous trees and shrubs, sign and utility poles, traffic standards, and masonry fence piers not exceeding 16 inches in width, shall be permitted.

2. LANDSCAPING AND SCREENING ELEMENTS. a. Canopy Trees. a-1. General. When used to meet the requirements of this section, canopy trees shall be of a deciduous street tree variety with a leaf and branch structure that creates a uniform crown and an opaque tree canopy. In addition:

a-1-a. Tree species shall be approved by the commissioner of neighborhood services. The planting of ash trees and female gingko trees is prohibited.

a-1-b. Ornamental trees shall be considered canopy trees if they meet the minimum size requirements. Ornamental trees shall be set back at least 5 feet from any sidewalk. No more than 50 percent of total trees required may be ornamental trees.

a-1-c. Canopy trees located within 20 feet of the street lot line may be credited toward street frontage screening requirements.

a-1-d. Trees in the abutting public right-of-way immediately adjacent to the property may be counted towards the landscaping and screening requirements of this section if authorized by a permit issued by the commissioner of public works pursuant to s. 116-52.

a-2. Tree Size. A canopy tree shall be at least 2.5-inch-caliper size at the time of planting measured as diameter at breast height, except that 2 canopy trees of at least 1.5-inch-caliper size may be substituted for one tree of 2.5-inch-caliper size, provided that the planting area required for each tree is not reduced below the minimum required.

a-3. Planting Areas for Canopy Trees. An area used for planting canopy trees shall have a minimum of 100 square feet of surface area and a minimum of 150 cubic feet of planting soil per tree. A planting area for canopy trees may include modular suspended pavement systems that contain healthy non-compacted soil, and the permeable surface area of such systems may be counted toward the minimum surface area required.

a-4. Credit for Existing Canopy Trees. An existing canopy tree on the premises may be counted towards the minimum tree requirements provided it complies with the standards of this subsection and no soil within 5 feet of the tree is disturbed. In addition:

a-4-a. An existing canopy tree greater than 12-inch-caliper size may be counted as 2 trees if no soil within 10 feet of the tree is disturbed.

a-4-b. An existing canopy tree greater than 18-inch-caliper size may be counted as 3 trees if no soil within 15 feet of the tree is disturbed.

a-5. Tree Diversity. When a site has 10 or more trees, no single species may comprise more than 50 percent of trees used to meet the requirements of this section.

b. Landscaped Areas. b-1. General. Landscaped areas consist of planting beds filled with low-level or eye-level plants. Low-level plants include low shrubs, perennials and ornamental grasses. Eye-level plants include evergreen trees and tall shrubs. When used for screening, low-level plants are intended to define spaces and allow for natural surveillance, while eye-level plants are intended to completely obscure the view of the use being screened. The type and number of plants required is determined by the use being screened, the presence of a fence or wall and the size of the landscaped area. Low shrubs are shrubs that are expected to grow to a mature height of not more than 4 feet, while tall shrubs are shrubs that are expected to grow to a mature height of not less than 6 feet. Low and tall shrubs may be deciduous shrubs or evergreen shrubs.

b-2. Planting Soil. Landscaped areas shall have healthy non-compact planting soil at least 18 inches deep.

b-3. Plant Combinations. When landscaped areas allow for multiple plant types, any equivalent combination of the permitted plant types may be used. One low or tall shrub is equivalent to 2 perennials or ornamental grasses. One evergreen tree is equivalent to 2 low or tall shrubs or 4 perennials or ornamental grasses.

b-4. Plant Size. Minimum and maximum plant sizes for low-level and eye-level plants are specified in table 295-405-2-b-4.

Table 295-405-2-b-4
PLANT SIZE

	Minimum Container Size at Time of Planting	Minimum Height at Time of Planting	Maximum Height at Maturity
Perennials/ ornamental grasses	1 gallon	1 ft.	4 ft.
Low shrubs	3 gallons	1.5 ft.	4 ft.
Tall shrubs	3 gallons	4 ft.	none
Evergreen trees	n/a	6 ft.	none

c. Fences and Walls. c-1. General. Where a masonry wall, ornamental metal fence or opaque fence is used to meet the minimum screening requirements of this section, it shall be consistent with the type of fence required, the opacity and height standards for the use being screened, and the screening method selected. Where no fence is required, a fence or wall of any type is permitted if otherwise permitted in the zoning district. If any fence other than an ornamental metal fence is present between a use requiring screening and a street lot line, such fence shall be set back behind the required landscaped area as viewed from the street.

c-2. Masonry Walls. A masonry wall is intended to replace low-level and eye-level plants where space for sufficient planting does not exist. Where a masonry wall is used to meet minimum screening requirements, it shall be constructed of attractive, high-quality, durable-finish materials such as brick, cast stone, decorative block or stucco over standard concrete masonry blocks. The color, texture and type of materials used on masonry walls shall be similar to or compatible with the materials used on the building located on the premises where screening is required. If the primary structure on the premises is not of masonry construction, a solid wall at least 8 inches thick constructed of non-masonry materials may be used if approved by the commissioner of neighborhood services. An ornamental metal fence may be constructed atop a masonry wall, or a masonry wall may have openings consisting of ornamental metal fencing, provided the fence or wall meets the opacity requirements for the use being screened and the screening method selected. Where plants are not required due to the presence of a masonry wall, they are permitted and encouraged. Gabion walls are not considered masonry walls for the purposes of this section.

c-3. Ornamental Metal Fences. An ornamental metal fence is intended to complement low-level and eye-level plants where space for planting is limited. Where an ornamental metal fence is used to meet minimum screening requirements, it shall have decorative metal pickets at least 0.75 inches wide and spaced no farther apart than an average of 6 inches on center. The standards for picket width and spacing may be waived by the commissioner of neighborhood services for custom metal fences of exceptional design with an opacity of not less than 15%. When a custom fence has an opacity of more than 50%, it shall be set back behind the required landscaping as viewed from the street. An ornamental metal fence may include piers constructed of masonry, stone, or wood. An ornamental metal fence may be constructed atop a masonry wall or have solid portions consisting of masonry, provided the fence meets the opacity requirements for the use being screened and the screening method selected. In an industrial district, a welded wire metal fence may be used as an alternative to an ornamental metal fence. A welded wire metal fence shall be rigid and composed of architectural metal panels or heavy-duty welded wire mesh with coated metal wires at least 1/8 inch in diameter (10 gauges or less).

c-4. Opaque Fences. An opaque fence is intended to completely obscure the view of the use being screened. An opaque fence may be constructed of masonry, stone, metal, wood, vinyl or composite material, gabions filled with stone material, or a combination of such materials. Chain link fences with slats or mesh screening are not considered opaque fences.

c-5. Masonry Piers. An ornamental metal fence or opaque fence used to meet minimum screening requirements shall have masonry piers if located in the LB3 zoning district or a downtown zoning district, or where used as an alternative to masonry walls as allowed by s. 295-405-3-a-4-b. Masonry piers shall be spaced not more than 25 feet apart and also provided on corners and at changes in direction. Masonry piers shall be at least 16 inches wide and 16 inches deep with a minimum height of 3 feet. The color, texture and type of materials used on masonry piers shall be similar to or compatible with the materials used on the building located on the premises where screening is required. If such building is not of masonry construction, the piers may be omitted or constructed of non-masonry materials if approved by the commissioner of neighborhood services.

c-6. Prohibited Fence or Wall Materials. A fence or wall used to meet the minimum screening requirements may not include corbeled masonry blocks or other dry stack blocks, structural corrugated metal, metal siding or a metal panel and batten system, or exterior insulation and finish systems (EIFS) or simulated stucco products.

c-7. Gaps in Fences and Walls. Where a fence or wall is used to meet the minimum screening requirements of this section, such fence or wall shall be provided throughout the length of the landscaped area except in the following circumstances:

c-7-a. Adjacent to Canopy Trees. In order to facilitate proper growth of canopy trees, a fence or wall is not required within 5 feet of new or existing trees.

c-7-b. Access Points. Gaps in a fence or wall may occur as necessary to accommodate vehicle and pedestrian access, bicycle parking spaces and transit shelters. A fence or wall is not required within 10 feet of an access drive.

c-7-c. Public Amenities. Gaps in a fence or wall may occur as necessary to accommodate public art, water features, street furniture or other public amenities.

c-8. Grade Changes. If there is an elevation difference between a use or object being screened and the street or adjacent property, the height of fences and walls shall be measured from the point of highest elevation.

d. Green Infrastructure. Green infrastructure is any combination of landscaping, facilities, or equipment that captures rain water at or near the site where it falls by infiltration into the soil, evapotranspiration by plants, or storage for reuse. The following green infrastructure features may be used for parking lot landscaping as described in s. 295-405-3-c:

d-1. Permeable Paving. Permeable paving is a surface paved with permeable pavers, porous concrete or porous asphalt that allows water infiltration into the soil. A parking lot or motor vehicle operating area paved with permeable paving shall comply with the standards of s. 252-74.

d-2. Rain Garden. A rain garden is a landscaped area specifically designed to capture and infiltrate storm water and filled with deep-rooted plants.

d-3. Bioswale. A bioswale is a depressed area designed to capture and infiltrate stormwater runoff and remove pollutants. Constructed wetlands and other bio-retention facilities may also be considered bioswales for the purposes of this section.

d-4. Rain Water Catchment Area. A rain water catchment area is an area from which rainfall flows into a rain garden, bioswale or other bio-retention facility.

e. Other Landscaping and Screening Elements. e-1. Berms. Berms are permitted in all zoning districts except downtown districts. A berm may not be used to meet the minimum screening requirements of this section.

e-2. Bollards. Bollards are permitted in all circumstances but may not be used to meet the minimum requirements of this section.

e-3. Boulders. Boulders and other hard, round elements greater than 18 inches in diameter with irregular surfaces meant to appear eroded by nature are prohibited within 10 feet of a street property line. Masonry objects and structures with flat, finished surfaces are permitted as a means to mark a gateway condition, provide pedestrian seating, or to define a street edge. Retaining walls consisting of boulders or stones are permitted, but may not be used to meet the minimum screening requirements of this section.

3. LANDSCAPING AND SCREENING REQUIREMENTS FOR LIGHT MOTOR VEHICLE PARKING LOTS AND VEHICLE OPERATING AREAS. a. Screening of Light Motor Vehicle Parking Lots and Vehicle Operating Areas from Public Streets. a-1. Purpose. The purpose of screening light motor vehicle parking lots and vehicle operating areas from public streets is to ensure a well-defined and pedestrian-friendly public realm and to protect the aesthetic quality of the city of Milwaukee.

a-2. When Required. Screening is required when a light motor vehicle parking lot or vehicle operating area is less than 20 feet from a street property line, provided screening is not required:

a-2-a. For a light motor vehicle parking lot or vehicle operating area with less than 5 parking spaces and less than 2,500 square feet of combined vehicle parking and operating area.

a-2-b. From alleys or at access drive locations.

a-3. Options for Screening from Streets. Screening shall be installed and maintained between the parking lot or vehicle operating area and the street by one, or a combination, of the options described in table 295-405-3-a.

a-4. Reduced Standards for Existing Parking Lots. When screening requirements are applicable because of a repaving or reconstruction, a change in the use being screened or a substantial improvement to an existing building, the following exceptions apply:

a-4-a. Reduced Landscaped Area. The minimum width of the landscaped area in table 295-405-3-a may be reduced by up to 50% if necessary to maintain existing pavement. No reduction shall be permitted for a principal use parking lot or where the maximum number of parking spaces allowed by s. 295-403-2 is exceeded.

a-4-b. Alternative to Masonry Walls. When existing pavement is less than 5 feet from the street lot line, an ornamental metal fence with masonry piers may be used in lieu of a masonry wall under option “C” in table 295-405-3-a.

a-5. Eye-level Visibility. In order to promote natural surveillance of both parking lots and public streets, low shrubs, perennials or ornamental grasses shall not be allowed to grow taller than 4 feet, and portions of fences or walls above 4 feet in height shall be less than 50% opaque. Trees shall be kept to a minimum height of 6 feet at the lowest branches.

a-6. Tree Placement. Canopy trees required along streets may be planted at regular or irregular intervals, but in no case may trees be spaced more than 50 feet apart as measured along the street frontage. Trees planted adjacent to the parking lot rather than between the parking lot and the street may also be counted as part of required screening provided they are within 20 feet of the street lot line and within 20 feet of the parking lot.

a-7. Public Amenities. Public amenities, such as transit shelters, benches, bicycle racks, sculptures, fountains and similar features, may be integrated as part of the required screening. Screening requirements may be reduced as needed to accommodate public amenities.

Table 295-405-3-a OPTIONS FOR SCREENING PARKING LOTS AND VEHICLE OPERATING AREAS FROM STREETS			
	Option A	Option B	Option C
Minimum width of landscaped area	10 ft.	5 ft.	none
Type and minimum number of plants required in landscaped area	4 low shrubs or 8 perennials/ornamental grasses per 10 linear ft.	4 low shrubs or 8 perennials/ornamental grasses per 20 linear ft.	none
Minimum number of canopy trees required	1 canopy tree per 20 linear ft.	1 canopy tree per 20 linear ft.	1 tree per 40 linear ft.
Fence/wall required	none	ornamental metal fence	masonry wall
Minimum fence/wall height	none	3 ft.	3 ft.
Fence/wall opacity requirement	Portions above 4 ft. shall be at least 50% open	Portions above 4 ft. shall be at least 50% open	Portions below 3 ft. shall be at least 50% opaque; portions above 4 ft. shall be at least 50% open

b. Screening of Light Motor Vehicle Parking Lots and Vehicle Operating Areas from Residential Districts. b-1. Purpose. The purpose of screening light motor vehicle parking lots and vehicle operating areas from residential districts is to mitigate the visual impact of parking lots in neighborhoods, to reduce glare from headlights and other sources, and to protect residential properties from the potential negative effects of excessive light, noise or dust.

b-2. When Required. Screening is required when a light motor vehicle parking lot or vehicle operating area is within 20 feet of an adjacent property in a residential zoning district, provided screening is not required:

b-2-a. For a light motor vehicle parking lot or vehicle operating area with less than 5 parking spaces and less than 2,500 square feet of combined parking and vehicle operating area.

b-2-b. Where a parking lot abuts an alley, another parking lot on an adjacent property, or a shared access drive.

b-2-c. Where an adjoining building or opaque masonry wall at least 4 feet in height is less than 5 feet from the interior lot line.

b-3. Options for Screening from Residential Districts. Screening shall be installed and maintained between the parking lot or vehicle operating area and the interior lot line by one, or a combination, of the options described in table 295-405-3-b. Screening requirements vary depending on whether the parking lot abuts a side yard, rear yard or front yard.

b-4. Screening from Vacant Parcels. If no building exists on an adjacent property in a residential zoning district, screening is required unless the commissioner of neighborhood services determines it unnecessary. Areas adjacent to the minimum front setback required on the vacant parcel shall be screened as if adjacent to a front yard.

Table 295-405-3-b OPTIONS FOR SCREENING LIGHT MOTOR VEHICLE PARKING LOTS AND VEHICLE OPERATING AREAS FROM RESIDENTIAL DISTRICTS				
		Option A	Option B	Option C
Adjacent to a Side or Rear Yard	Minimum width of landscaped area	10 ft.	5 ft.	none
	Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
	Fence/wall required	none	opaque fence or wall	masonry wall
	Fence/wall minimum height	none	4 ft.	4 ft.
	Fence/wall opacity requirement	none	portions below 4 ft. shall be 100% opaque	portions below 4 ft. shall be 100% opaque
Adjacent to a Front Yard	Minimum width of landscaped area	10 ft.	5 ft.	none
	Type and minimum number of plants required in landscaped area	2 low shrubs or 4 perennials/ornamental grasses per 5 linear ft.	2 low shrubs or 4 perennials/ornamental grasses per 10 linear ft.	none
	Fence/wall required	none	ornamental fence or opaque fence or wall	masonry wall
	Fence/wall minimum height	none	3 ft.	3 ft.
	Fence/wall opacity requirement	none	portions above 4 ft. shall be at least 50% open	portions below 3 ft. shall be at least 50% opaque; portions above 4 ft. shall be at least 50% open

c. Parking Lot Landscaping Requirements. c-1. Purpose. The purpose of parking lot landscaping is to break down the scale of large expanses of pavement, increase the urban tree cover, reduce heat build-up by providing shade for paved areas, reduce the impact of storm water runoff on the city's storm sewers, and improve water quality in streams, rivers and Lake Michigan.

c-2. Where Required. Parking lot landscaping is required at any site with 5 or more off-street surface parking spaces.

c-3. Amount Required. A minimum of one canopy tree and 100 square feet of landscaped area is required for every 4 parking spaces or fraction thereof, provided:

c-3-a. Parking spaces within structures, designated motorcycle parking spaces and bicycle parking spaces are not included when determining the minimum amount of landscaping required.

c-3-b. Trees and landscaped areas used to meet the screening requirements of this section shall be counted toward total parking lot landscaping requirements.

c-4. Location and Distribution. Trees, landscaped areas and green infrastructure used to meet the requirements of this section shall be located within 50 feet of the parking lot. No portion of a parking lot or motor vehicle operating area may be more than 100 feet from an interior or perimeter landscaped area or more than 150 feet from an interior or perimeter canopy tree. Large parking fields shall be divided into areas of not more than 50,000 square feet each through the use of landscaped islands, peninsulas or medians.

c-5. Landscaped Areas. Landscaped areas shall be planted with low shrubs, perennials or ornamental grasses. A minimum of 4 low shrubs, or 8 perennials or ornamental grasses, are required per 100 square feet of landscaped area. Equivalent combinations of plants may be used, with 2 perennials or ornamental grasses equivalent to one low shrub.

c-6. Reduction Permitted for Green Infrastructure. The landscaping requirement may be reduced to not less than one tree and 100 square feet of landscaped area per 8 parking spaces if the following amounts of green infrastructure features are provided as a substitute for trees and landscaped areas:

c-6-a. Permeable Paving. One hundred square feet of permeable paving may be substituted for one tree and 100 square feet of landscaped area.

c-6-b. Rain Gardens. One hundred square feet of rain garden with a rain water catchment area of at least 1,000 square feet may be substituted for one tree and 100 square feet of landscaped area.

c-6-c. Bioswales. Fifty cubic feet (375 gallons) of bio-retention capacity with a rain water catchment area of at least 1,000 square feet may be substituted for one tree and 100 square feet of landscaped area.

c-7. Reduction Permitted for Existing Parking Lots. When landscaping requirements are applicable because of a repaving or reconstruction, a change in use, or a substantial improvement to an existing building, and compliance with the requirements of this paragraph would result in a loss of more than 10% of total parking spaces or would result in the number of spaces being reduced to below the minimum number required by s. 295-403-2, the amount of landscaping required by subd. 3 may be reduced to a minimum of one tree and 100 square feet of landscaped area per 8 parking spaces, and may be further reduced to not less than one tree and 100 square feet of landscaped area per 16 parking spaces through the use of green infrastructure features as specified in subd. 6. This provision does not apply to principal use parking lots or when the maximum number of parking spaces allowed by s. 295-403-2 is exceeded.

4. LANDSCAPING AND SCREENING REQUIREMENTS FOR HEAVY MOTOR VEHICLE PARKING LOTS, OUTDOOR VEHICLE STORAGE AREAS AND CONTRACTOR'S YARDS. a. Screening of Heavy Motor Vehicle Parking Lots, Outdoor Vehicle Storage Areas and Contractor's Yards from Public Streets. a-1. Purpose. The purpose of screening heavy motor vehicle parking lots, vehicle storage areas and contractor's yards from public streets is to ensure a well-defined and pedestrian-friendly public realm and to protect the aesthetic quality of the city of Milwaukee. Plantings used for screening may be low-level or eye-level plantings, or a combination of low-level and eye-level plantings, depending on the amount of natural surveillance desired.

a-2. Where Required. Screening is required where a heavy motor vehicle parking lot, outdoor vehicle storage area, or contractor's yard is visible from an adjacent public street.

a-3. Options for Screening from Streets. Screening shall be installed and maintained between the heavy motor vehicle parking lot, outdoor vehicle storage area or contractor's yard and the street by one, or a combination, of the options described in table 295-405-4-a.

a-4. Reductions Permitted. The minimum width of the landscaped area in table 295-405-4-a may be reduced by up to 50 percent if either of the following is true:

a-4-a. Screening requirements are applicable because of a repaving or reconstruction, a change in use, or a substantial improvement to an existing building.

a-4-b. The heavy motor vehicle parking lot, outdoor storage area or contractors yard has an area of less than 15,000 square feet.

a-5. Tree Placement. Canopy trees required along streets may be planted at regular or irregular intervals, but in no case may trees be spaced more than 50 feet apart as measured along the street frontage.

a-6. Light Motor Vehicle Sales Facility. Where screening along a street is required for a light motor vehicle display area associated with a light motor vehicle sales facility, it shall be provided in the same manner as for a light motor vehicle parking lot as described in sub. 3-a, except that the number of plants required may be reduced by 50%.

a-7. Heavy Motor Vehicle Sales Facility. Where screening along a street is required for a heavy motor vehicle display area associated with a heavy motor vehicle sales facility, it shall be provided in the same manner as for a heavy motor vehicle parking lot as described in table 295-405-4-a, except that the number of plants required may be reduced by 50%.

Table 295-405-4-a OPTIONS FOR SCREENING HEAVY MOTOR VEHICLE PARKING LOTS, OUTDOOR VEHICLE STORAGE AREAS AND CONTRACTOR'S YARDS FROM STREETS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	5 ft.
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 shrubs or 4 perennials/ornamental grasses per 5 linear ft.	1 evergreen tree or 2 shrubs or 4 perennials/ornamental grasses per 10 linear ft.	none
Minimum number of canopy trees required	1 canopy tree per 20 linear ft.	1 canopy tree per 20 linear ft.	1 canopy tree per 40 linear ft.
Fence/wall required	none	ornamental metal fence	masonry wall
Fence/wall minimum height	none	4 ft.	4 ft.
Fence/wall opacity requirement	none	none	portions below 4 ft. shall be at least 50% opaque

b. Screening of Heavy Motor Vehicle Parking Lots, Outdoor Vehicle Storage Areas and Contractor's Yards from Non-Industrial Districts. b-1. Purpose. The purpose of screening heavy motor vehicle parking lots, outdoor vehicle storage areas and contractor's yards from non-industrial districts is to mitigate the visual impact of such uses on neighborhoods and to protect non-industrial properties from the potential negative effects of excessive light, noise or dust.

b-2. Where Required. Screening is required where a heavy motor vehicle parking lot, outdoor vehicle storage area or contractor's yard is visible from an adjacent property in a non-industrial zoning district. This includes a property directly across an alley. However, screening is not required where an adjoining building or opaque masonry wall at least 6 feet in height is less than 5 feet from the common property line.

b-3. Options for Screening from Non-Industrial Districts. Screening shall be installed and maintained between the heavy motor vehicle parking lot, outdoor vehicle storage area or contractor's yard and the interior lot line by one, or a combination, of the options described in table 295-405-4-b.

b-4. Reductions Permitted. The minimum width of the landscaped area in table 295-405-4-b may be reduced by up to 50 percent if either of the following is true:

b-4-a. Screening requirements are applicable because of a repaving or reconstruction, a change in use, or a substantial improvement to an existing building.

b-4-b. The heavy motor vehicle parking lot, outdoor storage area or contractor's yard has an area of less than 15,000 square feet.

Table 295-405-4-b OPTIONS FOR SCREENING HEAVY MOTOR VEHICLE PARKING LOTS, OUTDOOR VEHICLE STORAGE AREAS AND CONTRACTOR'S YARDS FROM NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	5 ft.
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	None
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

5. LANDSCAPING AND SCREENING REQUIREMENTS FOR OUTDOOR STORAGE FACILITIES, OUTDOOR SALVAGE OPERATIONS AND OTHER OUTDOOR OPERATIONAL AREAS RELATED TO STORAGE, RECYCLING OR WHOLESALE TRADE USES, TRANSPORTATION USES OR INDUSTRIAL USES. a. Screening of Outdoor Storage Facilities, Outdoor Salvage Operations and Outdoor Operational Areas from Public Streets. a-1. Purpose. The purpose of screening outdoor storage facilities, outdoor salvage operations and outdoor operational areas from public streets is to ensure a well-defined and pedestrian-friendly public realm and to protect the aesthetic quality of the city of Milwaukee.

a-2. Where Required. Screening is required when an outdoor storage facility, outdoor salvage operation, or other outdoor operational area related to a storage, recycling or wholesale trade use, transportation use or industrial use is visible from an adjacent public street.

a-3. Options for Screening from Streets. Screening shall be installed and maintained between the outdoor storage facility, outdoor salvage operation or outdoor operational area and the street by one, or a combination, of the options described in table 295-405-5-a.

a-4. Tree Placement. Canopy trees required along streets may be planted at regular or irregular intervals, but in no case may trees be spaced more than 50 feet apart as measured along the street frontage.

Table 295-405-5-a OPTIONS FOR SCREENING OUTDOOR STORAGE FACILITIES, OUTDOOR SALVAGE OPERATIONS AND OUTDOOR OPERATIONAL AREAS FROM STREETS			
	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	5 ft.
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	None
Minimum number of canopy trees required	1 canopy tree per 20 linear ft.	1 canopy tree per 20 linear ft.	1 canopy tree per 40 linear ft.
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

b. Screening of Outdoor Storage Facilities, Outdoor Salvage Operations and Outdoor Operational Areas from Non-Industrial Districts. b-1. Purpose. The purpose of screening outdoor storage facilities, outdoor salvage operations and outdoor operational areas from non-industrial districts is to mitigate the visual impact of such uses on neighborhoods and to protect residential properties from the potential negative effects of excessive light, noise or dust.

b-2. Where Required. Screening is required when an outdoor storage facility, outdoor salvage operation, or other outdoor operational area related to a storage, recycling or wholesale trade use, transportation use or industrial use is visible from an adjacent property in a non-industrial zoning district. This includes a property directly across an alley.

b-3. Options for Screening from Non-Industrial Districts. Screening shall be installed and maintained between the outdoor storage facility, outdoor salvage operation or outdoor operational area and the interior lot line by one, or a combination, of the options described in table 295-405-5-b.

Table 295-405-5-b
OPTIONS FOR SCREENING OUTDOOR STORAGE FACILITIES, OUTDOOR SALVAGE OPERATIONS AND OUTDOOR OPERATIONAL AREAS FROM NON-INDUSTRIAL DISTRICTS

	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

6. SCREENING REQUIREMENTS FOR UTILITARIAN SITE FEATURES AND EQUIPMENT. a. Screening of Mechanical Equipment, Trash and Recycling Collection Equipment and Dumpster Storage Areas. a-1. Purpose. The purpose of screening mechanical equipment, trash and recycling collection equipment and dumpster storage areas is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

a-2. Where Required. Screening is required when mechanical equipment, trash or recycling collection equipment or a dumpster storage area is visible from an adjacent public street or an adjacent property in a non-industrial zoning district, including a property directly across an alley, except that screening is not required for:

a-2-a. Mechanical equipment or a dumpster storage area at a wholly residential property with 4 units or less.

a-2-b. Mechanical equipment or a dumpster storage area incorporated into the structure it serves.

a-2-c. A dumpster storage area for a building constructed before October 1, 2002.

a-2-d. Screening of mechanical equipment if that screening is waived by the commissioner of neighborhood services in whole or in part because the equipment is integrated with or used to display public art.

a-3. Options for Screening. Screening shall be installed and maintained between the mechanical equipment, trash and recycling collection equipment, or dumpster storage area and the area of visibility by one, or a combination, of the options described in table 295-405-6-a.

TABLE 295-405-6-a OPTIONS FOR SCREENING MECHANICAL EQUIPMENT, TRASH AND RECYCLING COLLECTION EQUIPMENT AND DUMPSTER STORAGE AREAS FROM STREETS AND NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	10 ft.	5 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	4 ft.	4 ft.
Fence/wall opacity requirement	none	portions below 4 ft. shall be 100% opaque	portions below 4 ft. shall be 100% opaque

b. Screening of Loading Docks and Truck Berths. b-1. Purpose. The purpose of screening loading docks and truck berths is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

b-2. Where Required. Screening is required where berths for more than 2 truck bays are visible from an adjacent public street or an adjacent property in a non-industrial zoning district. This includes a property directly across an alley.

b-3. Options for Screening. Screening shall be installed and maintained between the loading docks or truck berths and the area of visibility by one, or a combination, of the options described in table 295-405-6-b.

TABLE 295-405-6-b OPTIONS FOR SCREENING LOADING DOCKS AND TRUCK BERTHS FROM STREETS AND NON-INDUSTRIAL DISTRICTS			
	Option A	Option B	Option C
Minimum width of landscaped area	10 ft.	5 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall
Fence/wall minimum height	none	6 ft.	6 ft.
Fence wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

c. Screening of Outdoor Substation/Distribution Equipment. c-1. Purpose. The purpose of screening outdoor substation/distribution equipment is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

c-2. Where Required. Screening is required where outdoor substation/distribution equipment or associated structures are visible from a public street or an adjacent property in a non-industrial zoning district. This includes a property directly across an alley.

c-3. Options for Screening. Screening shall be installed and maintained between the substation/distribution equipment and all associated structures and the area of visibility by one, or a combination, of the options described in table 295-405-6-c.

TABLE 295-405-6-c
OPTIONS FOR SCREENING OUTDOOR SUBSTATION/DISTRIBUTION EQUIPMENT FROM STREETS AND NON-INDUSTRIAL DISTRICTS

	Option A	Option B	Option C
Minimum width of landscaped area	20 ft.	10 ft.	none
Type and minimum number of plants required in landscaped area	1 evergreen tree or 2 tall shrubs per 5 linear ft.	1 evergreen tree or 2 tall shrubs per 10 linear ft.	none
Fence/wall required	none	opaque fence or wall	masonry wall; shall be set back at least 5 ft. from any street property line
Fence/wall minimum height	none	6 ft.	6 ft.
Fence/wall opacity requirement	none	portions below 6 ft. shall be 100% opaque	portions below 6 ft. shall be 100% opaque

7. ADAPTATIONS FROM FORMER LANDSCAPING CODE. a. Landscaping Types. Any development agreement, board of zoning appeals condition, overlay zone, planned development district, policy statement, planning document, or other relevant document which refers to a landscaping type or types formerly described in this section shall have the following meaning:

a-1. Type “A” landscaping means 2 staggered rows of shrubs with plants spaced a maximum of 4 feet on center in each row in a planting area at least 5 feet in width and a minimum of one canopy tree every 25 feet.

a-2. Type “B” landscaping means 2 staggered rows of shrubs with plants spaced a maximum of 4 feet on center in each row in a planting area at least 5 feet in width, an ornamental metal fence or masonry wall at least 3 feet in height, and a minimum of one canopy tree every 25 feet.

a-3. Type “C” landscaping means a 3-foot-tall ornamental fence atop a 3-foot-tall masonry wall, to establish a 6-foot combination masonry wall/ornamental metal fence, and a minimum of one canopy tree every 25 feet.

a-4. Type “D” landscaping means one row of shrubs with plants spaced a maximum of 3 feet on center for light motor vehicle display areas, or 2 staggered rows of shrubs with plants spaced a maximum of 4 feet on center in each row for heavy motor vehicle display, in a planting area not less than 5 feet in width, and a minimum of one canopy tree every 25 feet. If located in an LB2 or LB3 district, an ornamental metal fence or masonry wall at least 3 feet in height is also required.

a-5. Type “E” landscaping means one row of 6-foot-tall shrubs with plants spaced a maximum of 3 feet on center in a landscape area at least 15 feet in width, a 6-foot-tall opaque fence, and a minimum of one canopy tree every 25 feet. If a chain link fence is present, 2 staggered rows of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in each row are required.

a-6. Type “F” landscaping means one row of 6-foot-tall shrubs with plants spaced a maximum of 3 feet on center in a landscape area at least 5 feet in width, a 6-foot-tall opaque fence, and a minimum of one canopy tree every 25 feet. If a chain link fence is present, 2 staggered rows of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in each row are required and the width of the landscaped area shall be increased to 15 feet.

a-7. Type “G” landscaping means 2 staggered rows of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in each row, or one row of 6-foot-tall shrubs with plants spaced a maximum of 3 feet on center and an opaque fence or wall one foot taller than the object being screened. If a chain link fence is present, the landscaped area shall be at least 15 feet in width. If a loading dock is present, trees are also required.

a-8. Type “H” landscaping means one row of 6-foot-tall shrubs spaced a maximum of 8 feet on center, a 6-foot-tall opaque fence or wall, and one canopy tree every 25 feet. The fence or wall shall be reduced to 3.5 feet where adjacent to a residential front yard. When a parking lot or structure provides parking for single-family or 2-family dwellings, educational uses or community serving uses, shrubs and trees are not required.

a-9. Type “I” landscaping means one row of 6-foot-tall shrubs with plants spaced a maximum of 4 feet on center in a landscaped area at least 10 feet in width, a 6-foot-tall ornamental metal fence or masonry wall, and a minimum of one tree every 25 feet. If a masonry wall is provided, shrubs are not required.

295-407. Signs. 1. PURPOSE. The sign regulations in this section apply to signs on private property. The specific purposes of these regulations are to:

a. Provide each sign user an opportunity for effective identification by applying uniform standards to entire zoning districts.

b. Ensure that all signs are architecturally compatible and are in scale with building design.

c. Maintain and enhance the quality of the city's appearance.

d. Enable consumers to identify establishments offering goods and services to meet their needs.

e. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.

f. Protect residential districts adjoining non-residential districts from adverse impacts of excessive signs.

g. Regulate signs attached to structures and extending into the public right-of-way.

2. ON-PREMISE SIGNS. a. General. a-1. Sign Construction. All signs shall meet the design and construction specifications of ch. 244.

a-2. Maximum Sign Area. The maximum sign area shall be as specified in the regulations for the applicable zoning district, unless additional sign area is authorized by a master sign program approved pursuant to s. 295-1017.

a-3. Number. See regulations for the applicable zoning district.

a-4. Measurement of Display Area. The display area of a sign shall be measured in accordance with s. 295-205-5.

a-5. Illumination. The light source for an illuminated sign shall be screened and shielded so that it is not visible from a residential district or beyond the curb line.

b. Sign Types. For the purpose of distinguishing different sign types and, thus, different size limitations, the following standards are set forth:

b-1. Freestanding Signs. b-1-a. Type A Freestanding Signs. A type A freestanding sign is characterized by a continuous sign base that extends from grade to the display area and is at least 75% as wide as the display area of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters may be back-lit, carved entablature-type signs and other general individual-letter, non-illuminated signs. Signs of this type are commonly referred to as “monument signs.”

b-1-b. Type B Freestanding Signs. A type B freestanding sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. Other types of freestanding signs which do not have the characteristics of a type A sign are included in this category. This type may be mounted on one or multiple poles, or may have a monument-type bases.

b-1-c. Location. No freestanding sign may project over a property line.

b-2. Wall Signs. b-2-a. Type A Wall Signs. A type A wall sign is one with a display area that does not have a background that is designed as an integral part of the sign. Only individual letters or symbols may be

internally illuminated. This type of sign includes, but is not limited to: individual raised letters attached to the wall; letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back-lit; non-illuminated pin-set letters; carved entablature-type signs; other general individual-letter, non-illuminated signs. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-b. Type B Wall Signs. A type B wall sign is one with a display area that has a background that is designed as a integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. A permanent banner sign with a display area that is parallel to the building façade is also included in this category. Other types of wall signs which do not have the characteristics of a type A sign, including but not limited to board signs and painted-on wall signs, are included in this category. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-c. Standard for Wall Signs. No wall sign shall be erected or maintained to extend more than one-half of its height above the top of the exterior wall to which it is attached.

b-2-d. Exemption from Display Area Limitation. A professional nameplate, street address sign, historical tablet or marker, or sign indicating membership in a civic, business or professional organization shall not be included when calculating the total display area of wall signage provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-3. Awning Signs. b-3-a. Type A Awning Signs. A type A awning sign is one with letters or symbols applied to or integral with an opaque, non-translucent material covering an awning structure. Such sign may be illuminated from a general building lighting source above the awning.

b-3-b. Type B Awning Signs. A type B awning sign is one with letters or symbols applied to or integral with a translucent material covering an awning-like structure. Such sign may be internally illuminated.

b-3-c. Awnings Projecting Beyond Street Lines. Any awning which projects beyond a street line shall comply with the applicable regulations of ss. 245-6, 245-6.5 or 245-7.

b-4. Projecting Signs. b-4-a. Type A Projecting Signs. A type A projecting sign is one with a display area that does not have a background that is designed as an integral part of the sign, except that a non-illuminated wood or metal board-type sign or a permanent banner sign shall be considered a type A projecting sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back lit; non-illuminated pin-set letters. If individual letters are used on the sign, they shall be applied to or affixed to a projecting board or to a cabinet not more than 12 inches thick in order for the sign to be considered within the type A category.

b-4-b. Type B Projecting Signs. A type B projecting sign is one with a display area that has an illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. Other types of projecting signs which do not have the characteristics of a type A sign are included in this category.

b-4-c. Maximum Projection. A projecting sign shall not project more than 4 feet from the building face to which it is attached.

b-4-d. Minimum Clearance. A minimum clearance of 10 feet between grade and the bottom of the sign shall be provided, except in the historic third ward (the area designated by common council resolution 870501), where the minimum clearance shall be 8.5 feet.

b-4-e. Projection into Right-of-Way. All projecting signs shall comply with the applicable provisions of s. 244-10.

b-5. Canopy and Hood Signs. b-5-a. Type A Canopy and Hood Signs. A type A canopy or hood sign is characterized by individual letters or symbols which may be internally illuminated. It may also include a sign panel which is integral to the hood or canopy structure, except that the illuminated letters and symbols are cut from an opaque panel. In order for a canopy or hood sign consisting of individual letters affixed to a cabinet to be considered a type A sign, the cabinet shall be not more than 12 inches thick.

b-5-b. Type B Canopy and Hood Signs. A type B canopy or hood sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign which is hung from or mounted on top of a canopy or hood. It may also include a sign panel which is integral to the structure, but is faced with plastic that has a translucent background.

b-5-c. Canopies and Hoods Projecting Beyond Street Lines. Any canopy or hood sign which projects beyond a street line shall comply with the applicable regulations of ss. 245-7or 245-10.

b-6. Roof Signs. b-6-a. Type A Roof Signs. A type A roof sign is characterized by individual letters or symbols which may be internally illuminated and shall be attached to a framework that is as invisible as possible and does not create a background that could become an integral part of the sign.

b-6-b. Type B Roof Signs. A type B roof sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. It may also include a sign panel which is integral to the structure, but creates a background that becomes an integral part of the sign.

b-7. Permanent Window Signs. b-7-a. General Regulations. A permanent window sign is characterized by individual letters or symbols painted or placed on the glazed portion of a window such that window transparency of at least 75% is maintained. A neon sign, board-type sign or plastic-faced box sign placed in a window shall also constitute a permanent window sign. Not more than 25% of the glazed area of a window may be covered by permanent window signs. The display area of a permanent window sign shall be calculated in accordance with s. 295-205-5. In no case shall permanent window signs reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-b. Opaque Backgrounds. Not more than 25% of the glazed portion of a window may be opaquely painted for the purpose of creating a sign or sign background. In no case shall such painting reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-c. Permanent Window Signage in Excess of 25% of Window Area. Permanent window signs or opaque window painting may exceed 25% of the area of a window provided the area of such signs or painting is included in the calculation and regulation of wall signage on the premises.

b-7-d. Exemption from Display Area Limitation. Informational signs placed in windows, including but not limited to signs pertaining to hours of operation, the “OPEN” or “CLOSED” status of the establishment, credit cards honored or membership in civic, business or professional organizations, shall not be included when calculating the display area of permanent window signs provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-8. Temporary Window Signs. A temporary window sign is characterized by advertising on paper, cardboard or other flexible material placed inside the glazed portion of a window, said advertising typically, but not always, referring to a sale, promotion or other event that is temporary in nature. Temporary window signs shall meet the following standards:

b-8-a. The aggregate area of all temporary window signs in a window shall not exceed 25% of the area of the glazed portion of the window. This temporary window signage is in addition to any conforming permanent window signage in the same window.

b-8-b. Temporary window signs shall be located on the inside of a window, facing out.

b-8-c. Temporary window signs shall be displayed for not more than 30 days in one calendar year.

b-8-d. Temporary window signs installed prior to October 1, 2002 shall be removed within 30 days.

3. SPECIAL SIGN TYPES. a. Temporary Banner Signs; General. Temporary banner signs are prohibited, except the following or signs permitted under par. b, which shall be permitted provided such signs are attached or supported in accordance with the applicable provisions of s. 244-5:

a-1. Temporary banner signs for construction projects, provided such signs meet the size limitations for the zoning districts in which they are located. Such signs may be placed on construction fences if the site is vacant.

a-2. Temporary banner signs for grand openings. Such signs shall not be displayed for more than 60 days.

a-3. Temporary banner signs advertising special events, such as but not limited to anniversary celebrations, but not including sales promotions. Not more than 2 signs of this type may be erected on a premises in one calendar year, and the cumulative display period for such signs shall not exceed 60 days. A convention and exposition center shall be exempt from the time and number limitations of this subdivision for banners advertising events at the facility.

b. Temporary Banner Signs; Large Buildings. Whenever an existing or proposed building is 4 stories or greater in height and has at least 50,000 square feet of gross floor area, the number and display area of temporary banner signs may exceed the limitations of par. a and the sign limitations for the zoning district in which the building is located if the following standards are met:

b-1. The purpose of the temporary banner signs is to do either or both of the following:

b-1-a. Advertise the conversion of the building into condominium form of ownership.

b-1-b. Market a new or fully-renovated building for sale or lease.

b-2. All temporary banner signs meet the following design standards:

b-2-a. Signs permitted pursuant to this paragraph shall be rigid, board-type signs or signs made of fabric or other flexible material that are rigidly affixed to the building at all corners of each sign.

b-2-b. The display area of temporary banner signs for each building façade shall not exceed one percent of the gross area of the building facade. Signs may be mounted on a maximum of 2 building faces.

b-2-c. If the site on which the building is located contains more than one principal building, each principal building may have temporary banner signs as permitted in this paragraph.

b-2-d. On a site of 2 acres or less, the maximum display area of a temporary freestanding banner sign shall be 48 square feet. On a site larger than 2 acres, the maximum display area of a temporary freestanding banner sign shall be 96 square feet. The maximum height of all temporary freestanding banner signs shall be 14 feet. Only one temporary freestanding banner sign shall be permitted on each site. This sign shall be in addition to temporary wall banner signs permitted under this paragraph.

b-2-e. No sign permitted pursuant to the provisions of this paragraph may face an existing building on an adjacent lot or across a public right-of-way if the sign is within 50 feet of that building.

b-3. Temporary banner signs shall not cover windows or doors, be hung on or adjacent to fire escapes or be hung over other facilities or equipment deemed necessary for the safety of the building.

b-4. All temporary banner signs shall be removed within 6 months of the date the permit for the signs was issued.

b-5. All temporary banner signs shall be maintained in good condition. Weathered or torn signs shall be removed or replaced.

b-6. Temporary banner signs shall be in compliance with any additional overlay district regulations, renewal district regulations or other applications that also apply to the site.

c. Automatic Changeable Message Signs. Automatic changeable message signs shall be permitted according to the provisions of sub. 4 and sub. 7-d.

d. Menu Boards. Menu boards for fast-food/carry-out restaurants shall be permitted provided they have a maximum display area of 30 square feet or as approved by the board as part of the plan of operation for a special use. The maximum height of menu boards shall be 6 feet. The display area of menu boards shall be excluded when calculating the total display area of signs on a premises.

e. Entrance/Exit Signs. Entrance and exit signs shall be permitted provided the display area of such signs does not exceed 6 square feet and a business name or advertising does not occupy more than one-third of the display area. Such signs shall be excluded when calculating the total display area of signs on a premises. If an entrance or exit sign exceeds 6 square feet in area, or if a business name or advertising occupies more than one-third of the display area, the portion of the sign in excess of 6 square feet or the portion containing a business name or advertising, respectively, shall be included in the calculation of total display area of signs on the premises.

4. AUTOMATIC CHANGEABLE MESSAGE SIGNS. For purposes of this subsection, an automatic changeable message sign is a type B on-premise or off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically-operated signs. In addition to the provisions for on-premise and off-premise signs, as provided in subs. 2 and 7, automatic changeable message signs shall conform to the provisions included in this subsection.

a. The display area of automatic changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights, except for intermittent display of time and temperature, shall be permitted.

c. In addition to the provisions of pars. a and b, off-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

c-1. The display area of off-premise signs, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 8 seconds.

c-2. No off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential zoning district, in a straight line and without regard to intervening structures.

c-3. The minimum distance between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction shall be 1,000 feet. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of another sign, in a straight line and without regard to intervening structures.

c-4. Audio speakers and all forms of pyrotechnics are prohibited.

c-5-a. Nuisance light on residential properties shall be prohibited pursuant to s. 80-19. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 foot candles or more measured perpendicular to the ground at approximately 4 feet from the ground or floor surface at which the measurement is taken. For purposes of this paragraph, spill light shall mean any artificial light flowing onto an adjacent residential property.

c-5-b. A permit holder may appeal the commissioner of neighborhood services' order to abate a nuisance order issued pursuant to s. 80-8 by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

c-6. The commissioner of neighborhood services may enforce a light standard of 5,000 NITs (candelas per square meter) during daylight hours, and 500 NITs (candelas per square meter) between dusk to dawn.

c-7. If the commissioner of public works finds that an off-premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

c-8. The continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.

d. In addition to the provisions of pars. a and b, on-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

d-1. The illuminated message displayed on an automatic changeable message sign facing the property line of a residence in a planned development district or of a residence in a residential district other than R01 or R02 shall not be located within 35 feet of the property line. An automatic changeable message sign shall be considered facing a property line if the face of the sign is not more than 30 degrees from perpendicular to the property line. A changeable message sign located on the premises of an elementary or secondary school, college and religious assembly shall be exempt from the 35-foot setback provision, but is subject to all other provisions of this section.

d-2. The vertical geometric plane of a sign's illuminated face shall be not more than 30 degrees from perpendicular to the property line of the nearest neighboring property zoned residential.

d-3. Daytime sign light output from 30 minutes before sunrise to 30 minutes after sundown shall be limited to 465 lumens. Nighttime sign light output from 30 minutes after sundown to 30 minutes before sunrise shall be limited to 28 lumens.

d-4. Any sign creating spill light or glare, as defined in s. 80-19, shall be declared a nuisance as provided in s. 80-19.

d-5. No sign shall interfere in any way with the clear visibility of any traffic control signal.

d-6. Every sign shall be equipped with an automatic dimmer/shut-off mechanism to automatically dim illumination or shut the sign off if illumination limits are exceeded. Every sign shall also be equipped with a mechanism to freeze the display, display a static image or shut off the sign in case of display malfunction.

5. MAINTENANCE, ABANDONMENT AND REMOVAL. See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.

6. PERMITS REQUIRED. See s. 244-2 for information on sign permit requirements.

7. OFF-PREMISE SIGNS. a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.

b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.

b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2nd story window or more than 30 feet above grade, whichever is lower.

b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:

b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a way that the display area of only one off-premise sign is visible from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the grade of the bridge structure at the point closest to the sign.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. Roof Signs. Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. Required Residential Buffers. No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. Signs Near Public Right-of-Way. Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. Lighting Reflectors. Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

c. Signs Adjacent to Freeways and Parkways. Off-premise signs adjacent to freeways or the Lake Parkway shall conform to the following standards:

c-1. Setbacks. c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. Minimum Spacing. The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. Prohibited Locations. Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

d. Automatic Changeable Message Signs. No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

8. EXCEPTIONS. Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided that:

d-1. In the case of an election for office or a referendum, such sign is removed within 30 days of the end of the election campaign period, as defined in s. 12.04(1)(a), Wis. Stats.

d-2. If the sign is located in a residential zoning district, the sign does not exceed 6 square feet.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.

e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.

e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. No sign of this type shall exceed applicable height or area limitations or be illuminated. A construction sign shall be removed within 30 days of issuance of a certificate of occupancy for the building or structure to which the sign pertains.

f. The changeable copy or message portion of a theater marquee or reader board.

g. Painted murals, permanent banners and flags not containing commercial messages.

h. Signs placed on the interiors of buildings such that the signs cannot be seen by the general public from outdoors.

i. Holiday decorations, lights and displays.

j. Construction or advisory signs installed by units of government.

k. Signs of up to 18 square feet in area and not more than 6 feet in height identifying specific geographic areas having common characteristics but multiple ownerships, such as residential subdivisions, commercial shopping areas and industrial parks.

L. “NO TRESPASSING,” “NO DUMPING” and similar signs not exceeding 6 square feet in area.

m. Signs painted on or attached to motor vehicles in a manner allowing normal operation of such vehicles

n. A sign on a solar array, provided that:

n-1. The sign contains only the name of the manufacturer, installer or owner and any appropriate warning messages.

n-2. Only one sign per solar array shall be permitted.

n-3. The display area of the sign shall not exceed 6 square feet.

n-4. The sign is used solely for educational or acknowledgement purposes.

9. PROHIBITED SIGNS. The following signs are prohibited:

a. Animated signs, including pennants, streamers, roof-mounted balloons, feather signs and other inflatable objects, unless part of a master sign program.

c. Portable signs.

d. Flashing signs.

e. Signs attached to or painted on a vehicle parked on a premises for the sole purpose of advertising or relaying commercial messages to the public.

f. Signs attached to light poles, canopy supports or utility masts.

g. Temporary banner signs, except as permitted under sub. 3.

h. Abandoned signs.

295-409. Lighting. In all zoning districts, with the exception of automatic changeable message signs, as provided in s. 295-407-4-d, all on-site lighting shall have cut-off fixtures that ensure that lighting levels and glare are controlled as follows:

1. No light source shall be visible from an adjoining property or public right-of-way.

2. Where adjoining properties are zoned residential, the maximum illumination at a property line shall be one foot-candle. In all other circumstances, the maximum illumination at a property line shall be 5 foot-candles.

295-411. Encroachments into the Public Right-of-way. See ch. 245.

295-413. Transmission Towers. 1. LIMITED USE STANDARDS. Whenever a transmission tower is a limited use, the permit applicant shall submit, to the department, plans and other permit application materials which demonstrate that the facility will comply with the following standards. If the department finds that the tower will not meet these standards, the tower may only be permitted upon the granting of a special use permit by the board.

a. All ground-level equipment, storage buildings and structural support elements shall be screened by a landscaped buffer which completely surrounds such equipment or structures, except for necessary openings for sidewalks or driveways that provide access to the equipment or structures. The buffer shall be located no farther than 5 feet from the equipment or structures, measured at the nearest point of the buffer to the equipment or structures. The buffer shall be at least 5 feet wide and meet the standards for type "G" landscaping set forth in s. 295-405-1.

b. All access drives shall be paved.

c. The tower shall not be illuminated except as required by the federal aviation administration or other applicable government regulations.

d. If the tower is freestanding and any abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required, the base of the tower shall be set back from the property lines of such abutting property a distance equal to at least 25% of the tower's height.

e. No structure other than related accessory structures may be located in an area 20 feet on each side of the radial line between the center of the transmission tower and each guy anchorage.

f. No tower guy anchor or enclosure for the same may be located closer than 30 feet to any lot line, street line or street line extended if the abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required.

g. The tower's design shall be as advanced as technologically feasible and appropriate for individual site characteristics and proximity to other buildings and uses.

h. If the tower will be located within 1,000 linear feet of any dwelling unit or any structure for which an occupancy certificate is required, the tower permit applicant shall take steps to protect such dwelling units and structures from adverse impacts of the tower. Such steps may include installation of landscaping or buffering beyond what is required in this subsection, provision of informational materials about the construction and operation of the tower, and scheduling of informational meetings with owners and residents of abutting properties to discuss tower design and construction.

i. The transmission tower permit applicant shall provide a written statement that the permit applicant has made every reasonable effort to locate reception/transmission systems on existing structures. This statement shall be accompanied by documentation that demonstrates that such efforts have been made.

j. When a new transmission tower is erected, it shall be designed to accommodate multiple reception/transmission systems and related equipment. A tower for television or radio facilities shall be designed to support at least 3 additional reception/transmission systems having power equal to or greater than that of the reception/transmission system which the tower is initially built to support. For any transmission tower other than a tower for television or radio facilities, the minimum total number of reception/transmission systems the tower shall be designed to accommodate shall be as follows:

Tower Height	Number of Reception/Transmission Systems
0-50 feet	1
51-150 feet	2
151-250 feet	4
251-350 feet	6
over 350 feet	6 plus 2 for each 100 feet or fraction thereof over 350 feet

k. In addition to presenting a tower design which can accommodate multiple reception/transmission systems and related equipment as required by par. j, the permit applicant shall provide a written statement indicating that the owner or developer will, on a nondiscriminatory basis, make the space provided for multiple reception/transmission systems available to other tower users. To the extent not precluded by physical, mechanical or regulatory limitations, the tower owner or developer shall allow for co-location of reception/transmission systems on the tower at fair market rental rates. The statement may be accompanied by supporting documentation which describes the tower owner or developer's record of making space on the owner or developer's other towers available to other users.

L. If the tower will be used for the transmission of television or radio signals, the tower owner or developer shall provide evidence that construction of the tower may ultimately lead to a net reduction in the total number of transmission towers in the city.

m. No existing transmission tower shall be located within 500 feet of the proposed tower location.

2. ABANDONED TOWERS. Whenever any transmission tower has ceased to be used for the transmission or reception of radio frequency waves for a period of 12 consecutive months, such tower shall be considered abandoned. An abandoned transmission tower shall be removed within 90 days of the end of such 12-month period. Any discontinuance of transmission tower use caused by governmental action and without any contributing fault by the tower user whose use of the tower was discontinued shall not be considered in calculating the length of discontinuance.

3. RECONSTRUCTION OF NONCONFORMING TOWERS. Notwithstanding the provisions of s. 295-415, a nonconforming transmission tower which is destroyed or damaged by fire, storm or other casualty, to the extent that the cost of reconstruction exceeds 50% of the tower's market value at the time of such loss, may be reconstructed provided that the tower owner complies with all applicable requirements for transmission towers specified in sub. 1, and provided that the height of the new tower does not exceed the height of the tower that was destroyed or damaged.

295-414. Small Wind Energy Systems. 1. GENERAL REQUIREMENTS. A small wind energy system shall comply with the use regulations of the applicable zoning district and with the following requirements:

a. Setbacks. The wind tower for a small wind energy system shall be set back a distance equal to its total height from:

a-1. Any public right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

a-2. Any overhead utility line, unless written permission is granted by the affected utility.

a-3. Any property line abutting property that is not residentially zoned, unless written permission is granted by the owner of the abutting property.

b. Access. b-1. All ground-mounted electrical and control equipment shall be labeled or secured to revent unauthorized access.

b-2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

c. Electrical Wires. All electrical wires associated with the small wind energy system, other than the grounding wires, wires necessary to connect the wind generator to the tower wiring and wires necessary to connect the tower wiring to the disconnect junction box, shall be located underground.

d. Lighting. The wind tower and generator shall not be artificially lighted unless such lighting is required by the federal aviation administration.

e. Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a different color or finish was approved by the commissioner of neighborhood services at the time of permit issuance.

f. Signs. No signs shall be permitted other than signs identifying the manufacturer, installer or owner, appropriate warning signs, and one sign with a display area not exceeding 18 square feet that is used solely for educational or acknowledgement purposes..

g. Code Compliance. The small wind energy system, including the tower, shall comply with all applicable state construction and electrical code provisions.

h. Utility Notification And Interconnection. If the small wind energy system is connected to an electric utility, it shall comply with the public service commission of Wisconsin's Rules for Interconnecting Distributed Generation Facilities.

2. ABANDONMENT. a. Notice of Abandonment. A small wind energy system that is out of service for a continuous 12-month period shall be deemed to have been abandoned. The commissioner of neighborhood services may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days of receipt of the notice. The commissioner of neighborhood services shall withdraw the notice of abandonment and notify the owner of the withdrawal if the owner provides information that demonstrates the small wind energy system has not been abandoned.

b. Removal of Abandoned System. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of receipt of the notice of abandonment. If the owner fails to remove the wind generator from the tower, the commissioner of neighborhood services may pursue a legal action to have the wind generator removed at the owner's expense.

3. METEOROLOGICAL TOWERS. A meteorological tower is a structure, including a tower, base plate, anchors, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, anemometers and vanes, date logger, instrument wiring and telemetry devices, that is used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. A meteorological tower shall be permitted under the same standards and removal requirements as a small wind energy system.

295-415. Nonconformities. 1. PURPOSE. The purpose of this section is to establish regulations governing nonconforming lots, structures and uses and, further, to:

a. Allow nonconforming lots to be used for single-family homes and accessory structures.

b. Permit structural alteration or enlargement, but not reconstruction, of nonconforming nonresidential structures that contain conforming uses.

c. Permit structural alteration, enlargement or reconstruction of nonconforming residential structures or uses.

d. Encourage nonconforming special uses to obtain board approval, but to allow such uses to continue without being subject to many of the restrictions that are customarily imposed on nonconforming uses.

e. Allow nonconforming prohibited uses of structures and land to continue, with ordinary repairs and maintenance, but to encourage that such structures and land eventually be used in a conforming manner.

f. Encourage the alteration, repair and maintenance of conforming uses in nonconforming structures and nonconforming special uses as long as the alteration, repair or maintenance is consistent with this code and with any applicable elements of the city's comprehensive plan.

2. NONCONFORMING SPECIAL USES. a. Enlargement, Alteration or Intensification. No nonconforming special use, or the buildings, site features or structures associated with such use, shall be enlarged, altered or intensified without the approval of the board except as follows:

a-1. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of a nonconforming special use without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this code, and the addition, enlargement, expansion or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan.

a-2. Site Plan Changes. Parking areas, landscaping, signs, canopies, fences, awnings or similar site features for a nonconforming special use may be expanded, enlarged or rebuilt without board approval provided that the expansion, enlargement or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not expand or intensify the nonconformity. In addition, whenever any such change to the parking area of a nonconforming special use occurs, the parking plan for such parking area shall be subject to approval by the commissioner of public works.

a-3. Repairs and Maintenance. The buildings, site features and structures of a nonconforming special use may be repaired and maintained in compliance with this code without board approval.

b. Change Of Use. A non-conforming special use may be changed to another special use enumerated under the regulations of the district in which the use is located only with board approval.

c. Discontinuance Of Use. If the nonconforming special use of a structure, or of a structure and premises in combination, is discontinued for a period of 12 months, such use shall not be resumed thereafter without approval of the board. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming special use, shall not be considered when calculating the length of discontinuance.

d. Deterioration Or Damage. If a structure occupied by a nonconforming special use has deteriorated or is damaged such that its reconstruction ratio, as calculated pursuant to par. e, exceeds 50%, the nonconforming special use shall not be resumed except with approval of the board.

e. Reconstruction Ratio. A reconstruction ratio shall be computed as follows:

$$\text{Reconstruction Ratio (percent)} = \frac{\text{Estimated cost of restoring the structure to its prior condition}}{\text{Estimated cost of duplicating the entire pre-existing structure}}$$

Estimates of reconstruction ratios shall be based on building industry standard unit costs.

3. NONCONFORMING PROHIBITED USES OCCUPYING STRUCTURES. a. Nonconforming Prohibited Uses. A nonconforming prohibited use may be continued subject to the following regulations:

a-1. Deterioration or Damage. If a structure occupied by a nonconforming prohibited use has deteriorated or is damaged in excess of 50% of its assessed value, the nonconforming prohibited use shall cease operation and shall not be resumed thereafter.

a-2. Extension of Use. The nonconforming prohibited use shall not be intensified, enlarged or extended to other parts of the structure, or extended to occupy any lands outside the structure, that were not occupied by the nonconforming prohibited use on the date such use became a nonconforming prohibited use.

a-3. Change of Use. The nonconforming prohibited use may be changed to another use permitted in the district in which the nonconforming use presently occupying the structure is located, or to a use permitted in a more restrictive district, provided such change will not intensify use of the structure.

a-4. Discontinuance of Use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the provisions of this chapter.

a-5. Conforming Structures. Conforming structures occupied by nonconforming prohibited uses may be altered or relocated to any other location on the same lot, provided that such structure continues to conform with the requirements of the district in which it is located.

b. Exception For Nonconforming Prohibited Residential Uses. A nonconforming prohibited residential use may be extended, by alteration or enlargement of a structure, by not more than 25% of the existing habitable floor area or 400 square feet, whichever is less, provided that the number of dwelling units is not increased.

4. NONCONFORMING STRUCTURES. a. Repair And Maintenance. Ordinary repair and maintenance within or to a nonconforming structure shall be permitted provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance.

b. Enlargements, Alterations Or Relocation. b-1. A nonconforming structure, not to include a parking lot, occupied by only conforming uses may be enlarged or structurally altered provided that the enlargement or structural alteration does not exceed 50% of the existing gross floor area and does not increase the existing dimensional nonconformity of the structure or create additional nonconformities.

b-2. A nonconforming structure, not to include a parking lot, occupied by only conforming uses may be relocated if, upon relocation, the structure will be in conformity with all regulations of the district into which it has been relocated.

b-3. A nonconforming structure occupied by a nonconforming prohibited use shall not be enlarged or relocated.

c. Deterioration or Damage. A nonconforming structure, except for a parking lot, which has deteriorated or is damaged by fire or other casualty shall not be reconstructed unless either of the following is true:

c-1. Such reconstruction will not increase the dimensional nonconformity of the structure.

c-2 The nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

d. Exception For Nonconforming Residential Structures. A nonconforming residential structure may be enlarged, altered or reconstructed provided that the applicant can demonstrate either of the following:

d-1. The structure is not an accessory structure and the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

d-2. The structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

5. NONCONFORMING VACANT LOTS. In any district in which single-family dwellings are permitted, one single-family dwelling and permitted accessory structures may be erected on any vacant, single nonconforming lot, provided that:

a. The lot has been legally created.

b. The setback and lot coverage requirements of the district are complied with.

c. The lot complies with all other applicable regulations of the district.

6. NONCONFORMING PROHIBITED USES OF LAND. No nonconforming prohibited use of land shall be:

a. Extended beyond the area of land occupied by, or devoted to, the nonconforming prohibited use.

b. Intensified.

c. Relocated, in whole or in part, to any portion of the same lot not theretofore occupied by the nonconforming prohibited use, unless the use will thereafter conform to all applicable regulations of the district in which it is located.

d. Changed to any use other than a use that is a permitted use or special use in the district in which it is located, subject to board approval of any special use.

e. Resumed if discontinued for a period of 12 months. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming prohibited use, shall not be considered when calculating the length of discontinuance.

7. NONCONFORMING USES AND STRUCTURES IN SHORELAND-WETLAND DISTRICTS.

a. Environmental Control Facilities. This section shall not limit the repair, reconstruction, renovation, remodeling or expansion of any environmental control facility in existence on May 7, 1982.

b. Boat Houses. The maintenance and repair of boat houses which were legally constructed but which are located below the ordinary high-water mark of any navigable waters shall comply with s. 30.121, Wis. Stats.

8. PARKING NONCONFORMITIES. a. Enlargements of Existing Buildings. Whenever an existing principal building is enlarged, parking spaces shall be provided for the enlargement in accordance with s. 295-403 and the off-street parking requirement for the building's use and zoning district, even if the building in its pre-enlargement state was not in compliance with applicable off-street parking requirements.

b. Change of Use. If the use of a premises is changed to a use having a greater requirement for parking spaces than the previous use, additional parking spaces shall be provided for the new use in accordance with s. 295-403 and the applicable off-street parking requirement for that particular use and zoning district. If the principal building was erected before February 19, 1953, the number of parking spaces added shall be the difference between the number required for the previous use and the number required for the new use. This paragraph does not apply in a downtown zoning district, other than the C9A district, where a use is changed to a permitted use in that district.

c. Reduction in Number of Spaces Provided; When Allowed. Any parking spaces provided as accessory to an existing principal use or structure as of October 1, 2002 shall not be reduced in number below the requirements of this chapter. Any parking spaces which are provided on or after October 1, 2002 as accessory to an existing principal use or structure but which are not required by this chapter need not meet the number-of-parking-spaces requirements of this chapter, but shall meet the design standards of s. 295-403-3.

10. CONTINUATION OF NONCONFORMITIES. All nonconforming lots, nonconforming structures and nonconforming prohibited uses, including nonconforming prohibited uses which were special uses approved by the board at the time they became nonconforming, may continue subject to the restrictions in this section. However, once a nonconforming prohibited use is replaced by a conforming use, the use shall not be changed back to a nonconforming prohibited use. In addition, where an existing special use which has been approved by the board is rendered nonconforming by a change in the zoning map, such use may be continued as a

nonconforming use provided that it receives board approval as a special use, notwithstanding the new prohibited-use status of the use. The regulations of this section shall not apply to any change to an existing structure or any change in the use of a structure or of land for which a permit was issued prior to the amendment of this chapter which created the nonconformity.

295-417. Reconstruction of Residential Uses. Notwithstanding any provision of this chapter, any residential use existing on October 1, 2002 may be reconstructed to its existing dimensions and number of dwelling units. This exception shall not apply to accessory structures. For a nonconforming prohibited residential use, the building permit for reconstruction shall be obtained within 18 months of the date of the demolition, fire or other casualty that destroyed the previous structure.

295-419. Filling or Grading of Land. Whenever the filling or grading of land, as defined in s. 289-1, will result in an increase in elevation above the existing finished grade, at any location on a lot, that exceeds the maximum allowable height of a wholly opaque fence at that particular location on the lot under the fence height regulations of the relevant zoning district, the filling or grading may only be permitted upon the granting of a special use permit by the board. A permit for the filling or grading may also be required pursuant to ch. 289. For purposes of this section, when calculating elevation above existing finished grade, the height of existing or proposed fences shall be included.

295-421. Native Vegetation. All land development or redevelopment activities shall preserve, to the maximum extent possible, 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. This shall not include preservation of Canada thistle, leafy spurge, field bindweed or any other weed that the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious.

295-423. Agricultural Uses. Every community garden or commercial farming enterprise shall comply with the relevant provisions of chs. 68, 78, 79, 200 and 275.

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SUBCHAPTER 5 RESIDENTIAL DISTRICTS

295-501. Purposes. The regulations of this subchapter are intended to promote, preserve and protect residential neighborhoods. These regulations allow for some non-residential uses, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. These standards preserve the character of neighborhoods by providing 6 different zones with different densities and development standards. The site development standards allow for flexibility of development while maintaining compatibility within the city's various neighborhoods. In addition, the regulations provide certainty to property owners, developers and neighbors about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating the need for future growth. The purposes of the individual residential districts are as follows:

1. SINGLE-FAMILY RESIDENTIAL DISTRICTS. a. RS1-RS5 Districts. The purpose of the RS1-RS5 districts is to promote, preserve and protect neighborhoods intended for single-family dwellings and having a character slightly more suburban than the RS6 district. These districts require larger lots, larger setbacks and a smaller lot coverage than the RS6 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RS6 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. RS6 District. The purpose of the RS6 single-family district is to promote, preserve and protect neighborhoods intended primarily for single-family dwellings with traditional urban character. This district allows smaller lots, smaller setbacks and a higher lot coverage than the other single-family districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800's and early 1900's. This district also allows traditional corner commercial establishments commonly found in more urban neighborhoods.

2. TWO-FAMILY RESIDENTIAL DISTRICTS. a. RT1-RT2 Districts. The purpose of the RT1-RT2 districts is to promote, preserve and protect neighborhoods intended primarily for one- and 2-family dwellings. Properties in these districts typically have larger setbacks and smaller lot coverage than those found in the RT3 or RT4 districts. Commercial uses are not allowed in these districts. The neighborhoods found in RT1 and RT2 districts feature a regular platting standard and a more uniform pattern of development than those of the RT3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. RT3 District. The purpose of the RT3 district is to promote, preserve and protect neighborhoods intended primarily for two-family dwellings with a traditional urban character. This district, much like the RT4 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. However, it does not allow the establishment of new, multi-family buildings. The neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform than those of the RT4 district.

c. RT4 District. The purpose of the RT4 district is to promote, preserve and protect neighborhoods intended primarily for 2-family dwellings while also permitting a mixture of single-family dwellings and small multi-family dwellings of 3 or 4 units. This district, much like the RT3 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800s and early 1900s. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

3. MULTI-FAMILY RESIDENTIAL DISTRICTS. a. RM1-RM2 Districts. The purpose of the RM1-RM2 districts is to promote, preserve and protect neighborhoods intended primarily for low- to medium-density multi-family uses with a more suburban character. These districts require larger lots, larger setbacks and a smaller lot coverage than the RM3 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RM3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. RM3 District. The purpose of the RM3 district is to promote, preserve, and protect neighborhoods intended primarily for medium-density residential uses with an urban character. This district, much like the RM4-RM7 districts, allows smaller lots, smaller setbacks and higher lot coverage than the RM1-RM2 districts. However, the neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform and of a lower density than those of the RM4-RM7 districts. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

c. RM4-RM7 Districts. The purpose of the RM4-RM7 districts is to promote, preserve and protect neighborhoods intended primarily for high-density multi-family residential uses. These districts allow a wide range of lot sizes, smaller setbacks, and a high percentage of lot coverage. They also allow neighborhood-serving commercial establishments commonly found in urban neighborhoods.

4. RESIDENTIAL AND OFFICE DISTRICTS. a. RO1 District. The purpose of the RO1 district is similar to that of the RM1 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have larger setbacks and lower lot coverage than properties in the RO2 district. The neighborhoods found in this district feature a more uniform pattern of development than neighborhoods in the RO2 district. Neighborhoods in this district were platted and developed in large part in the mid- to late-1900s, with some areas recently developed.

b. RO2 District. The purpose of the RO2 district is similar to that of the RM7 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have smaller setbacks and greater lot coverage than properties in the RO1 district. The neighborhoods found in this district were platted and developed in large part in the late 1800s and early 1900s.

295-503. Uses. 1. USE TABLE. Table 295-503-1 indicates the use classifications for various land uses in the residential districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-503-1:

a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

Table 295-503-1
RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use
S = Special Use N = Prohibited Use

Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
		Zoning Districts							
RESIDENTIAL USES									
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y
Two-family dwelling	L	L	Y	Y	Y	Y	Y	Y	Y
Multi-family dwelling	N	N	L	L	L	Y	Y	Y	Y
Permanent supportive housing	N	N	N	N	N	Y	Y	Y	Y
Transitional housing	N	N	N	N	S	S	S	S	S
Attached single-family dwelling	N	N	L	L	L	Y	Y	Y	Y
Live-work unit	N	N	N	L	L	L	L	Y	Y
Mobile home	N	N	N	N	N	N	N	N	N
Watchman/service quarters	N	N	N	N	N	N	N	N	N
Family day care home	L	L	L	L	L	L	L	L	L
GROUP RESIDENTIAL USES									
Rooming house	N	N	N	N	S	S	S	S	S
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	N	N	N	N	S	S	S	S	S
Fraternity or sorority	N	N	N	N	S	S	S	S	S
Adult family home	L	L	L	L	L	L	L	L	L
Foster Homes									
Foster family home	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small foster home	L	L	L	L	L	L	L	L	L
Group home or group foster home	L	L	L	L	L	L	L	L	L
Shelter Care Facilities									
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small group shelter care facility	L	L	L	L	L	L	L	L	L
Large group shelter care facility	N	N	N	N	S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	L	L	L
EDUCATIONAL USES									
Day care center	L	L	L	L	L	L	L	L	L
School, elementary or secondary	Y	Y	Y	Y	Y	Y	Y	Y	Y
College	N	N	N	N	S	S	S	Y	Y
School, personal instruction	N	L	N	L	L	N	L	Y	Y
COMMUNITY-SERVING USES									
Library	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cultural institution	N	L	N	L	L	L	L	L	L
Community center	N	S	N	N	S	S	S	S	S
Religious assembly	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cemetery or other place of interment	N	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N	N	N	N	N

Table 295-503-1
RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use
S = Special Use N = Prohibited Use

Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
		Zoning Districts							
COMMERCIAL AND OFFICE USES									
General office	N	L	N	L	L	N	L	Y	Y
Government office	N	L	N	L	L	N	L	Y	Y
Bank or other financial institution	N	L	N	L	L	N	L	Y	Y
Currency exchange, payday loan or title loan agency	N	N	N	N	N	N	N	N	N
Installment loan agency	N	N	N	N	N	N	N	N	N
Cash-for-gold business	N	N	N	N	N	N	N	N	N
Pawn shop	N	N	N	N	N	N	N	N	N
Retail establishment, general	N	L	N	L	L	N	L	L	L
Garden supply or landscaping center	N	N	N	N	N	N	N	N	N
Home improvement center	N	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	S	S
Outdoor merchandise sales	N	N	N	N	N	N	N	N	N
Artist studio	N	L	N	L	L	N	L	Y	Y
Adult retail establishment	N	N	N	N	N	N	N	N	N
HEALTH CARE AND SOCIAL ASSISTANCE USES									
Medical office	N	L	N	L	L	N	L	Y	Y
Health clinic	N	N	N	N	N	N	S	S	S
Hospital	N	N	N	N	N	N	N	N	N
Medical research laboratory	N	N	N	N	N	N	N	N	N
Medical service facility	N	N	N	N	N	N	N	N	N
Social service facility	N	N	N	N	S	N	S	S	S
Emergency residential shelter	N	N	N	N	N	S	S	S	S
Nursing home	N	S	N	N	S	S	S	S	S
GENERAL SERVICE USES									
Personal service	N	L	N	L	L	N	L	Y	Y
Business service	N	S	N	L	S	N	S	L	L
Catering service	N	L	N	L	L	N	L	L	L
Funeral home	N	L	N	L	L	N	L	Y	Y
Laundromat	N	N	N	L	N	N	N	L	L
Dry cleaning establishment	N	L	N	L	L	N	L	L	L
Furniture and appliance rental and leasing	N	N	N	N	N	N	N	N	N
Household maintenance and repair service	N	N	N	N	N	N	N	N	N
Tool/equipment rental facility	N	N	N	N	N	N	N	N	N
Animal Services									
Animal hospital/clinic	N	N	N	N	N	N	N	N	N
Animal boarding facility	N	N	N	N	N	N	N	N	N
Animal grooming or training facility	N	N	N	N	N	N	N	N	N
MOTOR VEHICLE USES									

Table 295-503-1
RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use		Zoning Districts							
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
Light Motor Vehicle									
Sales facility	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N
Body Shop	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N
Wholesale facility	N	N	N	N	N	N	N	N	N
Heavy Motor Vehicle									
Sales facility	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N
Body shop	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N
General Motor Vehicle									
Filling station	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Non-restaurant drive-through facility	N	N	N	N	N	N	N	N	N
Parking									
Parking lot, principal use	N	S	N	N	S	S	S	S	S
Parking lot, accessory use	Y	L	Y	Y	L	Y	L	Y	L
Parking structure, principal use	N	N	N	N	N	N	S	S	S
Parking structure, accessory use	N	N	N	N	N	Y	L	Y	L
Heavy motor vehicle parking lot, principal	N	N	N	N	N	N	N	N	N
Heavy motor vehicle parking lot, accessory	N	N	N	N	N	N	N	N	N
ACCOMMODATION AND FOOD SERVICE USES									
Bed and breakfast	S	L	L	L	L	L	L	Y	Y
Hotel, commercial	N	N	N	N	N	N	N	N	S
Hotel, residential	N	N	N	N	N	N	N	N	Y
Tavern	N	L	N	L	L	N	L	N	S
Brewpub	N	N	N	N	N	N	N	N	S
Assembly hall	N	N	N	N	N	N	N	N	L
Restaurant without drive-through facility	N	L	N	L	L	N	L	Y	Y
Restaurant with drive-through facility	N	N	N	N	N	N	N	N	N
ENTERTAINMENT AND RECREATION USES									
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N	N
Recreation facility, indoor	N	N	N	N	N	N	N	S	S
Recreation facility, outdoor	N	N	N	N	N	N	N	N	N

Table 295-503-1
RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use		Zoning Districts							
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
Health club	N	N	N	N	N	N	N	Y	Y
Sports facility	N	N	N	N	N	N	N	N	N
Gaming facility	N	N	N	N	N	N	N	N	N
Theater	N	N	N	N	N	N	N	L	L
Convention and exposition center	N	N	N	N	N	N	N	N	N
Marina	N	N	N	N	N	N	N	N	N
Outdoor racing facility	N	N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES									
Recycling collection facility	N	N	N	N	N	N	N	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	N	N
Salvage operation, outdoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N	N
Storage Facilities									
Indoor	N	N	N	N	N	N	N	N	N
Self-service	N	N	N	N	N	N	N	N	N
Outdoor	N	N	N	N	N	N	N	N	N
Hazardous materials	N	N	N	N	N	N	N	N	N
TRANSPORTATION USES									
Ambulance service	N	N	N	N	N	N	N	N	N
Ground transportation service	N	N	N	N	N	N	N	N	N
Passenger terminal	N	N	N	N	N	N	N	N	N
Helicopter landing facility	N	N	N	N	N	N	N	N	N
Airport	N	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES									
Alcohol beverage facility, micro	N	N	N	N	N	N	N	N	N
Alcohol beverage facility, large	N	N	N	N	N	N	N	N	N
Food processing	N	N	N	N	N	N	N	N	N
Manufacturing, light	N	N	N	N	N	N	N	N	N
Manufacturing, heavy	N	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N	N
Research and development	N	N	N	N	N	N	N	N	N
Processing or recycling of mined materials	N	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	N	N	N
Contractor's yard	N	N	N	N	N	N	N	N	N

Table 295-503-1
RESIDENTIAL DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use		**Zoning Districts**							
Uses	RS1-RS5	RS6	RT1-RT2	RT3	RT4	RM1-RM2	RM3-RM7	R01	R02
AGRICULTURAL USES									
Plant nursery or greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y	Y	Y	Y	Y
Commercial farming enterprise	S	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES									
Broadcasting or recording studio	N	N	N	N	N	N	N	N	N
Transmission tower	L	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S	S
Sewage treatment plant	N	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N	N
Small wind energy system	L	L	L	L	L	L	L	L	L
Solar farm	Y	Y	Y	Y	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L	L
TEMPORARY USES									
Seasonal market	L	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of October 1, 2002. If this standard is not met, a 2-family dwelling is a prohibited use.

b. Multi-Family Dwelling. b-1. In an RT1 to RT3 district, the premises was legally established and occupied as a multi-family dwelling as of October 1, 2002. If this standard is not met, a multi-family dwelling is a prohibited use.

b-2. In the RT4 district, not more than 4 dwelling units shall be permitted in a single building. If this standard is not met, a multi-family dwelling is a prohibited use.

c. Attached Single-Family Dwelling. c-1. In an RT1 to RT3 district, not more than 2 dwelling units may be attached to each other. If this standard is not met, an attached single-family dwelling is a prohibited use.

c-2. In the RT4 district, not more than 4 single-family dwellings may be attached to one another.

d. Live-work Unit. d-1. The activity and work area shall be accessory to the residential use of the dwelling unit.

d-2. The occupant of the unit shall be the primary person involved in the business or activity. Not more than 2 other full-time employees may use the live-work space.

d-3. Only goods produced in the live-work unit may be sold there.

d-4. No detached garage, shed or exterior space shall be used for the live-work activity.

d-5. Signage shall be limited to one non-illuminated wall sign of not more than 2 square feet in area.

e. Family Day Care Home. e-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located. If this standard is not met, the facility is classified as a day care center and subject to the limited use standards for day care centers.

e-2. For a facility licensed by the state of Wisconsin, there shall be no other family day care home in the building as of April 6, 2001.

e-3. For a facility certified by Milwaukee county, there shall be no other family day care home in the building as of May 30, 2003.

e-4. The family day care home shall not operate between the hours of 12 a.m. and 6 a.m.

e-5. Signage shall be in conformance with s. 295-505-5-d.

f. Adult Family Home or Small Group Shelter Care Facility. f-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

f-2. Small Group Shelter Care Facility. f-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

f-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

g. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

h. Group Home, Group Foster Home or Community Living Arrangement. h-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

h-2. If the use is located in an RS1 to RS6 or RT1 to RT3 district, not more than 8 clients shall reside on the premises. In all other residential districts, not more than 15 clients shall reside on the premises.

h-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

h-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

h-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

i. Day Care. i-1. The day care center shall be located on a premises containing an elementary or secondary school, religious assembly, community center, cultural institution or library, shall meet the minimum outdoor play space requirement of s. DCF 251.06(11), Wis. Adm. Code, and shall meet the off-street parking requirement for the existing principal use. If any of these standards are not met, a day care center is a special use.

i-2. Day care centers, including family day care homes classified as day care centers because they do not meet the standard of par. e-1, shall not be permitted in residential structures in the RS1 to RS6, RT1 to RT3 and RM1 and RM2 districts. In all other residential zoning districts, a day care center in a residential structure shall be classified as a special use.

i-3. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

i-4. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, religious assembly, community center, cultural

institution or library as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

j. Personal Instruction School, General Office, Government Office, Bank or Other Financial Institution, General Retail Establishment, Artist Studio, Medical Office, Personal Service, Business Service, Catering Service, Funeral Home, Laundromat, Dry Cleaning Establishment, or Restaurant without Drive-through Facility.

j-1. In the RS6, RT3, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, the use shall be classified as a special use. If the structure does not meet either the first or second of these standards, the use shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

j-2. In RO1 and RO2 districts, the use shall either:

j-2-a. Meet the conditions of subd. 1; or

j-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

j-3. The use shall not operate between the hours of 10 p.m. and 6 a.m. This provision shall not apply to a convenience store, restaurant without drive-through facility or personal service which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

k. Cultural Institution. k-1. The use shall be located on an arterial or collector street.

k-2. The area of the site shall be at least 10,000 square feet.

L. Non-restaurant Drive-through Facility. The facility shall be attached to a bank or other financial institution.

m. Parking Lot, Accessory Use. The parking lot shall not be located between a street façade of the principal building and a street lot line.

n. Parking Structure, Accessory Use. At least 50% of the interior street frontage zone of the street-level area, to a depth of 15 feet, shall be occupied by one or more other uses listed as permitted, with street-activating uses, in the zoning district or otherwise approved by the board.

o. Bed and Breakfast. Not more than 2 guest rooms shall be permitted. In the “Milwaukee Bed and Breakfast District” (the area bounded by West Juneau Avenue, West Michigan Street, North 27th Street and North 35th Street), a maximum of 8 guest rooms shall be permitted.

p. Tavern. p-1. In the RS6, RT3, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, a tavern shall be classified as a special use. If the structure does not meet either the first or second of these standards, a tavern shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

p-2. In RO1 and RO2 districts, the use shall either:

p-2-a. Meet the conditions of subd. 1; or

p-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

q. Assembly Hall. q-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

q-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

q-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

r. Theater. The capacity of the theater building shall not exceed 49 persons.

s. Raising of Livestock. The use is limited to the raising of chickens or bees, as permitted under ch. 78.

t. Transmission Tower. t-1. The tower shall comply with the applicable provisions of s. 295-413.

t-2. If the tower is located in an RS1 to RS6 district or an RT1 to RT4 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit and shall be

set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit may be allowed as a special use.

t-3. If the tower is located in an RM1 to RM3 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit or 150 feet, whichever is less, and shall be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

t-4. If the tower is located in an RM4 to RM7 district or an RO1 or RO2 district, the tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

u. Small Wind Energy System. The total height of the tower shall not be more than 10 feet higher than the maximum building height for the zoning district in which the tower is located.

v. Substation/Distribution Equipment, Outdoor. v-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

v-2. No structure associated with the use shall be located within 25 feet of a street lot line.

w. Seasonal Market. w-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.

w-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

w-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

w-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

w-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

w-6. The site shall be restored to its previous condition following termination of the market operation.

x. Temporary Real Estate Sales Office. x-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

x-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of this subchapter.

x-3. Customer-accessible restrooms shall be provided.

x-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

y. Temporary Concrete/Batch Plant. y-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

y-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

y-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

y-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

y-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

y-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

z. Live Entertainment Special Event. z-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

z-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

z-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted. b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Residential Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

c-8. The home occupation shall not involve explosives, fireworks or repair of motor vehicles including body work.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Roomers. Not more than 2 roomers shall be permitted in any dwelling unit.

295-505. Design Standards. 1. INTRODUCTION. The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in residential districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city' comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Residential development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Principal building standards are established to ensure that new construction of principal buildings in residential districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for principal buildings are set forth in table 295-505-2. These standards apply to non-residential buildings as well as residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Front Setback Standards. b-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the front lot line that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 30% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall meet the standards of this paragraph. The remaining 70% or less of the front façade may be set back farther from the street than the required setback, but not closer to it.

b-2. Setback Average and Range. When table 295-505-2 specifies that the minimum front setback for a principal building in a residential district shall be determined by averaging, the front setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

b-3. Determination of "Front." b-3-a. Interior Lot. The street frontage shall be the "front."

b-3-b. Corner Lot. The "front" of a corner lot shall be along the same street as the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street lot line with the smallest dimension shall be the "front." An interior lot separated by an alley or other public way not exceeding 20 feet in width from the corner lot being developed shall be considered to be immediately adjacent to that corner lot.

b-3-c. Through Lot. When a lot has only 2 street frontages and those frontages are on opposite sides of the lot, the "front" of the lot shall be along the same street as the fronts of the immediately adjacent interior lots. When the fronts of the immediately adjacent lots are on different streets, the permit applicant shall specify which street frontage is the "front."

b-3-d. Lot with More than 2 Frontages. When a lot is bounded by more than 2 streets, the permit applicant shall specify which street frontage is the "front."

b-4. Required Setback For New Construction. When table 295-505-2 requires use of an average to determine front setback, the average shall be determined using the most applicable of the following methods:

Table 295-505-2
PRINCIPAL BUILDING DESIGN STANDARDS

		Single-family Districts						Two-family Districts			
		RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4
Lot	Lot area, minimum (sq. ft.) *detached housing*	20,000	12,000	9,000	7,200	6,000	3,600	7,200	4,800	3,000	2,400
	Lot area, minimum (sq. ft.) *attached housing*	not applicable						3,600	3,000	1,800	1,800
	Lot area, maximum (sq. ft.)	none	none	none	none	none	none	none	none	none	none
	Lot width, minimum (ft.) *detached housing*	100	100	75	60	50	30	60	40	30	24
	Lot width, minimum (ft.) *attached housing*	not applicable						30	25	18	18
	Lot width, maximum (ft.)	none	none	none	none	none	none	none	none	none	none
Density	Lot area per dwelling unit, minimum (sq. ft.)	none	none	none	none	none	3,600	3,600	2,400	1,800	1,200
	Lot area per roomer or transitional housing client, minimum (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	600
	Lot coverage, minimum *interior lot*	none	none	none	none	none	*	none	none	*	*
	Lot coverage, maximum *interior lot*	15%	30%	30%	30%	30%	60%	30%	30%	50%	70%
	Lot coverage, minimum *corner lot*	none	none	none	none	none	*	none	none	*	*
	Lot coverage, maximum *corner lot*	15%	30%	30%	30%	40%	70%	40%	40%	60%	85%
	Floor area, minimum (sq. ft.) *one-story structure*	1,500	1,500	1,300	1,200	900	none	none	none	none	none
	Floor area, minimum (sq. ft.) *split-level or taller*	1,900	1,900	1,700	1,450	1,200	none	none	none	none	none
Height	Height, minimum (ft.)	none	none	none	none	none	**	none	none	*	*
	Height, maximum (ft.)	45	45	45	45	45	45	45	45	45	48

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.

**A structure shall meet the minimum height requirements of table 295-505-2-i unless it is adjacent to a lot containing a one-story house, in which case there shall be no minimum height requirement.

Table 295-505-2
PRINCIPAL BUILDING DESIGN STANDARDS

		Single -family Districts						Two-family Districts			
		RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4
Primary Frontage	Front setback, minimum (ft.) (see s. 295-505-2-b)	average or 25 ft., whichever is less	average or 25 ft., whichever is less	average	average	average	average	average	average	average	average
	Front setback, maximum (ft.) (see s. 295-505-2-b)	none	none	none	none	average	average	none	none	average but never more than 20 ft.	
	Side street setback, minimum (ft.)	20% of lot width but never more than 20 ft.		10% of lot width but never more than 15 ft.		10% of lot width but never more than 6 ft.		20% of lot width but never more than 20 ft.		10% of lot width but never more than 6 ft.	3
	Side street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	15
Side Setback	North or west side setback, minimum (ft.)	3	3	3	3	3	1.5	3	3	1.5	1.5
	South or east side setback, minimum (ft.)	6	6	6	6	6	3.5	6	6	3.5	3.5
	Combined side setback, minimum (ft.)	12	12	12	12	12	5	12	12	5	5
	Maximum depth of building without side setback adjustment	50	50	50	50	50	75	50	50	75	100
	Max. no. of stories without side or rear setback adjustment	2	2	2	3	3	3	2	2	3	4
Rear Setback	Rear setback, minimum (ft.) *interior lot*	25	25	25	20	15	15	25	25	15	15
	Rear setback, minimum (ft.) *corner lot*	25	25	25	15	10	10	20	20	10	10
	Rear street setback, minimum (ft.) (see s. 295-505-2-e)	average	average	average	average	average	average	average	average	average	average
	Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	none
Multiple principal residential buildings permitted?		no	no	no	no	no	same as RT4	no	no	no	yes, if in existence on Nov. 22, 2003; otherwise, special use

	Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS									
		Multi-family Districts							Residence & Office	
		RM1	RM2	RM3	RM4	RM5	RM6	RM7	R01	R02
Lot	Lot area, minimum (sq. ft.) *detached housing*	3,600	3,600	3,000	2,400	2,400	2,400	2,400	3,600	2,400
	Lot area, minimum (sq. ft.) *attached housing*	3,000	3,000	1,800	1,800	1,800	1,800	1,800	3,000	1,800
	Lot area, maximum (sq. ft.)	none	none	none	none	none	none	none	none	none
	Lot width, minimum (ft.) *detached housing*	40	40	30	24	24	24	24	30	24
	Lot width, minimum (ft.) *attached housing*	25	25	18	18	18	18	18	25	18
	Lot width, maximum (ft.)	none	none	none	none	none	none	none	none	none
Density	Lot area per dwelling unit, minimum (sq. ft.)	2,400	1,200	2,400 ea. (3 or more); 3,600 for 2; 1,800 for 1	1,200	800	400	150	2,400	400
	Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)**	1,200; 2,400 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	900; 1,800 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	200; 400 for a unit with 2 or more bedrooms	75; 150 for a unit with 2 or more bedrooms	1,200; 2,400 for a unit with 2 or more bedrooms	200; 400 for a unit with 2 or more bedrooms
	Lot area per roomer or transitional housing client, minimum (sq. ft.)**	1,200	600	900	600	400	200	75	1,200	200
	Lot coverage, minimum interior lot	15%	15%	*	*	*	*	20%	15%	*
	Lot coverage, maximum interior *lot*	30%	50%	50%	70%	70%	70%	85%	30%	none
	Lot coverage, minimum corner lot	15%	15%	*	*	*	*	20%	15%	*
	Lot coverage, maximum corner lot	40%	60%	60%	85%	85%	85%	85%	40%	none
	Floor area, minimum (sq. ft.) One-story *structure*	none	none	none	none	none	none	none	none	none
	Floor area, minimum (sq. ft.) One-story *structure*	none	none	none	none	none	none	none	none	none

*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.
For premises with a mixture of residential types including either permanent supportive housing or transitional housing, the minimum lot area per dwelling unit or per roomer or Transitional housing client shall be calculated pursuant to s. 295-505-2-n

	Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS									
		Multi-family Districts							Residence & Office	
		RM1	RM2	RM3	RM4	RM5	RM6	RM7	R01	R02
HEIGHT	Height, minimum (ft.)	none	none	*	*	*	*	20	none	*
HEIGHT	Height, maximum (ft.)	45	45	45	60	60	85	85; no limit if floor area ratio is less than 4:1	45	85
Primary Frontage	Front setback, minimum (ft.) (see s. 295-505-2-b)	average	average	average	average	average	average	average	average	average
Primary Frontage	Front setback maximum (ft.) (see s. 295-505-2-b)	none	none	average but not more than 20 ft.		average but never more than 15 ft.			none	15 ft.
Primary Frontage	Side street setback, minimum (ft.)	10% of lot width but not more than 15 ft.		3	3	3	3	3	same as RM1-RM2	none
Primary Frontage	Side street setback, maximum (ft.)	none	none	15	15	15	15	15	none	none
Side Setback	North or west side setback, minimum (ft.)	3	3	1.5	1.5	1.5	1.5	1.5	3	none
Side Setback	South or east side setback, minimum (ft.)	6	6	3.5	3.5	3.5	3.5	3.5	6	none
Side Setback	Combined side setback, minimum (ft.)	12	12	5	5	5	5	5	12	none
Side Setback	Maximum depth of building without side setback adjustment	50	50	75	100	100	100	100	50	none
Side Setback	Max. no. of stories without side or rear setback adjustment	2	2	3	4	6	8	8	2	8
Rear Setback	Rear setback, minimum (ft.) *interior lot*	25	25	20	15	15	15	10	20	none
Rear Setback	Rear setback, minimum (ft.) *corner lot*	10	10	10	10	10	10	10	10	none
Rear Setback	Rear street setback, minimum (ft.) (see s. 295-505-2-e)	average	average	average	average	average	average	average	average	average
Rear Setback	Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none
Multiple principal residential buildings permitted?		no	no	no	yes	yes	yes	yes	yes	yes

b-4-a. Adjacent Structures. Where immediately adjacent lots contain principal buildings, the front setback dimensions of those structures shall be averaged to establish the average front setback.

b-4-b. No Adjacent Structures. If one or both adjacent lots do not contain principal buildings, the average front setback shall be determined by averaging the front setbacks of the 2 nearest principal buildings located on the same blockface, on adjacent blockfaces on the same side of the street, on the blockface across the street or on the nearest similar street, in that order.

b-5. Required Setback for Addition or Alteration. b-5-a. In a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings, a new addition or alteration may come up to the portion of the structure closest to the front property line.

b-5-b. Where the existing structure is set back farther from the front property line than the nearest adjacent buildings, a new addition or alteration shall be permitted within the front setback range described in subd. 2 or may be placed up to any point between the existing front setback and the setback range.

b-5-c. No structure may be altered by removing a portion of the structure such that the front of the building will no longer be within the allowed setback range, or will be even farther from the permitted range than it already is.

b-6. Atypical Properties. b-6-a. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

b-6-b. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that is at least 25 percent less that the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

b-7. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner of neighborhood services shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

b-8. Adjustment Due to Topography. Where a sloping front yard rises at least one foot for every 2 feet of run and application of the maximum front setback requirement would result in the front of the proposed building being placed on the slope or within 10 feet of the crest of the sloping front yard, the maximum front setback may be increased to not more than 10 feet back from the crest of the sloping front yard.

b-9. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

b-10. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum front setback otherwise required.

c. Side Setback Standards. c-1. Minimum Setback for Property Adjacent to Developed Parcels or Alleys. c-1-a. A new principal building on a property that is adjacent to another property containing an existing principal building located closer than 1.5 feet from the shared property line shall maintain a minimum dimension of 3 feet from such existing structure, even when table 295-505-2 allows the new structure to be less than 3 feet from the property line.

c-1-b. Where a side property line abuts an alley, the minimum setback shall be the lesser of the 2 required side setbacks.

c-2. Adjustment for Buildings with Excessive Depth. When a structure exceeds the maximum depth specified in table 295-505-2, as measured from the front façade of the building, 1.5 additional feet of side setback shall be required for each additional 10 feet of building depth. Only the portion of the structure which exceeds the maximum building depth shall be required to have the additional setback. This adjustment shall not apply on the side of a lot that abuts an alley or a side street.

c-3. Adjustment for Buildings with Excessive Number of Stories. As specified in table 295-505-2, 4 additional feet of side setback shall be required on each side for each additional story above the maximum number of stories allowed. Only stories above the maximum story shall be required to have these additional setbacks. This adjustment shall not apply on the side of a building that abuts an alley.

d. Side Street Setback Standards. d-1. Build-to Line. Where a maximum side street setback is specified, at least 30% of the side street façade shall be located between the minimum and maximum required setbacks.

d-2. Exception for All Non-Residential Uses. There shall be no minimum side street setback for a principal structure of any non-residential use located on a corner lot.

d-3. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum side street setback specified in table 295-505-2.

e. Rear Street Setback Standards. e-1. Determination of Required Setback. There shall be no maximum rear street setback. The minimum rear street setback for both new construction and additions to existing structures shall be determined by using the most applicable of the following methods:

e-1-a. Adjacent Structures. Where immediately adjacent lots contain principal or accessory buildings, the rear street setback shall be calculated as the average of the distance between the rear-most façade element or roofed area of the adjacent buildings and the street property line.

e-1-b. No Adjacent Structures. Where one or both of the immediately adjacent lots do not contain buildings, the rear street setback shall be determined by averaging the rear street setbacks of the 2 nearest buildings located on the same blockface, in adjacent blockfaces on the same side of the street, in the blockface across the street or on the nearest similar street, in that order. Buildings included in this calculation may be either principal structures or accessory structures.

e-2. Setback Average and Range. When table 295-505-2 specifies that the minimum rear street setback for a principal building in a residential district shall be determined by averaging, the minimum rear street setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

e-3. Atypical Properties. e-3-a. When determining the required setback, the commissioner shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

e-3-b. When determining the required setback, the commissioner shall exclude any building with a setback that is at least 25 percent less that the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

e-4. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

f. Permitted Setback Intrusions. f-1. General. In order for buildings to have various features that provide variety, articulation and unique character, standards are established to allow certain elements of modest size to be placed in setback areas. These standards are found in table 295-505-2-f.

f-2. Porches. As used in table 295-505-2-f, the term “porch” refers to a covered, open-sided protrusion from the principal building. It does not refer to an enclosed porch, which is considered part of the principal building, or to an uncovered porch, which is considered a deck.

g. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

h. Building Height. h-1. Compliance with Minimum Height Requirement. At least 50% of a structure’s roof shall meet the minimum height requirement. In the case of a pitched roof, this standard shall be applied to the ridge of the roof. In the case of a flat roof, this standard shall apply to the entire surface area of the roof.

h-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

h-2-a. Chimneys and flues.

h-2-b. Water towers or tanks other than those located on the roof of a building.

h-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

h-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

h-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

h-2-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is set back from side lot lines a distance equal to one-half the height of the building or portion thereof.

h-2-g. Transmission towers which are in compliance with the height-related standards of s. 295-503-2-r.

h-2-h. Buildings in the RM7 district which have a floor area ratio of less than 4:1.

h-2-i. Solar farms and solar arrays.

Table 295-505-2-f
PRINCIPAL BUILDING INTRUSIONS INTO SETBACK AREAS

Type of Intrusion	Front or Rear Street Setback	Side Street Setback	Side Setback	Rear Setback
Porch	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.	Up to 4 ft.; however, the porch shall not be more than 6 ft. wide or be closer than 3 ft. from the side property line and shall be open on all sides.	Shall not encroach into required setback; however, stairs leading to a porch may encroach.
Uncovered wheelchair ramp	Permitted in setback only if: 1. The ramp has skirting material to screen the areas beneath the ramp. 2. The ramp is kept in a reasonably good state of repair and maintenance. 3. Trees or shrubs displaced by the ramp shall be relocated or replaced.			Permitted anywhere in rear setback area.
Uncovered wheelchair lift	Permitted in setback only if: 1. Skirting with a minimum height of 4 feet is provided. 2. The lift is equipped to prevent lowering if the area beneath the lift is not clear of obstructions. 3. The lift has skirting material which prevents obstructions to the movement of the chair.			
Planter	Permitted anywhere in a setback area, but shall not exceed 4 feet in height.			
Air-conditioning condenser	Not permitted unless set back at least 50 feet and entirely screened.		Not permitted unless the use on the adjacent lot is non-residential or unless any dwelling on the adjacent lot is at least 15 feet from the lot line.	Permitted anywhere in rear setback area.
Hood or awning	Up to 6 feet	Up to 6 feet	Up to 4 feet, but not closer than 2 feet from any property line	
Eave	Up to 4 feet	Up to 4 feet	Up to 2 feet, or one-half of the required setback, whichever is less.	Up to 4 feet, but not closer than 2 feet from any property line.
Balcony	Up to 4 feet	Up to 4 feet	Not permitted	Up to 4 feet, but not closer than 2 feet from any property line.
Fire escape	Not permitted	Not permitted	Permitted only along a side facing an alley	Up to 6 feet, but not closer than 2 feet from any property line
Bay window	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line. Not more than one-third of the facade may have similar protrusions.			
Chimney	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.			

h-3. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

i. Lot Coverage. i-1. The lot coverage standards set forth in table 295-505-2 relate to the proportion of a lot occupied by principal buildings. Accessory structures shall not be included when determining principal building lot coverage.

i-2. Table 295-505-2-i provides minimum building height and minimum front façade width requirements that are to be applied, in certain zoning districts, in place of the lot coverage standards of table 295-505-2. The standards in table 295-505-2-i apply only to single-family, 2-family and multi-family dwellings.

i-3. For any interior lot in an RS4, RS5 or RS6 zoning district, the maximum lot coverage for a residential use or group residential use shall be as follows:

i-3-a. If the area of the lot is less than or equal to 1.3 times the average lot area of other lots on the blockface that are occupied by residential or group residential uses, the maximum lot coverage shall be as specified in table 295-505-2.

i-3-b. If the area of the lot is more than 1.3 times the average lot area of other lots on the blockface that are occupied by residential or group residential uses, the maximum lot coverage shall be 60% of the maximum lot coverage specified in table 295-505-2.

i-4. For any corner lot in an RS4, RS5 or RS6 zoning district, the maximum lot coverage for a residential use or group residential use shall be as follows:

i-4-a. If the area of the lot is less than or equal to 1.3 times the average lot area of other lots on both blockfaces that are occupied by residential or group residential uses, the maximum lot coverage shall be as specified in table 295-505-2.

i-4-b. If the area of the lot is more than 1.3 times the average lot area of other lots on both blockfaces that are occupied by residential or group residential uses, the maximum lot coverage shall be 60% of the maximum lot coverage specified in table 295-505-2.

j. Multiple Principal Buildings. j-1. Intent. Standards for properties with more than one principal building are established to recognize the various contexts in which this type of development occurs and to allow practical use and improvement of such properties. More than one principal residential building shall be permitted on a lot only as provided in table 295-505-2. Multiple principal non-residential buildings shall be permitted in all residential zoning districts. The standards of this paragraph apply to both multiple principal residential buildings and multiple principal non-residential buildings.

j-2. Distance Between Buildings. The front-to-back minimum distance between 2 principal residential buildings shall be 10 feet. The side-to-side minimum distance between 2 principal residential buildings shall be 5 feet. There shall be no required minimum distance between 2 principal non-residential buildings.

j-3. Side Setback. The minimum side setback shall be as specified in table 295-505-2.

j-4. Rear Setback. Where the rear of a property abuts an alley, the minimum rear setback shall be 4 feet, regardless of the requirement specified in table 295-505-2.

j-5. Lot Coverage. On a lot having multiple principal residential buildings, maximum lot coverage may be increased by up to an additional 15% as long as the accessory building lot coverage is reduced by a corresponding amount.

k. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-505-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit.

L. Design Features. L-1. Intent. The standards of this paragraph are intended to enable a residential building to be compatible with its context, as well as to encourage pedestrian-oriented residential development.

L-2. Entrance Door Orientation.

L-2-a. Standard. Every new principal building shall have a primary entrance door that faces a street.

L-2-b. Multi-Family Use. Every new multi-family use within a building shall have a primary entrance door on a front façade or a side street façade, even if other doors serving individual townhouse-style units, or other uses, are present. The main entrance used by residents and visitors, as well as the door where mail is delivered and deliveries are made, is considered the primary entrance of a multi-family residential use.

L-2-c. Exception. A new principal building may have an entrance door that does not face a street if the building or building site includes physical features that clearly identify the location of the front entrance of the building and are readily visible from the public right-of-way. Examples of such features include, but shall not be limited to, covered stoops, porches, retaining walls and masonry planters.

Table 295-505-2-i
MINIMUM RESIDENTIAL BUILDING FRONT FACADE WIDTH AND BUILDING HEIGHT

Lot width (ft.)	Min. building front facade width (ft.)	Min. no. of stories *	Min. building height (ft.)
25	No requirement	1	20
30	No requirement	1	20
31	No requirement	1	20
32	No requirement	1	20
33	No requirement	1	20
34	No requirement	1	20
35	20	1	20
36	22	1	20
37	22	1	20
38	24	1	20
39	24	1	20
40	24	1	20
41	24	1	20
42	24	1	20
43	24	1	20
44	24	1	20
45	24	1	20
46	26	2	25
47	28	2	25
48	30	2	25
49	30	2	25
50	32	2	25
51	32	2	25
52	34	2	25
53	34	2	25
54	34	2	25
55	36	2	25
56	36	2	25
57	38	2	25
58	38	2	25
59	40	2	25
60	40	2	25
More than 60	Width X 0.65	2	25

* If the structure is adjacent to a lot containing a one-story house, a one-story structure shall be permitted regardless of the width of the lot on which it is located.

L-3. Overhead Garage Doors Facing Streets. For any new building constructed in the RS6, RT3, RT4 and RM3-RM7 districts, an attached garage which has an overhead garage door that faces the street shall be set back at least 4 feet from the street façade of the main building mass. The following exceptions shall apply:

L-3-a. An overhead garage door may be flush with the street façade of the building if the building has a porch, floor-to-ceiling bay window, balcony, hood, canopy, integral planter, landscaping wall or other significant design feature or combination of features which extend at least 4 feet forward from the wall plane on which the door is placed. A garage door which is recessed within the thickness of the garage wall as a result of typical construction practices shall be considered "flush."

L-3-b. An overhead garage door may be flush with the street façade of the building if at least 40% of the façade on which the door is located is comprised of windows.

L-4. Restricted Building Wall Materials. Unless otherwise noted herein, the following regulations apply to any non-industrial principal building or addition:

L-4-a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

L-4-b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgestone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk. This subparagraph shall not apply to a single- or 2-family dwelling.

m. Garage Door Setback. Garage doors shall be set back a minimum of 4 feet from alley lot lines.

n. Minimum Lot Area for Premises with Mixture of Dwelling Unit Types. n-1. Permanent Supportive Housing. Where permanent supportive housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula PSF = ((PN/RN) x LSF)/PN, where:

n-1-a. PSF is the lot area, in square feet, per permanent supportive housing unit.

n-1-b. PN is the number of permanent supportive housing units.

n-1-c. RN is the total number of residential units both permanent supportive housing units other types of dwelling units.

n-1-d. LSF is total lot area, in square feet.

n-2. Transitional Housing. Where transitional housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula TSF = ((TN/2)/((TN/2) + GN)) x LSF)/TN, where:

n-2-a. TSF is the lot area, in square feet, per transitional housing client

n-2-b. TN is the total number of transitional housing clients

n-2-c. GN is the total number of dwelling units, not including transitional housing

n-2-d. LSF is total lot area, in square feet

3. ACCESSORY STRUCTURE STANDARDS. a. Introduction. The design standards for accessory structures in residential districts are set forth in table 295-505-3. These standards apply to accessory structures of permitted non-residential uses in residential districts, as well as to structures which are accessory to residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Principal Building Required. No accessory building shall be located on a lot not containing a principal building, unless the principal use of the lot is for the raising of livestock, a community garden or a

Table 295-505-3
ACCESSORY STRUCTURE DESIGN STANDARDS

	Garage	Shed	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Pergola, trellis or arbor	Open pavilion
Included in lot coverage calculation?	Yes	Yes	No	No	Yes	Yes	No	Yes
Minimum front setback	Same as principal building; if the garage door faces the front of the lot, an additional 4 ft. shall be required.	Same as principal building.	No restriction.	Same as principal building.	Same as principal building.	Same as principal building.	No restriction.	Same as principal building.
Minimum side street setback	Same as principal building, but not closer to side street than any existing principal building.		No restriction.	Same as principal building.		Same as principal building.	No restriction.	No restriction.
Minimum rear street setback	Average in accordance with s. 295-505-2-e.					No restriction.	No restriction.	Average in accordance with s. 295-505-2-e.
Minimum side setback when located in the side yard	Same as principal building.	Same as principal building.	No restriction.	Up to property line; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	Same as principal building.	Same as principal building.	Same as principal building.
Minimum side setback when located in the rear yard	1.5 feet; 4 feet if access crosses side lot line from an alley.	1.5 feet.	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	No restriction.	1.5 feet.

Table 295-505-3
ACCESSORY STRUCTURE DESIGN STANDARDS

	Garage	Shed	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Pergola, trellis or arbor	Open pavilion
Minimum rear setback	4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley.	4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley.	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open	4 feet; may be reduced to 1.5 feet if there is no alley.	No restriction.	1.5 feet.
Maximum height of sidewall	10 feet.	8 feet.	No restriction.	No restriction.	No restriction.	10 feet.	8 feet.	Not applicable.
Maximum overall height	24 feet or the height of the principal building, whichever is less.	14 feet.	Not applicable.	Not applicable.	Not applicable.	14 feet.	14 feet.	10 feet.

commercial farming enterprise. If a principal building on a lot is removed, any accessory building on the lot shall also be removed within 60 days and the premises made compliant with this code.

c. Maximum Lot Coverage. See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area. Total lot coverage may be increased to 22% if at least 7% of the coverage is for an open pavilion.

d. Maximum Number. Not more than 2 accessory buildings may be located on a single lot.

e. Maximum Size. For any lot occupied solely by a single-family or 2-family dwelling, no garage or deck shall exceed 1,000 square feet in area and no open pavilion shall exceed 500 square feet in area.

f. Garages and Sheds. f-1. General. An accessory building that is 150 square feet or less in area shall meet the requirements for sheds set forth in table 295-505-3. An accessory building that is greater than 150 square feet in area shall meet the requirements for garages set forth in table 295-505-3. A carport or similar roofed structure shall meet the requirements for either garages or sheds, depending on the size of the structure.

f-2. Location. A garage or shed may be located in the rear yard of the principal structure. A garage or shed may also be located in the side yard, provided it is not in the required side setback area of the principal structure. Garages and sheds shall not be permitted in front yards.

f-3. Roof Overhang. A roof overhang may project into a required setback area up to one-third of the required setback. Gutters shall not be considered part of a roof overhang.

f-4. Dormers. Dormers shall be permitted provided that, in the aggregate, they are no wider than half of the length of the roof, begin no closer than 4 feet from either of the gable ends and have a roof pitch of at least 3:12.

f-5. Sidewall Height. The maximum height of a garage or shed sidewall shall be as specified in table 295-505-3. The height of a sidewall shall be measured from the level of the grade to a horizontal line even with the bottom edge of the fascia board. Where rafter tails are exposed, measurement shall be to a horizontal line even with the bottom edge of the rafters.

f-6. Parapet Walls. A parapet wall on a flat-roofed garage may extend up to 30 inches above the permitted sidewall height.

f-7. Rooftop Decks. Railings for a rooftop deck may extend up to 3.5 feet above the maximum sidewall height if they are at least 50% open. Portions of a parapet wall may also extend up to 3.5 feet above the permitted sidewall height if these sections are no wider than half the width of the side of the garage on which they are located.

f-8. Roof Type. A shed may have a gambrel-style roof. A garage may have a gambrel-style roof only if the principal building has a gambrel-style roof. When a gambrel-style roof is used, its pitch shall be similar to the roof pitch of the principal building.

f-9. Attachment to Principal Building. A garage or shed may be attached to a principal building. If an attached garage or shed has no second-floor living space, it shall be included in the lot coverage calculation for accessory structures, rather than the lot coverage calculation for the principal building. In addition, an attached garage or shed with no second-floor living space shall be subject to the setback requirements for an accessory building, rather that the setback requirements for a principal building.

f-10. Exception for Small Lots. Notwithstanding the limitations of subd. 1, a garage shall be permitted to have an area of at least 484 square feet.

g. Uncovered Wheelchair Lifts and Ramps. Uncovered wheelchair lifts and ramps shall be permitted within required setback areas in accordance with the provisions of table 295-505-2-f. Adjacent deck areas shall also be in compliance with the applicable provisions of this table. Uncovered wheelchair lifts and ramps shall not be included in the calculation of lot coverage of accessory structures.

h. Decks and Stoops. h-1. General. Decks and stoops shall meet the requirements set forth in table 295-505-3. Decks and stoops are classified into the following 4 categories on the basis of height above grade:

h-1-a. At grade to not more than one foot above grade.

h-1-b. More than one foot above grade to not more than 3 feet above grade.

h-1-c. More than 3 feet above grade to not more than 7 feet above grade.

h-1-d. More than 7 feet above grade.

h-2. Exception. Notwithstanding the requirements of table 295-505-3, a principal building may have a deck or stoop up to 3 feet above grade in the front or side street setback provided the area of the deck or stoop does not exceed 25 square feet.

h-3. Stairs. Stairs leading to a permitted deck, stoop or building entrance may be located in a required setback area.

h-4. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

h-4-a. The deck is more than 30 feet from any property line.

h-4-b. The deck is located within 3 feet of a property line and an opaque fence at least 4 feet high is present or is constructed along that property line such that the view of the deck from the neighboring property or public way is obscured.

h-4-c. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

i. Open Trellises and Arbors. An open trellis or arbor may be located in the front yard, side yard or rear yard in accordance with table 295-505-3.

j. Children's Playhouse. A playhouse shall not be subject to any of the regulations of this subsection, except that no playhouse shall be located in the front yard or the required side setback.

k. Swimming Pools. An in-ground or above-ground swimming pool shall not be subject to any of the regulations of this subsection, except that no swimming pool shall be located in the front yard or the required side setback.

L. Mechanical Equipment. L-1. Permitted Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers, satellite dishes and utility boxes shall be permitted only in portions of side yards and rear yards outside required setback areas. Air conditioning condensers may also be placed in the required setback areas of principal buildings to the extent allowed by table 295-505-2-f.

L-2. Wood-burning Furnaces. Because of their potential to create adverse off-site effects, outdoor wood-burning furnaces are prohibited in all residential districts.

m. Portable Moving and Storage Containers. No portable moving and storage container shall be placed on a lot in a residential zoning district for more than 30 days.

n. Chicken Coops. Chicken coops, under s. 78-6.5, shall not be subject to any of the regulations of this subsection if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height

o. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

p. Accessory Structures for Agricultural Uses. p-1. Permitted Structures. The following accessory structures supporting the raising of livestock, a community garden or a commercial farming enterprise shall be permitted:

p-1-a. Sheds.

p-1-b. Large agricultural structures.

p-1-c. Hoop houses.

p-2. Maximum Number. Not more than one shed and one large agricultural structure may be located on a single lot. The number of hoop houses on a single lot is unlimited.

p-3. Lot Coverage. The total lot coverage of all sheds, large agricultural structures and hoop houses on a single lot shall not exceed 70% of lot area. The total lot coverage of sheds and large agricultural structures on a single lot shall not exceed 15% of lot area.

p-4. Setbacks. p-4-a. The minimum front setback, side street setback or rear street setback for a shed, large agricultural structure or hoop house shall be the average plus 5 feet.

p-4-b. The minimum side setback or rear setback for a shed, large agricultural structure or hoop house shall be 5 feet.

p-5. Maximum Height. p-5-a. The maximum height of the sidewall of an agricultural accessory structure shall be 8 feet for a shed, 10 feet for a large agricultural structure and 14 feet for a hoop house.

p-5-b. The maximum overall height of an agricultural accessory structure shall be 10 feet for a shed, 14 feet for a hoop house, 14 feet for a large agricultural structure on a vacant lot, and 24 feet or the height of the principal building for a large agricultural structure on a lot containing a principal building.

q. Other Accessory Structures. Miscellaneous accessory structures shall meet the requirements applicable to the most similar accessory building or site feature for which requirements have been established.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in residential zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a residential zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. Parking spaces may be located in a rear yard or the portion of a side yard that is beyond the required setback. Parking spaces shall not be located within the front yard or in the side setback, rear street setback or side street setback of the principal building.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family, 2-family dwelling or community living arrangement with 8 or fewer clients.

b-5. Commercial Vehicles. Not more than one commercial vehicle may be parked on a lot in a single-family, 2-family or multi-family zoning district.

b-6. Recreational Vehicles. Not more than one recreational vehicle, other than a motorcycle or snowmobile, may be parked on a lot in a single-family, 2-family or multi-family district.

b-7. Maximum Vehicle Length, Vehicle Height and Number of Wheels. No vehicle in excess of 22 feet in length, or in excess of 10 feet in height or with more than 6 wheels may be parked on a lot in a single-family, 2-family or multi-family district.

b-8. Tow Trucks. No tow truck may be parked on a lot in a single-family, 2-family or multi-family zoning district unless the tow truck is parked inside a building.

b-9. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Location. An access drive leading to parking spaces in a permitted rear-yard or side-yard location may be located in a required setback area. An access drive which leads to permitted parking spaces may also be used for parking, but any such parking shall not count toward the parking-space requirements of s. 295-403-2. An access drive may be placed directly adjacent to an interior side property line.

c-2. Configuration. An access drive shall generally traverse the front property line at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-3. Width. An access drive traversing the side yard to a permitted parking area of a residential building shall not exceed 18 feet in width. An access drive leading to an overhead garage door facing the street shall be not more than 2 feet wider, on each side, than the door being served.

c-4. Shared Drives. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 3 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a residential zoning district. As in commercial and industrial zoning districts, parking lots, dumpsters and other unsightly site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened in accordance with s. 295-405-6-a, or shall be incorporated into the structure it serves.

f. Fences. f-1. General. Fences shall be permitted anywhere on a lot in a residential zoning district, including along property lines. For purposes of this paragraph, the term “fence” shall include a wall or similar structure.

f-2. Fences in Front Yards. A fence located in a front yard shall not exceed 4 feet in height. However, an ornamental metal fence may be erected to a height of 6 feet. Such ornamental fence may include piers constructed of masonry, wood or other approved materials, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-3. Fences in Side Yards. A fence located in a side yard shall not exceed 4 feet in height. However, a fence may be erected to a height of 6 feet if the entire fence is constructed of chain link, wrought iron or similar open construction or if the area above 4 feet high is at least 50% open. An example of the latter is a

fence that is opaque to a height of 4 feet and is topped with not more than 2 feet of wood lattice. Any side-yard fence may be erected to a height of 6 feet if it is located more than 10 feet from a side lot line.

f-4. Fences in Rear Yards. A fence located in a rear yard may be erected to a height of 6 feet. However, if the fence is located along a side street or rear street, it shall also comply with subd. f-5.

f-5. Fences Along Side Streets and Rear Streets. A fence located along a side street or rear street property line shall not exceed 4 feet in height, with the following exceptions:

f-5-a. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless the fence has been erected in accordance with the applicable provisions of ch. 245.

f-5-b. An ornamental fence may be erected to a height of 6 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-6. Fences Enclosing Swimming Pools. A fence which encloses a swimming pool shall also comply with all department of neighborhood services rules and regulations for swimming pools.

f-7. Higher Fences on Abutting Properties. Where a fence is located along a lot line that abuts another property, and a higher fence is permitted directly across the property line on that property, the fence may be erected to the height permitted on the abutting property.

f-8. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

f-9. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

f-10. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirements of s. 295-405.

f-11. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

f-12. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

f-13. Fences or Retaining Walls Extending into Public Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

f-14. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited.

g. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or other street shall comply with the vision triangle regulations of s. 295-405-1-g.

h. Lighting. The regulations for lighting in residential zoning districts are set forth in s. 295-409.

5. SIGNS. a. General. The design standards for signs in residential districts, except RO1 and RO2 districts, shall be based on the use of the property, as set forth in table 295-505-5. As described in s. 295-407, signs are divided into 2 categories, type “A” and type “B.” General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standards in table 295-505-5, which pertain specifically to type “A” and type “B” signs in residential zoning districts.

b. Signs for Dwellings. b-1. Single-family, 2-family and 3-family Dwellings. Except for permitted temporary signs, no other signage shall be allowed.

b-2. Multi-family Dwellings. Internally illuminated signs shall be prohibited.

c. Elementary and Secondary Schools, Colleges and Religious Assembly. c-1. Changeable Message Signs. Changeable message signs, both automatic and manual, shall be permitted

c-2. Bonus Provision for Freestanding Signs. The maximum display area for a freestanding sign at an elementary or secondary school, college or religious assembly may be increased by up to 50% if the following conditions are met:

c-2-a. Not more than one freestanding sign may be erected on the premises.

c-2-b. The premises shall have at least 240 feet of continuous street frontage.

c-2-c. The base of the sign shall be at least as wide as the display surface of the sign.

c-2-d. Any illumination directed at the sign shall be shielded so that the source of illumination is not visible from any property line.

c-2-e. The sign shall be set back at least 30 feet from any residential use.

d. Family Day Care Homes. Signs shall not be permitted.

Table 295-505-5
RESIDENTIAL DISTRICT SIGN STANDARDS *

	Elementary and secondary schools, colleges and religious assembly	All other permitted uses except single-family, 2-family and 3-family dwellings, family day care homes and bed and breakfast establishments
Freestanding Signs	*permitted*	*permitted*
Maximum number	1 per site	1 per site
Type "A" max. display area (sq. ft.)	32	24
Type "B" max. display area (sq. ft.)	18	18
Maximum height	6	6
Wall Signs	*permitted*	*permitted*
Maximum number	1 per principal building	1 per street frontage
Type "A" max. display area (sq. ft.))	No limit	36
Type "B" max. display area (sq. ft.)	18	18
Projecting Signs	*permitted*	*permitted*
Maximum number	1 per principal building	1 per principal building
Type "A" max. display area (sq. ft.)	24	24
Type "B" max. display area (sq. ft.)	12	12
Awning Signs	*type "A" permitted only*	*type "A" permitted only*
Maximum number	1 per principal building	1 per principal building
Type "A" max. display area (sq. ft.)	10	10
Canopy and Hood Signs	*permitted*	*permitted*
Maximum number	1 per principal building	1 per street frontage
Type "A" max display area (sq. ft.)	24	24
Type "B" max. display area (sq. ft.)	12	12
Roof Signs	*not permitted*	*not permitted*
Off-premise Signs	*not permitted*	*not permitted*

* Signs in the RO1 and RO2 districts shall comply with the sign standards for the NS1 and NS2 districts, respectively.

e. Bed and Breakfast Establishments. A bed and breakfast establishment may have one internally-illuminated sign or one externally-illuminated type “B” sign, provided the sign does not exceed 6 square feet in area.

f. Signs in the RO1 and RO2 Districts. All signs in the RO1 district shall comply with the sign standards for the NS1 district. All signs in the RO2 district shall comply with the sign standards for the NS2 district.

g. Construction or Vacant Land. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	Max. Sign Area
RS1-RS6	36 sq. ft.
RT1-RT4	36 sq. ft.
RM1-RM3	36 sq. ft.
RM4-RM6	48 sq. ft.
RM7, R01-R02	72 sq. ft.

h. Sale or Lease of Improved Real Estate. A sign to advertise the sale or lease of a building or other improved real estate shall be permitted provided it does not exceed 6 square feet in area.

i. Vision Triangles. All signs in residential districts shall comply with the vision triangle regulations of s.295-405-3.

j. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

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SUBCHAPTER 6
COMMERCIAL DISTRICTS

295-601. Purposes. For the purpose of regulating the use of land in the city of Milwaukee and to provide for the orderly growth and development of the city, the following commercial zoning districts are established:

1. NEIGHBORHOOD SHOPPING DISTRICTS (NS1-NS2). These districts provide for residential uses as well as commercial uses that serve the neighborhood. Such commercial uses are necessary to satisfy basic shopping and service needs that occur frequently and must, therefore, be located close to residential areas. The character of these districts is intended to be compatible with that of surrounding residential neighborhoods. Buildings in these districts are typically smaller in scale than those found in local business districts. The NS1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the NS2 district tends to be more urban, with smaller lots and smaller setbacks.

2. LOCAL BUSINESS DISTRICTS (LB1-LB3). These districts provide a wide range of goods and services to a large consumer population coming from an extensive area. Within these districts, motor-vehicle-related activities are of major significance. Good access by motor vehicle or public transit is important to local business districts, which are often located adjacent to intersections of major thoroughfares and in close proximity to bus transfer locations. The LB1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the LB2 district tends to be more urban, with smaller lots and smaller setbacks. The LB3 district is the most urban and is characterized by design standards appropriate for neighborhood commercial hubs, centers, corridors and transit-oriented development areas that have a denser level of development and may have taller buildings, all of which promote compact, walkable, sustainable neighborhoods.

3. REGIONAL BUSINESS DISTRICTS (RB1-RB2). These districts provide areas where regional or city-wide shopping, employment or high-density residential uses may occur. These districts allow large-scale and tall buildings. They also have a high intensity of land use and may contain nodes of development that can be effectively served by public transportation. The RB1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the RB2 district tends to be more urban, with smaller lots and smaller setbacks.

4. COMMERCIAL SERVICE (CS). This district is intended to provide areas where businesses and personal service establishments can be accommodated, but where extensive retail activities are not warranted by city plans.

295-603. Uses. 1. USE TABLE. Table 295-603-1 indicates the use classifications for various land uses in the commercial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-603-1:

a. AY" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

Table 295-603-1
COMMERCIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

Uses	**Zoning Districts**							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
RESIDENTIAL USES								
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Two-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Multi-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Permanent supportive housing	Y	Y	Y	Y	Y	Y	Y	Y
Transitional housing	S	S	S	S	S	S	S	S
Attached single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Live-work unit	Y	Y	Y	Y	Y	Y	Y	Y
Mobile home	N	N	N	N	N	N	N	N
Watchman/service quarters	N	N	N	N	N	N	N	N
Family day care home	L	L	L	L	L	L	L	L
GROUP RESIDENTIAL USES								
Rooming house	S	S	S	S	S	S	S	S
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	S	S	S	S	S	S	S	S
Fraternity or sorority	S	S	S	S	S	S	S	S
Adult family home	L	L	L	L	L	L	L	L
Foster Homes								
Foster family home	Y	Y	Y	Y	Y	Y	Y	Y
Small foster home	L	L	L	L	L	L	L	L
Group home or group foster home	L	L	L	L	L	L	L	L
Shelter Care Facilities								
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y
Small group shelter care facility	L	L	L	L	L	L	L	L
Large group shelter care facility	S	S	S	S	S	S	S	S
Community Living Arrangement	L	L	L	L	L	L	L	L

Table 295-603-1
COMMERCIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

USES	Zoning Districts							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
EDUCATIONAL USES								
Day care center	S	S	S	S	S	S	S	S
School, elementary or secondary	S	S	S	S	S	S	S	S
College	Y	Y	Y	Y	Y	Y	Y	Y
School, personal instruction	Y	Y	Y	Y	Y	Y	Y	Y
COMMUNITY-SERVING USES								
Library	Y	Y	Y	Y	Y	Y	Y	Y
Cultural institution	Y	Y	Y	Y	Y	Y	Y	Y
Community center	S	S	S	S	S	S	S	S
Religious assembly	S	S	S	S	S	Y	Y	Y
Cemetery or other place of interment	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N	N	N	N
COMMERCIAL AND OFFICE USES								
General office	Y	Y	Y	Y	Y	Y	Y	Y
Government office	Y	Y	Y	Y	Y	Y	Y	Y
Bank or other financial institution	Y	Y	Y	Y	Y	Y	Y	Y
Currency exchange, payday loan or title loan agency	S	S	S	S	S	S	S	S
Installment loan agency	S	S	S	S	S	S	S	S
Cash-for-gold business	S	S	S	S	S	S	S	S
Pawn shop	S	S	S	S	S	S	S	S
Retail establishment, general	L	L	L	L	L	L	L	L
Garden supply or landscaping center	N	N	Y	Y	Y	Y	Y	Y
Home improvement center	N	N	S	S	S	Y	Y	Y
Secondhand store	L	L	L	L	L	L	L	L
Outdoor merchandise sales	S	S	S	S	S	S	S	S
Artist studio	Y	Y	Y	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	N	N	S	S	N
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medical office	Y	Y	Y	Y	Y	Y	Y	Y
Health clinic	S	S	S	S	S	S	S	S
Hospital	N	N	S	S	S	S	S	S
Medical research laboratory	N	N	S	S	S	S	S	Y
Medical service facility	N	N	S	S	S	S	S	S
Social service facility	S	S	S	S	S	S	S	S
Emergency residential shelter	S	S	S	S	S	S	S	S
Nursing home	S	S	Y	Y	Y	Y	Y	Y
GENERAL SERVICE USES								
Personal service	Y	Y	Y	Y	Y	Y	Y	Y
Business service	Y	Y	Y	Y	Y	Y	Y	Y
Catering service	Y	Y	Y	Y	Y	Y	Y	Y
Funeral home	Y	Y	Y	Y	Y	Y	Y	Y
Laundromat	Y	Y	Y	Y	Y	Y	Y	Y

Table 295-603-1
COMMERCIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

USES	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
		Zoning Districts						
Dry cleaning establishment	Y	Y	Y	Y	Y	Y	Y	Y
Furniture and appliance rental and leasing	S	S	Y	Y	Y	Y	Y	Y
Household maintenance and repair service	Y	Y	Y	Y	Y	Y	Y	Y
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y
Animal Services								
Animal hospital/clinic	L	L	L	L	L	L	L	L
Animal boarding facility	L	L	L	L	L	L	L	L
Animal grooming or training facility	L	L	L	L	L	L	L	L
MOTOR VEHICLE USES								
Light Motor Vehicle								
Sales facility	N	N	S	S	S	Y	Y	S
Rental facility	L	L	L	L	L	Y	Y	Y
Repair facility	N	N	S	S	S	S	S	S
Body shop	N	N	S	S	S	S	S	S
Outdoor storage	N	N	S	S	S	S	S	S
Wholesale facility	L	L	L	L	L	L	L	L
Heavy Motor Vehicle								
Sales facility	N	N	S	S	S	S	S	S
Rental facility	N	N	S	S	S	S	S	S
Repair facility	N	N	N	N	N	S	S	N
Body shop	N	N	N	N	N	S	S	N
Outdoor storage	N	N	N	N	N	S	S	N
General Motor Vehicle								
Filling station	N	N	S	S	S	S	S	S
Car wash	N	N	L	L	L	L	L	L
Non-restaurant drive-through facility	L	L	L	L	L	L	L	L
Parking								
Parking lot, principal use	L	L	L	L	L	Y	L	L
Parking lot, accessory use	Y	L	Y	L	L	Y	Y	Y
Parking structure, principal use	S	S	L	L	L	L	L	L
Parking structure, accessory use	Y	L	Y	L	L	Y	Y	Y
Heavy motor vehicle parking lot, principal use	N	N	S	S	S	S	S	S
Heavy motor vehicle parking lot, accessory use	S	S	S	S	S	S	S	S
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y	Y
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	Y
Tavern	L	L	Y	Y	Y	Y	Y	Y
Brewpub	S	S	Y	Y	Y	Y	Y	Y
Assembly hall	L	L	L	L	L	L	L	L
Restaurant without drive-through facility	Y	Y	Y	Y	Y	Y	Y	Y
Restaurant with drive-through facility	S	S	S	S	S	S	S	S
ENTERTAINMENT AND RECREATION USE								
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y

Table 295-603-1
COMMERCIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

USES	Zoning Districts							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Festival grounds	N	N	N	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	S	S	S	S
Recreation facility, outdoor	S	S	S	S	S	S	S	S
Health club	Y	Y	Y	Y	Y	Y	Y	Y
Sports facility	N	N	S	S	S	S	S	S
Gaming facility	N	N	N	N	N	N	N	N
Theater	L	L	Y	Y	Y	Y	Y	Y
Convention and exposition center	N	N	S	S	S	S	S	S
Marina	Y	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility	N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
Recycling collection facility	S	S	S	S	S	S	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	S
Salvage operation, outdoor	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	S	S	L	L	L	L	L	L
Wholesale and distribution facility, outdoor	N	N	S	S	S	S	S	S
Storage Facilities								
Indoor	S	S	L	L	L	L	L	L
Self-service	N	N	N	N	N	N	N	S
Outdoor	N	N	S	S	S	S	S	S
Hazardous materials	N	N	N	N	N	N	N	N
TRANSPORTATION USES								
Ambulance service	N	N	S	S	S	Y	Y	S
Ground transportation service	N	N	S	S	S	S	S	L
Passenger terminal	N	N	Y	Y	Y	Y	Y	Y
Helicopter landing facility	N	N	S	S	S	S	S	S
Airport	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	N	N
Truck freight terminal	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N
INDUSTRIAL USES								
Alcohol beverage facility, micro	N	N	L	L	L	L	L	Y
Alcohol beverage facility, large	N	N	N	N	N	N	N	N
Food processing	N	N	L	L	L	L	L	L
Manufacturing, light	N	N	L	L	L	L	L	L
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	N	S	S	S	S	S	S
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Contractor's shop	N	N	L	L	L	L	L	L
Contractor's yard	N	N	S	S	S	S	S	S
AGRICULTURAL USES								

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE								
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use		Zoning Districts						
USES	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Plant, nursey or greenhouse	S	S	S	S	S	S	S	S
Raising of livestock	S	S	S	S	S	S	S	S
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprise	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	N	Y	Y	Y	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	Y	Y	Y	Y	Y	Y
Sewage treatment plant	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	S	S	S	S	S	S	S	S
Solar farm	S	S	S	S	S	S	S	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Family Day Care Home. a-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

a-2. There shall be no other family day care home in the building as of April 30, 2004.

a-3. The family day care home shall not operate between the hours of 10 p.m. and 6 a.m.

a-4. Signs shall not be permitted.

a-5. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

b. Adult Family Home or Small Group Shelter Care Facility.

b-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator and care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

c. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

d-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

d-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

f. General Retail Establishment. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This limitation shall not apply to a convenience store which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

g. Secondhand Store.

g-1. All drop-offs of consignment or donated items shall occur inside the building.

g-2. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

h. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.

i. Light Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.

j. Car Wash. j-1. If any mechanical washing equipment is used:

j-1-a. The car wash shall not be located within 150 feet of a residential use.

j-1-b. Washing and cleaning shall be conducted on a line of operation within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

j-1-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations. If access to the line of operation is limited to a single lane, the lane shall be used exclusively for the washing and cleaning operation.

j-1-d. Each driving lane shall be not less than 10 feet wide.

j-1-e. A queue lane of at least 200 feet in length shall be provided on the premises.

j-1-f. All wastewater shall be contained entirely on the premises.

j-2. If no mechanical washing equipment is used:

j-2-a. The car wash shall not be located within 150 feet of a residential use.

j-2-b. Washing and cleaning shall be conducted within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

j-2-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations.

j-2-d. Parking for at least 4 vehicles shall be provided on the premises.

j-2-e. All wastewater shall be contained entirely on the premises.

k. Non-restaurant Drive-through Facility. k-1. A queue lane of at least 200 feet shall be provided on the premises. This limitation shall not apply to an automatic teller machine.

k-2. The facility shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine or a drive-through facility associated with a convenience store, personal service or filling station which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

k-3. The facility shall not be located within 150 feet of a residential use.

k-4. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

k-5. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

L. Parking Lot, Principal Use. L-1. In the NS1, NS2, LB2, LB3, RB2 and CS districts:

L-1-a. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line, except in the LB3 district this dimension shall not exceed 45 feet.

L-1-b. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.

L-1-c. No alley shall be relied upon for vehicular circulation purposes.

L-1-d. The parking lot shall not be located on a corner lot.

L-2. In the LB1 district, the parking lot shall function in an accessory manner and shall be used exclusively by owners of a different premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.

m. Parking Lot, Accessory Use. m-1. The parking lot shall not be located between the street façade of a principal building and a street lot line. This standard shall not apply to any use listed in the “motor vehicle uses” section of table 295-603-1

m-2. In the LB3 district, the width of the paved parking area adjacent to the primary street frontage shall not exceed 45 feet as measured from the principal building to the side lot line.

n. Parking Structure, Principal Use or Accessory Use. At least 50% of the interior street frontage zone of the street-level area, to a depth of 15 feet, shall be occupied by one or more other uses listed as permitted, with street-activating uses, in the district or otherwise approved by the board.

o. Tavern. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use and has been occupied by such non-residential use within the past 12 months.

p. Assembly Hall. p-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

p-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

p-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

r. Theater. The capacity of the building shall not exceed 49 persons.

s. Light Motor Vehicle Wholesale Facility. Not more than 3 vehicles to be sold shall be stored on the premises.

t. Indoor Wholesale and Distribution Facility or Indoor Storage Facility. t-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.

t-2. Storage of hazardous materials, as described in s. 295-201-627, shall be prohibited.

u. Ground Transportation Service. u-1. Not more than 15 vehicles shall be stored on the premises at any one time.

u-2. The vehicle storage area shall be screened in accordance with s. 295-405-4.

v. Alcohol Beverage Facility, Micro. v-1. Annual production of fermented mall beverages shall not exceed 5,000 barrels.

v-2. Annual production of vinous spirits shall not exceed 50,000 gallons.

v-3. No production of distilled spirits shall be permitted.

w. Light Manufacturing. w-1. The gross floor area devoted to the use shall not exceed 3,600 square feet

w-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.

w-3. The use shall not generate noise or odors in violation of ch. 80.

w-4. All manufacturing activities shall occur within an enclosed building.

x. Food Processing. x-1. The gross floor area devoted to the use shall not exceed 3,600 square feet in the LB3 district and 20,000 square feet in other districts.

x-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.

x-3. The use shall not generate noise or odors in violation of ch. 80.

x-4. All food processing activities shall occur within an enclosed building.

y. Contractor's Shop. All of the contractor's activities, including those activities that are accessory to the principal use, shall be conducted entirely within a building.

z. Transmission Tower. z-1. The tower shall comply with the applicable provisions of s. 295-413.

z-2. The tower does not exceed the district height limit or the tower is accessory to an elementary or secondary school and does not exceed 2 times the district height limit or 150 feet, whichever is less, and is set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use. All other towers are prohibited.

aa. Substation/Distribution Equipment, Outdoor. aa-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

aa-2. No structure associated with the use shall be located within 25 feet of a street lot line.

bb. Seasonal Market. bb-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.

bb-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

bb-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

bb-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

bb-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

bb-6. The site shall be restored to its previous condition following termination of the market operation.

cc. Temporary Real Estate Sales Office. cc-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

cc-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5.

cc-3. Customer-accessible restrooms shall be provided.

cc-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

dd. Temporary Concrete/Batch Plant. dd-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

dd-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

dd-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

dd-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

dd-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

dd-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

ee. Live Entertainment Special Event. ee-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

ee-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

ee-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ADDITIONAL SPECIAL USE STANDARDS. No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

b. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

4. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Commercial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupation and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in s. 295-603-2.

295-605. Design Standards. 1. INTRODUCTION. The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in commercial districts fit within the context in which they are built. Lot sizes, lot coverage, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city's comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Commercial development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Principal building standards are established to ensure that new construction in commercial districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for non-residential and multi-family buildings are set forth in table 295-605-2. When a building contains both residential and non-residential uses, the design standards for non-residential buildings shall apply. Single-family and 2-family dwellings shall meet the design standards of subch. 5, as cross-referenced in table 295-605-2. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Street Orientation. b-1. Introduction. Both building placement standards and pedestrian engagement standards, such as but not limited to entrance placement standards and window requirements, relate to a building's relationship to the street and insure that a new building or addition maintains existing contextual relationships. These standards are based on a street ranking system derived from the "Functional Classification of Streets and Highways Map" maintained by the commissioner of public works, which is also presented as the single-line street map found on the city's geographic information system. Under this system, streets are ranked as principal arterial, minor arterial, collector and local streets, in that order. For purposes of this chapter, freeways and the Lake Parkway are not included in this street classification system.

b-2. Primary Street. The highest-ranked street abutting a lot shall be considered the primary street, and its street lot line considered the front of the lot. When a lot is bounded by 2 streets of equal rank, the permit applicant shall specify which street is the primary street.

b-3. Secondary Street. On a lot with 2 or more abutting streets, the second-highest-ranked street, or the other highest-ranking street after the street identified as the primary street pursuant to subd. 2, shall be considered the secondary street, and its street lot line considered the side street. A through lot shall not be required to meet side street setback requirements.

b-4. Other Streets. Each lot with 2 or more street frontages shall have one primary street and one secondary street. The setback requirements of table 295-605-2 shall not apply to any street lot line that does not abut a primary or secondary street.

c. Front Setback Standards. c-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the primary street that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 70% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2.

TABLE 295-605-2 PRINCIPAL BUILDING DESIGN STANDARDS								
Design Standards for Non-residential and Multi-family Principal Buildings								
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Primary Street								
Front setback, minimum (ft.) (see s. 295-505-2-b)	average	none	none	none	none	average	none	none
Front setback, maximum (ft.) (see s. 295-505-2-b)	50	average	70	average	average	none	70	average
Secondary Street								
Side street setback, min. (ft.)	none	none	none	none	none	none	none	none
Side street setback max. (ft.)	15	5	25	5	5	none	70	5
Rear street setback, minimum (ft.)	none	none	none	none	none	none	none	none
Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none
Side setback, minimum (ft.)	none	none	none	none	none	none	none	none
Side setback, maximum (ft.)	none	none	none	none	none	none	none	none
Rear setback, minimum (ft.)	none	none	none	none	none	none	none	none
Rear setback, maximum (ft.)	none	none	none	none	none	none	none	none
Lot area per dwelling unit, minimum (sq. ft.)	2,400	1,200	1,200	800	300	1,200	800	1,200
Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)	1,200; 2,400 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	150; 300 for a unit with 2 or more bedrooms	600 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms
Lot area per transitional housing client, minimum (sq. ft.)	1.200	600	600	400	150	600	400	600
Height, minimum (ft.)	none	18	none	18	30	none	24	none
Height, maximum (ft.)	45	60	45	60	75	85	85	60
Minimum glazed area, primary street frontage	40%	60%	30%	60%	60%	20%	30%	30%
Minimum glazed area, secondary street frontage	10%	15%	10%	15%	15%	10%	15%	10%
Minimum build-out, primary street frontage	none	30%	none	30%	75%	none	30%	none
Minimum build-out, secondary street frontage	none	none	none	none	50%	none	none	none
Multiple principal buildings permitted?	yes	yes	yes	yes	yes	yes	yes	yes
Design Standards for Single family and Two-family Dwellings								
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Refer to design standards in subch. 5 for this residential district	RM1	RM4	RM2	RM5	RM5	RM2	RM5	RM4

c-2. Setback Averaging. When setback averaging is required, the average setback shall be determined using the formula described in s. 295-505-2-b-4.

c-3. Building Placement. c-3-a. New Buildings. At least 70% of the front façade of any newly constructed principal building shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2. The remaining 30% or less of the front façade may be set back farther from the front lot line than the maximum front setback, but shall not be located closer to the front lot line than the minimum front setback.

c-3-b. Additions and Alterations. Where portions of an existing building are closer to the front lot line than are the front facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the front lot line as the portion of the building closest to the front lot line. Where an existing building is set back farther from the front lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the front lot line as the minimum front setback.

c-3-c. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front façade of the building will no longer be within the required setback range, or will be even farther from the required range than it already is.

c-3-d. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no front setback requirements unless stipulated by the board.

c-3-e. Exception for Maximum Setbacks. Notwithstanding any other provision of this subchapter, when averaging is used to determine the maximum front setback, a maximum setback of 2 feet shall always be permitted.

c-4. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

d. Side Street Setback Standards. d-1. Intent. Side street setback standards are intended to ensure that the façade or other elements of new construction or additions maintain relationships to the secondary street in a manner similar to the corresponding setbacks for buildings of similar use in the immediate vicinity.

d-2. Building Placement. d-2-a. New Buildings. At least 70% of the side street façade of any newly constructed principal building shall be located within the range of the minimum and maximum side street setbacks established by table 295-605-2. The remaining 30% or less of the side street façade may be set back farther from the side street lot line than the maximum side street setback, but shall not be located closer to the side street lot line than the minimum side street setback.

d-2-b. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no side street setback requirements unless stipulated by the board.

e. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

f. Building Height. f-1. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

f-1-a. Chimneys and flues.

f-1-b. Water towers or tanks other than those located on the roof of a building.

f-1-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

f-1-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

f-1-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

f-1-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

f-1-g. Transmission towers which are in compliance with the height-related standards of s. 295-603-2-y.

f-1-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f-1-i. Solar farms and solar arrays.

f-2. Exceptions to Minimum Height Requirement. f-2-a. Motor Vehicle-Related Uses. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

f-2-b. Additions to Nonconforming Buildings. An addition to an existing building that does not meet the minimum height requirement may be constructed to the same height as the existing building.

f-2-c. Additions to Conforming Buildings. In the LB3 district, an addition not meeting the minimum height requirement may be constructed along a street frontage provided it does not exceed 18 feet in width and meets the minimum height requirement of the LB2 districts. In all districts, an addition to the rear or other non-street wall area of a building shall not be required to meet a minimum height requirement.

f-2-d. Narrow Lots in LB3 District. For a lot located in the LB3 district and measuring 24 feet or less in width along the primary street frontage, the minimum height requirement of the LB2 district shall apply.

f-3. Sidewall Height. At least 70% of the sidewall of the front façade and, when located on a corner lot, at least 70% of the sidewall of the side street façade of any newly constructed principal building shall meet the minimum sidewall height requirement specified in table 295-605-2.

f-4. Minimum Height by Street Frontage. In a district having a minimum building height requirement, at least 70% of the building façade along the primary street frontage shall meet this requirement. On secondary and tertiary street frontages, at least 25% of the building façade shall meet the minimum height requirement.

f-5. Measuring Height. The following standards shall be used to determine compliance with the minimum height requirements specified in table 295-605-2:

f-5-a. Height shall be measured from the average grade level at the front façade to the top of the parapet wall or fascia, except as provided in subpar. c. With a gabled roof or similar wall conditions, the measurement shall be taken at the midpoint of the gable or similar shape.

f-5-b. Height shall be measured for the portion of the façade that is at the front wall line or not more than 10 feet stepped back. The height of a portion of the building that is not at the front wall line, such as a massing of the building that is set back, shall not count towards compliance with the minimum height requirement.

f-5-c. If a gable or irregular roof shape faces the primary street, the measurement shall be taken at the midpoint of the gable or other roof shape. If a gable or irregular roof shape faces the secondary street or a side lot line, the measurement shall be taken at a point 10 feet back from the front façade.

f-5-d A penthouse for mechanical equipment may not be included when determining compliance with the minimum height requirement unless the penthouse is an integral part of the front façade. Other structures exempt from height limitations, as listed in subd. 1, may not be included when determining compliance with the minimum height requirement.

g. Build-Out Requirement. In a district having a minimum height requirement, the front façade of a building shall be built-out to at least the minimum percentage of the lot street frontage specified in table 295-605-2.

h. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-605-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit. Notwithstanding any other provision of this chapter, any building converted from non-residential use to residential use shall meet the glazing standard specified in table 295-605-2.

i. Design Features. i-1. Intent. The standards of this paragraph are intended to encourage pedestrian-oriented commercial development.

i-2. Entrance Door Orientation. i-2-a. Standard. Every new building shall have a primary entrance door on the front façade.

i-2-b. Multi-Family Use. Every new multi-family use within a building shall have a primary entrance door on a front façade or a side street façade, even if other doors serving individual townhouse-style units, or other uses, are present. The main entrance used by residents and visitors, as well as the door where mail is delivered and deliveries are made, is considered the primary entrance of a multi-family residential use.

i-2-c. Exception. A primary entrance door shall not be required on the front façade if there is a primary entrance door on a side façade and that door is within 20 feet of the front façade.

i-3. Glazing. i-3-a. General. All new principal buildings and additions shall have transparent glass windows on both the primary and secondary street frontages according to the percentages listed in table 295-605-2. In addition, no existing building may be altered in such a way that the amount of glazing is reduced below the amount required herein. Whenever a substantial improvement occurs, the building shall meet the glazing requirements of table 295-605-2 at the time the substantial improvement is completed. Non-glass materials such as transparent plastic may not be used to meet transparency requirements. Car washes and light and heavy motor vehicle repair facilities and body shops shall not be required to meet glazing standards.

i-3-b. Area of Required Glazing. For all commercial districts except the LB3 district, the percentage of lineal frontage of the first floor indicated in table 295-605-2 shall have windows at least 4 feet in height with sills not more than 3 feet 6 inches above the interior floor level. For the LB3 district, the requirements shall be at least 6 feet in height and not more than 2 feet 6 inches above the interior floor level.

i-3-c. Transparent Glass. Glass in windows or doors used to meet the glazing requirement shall not obscure clear vision and shall transmit at least 65% of visible daylight (visible transmittance $\geq$.65), regardless of whether the glass is tinted integrally or with applied film. Spectrally selective low-e coatings can meet this requirement.

i-3-d. Interior Spaces. Interior walls parallel to required glazing shall be not less than 6 feet from the plane of the glazing.

i-3-e. Window Coverings. Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque.

i-3-f. Display Racks and Fixtures. In no case shall display racks and fixtures, in combination with permitted signs, obscure more than 50% of the glazing area.

i-3-g. Structural Elements. Structural elements of a glazing system that are less than 6 inches in width shall be counted as part of the clear glazing.

i-3-h. Sill Height Exception. In NS1, LB1, RS1 and CS districts, the maximum sill height may be raised to not more than 4 feet 6 inches above the finished floor level.

i-3-i. Rear Street Exception. When a rear street frontage is determined to be a secondary street frontage and the building façade facing that street frontage is more than 25 feet from the rear street property line, there shall be no requirement for glazing.

i-4. Alternatives to Glazing. The following alternative window or wall treatments may be used to meet the glazing requirements of subd. i-3:

i-4-a. Other First-floor Windows Outside the Area of Required Glazing. Clerestory windows or low windows that are at least 3 feet in height may be used to meet the requirements of subpar. i-3-b, and shall only be counted at half the rate of regular windows.

i-4-b. Display Cases. Display cases that are located in the area of required glazing and are at least 4 feet in height may be used to meet the requirements of subpar. i-3-b, but shall only be counted at half the rate of regular windows.

i-4-c. Wall Design. On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner of neighborhood services. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

i-4-d. Windows not Meeting Transparency Standards. Windows that do not meet the transparency standards of subpar. i-3-c shall be counted at 25% of the rate of regular windows. Spandrel glass shall not be counted when determining compliance with transparency requirements, even at the reduced 25% rate.

i-4-e. Other Elements. Subject to approval by the commissioner of neighborhood services, other elements that are integrated into the façade of a building may be used to meet the requirements of subpar. i-3-b and shall be counted at the same rate as regular windows. Such integrated elements include, but shall not be limited to, bus shelters and automatic teller machines.

i-5. Overhead Garage Doors Facing Streets. For any new building or addition constructed in the NS2, LB2, LB3, or RB2 district, an overhead garage door which faces the street shall be set back at least 4 feet from the front façade of the main building mass.

i-6. Restricted Building Wall Materials. The following regulations apply to any non-industrial principal building or addition:

i-6-a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

i-6-b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades.

i-6-c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on

floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building.

i-6-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgestone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.

i-6-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

3. ACCESSORY STRUCTURE STANDARDS. a. General Requirements for Accessory Buildings.

a-1. The minimum front setback shall not be less than that of the principal building.

a-2. The minimum side street setback shall not be less than that of the principal building.

a-3. No side setback shall be required.

a-4. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, no setback shall be required.

a-5. Maximum building height shall not exceed the district height limit found in table 295-605-2.

a-6. The number of accessory buildings shall not be limited.

b. Structures Accessory to Single-family and Two-family Dwellings. Any structure accessory to a single-family or 2-family dwelling shall meet the requirements set forth in table 295-505-3.

c. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

c-1. The deck is more than 30 feet from any property line.

c-2. The deck is located within 3 feet of a property line and an opaque fence at least 4 feet high is present or is constructed along that property line such that the view of the deck from the neighboring property or public way is obscured.

c-3. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

d. Mechanical Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers and utility boxes shall be permitted in portions of side yards and rear yards outside required setback areas.

e. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

4. SITE STANDARDS a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in commercial zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a commercial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. The location of parking spaces shall be in accordance with table 295-603-1 and any corresponding limited use standards.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family or 2-family dwelling.

b-5. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 5 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a commercial zoning district. As in residential and industrial zoning districts, parking lots, dumpsters andsimilar site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened in accordance with s. 295-405-6-a, or shall be incorporated into the structure it serves.

f. Truck Berths. f-1. Size. Every truck berth shall be at least 60 feet in depth by 12 feet in width, except that the width of each truck berth may be reduced to 10 feet where there is more than one berth side-by-side with no intervening obstruction. Each enclosed berth shall be at least 14 feet high.

f-2. Location. To eliminate interference with the public use of sidewalks, streets or alleys, every truck berth shall be located on the same lot as the principal structure it serves.

f-3. Screening. Where berths for more than 2 truck bays are in a yard facing and visible from a public street or a non-industrial district, the truck berths shall be screened in accordance with s. 295-405-6-b. This requirement may be waived in whole or in part, or compliance with it may be delayed, if visibility of the truck berths is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

g. Fences. g-1. General. Fences shall be permitted anywhere on a lot in a commercial zoning district, including placement along property lines. For the purposes of this paragraph, the term "fence" shall include a wall or other similar structure.

g-2. Fences along Streets. Fences along streets shall not exceed a height of 4 feet, with the following exceptions:

g-2-a. A fence may be erected to a height of 6 feet if it is ornamental or if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245. An ornamental fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

g-2-b. An ornamental metal fence may be erected to a height of 8 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

g-3. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet.

g-4. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

g-5. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

g-6. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, a special privilege granted by the common council pursuant to s. 245-12.

g-7. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

g-8. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

g-9. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405-3.

g-10. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited. In the LB3 district, chain-link fences are also prohibited.

h. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the vision triangle regulations of s. 295-405-1-g.

i. Lighting. The regulations for lighting in commercial zoning districts are set forth in s. 295-409.

5. SIGNS. a. General. The design standards for signs in commercial districts are set forth in table 295-605-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standard in table 295-605-5, which pertain specifically to type "A" and type "B" signs in commercial zoning districts.

b. Sign Limitation Based on Lineal Footage. Where table 295-605-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building facade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining facade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

c. Bonus Provision for Type "B" Freestanding Signs. If a monument-type base meeting the base standard for a type "A" freestanding sign is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-605-5.

d. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street unless the signs are at least 150 feet apart or separated by a building which obstructs the view of each sign from the other sign.

e. Combination Type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

f. Signs Limited by Site. For purposes of applying sign regulations only, a site may include a parcel described by a lease, provided the lease is at least 20 years in length.

g. Temporary Signs. The following temporary signs shall be permitted in all commercial zoning districts:

g-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	**Max. Sign Area**
NS1 and NS2	36 sq. ft.
LB1, LB2 and CS	48 sq. ft.
RB1, RB2 and LB3	72 sq. ft.

g-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

h. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

Table 295-605-5
COMMERCIAL DISTRICT SIGN STANDARDS

	Zoning District							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Freestanding Signs	*permitted*	*permitted*	*permitted*	*permitted*	*type "A" permitted only*	*permitted*	*permitted*	*permitted*
Maximum number	1 per site	1 per site	1 per street frontage*	1 per site*	1 per site*	1 per street frontage*	1 per street frontage*	1 per site*
Type "A" max. display area (sq. ft.)	64	40	150	100	64	150	150	100
Type "B" max. display area (sq. ft.)	32	20	50	32	NA	75	50	32
Maximum height	10	6	14	14	8	20	20	14
Wall Signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet
Type "A" max. display area (sq. ft.)	50	40	75	50	100	75	75	50
Type "B" max. display area (sq. ft.)	25	25	32	25	25	32	32	25
Projecting Signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet
Type "A" max. display area (sq. ft.)	50	50	60	50	100	100	60	50
Type "B" max. display area (sq. ft.)	25	25	30	25	25	50	30	25
Awning Signs	*type "A" permitted only*	*type "A" permitted only*	*type "A" permitted only*	*type "A" permitted only*	*type "A" permitted only*	*type "A" permitted only*	*type "A" permitted only*	*type "A" permitted only*

Table 295-605-5 COMMERCIAL DISTRICT SIGN STANDARDS								
	Zoning District							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Maximum number	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet
Type “A” max. display area (sq. ft.)	20	10	20	20	20	20	10	20
Canopy and Hood Signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet	1 per 25 lineal feet
Type “A” max. display area (sq. ft.)	50	50	60	50	100	100	60	50
Type “B” max. display area (sq. ft.)	25	25	30	25	25	50	30	25
Roof Signs	*not permitted*	*not permitted*	*permitted*	*type “A” permitted only*	*type “A” permitted only*	*permitted*	*permitted*	*type “A” permitted only*
Maximum number	NA	NA	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building
Type “A” max. display area (sq. ft.)	NA	NA	150	150	150	150	150	100
Type “B” max. display area (sq. ft.)	NA	NA	32	NA	NA	32	32	NA
Off-Premise Signs	*not permitted*	*not permitted*	*permitted***	*permitted***	*permitted***	*permitted***	*permitted***	*permitted***
Maximum number	NA	NA	1 per site	1 per site	1 per site	1 per site	1 per site	1 per site
Maximum display area per sign (sq. ft.)	NA	NA	300	300	300	300	300	300
Minimum distance between signs	NA	NA	500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs					
Maximum height, freestanding sign (ft.)	NA	NA	35	35	35	35	35	35
Maximum height, wall sign (ft.)	NA	NA	40	40	40	40	40	40
Maximum height, roof sign	NA	NA	25 ft. above roof					
* Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet. ** Subject to special use permit requirement set forth in s. 295-407-7-d.								

[Pages 831-840 are blank]

SUBCHAPTER 7
DOWNTOWN DISTRICTS

295-701. Purposes. 1. HIGH-DENSITY RESIDENTIAL (C9A). The high-density residential district is designed and intended to serve as a highly urban living environment for those persons or families desirous of a residential location in close proximity to the city's downtown, as delineated in the city's comprehensive plan.

2. RESIDENTIAL AND SPECIALTY USE (C9B). The residential and specialty use district is designed and intended to allow a compatible mix of urban activities which together result in a cohesive district offering a variety of residential, employment-generating, and neighborhood-serving or specialty retail uses.

3. NEIGHBORHOOD RETAIL (C9C). The neighborhood retail district is designed and intended as a convenience shopping district serving surrounding residential neighborhoods.

4. CIVIC ACTIVITY (C9D). The civic activity district is designed and intended to serve as a regional center for office, governmental, educational, cultural and recreational activities. Retail uses should be limited and should be designed to serve employees in the district, patrons of cultural, recreational, or educational activities, or district residents.

5. MAJOR RETAIL (C9E). The major retail district is designed and intended to be a highly active, intensely developed regional shopping district featuring both convenience and shoppers' retail goods and services.

6. OFFICE AND SERVICE (C9F). The office and service district is designed and intended to serve both as a retail trade and a personal and business services district, as well as a major center of office commercial activities.

7. MIXED ACTIVITY (C9G). The mixed activity district is designed and intended to permit a wide range of retail, service, light manufacturing and residential uses. Because of their operational characteristics, many of the uses allowed in the mixed activity district should be relegated to the peripheral portions of the downtown district.

8. WAREHOUSING AND LIGHT MANUFACTURING (C9H). The warehousing and light manufacturing district is designed and intended to permit those manufacturing, warehousing and distribution uses which, because of tradition or because of functional relationships, choose to locate in the peripheral portions of the downtown district.

295-703. Uses. 1. USE TABLE. Table 295-703-1 indicates the use classifications for various land uses in the downtown districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-703-1:

a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

Table 295-703-1
DOWNTOWN DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

Uses	Zoning Districts							
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
RESIDENTIAL USES								
Single-family dwelling	Y	L	L	L	L	L	L	N
Two-family dwelling	Y	L	L	L	L	L	L	N
Multi-family dwelling	Y	L	L	L	L	L	L	N
Permanent supportive housing	Y	Y	Y	Y	Y	Y	Y	N
Transitional housing	S	S	S	S	S	S	S	N
Attached single-family dwelling	Y	Y	L	L	L	L	L	N
Live-work unit	Y	Y	L	L	L	L	L	S
Mobile home	N	N	N	N	N	N	N	N
Watchman/service quarters	N	N	N	N	N	N	N	Y
Family day care home	L	L	L	L	L	L	L	N
GROUP RESIDENTIAL USES								
Rooming house	S	S	S	S	S	S	S	N
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	N
Dormitory	S	S	S	S	S	S	S	N
Fraternity or sorority	S	S	S	S	S	S	S	N
Adult family home	L	L	L	L	L	L	L	N
Foster Homes								
Foster family home	Y	Y	Y	Y	Y	Y	Y	N
Small foster home	L	L	L	L	L	L	L	N
Group home or group foster home	L	L	L	L	L	L	L	N
Shelter Care Facilities								
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	N
Small group shelter care facility	L	L	L	L	L	L	L	N
Large group shelter care facility	S	S	S	S	S	S	S	N
Community living arrangement	L	L	L	L	L	L	L	N

Table 295-703-1
DOWNTOWN DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

Uses	Zoning Districts							
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
EDUCATIONAL USES								
Day care center	S	S	S	S	S	S	S	S
School, elementary or secondary	Y	Y	Y	Y	S	Y	Y	S
College	S	S	S	Y	S	S	Y	Y
School, personal instruction	S	Y	Y	S	S	S	Y	S
COMMUNITY-SERVING USES								
Library	Y	Y	Y	Y	S	Y	Y	N
Cultural institution	L	L	Y	Y	S	Y	Y	N
Community center	S	S	S	S	S	S	S	S
Religious assembly	Y	Y	Y	Y	L	Y	L	N
Cemetery or other place of interment	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility	N	N	N	S	N	N	N	N
COMMERCIAL AND OFFICE USES								
General office	L	Y	Y	Y	L	Y	Y	Y
Government office	L	Y	Y	Y	L	Y	Y	Y
Bank or other financial institution	L	Y	Y	Y	Y	Y	Y	N
Currency exchange, payday loan or title loan agency	N	S	S	S	S	S	S	S
Installment loan agency	N	S	S	S	S	S	S	S
Cash-for-gold business	N	S	S	S	S	S	S	S
Pawn shop	N	S	S	S	S	S	S	S
Retail establishment, general	L	Y	Y	Y	Y	Y	Y	S
Garden supply or landscaping center	N	N	N	N	N	N	S	S
Home improvement center	N	N	N	N	N	N	N	S
Secondhand store	S	L	L	S	L	L	Y	S
Outdoor merchandise sales	S	S	S	N	S	S	Y	S
Artist studio	L	Y	Y	N	L	L	Y	S
Adult retail establishment	N	N	N	N	N	N	S	S
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medical office	L	Y	Y	Y	L	Y	Y	Y
Health clinic	S	S	S	S	L	Y	Y	N
Hospital	S	S	S	S	N	S	S	N
Medical research laboratory	N	S	S	S	S	Y	Y	Y
Medical service facility	N	N	N	N	S	S	S	S
Social service facility	S	S	S	S	S	S	S	S
Emergency residential shelter	N	S	S	S	N	N	S	N
Nursing home	S	S	S	N	N	N	N	N
GENERAL SERVICE USES								
Personal service	L	Y	Y	Y	Y	Y	Y	N
Business service	S	Y	Y	Y	L	Y	Y	Y

Table 295-703-1
DOWNTOWN DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

Uses	**Zoning Districts**							
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Catering service	L	S	S	N	N	N	Y	Y
Funeral home	N	S	S	N	N	N	Y	N
Laundromat	S	Y	Y	N	S	Y	Y	N
Dry cleaning establishment	L	Y	Y	Y	Y	Y	Y	N
Furniture and appliance rental and leasing	N	S	S	N	S	S	S	S
Household maintenance and repair service	N	Y	Y	N	Y	N	Y	Y
Tool/equipment rental facility	N	S	S	N	S	N	S	S
Animal Services								
Animal hospital/clinic	N	N	S	N	S	S	S	S
Animal boarding facility	N	N	N	N	N	N	N	N
Animal grooming or training facility	N	N	S	N	S	S	S	S
MOTOR VEHICLE USES								
Light Motor Vehicle								
Sales facility	N	N	N	N	N	N	S	Y
Rental facility	N	L	L	L	L	L	L	L
Repair facility	N	S	S	N	S	S	S	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
Wholesale facility	N	L	L	N	L	L	L	L
Heavy Motor Vehicle								
Sales facility	N	N	N	N	N	N	N	S
Rental facility	N	N	N	N	N	N	S	S
Repair facility	N	N	N	N	N	N	N	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
General Motor Vehicle								
Filling station	N	S	S	S	S	S	S	S
Car wash	N	S	S	S	S	S	S	S
Non-restaurant Drive-through facility	N	S	S	S	S	S	S	S
Parking								
Parking lot, principal use	S	S	S	L	S	S	L	S
Parking lot, accessory use	L	S	S	L	S	S	L	S
Parking structure, principal use	S	S	L	S	L	L	S	S
Parking structure, accessory use	L	L	L	L	L	L	L	L
Heavy motor vehicle parking lot, principal	N	N	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory	S	S	S	S	S	S	S	Y
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	S	Y	Y	N	L	L	Y	N
Hotel, commercial	S	Y	Y	Y	Y	Y	Y	N

Table 295-703-1
DOWNTOWN DISTRICTS USE TABLE

Y=Permitted Use L=Limited Use
S=Special Use N=Prohibited Use

Uses	Zoning Districts							
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	N
Tavern	S	Y	Y	Y	Y	Y	Y	Y
Brewpub	N	Y	Y	Y	Y	Y	Y	Y
Assembly hall	L	L	Y	Y	L	Y	Y	Y
Restaurant without drive-through facility	L	Y	Y	Y	Y	Y	Y	Y
Restaurant with drive-through facility	N	N	N	N	N	N	N	N
ENTERTAINMENT AND RECREATION USES								
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N
Recreation facility, indoor	S	S	Y	Y	Y	Y	Y	Y
Recreation facility, outdoor	N	S	S	S	N	N	S	S
Health club	L	L	Y	Y	L	Y	Y	Y
Sports facility	S	S	Y	Y	Y	Y	Y	Y
Gaming facility	S	S	S	S	S	S	S	S
Theater	N	Y	Y	Y	Y	Y	Y	Y
Convention and exposition center	N	N	N	Y	Y	Y	Y	N
Marina	N	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility	N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
Recycling collection facility	N	S	S	N	N	N	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	N
Salvage operation, outdoor	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	N	S	S	N	N	S	S	Y
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N
Storage Facilities								
Indoor	N	S	S	N	N	S	L	Y
Self-service	N	N	N	N	N	N	L	S
Outdoor	N	N	N	N	N	N	N	N
Hazardous materials	N	N	N	N	N	N	N	N
TRANSPORTATION USES								
Ambulance service	N	N	N	N	N	N	S	S
Ground transportation service	N	N	N	N	N	N	L	Y
Passenger terminal	S	S	S	S	S	S	Y	Y
Helicopter landing facility	N	S	S	S	S	S	S	S
Airport	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	Y	Y
Truck freight terminal	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	Y	Y

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE								
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning Districts**							
Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
INDUSTRIAL USES								
Alcohol beverage facility, micro	N	L	L	L	L	L	Y	Y
Alcohol beverage facility ,large	N	N	N	N	N	N	L	L
Food processing	N	L	L	N	L	L	Y	Y
Manufacturing, light	N	L	L	N	L	L	Y	Y
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	Y	Y	N	Y	Y	Y	Y
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	S	Y
Contractor's yard	N	N	N	N	N	N	S	Y
AGRICULTURAL USES								
Plant nursery or greenhouse	N	N	N	N	N	N	N	S
Raising of livestock	N	N	N	N	N	N	N	N
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprises	N	N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	Y	Y	Y	L	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	S	S	S	S	S	S	S	S
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	S
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	Y
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

2. LIMITED USE STANDARDS. a. Single-family Dwelling, Two-family Dwelling, Multi-family Dwelling, Attached Single-family Dwelling or Live-work Unit. No dwelling unit or accessory parking, storage facilities or mechanical equipment shall be located in the interior street frontage zone of the street level area. The interior street frontage zone, which requires street-activating uses, shall be 15 feet in depth in this district.

b. Family Day Care Home. b-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

b-2. There shall be no other family day care home in the same building as of April 6, 2001.

b-3. The family day care shall not operate between the hours of 10 p.m. and 6 a.m.

b-4. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

c. Adult Family Home or Small Group Shelter Care Facility. c-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

c-2. Small Group Shelter Care Facility. c-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

c-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

d. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

e. Group Home, Group Foster Home or Community Living Arrangement. e-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

e-2. Not more than 15 clients shall reside on the premises.

e-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

e-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

e-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

f. Cultural Institution, Bank or Other Financial Institution, General Retail Establishment, Personal Service, Catering Service, Dry Cleaning Establishment, Restaurant without Drive-through Facility, or Health Club. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

g. Religious Assembly, Health Clinic, Business Service, Building Maintenance Service, Bed and Breakfast, Assembly Hall or Broadcasting or Recording Studio. g-1. The use shall not be located in the street level area.

g-2. In the case of an assembly hall:

g-2-a. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

g-2-b. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

g-2-c. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

h. General Office, Government Office or Medical Office. h-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

h-2. In the C9E district, the use shall not be located in the street level area.

i. Secondhand Store. All drop-offs of consignment or donated items shall occur inside the building.

j. Artist Studio. j-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

j-2. In the C9E and C9F districts, the use shall not be located in the street level area.

k. Light Motor Vehicle Rental Facility or Accessory-use Parking Lot. Not more than 10 vehicles shall be parked outside.

L. Limited Wholesale Facility. Not more than 3 vehicles shall be stored outside.

m. Parking Lot, Principal Use or Accessory Use. m-1. The parking lot is located within a redevelopment project area which is 10 acres or more and under common ownership or control.

m-2. If located in the C9D district, the parking lot is located in subdistrict B.

n. Parking Structure, Principal Use. At least 50% of the interior street frontage zone, to a depth of 15 feet, shall be devoted to permitted street-activating uses or to uses approved by the board.

o. Parking Structure, Accessory Use. o-1. The parking spaces shall be integrated into a larger structure that houses one or more principal uses of the premises that are permitted uses or have been approved by the board.

o-2. If the structure is in the C9B, C9C, C9D, C9E, C9F or C9G district, at least 50% of the interior street frontage zone, to a depth of 15 feet, shall be devoted to permitted street-activating uses or uses approved by the board.

p. Storage Facility, Indoor or Self-Service. p-1. The structure to be occupied was constructed prior to March 20, 2015.

p-2. If the use is an indoor storage facility, it shall not be located on the first floor.

p-3. If the use is a self-storage facility, it shall only be located in the basement.

p-4. If the standards of subds. 1 to 3 are not met, the use shall be prohibited.

q. Ground transportation Service. The facility is owned or operated by a government unit.

r. Alcohol Beverage Facility, Micro. r-1. Annual production of fermented mall beverages shall not exceed 5,000 barrels.

r-2. Annual production of vinous spirits shall not exceed 50,000 gallons.

r-3. No production of distilled spirits shall be permitted.

s. Light Manufacturing. s-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.

s-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.

s-3. The use shall not generate noise or odors in violation of ch. 80.

s-4. All manufacturing activities shall occur within an enclosed building.

s-5. At the street level, the street frontage of the building shall be used for retail sales.

t. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.

u. Food Processing. u-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.

u-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.

u-3. The use shall not generate noise or odors in violation of ch. 80.

u-4. All food processing activities shall occur within an enclosed building.

v. Transmission Tower. v-1. The tower shall comply with the applicable provisions of s. 295-413.

v-2. If the tower is located in a C9A, C9B, C9C, C9D, C9F or C9G district, the tower shall not exceed 150 feet in height or the tower shall be accessory to an elementary or secondary school and be set back from all property lines a distance at least equal to the height of the tower. Any other tower may be allowed as a special use.

v-3. If the tower is located in a C9E or C9H district, the tower shall not exceed 150 feet in height. Any other tower may be allowed as a special use.

w. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

x. Seasonal Market. x-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.

x-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees

constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

x-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

x-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

x-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

x-6. The site shall be restored to its previous condition following termination of the market operation.

y. Temporary Real Estate Sales Office. y-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

y-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5

y-3. Customer-accessible restrooms shall be provided.

y-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

z. Temporary Concrete/Batch Plant. z-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

z-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

z-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

z-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

z-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

z-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

aa. Live Entertainment Special Event. aa-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

aa-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

aa-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ADDITIONAL SPECIAL USE STANDARDS. No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

b. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

4. HOME OCCUPATIONS. A home occupation, except a live-work unit as defined in s. 295-201, shall comply with the following standards when located in a downtown zoning district:

a. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

b. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

Table 295-705-1
DOWNTOWN DISTRICTS DESIGN STANDARDS

	C9A subdistrict A	C9A subdistrict B	C9B subdistrict A	C9B subdistrict B	C9C	C9D subdistrict A
Front setback (see s. 295-705-2-a)	avg., but not more than 10 ft.	avg., but not more than 10ft.	no requirement	no requirement	no requirement	10 ft.
Side setback	each side setback shall be at least 3 ft., with a minimum of 8 ft. total for 2 sides; however, side setbacks shall not be required when a side lot line is shared by separate townhouse units		no requirement	no requirement	no requirement	each side setback shall be at least 3 ft., with a minimum of 8 ft. total for 2 sides
Side street setback (see s. 295-705-2-a)	avg., but not more than 10 ft.	avg., but not more than 10 ft.	no requirement	no requirement	no requirement	no requirement
Rear setback	10 ft.	10 ft.	no requirement	no requirement	no requirement	no requirement
Rear street setback (see s. 295-705-2-a)	avg. but not more than 10 ft.	avg., but not more than 10 ft.	no requirement	no requirement	no requirement	no requirement
Lot width, minimum	24 ft.	24ft.	none	none	none	100 ft.
Lot area, minimum	none	none	none	none	none	20,000 sq. ft.
Permitted floor area (*when surface open space will comprise 40% or less of the development site); see s. 295-705-4*	2(W)+ 7.5(X) +4 (Y)	2(W)+ 7.5(X) +4 (Y)	6(W) +5(X)+ 2.5(Y)	7(W)+10(X) +5(Y)	3(W)+7.5(X) +4(Y)	2(W)+20(X) +10(Y) + 0.05(z)
Permitted floor area (*when surface open space will comprise more than 40% but less than 80% of the development site); see s. 295-705-4*	5(W)	5(W)	7(W)	8(W)+5(X)+ 2.5(Y)+ 0.3(Z)	6(W)	4(W)+10(X) +5(Y)+ 0.05(Z)
Permitted floor area (*when surface open space will comprise 80% or more of the development site);* see s. *295-705-4*	25(W)-25(X)	25(W)-25(X)	11.5(W)- 11.5(X)	12(W+12(X) +0.3(Z)	30(W)-30(X)	8(W)+ 0.05(Z)
Building height, minimum	20 ft.	20 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft.	30 ft.
Building height, maximum	none	40 ft.	none	none	none	none

Table 295-705-1
DOWNTOWN DISTRICTS DESIGN STANDARDS

	C9D subdist. B	C9E	C9F subdist. A	C9F subdist. B	C9F subdist. C	C9G	C9H
Front setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Side setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Side street setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Rear setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Rear street setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Lot width, minimum	100 ft.	none	none	none	none	none	none
Lot area, minimum	20,000 sq. ft.	none	none	none	none	none	none
Permitted floor area *(when surface open space will comprise 40% or less of the development site); see s. 295-705-4*	2(W)+ 20(X)+ 10(Y)+ 0.05 (Z)	7(W)+ 13(X)+ 6.5(Y)+ 0.2(Z)	5.5(W)+ 15(X)+ 7.5(Y)+ 0.1(Z)	8(W)+ 20(X)+ 10(Y)+ 0.2(Z)	8(W)+ 20(x)+ 10(Y)+ 0.2(Z)	5(W)+5(X) +2.5(Y)	5(W)+5(X) +2.5(Y)
Permitted floor area *(when surface open space will comprise more than 40% but less than 80% of the development site); see s. 295-705-4*	4(W)+ 10(X)+ 5(Y)+ 0.05(Z)	8.1(W)+ 2(X)+1(Y) +0.2(Z)	7.5(W)+ 5(X)+ 2.5(Y)+ 0.1(Z)	9(W)+ 10(X)+ 5(Y)+ 0.2(Z)	9(W)+ 10(X)+ 5(Y)+ 0.2(Z)	7(W)	7(W)
Permitted floor area *(when surface open space will comprise 80% or more of the development site); see s. 295-705-4*	8(W)+ 0.05(Z)	8.5(W)+ 0.2(Z)	9.5(W)+ 0.1(Z)	12(W)+ 0.2(Z)	12(W)+ 0.2(Z)	14(W)- 14(X)	14(W)- 14(X)
Building height, minimum	30 ft.	40 ft.	30 ft.	40 ft.	30 ft.	20 ft.	20 ft.
Building height, maximum	none	none	none	none	50 ft.	none	none

d. There shall be no external alteration of the dwelling unit to accommodate the home occupation. The existence of the home occupation shall not be apparent beyond the boundaries of the site, except for signage permitted under s. 295-705-7.

e. Not more than 25% of the total usable floor area of the principal building, including the basement, may be devoted to the home occupation.

f. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may be present at one time.

g. Signage shall meet the requirements of s. 295-705-7.

h. The home occupation shall not involve explosives, fireworks, repair of motor vehicles, including body work, or any use which requires a special use or variance for the specific zoning district.

i. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

295-705. Design Standards. 1. TABLE OF STANDARDS. The design standards for buildings in downtown districts are set forth in table 295-705-1.

1.5. PURPOSES. The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in downtown districts fit within the context in which they are built. Building setback, floor area, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Downtown development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. SETBACK REQUIREMENTS. a. Setback Average and Range. Whenever table 295-705-1 specifies that a setback shall be determined by averaging, the average setback shall be determined using the formula described in s. 295-505-2-b-4. When this formula is used to determine an average side street or rear street setback, the term “front setback” in s. 295-505-2-b-4 shall be interpreted as the side street setback or rear street setback, respectively.

b. Building Placement. b-1. New Buildings. At least 70% of the front, side street or rear street façade of any newly constructed principal building shall meet the setback requirements of table 295-705-1. The remaining 30% or less of each façade may be placed anywhere between the property line and the specified maximum setback of 10 feet.

b-2. Additions and Alterations. Where portions of an existing building are closer to the front, side street or rear street lot line than are the corresponding facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the lot line as the portion of the building closest to the lot line. Where an existing building is set back farther from the lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the lot line as the required setback specified in table 295-705-1.

b-3. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front, side street or rear street façade of the building will no longer meet the setback requirements of table 295-705-1, or will be even less in conformance with those requirements than it already is.

c. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in

height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

3. INTRUSIONS INTO PUBLIC RIGHT-OF-WAY. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

4. CALCULATION OF PERMITTED FLOOR AREA. a. Variables. As indicated in the permitted floor area standards in table 295-705-1, one or more of the following 4 variables may be used to determine how much building floor area will be allowed for any development project:

a-1. The size of the development site (W).

a-2. The amount of surface open space (X).

a-3. The amount of qualifying roof top open space (Y).

a-4. The size of an interior atrium or mall (Z).

b. Formulas. Exact formulas vary from district to district. In general, the larger the development site and the more surface open space, roof top open space or atrium space provided, the more floor area permitted. Paragraphs c to f describe how to calculate each of the 4 variables.

c. Size of the Development Site (W). c-1. In most cases, the size of the development site equals the gross area of the primary building site. However, when a lot separated from the primary building site will be developed or utilized in conjunction with development of the primary building site, the gross area of such lot may be counted as part of the development site if:

c-1-a. The separate lot is under the same ownership as the primary building site.

c-1-b. The separate lot is or will be physically connected to the primary building site in a manner allowing human passage.

c-1-c. The property owner files an overall development plan with the commissioner of neighborhood services indicating the total floor area to be constructed on the development site; and

c-1-d. The property owner files a deed restriction indicating that the total floor area shown on the development plan will not be increased without the express approval of the common council.

c-2. Any portion of the primary building site and any portion of a qualifying separate lot which is dedicated to the public for open space use may be counted as part of the development site.

d. Amount of Surface Open Space (X). The city encourages the creation of surface open space and permits construction of additional building floor area when it is provided. The amount of surface open space equals the size of the development site (W) less:

d-1. The area of the development site covered by structures at grade.

d-2. The area underneath cantilevered portions of such structures where the cantilevered portions are less than 24 feet above grade; and

d-3. The area of the development site designed for surface vehicular use.

e. Amount of Qualifying Roof Top Open Space (Y). Sometimes plazas or other open space amenities can be created on the roof of structures. The city encourages development of roof top open space and permits construction of additional building floor area when roof top open space meets the following criteria:

e-1. It will be improved in such a way that it can be classified as a walkway, plaza, courtyard or other open space amenity.

e-2. Its average length and width will each exceed 10 feet.

e-3. It will be open to the sky.

e-4. It will be designed and intended primarily for use by the public or by the employees, residents or patrons of the development site's principal building. Improved roof top areas designed primarily for maintenance activities do not qualify.

f. Size of an Interior Atrium or Mall (Z). f-1. The city encourages the creation of qualifying interior atrium or mall space which is designed in such a way that it either will or eventually could be connected to the downtown skywalk system. In certain zoning districts development of additional building floor area is permitted when such space is provided. Qualifying atrium or mall space shall:

f-1-a. Be 2 or more stories in height.

f-1-b. Have a volume of at least 10,000 cubic feet.

f-2. The size of qualifying interior atrium or mall space shall be the volume of said space measured in cubic feet.

5. BUILDING HEIGHT. a. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, if any, except the following:

a-1. Chimneys and flues.

a-2. Water towers or tanks other than those located on the roof of a building.

a-3. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

a-4. Parapet walls or cornices extending above the height limit not more than 5 feet.

a-5. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

a-6. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

a-7. Transmission towers which are in compliance with the height-related standards of s. 295-703-2-u.

a-8. Solar farms and solar arrays.

b. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

5.5. GLAZING. The glazing requirements applicable to the LB3 district, as specified in s. 295-605-2-i-3, shall apply to all properties in downtown zoning districts, except properties in the C9A and C9H districts, which shall meet the glazing requirements of the LB2 district.

6. FENCES. a. General. Fences shall be permitted anywhere on a lot in a downtown zoning district, including placement along property lines. For the purposes of this subsection, the term "fence" shall include a wall or other similar structure.

b. Fences along Streets. Fences along streets shall not exceed a height of 4 feet, with the following exceptions:

b-1. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245.

b-2. An ornamental metal fence may be erected to a height of 8 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

c. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet.

d. Barbed Wire. Barbed wire shall not be permitted except in the C9H district, where it may be used for fence purposes provided that it is located not less than 6 feet above the grade directly below the wire. Razor wire and concertina wire are prohibited in all circumstances.

e. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

f. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

g. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

h. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

i. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

j. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405-3.

7. SIGNS. a. Sign Classification Table. Table 295-705-7 specifies the classification of various types of signs when located in the downtown districts. The sign types in this table are defined in s. 295-201. The following are the classifications indicated in table 295-705-7:

a-1. "L" indicates a limited-permission sign. This sign shall be permitted only when the commissioner of neighborhood services finds that the sign will meet the standards of par. b. If the sign cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-2. "N" indicates that a sign of this type is prohibited.

Table 295-705-7 DOWNTOWN DISTRICT SIGN CLASSIFICATIONS								
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
On -premise								
Awning	L	L	L	L	L	L	L	L
Canopy	L	L	L	L	L	L	L	L
Hood	L	L	L	L	L	L	L	L
Wall	L	L	L	L	L	L	L	L
Freestanding	L	L	L	L	L	L	L	L
Roof	L	L	L	L	L	L	L	L
Projecting	N	L	L	L	L	L	L	L
Marquee	N	L	L	L	L	L	L	L
Off-premise								
All	N	L	N	N	N	L	N	N

b. Limited-Permission Sign Standards. b-1. Awning Signs. b-1-a. The sign shall be not more than 12 inches in height.

b-1-b. If the awning to which such sign is attached is made of translucent material, the awning shall not be internally illuminated.

b-2. Canopy and Hood Signs. If the sign has a display area larger than 25 square feet, the sign shall be a type A sign.

b-3. Wall Signs. b-3-a. If the sign has a display area larger than 50 square feet, the sign shall be a type A sign.

b-3-b. The sign shall be attached only to a flat, opaque wall surface.

b-4. Freestanding Signs. b-4-a. The sign's display area shall not be larger than 35 square feet.

b-4-b. The sign shall be a type A sign.

b-5. Roof Signs. If the sign has a display area larger than 50 square feet, the sign shall be a type A sign.

b-6. Projecting Signs. If the sign has a display area larger than 25 square feet, the sign shall be a type A sign.

b-7. Marquee Signs. If the sign has a display area larger than 50 square feet, the sign may be illuminated only by internal lights.

b-8. Off-Premise Signs. b-8-a. The sign shall not be located within 300 feet of a residential district or 100 feet of a residential use.

b-8-b. The sign's display area shall not be larger than 300 square feet. If this condition is not met, the sign is prohibited.

b-8-c. No off-premise sign shall be placed upon any premises used as a parking lot.

b-8-d. Off-premise automatic changeable message signs shall be subject to the special use permit requirement set forth in 295-407-7-d.

c. Temporary Signs. The following temporary signs shall be permitted in all downtown zoning districts:

c-1. A sign pertaining to the construction of a building or the sale or lease of vacant land not exceeding 72 square feet.

c-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

d. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

8. LANDSCAPING REQUIREMENTS. a. Following Demolition of a Structure. In addition to requirements set forth in s. 218-6-8, whenever a structure in any downtown zoning district is demolished, the site shall be covered with sodded grass and shall have at least one tree planted for every 25 lineal feet of street frontage. A continuous landscaped area at least 5 feet wide with 2 staggered rows of shrubs spaced 4 feet on center in each row and an ornamental metal fence shall be provided along all street frontages. If plans for new development on the site are submitted to the department, these landscaping requirements shall not apply.

b. Uses for Which Landscaping is Required. All land uses in downtown zoning districts shall be in compliance with all applicable landscaping requirements of s. 295-405.

9. RESTRICTED BUILDING WALL MATERIALS. The following regulations apply to any non-industrial principal building or addition:

a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades.

c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this paragraph, the ground-level area of a one-story building is the lowest 12 feet of the building.

d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgestone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.

e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

[Pages 857 to 870 are blank]

SUBCHAPTER 8
INDUSTRIAL DISTRICTS

295-801. Purposes. 1. INDUSTRIAL-OFFICE (IO). This district provides sites for modern, clean industry and supporting, non-residential land uses that complement industrial uses or require an industrial environment. Older portions of this zoning district (IO2) often form corridors which provide a buffer between residential areas and more intensive industrial districts. The newer portions of this district (IO1) are in the form of office-industrial parks or business parks with campus-style layouts and designs. The IO district has a performance-oriented transition area where it adjoins residential neighborhoods. Buffering and other requirements in the transition area are intended to protect the character of such neighborhoods.

2. INDUSTRIAL-LIGHT (IL). This district is intended to provide sites primarily for light industrial uses that utilize medium-sized buildings and do not have extensive outdoor storage areas or operations. This district includes both older industrial corridors (IL2) and modern industrial parks (IL1). While most buildings contain clean, light industrial uses, some commercial and office uses may also be included. This district contains heavier uses than the IO district and requires more extensive buffering from adjoining residential areas.

3. INDUSTRIAL-COMMERCIAL (IC). This district is intended primarily for light industrial uses that utilize small and medium-sized buildings and do not have extensive outdoor operations or storage areas. This district also provides for the orderly conversion of certain older industrial and warehousing buildings to commercial and office uses with less traffic generation than uses located on more intensive commercial retail corridors. Retail uses are considered accessory or complementary to the primarily light manufacturing nature of the district. These areas have an urban character and are more pedestrian-scaled than other, vehicular-traffic-dominated corridors. Buildings in this district were typically built without setbacks or yards and often with little or no off-street parking.

4. INDUSTRIAL-MIXED (IM). This district is intended to provide for the orderly conversion of certain older industrial and warehousing areas with multi-story buildings to residential, commercial or office uses for which the buildings, at the present time, may be better suited. These areas have an urban character. Buildings were typically built without setbacks or yards and often with little or no off-street parking.

5. INDUSTRIAL-HEAVY (IH). This district accommodates high-intensity industry and often includes very large structures, extensive exterior storage, exterior mechanical operations, or heavy truck or equipment operations. It also accommodates uses that require large or isolated sites or harbor, airport or rail service. This district includes the historic industrial core of the city. It has a strong relationship to shipping and rail services and includes the port of Milwaukee, the Menomonee valley and various railroad corridors. Most sites within the IH district have already been developed or redeveloped. These sites seldom have excess land to provide buffer areas. Where possible, the IH district should be separated from residential neighborhoods with less intensive, non-residential districts.

295-803. Uses. 1. USE TABLE. Table 295-803-1 indicates the use classifications for various land uses in the industrial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in table 295-803-1:

a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

Table 295-803-1
INDUSTRIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited S=Special Use N=Prohibited		Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
RESIDENTIAL USES					
Single-family dwelling	N	N	N	L	N
Two-family dwelling	N	N	N	L	N
Multi-family dwelling	N	N	N	L	N
Permanent supportive housing	N	N	N	L	N
Transitional housing	N	N	N	S	N
Attached single-family dwelling	N	N	N	L	N
Live-work unit	N	N	N	Y	N
Mobile home	N	N	N	N	N
Watchman/service quarters	Y	Y	Y	Y	Y
Family day care home	N	N	N	L	N
GROUP RESIDENTIAL USES					
Rooming house	N	N	N	S	N
Convent, rectory or monastery	N	N	N	L	N
Dormitory	N	N	N	S	N
Fraternity or sorority	N	N	N	S	N
Adult family home	N	N	N	L	N
Foster Homes					
Foster family home	N	N	N	L	N
Small foster home	N	N	N	L	N
Group home or group foster home	N	N	N	L	N
Shelter Care Facilities					
Family shelter care facility	N	N	N	L	N
Small group shelter care facility	N	N	N	L	N
Large group shelter care facility	N	N	N	S	N
Community living arrangement	N	N	N	L	N
EDUCATIONAL USES					
Day care center	S	S	N	S	S
School, elementary or secondary	N	N	N	S	N
College	S	S	N	S	N
School, personal instruction	S	S	Y	S	N
COMMUNITY-SERVING USES					
Library	N	N	N	Y	N
Cultural institution	N	N	L	L	N
Community center	N	N	N	S	N
Religious assembly	N	N	S	S	N
Cemetery or other place of interment	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y
Correctional facility	N	N	N	N	N
COMMERCIAL AND OFFICE USES					
General office	Y	Y	Y	Y	L
Government office	Y	Y	Y	Y	L

Table 295-803-1
INDUSTRIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited S=Special Use N=Prohibited		Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Bank or other financial institution	S	S	N	Y	N
Currency exchange, payday loan or title loan agency	N	N	N	S	N
Installment loan agency	N	N	N	S	N
Cash-for-gold business	N	N	N	S	N
Pawn shop	N	N	N	S	N
Retail establishment, general	N	N	L	Y	N
Garden supply or landscaping center	N	Y	Y	Y	N
Home improvement center	N	Y	L	Y	N
Secondhand store	N	N	L	L	N
Outdoor merchandise sales	N	N	N	L	N
Artist studio	Y	Y	Y	Y	Y
Adult retail establishment	N	N	N	S	N
HEALTH CARE AND SOCIAL ASSISTANCE					
Medical office	S	N	N	Y	N
Health clinic	L	N	N	S	N
Hospital	N	N	N	N	N
Medical research laboratory	Y	Y	Y	Y	N
Medical service facility	N	S	N	N	N
Social service facility	N	S	N	S	N
Emergency residential shelter	N	N	N	N	N
Nursing home	N	N	N	N	N
GENERAL SERVICE USES					
Personal service	N	N	N	Y	N
Business service	Y	S	Y	Y	N
Catering service	Y	Y	Y	Y	Y
Funeral home	N	N	N	Y	N
Laundromat	N	N	N	Y	N
Dry cleaning establishment	N	N	N	Y	N
Furniture and appliance rental and leasing	N	N	N	Y	N
Household maintenance and repair service	N	Y	Y	Y	N
Tool/equipment rental facility	N	Y	N	Y	N
Animal Services					
Animal hospital/clinic	N	Y	N	L	Y
Animal boarding facility	N	Y	N	L	Y
Animal grooming or training facility	N	Y	N	L	Y
MOTOR VEHICLE USES					
Light Motor Vehicle					
Sales facility	L	S	N	S	S
Rental facility	L	S	N	S	S
Repair facility	L	S	N	S	L
Body shop	L	S	N	S	L
Outdoor storage	L	Y	N	S	Y
Wholesale facility	Y	Y	N	Y	Y
Heavy Motor Vehicle					
Sales facility	L	Y	N	S	Y

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE					
Y=Permitted Use L=Limited S=Special Use N=Prohibited		Zoning Districts			
Uses	I01/ I02	IL1/ IL2	IC	IM	IH
Rental facility	L	Y	N	S	Y
Repair facility	L	L	N	S	L
Body shop	L	L	N	S	L
Outdoor storage	L	S	N	S	Y
General Motor Vehicle					
Filling station	S	S	N	S	S
Car wash	S	S	N	S	S
Non-restaurant drive-through facility	S	S	N	S	S
Parking					
Parking lot, principal use	Y	Y	S	L	Y
Parking lot, accessory use	Y	Y	L	L	Y
Parking structure, principal use	Y	Y	S	L	Y
Parking structures, accessory use	Y	Y	L	L	Y
Heavy motor vehicle parking lot, principal use	S	L	N	L	Y
Heavy motor vehicle parking lot, accessory use	Y	Y	L	Y	Y
ACCOMMODATION AND FOOD SERVICE USES					
Bed and breakfast	N	N	N	Y	N
Hotel, commercial	L	N	N	Y	N
Hotel, residential	N	N	N	Y	N
Tavern	L	L	L	Y	L
Brewpub	L	L	L	Y	L
Assembly Hall	N	N	S	L	N
Restaurant without drive-through facility	L	L	L	Y	L
Restaurant with drive-through facility	S	S	N	S	N
ENTERTAINMENT AND RECREATION USES					
Park or playground	S	S	S	S	S
Festival grounds	N	N	N	N	N
Recreation facility, indoor	S	S	S	S	N
Recreation facility, outdoor	N	N	N	S	N
Health club	L	L	N	Y	N
Sports facility	N	S	N	S	N
Gaming facility	N	S	N	N	N
Theater	N	N	N	Y	N
Convention and exposition	S	N	N	S	N
Marina	Y	Y	L	Y	Y
Outdoor racing facility	N	N	N	N	S
STORAGE, RECYCLING AND WHOLESALE TRADE USES					
Recycling collection facility	S	Y	N	S	Y
Mixed-waste processing facility	N	L	N	S	L
Material reclamation facility	N	N	N	N	L
Salvage operation, indoor	L	L	N	L	L
Salvage operation, outdoor	N	S	N	S	S
Wholesale and distribution facility, indoor	Y	Y	Y	L	Y
Wholesale and distribution facility, outdoor	S	Y	S	S	Y

Table 295-803-1
INDUSTRIAL DISTRICTS USE TABLE

Y=Permitted Use L=Limited S=Special Use N=Prohibited		Zoning Districts			
Uses	I01/I02	IL1/IL2	IC	IM	IH
Storage Facilities					
Indoor	Y	Y	L	L	Y
Self-service	Y	Y	N	N	Y
Outdoor	N	Y	N	S	Y
Hazardous materials	N	N	N	N	S
TRANSPORTATION USES					
Ambulance service	Y	Y	N	S	Y
Ground transportation service	S	Y	N	S	Y
Passenger terminal	Y	Y	Y	Y	Y
Helicopter landing facility	S	S	S	S	S
Airport	N	Y	N	N	N
Ship terminal or docking facility	N	Y	N	N	Y
Truck freight terminal	N	S	N	S	L
Railroad switching, classification yard or freight terminal	N	Y	Y	Y	Y
INDUSTRIAL USES					
Alcohol beverage facility, micro	Y	Y	Y	Y	Y
Alcohol beverage facility, large	S	L	Y	S	Y
Food processing	Y	Y	Y	Y	Y
Manufacturing, light	Y	Y	Y	Y	Y
Manufacturing, heavy	N	S	S	S	Y
Manufacturing, intense	N	N	N	N	S
Research and development	Y	Y	Y	Y	Y
Processing or recycling of mined minerals	N	N	N	N	S
Contractor's shop	Y	Y	Y	Y	Y
Contractor's yard	Y	Y	N	Y	Y
AGRICULTURAL USES					
Plant nursery or greenhouse	Y	Y	Y	Y	Y
Raising of livestock	L	L	L	L	L
Community garden	Y	Y	Y	Y	Y
Commercial farming enterprise	Y	Y	Y	Y	Y
UTILITY AND PUBLIC SERVICE USES					
Broadcasting or recording studio	Y	S	Y	Y	S
Transmission tower	L	L	L	L	L
Water treatment plant	Y	Y	Y	Y	Y
Sewerage treatment plant	N	Y	N	N	Y
Power generation plant	N	S	N	N	Y
Small wind energy system	Y	Y	Y	Y	Y
Solar farm	Y	Y	Y	Y	Y
Substation/distribution equipment, indoor	S	Y	Y	S	Y
Substation/distribution equipment, outdoor	L	Y	L	L	Y
TEMPORARY USES					
Seasonal market	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L
Live entertainment special event	L	L	L	L	L

2. LIMITED USE STANDARDS.

a. Single-Family Dwelling, Two-Family Dwelling, Multi-Family Dwelling, Permanent Supportive Housing, Attached Single-Family Dwelling, Family Day Care Home, Convent, Rectory or Monastery, Foster Family Home or Family Shelter Care Facility. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b. Adult Family Home or Small Group Shelter Care Facility.

b-1. Adult Family Home. b-1-a. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-1-b. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

b-2-c. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

c. Small Foster Home. c-1. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

c-2. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

d-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

d-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

d-6. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

e. Cultural Institution. e-1. In the IM district, the use shall be located on an arterial or collector street and on a site that is at least 10,000 square feet in area.

e-2. In the IC district, the use shall be located on an arterial or collector street and limited to an art gallery.

f. General Office or Government Office. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-industrial principal use and has been occupied by such non-industrial principal use within the past 12 months.

g. Retail Establishment, General. The use is primarily a showroom sales facility where the majority of items on display are purchased in bulk or by order, or are produced on site. This includes, but is not limited to, building products, interior fixtures and furnishings, antiques and items produced on site. The sales facility is primarily open to contractors and building industry professionals, but is also open to the general public.

h. Home Improvement Center. h-1. The use shall not exceed 15,000 square feet in gross floor area.

h-2. Outdoor storage related to home improvement sales or storage shall not be located in the front setback.

i. Secondhand Store. i-1. In the IC district, resale of used merchandise shall be limited to building and finishing materials, household and office fixtures and furnishings, and home improvement supplies.

i-2. In the IM district, all drop-offs of consignment or donated items shall occur inside the building.

j. Outdoor Merchandise Sales. j-1. No portion of the outdoor area where goods are displayed for sale is located within 150 feet of a residential use.

j-2. The premises contains at least one enclosed, permanent building.

j-3. No used merchandise is offered for sale.

k. Health Clinic. The use shall be located on an arterial or collector street.

L. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.

m. Light Motor Vehicle Sales Facility or Heavy Motor Vehicle Sales Facility. The facility was in operation on October 1, 2002 and has been in operation within the past 12 months.

n. Light Motor Vehicle Rental Facility or Heavy Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.

o. Light Motor Vehicle Repair Facility or Light Motor Vehicle Body Shop. o-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.

o-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.

o-3. Outdoor storage of motor vehicles shall be screened in accordance with s. 295-405-4.

o-4. In the IO1 and I02 districts, the repair facility or body shop was in operation on October 1, 2002, and has been in operation within the past 12 months.

p. Light Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.

q. Heavy Motor Vehicle Repair Facility or Heavy Motor Vehicle Body Shop. q-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.

q-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.

q-3. Outdoor storage of motor vehicles shall be screened in accordance with s. 295-405-4.

q-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.

r. Heavy Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.

s. Parking Lot, Principal Use. s-1. The width of the paved parking area shall not exceed 45 feet as measured from side lot line to side lot line.

s-2. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.

s-3. No alley shall be relied upon for vehicular circulation purposes.

s-4 The parking lot shall not be located on a corner lot.

t. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.

u. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be devoted to any other use or uses listed as permitted in the district or approved by the board.

v. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.

w. Heavy Motor Vehicle Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.

x. Commercial Hotel. The use shall be located on an arterial or collector street.

y. Tavern or Brewpub. The use shall be located on an arterial or collector street or on a lot with water frontage.

z. Assembly Hall. z-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

z-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

z-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

aa. Restaurant without Drive-through Facility. aa-1. The use shall be located on an arterial or collector street or on a lot with water frontage.

aa-2. The floor area of the restaurant shall not exceed 6,000 square feet.

cc. Health Club. The use shall be located on an arterial or collector street.

dd. Marina. No indoor or outdoor storage of boats shall be permitted as an exclusive or primary use. If this standard is not met, the use shall be a prohibited use.

ee. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.

ff. Material Reclamation Facility. The use shall be contained entirely within a building and, if located within 150 feet of a residential district, shall not operate between the hours of 7 p.m and 7 a.m.

gg. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.

hh. Wholesale and Distribution Facility, Indoor. hh-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.

hh-2. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.

ii. Storage Facility, Indoor. ii-1. If the premises is located in an IC district:

ii-1-a. The use is accessory to a permitted principal use or a use otherwise approved by the board, and located on the same premises as that use, or the use is located off-premises but is used in an accessory manner to a principal use located within 150 feet of the indoor storage facility and both premises are under the same ownership.

ii-1-b. If located on the first floor, the use is not located within 25 feet of the primary street façade of the building, regardless of whether the use is located on the same premises or a different premises than the principal use

ii-2. If the premises is located in an IM district:

ii-2-a. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.

ii-2-b. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.

jj. Truck Freight Terminal. The use shall not be located within 500 feet of a residential district.

kk. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.

LL. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.

mm. Transmission Tower. mm-1. The tower shall comply with the applicable provisions of s. 295-413.

mm-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.

nn. Substation/Distribution Equipment, Outdoor. nn-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

nn-2. No structure associated with the use shall be located within 25 feet of a street lot line.

oo. Seasonal Market. oo-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

oo-2. If flowers, plants or Wisconsin-grown farm products, constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

oo-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

oo-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

oo-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

oo-6. The site shall be restored to its previous condition following termination of the market operation.

pp. Temporary Real Estate Sales Office. pp-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

pp-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.

pp-3. Customer-accessible restrooms shall be provided.

pp-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

qq. Temporary Concrete/Batch Plant. qq-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

qq-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

qq-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

qq-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

qq-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

qq-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

rr. Live Entertainment Special Event. rr-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

rr-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

rr-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ADDITIONAL SPECIAL USE STANDARDS. a. Currency Exchange, Payday Loan Agency, Title Loan Agency, Cash-for-Gold Business or Pawn Shop. No special use permit for a currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Transitional Housing, Rooming House, Dormitory, Fraternity or Sorority or Large Group Shelter Care Facility. No special use permit for transitional housing or a rooming house, dormitory, fraternity or

sorority, or large group shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that the proposed use will not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months.

4. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Industrial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupancy and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more that 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work, motor vehicle sales, storage, recycling and wholesale trade uses or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Retail Sales. Accessory retail sales shall be permitted provided such activity does not occupy more than 10% of the gross floor area of the use.

f. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in par. 2-q.

295-805. Industrial Design Standards. 1. PURPOSE. The objective of the design standards of this section is to reduce or eliminate potential adverse effects and nuisances often associated with industrial activities and structures, particularly as these activities and structures impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering, height transitions and noise limitations.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Table 295-805-2 indicates the design requirements for all buildings that are located in industrial districts. Table 295-805-2 also specifies which commercial or residential design standards of subchs. 5 and 6 apply to non-industrial buildings located in industrial zoning districts. The provisions of this subsection explain, qualify or specify exceptions to the design standards set forth in table 295-805-2.

b. Conversion of Industrial Buildings. Industrial buildings may be converted to non-industrial uses as permitted by table 295-803-1 or as approved by the board. The design standards for non-industrial and residential buildings specified in table 295-805-2 shall apply to new construction only. Converted buildings shall not be subject to these design standards.

c. Exception to Height Limitations. Solar farms and solar arrays shall not be subject to any height limitations established by table 295-805-2.

Table 295-805-2
PRINCIPAL BUILDING DESIGN STANDARDS

Design Standards for Industrial Buildings (as defined in s. 295-201-302)							
	I01	I02	IL1	IL2	IC	IM	IH
Front setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Side street setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Rear street setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Side setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Rear setback, minimum (ft.)	none*	none*	none*	none*	none*	none*	none*
Height, maximum	none**	none**	none**	none**	85 ft. (new construction only)**	85 ft. (new construction only)**	none**
Height, minimum	none	none	none	none	18 ft.	30 ft.	none
*Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district, see also the residential buffer (setback) standards of table 295-805-4-d.							
**Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district, see also s. 295-805-4-e.							
Design Standards for Non-industrial Buildings except Single-family and Two-family Dwellings							
	I01	I02	IL1	IL2	IC	IM	IH
Refer to design standards in subch. 6 for this commercial district:	LB1	LB2	LB1	LB2	LB2	LB3 ***	LB2
*** For new construction on a parcel that is located within 100 feet of a residentially-zoned parcel, the design standards for the LB2 zoning district shall apply.							
Design Standards for Single-family and Two-family Dwellings							
	I01	I02	IL1	IL2	IC	IM	IH
Refer to design standards in subch. 5 for this residential district	RT2	RT3	RT2	RT3	RT4	RT4	RT4

3. ACCESSORY STRUCTURE STANDARDS. a. Accessory Industrial Buildings. Accessory industrial buildings shall comply with the following standards:

a-1. The front setback of an accessory industrial building shall not be less than the front setback of the principal building.

a-2. No side setbacks shall be required.

a-3. The side street setback shall not be less than the side street setback of the principal building.

a-4. The rear setback shall not be less than the rear setback of the principal building.

a-5. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, there shall be no setback requirement.

a-6. The rear street setback shall not be less than the rear street setback of the principal building.

a-7. The number of accessory structures shall not be limited.

a-8. If the building is located adjacent to a residential district, it shall be subject to the height limitations of sub. 4-e.

b. Accessory Commercial Structures. Structures accessory to commercial buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

c. Accessory Residential Structures. Structures accessory to residential buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

d. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all industrial uses. For commercial and residential uses, the site design standards applicable to the zoning district referenced in table 295-805-2 shall apply.

b. Parking. b-1. General. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces required for a use in an industrial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Landscaping. Parking lots shall be landscaped in accordance with the applicable provisions of s. 295-405.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Residential Buffers. d-1. When Required. A transition buffer shall be required when a site in the IO1, IO2, IL1, IL2 or IH district is used for a storage, recycling or wholesale trade use, a transportation use or an industrial use, either principal or accessory, and is adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district. The purpose of such buffers is to screen unsightly activities or buildings, and to reduce significant scale changes between industrial districts and surrounding neighborhoods. While setbacks, landscaping and fences are the primary methods used to achieve this objective, architectural techniques or features such as masonry walls may also be used to provide the buffer. The buffer area shall only include fences, walls, berms, landscaping, and access drives that traverse the buffer at right angles. Table 295-805-4-d contains setback and tree-planting requirements that shall be met whenever a residential buffer is required. Required evergreen trees shall be located and planted in a manner that most effectively obstructs views of industrial activities.

Table 295-805-4-d
INDUSTRIAL DISTRICT RESIDENTIAL TRANSITION STANDARDS

	Zoning District						
	I01	I02	IL1	IL2	IC	IM	IH
Residential Buffer							
Min. setback (Buffer width)	25 ft.	10 ft.	50ft.	10 ft.	No buffer required		15 ft.
Evergreen trees (min.) per x lineal ft. of alley, street frontage or shared property line	1 per 5 ft.				n.a.		1 per 5 ft.
Evergreen tree spacing	2 staggered rows with trees a maximum of 10 ft. on center in each row				n.a.		same as I01-IL2
Min. tree height at planting	6 ft.				n.a.		6 ft.
Max. tree height at maturity	no limit				n.a.		no limit
Alternative Residential Buffer Standards (Note: Where an alternative residential buffer is permitted, the use or industrial process shall not produce dust, odor, vibration, noise or light exceeding the standards specified in ch. 80 or elsewhere in this code at the nearest residential property line.)							
Min. buffer width	12.5 Ft.	alternative standards not permitted	25 ft.	alternative standards not permitted	No buffer required		10 ft.
New building construction or addition	no alternative buffer standards permitted		see s. 295-405-3		n.a.		see s. 295-405-3
Light motor vehicle parking	see s. 295-405-3		see s. 295-405-3		n.a.		see s. 295-405-3
Dumpsters and trash collection equip.; Loading docks	see s. 295-405-6		see s. 295-405-6		n.a.		see s. 295-405-6
Outdoor storage, outdoor salvage, outdoor operational space	see s. 295-405-5		see s. 295-405-5		n.a.		see s. 295-405-5

d-2. Alternative Buffer Standards. The width of a residential buffer may be reduced by up to 50% if the buffer meets a higher standard for screening and design, as specified by the alternative buffer standards included in table 295-805-4-d, and if the required buffer is not less than 10 feet wide. While the width of a buffer may be reduced, the number of required evergreen trees shall not be reduced and additional screening materials, such as fences and shrubs, shall be added as specified in table 295-805-4-d.

e. Height Adjustment. e-1. Height Limitation When Adjacent to Residential, Institutional, Parks, or Non-Industrial Planned Development District. The maximum height of an industrial building at the required residential buffer line or, if there is no buffer requirement, at the property line, located adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the industrial building may be increased by one foot for every 2 feet the building is set back from the residential buffer line or the property line, as appropriate.

e-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in subd. 1, except the following:

e-2-a. Chimneys and flues.

e-2-b. Water towers or tanks other than those located on the roof of a building.

e-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

e-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

e-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

e-2-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

e-2-g. Transmission towers which do not exceed 85 feet in height or have received special use approval from the board.

e-2-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable**,** such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f. Dumpsters And Waste Storage. A dumpster or common waste storage facility visible from a public street or a non-industrially-zoned district shall be screened in accordance with s. 295-405-6-a.

g. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or a non-industrial district, the loading docks shall be screened in accordance with s. 295-405-6-b. These standards may be waived in whole or in part, or compliance with them may be delayed, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

h. Outdoor Storage. h-1. Screening. The objective of the screening standard is to hide exterior storage areas from the view of properties located outside the industrial district or from public streets. Where an outdoor storage area or outdoor salvage operation is visible from a public street or a non-industrial district, the outdoor storage area shall be screened in accordance with s. 295-405-5.

h-2. Stockpiles. All stockpile heights shall be limited to either the height of the fence enclosure provided or the average height of the landscape plant material, if greater. This limitation may be exceeded by 50% if the stockpile is located on the rear 25% of the site and not within 120 feet of a public street or any zoning district other than an industrial district. In a situation where a building completely screens the stockpile from the street, the 120-foot limitation shall not apply for as long as the building remains in place.

i. Fences. i-1. General. In industrial districts, all types of fences are permitted and may be located anywhere on a lot, including along a property line.

i-2. Fences Along Streets. Fences along streets shall not exceed a height of 6 feet, with the following exceptions;

i-2-a. A fence may be erected to a height of 9 feet if it is set back at least 5 feet from the street property line and provided with a continuous landscaped area at least 5 feet in width with 2 staggered rows of shrubs spaced 4 feet on center in each row and a minimum of one canopy tree per 25 linear feet of street frontage.

i-2-b. An ornamental metal fence or a combination ornamental metal fence and masonry wall may be constructed on the street property line provided the wall is no higher than 6 feet, the combined height of the wall and fence does not exceed 9 feet and the portion of the fence structure above 6 feet high is at least 50% open.

i-3. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 9 feet. A fence within 5 feet of a residential use shall be opaque up to at least 6 feet in height.

i-4. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

i-5. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by a special privilege granted by the common council pursuant to s. 245-12.

i-6. Barbed Wire. Barbed wire may be used for fence purposes provided it is located not less than 6 feet above the grade directly below the fence and is not located within a residential buffer or within 15 feet of a street lot line. If visible from a public street, a continuous landscaped area at least 5 feet in width with 2 staggered rows of shrubs spaced 4 feet on center in each row and a minimum of one canopy tree per 25 linear feet of street frontage shall be provided. Razor wire and concertina wire are prohibited in all circumstances.

i-7. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405.

j. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the applicable vision triangle regulations of s. 295-405-1-g.

k. Noise. See ss. 80-60 through 80-75 for noise regulations applicable to industrial zoning districts.

L. Lighting. See s. 295-409 for lighting regulations applicable to industrial zoning districts.

5. SIGNS. a. General. The design standards for signs in industrial districts are set forth in table 295-805-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407.

b. Sign Limitation Based on Lineal Footage. Where table 295-805-5 links the maximum number of area of signs to lineal footage, the lineal footage referred to is the length of the building facade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining facade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

c. Bonus Provision for Type “B” Freestanding Signs. If a monument-type base meeting the base standard for a type “A” freestanding sign is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-805-5.

d. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street unless the signs are at least 150 feet apart or separated by a building which obstructs the view of each sign from the other sign.

e. Combination Type A and B Signs. Signs that contain elements of both type A and B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

f. Temporary Signs. The following temporary signs shall be permitted in all industrial zoning districts:

f-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	Max. Sign Area
IO1, IO2, IL1, IL2, IM	48 sq. ft.
IH	72 sq. ft.

f-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

g. Type “A” Roof Signs in the Industrial-Mixed District. g-1. There shall be no maximum display area for a type “A” roof sign located in an industrial-mixed district more than 100 feet from a residential district.

g-2. The maximum display area for a type “A” roof sign located in an industrial-mixed district within 100 feet of a residential district shall be 100 square feet. If this standard is not met, a type “A” roof sign in an industrial-mixed district shall be a special use.

g-3. All type “A” roof signs shall be stationary.

h. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

Table 295-805-5
INDUSTRIAL DISTRICT SIGN STANDARDS

	Zoning District				
	I01/I02	IL1/IL2	IC	IM	IH
Freestanding Signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per street frontage	1 per site *	1 per site *	1per site *	1 per site *
Type "A" max display area (sq. ft.)	100	100	100	100	100
Type "B" max. display area (sq. ft.)	40	50	40	40	50
Maximum height	15	15	15	15	15
Wall signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	75	120	50	50	120
Type "B" max. display area (sq. ft.)	32	60	32	32	60
Projecting Signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	50	60	50	50	60
Type "B" max. display area (sq. ft.)	25	30	25	25	30
Awning Signs *type "A" permitted only*					
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	20	20	20	20	20
Canopy and Hood Signs	*permitted*	*permitted*	*permitted*	*permitted*	*permitted*
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" max display area (sq. ft.)	50	60	50	50	60
Type "B" max. display area (sq. ft.)	25	30	25	25	30

* Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage ofat least 240 feet.

Table 295-805-5
INDUSTRIAL DISTRICT SIGN STANDARDS

	Zoning District				
	I01/I02	IL1/IL2	IC	IM	IH
Roof Signs	*type "A" permitted only*	*permitted*	*type "A" permitted only*	*type "A" permitted only*	*permitted*
Maximum number	1 per building	1 per building	1 per building façade	1 per building façade	1 per building
Type "A" max display area (sq. ft.)	100	no limit	see s. 295-805-5-g	see s. 295-805-5-g	no limit
Type "B" max display area (sq. ft.)	NA	100	NA	NA	100
Off-premise Signs	*permitted* **	*permitted* **	*permitted* **	*permitted* **	*permitted* **
Maximum number	1 per site	1 per site	1 per site	1 per site	1 per site
Maximum display area per sign (sq. ft.)	672	672	300	300	672
Minimum distance between signs		500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs			
Maximum height, Freestanding sign (ft.)	35	35	40	40	40
Maximum height, wall sign (ft.)	40	40	60	60	60
Maximum height, roof sign		25 ft. above roof			

**Subject to special use permit requirement set forth in s. 295-407-7-d.

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SUBCHAPTER 9
SPECIAL DISTRICTS

295-901. Special District Purposes. Special districts are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Special districts are base districts designed to protect or regulate the development of unique areas or to provide more flexible zoning districts which encourage good design and site layout. Special districts contain or provide, by reference, all applicable zoning regulations.

295-903. Parks District (PK). 1. PURPOSE. The parks district is established to accommodate a wide variety of public and quasi-public open spaces and facilities providing recreational and cultural opportunities and supporting services for surrounding neighborhoods. The parks district will be shown on the zoning map with a “PK” designator.

2. USES. a. Use Table. Table 295-903-2-a indicates the use classifications for various land uses in the parks district. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-903-2-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. “L” indicates a limited use. This use is permitted only when the use meets the standards of par. b. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

a-4. “N” indicates a prohibited use.

Table 295-903-2-a PARKS DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	PK
RESIDENTIAL USES	
Single-family dwelling	N
Two-family dwelling	N
Multi-family dwelling	N
Permanent supportive housing	N
Transitional housing	N
Attached single-family dwelling	N
Live-work unit	N
Mobile home	N
Watchman/service quarters	N
Family day care home	N
GROUP RESIDENTIAL USES	
Rooming house	N
Convent, rectory or monastery	N
Dormitory	N
Fraternity or sorority	N
Adult family home	N
Foster Homes	
Foster family home	N
Small foster home	N
Group home or group foster home	N
Shelter Care Facilities	
Family shelter care facility	N
Small group shelter care facility	N
Large group shelter care facility	N
Community living arrangement	N
EDUCATIONAL USES	
Day care center	L
School, elementary or secondary	Y
College	Y
School, personal instruction	S
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	L
Community center	L
Religious assembly	L
Cemetery or other place of interment	N
Public safety facility	Y
Correctional facility	N
COMMERCIAL AND OFFICE USES	
General office	N

Table 295-903-2-a **PARKS DISTRICT USE TABLE**	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	PK
Government office	Y
Bank or other financial institution	N
Currency exchange, payday loan agency or title loan agency	N
Installment loan agency	N
Cash-for-gold business	N
Pawn shop	N
Retail establishment, general	L
Garden supply or landscaping center	N
Home improvement	N
Secondhand store	N
Outdoor merchandise sales	N
Artist studio	N
Adult retail establishment	N
HEALTH CARE AND SOCIAL ASSISTANCE	
Medical office	N
Health clinic	N
Hospital	N
Medical research laboratory	N
Medical service facility	N
Social service facility	N
Emergency residential shelter	N
Nursing home	N
GENERAL SERVICE USES	
Personal service	N
Business service	N
Catering service	N
Funeral home	N
Laundromat	N
Dry cleaning establishment	N
Furniture and appliance rental and leasing	N
Household maintenance and repair service	N
Tool/equipment rental facility	N
Animal Services	
Animal hospital/clinic	N
Animal boarding facility	N
Animal grooming or training facility	N
MOTOR VEHICLE USES	
Light Motor Vehicle	
Sales facility	N
Rental facility	N

Table 295-903-2-a PARKS DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	PK
Repair facility	N
Body shop	N
Outdoor storage	N
Wholesale facility	N
Heavy Motor Vehicle	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
General Motor Vehicle	
Filling station	N
Car wash	N
Non-restaurant drive-through facility	N
Parking	
Parking lot, principal use	S
Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
Heavy motor vehicle parking lot, principal use	N
Heavy motor vehicle parking lot, accessory use	N
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	N
Hotel, commercial	N
Hotel, residential	N
Tavern	N
Brewpub	N
Assembly Hall	L
Restaurant without drive-through facility	L
Restaurant with drive-through facility	N
ENTERTAINMENT AND RECREATION USES	
Park or playground	Y
Festival grounds	N
Recreation facility, indoor	Y
Recreation facility, outdoor	Y
Health club	N
Sports facility	S
Gaming facility	N
Theater	L
Convention and exposition center	S
Marina	L
Uses	PK

Table 295-903-2-a PARKS DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Outdoor racing facility	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	N
Mixed-waste processing facility	N
Material reclamation facility	N
Salvage operation, indoor	N
Salvage operation, outdoor	N
Wholesale and distribution facility, indoor	N
Wholesale and distribution facility, outdoor	N
Storage Facilities	
Indoor	N
Self-service	N
Outdoor	N
Hazardous materials	N
TRANSPORTATION USES	
Ambulance service	N
Ground transportation service	N
Passenger terminal	L
Helicopter landing facility	N
Airport	N
Ship terminal or docking facility	N
Truck freight terminal	N
Railroad switching, classification yard or freight terminal	N
INDUSTRIAL USES	
Alcohol beverage facility, micro	N
Alcohol beverage facility, large	N
Food processing	N
Manufacturing, light	N
Manufacturing, heavy	N
Manufacturing, intense	N
Research and development	N
Processing or recycling of mined materials	N
Contractor’s shop	N
Contractor’s yard	N
AGRICULTURAL USES	
Plant nursery or greenhouse	L
Raising of livestock	L
Community garden	Y
Commercial farming enterprise	S
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	N
Transmission tower	L
Water treatment plant	Y

Table 295-903-2-a PARKS DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	PK
Sewerage treatment plant	N
Power generation plant	N
Small wind energy system	Y
Solar farm	Y
Substation/distribution equipment, indoor	S
Substation/distribution equipment outdoor	L
TEMPORARY USES	
Seasonal market	L
Temporary real estate sales office	N
Concrete/batch plant, temporary	L
Live entertainment special event	L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located on a premises containing an elementary or secondary school, college, library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be located in a structure owned by a governmental entity.

b-3. General Retail Establishment. b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-3-b. The establishment shall be located in a structure owned by a governmental entity.

b-3-c. The establishment shall be ancillary to park and recreational uses.

b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This provision shall not apply to convenience stores open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-4. Restaurant without Drive-through Facility. b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-4-b. The establishment shall be located in a structure owned by a governmental entity.

b-4-c. The establishment shall be ancillary to park and recreational uses.

b-5. Marina. Indoor sales or storage shall not be permitted.

b-6. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.

b-7. Transmission Tower. b-7-a. The tower shall comply with the applicable provisions of s. 295-413.

b-7-b. The tower shall not exceed 60 feet in height.

b-8. Substation/Distribution Equipment, Outdoor. b-7-a. All structures associated with the use shall be screened with type “G” landscaping, as described in s. 295-405.

b-8-b. No structures associated with the use shall be located within 25 feet of a property line.

b-9. Seasonal Market. b-9-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-9-b. If flowers, plants or Wisconsin-grown farm constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-9-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-9-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-9-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-9-f. The site shall be restored to its previous condition following termination of the market operation.

b-10. Temporary Concrete/Batch Plant. b-10-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-10-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-10-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

b-10-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

b-10-e. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

b-10-f. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

b-11. Live Entertainment Special Event. b-11-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-11-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

b-11-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

3. DESIGN STANDARDS. a. Purpose. The objective of the design standards of this subsection is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering and noise limitations.

b. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

c. Accessory Building Standards. All accessory buildings shall have setbacks of at least 25 feet from all property lines. However, a ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type “G” landscaping, as described in s. 295-405.

d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type ”G” landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. Standards. Table 295-903-3-d-5 contains the regulations for on-premise and off-premise signs in the parks district. General regulations applicable to all signs can be found in s. 295-407.

d-5-b. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as is possibly practicable or be separated by a building.

d-5-c. Combination Type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

d-5-d. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the parks district provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the parks district provided it does not exceed 6 square feet.

d-5-e. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

e. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

Table 295-903-3-d-5 PARKS DISTRICT SIGN STANDARDS	
	PK
Freestanding Signs (permitted)	
Maximum number	1 per street frontage
Type “A” max display area (sq. ft.)	32
Type “B” max. display area (sq. ft.)	15; 22.5 if set on or in a base constructed of masonry materials
Maximum height	6
Wall Signs permitted	
Maximum number	1 per principal building
Type “A” max. display area (sq. ft.)	60
Type “B” max. display area (sq. ft.)	32
Projecting Signs (permitted)	
Maximum number	1 per principal building
Type “A” max display area (sq. ft.)	50
Type “B” max. display area (sq. ft.)	25
Awning Signs (permitted)	
Maximum number	1 per principal building
Type “A” max display area (sq. ft.)	10
Canopy and Hood Signs (permitted)	
Maximum number	1 per principal building
Type “A” max display area (sq. ft.)	50
Type “B” max. display area (sq. ft.)	25
Roof Signs (not permitted)	
Off-premise Signs (not permitted)	

295-905. Institutional District (TL). 1. PURPOSE. The institutional district is established to accommodate largely institutional and institutional/residential uses, along with supporting uses, that occupy multiple buildings, often in a campus-like setting. The institutional district shall be shown on the zoning map with a “TL” designator.

2. USES. a. Use Table. Table 295-905-2-a indicates the use classifications for various land uses in the institutional district. The uses in this table are defined in s. 295-205. The following are the use classifications indicated in Table 295-905-2-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. “L” indicates a limited use. This use is permitted only when the use meets the standards of par. b. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

a-4. “N” indicates a prohibited use.

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	TL
RESIDENTIAL USES	
Single-family dwelling	N
Two-family dwelling	N
Multi-family dwelling	N
Permanent supportive housing	N
Transitional housing	S
Attached single-family dwelling	N
Live-work unit	N
Mobile home	N
Watchman/service quarters	Y
Family day care home	N
GROUP RESIDENTIAL USES	
Rooming house	S
Convent, rectory or monastery	Y
Dormitory	Y
Fraternity or sorority	S
Adult family home	N
Foster Homes	
Foster family home	N
Small foster home	N
Group home or group foster home	L
Shelter Care Facilities	
Family shelter care facility	N
Small shelter care facility	L
Large shelter care facility	S
Community living arrangement	L
EDUCATIONAL USES	
Day care center	L
School, elementary or secondary	Y
College	Y
School, specialty instruction	Y
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	Y

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	TL
Community center	S
Religious assembly	Y
Cemetery or other place of interment	Y
Public safety facility	Y
Correctional facility	S
COMMERCIAL AND OFFICE USES	
General office	Y
Government office	Y
Bank or other financial institution	L
Currency exchange, payday loan agency or title loan agency	S
Installment loan agency	S
Cash-for-gold business	S
Pawn shop	S
Retail establishment, general	L
Garden supply or landscaping center	N
Home improvement center	N
Secondhand store	N
Outdoor merchandise sales	N
Artist studio	Y
Adult retail establishment	N
HEALTH CARE AND SOCIAL ASSISTANCE	
Medical office	Y
Health clinic	S
Hospital	S
Medical research laboratory	Y
Medical service facility	S
Social service facility	S
Emergency residential shelter	S
Nursing home	Y
GENERAL SERVICE USES	
Personal service	L
Business service	L
Catering service	Y
Funeral home	Y
Laundromat	S
Dry cleaning establishment	S
Furniture and appliance rental and leasing	N
Household maintenance and repair service	N
Tool/equipment rental facility	N
Animal Services	
Animal hospital/clinic	N

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	TL
Animal boarding facility	N
Animal grooming or training facility	N
MOTOR VEHICLE USES	
Light Motor Vehicle	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
Wholesale facility	N
Heavy Motor Vehicle	
Sales facility	N
Rental facility	N
Repair facility	N
Body shop	N
Outdoor storage	N
General Motor Vehicle	
Filling station	N
Car wash	N
Non-restaurant drive-through facility	L
Parking	
Parking lot, principal use	S
Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
Heavy motor vehicle parking lot, principal use	N
Heavy motor vehicle parking lot, accessory use	N
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	S
Hotel, commercial	N
Hotel, residential	N
Tavern	N
Brewpub	N
Assembly hall	L
Restaurant without drive-through facility	S
Restaurant with drive-through facility	N
ENTERTAINMENT AND RECREATION USES	
Park or playground	Y
Festival grounds	Y
Recreation facility, indoor	S

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	TL
Recreation facility, outdoor	S
Health club	Y
Sports facility	S
Gaming facility	N
Theater	N
Convention and exposition center	S
Marina	Y
Outdoor racing facility	N
STORAGE, RECYCLING AND WHOLE SALE TRADE USES	
Recycling collection facility	S
Mixed-waste processing facility	N
Material reclamation facility	N
Salvage operation, indoor	N
Salvage operation, outdoor	N
Wholesale and distribution facility, indoor	N
Wholesale and distribution facility, outdoor	N
Storage Facilities	
Indoor	N
Self-service	N
Outdoor	N
Hazardous materials	N
TRANSPORTATION USES	
Ambulance service	Y
Ground transportation service	N
Passenger terminal	Y
Helicopter landing facility	S
Airport	N
Ship terminal or docking facility	N
Truck freight terminal	N
Railroad switching, classification yard or freight terminal	N
INDUSTRIAL USES	
Alcohol beverage facility, micro	N
Alcohol beverage facility, large	N
Food processing	N
Manufacturing, light	N
Manufacturing, heavy	N
Manufacturing, intense	N
Research and development	S
Processing or recycling of mined materials	N
Contractor's shop	N
Contractor's yard	N
AGRICULTURAL USES	

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use N=Prohibited Use	**Zoning District**
Uses	TL
Plant nursery or greenhouse	S
Raising of livestock	Y
Community garden	Y
Commercial farming enterprise	Y
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	Y
Transmission tower	L
Water treatment plant	Y
Sewerage treatment plant	Y
Power generation plant	S
Small wind energy system	Y
Solar farm	Y
Substation/distribution equipment, indoor	Y
Substation/distribution equipment, outdoor	L
TEMPORARY USES	
Seasonal market	L
Temporary real estate sales office	L
Concrete/batch plant, temporary	L
Live entertainment special event	L

b. Limited Use Standards. b-1. Group Home or Group Foster Home. b-1-a. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, community living arrangement or another group home or group foster home.

b-1-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home or group foster home.

b-1-c. Prior to initial licensure of the group home or group foster home by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home or group foster home, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4), Wis. Stats., with the local government representative being the local common council member or the council member's designee.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of an adult family home, community living arrangement, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

b-3. Community Living Arrangement. b-3-a. All residents of the community living arrangement, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, group home, group foster home or another community living arrangement.

b-3-b. Not more than 15 clients shall reside on the premises.

b-3-c. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a community living arrangement.

b-3-d. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

b-4. Day Care Center. b-4-a. The use shall not operate between the hours of 12 a.m. and 5 a.m.

b-4-b. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-4-c. For any day care center other than an adult day care center, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-5. Bank or Other Financial Institution; Retail Establishment, General; Personal Service; Business Service. The use shall be located in a building containing at least one other principal use classified as a permitted use in this district.

b-6. Non-Restaurant Drive-Through Facility. b-6-a. A queuing lane of at least 200 feet shall be provided on the premises. This limitation shall not apply to an automatic teller machine.

b-6-b. The drive-through shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine or drive-through facility associated with a convenience store, restaurant with drive-through facility or personal service which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-6-c. The facility shall not be located within 150 feet of a residential use.

b-6-d. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

b-6-e. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

b-7. Assembly Hall. b-7-a. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

b-7-b. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

b-7-c. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

b-9. Transmission Tower. b-9-a. The tower shall comply with the applicable provisions of s. 295-413.

b-9-b. The tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

b-10. Utility Substation/Distribution Equipment, Outdoor. b-10-a. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

b-10-b. No structure associated with the use shall be located within 25 feet of a street lot line.

b-11. Seasonal Market. b-11-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-11-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-11-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-11-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

b-11-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-11-f. The site shall be restored to its previous condition following termination of the market operation.

b-12. Temporary Real Estate Sales Office. b-12-a. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

b-12-b. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.

b-12-c. Customer-accessible restrooms shall be provided.

b-12-d. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

b-13. Temporary Concrete/Batch Plant. b-13-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-13-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-13-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

b-13-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m. b-12-e. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

b-14. Live Entertainment Special Event. b-13-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-13-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

c. Additional Special Use Standards. No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

c-1. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

c-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

3. DESIGN STANDARDS. a. Purposes. The purposes of the design standards of this section are to:

a-1. Maintain Compatibility with Neighborhood Context. One objective of these design standards is to ensure that buildings in institutional districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

a-2. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

a-3. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city's comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Development and alteration of institutional facilities should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow a certain degree of land use diversity within the zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

b. Principal Building Standards. b-1. General. Table 295-905-3-b contains the design requirements for principal buildings in the institutional district.

b-2. Height Limitation When Adjacent to Residential District. The maximum height of an institutional building at the minimum required setback located adjacent to or across a street or alley from a residential or a non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the institutional building may be increased by one foot for every 2 feet the building is set back from the required setback line.

Table 295-905-3-b
PRINCIPAL BUILDING DESIGN STANDARDS

Type of use:	Refer to design standards in residential or commercial subch. for this district
Institutional (educational uses, community- serving uses and hospitals)	RM6 (s.295-505-2)
Commercial or other non-institutional	LB2 (s.295-605-2)
Residential	RM6 (s.295-505-2)

c. Accessory Structure Standards. Accessory structures in the institutional district shall comply with the design standards of s. 295-505-3.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened in accordance with s. 295-405-6-a.

d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened in accordance with s. 295-405-6-b. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. General. Table 295-905-3-d-5 contains the regulations for on-premise and off-premise signs in the institutional district. General regulations applicable to all signs can be found in s. 295-407.

d-5-b. Sign Limitation Based on Lineal Footage. Where table 295-905-3-d-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building façade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining façade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

d-5-c. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as is possibly practicable or be separated by a building.

Table 295-905-3-d-5 INSTITUTIONAL DISTRICT SIGN STANDARDS	
	TL
Freestanding Signs (permitted)	
Maximum number	1 per street frontage per building
Type “A” max. display area (sq. ft.)	100
Type “B” max. display area (sq. ft.)	40; 60 if set on or in a base constructed of masonry materials
Maximum height (ft.)	14
Wall Signs (permitted)	
Maximum number	1 per 25 lineal ft.
Type “A” max. display area (sq. ft.)	75
Type “B” max. display area (sq. ft.)	32
Projecting Signs (permitted)	
Maximum number	1 per 25 lineal ft.
Type “A” max. display area (sq. ft.)	50
Type “B max. display area (sq. ft.)	25
Awning Signs (permitted)	
Maximum number	1 per 25 lineal ft.
Type “A” max. display area (sq. ft.)	50
Canopy and Hood Signs (permitted)	
Maximum number	1 per 25 lineal ft.
Type “A” max. display area (sq. ft.)	50
Type “B max. display area (sq. ft.)	25
Roof Signs (type “A” permitted only)	
Maximum number	1 per building
Type “A” max. display area (sq. ft.)	100
Type “B max. display area (sq. ft.)	NA
Off-premise Signs (not permitted)	

d-5-d. Combination Type A and B signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

d-5-e. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the institutional district provided it does not exceed 48 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the institutional district provided it does not exceed 36 square feet.

d-5-f. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

e. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

295-907. Planned Development District (PD/DPD). 1. PURPOSES. The planned development district is intended to:

a. Allow flexibility in land development.

b. Promote creativity, variety and environmental sensitivity.

c. Encourage development compatible with its surroundings and consistent with the city's comprehensive plan.

2. PROCEDURES. a. General. A planned development district may be established through either a one-phase or a 2-phase process. If actual development of the project is to proceed in stages over an extended period of time, the applicant shall first submit a general plan covering the entire tract. Separate detailed plans shall then be submitted for each stage of development and shall follow the development concept established by the general plan. If development of the project is not to be done in stages, a general plan is optional and a single detailed plan may be submitted in lieu thereof.

b. Application Requirements; General Plan. The following items shall be submitted to the city plan commission as part of an application for approval of a general planned development:

b-1. A "General Plan Project Description and Owners Statement of Intent" containing a written description of the overall development concept and a statement as to how the plan provides for or complies with each of the district standards enumerated under sub. 3 where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:

b-1-a. Gross land area.

b-1-b. Maximum amount of land covered by principal buildings.

b-1-c. Maximum amount of land devoted to parking, drives and parking structures.

b-1-d. Minimum amount of land devoted to landscaped open space.

b-1-e. Maximum proposed dwelling unit density, if residential, and/or total square footage devoted to non-residential uses.

b-1-f. Proposed number of buildings.

b-1-g. Maximum number of dwelling units per building.

b-1-h. Bedrooms per unit.

b-1-i. Motor vehicle and bicycle parking spaces provided, whether surface or in structures, and ratio per unit if residential, or per thousand square feet of building area if non-residential.

b-2. A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area.

b-3. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed general plan tract. Existing conditions, including wetlands, areas of severe topographic changes, buildings, trees and shrub groupings, with an indication of whether they are to be retained, removed or altered, shall also be shown.

b-4. A site plan showing the general location of proposed structures and a description of their intended use and approximate height, open spaces, setback dimensions and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems, parking areas, loading facilities and the location, type and size of all proposed signs.

b-5. A general narrative description of sign standards, including number, type and size of signs.

b-6. General landscaping standards for all buffers and parking lots.

b-7. Pictures of the site and surrounding context. These pictures may be submitted as photographs, scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.

b-8. Eight sets of collated plans, 11 inches by 17 inches in size, along with written narrative.

b-9. One oversize set of plans, at least 24 inches by 36 inches.

b-10. The affidavit required by s. 295-313.

b-11. An electronic version of the complete submittal, including both plans and written narrative.

c. Application Requirements; Detailed Plan. The following items shall be submitted to the city plan commission as part of an application for approval of a detailed plan development:

c-1. A "Detailed Plan Project Description and Owners Statement of Intent" containing a written description of the overall development and a statement as to how the plan provides for or complies with each of the district standards enumerated under sub. 3 where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:

c-1-a. Gross land area.

c-1-b. Land covered by principal buildings.

c-1-c. Land devoted to parking, drives and parking structures.

c-1-d. Land devoted to landscaped open space.

c-1-e. Proposed dwelling unit density, if residential, and/or total square footage devoted to non-residential uses.

c-1-f. Proposed number of buildings.

c-1-g. Dwelling units per building.

c-1-h. Bedrooms per unit.

c-1-i. Motor vehicle and bicycle parking spaces provided, whether surface or in structures, and ratio per unit if residential, or per thousand square feet of building area if non-residential.

c-2. A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access, and significant community facilities in the surrounding area.

c-3. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed detailed plan tract. Existing conditions, including buildings, trees of 5 inches in diameter at 4 feet in height, shrub groupings, wetlands and other site features are also to be shown with an indication of whether they are to be retained, removed or altered.

c-4. A site plan showing the location of proposed structures and a description of their intended use and height, all open spaces, setback dimensions, buffers, pedestrian and vehicular circulation systems, parking lots, structures and garages, with the number of spaces in each, loading facilities, refuse collection facilities and all exterior lighting facilities.

c-5. A site grading plan indicating existing and proposed topography at 2-foot contour intervals and showing how positive runoff of surface waters will be achieved and the means by which ultimate disposal of the development's surface waters will be accomplished in conformance with ch. 120.

c-6. A utility plan showing the proposed location of storm and sanitary sewers, water mains and laterals, parking and roadway storm inlets and elevations.

c-7. A landscape plan showing the location, number, size and type of all landscape and screening elements. Plant material shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1). All planted material shall be maintained on a continuous basis, including tree and plant replacement.

c-8. Elevations of each side of the exterior of any new building or structure being proposed, including materials, colors and window specifications. If the project is a rehabilitation of or an addition to an existing building, both existing and proposed elevations shall be provided if any exterior modification is proposed.

c-9. Plans showing the location, size and type of any existing and proposed signs. Detailed information about all proposed freestanding and wall signs, including the materials, proposed message and exact dimensions of each sign face, shall be provided.

c-10. Pictures of the site and surrounding context. These pictures may be submitted as photographs, printed scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.

c-11. A statement that the detailed planned development zoning designation shall be null and void within a specified period from the effective date of the ordinance amending the zoning map to create the detailed planned development, said time period not to exceed 5 years, and that the zoning of the property shall be changed to a specific zoning district at that time, said district to be identified in the statement, unless one of the following is true:

c-11-a. The project for which the planned development district was created has been completed and all building permits have been closed.

c-11-b. For at least one planned building on the site, the foundation has been completed and construction of the building is at grade or above.

c-12. A statement that the time period specified pursuant to subd. 11 may be extended only by an ordinance amending the detailed planned development, pursuant to s. 295-307.

c-13. Thirteen sets of collated plans, 11 inches by 17 inches in size, along with written narrative. These items shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.

c-14. Two oversize sets of plans, at least 24 inches by 36 inches, shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.

c-15. The affidavit required by s. 295-313.

d. Creation. Creation of a planned development district shall be by amendment to the zoning map, pursuant to s. 295-307.

e. Plan Commission Review. The commission shall hold a public hearing and review the ordinance to create a planned development within 30 days of receipt of the application, its introduction to the common council and the submission of all required documents, plans and maps unless an extension is requested by the applicant. The commission shall base its recommendation upon:

e-1. Consistency with the comprehensive plan.

e-2. Consistency with the purposes of this chapter.

e-3. Conformance with the standards set forth in sub. 3.

e-4. Findings and recommendations of the commissioners of city development and public works.

e-5 All verbal and written comments received by the commission.

f. Plan Commission Report. After making a decision to recommend approval or denial, the commission shall forward a report of its decision to the common council.

g. Council Action. If the common council passes the ordinance to create the planned development district, the standards and provisions of the plan shall constitute the zoning regulations for that planned development district. The official zoning map of the city shall be amended to show the district zoned general planned development or detailed planned development, as appropriate. The common council shall act on the application within 90 days of receiving the report from the commission unless the applicant agrees to a time extension. Failure of the common council to act within the 90-day period or the agreed-upon extended time shall constitute denial of the application.

h. Zoning Map Designators. Each general planned development district shall be shown on the zoning map with a “PD” designator and an appropriate number. Each detailed planned development district shall be shown on the zoning map with a “DPD” designator and an appropriate number.

i. Minor Modifications. The common council may by resolution approve modifications to approved detailed plans which are consistent with the spirit and intent of the general planned development or a previously approved detailed planned development provided the common council finds that the modification will not:

i-1. Change the general character of the planned development.

i-2. Cause a substantial relocation of principal or accessory structures.

i-3. Cause a substantial relocation or reduction of parking, loading or recreation areas.

i-4. Cause a substantial relocation of traffic facilities.

i-5. Increase the land coverage of buildings and parking areas.

i-6. Increase the gross floor area of buildings or the number of dwelling units.

i-7. Reduce the amount of approved open space, landscaping or screening.

j. Limitation on Permit Issuance. Within any planned development district, no building permits may be issued and no site work may be commenced until a detailed plan has been approved by the common council and a copy of the ordinance has been certified by the city clerk. Existing buildings located in a general planned development may receive building permits if the permits are for building modifications which do not include the addition of more usable floor area or the establishment of uses not permitted by the plan. Exterior site improvements in an approved general plan may receive building permits if the improvements have been shown in detail on the approved general plan and the “Project Description and Owner’s Statement of Intent” indicates that early building permits would be sought for such improvements.

3. STANDARDS. Every planned development shall meet the following standards:

a. Uses. All permitted uses and related operating standards or restrictions shall be specified in the detailed plan.

b. Design Standards. Conceptual design elements and standards shall be provided in the general plan. Specific design elements and standards shall be specified in the detailed plan.

c. Density. Residential densities shall be consistent with those prescribed in the comprehensive plan.

d. Space Between Structures. Spaces between structures shall not be less than required by the building code.

e. Setbacks. A planned development exceeding 5 acres in size shall provide a setback of at least 25 feet around the perimeter of the site, unless a smaller setback is approved by the common council because adjacent buildings have setbacks that are less than 25 feet. Setback areas shall be landscaped and used only for recreation, direct access to the development, utility rights-of-way, sidewalks, ponds, water detention basins and drainage channels.

f. Screening. Residential uses shall be screened from existing or proposed business or industrial uses on or adjacent to the site. Screening shall consist of decorative walls, fences, berms, hedges, shrubs, trees or combinations thereof appropriate to the surrounding neighborhood.

g. Open Spaces. All open spaces designated on a planned development plan shall be landscaped and maintained so as not to create a nuisance or hazardous conditions. The location and development of recreation facilities shall be coordinated with the overall development of the project.

h. Circulation, Parking and Loading. Traffic circulation facilities shall be planned and installed consistent with the comprehensive plan. Adequate access for pedestrians and public and private vehicles shall be provided. Parking and loading facilities shall be located near the uses they support and shall be adequately screened and landscaped in a manner which meets or exceeds the requirements of this chapter. Private streets shall be constructed to comparable public street standards. Bicycle parking shall be in compliance with the requirements of s. 295-403 unless specifically altered by the detailed plan submittal.

i. Landscaping. All required vegetation shall be of a quality consistent with the standards of the American association of nurserymen (ANSI 260.1). All required vegetation shall be maintained on an ongoing basis, including seasonal tree and plant replacement.

j. Lighting. See s. 295-409 for lighting regulations applicable to planned development districts.

k. Utilities. All utility lines shall be installed underground. Transformers and substations shall be installed within buildings or otherwise screened from view. This requirement may be waived by the common council upon finding that utilities on adjacent properties are located above-ground.

L. Signs. The following signs are permitted in planned development districts:

L-1. One project identification sign located at or near each entrance to the tract or premises. Such a sign may be freestanding or attached to a structure, and shall not exceed 32 square feet.

L-2. Signs not exceeding 18 square feet each that identify nonresidential tenants or individual buildings.

L-3. Signs specified in a master sign program and approved as part of the planned development.

L-4. Either of the following types of temporary signs:

L-4-a. A sign pertaining to the construction of a building or the sale or lease of vacant land, provided it does not exceed 48 square feet.

L-4-b. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate, provided it does not exceed 36 square feet.

L-5. Signs listed in s. 295-407-4.

m. Sign Illumination. Signs allowed under par. L may be illuminated. If illuminated, the source of illumination shall not be visible or intermittent.

n. Additional Sign Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

295-909. Redevelopment District (RED). 1. PURPOSE. The redevelopment district is established to provide a zoning context that may be applied to areas of the city where the common council has adopted a development plan, as defined by s. 66.1301(3)(g), Wis. Stats., or a redevelopment plan, as defined by s. 66.1331(3)(Lm), Wis. Stats., and the plan includes specific regulations for the use, development and design of properties and structures within its boundaries. The redevelopment district shall be shown on the zoning map with a “RED” designator.

2. USES. Permitted, limited, special, conditional and prohibited uses for property in a redevelopment district shall be as indicated in the redevelopment plan for that district.

3. DESIGN STANDARDS. The principal building design standards, accessory building design standards and site design standards for property in a redevelopment district shall be as indicated in the redevelopment plan for that district. If design standards are not specified or included in redevelopment plans, namely, in the plans of the park east redevelopment district and the beerline redevelopment district, the design standards shall be as follows:

a. Signage. See signage requirements for the C9B district in subch.7.

b. Landscaping. See parking lot landscaping requirements for the C9B district in subch 4.

4. OTHER REGULATIONS. All regulations of this chapter other than use regulations and design standards shall apply in a redevelopment district.

Pages 923 to 930 are blank.

SUBCHAPTER 10
OVERLAY ZONES

295-1001. Overlay Zone Purposes. Overlay zones are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Overlay zone designations are intended to protect these areas from incompatible development or to establish development standards which will ensure that new developments will not adversely affect surrounding areas. Overlay zones may add new standards over and above those of any base or underlying zoning district except a planned development district. They may also alter the standards of any base zoning district except a planned development district.

295-1003. Neighborhood Conservation Overlay Zone (NC). 1. PURPOSE. The neighborhood conservation overlay zone is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. A neighborhood conservation overlay zone takes effect through adoption of a neighborhood conservation plan and a set of guidelines that will facilitate maintenance and protection of the neighborhood character and the development of vacant or underused lots. Incompatible mixes of uses will be reduced or prohibited by adding limitations to the list of permitted, limited and special uses of the base district.

2. PROCEDURES. a. Preparation of a Neighborhood Conservation Plan. Prior to the city plan commission's consideration of a proposed neighborhood conservation overlay zone, a neighborhood conservation plan shall be completed by neighborhood property owners, the commissioner or both neighborhood property owners and the commissioner, and shall include the following:

a-1. A statement of purpose and an explanation of how the criteria of par. b are met.

a-2. An ordinance and map indicating the boundaries of all lots in the proposed neighborhood conservation overlay zone and the base zoning districts contained within the proposed overlay zone.

a-3. A neighborhood conservation plan consisting of a map and such other textual and graphic material as may be necessary to indicate land uses, building types and features, site development requirements, signing, circulation, off-street parking and modifications to base district standards.

b. Plan Criteria. The neighborhood conservation plan shall demonstrate that the neighborhood conservation overlay zone meets one or more of the following criteria:

b-1. Distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material.

b-2. Distinctive features or articles associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks and bollards.

b-3. Distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creekbeds, parks and gardens.

b-4. Distinctive land uses or land use patterns, such as mixed or unique uses or activities, not permitted by base district without modification.

c. Creation. Creation of a neighborhood conservation overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and shall include common council approval of a neighborhood conservation plan at the same time the map amendment is adopted. The plan shall establish standards and conditions for development consistent with the purposes of the plan and may include changes in land use controls and development standards.

d. Zoning Map Designator. Each neighborhood conservation overlay zone shall be shown on the zoning map by an "NC" designator and an appropriate number.

e. Limitation on Permit Issuance. No building or grading permit for a project within a neighborhood conservation overlay zone shall be issued by the commissioner of neighborhood services unless the use, alteration or construction meets the standards set forth in, or prepared pursuant to, sub. 3.

f. Amendment of Zone Boundaries. Amendment of the boundaries of a neighborhood conservation overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

g. Appeals. An appeal of denial of a permit based on failure to meet performance criteria or development or design standards of a neighborhood conservation overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

h. Deviations. An application requesting a deviation from a performance or design standard of a neighborhood conservation overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission, or the commission and the common council, according to the procedures and criteria of s. 295-311-9.

3. STANDARDS. a. Size. Each neighborhood conservation overlay zone shall include a minimum contiguous area of 2 acres, including intervening streets and alleys, and shall contain at least 3 separate parcels.

b. Uses. Provisions for specific uses included in any base zoning district except a planned development district may be modified by the neighborhood conservation plan to accommodate unique or mixed uses serving the neighborhood or to restrict uses which adversely affect the neighborhood.

c. Performance Criteria. Performance criteria for permitted, limited or special uses may be modified by the neighborhood conservation plan.

d. Development and Design Standards. Development and design standards may be created to enhance the neighborhood's identity and character.

295-1005. Interim Study Overlay Zone (IS). 1. PURPOSE. The interim study overlay zone is intended to allow discretionary review of development proposals in areas where changes in zoning provisions are contemplated or under study. This zone will allow new developments to proceed through a review process that will insure that the development is compatible with the city's comprehensive plan rather than establishing a moratorium during a time when new or modified zoning provisions are being put into place.

2. PROCEDURES. a. Creation. Creation of an interim study overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and may occur only in a location for which an area-specific comprehensive plan element has been adopted by the city plan commission.

b. Study Plan. Prior to approving the establishment of an interim study overlay zone, the city plan commission and the common council shall approve, by resolution, a study plan that identifies regulatory problems and states land use and development issues to be resolved for the area proposed for reclassification.

c. Zoning Map Designator. Each interim study overlay zone shall be shown on the zoning map with an "IS" designator and an appropriate number.

d. Special Use Permit Required. Upon the establishment of an interim study overlay zone, all uses listed in the existing or proposed district as permitted, limited or special uses shall be special uses for which approval of special use permits by the board of zoning appeals is required. In addition to the findings required for special uses, the board shall find that a proposed use will not conflict with or exacerbate the land use and development issues identified by the study plan approved for the area at the time the interim study overlay zone was created.

e. Time Limits. An ordinance establishing an interim study overlay zone shall contain a provision terminating the interim study overlay zone designation at a specified time, but not more than 2 years from its effective date. An ordinance establishing an interim study overlay zone may be amended, reenacted, or superseded by a zoning map amendment adopted as prescribed by s. 295-307.

f. Resubmittal of Development Proposals. Notwithstanding the provisions of s. 295-307, a special use permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective date of a zoning map amendment superseding an interim study overlay zone designation.

g. Amendment of Zone Boundaries. Amendment of the boundaries of an interim study overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

295-1007. Development Incentive Overlay Zone (DIZ) 1. PURPOSES. The specific purposes of the development incentive overlay zone are to:

a. Provide opportunities to create new development projects which are more compatible with existing development on adjacent sites.

b. Create a pedestrian-friendly environment in both design and scale.

c. Encourage creativity, variety and excellence in project design and layout.

d. Utilize a development review and approval process that meets these purposes without causing undue delays.

2. PROCEDURES. a. Creation. Creation of a development incentive overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Performance Standards. Upon receipt of an application for creation of a development incentive overlay zone, the commissioner shall prepare performance standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each development incentive overlay zone shall be shown on the zoning map by a “DIZ” designator and an appropriate number.

e. Limitation on Permit Issuance. No building or grading permit for a project within a development incentive overlay zone shall be issued by the commissioner of neighborhood services until development plan approval has been granted or specified conditions have been met. The development of single-family or 2-family dwellings shall be exempt from this requirement.

f. Amendment of Zone Boundaries. Amendment of the boundaries of a development incentive overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council, signed by owners of 50% or more of the area of all land included in the zone and accompanied by the affidavit required by s. 295-313. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

g. Appeals. An appeal of denial of a permit based on failure to meet the performance standards of a development incentive overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

h. Deviations. An application requesting a deviation from a performance or design standard of a development incentive overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission, or the commission and the common council, according to the procedures and criteria of s. 295-311-9.

3. STANDARDS. a. Performance Standards. The commissioner shall prepare performance standards applicable to each development incentive overlay zone. Such performance standards may include, but shall not be limited to, design requirements, signage, fencing and landscaping, buffers, open space, pedestrian and vehicular access, and building height, bulk, placement, materials, façade treatment and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the performance standards do not specify new standards, those of the underlying district shall be maintained. The commissioner shall also include, within the performance standards, modifications to the lists of permitted, limited, and special uses in the underlying zoning district. Such modifications may include a list of all uses which will be permitted and which will be prohibited.

b. Required Findings. Prior to the approval or conditional approval of any site work within a development incentive overlay zone, the city plan commission shall find that the development plan:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the performance standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

295-1009. Site Plan Review Overlay Zone (SP). 1. PURPOSE. This overlay zone adds design and building placement standards over and above those required by the base district. These standards are intended to provide improved buffers, pedestrian and vehicular access, and neighborhood compatibility and transition.

2. PROCEDURES. a. Creation. Creation of a site plan review overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Design Standards. Upon receipt of an application for creation of a site plan review overlay zone, the commissioner shall prepare design standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each site plan review overlay zone shall be shown on the zoning map by a “SP” designator and an appropriate number.

d. Development Plan Review. Once the site plan review overlay zone has been established, plans for all site work within the zone shall be submitted to the city plan commission for its approval. The approved design standards shall be used by the commission in its review of development plans within the zone.

e. Amendment of Zone Boundaries. Amendment of the boundaries of a site plan review overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

f. Appeals. An appeal of denial of a permit based on failure to meet the design standards of a site plan review overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

g. Deviations. An application requesting a deviation from a performance or design standard of a site plan review overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission, or the commission and the common council, according to the procedures and criteria of s. 295-311-9.

3. STANDARDS. a. Design Standards. The commissioner shall prepare design standards applicable to each site plan review overlay zone. Such design standards may include, but shall not be limited to: signage; fencing and landscaping; buffers; open space; pedestrian and vehicular access; building height, bulk, placement, façade treatment, materials and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the design standards do not specify new standards, those of the underlying district shall be followed.

b. Required Findings. Prior to the approval or conditional approval of any site work within a site plan review overlay zone, the city plan commission shall find that the development plan for such site work:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the design standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

295-1015. Lakefront Overlay Zone (LF). 1. PURPOSE. The lakefront overlay zone is established to accommodate a wide variety of public and quasi-public facilities providing recreational and cultural opportunities and supporting services that require lakefront sites.

2. PROCEDURES. a. Creation. Creation of a lakefront overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. The lakefront overlay zone shall be shown on the zoning map with an “LF” designator.

c. Amendment of Zone Boundaries. Amendment of the boundaries of a lakefront overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department’s receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

3. STANDARDS. a. Use Table. Table 295-1015-3-a indicates the use classifications for various land uses in the lakefront overlay zone. These use classifications replace the classifications of the underlying zoning district. Any use not listed in the table is a prohibited use in the lakefront overlay zone. The following are the use classifications indicated in Table 295-1015-3-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. “L“ indicates a limited use. This use is permitted only when the use meets the standards of subdiv. a-2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

Table 295-1015-3-a LAKEFRONT OVERLAY ZONE USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use	**Zoning District**
Uses	**LF**
EDUCATIONAL USES	
Day care center	L
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	Y
Community center	L
COMMERCIAL AND OFFICE USES	
General Office	S
Government office	Y
Retail establishment, general	L
MOTOR VEHICLE USES	
Parking lot, principal use	S
Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	S
Tavern	S
Assembly hall	L
Restaurant without drive-through facility	L
Restaurant with drive-through facility	L
ENTERTAINMENT AND RECREATION USES	
Park or playground	Y
Festival grounds	Y
Recreation facility, indoor	S
Recreation facility, outdoor	S
Theater	S
Marina	L
TRANSPORTATION USES	
Passenger terminal	Y
Helicopter landing facility	S
Ship terminal or docking facility	S
UTILITY AND PUBLIC SERVICE USES	
Transmission tower	L
Water treatment plant	Y
Small wind energy system	Y
Solar farm	S
Substation/distribution equipment, indoor	S
Substation/distribution equipment, outdoor	L
TEMPORARY USES	
Seasonal market	L
Live entertainment special event	L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing a library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing a library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Community Center or Assembly Hall. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment, Restaurant without Drive-through facility or Restaurant with Drive-through Facility.

b-3-a. The area devoted to the use shall not exceed 1,000 square feet.

b-3-b. The use shall be located in a structure owned by a governmental agency or entity.

b-3-c. The use shall be ancillary to park and recreational uses.

b-4. Marina. Indoor sales or storage of boats shall not be permitted.

b-5. Transmission Tower. b-5-a. The tower shall comply with the applicable provisions of s. 295-413.

b-5-b. The tower shall not exceed the height limit of the underlying zoning district.

b-6. Substation/distribution Equipment, Outdoor. All structures associated with the use shall be screened with type “G“ landscaping, as described in s. 295-405.

b-7. Seasonal Market. b-7-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-7-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-7-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-7-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-7-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-7-f. The site shall be restored to its previous condition following termination of the market operation.

b-8. Live Entertainment Special Event. b-8-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-8-b. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

b-8-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

c. Design Standards. c-1. Purpose. The objective of the design standards of this paragraph is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this paragraph include the provision of setbacks and the use of screening/buffering techniques to limit the visibility of certain activities.

c-2. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

c-3. Accessory Building Standards. Accessory buildings shall have setbacks of at least 25 feet from all property lines. However, a ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines

c-4. Site Standards. c-4-a. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

c-4-b. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type “G” landscaping, as described in s. 295-405.

c-4-c. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type “G“ landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

c-4-d. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

c-4-e. Signs, Generally. Table 295-1015-3-c-4-e contains the regulations for on-premise and off-premise signs in the lakefront overlay zone. General regulations applicable to all signs can be found in s. 295-407.

c-4-f. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the lakefront overlay zone provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the lakefront overlay zone provided it does not exceed 6 square feet.

c-4-g. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as possibly practicable or be separated by a building.

c-4-h. Combination type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

c-5. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

Table 295-1015-3-c-4-e SIGN REGULATIONS FOR THE LAKEFRONT OVERLAY ZONE	
	LF
Freestanding Signs (only monument signs permitted)	
Maximum number	no limit
Type “A” max. display area (sq. ft.)	40; special use permit required for larger than 40 sq. ft.
Type “B” max. display area (sq. ft.)	special use permit required for sign up to 32 sq. ft.; prohibited if larger than 32 sq. ft.
Maximum height	14 ft.
Wall Signs (permitted)	
Maximum number	no limit
Type “A” max. display area (sq. ft.)	no limit
Type “B” max. display area (sq. ft.)	50
Projecting Signs (permitted)	
Maximum number	no limit
Type “A” max. display area (sq. ft.)	no limit
Type “B” max. display area (sq. ft.)	24
Awning Signs (type “A” *permitted only)*	
Maximum number	no limit
Type “A” max. display area (sq. ft.)	no limit
Hood Signs (permitted)	
Maximum number	no limit
Type “A” max. display area (sq. ft.)	no limit
Type “B” max. display area (sq. ft.)	24
Canopy Signs (permitted)	
Maximum number	no limit
Type “A” max. display area (sq. ft.)	no limit
Type “B” max. display area (sq. ft.)	24
Roof Signs (permitted)	
Type “A” max. display area (sq. ft.)	no limit
Type “B” max. display area (sq. ft.)	50
Off-premise Signs (not permitted)	

295-1017. Master Sign Program Overlay Zone (MSP). 1. PURPOSE. This overlay zone allows the use of different sign regulations in place of or in addition to the sign regulations of the base zoning district for the purpose of allowing overall flexibility in the application of sign regulations for larger, multi-tenant sites that may front on more than one street or have large street frontages, yet encouraging consistency of sign design within the overlay zone.

2. PROCEDURES. a. Creation. Creation of a master sign program overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each master sign program overlay zone shall be shown on the zoning map by an "MSP" designator and an appropriate number.

c. Minimum Site Size. The minimum site size for application of the master sign program overlay zone shall be 1.5 acres.

d. Limitation on Permit Issuance. Permits may be issued for signs in an area covered by an approved master sign program only if such signs conform to the standards of the program.

e. Standards. Along with the application for creation of a master sign program overlay zone, the applicant shall submit a master sign program for review and approval by the common council at the same time the map amendment is adopted. The master sign program shall include the following:

e-1. A site plan, drawn to scale, delineating the area proposed for inclusion within the master sign program and the general location of all proposed signs.

e-2. Scale drawings or sketches indicating the location and characteristics of all existing signs.

e-3. Scale drawings or sketches indicating exterior surface details of all buildings on the site on which wall signs, directory signs, freestanding signs or projecting signs are proposed.

e-4. A graphic and written program specifying sign standards, including color, size, construction details, illumination and placement.

e-5. A statement of the reasons for any requested deviations from the standards or regulations of the base zoning district.

f. Allowable Deviations. A master sign program may include more than one freestanding sign per site or other deviations from the standards of this section, such as but not limited to the maximum size or height of individual signs, provided the master sign program meets the intent of the provisions of this section.

g. Required Findings. No master sign program shall be approved unless the commission finds all of the following to be true:

g-1. The design quality of the site and surrounding area will be greater with the master sign program than with application of the regulations and standards of this chapter.

g-2. The proposed signs are compatible with the style or character of other existing or proposed improvements on the site and with one another.

g-3. The proposed sign program will accommodate the signage needs of both current and future occupants of the site.

g-4. The site contains at least 1.5 acres, has multiple tenants and either fronts on more than one street or has a large street frontage.

g-5. The proposed master sign program meets the intent of the sign standards of the base zoning district.

h. Conditions of Approval. In approving a master sign program, the commission may impose, upon the applicant and the site to which the program would apply, any reasonable conditions necessary to carry out the intent of this subsection while still providing each sign user with opportunities for effective identification and communication.

i. Amendment of Zone Boundaries. Amendment of the boundaries of a master sign program overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

[Pages 941 to 950 are blank]

SUBCHAPTER 11
FLOODPLAIN OVERLAY ZONES

295-1101. **Statutory Authorization**. This subchapter is adopted pursuant to the authorization in s. 62.23, Wis. Stats., and the requirements of s. 87.30, Wis. Stats.

295-1103. Finding of Fact. The common council finds that uncontrolled development and use of the floodplains and rivers of the city would impair the public health, safety, convenience, general welfare and tax base.

295-1105. Purposes. This subchapter is intended to regulate floodplain development to:

1. Protect life, health and property.

2. Minimize expenditures of public funds for flood control projects.

3. Minimize rescue and relief efforts undertaken at the expense of taxpayers.

4. Minimize business interruptions and other economic disruptions.

5. Minimize damage to public facilities in the floodplain.

6. Minimize the occurrence of future flood blight areas in the floodplain.

7. Discourage the victimization of unwary land and home buyers.

8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.

9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

295-1107. Definitions. In this subchapter:

1. ACCESSORY STRUCTURE OR USE means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

3. AH ZONE. See AREA OF SHALLOW FLOODING.

5. ALTERATION means an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning or other systems within a structure.

7. AO ZONE. See AREA OF SHALLOW FLOODING.

9. AREA OF SHALLOW FLOODING means a designated AO, AH, AR/AO, AR/AH or VO zone on a flood insurance rate map with a one percent or greater annual chance of flooding to an average depth of one to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

11. A-ZONE means an area shown on the official floodplain zoning map that would be inundated by the regional flood. Such area may be a numbered or unnumbered A-Zone. An A-Zone may or may not be reflective of flood profiles, depending on the availability of data for a given area.

13. BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year, as published by the federal emergency management agency as part of a flood insurance study and depicted on a flood insurance rate map.

15. BASEMENT means any enclosed area of a building having its floor sub-grade (below ground level) on all sides.

17. BUILDING. See STRUCTURE.

19. BULKHEAD LINE means a geographic line along a reach of navigable water that has been adopted by city ordinance and approved by the Wisconsin department of natural resources pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this subchapter.

21. CAMPGROUND means any parcel of land which is designed, maintained, intended or used for providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

23. CAMPING UNIT means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

25. CERTIFICATE OF COMPLIANCE means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this subchapter.

27. CHANNEL means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

29. COMMISSIONER means the commissioner of neighborhood services or a designated representative.

31. CRAWLWAY OR CRAWL SPACE means an enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for access to plumbing and electrical utilities.

33. DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

35. DEVELOPMENT means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

37. DRY-LAND ACCESS means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

39. ENCROACHMENT means any fill, structure, equipment, use or development in the floodway.

41. FLOOD INSURANCE RATE MAP means a map on which the federal insurance administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the federal emergency management agency.

43. FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

a. The overflow or rise of inland waters.

b. The rapid accumulation or runoff of surface waters from any source.

c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan.

d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

45. FLOOD FREQUENCY means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring on the average once in a specified number of years or as a percentage chance of occurring in any given year.

47. FLOOD FRINGE means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

49. FLOOD HAZARD BOUNDARY MAP means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the national flood insurance program until superseded by a flood insurance study and a flood insurance rate map.

51. FLOOD INSURANCE STUDY means a technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations, and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the national flood insurance program.

53. FLOODPLAIN means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

55. FLOODPLAIN ISLAND means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

57. FLOODPLAIN MANAGEMENT means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

59. FLOOD PROFILE means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

61. FLOODPROOFING means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

63. FLOOD PROTECTION ELEVATION means an elevation of 2 feet of freeboard above the water surface profile elevation designated for the regional flood. See also FREEBOARD.

65. FLOOD STORAGE means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

67. FLOODWAY means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

69. FREEBOARD means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

71. HABITABLE STRUCTURE means any structure or portion thereof used or designed for human habitation.

73. HIGH FLOOD DAMAGE POTENTIAL means the potential that damage could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

75. HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

77. HISTORIC STRUCTURE means any structure that is one or more of the following:

a. Listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register.

b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

c. Designated as an historic structure by the common council pursuant to the provisions of s 320-21.

79. INCREASE IN REGIONAL FLOOD HEIGHT means a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

81. LAND USE means any nonstructural use made of unimproved or improved real estate. See also DEVELOPMENT

83. LOWEST ADJACENT GRADE means the elevation of the lowest ground surface that touches any of the exterior walls of a building.

85. LOWEST FLOOR means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

87. MAINTENANCE means the act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or equipment.

89. MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. This term includes a mobile home but does not include a mobile recreational vehicle.

91. MANUFACTURED HOME PARK OR SUBDIVISION means a parcel, or contiguous parcels, of land divided into 2 or more manufactured home lots for rent or sale.

93. MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING means a parcel of land, divided into 2 or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance [city clerk to insert date]. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

95. MANUFACTURED HOME PARK, EXPANSION TO EXISTING means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

97. MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. This term does not include a manufactured home that was towed or carried onto a parcel of land but does not remain capable of being towed or carried, including parked model homes.

99. MODEL, CORRECTED EFFECTIVE means a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model or incorporates more detailed topographic information than that used in the current effective model.

101. MODEL, DUPLICATE EFFECTIVE means a copy of the hydraulic analysis used in the effective flood insurance study and referred to as the effective model.

103. MODEL, EFFECTIVE means the hydraulic engineering model that was used to produce the current effective flood insurance study.

105. MODEL, EXISTING (PRE-PROJECT) means a modification of the duplicate effective model or corrected effective model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

107. MODEL, REVISED (POST-PROJECT) means a modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

109. NORTH AMERICAN VERTICAL DATUM or NAVD means elevations referenced to mean sea level datum, 1988 adjustment.

111. NATIONAL GEODETIC VERTICAL DATUM or NGVD means elevations referenced to mean sea level datum, 1929 adjustment.

113. NEW CONSTRUCTION means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the city and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

115. NONCONFORMING STRUCTURE means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this subchapter for the area of the floodplain which it occupies.

117. NONCONFORMING USE means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this subchapter for the area of the floodplain which it occupies.

119. OBSTRUCTION TO FLOW means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

121. OFFICIAL FLOODPLAIN ZONING MAP means that map, adopted and made part of this code, as described in s. 295-1117-5, which has been approved by the Wisconsin department of natural resources and the federal emergency management agency.

123. OPEN SPACE USE means a use having a relatively low flood damage potential and not involving structures.

125. ORDINARY HIGHWATER MARK means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

127. PERSON means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.

129. PRIVATE SEWAGE SYSTEM means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin department of safety and professional services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel from the structure.

131. PUBLIC UTILITIES means those utilities using underground or overhead transmission, distribution or collection lines or systems, including but not limited to electric, telephone, water, sanitary sewer and storm sewer utilities.

133. REASONABLY SAFE FROM FLOODING means base flood waters will not inundate the land or damage structures to be removed from the floodplain, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

135. REGIONAL FLOOD means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the flood insurance rate map, the regional flood elevation is equivalent to the base flood elevation.

137. SHORELANDS means lands within the following distances from the ordinary high-water mark of navigable waters: 1,500 feet from a lake, pond, estuary or flowage; and 500 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

139. START OF CONSTRUCTION means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling. Nor does it include the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms, or the installation of accessory buildings on the property. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

141. STRUCTURE means any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

143. SUBDIVISION has the meaning given in s. 236.02(12), Wis. Stats.

145. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

147. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the commissioner of neighborhood services and that are the minimum necessary to assure safe living conditions. Nor does it include any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

149. VIOLATION means the failure of a structure or other development to be fully compliant with the provisions of this subchapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

151. WATERSHED means the entire region contributing runoff or surface water to a watercourse or body of water.

153. WATER SURFACE PROFILE means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

155. WELL means an excavation opening in the ground, made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

157. WETLANDS means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

159. WETLAND ALTERATION means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

295-1109. Areas to Be Regulated. This subchapter regulates all areas that would be covered by the base flood or regional flood, as shown on the flood insurance rate map or other maps approved by the Wisconsin department of natural resources. Base flood elevations shall be derived from flood profiles in the flood insurance study and are shown as AE, A1-30 and AH Zones on the flood insurance rate map. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply. Any development or use within the areas regulated by this subchapter shall be in compliance with the provisions of this subchapter and other applicable local, state and federal regulations.

295-1111. Annexed Areas. The floodplain zoning provisions assigned to land being annexed to the city of Milwaukee in effect on the date of annexation shall remain in effect and shall be enforced by the city for all annexed areas until the city adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code, as amended, and 44 CFR 59-72, national flood insurance program. These annexed lands are described on the city's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the offices of the department. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

295-1113. Abrogation And Greater Restrictions. The provisions of this subchapter are not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this subchapter imposes greater restrictions, the provisions of this subchapter shall prevail.

295-1115. Interpretation. In their interpretation and application, the provisions of this subchapter are the minimum requirements liberally construed in favor of the city and are not a limitation or repeal of any other powers granted by the Wisconsin statutes. If a provision of this subchapter, required by ch. NR 116, Wis. Adm. Code, as amended, is unclear, the provision shall be interpreted in light of the standards in effect on December 30, 2005, or in effect on the date of the most recent amendment to this subchapter.

295-1117. Procedures. 1. CREATION OR REVISION. Creation of, or revisions to, floodplain overlay zone boundaries or regulations shall be by amendment to the zoning map or zoning code text, pursuant to s. 295-307. Such an amendment shall not be final until approved by both the Wisconsin department of natural resources and the federal emergency management agency. In the case of a floodplain overlay zone boundary change, the federal emergency management agency will determine if an official letter of map amendment or a letter of map amendment based on fill will be required. These letters are waivers of federal insurance requirements and do not fulfill minimum requirements for removing land from the floodplain. To remove land from a floodplain, the requirements of s. 295-1141 shall be met.

2. AMENDMENT. Actions which require an amendment of a floodplain overlay zone boundary or submittal of a letter of map change include, but are not limited to, the following:

a. Any fill or floodway encroachment that obstructs flow, causing any increase in the regional flood height.

b. Any change to the floodplain boundaries or watercourse alterations on the flood insurance rate map.

c. Any change to any other officially-adopted floodplain maps provided in sub. 5.

d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

e. Correction of discrepancies between the water surface profiles and floodplain maps.

f. Any upgrade to the text of this section required by s. NR 116.05, Wis. Adm. Code, as amended, otherwise required by law or for changes by the city.

g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe based on a base flood elevation from a flood insurance rate map. Prior approval of the federal emergency management agency shall be required for such relocations or changes.

3. OTHER APPROVALS. a. No amendment shall become effective until it is reviewed and approved by the Wisconsin department of natural resources.

b. Any person petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the common council.

4. ZONING MAP DESIGNATORS. Each floodplain overlay zone shall be shown on the zoning map by an "FW" designator indicating a floodway overlay zone, an "FF" designator indicating a flood fringe overlay zone, an "FSD" designator indicating a flood storage overlay zone or a "GF" designator indicating a general floodplain overlay zone.

5. OFFICIAL MAPS AND REVISIONS. a. Official Maps Adopted. The boundaries of all floodplain overlay zones are designated as A, AE, AH, AO or A1-30 on the following maps based on the flood insurance study:

a-1. Milwaukee county flood insurance study, dated September 26, 2008, volume numbers 55079CV001A, 55079CV002A, 55079CV003A, 55079CV004A and 55079CV005A.

a-2. Milwaukee County flood insurance rate map panel numbers 55079CIND0A, 55079C0008E, 55079C0012E, 55079C0014E, 55079C0016E, 55079C0017E, 55079C0018E, 55079C0019E, 55079C0036E, 55079C0037E, 55079C0038E, 55079C0052E, 55079C0056E, 55079C0058E, 55079C0066E, 55079C0067E, 55079C0068E, 55079C0069E, 55079C0076E, 55079C0077E, 55079C0081E, 55079C0082E, 55079C0084E, 55079C0086E, 55079C0087E, 55079C0089E, 55079C0091E, 55079C0092E, 55079C0093E, 55079C0094E, 55079C0103E, 55079C0111E, 55079C0131E, 55079C0132E, 55079C0151E, 55079C0152E, 55079C0153E, 55079C0154E, 55079C0156E, 55079C0157E, 55079C0158E, 55079C0159E, 55079C0162E, 55079C0166E, 55079C0167E and 55079C0176E dated September 26, 2008, with corresponding profiles that are based on the flood insurance study.

a-3. Waukesha County flood insurance rate map panel numbers 55133C0114G and 55133C0227G dated November 5, 2014, with corresponding profiles that are based on the flood insurance study dated November 5, 2014, volume numbers 55133CV001C, 55133CV002C and 55133CV003C.

a-4. Washington county flood insurance rate map panel number 55131C0379D, dated November 20, 2013, with corresponding profiles that are based on the flood insurance study dated October 16, 2015, volume numbers 55131CV001B, 55131CV002B and 55131CV003B.

b. Revision of Maps. Any change to the base flood elevations or any change to the boundaries of the floodplain or floodway in the flood insurance study or on the flood insurance rate map shall be reviewed and approved by the Wisconsin department of natural resources and the federal emergency management agency through the letter-of- map- revision process in s. 295-1143 before it is effective. No changes to regional flood elevations on non-federal emergency management agency maps shall be effective until approved by the department of natural resources.

c. Maps Based on Other Studies. Any map referenced in this paragraph shall be approved by the Wisconsin department of natural resources and be more restrictive than the map based on the flood insurance study at the site of the proposed development. The city adopts the following:

c-1. The Northridge Lakes dam floodplains map (dam failure floodplain boundary) dated October 28, 2010, prepared by R. A. Smith National.

c-2. The Northridge Lakes dam failure analysis prepared by R.A. Smith National dated July 2, 2010 and approved by the department of natural resources on November 2, 2010.

c-3. Conditional letter of map revision (CLOMR) case no. 15-05-1919R, issued date April 21, 2016.

d. Location of Maps. The maps listed in pars. a and c are on file in the office of the commissioner.

e. More Than One Map or Revision. Whenever more than one map or revision is referenced, the most restrictive information shall apply.

6. LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in pars. a and b. If a significant difference exists, the map shall be amended according to s. 295-307. The commissioner may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The commissioner shall document actual pre-development field conditions and the basis upon which the district boundary was determined, and initiate any map amendments required under this subsection. Disputes between the commissioner and an applicant over a district boundary line shall be settled according to s. 295-1149-4 and the following criteria:

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a flood insurance rate map, the approval of the federal emergency management agency pursuant to sub. 2-g shall be required for any map amendment.

b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Wisconsin department of natural resources.

7. VARIANCES. Pursuant to s. 295-1149-2-c-1, the board of zoning appeals shall take no action on any application for a variance in a floodplain overlay zone for 30 days following the date of receipt of the application or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

295-1119. Standards Applicable to All Floodplain Overlay Zones. 1. No floodplain development shall result in either of the following:

a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height.

b. Cause any increase in the regional flood height due to floodplain storage area lost.

2. The commissioner shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted flood insurance rate map or other adopted map, unless the provisions of sub. 3 are met.

3. Obstructions, or any increases to base flood elevations shown on the officially adopted flood insurance rate map or other adopted map, may only be permitted if amendments are made to this subchapter, the official floodplain zoning map, floodway lines and water surface profiles, in accordance with s. 295-1117. Any such alterations shall be reviewed and approved by the federal emergency management agency and the Wisconsin department of natural resources.

4. Development shall not adversely affect channels, floodways or banks of any tributaries of the city's watercourses, or land outside of the floodplain.

5. No river or stream shall be altered or relocated until a floodplain overlay zone zoning map amendment is approved by the common council in accord with s. 295-307.

6. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the commissioner has notified, in writing, all adjacent municipalities and the regional offices of the Wisconsin department of natural resources and the federal emergency management agency, and has required the applicant to secure all necessary state and federal permits. The standards of sub. 1 shall be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation, and pursuant to s. 295-1143, the commissioner shall, on behalf of the city, apply for a letter of map revision from the federal emergency management agency. Any such alterations shall be reviewed and approved by the federal insurance management agency and the Wisconsin department of natural resources through the letter-of-map-revision process.

295-1121. Standards For Development In The Floodway Overlay Zone (FW). 1. PERMITTED USES. The following open space uses are permitted uses in the floodway overlay zone and the floodway areas of the other floodplain overlay zones if they are not prohibited by any other provision of this code, meet the standards of subs. 2 to 6, and all permits or certificates have been issued according to ss. 295-1129 and 2951131:

a. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

b. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of sub. 5.

d. Uses or structures accessory to open space uses or classified as historic structures, that comply with subs. 2 to 6.

e. Extraction of sand, gravel or other materials, subject to sub. 5.

f. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, river crossings of transmission lines and pipelines that are in compliance with chs. 30 and 31, Wis. Stats., as amended.

g. Public utilities, streets and bridges that are in compliance with sub. 5.

h. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking and similar uses, provided the applicant can demonstrate that the water-carrying and storage capacity of the floodplain will not decrease as a result of the earth-grading activities.

2. GENERAL DEVELOPMENT STANDARDS. a. Any development in the floodway shall comply with s. 295-1119 and have a low flood damage potential.

b. Applicants shall provide either of the following data to determine the effects of the proposal according to s. 295-1119:

b-1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow.

b-2. An analysis calculating the effects of the proposal on regional flood height.

c. The commissioner shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream based on the data submitted pursuant to par. b.

d. Parking and loading areas may be at elevations lower than the flood protection elevation. However, no such areas in general use by the public may be inundated to a depth greater than 2 feet or subject to flood velocities greater than 2 feet per second. Such areas may be located at lower elevations if an adequate warning system exists to protect life and property.

3. STRUCTURES. A structure accessory to a permanent open space use or functionally dependent on a waterfront location may be allowed by permit if the commissioner finds that the structure will comply with all of the following criteria:

a. The structure will not be designed for human habitation, will not have a high flood damage potential and will be constructed to minimize flood damage.

b. The structure will be anchored to resist flotation, collapse and lateral movement.

c. The portions of the structure located below the regional flood elevation will be constructed of flood-resistant materials.

d. The structure will be designed to allow for the automatic entry of flood waters.

e. Mechanical and utility equipment will be elevated to or above, or floodproofed to or above, the flood protection elevation.

f. The structure will not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

g. Use of the structure will be limited to parking or limited storage.

h. The structure will have a minimum of 2 openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, with the bottom of each opening being no higher than one foot above grade. The openings shall be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

4. PUBLIC UTILITIES, STREETS AND BRIDGES. Public utilities, streets and bridges may be allowed by permit if the commissioner finds that both of the following conditions will be met:

a. Adequate floodproofing measures will be provided to the flood protection elevation.

b. The facilities will be constructed in compliance with the development standards of s. 295-1119.

5. FILLS OR DEPOSITION OF MATERIALS. Fills or deposition of materials may be allowed by permit if the commissioner finds that the work to be performed will meet all of the following conditions.

a. The work will be in compliance with the provisions of s. 295-1119.

b. No material will be deposited in navigable waters unless a permit has been issued by the Wisconsin department of natural resources pursuant to ch. 30, Wis. Stats., as amended, a permit has been issued pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, if applicable, and all other requirements have been met.

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading.

d. The fill is not classified as a solid or hazardous material.

6. PROHIBITED USES. All uses not listed in sub. 1 are prohibited uses in the floodway overlay zone, including but not limited to:

a. Storage of materials that are buoyant, flammable, explosive or injurious to property, water quality or human, animal, plant, fish or other aquatic life.

b. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin department of natural resources-approved campgrounds that meet applicable city code provisions and ch. SPS 383, Wis. Adm. Code, as amended.

c. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet applicable city code provisions and the requirements of chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

d. Any solid or hazardous waste disposal sites.

e. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code, as amended.

f. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

g. Parking areas for new or used motor vehicle sales or storage

h. Habitable structures, structures with high flood damage potential, those not associated with permanent open-space uses, and uses not in harmony with or detrimental to uses permitted in the adjoining districts.

295-1123. Standards for Development in the Flood Fringe Overlay Zone (FF). 1. PERMITTED USES. Any structure, land use or development is permitted in the flood fringe overlay zone if it meets the standards of s. 295-1119 and this section, is not prohibited elsewhere in this code, and all permits or certificates specified in ss. 295-1129 and 295-1131 have been issued.

2. RESIDENTIAL USE REGULATIONS. Any structure, including a manufactured home, which is to be newly constructed or moved into a flood fringe overlay zone shall meet or exceed the following standards:

a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of par. b can be met . The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Wisconsin department of natural resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines make compliance impractical and the board grants a variance.

b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway shall be permitted below the regional flood elevation.

c. Contiguous dry-land access shall be provide from the structure to land outside of the floodplain, except as provided in par. d.

d. In a development where existing street or sewer line elevations make compliance with par. c impractical, the commissioner may permit new development and substantial improvements where roads are below the regional flood elevation if the commissioner finds either of the following to be true:

d-1. The commissioner has received written assurance from the police and fire departments that rescue and relief will be provided to the structure by wheeled vehicles during a regional flood event.

d-2. The city has an emergency evacuation plan approved by the Wisconsin department of natural resources.

e. The floodplain overlay zone boundary shall be amended pursuant to s. 295-1117-2 to provide for removal of the land on which the habitable structure is located in accordance with s. 295-1141.

3. ACCESSORY STRUCTURES. An accessory structure shall be constructed on fill with its lowest floor at or above the regional flood elevation.

4. COMMERCIAL AND INSTITUTIONAL USES. Any commercial or institutional structure which is erected, altered or moved into a flood fringe overlay zone shall meet the requirements of sub. 2. Subject to the requirements of subs. 6 and 15, storage yards, surface parking lots and similar uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

5. MANUFACTURING AND INDUSTRIAL USES. Any manufacturing or industrial structure which is erected, altered or moved into a flood fringe overlay zone shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing measures in s. 295-1133. Subject to the requirements of subs. 6 and 15, storage yards, surface parking lots and similar uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

6. STORAGE OF MATERIALS. Materials that are buoyant, flammable, explosive or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 295-1133. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

7. PUBLIC UTILITIES, STREETS AND BRIDGES. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or

repair of such facilities shall only be permitted if they are designed to comply with s. 295-1133. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

8. SEWAGE SYSTEMS. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, in accordance with s. 295-1133, to the flood protection elevation and comply with all applicable city code provisions and the provisions of ch. SPS 383, Wis. Adm. Code, as amended.

9. WELLS. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, in accordance with s. 295-1133, to the flood protection elevation and shall comply with the provisions of chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

10. SOLID WASTE DISPOSAL SITES. Disposal of solid or hazardous waste is prohibited in flood fringe overlay zones.

11. DEPOSITION OF MATERIALS. Any deposited material shall meet all applicable provisions of this subchapter.

12. MANUFACTURED HOMES. a. Emergency Preparedness. The owner or operator of any manufactured home park or subdivision in a flood fringe overlay zone shall provide adequate surface drainage to minimize flood damage, and shall prepare and submit to the fire chief an evacuation plan indicating vehicular access and escape routes.

b. Existing Manufactured Home Parks. In an existing manufactured home park, all new homes, replacement homes on existing pads and substantially improved homes shall meet both of the following requirements:

b-1. The home shall have the lowest floor level elevated to the flood protection elevation.

b-2. The home shall be anchored so it does not float, collapse or move laterally during a flood.

c. Homes Outside Existing Parks. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement or substantially improved manufactured homes shall meet the residential development standards of sub. 2.

13. MOBILE RECREATIONAL VEHICLES. Any mobile recreational vehicle that is on-site in a flood fringe overlay zone for 180 or more consecutive days and is not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in sub. 12-b. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

14. GRADING ACTIVITIES. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yards, parking and similar uses shall be permitted in the flood fringe overlay zone, provided the applicant can demonstrate that the water-carrying and storage capacity of the floodplain will not decrease as a result of the earth-grading activities.

15. PARKING AND LOADING AREAS. a. Parking and loading areas may be at elevations lower than the flood protection elevation. However, no such areas in general use by the public may be inundated to a depth greater than 2 feet or subject to flood velocities greater than 2 feet per second. Such areas may be located at lower elevations if an adequate warning system exists to protect life and property.

b. Parking areas for new or used motor vehicle sales or storage shall be prohibited.

16. EXISTING STRUCTURES. Any existing structure in the flood fringe overlay zone shall comply with the applicable requirements of s. 295-1135.

295-1125. Standards for Development in the Flood Storage Overlay Zone (FSD). 1. DESCRIPTION. The flood storage overlay zone delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The overlay zone protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

2. APPLICABILITY. The provisions of this subsection apply to all areas within the flood storage overlay zone, as shown on the official zoning map.

3. PERMITTED USES. Any use or development which occurs in a flood storage overlay zone shall meet the applicable requirements of s. 295-1123.

4. STANDARDS. a. Development in a flood storage overlay zone shall not cause an increase equal of greater than 0.00 of a foot in the height of the regional flood.

b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation will be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost.

Excavation below the groundwater table is not considered to provide an equal volume of storage. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage overlay zone on this waterway is rezoned to the flood fringe overlay zone. This shall include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, in accordance with the provisions of s. 295-1143.

5. REMOVAL FROM OVERLAY ZONE. No area may be removed from the flood storage overlay zone unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

295-1127. Standards for Development in the General Floodplain Overlay Zone (GF). 1. APPLICABILTY. The provisions of this section shall apply to all floodplains mapped as A, AO or AH zones.

2. PERMITTED USES. Pursuant to sub. 4, it shall be determined whether the proposed use is located within the floodway or the flood fringe. Those uses permitted in the floodway and flood fringe overlay zones shall be permitted within the general floodplain overlay zone subject to the standards of sub. 3 and provided that all permits or certificates required under ss. 295-1129 and 295-1131 have been issued.

3. STANDARDS. a. The standards of s. 295-1121 shall apply to development in floodway areas. The standards of s. 295-1123 shall apply to development in flood fringe areas.

b. In AO and AH Zones, the structure's lowest floor shall meet one of the following, whichever is higher:

b-1. At or above flood protection elevation.

b-2. Two feet above the highest adjacent grade around the structure.

b-3. The depth as shown on the flood insurance rate map.

c. In AO and AH Zones, the applicant shall provide plans showing adequate drainage paths to guide floodwaters around structures.

4. DETERMINING FLOODWAY AND FLOOD FRINGE LIMITS. Upon receiving an application for development within the general floodplain overlay zone, the commissioner shall:

a. Require the applicant to submit 2 copies of an aerial photograph of a plan which shows the proposed development with respect to the general floodplain overlay zone limits, stream channel and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the flood insurance rate map.

b. Require the applicant to furnish either or both of the following information deemed necessary by the Wisconsin department of natural resources to evaluate the effects of the proposal upon flood height, flood flows and regional flood elevation, and to determine floodway boundaries:

b-1. A surface-view plan showing elevations or contours of the ground, pertinent structure, fill or storage elevations, the size, location and layout of all proposed and existing structures on the site, the location and elevations of streets, water supply and sanitary facilities, soil types, and other pertinent information.

b-2. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

b-3. A hydrologic and hydraulic study as specified in s. 295-1129-4.

295-1129. Permits Required. 1. GENERAL REQUIREMENTS. It shall be unlawful to use any structure or land, or to erect, alter, relocate, extend or substantially improve any structure or sewer or water facilities, prior to the issuance of a permit. If an amendment to the official zoning map is required, no permit shall be issued by any city official until a letter of map revision is issued by the federal emergency management agency for the proposed change. Furthermore, it shall be the responsibility of the permit applicant to secure all necessary permits required by local, state or federal agencies, including but not limited to:

a. Any permit, certificate or license, including any floodplain fill permit, in accordance with ch. 200.

b. Development which requires a permit from the Wisconsin department of natural resources under chs. 30 and 31, Wis. Stats., as amended, such as docks, piers, wharves, bridges, culverts, dams and navigational aids. Such development may be allowed if the necessary permits are obtained and amendments to this subchapter are made according to s. 295-1117.

c. Wetland fill permits, in accordance with s. 404 of the federal water pollution control act.

2. PERMIT APPLICATION; GENERAL INFORMATION. Information on the application for a permit required under this subchapter shall include:

a. The name and address of the applicant, property owner and contractor.

b. A legal description of the property, along with a description of the proposed use and whether the project will involve new construction, alteration, relocation, extension or substantial improvement of a structure.

3. SITE DEVELOPMENT PLAN. A site plan drawn to scale shall be submitted along with the permit application. The site plan shall contain:

a. The location, dimensions, area and elevation of the lot.

b. The location of the ordinary highwater mark of any abutting navigable waterways.

c. The location of any structures, with distances measured from the lot lines and street center lines.

d. The location of any existing or proposed on-site sewage system or private water supply system.

e. The location and elevation of existing and future access roads.

f. The location of floodplain and floodway limits as determined from the official floodplain zoning maps.

g. The elevation of the lowest floor of any proposed building and any fill, using national geodetic vertical datum.

h. Data sufficient to determine the regional flood elevation, in national geodetic vertical datum, at the location of the development and to determine whether the requirements of s. 295-1121 or 295-1123, as applicable, are met.

i. Data sufficient to determine whether the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge in violation of s. 295-1119. This may include any of the information described in s. 295-1121-2-b.

4. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT. a. Supervision and Review. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin department of natural resources.

b. Zone A Floodplains; Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code.

c. Zone A Floodplains; Hydraulic Modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, and the following:

c-1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (e.g., dams, bridges and culverts) to determine adequate starting WSEL for the study.

c-2. Channel sections shall be surveyed.

c-3. A minimum 4-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

c-4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.

c-5. The most current version of HEC-RAS shall be used.

c-6. A survey of bridge and culvert openings and the top of road is required at each structure.

c-7. Additional cross-sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

c-8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

c-9. The model shall extend past the upstream limit of the difference in the existing and proposed flood profiles to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 foot.

d. Zone A Floodplains; Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation. If any part of the proposed development is in the floodway, it shall be added to the base model to show the difference between existing and proposed conditions. The study shall ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

e. Zone AE Floodplains; Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code.

f. Zone AE Floodplains; Hydraulic Modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, and the following:

f-1. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous flood insurance study model upstream and downstream of the revised reach. If data from the effective model are available, models shall be generated that duplicate the flood insurance study profiles and the elevations shown in the floodway data table in the flood insurance study report to within 0.1 foot.

f-2. Corrected Effective Model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for department of natural resources review.

f-3. Existing (Pre-Project Conditions) Model. The existing (pre-project conditions) model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project conditions) model or to establish more up-to-date models on which to base the revised (post-project conditions) model.

f-4. Revised (Post-Project Conditions) Model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

f-5. Supporting Information. All changes to the duplicate effective model and subsequent models shall be supported by certified topographic information, bridge plans, construction plans and survey notes.

f-6. Changes to Models. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross-sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

g. Zone AE Floodplains; Mapping. Maps and associated engineering data that meet the following conditions or include the following items shall be submitted to the department of natural resources for review:

g-1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated flood insurance rate maps or flood boundary floodway maps, construction plans and bridge plans.

g-2. Certified topographic map of suitable scale and contour interval, as well as a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the flood insurance rate map may be more easily revised.

g-3. An annotated flood insurance rate map panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

g-4. If an annotated flood insurance rate map or flood boundary floodway map and digital mapping data are used, all supporting documentation or metadata shall be included with the data submission along with the universal transverse Mercator projection and state plane coordinate system in accordance with federal emergency management agency mapping specifications.

g-5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

g-6. All cross-sections from the effective model shall be labeled in accordance with the effective map. A cross-section lookup table shall be included to relate to the model input numbering scheme.

g-7. Both the current and proposed floodways shall be shown on the map.

g-8. The stream centerline or profile baseline used to measure stream distances in the model shall be visible on the map.

5. EXPIRATION; RENEWAL; LAPSE OF PERMITS. All permits issued under the authority of this subchapter shall expire not more than 180 days after issuance and may be renewed for up to 180 additional days for good and sufficient cause in accordance with the provisions of s. 200-30.2. Permits shall lapse and be void in accordance with the provisions of s. 200-30.

295-1131. Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the commissioner, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this subchapter.

2. Application for such certificate shall be concurrent with the application for a permit.

3. If applicable code provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

4. The applicant shall submit a certification signed by a registered professional engineer, registered architect or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer, registered architect or registered architect that the requirements of s. 295-1133 are met.

295-1133. Floodproofing. 1. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits:

a. A plan certified by a registered professional engineer or architect that the floodproofing measures taken will protect the structure or development to the flood protection elevation.

b. A federal emergency management agency floodproofing certificate.

2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that meets either of the following:

a. The plan is certified by a registered professional engineer or architect.

b. The plan meets or exceeds the following standards:

b-1. A minimum of 2 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding have been provided.

b-2. The bottom of all openings shall be no higher than one foot above grade.

b-3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

3. Floodproofing measures shall be designed, as appropriate, to:

a. Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors.

b. Protect structures to the flood protection elevation.

c. Anchor structures to foundations to resist flotation and lateral movement.

d. Eliminate infiltration of floodwaters.

e. Minimize or eliminate discharges into floodwaters.

295-1135. Nonconformities. 1. GENERAL. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this subchapter may continue subject to the following conditions:

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section and all other relevant provisions of this subchapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

b. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure does not constitute an extension, modification or addition. The roof of the structure may extend over a portion of the deck to provide safe ingress and egress to the principal structure.

c. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this subchapter.

d. The commissioner shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

e. No structural modification or addition to any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.

f. Except as provided in par. g, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it shall not be replaced, reconstructed or rebuilt unless the use

and the structure meet the current code requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

g. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements are met in pars. k and L and all required permits have been granted prior to the start of construction.

h. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with s. 295-1121-2, flood-resistant materials are used, and construction practices and floodproofing methods that comply with s. 295-1133 are used. Repair or rehabilitation of a historic structure shall be exempt from the standards of par. k if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

i. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this code. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2.

j. If on a per-event basis the total value of the work being done under pars. e and i equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this code. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2.

k. Residential structures shall:

k-1. Have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls shall meet the requirements of s. 295-1133-3.

k-2. Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

k-3. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

k-4. In A Zones, obtain, review and use any flood data available from a federal, state or other source.

k-5. In AO Zones with no elevations specified, have the lowest floor, including basement, meet the standards in s. 295-1127-3-b.

k-6. In AO Zones, have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

L. Non-residential structures shall:

L-1. Meet the requirements of subds. k-1, 2, 5 and 6.

L-2. Have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, meet the standards in s. 295-1133.

L-3. In AO Zones with no elevations specified, have the lowest floor, including basement, meet the standards in s. 295-1127-3-b.

2. FLOODWAY OVERLAY ZONE. a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway overlay zone, unless such modification or addition meets all of the following criteria:

a-1. The modification or addition has been granted a permit or variance which meets all code requirements.

a-2. The modification or addition meets the requirements of sub. 1.

a-3. The modification or addition will not increase the obstruction to flood flows or regional flood height.

a-4. The modification or addition will be floodproofed, pursuant to s. 295-1133, by means other than the use of fill, to the flood protection elevation.

b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public ealth, shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing

on-site sewage disposal system in a floodway overlay zone shall meet the applicable requirements of this code, including s. 295-1133, and ch. SPS 383, Wis. Adm. Code, as amended.

c. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing well in a floodway overlay zone shall meet the applicable requirements of this code, including s. 295-1133, and chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

d. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

d-1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of 2 openings shall be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening shall not be more than 12 inches above the adjacent grade.

d-2. The parts of the foundation located below the flood protection elevation shall be constructed of flood-resistant materials.

d-3. Mechanical and utility equipment shall be elevated or floodproofed to or above the flood protection elevation.

d-4. The use shall be limited to parking, building access or limited storage.

3. FLOOD FRINGE OVERLAY ZONE. a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the city and meets the requirements of s. 295-1123, except where par. b is applicable.

b. Where compliance with the provisions of par. a would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board, using the procedures established in s. 295-1149-1, may grant a variance from the provisions of par. a for modifications or additions, using the criteria listed in this paragraph. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if all of the following conditions are met:

b-1. No floor is located below the regional flood elevation for residential or commercial structures.

b-2. Human lives are not endangered.

b-3. Public facilities, such as water or sewer, will not be installed.

b-4. Flood depths will not exceed 2 feet.

b-5. Flood velocities will not exceed 2 feet per second.

b-6. The structure will not be used for storage of materials as described in s. 295-1123-6.

c. Any new private sewage disposal system, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of this code, including s. 295-1133, and ch. SPS 383, Wis. Adm. Code, as amended.

d. Any new well, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this code, including s. 295-1133, and ch. NR 811 and NR 812, Wis. Adm. Code, as amended.

4. FLOOD STORAGE OVERLAY ZONE. No modifications or additions shall be allowed to any nonconforming structure in a flood storage overlay zone unless the standards in s. 295-1125-4 are met.

295-1137. Administration. The commissioner is authorized to administer the provisions of this subchapter and shall have the following duties and powers:

1. Advise applicants of the provisions of this subchapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

2. Issue permits, inspect properties for compliance with provisions of this subchapter and issue certificates of compliance where appropriate.

3. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

4. Keep records of all official actions, such as:

a. All permits issued, inspections made, and work approved.

b. Documentation of certified lowest floor and regional flood elevations.

c. Records of water surface profiles, floodplain zoning maps and ordinances, and nonconforming uses and structures, including changes, appeals, variances and amendments.

d. All substantial damage assessment reports for floodplain structures.

e. Floodproofing certificates.

f. A list of all nonconforming structures and uses.

5. Submit the following items to the Wisconsin department of natural resources regional office:

a. At least 10 days prior to any public hearing on a proposed floodplain zoning map or text amendment or a variance or special use permit request in a floodplain overlay zone, a copy of the notice of the public hearing.

b. Within 10 days of the decision, a copy of any board decision on a variance request or an appeal for a map or text interpretation.

c. Within 10 days of passage and publication of any ordinance amending the text of this subchapter or amending the zoning map in a manner adding, deleting or modifying a floodplain overlay zone, a copy of the ordinance amending the text or map.

d. Copies of case-by-case analyses and other required information, including an annual summary of floodplain zoning actions taken.

e. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

6. Investigate, prepare reports, and report violations of this section, and to remedy the violations in accordance with the provisions of s. 295-309. Copies of the reports and documentation of the enforcement actions shall be sent to the commissioner of city development and the Wisconsin department of natural resources regional office.

7. Submit copies of amendments as well as biennial reports of those amendments, to the federal emergency management agency regional office.

8. Provide information to the public as follows:

a. The commissioner shall place marks on structures to show the depth of inundation during the regional flood.

b. The commissioner shall ensure that all floodplain maps, engineering data and regulations shall be available to the public and widely distributed.

c. The commissioner shall, upon request, provide floodplain zoning district information to persons preparing real estate transfer documents.

295-1139. Government Agencies Regulated. Unless specifically exempted by law, the city of Milwaukee, the county of Milwaukee, the Milwaukee board of school directors, the housing authority and the redevelopment authority shall comply with all applicable provisions of this subchapter and obtain all necessary permits. State agencies shall be required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin department of transportation shall be exempt when s. 30.2022, Wis. Stats., applies.

295-1141. Removal of Lands from Floodplain. 1. Compliance with the provisions of this subchapter shall not be grounds for removing land from the floodplain unless:

a. Such land is filled at least 2 feet above the regional or base flood elevation.

b. The fill is contiguous to land outside the floodplain.

c. The map is amended pursuant to s. 295-1117-2.

2. Satisfaction of the requirements of sub. 1 does not eliminate the requirement for mandatory purchase of flood insurance. The property owner shall contact the federal emergency management agency to request a letter of map change.

295-1143. Amendments. 1. GENERAL. Obstructions or increases may only be permitted if amendments are made to this subchapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 295-1117.

2. AE ZONES. In an AE Zone with a mapped floodway, no obstruction or increase shall be permitted unless the applicant receives a conditional letter of map revision from the federal emergency management agency and amendments are made to this subchapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 295-1117. Any such alterations shall be reviewed and approved by the federal emergency management agency and the department of natural resources.

3. A ZONES. In an A Zone, an increase equal to or greater than one foot may only be permitted if the applicant receives a conditional letter of map revision from the federal emergency management agency

and amendments are made to this subchapter, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 295-1117.

295-1145. Warning and Disclaimer of Liability. The flood protection standards in this subchapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. The provisions of this subsection do not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor do the provisions of this subchapter create liability on the part of, or a cause of action against, the city or any officer or employee thereof for any flood damage that may result from reliance on those provisions.

295-1147. Shoreland-Wetland Overlay Zone (WL). 1. PURPOSES. The shoreland-wetland overlay zone, which includes all wetlands in the city that are 2 acres or more in area, as defined by the "FINAL" Wisconsin Wetland Inventory Maps dated March 29, 1989, is intended to:

a. Maintain the storm and flood water storage capacity of wetlands.

b. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.

c. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.

d. Prohibit certain uses detrimental to shoreland-wetland areas.

e. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth-moving activities.

2. PROCEDURES. a. Creation. Creation of a shoreland-wetland overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each shoreland-wetland overlay zone shall be shown on the zoning map by a “WL” designator and an appropriate number.

3. STANDARDS. a. Permitted Uses. In a shoreland-wetland overlay zone, the following are permitted uses, provided that no wetland alteration occurs:

a-1. Hiking.

a-2. Fishing.

a-3. Swimming.

a-4. Boating.

b. Special Uses. The following are special uses in the shoreland-wetland overlay zone:

b-1. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

b-2. Silviculture, including the planting, thinning and harvesting of timber, and limited temporary water level stabilization measures as necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

b-3. Raising of minnows or other wetland or aquatic animals.

b-4. Maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.

b-5. Construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.

b-6. Installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zone provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland specified in sub. 1.

b-7. Maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

b-8. Construction and maintenance of roads as necessary to provide continuity in the city's street system, essential utility and emergency services, or access to uses listed under this subsection, provided that:

b-8-a. The road cannot, as a practical matter, be located outside the wetland.

b-8-b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

b-8-c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

b-8-d. Road construction activities are carried out only in the immediate area of the roadbed.

b-8-e. Any wetland alteration shall be only that necessary to accommodate construction or maintenance of the road.

b-9. Construction and maintenance of a nonresidential building provided that:

b-9-a. The building cannot, as a practical matter, be located outside the wetland.

b-9-b. The building does not exceed 500 square feet in floor area. b-9-c. Only limited filling and excavating necessary to provide structural support for the building shall be allowed.

b-10. Establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

b-10-a. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures shall be allowed.

b-10-b. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

b-11. Construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:

b-11-a. These utility facilities and lines cannot, as a practical matter, be located outside the wetland.

b-11-b. Only limited filling or excavating necessary for construction or maintenance shall be allowed.

b-11-c. Construction or maintenance shall be performed in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland specified in sub. 1.

c. Use of Boathouses and Houseboats. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters is prohibited.

d. Exemptions. d-1. Filled Wetlands Exempted. Wetlands filled prior to June 16, 1992, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetlands shall not be subject to the provisions of this section.

d-2. Wetlands Landward Of A Bulkhead Line Exempted. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under s. 30.11, Wis. Stats., and the Milwaukee harbor as defined in s. 118-80, shall not be subject to the provisions of this section.

295-1149. Board of Zoning Appeals Procedures. 1. ADDITIONAL STANDARDS FOR FLOODPLAIN OVERLAY ZONES. a. In addition to the criteria in s. 295-311-3-d, no variance for development or use of property in a floodplain overlay zone shall be granted by the board of zoning appeals unless the board finds that:

a-1. The variance will not cause any increase in the regional flood elevation.

a-2. The lot upon which the development or use would occur is less than one-half acre and is contiguous to one or more lots containing existing structures constructed below the regional flood elevation.

a-3. The applicant has demonstrated good and sufficient cause for granting the variance.

a-4. The variance is the minimum relief necessary to allow the proposed development or use.

a-5. The variance will not cause increased risks to public safety or nuisances.

a-6. The variance will not increase costs for rescue and relief efforts.

b. Whenever the board grants a variance for development or use of property in a floodplain overlay zone, the board shall notify the applicant in writing that the variance may increase risks to life and property and that flood insurance premiums may increase up to $25 per $100 of coverage. A copy of this notice shall be maintained with the variance record.

2. ADDITIONAL PROCEDURES RELATING TO FLOODPLAIN AND SHORELAND-WETLAND OVERLAY ZONES. a. Certified Floodproofing Measures. No permit or variance for development in a floodplain overlay zone shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the proposed floodproofing measures will protect the structure or development to the flood protection elevation.

b. Hearing Notifications. Notice of a hearing relating to a request for a variance or a special use permit in a floodplain or shoreland-wetland overlay zone shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks. No hearing may be held until at least 7 days following the last publication. Notices shall specify the date, time, place and subject of the hearing, and shall also be mailed to the parties of interest.

c. Notice to Department of Natural Resources. c-1. Copies of applications for variances and special use permits in floodplain and shoreland-wetland overlay zones shall, upon receipt by the board, be transmitted to the Wisconsin department of natural resources. No final board action may be taken on any application for 30 days or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

c-2. Copies of decisions rendered by the board for variances and special use permits in floodplain and shoreland-wetland overlay zones shall be transmitted to the Wisconsin department of natural resources within 10 days of the effective dates of such actions.

d. Conditions of Approval. The board may attach such conditions as deemed necessary to further the intent and purposes of such districts. The conditions may include specifications for: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the board may require the applicant to furnish other pertinent information which is necessary to determine if the proposed use is consistent with the intent and purposes of such districts.

3. APPEAL RELATING TO INCREASE IN REGIONAL FLOOD ELEVATION. For an appeal of an administrative decision relating to an increase in the regional flood elevation, the board shall uphold the commissioner's decision if the board agrees with the data showing an increase in flood elevation. An increase may only be allowed after the flood profile and map have been amended and all appropriate legal arrangements with adversely affected property owners have been made, in accordance with s. 295-1143. The board may grant the appeal if it agrees that the data properly demonstrate that the project does not cause an increase in flood elevation, provided no other reasons for denial exist.

4. FLOODPLAIN BOUNDARY DISPUTES. The following procedures shall be used by the board in hearing and deciding disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

b. In all cases, the person contesting the boundary location shall be given reasonable opportunity to present arguments and technical evidence to the board.

c. If the boundary is incorrectly mapped, the board shall direct the commissioner to initiate a map amendment in accordance with the procedures of s. 295-307.

295-1151. Enforcement and Penalties. The commissioner shall enforce the provisions of this subchapter. The commissioner shall, on his or her own initiative or on complaint or referral, proceed to the remedy of violations in accordance with the provisions of s. 295-309. Any person, firm or corporation that owns, controls or manages any premises on which has been placed or there exists anything in violation of this subchapter, assists in the commission of any violation of this subchapter, builds contrary to the plans or specifications submitted to and approved by the commissioner or omits, neglects or refuses to do any act required by this subchapter shall be subject to the penalties of s. 295-309-6, as appropriate.

"For legislative history of this chapter, contact the Legislative Reference Bureau."

[Pages 972-1000 are blank]

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