City of Onalaska Meeting Notice

COMMITTEE/BOARD: Administrative & Judiciary Committee

DATE OF MEETING: March 4, 2020 (Wednesday)

PLACE OF MEETING: City Hall – 415 Main Street (Room 112)

TIME OF MEETING: 6:00 P.M.

PURPOSE OF MEETING

1. Call to Order and Roll Call
2. Approval of minutes from previous meeting
3. Public input: (limited to 3 minutes / individual)

Consideration And Possible Action On The Following Items:

Administrative

4. Approval of Operator's Licenses as listed on report dated March 4, 2020
5. Approval of special events permit for:
   A. Fleis Nightfall Frolic on Friday, April 17, 2020 from approximately 5:30-8pm at Rowe Park
   B. Carry the Load's National Relay on Saturday, May 2, 2020 from approximately 5-7pm along the sidewalks through the City of Onalaska
   C. American Legion Riders District 7 Legacy Run, Saturday, June 20, 2020 starting from La Crosse Area Harley Davidson, 1116 Oak Forest Drive, Onalaska
   D. Onalaska Community Days, June 19-20, 2020 at the American Legion, 731 Sand Lake Road, Onalaska
6. Approval of change of agent for Crooked Pint Ale House, 9348 State Road 16, Onalaska to Jarrod Byers.
7. Approval of amendment to Class B Liquor License for American Legion Post 336, 731 Sand Lake Road, Onalaska for June 19-20, 2020 for Onalaska Community Days to include outside grounds

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the Board may attend this meeting to gather information about a subject over which they have decision making responsibility.

Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

NOTICES MAILED TO:

Mayor Kim Smith	Dan Wick
Ald. Dan Stevens	Matt Fryman
Ald. Jim Olson	Howard Horman
* Ald. Tom Smith - Vice Chair Admin & Chair Jud	Keri Steinfeldt
* Ald. Diane Wulf - Chair Admin	
Vacant	
* Ald. Steven Nott – Vice Chair Jud	
City Attorney Dept Heads City Administrator	
La Crosse Tribune Coulee Courier	Omni Center
WXOW WKTY WLXR WKBT WLAX FOX	Onalaska Public Library

*Committee Members

Date Notices Mailed and Posted: 2-27-2020

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

8. Approval of variance to the noise ordinance for American Legion Post 336, 731 Sand Lake Road, Onalaska for June 19-20, 2020 for Onalaska Community Days until 11:30pm each evening

9. Discussion on possible mailbox parking ordinance

10. Miscellaneous licensing reporting

Judiciary

11. **Ordinance 1662-2020** to amend Chapter 5 of Title 11 of the Code of Ordinances of the City of Onalaska relating to offenses by juveniles

12. **Ordinance 1663-2020** to delete Title 8 of the Code of Ordinances of the City of Onalaska relating to Health and Sanitation.

13. **Ordinance 1664-2020** to amend Title 15 of the Code of Ordinances of the City of Onalaska relating to Building Codes.

14. **Ordinance 1665-2020** to delete Chapter 6 of Title 11 of the Code of Ordinances of the City of Onalaska relating to Public Nuisances.

15. **Ordinance 1666-2020** to amend Title 16 of the Code of Ordinances of the City of Onalaska relating to Property Maintenance.

16. **Ordinance 1667-2020** to amend Title 6 of the Code of Ordinances of the City of Onalaska relating to Public Works

17. **Ordinance 1668-2020** to amend Title 9 of the Code of Ordinances of the City of Onalaska relating to Public Utilities

18. Adjournment

3-04-2020 2:52 PM F O R M S R E G I S T E R

#4

PACKET: 03088 License Packet March Operators
SEQUENCE: License #

ID	PERIOD	NAME		LICENSE CODE	
06110	2/05/20- 6/30/21	KEANE	LOUANN	OPRATOR	OPERATORS - 2 YEAR
06113	2/07/20- 6/30/21	SAVOR	ANDRINA	OPRATOR	OPERATORS - 2 YEAR
06115	2/12/20- 6/30/21	COLES	ANDREA	OPRATOR	OPERATORS - 2 YEAR
06135	2/20/20- 6/30/21	GUDGEON	MATTHEW	OPRATOR	OPERATORS - 2 YEAR
06136	2/20/20- 6/30/21	HUBER	CHRISTINA	OPRATOR	OPERATORS - 2 YEAR
06142	3/02/20- 6/30/21	MORRIS	BRAD EUGENE	OPRATOR	OPERATORS - 2 YEAR
06143	3/02/20- 6/30/21	VON ARX	COURTNEY	OPRATOR	OPERATORS - 2 YEAR
06150	3/03/20- 6/30/21	MERRITT	KAYLEIGH	OPRATOR	OPERATORS - 2 YEAR

#5-A

CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 *fax* (608) 781-9534 •
www.cityofonalaska.com

SPECIAL EVENT PERMIT APPLICATION
GENERAL EVENT INFORMATION

Official Name of Special Event: Fleis Nightfall Frolic

Start Date: 4/17/2020 End Date: 4/17/2020

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup					4:00pm		
Start					5:30pm		
End					8:00pm		
Cleanup					9:00pm		

Location of Event:
- ■ Park/Public Property Rowe Park
- □ Public Street/Sidewalk/Alley/Right of Way
- □ Private Property 415 Main Street
- □ Other

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:

See map

Location of Event Parking: Onalaska High School

Estimated Attendance Per Day:
■ 0-299 □ 300-499 □ 500-999 □ 1,000-4999 □ 5,000+

Estimated Attendance Entire Event:
□ 0-299 □ 300-499 □ 500-999 □ 1,000-4999 □ 5,000+

Number of Booths:
□ 0-24 □ 25-49 □ 50-74 □ 75-100 □ 100+

Advertising Will Consist of:
- ■ Pre-event advertising through yard or other signs
- ■ Temporary directional / other signage during the event (no more than 24 hrs in advance)
- ■ Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- ☐ Festival / Music Concert
- ☐ Rally / Memorial
- ☐ Parade
- ☐ Run / Walk Greater than 5K
- ☐ Public Assembly (For political purposes)
- ☐ Religious / Educational
- ☐ Street / Block Party
- ■ Fun Run / Walk A Thon
- ☐ March Utilizing Public Property
- ☐ Sport (fishing, soccer, etc.)
- ☐ Other _____

Event Will Have:

- ☐ Bounce House
- ☐ Rock Wall
- ■ Amplified Sound
- ☐ Vehicles
- ☐ Animals
- ☐ Other high-risk activity _____
- ☐ Bungee Jump
- ☐ Dunk Tank
- ☐ Marching Units
- ☐ Water Slides

Permit & Other Requirements:

☐ Alcohol will be served, sold, raffled, etc.	Class B Permit
☐ Food & Non Alcoholic Beverages	Health Permit
☐ Non-Food related sales and/or display booths	
☐ Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
☐ Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
☐ Fires or candles	Fire Dept.
☐ Fireworks	Fire Dept.
☐ Activities in park outside normal operating hours	Waiver required by City Council
☐ Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
☐ State Hwy Closures	DOT permit required - organizer contracts with private company to install
☐ Cooking Equipment	Fire Dept.
☐ Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- ■ Restrooms & Hand Washing
- □ Event Insurance
- □ Fire Extinguishers
- ■ Drinking Water
- ■ Weather Contingencies
- □ Tent Heating
- ■ Public Safety / EMS Services
- ■ Advertising Banners/ / Signs
- □ Grey Water & Grease Removal
- □ LP Gas

In the Event of Severe Weather:
Open and Available Shelter Locations Will Include:
Rowe Park 1,2,3 and park shop

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)
Dan Wick Director of Park and Rec 608-7819560 dwick@onalaskawi.gov

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures	• Security Staff
• First Aid Station(s)	•
• Information / Ticket Booths	• Emergency Contact Event Personnel
• Fences • Tents	• Assembly Area & Approximate Occupant Amounts
• Boundaries of the Event	• Event Parking
• Exits & Gates (gates must be numbered)	• Barricades
• Fire Extinguishers	• Generators
• Severe Weather Shelters	• Temporary Roadways
• Fire / EMS access Road	• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

Organization(s) Sponsoring Event:

Name: Onalaska Park and Rec

Address: 415 Main Street

City: Onalaska State WI Zip 54650

■ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

□ Check this box to send invoices to this organization.

Name: _____

Address: _____

City: _____ State _____ Zip _____

□ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

□ Check this box to send invoices to this organization.

CONTACT INFORMATION

Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event

Primary Contact: Dan Wick

Daytime Phone: 608-781-9560 Cell #: _____

Email: dwick@onalaskawi.gov

Address 415 Main Street

City: Onalaska State WI Zip 54650

Secondary Contact: Tyler Ketterhagen

Daytime Phone: 608-781-9560 Cell #: 608-518-0310

Email: tketterhagen@onalaskawi.gov

Address 415 Main Street

City: Onalaska State WI Zip 54650

EMERGENCY CONTACT INFORMATION

The public will be notified of a safety and/or security issue(s) in the following manner:

- ☐ Contacting Local Police and Fire Services
- ☐ Local Radio Station
- ☐ Other _____
- ■ Onsite PA System
- ☐ Word of Mouth

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: _____

Contact Person: _____ Phone Number: _____

Location of Provider at Event Site: _____

Location of Missing Persons Station: _____

EVENTS PERMIT FEE SCHEDULE

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

PERMIT TYPE	PERMIT FEE
PARADES	$0
SPECIAL EVENT	0 – 299 Participants = $0 300 – 499 Participants* = $250.00 500 – 999 Participants* = $350.00 Over 1,000 Participants* = $500.00 Events two (2) or more days: = $100.00**

*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

**Multi day events (e) shall be in addition to the fee based on the number of attendees.

If the Event Takes Place on City Property (Parks, City Streets, or Other City Owned Facilties) in Whole or In Part:

■ I have reviewed the proposed location for the event and determined suitability for our proposed use.

■ There are no requested changes, upgrades or safety concerns identified

OR

□ I am requesting the following changes or upgrades:

■ I understand and acknowledge that it is the event organizer's responsibility to inspect the area the event is to take place and notify the City's Inspection Department (608.781.9541) of any safety concerns.

■ I have reviewed and have considered the Contingency Plan information provided by the City of Onalaska along with this application.

■ I have reviewed and understand the City's Insurance Requirements for Special Events as described in this document.

■ I have enclosed the event's Public Safety Site Plan.

■ I have enclosed other information that we believe is necessary or helpful to describe the planned event.

SIGNATURE

I am allowed to sign this application on behalf of the event sponsor. The information contained in this application for a Special Event permit is true, correct, and complete to the best of my knowledge. If there are any changes to the Special Event, I agree that I will promptly notify the City of Onalaska of these changes and request approval of them.

	2/10/2020
(Sign Name)	(Date)
Tyler Ketterhagen	Recreation Coordinator
(Print Name)	(Print Title with Organization)

Return Completed Applications To:

Cari Burmaster, City Clerk

415 Main Street, Onalaska, WI 54650

(W) 608.781.9530 (F) 608.781.9534 cburmaster@cityofonalaska.com

CITY OF ONALASKA
INDEMNIFICATION, HOLD HARMLESS and REIMBURSEMENT AGREEMENT
(to be returned to City Clerk with Application Packet)

Special Event Name: Fleis Nightfall Frolic

Special Event Location: Rowe Park

Event Organizer(s):
Onalaska Park and Rec

The Event Organizer(s) (individually and collectively referred to as "Organizer") agree that said Organizer, not the City of Onalaska ("City"), shall be solely responsible for all incidents related to the Special Event, as named above. This responsibility of the Organizer to the City includes but is not limited to actions of the Organizer, its officers, employees, agents, and volunteers, along with event vendors, contractors, subcontractors, participants and visitors.

In consideration for the City's approval of the Special Event, except to the extent such claims arise from the negligence or misconduct of the City, the Organizer of the Special Event agrees to indemnify and hold harmless the City of Onalaska and its officers, council members, agents, employees and authorized volunteers, from, for, and against and agrees to defend the same from and against, any and all suits, claims, grievances, damages, costs, expenses, judgments and/or liabilities, including costs of defense and reasonable attorney fees, and further agrees to pay any settlement entered into or on behalf of, judgment entered against, the foregoing individuals and/or entities. The Organizer shall reimburse the City for costs incurred due to extraordinary damage to City property during the Special Event held by Organizer. Extraordinary damage shall be defined as damage to a City park or other City property in excess of normal wear and tear and which required repair in excess of routine maintenance. Request for Reimbursement for Extraordinary Damage shall be provided to the Organizer in the form of a detailed written accounting of the Extraordinary Damages and their repair cost as evidenced by written receipts or estimates. The accounting shall be submitted via first class mail, return receipt requested to the address Organizer provides on the Special Events Application. The Organizer shall remit payment no later than thirty (30) days from receipt of the accounting.

The Organizer shall abide by the City's insurance requirements for the event, including the addition of the City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers as additional insured's for the event.

One or more waivers by either party of any provisions, terms or conditions of this Agreement shall not be construed by either party as a waiver of a subsequent breach of the same by the other party.

In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding on the parties.

This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

This Agreement constitutes the entire Indemnification, Hold Harmless and Reimbursement Agreement between the parties and any change, amendment or modification must be made in writing and executed by both parties.
Form #407 (revised 10/11/16

The individual(s) signing this Agreement has the authority to enter into this Agreement on behalf of the Organizer of the Special Event and have read and understand the Agreement.

EVENT ORGANIZER

2/10/2020

(date)

(signature)

Tyler Ketterhagen

(print name) (title)

(signature)

(print name) (title)

CITY OF ONALASKA

(date)

City CLerk

. Mayor

SPECIAL EVENT CONTINGENCY PLAN
For Review Only

Event sponsors should review and consider the following issues when they are planning or preparing for an event. Many of these issues are required by one or more regulations, or are components of larger regulations. Considering other issues which may not be required should contribute to the planning and operation of the event. Developing responses to these questions should result in more productive and fruitful discussions with the various departments with the City during their review of the Special Events Application.

Weather related issues: rain, snow, severe storms, tornadoes, etc.

If the weather forecast includes bad weather, will the event be cancelled? If so, how will attendees be notified?
Develop a plan for the sudden onset of severe weather. Where will the people go and who is designated to assist in their safe arrival at the safe refuge place?
Is there an area of safe refuge in case of tornado?

Medical issues

Where will ambulance access to the event be in case one is needed? Who will conduct crowd control in the event of a medical emergency?
Will a first aid station, with trained first aid provider, be provided at the event? Where?
If applicable, is there adequate shade to prevent heat stroke? Will water be provided? Where?

Crowd Control

Who will monitor the barricades?
Who will work the entry gates? Maintain egress and access?
Who will patrol the area to prevent incidents from getting out of control?
Develop a plan for those patrolling the crowd of what to do if they encounter unruly behavior. Have communication equipment.

Security

Will there be Police Officers providing security? If so, contact the Police Department for applicable requirements or guidelines relating to the number necessary.
If volunteers or private agencies provide security, will they have appropriate phone numbers for EMS, Fire, and Police?
If applicable, what will security officials do if non-paying attendees breach the gate/perimeter? If a complaint is received, for example, for loud music, how and who will handle the complaint? Provide communications equipment. Portable radios, cell phones, and access to land lines.
If applicable, secure monies in an area not accessible to the attendees.

Logistics

Where will there be, or will there be, a staging area for support staff? What time will the crowd be disbursed and by whom?
Who will conduct clean up?
Remember to maintain fire lanes and access roads.
Appoint one person to oversee and take responsibility for the event. Who? Will an adequate amount of restroom facilities be provided? Where?
Is there adequate safe parking provided? Where?

CITY OF ONALASKA
Special Event Insurance Requirements.

(a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:

1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.

   a. Commercial General Liability.

      (i) $1,000,000 general aggregate – per event;

      (ii) $1,000,000 products – completed operations aggregate;

      (iii) $1,000,000 personal injury and advertising injury;

      (iv) $1,000,000 each occurrence limit.

   b. Insurance must include:

      (i) Premises and operations liability;

      (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;

      (iii) Personal injury;

      (iv) Explosion, collapse and underground coverage;

      (v) Products and completed operations;

      (vi) The general aggregate must apply separately to the event and location.

2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than $250,000 each person, $500,000 each accident for bodily injury, $100,000 for property damage or $500,000 combined single limit for bodily injury and property damage each accident.

3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than $100,000 each accident, $500,000 disease policy limit and $100,000 disease per employee.

4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than $500,000 each occurrence and $500,000 aggregate.

5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional $1,000,000 in coverage.

(b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.

(c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.

(d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.

(e) Insurance must be provided by an insurances carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.

(f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

FOR OFFICE USE ONLY

City Clerk	☑ APPROVED	☐ DENIED	Reason:	Date: 2-10-2020
Fire Dept	☑ APPROVED	☐ DENIED	Reason:	Date: 2-10-20
Police Dept	☒ APPROVED	☐ DENIED	Reason: Coordinate traffic control w/Sgt. Berg	Date: 2-14-20
Public Works	☒ APPROVED	☐ DENIED	Reason:	Date: 2-17-2020
Planning	☑ APPROVED	☐ DENIED	Reason:	Date: 2-17-2020
Parks & Rec	☑ APPROVED	☐ DENIED	Reason:	Date: 2-17-2020
				Date:

Site Diagram Sketch Attached: ☐ YES ☐ NO

GIS Dept. Map Prepared: _____/_____/_____

Insurance Required: ☐ YES ☐ NO Certificate of Insurance on File: ☐ YES ☐ NO COI Expires:_____/_____/_____

Special Class B License Required: ☐ YES ☐ NO Date of Special Class B Application:_____/_____/_____

Approved By A&J:_____/_____/_____ Date License Issued:_____/_____/_____

License No: _____

City of Onalaska Planning & Zoning, 415 Main Street, Onalaska, WI 54650

TEMPORARY SIGN PERMIT APPLICATION - Community Events

Please submit the following for City review and approval. Submittal of a complete application will ensure the timely processing of your temporary sign permit:

→ **Sketch or Photo of Proposed Sign(s)** (shall include:)

- ☐ Dimensions of Sign
- ☐ Sign Message / Design
- ☐ Sign Materials & Type of Support System

→ **Type of Temporary Sign(s):**

- ☐ Yard Sign
- ☐ Electronic Sign
- ☐ Banner
- ☐ Flag
- ☐ Inflatable
- ☐ A-frame or Sandwich Sign
- ☐ Portable Sign
- ☐ Other _____

PLEASE NOTE, THERE IS NO FEE FOR THESE TEMPORARY SIGNS. HOWEVER, SIGNS MUST FOLLOW CITY REGULATIONS ON PLACEMENT, SIZE, TIMING, ETC. IF THERE ARE ANY QUESTIONS, PLEASE CALL THE CITY'S PLANNING / ZONING DEPARTMENT AT 608-781-9590.

Sign Specifications:		
Height (of sign face):	**Width (of sign face):**	**Total Square Feet (of sign face):**

Permit Applicant:	**Community Event Name:**
Owner/Contact:	Community Event Date:
Mailing Address:	Community Event Time:
City, State, Zip:	Community Event Location:
Phone Number:	**Sign Display Dates:**
Email:	**Start:** 4/17/2020 **End:** 4/17/2020

OFFICE USE ONLY:	Date Submitted:	Application Received By:
	Date Permit/s Issued:	
	City-sponsored Event: ☐ Yes ☐ No	

ONALASKA PARK AND REC

Fleis Nightfall Frolic

River Trail CYCLES

A fundraising event for Onalaska Park and Rec Scholarship Fund.

Fleis Insurance

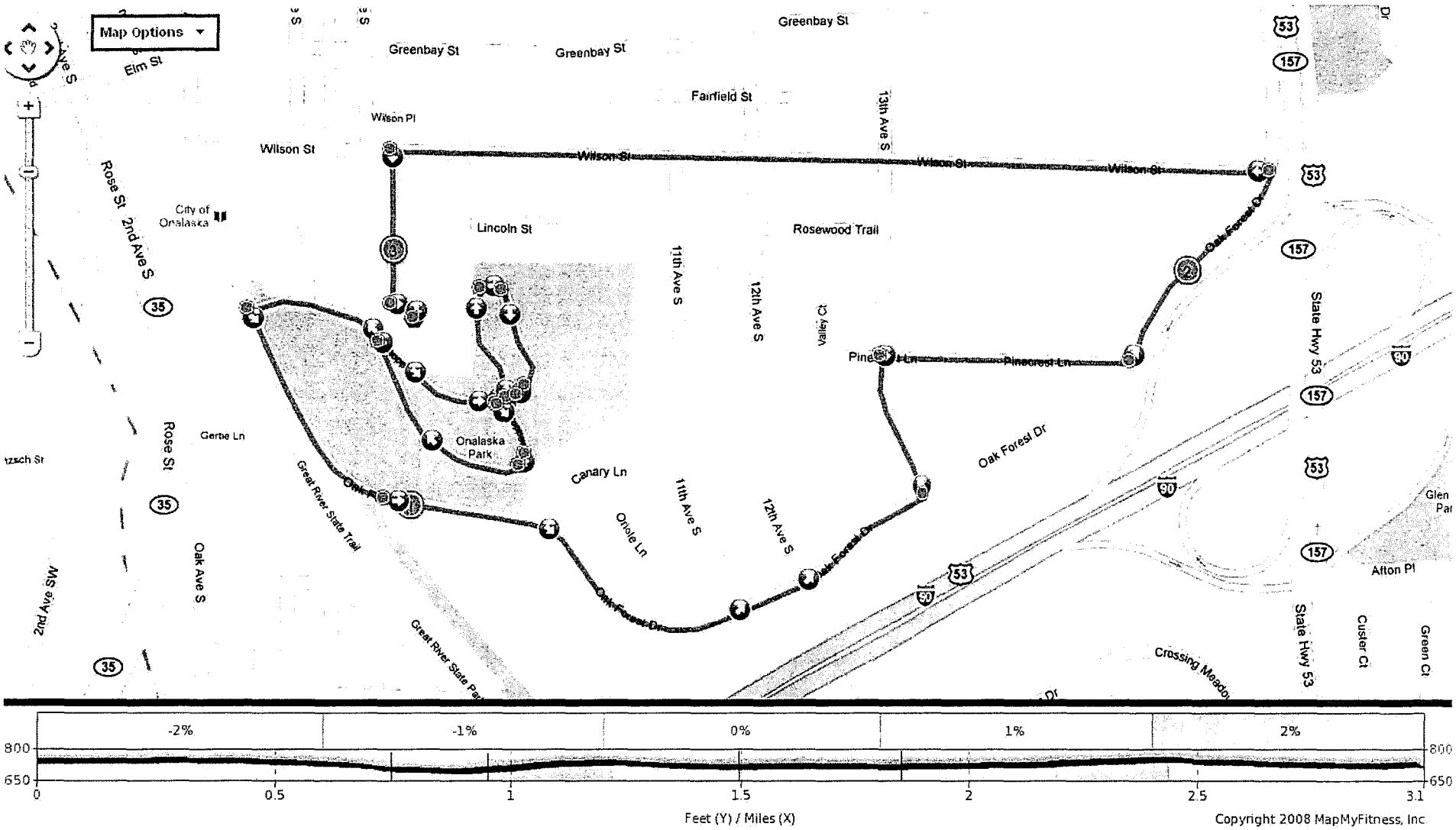
April 17, 2020
Registration Opens 5:30pm
Youth 1k
Run/Walk 5k
Rowe Park

Register online at cityofonalaska.com/parkrec or active.com
Early bird discounts are available
sign up now!

Shirts are also available online when you register or sign up at our office. Shirts will be in race swag bag along with other items.
Shirts must be purchased by April 1 2020

CITY OF ONALASKA PARK & REC DEPT.

5K Run/Walk Route



Copyright 2008 MapMyFitness, Inc

#5-B

CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 *fax* (608) 781-9534 •
www.cityofonalaska.com

SPECIAL EVENT PERMIT APPLICATION
GENERAL EVENT INFORMATION

Official Name of Special Event: Carry The Load's National Relay

Start Date: 5-2-20 End Date: 5-2-20

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup							
Start						5:00PM	
End						7:00PM	
Cleanup							

Location of Event:
- ☐ Park/Public Property
- ■ Public Street/Sidewalk/Alley/Right of Way
  Sidewalk walking event through the city
- ☐ Private Property
- ☐ Other

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:

Location of Event Parking: n/a

Estimated Attendance Per Day:
■ 0-299 ☐ 300-499 ☐ 500-999 ☐ 1,000-4999 ☐ 5,000+

Estimated Attendance Entire Event:
■ 0-299 ☐ 300-499 ☐ 500-999 ☐ 1,000-4999 ☐ 5,000+

Number of Booths:
■ 0-24 ☐ 25-49 ☐ 50-74 ☐ 75-100 ☐ 100+

Advertising Will Consist of:
- ☐ Pre-event advertising through yard or other signs
- ☐ Temporary directional / other signage during the event (no more than 24 hrs in advance)
- ☐ Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- ☐ Festival / Music Concert
- ☐ Rally / Memorial
- ☐ Parade
- ☐ Run / Walk Greater than 5K
- ☐ Public Assembly (For political purposes)
- ☐ Religious / Educational
- ☐ Street / Block Party
- ☐ Fun Run / Walk A Thon
- ☐ March Utilizing Public Property
- ☐ Sport (fishing, soccer, etc.)
- ■ Other Sidewalk walking event through the city

Event Will Have:

- ☐ Bounce House
- ☐ Rock Wall
- ☐ Amplified Sound
- ☐ Vehicles
- ☐ Animals
- ☐ Other high-risk activity _____
- ☐ Bungee Jump
- ☐ Dunk Tank
- ☐ Marching Units
- ☐ Water Slides

Permit & Other Requirements:

☐ Alcohol will be served, sold, raffled, etc.	Class B Permit
☐ Food & Non Alcoholic Beverages	Health Permit
☐ Non-Food related sales and/or display booths	
☐ Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
☐ Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
☐ Fires or candles	Fire Dept.
☐ Fireworks	Fire Dept.
☐ Activities in park outside normal operating hours	Waiver required by City Council
☐ Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
☐ State Hwy Closures	DOT permit required - organizer contracts with private company to install
☐ Cooking Equipment	Fire Dept.
☐ Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- ☐ Restrooms & Hand Washing
- ☐ Event Insurance
- ☐ Fire Extinguishers
- ☐ Drinking Water
- ☐ Weather Contingencies
- ☐ Tent Heating
- ☐ Public Safety / EMS Services
- ☐ Advertising Banners/ / Signs
- ☐ Grey Water & Grease Removal
- ☐ LP Gas

In the Event of Severe Weather:
Open and Available Shelter Locations Will Include:

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures	• Security Staff
• First Aid Station(s)	•
• Information / Ticket Booths	• Emergency Contact Event Personnel
• Fences • Tents	• Assembly Area & Approximate Occupant Amounts
• Boundaries of the Event	• Event Parking
• Exits & Gates (gates must be numbered)	• Barricades
• Fire Extinguishers	• Generators
• Severe Weather Shelters	• Temporary Roadways
• Fire / EMS access Road	• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

Organization(s) Sponsoring Event:

Name: Carry The Load

Address: 514 S Hall St

City: Dallas State TX Zip 75226

■ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

□ Check this box to send invoices to this organization.

Name: _____

Address: _____

City: _____ State _____ Zip _____

□ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

□ Check this box to send invoices to this organization.

CONTACT INFORMATION

Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event

Primary Contact: Matt Fryman

Daytime Phone: 770-845-3737 Cell #: 770-845-3737

Email: matt.fryman@carrytheload.org

Address 514 S Hall St

City: Dallas State TX Zip 75226

Secondary Contact: Beau York

Daytime Phone: _____ Cell #: 214-773-7405

Email: beau.york@carrytheload.org

Address 514 S Hall St

City: Dallas State TX Zip 75226

EMERGENCY CONTACT INFORMATION

The public will be notified of a safety and/or security issue(s) in the following manner:

- ☐ Contacting Local Police and Fire Services
- ☐ Onsite PA System
- ☐ Local Radio Station
- ■ Word of Mouth
- ☐ Other _____

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: _____

Contact Person: _____ Phone Number: _____

Location of Provider at Event Site: _____

Location of Missing Persons Station: _____

EVENTS PERMIT FEE SCHEDULE

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

PERMITTYPE	PERMIT FEE
PARADES	$0
SPECIAL EVENT	0 – 299 Participants = $0 300 – 499 Participants* = $250.00 500 – 999 Participants* = $350.00 Over 1,000 Participants* = $500.00 Events two (2) or more days: = $100.00**

*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

**Multi day events (e) shall be in addition to the fee based on the number of attendees.

If the Event Takes Place on City Property (Parks, City Streets, or Other City Owned Facilties) in Whole or In Part:

■ I have reviewed the proposed location for the event and determined suitability for our proposed use.

■ There are no requested changes, upgrades or safety concerns identified

OR

□ I am requesting the following changes or upgrades:

■ I understand and acknowledge that it is the event organizer's responsibility to inspect the area the event is to take place and notify the City's Inspection Department (608.781.9541) of any safety concerns.

■ I have reviewed and have considered the Contingency Plan information provided by the City of Onalaska along with this application.

■ I have reviewed and understand the City's Insurance Requirements for Special Events as described in this document.

□ I have enclosed the event's Public Safety Site Plan.

■ I have enclosed other information that we believe is necessary or helpful to describe the planned event.

SIGNATURE

I am allowed to sign this application on behalf of the event sponsor. The information contained in this application for a Special Event permit is true, correct, and complete to the best of my knowledge. If there are any changes to the Special Event, I agree that I will promptly notify the City of Onalaska of these changes and request approval of them.

Matt Fryman (Sign Name) 2-10-20 (Date)

Matt Fryman (Print Name) National Relay Director (Print Title with Organization)

Return Completed Applications To:

Cari Burmaster, City Clerk

415 Main Street, Onalaska, WI 54650

(W) 608.781.9530 (F) 608.781.9534 cburmaster@cityofonalaska.com

CITY OF ONALASKA
INDEMNIFICATION, HOLD HARMLESS and REIMBURSEMENT AGREEMENT
(to be returned to City Clerk with Application Packet)

Special Event Name: Carry The Load's National Relay

Special Event Location: Sidewalks through the city

Event Organizer(s):
Matt Fryman / Carry The Load

The Event Organizer(s) (individually and collectively referred to as "Organizer") agree that said Organizer, not the City of Onalaska ("City"), shall be solely responsible for all incidents related to the Special Event, as named above. This responsibility of the Organizer to the City includes but is not limited to actions of the Organizer, its officers, employees, agents, and volunteers, along with event vendors, contractors, subcontractors, participants and visitors.

In consideration for the City's approval of the Special Event, except to the extent such claims arise from the negligence or misconduct of the City, the Organizer of the Special Event agrees to indemnify and hold harmless the City of Onalaska and its officers, council members, agents, employees and authorized volunteers, from, for, and against and agrees to defend the same from and against, any and all suits, claims, grievances, damages, costs, expenses, judgments and/or liabilities, including costs of defense and reasonable attorney fees, and further agrees to pay any settlement entered into or on behalf of, judgment entered against, the foregoing individuals and/or entities. The Organizer shall reimburse the City for costs incurred due to extraordinary damage to City property during the Special Event held by Organizer. Extraordinary damage shall be defined as damage to a City park or other City property in excess of normal wear and tear and which required repair in excess of routine maintenance. Request for Reimbursement for Extraordinary Damage shall be provided to the Organizer in the form of a detailed written accounting of the Extraordinary Damages and their repair cost as evidenced by written receipts or estimates. The accounting shall be submitted via first class mail, return receipt requested to the address Organizer provides on the Special Events Application. The Organizer shall remit payment no later than thirty (30) days from receipt of the accounting.

The Organizer shall abide by the City's insurance requirements for the event, including the addition of the City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers as additional insured's for the event.

One or more waivers by either party of any provisions, terms or conditions of this Agreement shall not be construed by either party as a waiver of a subsequent breach of the same by the other party.

In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding on the parties.

This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

This Agreement constitutes the entire Indemnification, Hold Harmless and Reimbursement Agreement between the parties and any change, amendment or modification must be made in writing and executed by both parties.
Form #407 (revised 10/11/16

The individual(s) signing this Agreement has the authority to enter into this Agreement on behalf of the Organizer of the Special Event and have read and understand the Agreement.

EVENT ORGANIZER

2-10-20

(date)

Matt Fryman

(signature)

Matt Fryman National Relay Director

(print name) (title)

(signature)

(print name) (title)

CITY OF ONALASKA

(date)

City CLerk

Mayor

SPECIAL EVENT CONTINGENCY PLAN
For Review Only

Event sponsors should review and consider the following issues when they are planning or preparing for an event. Many of these issues are required by one or more regulations, or are components of larger regulations. Considering other issues which may not be required should contribute to the planning and operation of the event. Developing responses to these questions should result in more productive and fruitful discussions with the various departments with the City during their review of the Special Events Application.

Weather related issues: rain, snow, severe storms, tornadoes, etc.

If the weather forecast includes bad weather, will the event be cancelled? If so, how will attendees be notified?
Develop a plan for the sudden onset of severe weather. Where will the people go and who is designated to assist in their safe arrival at the safe refuge place?
Is there an area of safe refuge in case of tornado?

Medical issues

Where will ambulance access to the event be in case one is needed? Who will conduct crowd control in the event of a medical emergency?
Will a first aid station, with trained first aid provider, be provided at the event? Where?
If applicable, is there adequate shade to prevent heat stroke? Will water be provided? Where?

Crowd Control

Who will monitor the barricades?
Who will work the entry gates? Maintain egress and access?
Who will patrol the area to prevent incidents from getting out of control?
Develop a plan for those patrolling the crowd of what to do if they encounter unruly behavior. Have communication equipment.

Security

Will there be Police Officers providing security? If so, contact the Police Department for applicable requirements or guidelines relating to the number necessary.
If volunteers or private agencies provide security, will they have appropriate phone numbers for EMS, Fire, and Police?
If applicable, what will security officials do if non-paying attendees breach the gate/perimeter? If a complaint is received, for example, for loud music, how and who will handle the complaint? Provide communications equipment. Portable radios, cell phones, and access to land lines.
If applicable, secure monies in an area not accessible to the attendees.

Logistics

Where will there be, or will there be, a staging area for support staff? What time will the crowd be disbursed and by whom?
Who will conduct clean up?
Remember to maintain fire lanes and access roads.
Appoint one person to oversee and take responsibility for the event. Who? Will an adequate amount of restroom facilities be provided? Where?
Is there adequate safe parking provided? Where?

CITY OF ONALASKA
Special Event Insurance Requirements.

(a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:

1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.

   a. Commercial General Liability.

      (i) $1,000,000 general aggregate – per event;

      (ii) $1,000,000 products – completed operations aggregate;

      (iii) $1,000,000 personal injury and advertising injury;

      (iv) $1,000,000 each occurrence limit.

   b. Insurance must include:

      (i) Premises and operations liability;

      (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;

      (iii) Personal injury;

      (iv) Explosion, collapse and underground coverage;

      (v) Products and completed operations;

      (vi) The general aggregate must apply separately to the event and location.

2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than $250,000 each person, $500,000 each accident for bodily injury, $100,000 for property damage or $500,000 combined single limit for bodily injury and property damage each accident.

3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than $100,000 each accident, $500,000 disease policy limit and $100,000 disease per employee.

4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than $500,000 each occurrence and $500,000 aggregate.

5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional $1,000,000 in coverage.

(b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.

(c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.

(d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.

(e) Insurance must be provided by an insurances carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.

(f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

FOR OFFICE USE ONLY

City Clerk	☒ APPROVED	☐ DENIED	Reason: need COI - OK	Date: 2-10-2020
Fire Dept	☒ APPROVED	☐ DENIED	Reason:	Date: 2-10-20
Police Dept	☒ APPROVED	☐ DENIED	Reason: Coordinate traffic control (if needed) w/ Sgt. Berg	Date: 2-14-2020
Public Works	☒ APPROVED	☐ DENIED	Reason:	Date: 2-17-2020
Planning	☒ APPROVED	☐ DENIED	Reason:	Date: 2-17-2020
Parks & Rec	☒ APPROVED	☐ DENIED	Reason:	Date: 2-17-2020
				Date:

Site Diagram Sketch Attached: ☐ YES ☐ NO

GIS Dept. Map Prepared: ____/____/____

Insurance Required: ☐ YES ☐ NO Certificate of Insurance on File: ☐ YES ☐ NO COI Expires:____/____/____

Special Class B License Required: ☐ YES ☐ NO Date of Special Class B Application:____/____/____

Approved By A&J:____/____/____ Date License Issued:____/____/____

License No: _____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 02/20/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:		
Hiscox Inc. 520 Madison Avenue 32nd Floor New York, NY 10022	PHONE (A/C, No, Ext): (888) 202-3007	FAX (A/C, No):	
	E-MAIL ADDRESS: contact@hiscox.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Hiscox Insurance Company Inc		10200
INSURED Carry the Load 514 S Hall St Dallas, TX 75226	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
	INSURER F :		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X CGL is on BOP Form GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	Y		UDC-4286527-BOP-19	09/27/2019	09/27/2020	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ S/T Each Occ.
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ S/T Gen. Agg.
								$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Onalaska is named as an additional insured per policy terms and conditions.

CERTIFICATE HOLDER

City of Onalaska
415 Main Street Onalaska, WI 54650-2953

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

Please fill out form, print, and return to City Hall.

#5-C

CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 *fax* (608) 781-9534 •
www.cityofonalaska.com

SPECIAL EVENT PERMIT APPLICATION
GENERAL EVENT INFORMATION

Official Name of Special Event: AMERICAN LEGION RIDERS DISTRICT 7 LEGACY RUN

Start Date: 6/20/20 End Date: 6/20/20

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup						X 7AM	
Start						X 8AM	
End						X 10AM	
Cleanup						X 10AM	

Location of Event:
- ☐ Park/Public Property
- ☐ Public Street/Sidewalk/Alley/Right of Way
- ☒ Private Property LA CROSSE AREA HARLEY DAVIDSON
- ☐ Other

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:
12TH STREET SOUTH
WILSON ST
MAIN ST
SAND LAKE RD.

Location of Event Parking: LA CROSSE AREA HARLEY DAVIDSON

Estimated Attendance Per Day:
☒ 0-299 ☐ 300-499 ☐ 500-999 ☐ 1,000-4999 ☐ 5,000+

Estimated Attendance Entire Event:
☒ 0-299 ☐ 300-499 ☐ 500-999 ☐ 1,000-4999 ☐ 5,000+

Number of Booths:
☒ 0-24 ☐ 25-49 ☐ 50-74 ☐ 75-100 ☐ 100+

Advertising Will Consist of:
- ☐ Pre-event advertising through yard or other signs
- ☐ Temporary directional / other signage during the event (no more than 24 hrs in advance)
- ☒ Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- ☐ Festival / Music Concert
- ☐ Rally / Memorial
- ☐ Parade
- ☐ Run / Walk Greater than 5K
- ☐ Public Assembly (For political purposes)
- ☐ Religious / Educational
- ☐ Street / Block Party
- ☐ Fun Run / Walk A Thon
- ☐ March Utilizing Public Property
- ☐ Sport (fishing, soccer, etc.)
- ☒ Other MOTORCYCLE RIDE FUND RAISER

Event Will Have:

- ☐ Bounce House
- ☐ Rock Wall
- ☐ Amplified Sound
- ☐ Vehicles
- ☐ Animals
- ☐ Bungee Jump
- ☐ Dunk Tank
- ☐ Marching Units
- ☐ Water Slides
- ☒ Other high-risk activity MOTORCYCLES

Permit & Other Requirements:

☐ Alcohol will be served, sold, raffled, etc.	Class B Permit
☐ Food & Non Alcoholic Beverages	Health Permit
☐ Non-Food related sales and/or display booths	
☐ Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
☐ Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
☐ Fires or candles	Fire Dept.
☐ Fireworks	Fire Dept.
☐ Activities in park outside normal operating hours	Waiver required by City Council
☐ Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
☐ State Hwy Closures	DOT permit required - organizer contracts with private company to install
☐ Cooking Equipment	Fire Dept.
☐ Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- ☒ Restrooms & Hand Washing
- ☒ Event Insurance
- ☒ Fire Extinguishers
- ☒ Drinking Water
- ☒ Weather Contingencies
- ☐ Tent Heating
- ☐ Public Safety / EMS Services
- ☐ Advertising Banners/ / Signs
- ☐ Grey Water & Grease Removal
- ☐ LP Gas

In the Event of Severe Weather:

Open and Available Shelter Locations Will Include: LACROSSE AREA HARLEY DAVIDSON

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)

PRESIDENT HOWARD L. HORMAN JR
608-792-2619
hormanhljr@gmail.com

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures	• Security Staff
• First Aid Station(s)	•
• Information / Ticket Booths	• Emergency Contact Event Personnel
• Fences • Tents	• Assembly Area & Approximate Occupant Amounts
• Boundaries of the Event	• Event Parking
• Exits & Gates (gates must be numbered)	• Barricades
• Fire Extinguishers	• Generators
• Severe Weather Shelters	• Temporary Roadways
• Fire / EMS access Road	• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

Organization(s) Sponsoring Event:

Name: AMERICAN LEGION RIDERS DISTRICT 7

Address: N7162 ERANN CT.

City: HOLMEN State WI Zip 54636

☒ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

☐ Check this box to send invoices to this organization.

Name: N/A

Address:

City: State Zip

☐ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

☐ Check this box to send invoices to this organization.

CONTACT INFORMATION

Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event

Primary Contact: HOWARD L. HORMAN JR.

Daytime Phone: 608-792-2619 Cell #: 608-792-2619

Email: hormanhljr@gmail.com

Address N7162 ERANN CT.

City: HOLMEN State WI Zip 54636

Secondary Contact: PAUL RORAFF

Daytime Phone: 608-790-1634 Cell #: 608-790-1634

Email: pnkr12@aol.com

Address 730 11th AVE. S.

City: ONALASKA State WI Zip 54650

Form #407 (revised 10/11/16)

EMERGENCY CONTACT INFORMATION

The public will be notified of a safety and/or security issue(s) in the following manner:

- ☐ Contacting Local Police and Fire Services
- ☐ Local Radio Station
- ☐ Other _____
- ☒ Onsite PA System
- ☒ Word of Mouth

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: _____

Contact Person: _____ Phone Number: _____

Location of Provider at Event Site: _____

Location of Missing Persons Station: _____

EVENTS PERMIT FEE SCHEDULE

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

PERMIT TYPE	PERMIT FEE
PARADES	$0
SPECIAL EVENT	0 – 299 Participants = $0 300 – 499 Participants* = $250.00 500 – 999 Participants* = $350.00 Over 1,000 Participants* = $500.00 Events two (2) or more days: = $100.00**

*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

**Multi day events (e) shall be in addition to the fee based on the number of attendees.

If the Event Takes Place on City Property (Parks, City Streets, or Other City Owned Facilties) in Whole or In Part:

□ I have reviewed the proposed location for the event and determined suitability for our proposed use.

□ There are no requested changes, upgrades or safety concerns identified

OR

□ I am requesting the following changes or upgrades:

□ I understand and acknowledge that it is the event organizer's responsibility to inspect the area the event is to take place and notify the City's Inspection Department (608.781.9541) of any safety concerns.

□ I have reviewed and have considered the Contingency Plan information provided by the City of Onalaska along with this application.

□ I have reviewed and understand the City's Insurance Requirements for Special Events as described in this document.

□ I have enclosed the event's Public Safety Site Plan.

□ I have enclosed other information that we believe is necessary or helpful to describe the planned event.

SIGNATURE

I am allowed to sign this application on behalf of the event sponsor. The information contained in this application for a Special Event permit is true, correct, and complete to the best of my knowledge. If there are any changes to the Special Event, I agree that I will promptly notify the City of Onalaska of these changes and request approval of them.

(Sign Name)	2/21/20 (Date)
HOWARD L. HORMAN JR (Print Name)	PRESIDENT (Print Title with Organization)

Return Completed Applications To:

Cari Burmaster, City Clerk

415 Main Street, Onalaska, WI 54650

(W) 608.781.9530 (F) 608.781.9534 cburmaster@cityofonalaska.com

CITY OF ONALASKA
INDEMNIFICATION, HOLD HARMLESS and REIMBURSEMENT AGREEMENT
(to be returned to City Clerk with Application Packet)

Special Event Name: AMERICAN LEGION RIDERS DISTRICT 7 LEGACY RUN

Special Event Location: LA CROSSE AREA HARLEY DAVIDSON

Event Organizer(s):

AMERICAN LEGION RIDERS DISTRICT 7

The Event Organizer(s) (individually and collectively referred to as "Organizer") agree that said Organizer, not the City of Onalaska ("City"), shall be solely responsible for all incidents related to the Special Event, as named above. This responsibility of the Organizer to the City includes but is not limited to actions of the Organizer, its officers, employees, agents, and volunteers, along with event vendors, contractors, subcontractors, participants and visitors.

In consideration for the City's approval of the Special Event, except to the extent such claims arise from the negligence or misconduct of the City, the Organizer of the Special Event agrees to indemnify and hold harmless the City of Onalaska and its officers, council members, agents, employees and authorized volunteers, from, for, and against and agrees to defend the same from and against, any and all suits, claims, grievances, damages, costs, expenses, judgments and/or liabilities, including costs of defense and reasonable attorney fees, and further agrees to pay any settlement entered into or on behalf of, judgment entered against, the foregoing individuals and/or entities. The Organizer shall reimburse the City for costs incurred due to extraordinary damage to City property during the Special Event held by Organizer. Extraordinary damage shall be defined as damage to a City park or other City property in excess of normal wear and tear and which required repair in excess of routine maintenance. Request for Reimbursement for Extraordinary Damage shall be provided to the Organizer in the form of a detailed written accounting of the Extraordinary Damages and their repair cost as evidenced by written receipts or estimates. The accounting shall be submitted via first class mail, return receipt requested to the address Organizer provides on the Special Events Application. The Organizer shall remit payment no later than thirty (30) days from receipt of the accounting.

The Organizer shall abide by the City's insurance requirements for the event, including the addition of the City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers as additional insured's for the event.

One or more waivers by either party of any provisions, terms or conditions of this Agreement shall not be construed by either party as a waiver of a subsequent breach of the same by the other party.

In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding on the parties.

This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

This Agreement constitutes the entire Indemnification, Hold Harmless and Reimbursement Agreement between the parties and any change, amendment or modification must be made in writing and executed by both parties.

The individual(s) signing this Agreement has the authority to enter into this Agreement on behalf of the Organizer of the Special Event and have read and understand the Agreement.

EVENT ORGANIZER

2/21/20
(date)

(signature)

HOWARD C HORAN JR PRESIDENT
(print name) (title)

(signature)

PAUL A. ROVATTI SR. CHAIRPERSON
(print name) (title)

CITY OF ONALASKA

(date)

City CLerk

. Mayor

Form #407 (revised 10/11/16

SPECIAL EVENT CONTINGENCY PLAN
For Review Only

Event sponsors should review and consider the following issues when they are planning or preparing for an event. Many of these issues are required by one or more regulations, or are components of larger regulations. Considering other issues which may not be required should contribute to the planning and operation of the event. Developing responses to these questions should result in more productive and fruitful discussions with the various departments with the City during their review of the Special Events Application.

Weather related issues: rain, snow, severe storms, tornadoes, etc.

If the weather forecast includes bad weather, will the event be cancelled? If so, how will attendees be notified?
Develop a plan for the sudden onset of severe weather. Where will the people go and who is designated to assist in their safe arrival at the safe refuge place?
Is there an area of safe refuge in case of tornado?

Medical issues

Where will ambulance access to the event be in case one is needed? Who will conduct crowd control in the event of a medical emergency?
Will a first aid station, with trained first aid provider, be provided at the event? Where?
If applicable, is there adequate shade to prevent heat stroke? Will water be provided? Where?

Crowd Control

Who will monitor the barricades?
Who will work the entry gates? Maintain egress and access?
Who will patrol the area to prevent incidents from getting out of control?
Develop a plan for those patrolling the crowd of what to do if they encounter unruly behavior. Have communication equipment.

Security

Will there be Police Officers providing security? If so, contact the Police Department for applicable requirements or guidelines relating to the number necessary.
If volunteers or private agencies provide security, will they have appropriate phone numbers for EMS, Fire, and Police?
If applicable, what will security officials do if non-paying attendees breach the gate/perimeter? If a complaint is received, for example, for loud music, how and who will handle the complaint? Provide communications equipment. Portable radios, cell phones, and access to land lines.
If applicable, secure monies in an area not accessible to the attendees.

Logistics

Where will there be, or will there be, a staging area for support staff? What time will the crowd be disbursed and by whom?
Who will conduct clean up?
Remember to maintain fire lanes and access roads.
Appoint one person to oversee and take responsibility for the event. Who? Will an adequate amount of restroom facilities be provided? Where?
Is there adequate safe parking provided? Where?

CITY OF ONALASKA
Special Event Insurance Requirements.

(a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:

1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.

   a. Commercial General Liability.

      (i) $1,000,000 general aggregate – per event;

      (ii) $1,000,000 products – completed operations aggregate;

      (iii) $1,000,000 personal injury and advertising injury;

      (iv) $1,000,000 each occurrence limit.

   b. Insurance must include:

      (i) Premises and operations liability;

      (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;

      (iii) Personal injury;

      (iv) Explosion, collapse and underground coverage;

      (v) Products and completed operations;

      (vi) The general aggregate must apply separately to the event and location.

2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than $250,000 each person, $500,000 each accident for bodily injury, $100,000 for property damage or $500,000 combined single limit for bodily injury and property damage each accident.

3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than $100,000 each accident, $500,000 disease policy limit and $100,000 disease per employee.

4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than $500,000 each occurrence and $500,000 aggregate.

5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional $1,000,000 in coverage.

(b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.

(c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.

(d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.

(e) Insurance must be provided by an insurances carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.

(f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

FOR OFFICE USE ONLY

City Clerk	☐ APPROVED	☐ DENIED	Reason: need COI listing City of Ona	Date: 2-24-2020
Fire Dept	☑ APPROVED	☐ DENIED	Reason: ZJ	Date: 2-24-2020
Police Dept	☐ APPROVED	☐ DENIED	Reason:	Date:
Public Works	☒ APPROVED	☐ DENIED	Reason:	Date: 2-25-2020
Planning	☒ APPROVED	☐ DENIED	Reason:	Date: 2/25/20
Parks & Rec	☒ APPROVED	☐ DENIED	Reason:	Date: 2/25/2020
				Date:

Site Diagram Sketch Attached: ☐ YES ☐ NO

GIS Dept. Map Prepared: ____/____/____

Insurance Required: ☐ YES ☐ NO Certificate of Insurance on File: ☐ YES ☐ NO COI Expires:____/____/____

Special Class B License Required: ☐ YES ☐ NO Date of Special Class B Application:____/____/____

Approved By A&J:____/____/____ Date License Issued:____/____/____

License No: _____

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/19/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 608-783-5206
Fleis Insurance Agency Inc.
1824 E. Main Street
P O Box 537
Onalaska, WI 54650
Steven J. Fleis

CONTACT NAME: Linda Phillips
PHONE (A/C, No, Ext): 608-783-5206 FAX (A/C, No): 608-783-5209
E-MAIL ADDRESS: lphill@fleisinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Secura Insurance	22543
INSURER B : Accident Fund Company	10166
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
American Legion Post 336
Attn: Finance Officer
731 Sand Lake Rd
Onalaska, WI 54650

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR	X		CP3248557	02/05/2020	02/05/2021	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO			CP3248557	02/01/2020	02/01/2021	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB / X OCCUR						EACH OCCURRENCE	$ 1,000,000
	EXCESS LIAB / CLAIMS-MADE			CU3248558	02/05/2020	02/05/2021	AGGREGATE	$ 1,000,000
	DED X RETENTION $ 10000							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						X PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N	N/A		WCV6159133	02/05/2020	02/05/2021	E.L. EACH ACCIDENT	$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Legacy Scholarship Fund Legacy Run on 6-20-2020 Hosted by American Legion Riders District 7

CERTIFICATE HOLDER LACRCO2

La Crosse County
212 6th St N
La Crosse, WI 54601

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Amy Jerdt

© 1988-2015 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

AMERICAN LEGION RIDERS DISTRICT 7

LEGACY RUN

Saturday June 20th

Kickstands Up at 10am

Register Day of Ride at 8am

at

La Crosse Area Harley-Davidson

$30 Rider

$20 Passenger

Touring the Coulee Region with stops in:

Arcadia Pavilion, Arcadia, WI

Bucknuckles, Alma, WI

Jail House, Centerville, WI

American Legion Post 336, Onalaska, WI

Support Veteran Programs such as:

American Legion's Legacy Scholarship

Camp American Legion

Freedom Honor Flight

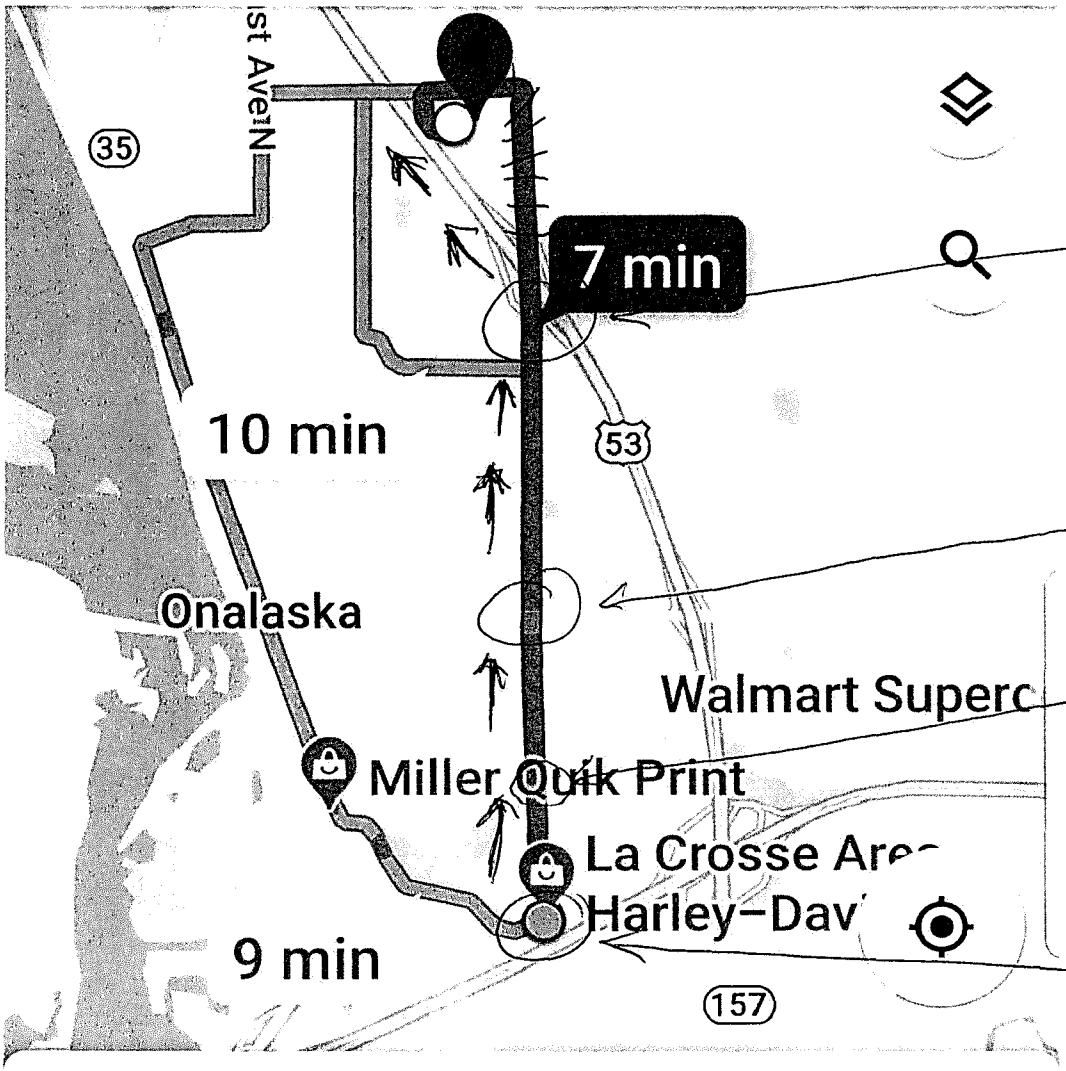
Vietnam Memorial

LegacyRun.District7@gmail.com

La Crosse Area Harl...

Menards

7 min — 51 min 7 mi



POLICE SUPPORT

ON RAMP TO HWY 53 NORTH

LIGHTS AT 12TH MAIN

4 WAY STOP 12TH & WILSON

LEAVING LACROSSE AREA HARLEY DAVIDSON

7 min (2.9 mi)

Fastest route, the usual traffic

Preview

Steps & more

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: January 5, 2017

WISCONSIN AMERICAN LEGION FOUNDATION INC
% DAVID A. KURTZ
PO BOX 388
PORTAGE, WI 53901-0388

Person to Contact:
K. Gleason #0203083
Toll-Free Telephone Number:
877-829-5500
Employer Identification Number:
26-1582528
Form 990 Required:
Yes

Dear Sir or Madam:

This is in response to your request dated December 7, 2016, regarding your tax-exempt status.

We issued you a determination letter in May 2008, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

Our records also indicate you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Sections 509(a)(1) and 170(b)(1)(A)(vi).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If a return is required, you must file Form 990, 990-EZ, 990-N, or 990-PF by the 15th day of the fifth month after the end of your annual accounting period. IRC Section 6033(j) provides that, if you don't file a required annual information return or notice for three consecutive years, your exempt status will be automatically revoked on the filing due date of the third required return or notice.

For tax forms, instructions, and publications, visit www.irs.gov or call 1-800-TAX-FORM (1-800-829-3676).

If you have questions, call 1-877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific Time).

Sincerely yours,

Jeffrey I. Cooper
Director, Exempt Organizations
Rulings and Agreements

#5-D

CITY OF ONALASKA

415 Main Street • Onalaska, WI 54650-2953 • (608) 781-9530 *fax* (608) 781-9534 •
www.cityofonalaska.com

SPECIAL EVENT PERMIT APPLICATION
GENERAL EVENT INFORMATION

Official Name of Special Event: Onalaska Community Days

Start Date: 6/19/2020 End Date: 6/20/2020

	MON	TUES	WED	THURS	FRI	SAT	SUN
Setup	6/15	6/16	6/17	6/18	6/19	6/20	
Start					6/19	6/20	
End						6/20	
Cleanup							6/21

Location of Event:
- ☐ Park/Public Property
- ☐ Public Street/Sidewalk/Alley/Right of Way
- ☒ Private Property Onalaska American Legion
- ☐ Other

Please List Streets (and include map) That May be Closed or Otherwise Affected by the Event:
Sandlake Road, Quincy, Redwood

Location of Event Parking:

Estimated Attendance Per Day:
☐ 0-299 ☒ 300-499 ☐ 500-999 ☐ 1,000-4999 ☐ 5,000+

Estimated Attendance Entire Event:
☐ 0-299 ☐ 300-499 ☒ 500-999 ☐ 1,000-4999 ☐ 5,000+

Number of Booths:
☐ 0-24 ☒ 25-49 ☐ 50-74 ☐ 75-100 ☐ 100+

Advertising Will Consist of:
☒ Pre-event advertising through yard or other signs
☒ Temporary directional / other signage during the event (no more than 24 hrs in advance)
☒ Promotional Brochure / Flyer – copy must be provided with application

Type of Event:

- ☒ Festival / Music Concert
- ☐ Rally / Memorial
- ☐ Parade
- ☐ Run / Walk Greater than 5K
- ☐ Public Assembly (For political purposes)
- ☐ Religious / Educational
- ☐ Street / Block Party
- ☐ Fun Run / Walk A Thon
- ☐ March Utilizing Public Property
- ☐ Sport (fishing, soccer, etc.)
- ☐ Other _____

Event Will Have:

- ☒ Bounce House
- ☒ Rock Wall
- ☒ Amplified Sound
- ☒ Vehicles
- ☐ Animals
- ☐ Other high-risk activity _____
- ☐ Bungee Jump
- ☐ Dunk Tank
- ☐ Marching Units
- ☐ Water Slides

Permit & Other Requirements:

☒ Alcohol will be served, sold, raffled, etc.	Class B Permit
☒ Food & Non Alcoholic Beverages	Health Permit
☐ Non-Food related sales and/or display booths	
☒ Tent and/or canopy	Fire Dept. Planning / Inspection Diggers Hotline must be contacted minimum of 3 days before digging
☐ Large Generator(s) requiring a separate Electric panel box to be wired off of it	Inspections permit
☐ Fires or candles	Fire Dept.
☐ Fireworks	Fire Dept.
☐ Activities in park outside normal operating hours	Waiver required by City Council
☐ Barricades / Detours (city streets, roads, etc.)	Approval by Police & Public Works
☐ State Hwy Closures	DOT permit required - organizer contracts with private company to install
☐ Cooking Equipment	Fire Dept.
☒ Solid Waste & Recycling	Disposal Containers & Haul Away

Arrangements Have Been Made For:

- ☒ Restrooms & Hand Washing
- ☒ Event Insurance
- ☒ Fire Extinguishers
- ☒ Drinking Water
- ☒ Weather Contingencies
- ☐ Tent Heating
- ☒ Public Safety / EMS Services
- ☒ Advertising Banners/ / Signs
- ☐ Grey Water & Grease Removal
- ☐ LP Gas

In the Event of Severe Weather:
Open and Available Shelter Locations Will Include:

American Legion Activity Center & Building

Identify Who Will Cancel the Event if Necessary: (name, title, phone number, and e-mail)

Keri Steinfeldt, Chair, 507-429-2203, Keri@interstate-roofing.com

Public Safety Site Plan:

Attach a schematic drawing of the event site location. The drawing must be legible and drawn to scale. The public safety plan must include the following items if they will be provided, or if they are required.

• Booths, stages and event structures	• Security Staff
• First Aid Station(s)	•
• Information / Ticket Booths	• Emergency Contact Event Personnel
• Fences • Tents	• Assembly Area & Approximate Occupant Amounts
• Boundaries of the Event	• Event Parking
• Exits & Gates (gates must be numbered)	• Barricades
• Fire Extinguishers	• Generators
• Severe Weather Shelters	• Temporary Roadways
• Fire / EMS access Road	• Signed detour route per MUTCD

Provide any additional information the City should consider or may be relevant to a review of this application.

Organization(s) Sponsoring Event:

Name: Onalaska Community Days

Address: 731 Sandlake Rd

City: Onalaska State WI Zip 54650

☐ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

☐ Check this box to send invoices to this organization.

Name: _____

Address: _____

City: _____ State _____ Zip _____

☐ Check this box if this organization is tax exempt and provide proof with this application and include a copy of your organization's WI Sales and Use Tax Exempt Certificate.

☐ Check this box to send invoices to this organization.

CONTACT INFORMATION

Primary and/or Secondary Contacts Must Be Onsite at All Times of the Event

Primary Contact: Keri Steinfeldt

Daytime Phone: _____ Cell #: 507 429 7203

Email: Keri@interstate-roofing.com

Address 425 Central Rd

City: LaCrosse State WI Zip 54603

Secondary Contact: Josh Steinfeldt

Daytime Phone: _____ Cell #: 507 450 2767

Email: jsteinfeldt@rtpcompany.com

Address 425 Central Rd

City: LaCrosse State WI Zip 54603

EMERGENCY CONTACT INFORMATION

The public will be notified of a safety and/or security issue(s) in the following manner:

- ☐ Contacting Local Police and Fire Services
- ☒ Onsite PA System
- ☐ Local Radio Station
- ☐ Word of Mouth
- ☐ Other _____

If a Private Security Firm has Been Contracted, List Their Information Below:

Security Provider: Marian Byrson Security

Contact Person: Marian Phone Number: 608-498-6259

Location of Provider at Event Site: Beer Tent / Grounds

Location of Missing Persons Station: 731 Sandlake Rd

EVENTS PERMIT FEE SCHEDULE

Permit fees shall be based upon the anticipated number of participants expected to attend the listed event, as determined by the City Clerk, and based upon the following fees. Permit fee is due when the application is submitted. Permit fee is nonrefundable if event is cancelled. If event is rescheduled for a date within 6-months, the permit fee would apply to the rescheduled date; if the event is rescheduled for a date later than 6-months of the original event date the permit fee is nonrefundable.

PERMITTYPE	PERMIT FEE
PARADES	$0
SPECIAL EVENT	0 – 299 Participants = $0 300 – 499 Participants* = $250.00 500 – 999 Participants* = $350.00 Over 1,000 Participants* = $500.00 Events two (2) or more days: = $100.00**

*Attendance shall be based on the highest attendance over the last two years of the event. New events with no prior participation shall automatically fall under subsection (c) 300 to 499 people unless event organizers anticipate 1,000 or more people in attendance.

**Multi day events (e) shall be in addition to the fee based on the number of attendees.

If the Event Takes Place on City Property (Parks, City Streets, or Other City Owned Facilties) in Whole or In Part:

□ I have reviewed the proposed location for the event and determined suitability for our proposed use.

□ There are no requested changes, upgrades or safety concerns identified

OR

□ I am requesting the following changes or upgrades:

_____

_____

□ I understand and acknowledge that it is the event organizer's responsibility to inspect the area the event is to take place and notify the City's Inspection Department (608.781.9541) of any safety concerns.

□ I have reviewed and have considered the Contingency Plan information provided by the City of Onalaska along with this application.

□ I have reviewed and understand the City's Insurance Requirements for Special Events as described in this document.

□ I have enclosed the event's Public Safety Site Plan.

□ I have enclosed other information that we believe is necessary or helpful to describe the planned event.

SIGNATURE

I am allowed to sign this application on behalf of the event sponsor. The information contained in this application for a Special Event permit is true, correct, and complete to the best of my knowledge. If there are any changes to the Special Event, I agree that I will promptly notify the City of Onalaska of these changes and request approval of them.

Keri Steinfeldt — 2/24/2020

(Sign Name) (Date)

Keri Steinfeldt — Chair

(Print Name) (Print Title with Organization)

Return Completed Applications To:

Cari Burmaster, City Clerk

415 Main Street, Onalaska, WI 54650

(W) 608.781.9530 (F) 608.781.9534 cburmaster@cityofonalaska.com

CITY OF ONALASKA
INDEMNIFICATION, HOLD HARMLESS and REIMBURSEMENT AGREEMENT
(to be returned to City Clerk with Application Packet)

Special Event Name: Onalaska Community Days

Special Event Location: Onalaska American legion

Event Organizer(s): Onalaska Community Days Board members

The Event Organizer(s) (individually and collectively referred to as "Organizer") agree that said Organizer, not the City of Onalaska ("City"), shall be solely responsible for all incidents related to the Special Event, as named above. This responsibility of the Organizer to the City includes but is not limited to actions of the Organizer, its officers, employees, agents, and volunteers, along with event vendors, contractors, subcontractors, participants and visitors.

In consideration for the City's approval of the Special Event, except to the extent such claims arise from the negligence or misconduct of the City, the Organizer of the Special Event agrees to indemnify and hold harmless the City of Onalaska and its officers, council members, agents, employees and authorized volunteers, from, for, and against and agrees to defend the same from and against, any and all suits, claims, grievances, damages, costs, expenses, judgments and/or liabilities, including costs of defense and reasonable attorney fees, and further agrees to pay any settlement entered into or on behalf of, judgment entered against, the foregoing individuals and/or entities. The Organizer shall reimburse the City for costs incurred due to extraordinary damage to City property during the Special Event held by Organizer. Extraordinary damage shall be defined as damage to a City park or other City property in excess of normal wear and tear and which required repair in excess of routine maintenance. Request for Reimbursement for Extraordinary Damage shall be provided to the Organizer in the form of a detailed written accounting of the Extraordinary Damages and their repair cost as evidenced by written receipts or estimates. The accounting shall be submitted via first class mail, return receipt requested to the address Organizer provides on the Special Events Application. The Organizer shall remit payment no later than thirty (30) days from receipt of the accounting.

The Organizer shall abide by the City's insurance requirements for the event, including the addition of the City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers as additional insured's for the event.

One or more waivers by either party of any provisions, terms or conditions of this Agreement shall not be construed by either party as a waiver of a subsequent breach of the same by the other party.

In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding on the parties.

This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

This Agreement constitutes the entire Indemnification, Hold Harmless and Reimbursement Agreement between the parties and any change, amendment or modification must be made in writing and executed by both parties.
Form #407 (revised 10/11/16

The individual(s) signing this Agreement has the authority to enter into this Agreement on behalf of the Organizer of the Special Event and have read and understand the Agreement.

EVENT ORGANIZER

2/25/2020
(date)

Keri Steinfeldt
(signature)

Keri Steinfeldt Chair
(print name) (title)

(signature)

(print name) (title)

CITY OF ONALASKA

(date)

Caroline Burmaster, City CLerk

Joe Chilsen, Mayor

SPECIAL EVENT CONTINGENCY PLAN
For Review Only

Event sponsors should review and consider the following issues when they are planning or preparing for an event. Many of these issues are required by one or more regulations, or are components of larger regulations. Considering other issues which may not be required should contribute to the planning and operation of the event. Developing responses to these questions should result in more productive and fruitful discussions with the various departments with the City during their review of the Special Events Application.

Weather related issues: rain, snow, severe storms, tornadoes, etc.

If the weather forecast includes bad weather, will the event be cancelled? If so, how will attendees be notified?
Develop a plan for the sudden onset of severe weather. Where will the people go and who is designated to assist in their safe arrival at the safe refuge place?
Is there an area of safe refuge in case of tornado?

Medical issues

Where will ambulance access to the event be in case one is needed? Who will conduct crowd control in the event of a medical emergency?
Will a first aid station, with trained first aid provider, be provided at the event? Where?
If applicable, is there adequate shade to prevent heat stroke? Will water be provided? Where?

Crowd Control

Who will monitor the barricades?
Who will work the entry gates? Maintain egress and access?
Who will patrol the area to prevent incidents from getting out of control?
Develop a plan for those patrolling the crowd of what to do if they encounter unruly behavior. Have communication equipment.

Security

Will there be Police Officers providing security? If so, contact the Police Department for applicable requirements or guidelines relating to the number necessary.
If volunteers or private agencies provide security, will they have appropriate phone numbers for EMS, Fire, and Police?
If applicable, what will security officials do if non-paying attendees breach the gate/perimeter? If a complaint is received, for example, for loud music, how and who will handle the complaint? Provide communications equipment. Portable radios, cell phones, and access to land lines.
If applicable, secure monies in an area not accessible to the attendees.

Logistics

Where will there be, or will there be, a staging area for support staff? What time will the crowd be disbursed and by whom?
Who will conduct clean up?
Remember to maintain fire lanes and access roads.
Appoint one person to oversee and take responsibility for the event. Who? Will an adequate amount of restroom facilities be provided? Where?
Is there adequate safe parking provided? Where?

CITY OF ONALASKA
Special Event Insurance Requirements.

(a) The applicant shall provide primary coverage insurance for the event. Any insurance or self-insurance maintained by the City of Onalaska, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. The applicant shall, no later than five (5) days prior to the start of the event, provide proof of insurance as follows:

1. General Liability Coverage. Coverage shall be occurrence coverage. Claims-made coverage is prohibited.

   a. Commercial General Liability.

      (i) $1,000,000 general aggregate – per event;

      (ii) $1,000,000 products – completed operations aggregate;

      (iii) $1,000,000 personal injury and advertising injury;

      (iv) $1,000,000 each occurrence limit.

   b. Insurance must include:

      (i) Premises and operations liability;

      (ii) Contractual liability, including coverage for the joint negligence of the City of Onalaska, its officers, council members, agents, employees, authorized volunteers and the named insured;

      (iii) Personal injury;

      (iv) Explosion, collapse and underground coverage;

      (v) Products and completed operations;

      (vi) The general aggregate must apply separately to the event and location.

2. Business Automobile Coverage. Such coverage is required if motor vehicles are used in relation to and before, during or after the event. This requirement does not apply to cover personal vehicles used by attendees or event personnel to arrive or depart from the event. Coverage limits shall be no less than $250,000 each person, $500,000 each accident for bodily injury, $100,000 for property damage or $500,000 combined single limit for bodily injury and property damage each accident.

3. Worker's Compensation and Employers Liability. Proof of such coverage shall be required consistent with Wis. Stats. Chap. 102 or any applicable Worker's Compensation Statutes of a different state. Coverage limits shall be no less than $100,000 each accident, $500,000 disease policy limit and $100,000 disease per employee.

4. Liquor Liability. If the event holder sells alcoholic beverages, liquor liability insurance with coverage limits of no less than $500,000 each occurrence and $500,000 aggregate.

5. Fireworks Liability. If the event includes a firework display, then the event holder shall carry an additional $1,000,000 in coverage.

(b) All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event.

(c) The City of Onalaska, and its officers, council members, agents, employees, and authorized volunteers shall be additional insureds on general liability, business automobile and liquor liability policies. The additional insured policy endorsement must accompany the certificate of insurance.

(d) All policies shall require 30 day written notice to the City of Onalaska of cancellation, non-renewal or material change in the insurance coverage.

(e) Insurance must be provided by an insurances carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Wisconsin.

(f) All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City of Onalaska.

FOR OFFICE USE ONLY

City Clerk	☑ APPROVED	☐ DENIED	Reason:	Date: 2-26-20
Fire Dept	☑ APPROVED	☐ DENIED	Reason:	Date: 2-26-20
Police Dept	☒ APPROVED	☐ DENIED	Reason: work w/ Sgt. Berg on any traffic control if needed	Date: 2-26-20
Public Works	☒ APPROVED	☐ DENIED	Reason:	Date: 2-26-20
Planning	☒ APPROVED	☐ DENIED	Reason:	Date: 2/26/20
Parks & Rec	☒ APPROVED	☐ DENIED	Reason: Obtain Community Event Temp. Sign Permit	Date: 2/26/2020
				Date: _____

Site Diagram Sketch Attached: ☐ YES ☐ NO

GIS Dept. Map Prepared: ____/____/____

Insurance Required: ☐ YES ☐ NO Certificate of Insurance on File: ☐ YES ☐ NO COI Expires:____/____/____

Special Class B License Required: ☐ YES ☐ NO Date of Special Class B Application:____/____/____

Approved By A&J:____/____/____ Date License Issued:____/____/____

License No: _____

AMERI-9

OP ID: LP

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/24/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 608-783-5206
Fleis Insurance Agency Inc.
1824 E. Main Street
P O Box 537
Onalaska, WI 54650
Steven J. Fleis

CONTACT NAME: Linda Phillips
PHONE (A/C, No, Ext): 608-783-5206 FAX (A/C, No): 608-783-5209
E-MAIL ADDRESS: lphill@fleisinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Secura Insurance	22543
INSURER B : Accident Fund Company	10166
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
American Legion Post 336
Attn: Finance Officer
731 Sand Lake Rd
Onalaska, WI 54650

COVERAGES CERTIFICATE NUMBER: 1 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:	X		CP3248557	02/05/2020	02/05/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
A	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			CP3248557	02/01/2020	02/01/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $ $
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10000			CU3248558	02/05/2020	02/05/2021	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		WCV6159133	02/05/2020	02/05/2021	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 100,000 $ 100,000 $ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
731 SAND LAKE ROAD, ONALASKA, WI 54650;CLUBS/CG2011

CERTIFICATE HOLDER CITYON1

City of Onalaska
415 Main St
Onalaska, WI 54650

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Steven J. Fleis

© 1988-2015 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS RELATING TO PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision: City of Onalaska Inspection Department
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization in connection with premises you own, rent or control and to which this insurance applies:

1. The existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures; or
2. The construction, erection or removal of elevators; or
3. The ownership, maintenance or use of any elevators covered by this insurance.

© Insurance Services Office, Inc., 2008

CITY OF ONALASKA
REC#: R00166410 2/13/2020 10:34 AM
TRANSACTION ACCOUNT
OPER : C1 TERM: 1
TRBY : CASH 01
==========
CHANGE OF AGENT / CROOKED PINT 10.00
REVENUE ACCOUNT 10.00
100-00000-44110 -10.00
Paid By: JARROD BYERS
CA 10.00 REF:SW

APPLIED 10.00
TENDERED 10.00
CHANGE 0.00

#6

Schedule for Appointment of Agent by Corporation, Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☑ City of Onalaska

The undersigned duly authorized officer/member/manager of J&KB Holdings LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as --

Crooked Pint Ale House
(Trade Name)

located at 9348 WI 16, Onalaska, WI 54650

appoints Jarrod Byers
(Name of Appointed Agent)

907 Saddlewood St. Holmen, WI 54636
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☑ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 7 months

Place of residence last year Minnesota

For: J&KB Holdings LLC
(Name of Corporation / Organization / Limited Liability Company)

By: _____
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than $1,000.

ACCEPTANCE BY AGENT

I, Jarrod Byers (Print / Type Agent's Name), hereby accept this appointment as agent for the corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

(Signature of Agent) 2/13/2020 (Date) Agent's age 40

907 Saddlewood St. Holmen, WI 54636
(Home Address of Agent) Date of birth 10/25/2079

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 2-19-2020 (Date) by Chief Schlech (Signature of Proper Local Official) Title Chief of Police (Town Chair, Village President, Police Chief)

#7 & #8

Struck - Klandrud Post No. 336
American Legion

Onalaska, Wisconsin
54650

CITY OF ONALASKA
JUDICIAL & ADMINISTRATIVE COMMITTEE
415 MAIN ST
ONALASKA WI 54650

Committee members:

Onalaska Community Days will be held in the parking lot of the American Legion 731 Sand Lake Rd. on Friday June 19 and Saturday June 20, 2020. The American Legion is allowing Community Days to hold their event on the American Legion grounds.

We are asking for a noise variance on June 19 and June 20th to last until 11:30pm on both nights. This is for the bands that are scheduled to play on those nights. We are also seeking a Liquor License Amendment since alcohol will be served in designated secured areas in the parking lot. Your consideration and assistance in this matter is greatly appreciated.

Cordially,

James Binash Post 336 Commander

#9

2nd District Aldperson
City of Onalaska
608.780.7007
dwulf@onalaskawi.gov

From: Jackson, Amanda
Sent: Thursday, February 20, 2020 1:21 PM
To: Wulf Diane; Stevens, Dan
Subject: FW: Mailbox/parking issues

Here's the original email related to the USPS policy.

Amanda Halderson Jackson
Onalaska City Attorney

From: Jackson, Amanda
Sent: Thursday, January 30, 2020 10:51 AM
To: Wulf Diane <dwulf@onalaskawi.gov>; Ashbeck, Charles <cashbeck@onalaskawi.gov>
Subject: RE: Mailbox/parking issues

From what I am reading it sounds like the letter carrier in those situations per policy is supposed to dismount and deliver the mail and not skip delivery, it may be worth the constituent complaining to the post office regarding their failure of delivery.

From USPS website:

Mailbox blocked

- Customers are required, as a condition of delivery, to ensure that proper access is provided to mail receptacles. Proper access includes the removal of large accumulations of snow from the area around curb line receptacles and from sidewalks leading to door or other house-mounted receptacles. Without such access, the safety of the carrier is jeopardized.
- Mailbox blockage by a vehicle may also prevent the delivery of mail. According to our policy, the city or rural carrier should get out of the vehicle to make delivery if the mailbox is temporarily blocked by a vehicle. However, if the carrier continually experiences a problem in serving curb line or rural boxes where the customer is able to control on street parking, the postmaster may withdraw delivery service.

Amanda Halderson Jackson
City Attorney | City of Onalaska

The information transmitted above is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, transmission, dissemination or other use of or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error, please respond to the sender and delete the material from any computer and/or server. The City of Onalaska is subject to Wisconsin

3/04/2020 3:03 PM

L I C E N S E M A S T E R R E P O R T

LICENSES: ALL
LICENSE CODES: Include: RECBURN-E
CLASSES: All
STATUS: ACTIVE
CITY LIMITS: INSIDE, OUTSIDE

SORTED BY: LICENSE NUMBER

EFFECTIVE
EXPIRATIC
COMMENT:
PAY STATU

#10

ID	CODE	NAME/ PROPERTY ADDRESS	STATUS	CLASS/ REPORT	ORIG/ RENEW	TERM/ PRINTED
00766	RECBURN-E	BREILING	KURTIS ACTIVE	REC BURN	9/12/2012	
3/03/20-12/31/21		2220 QUARRY LN		REC BURN		3/03/2020
02415	RECBURN-E	SCHAMS	JOSEPH ACTIVE	REC BURN	1/09/2018	
2/26/20-12/31/21		2705 TURNBERRY CT		REC BURN		2/26/2020
03672	RECBURN-E	DEFLORIAN	GEORGE ACTIVE	REC BURN	2/11/2014	
2/19/20-12/31/21		1221 GREEN ST		REC BURN		2/19/2020
04779	RECBURN-E	OLSON	RANDY ACTIVE	REC BURN	7/15/2016	
2/26/20-12/31/21		2019 GRAND VIEW BLVD		REC BURN		2/26/2020

REPORT TOTALS: 4 LICENSES

#11

ORDINANCE NO. 1662-2020

AN ORDINANCE TO AMEND CHAPTER 5 OF TITLE 11 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO OFFENSES BY JUVENILES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Sections 11-5-3 and 11-5-4 of Chapter 5 of Title 11 of the City of Onalaska Code of Ordinances related to Offenses by Juveniles are hereby deleted in their entirety and replaced as follows:

Sec. 11-5-3 Petty Theft & Receipt of Stolen Goods by Juveniles.
It shall be unlawful for any person under the age of seventeen (17), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof and to intentionally receive or conceal property he/she knows to be stolen.

Sec. 11-5-4 Sexting.

(a) **Definitions.** The following definitions shall apply to this Section:

(1) "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. Breastfeeding of a baby does not under any circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.

(2) "Harmful to Minors" means any reproduction, imitation, characterization, description, exhibition, presentation or representation, of whatever kind of form, depicting nudity, sexual conduct, or sexual excitement when it:

a. Predominately appeals to indecent, shameful, or morbid interest;

b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(3) "Minor" means any person under the age of 18 years.

(b) **Sexting Prohibited.** A minor commits the offense of sexting if he or she knowingly:

(1) Uses any device capable of electronic data transmission or distribution, to transmit or distribute to another person any image, recording, text, correspondence, message or substantially similar form of communication, of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.

(2) Possesses any image, recording, text, correspondence, message or other substantially similar form of communication that was transmitted or distributed by another person which depicts nudity, and is harmful to minors. A minor does not violate this paragraph if all of the following apply:

a. The minor did not solicit the photograph, video or substantially similar

communication;

b. The minor took reasonable steps to report the photograph, video or substantially similar communication to a school or law enforcement official; and

c. The minor did not transmit or distribute the photograph, video or substantially similar communication to athird party other than a law enforcement official.

(c) **Enforcement.** Any juvenile who violates the provisions of this Section shall be subject to the general penalties set forth in Title 1 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

ORDINANCE NO. 1662-2020

AN ORDINANCE TO AMEND CHAPTER 5 OF TITLE 11 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO OFFENSES BY JUVENILES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Sections 11-5-3 and 11-5-4 of Chapter 5 of Title 11 of the City of Onalaska Code of Ordinances related to Offenses by Juveniles are hereby deleted in their entirety and replaced as follows:

Sec. 11-5-3 Petty Theft & Receipt of Stolen Goods by Juveniles.
It shall be unlawful for any person under the age of seventeen (17), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof and to intentionally receive or conceal property he/she knows to be stolen.

Sec. 11-5-4 Sexting

(a) **Definitions.** The following definitions shall apply to this Section:

~~(1)~~ "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. ~~A mother's~~ B~~b~~reastfeeding of ~~her~~ a baby does not under any

(1) circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.

(2) "Harmful to Minors" means any reproduction, imitation, characterization, description, exhibition, presentation or representation, of whatever kind of form, depicting nudity, sexual conduct, or sexual excitement when it:

a. Predominately appeals to ~~prurient,~~indecent, shameful, or morbid interest;

b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

~~(3)~~ "Minor" means any person under the age of 18 years.

(3)

(b) **Sexting Prohibited.** A minor commits the offense of sexting if he or she knowingly:

~~(4)~~(1) Uses ~~a computer, or any other~~any device capable of electronic data transmission or distribution, to transmit or distribute to another ~~minor~~ person any ~~photograph or video~~image, recording, text, correspondence, message or substantially similar form of communication, of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.

~~(5)~~(2) Possesses any image, recording, text, correspondence, message or other substantially similar form of communication that was ~~photograph or video of any person that was~~ transmitted or distributed by another person which

Formatted: Font: +Headings (Cambria)

Formatted: Font: +Headings (Cambria), 11.5 pt

Formatted: Font: (Default) +Headings (Cambria), 11.5 pt, Bold

Formatted: Font: (Default) +Headings (Cambria), 11.5 pt

Formatted: Font: (Default) +Headings (Cambria), 11.5 pt, Not Bold

Formatted: Tab stops: 0.5", Left + 0.81", Left + Not at 1.07"

Formatted: Font: (Default) +Headings (Cambria), 11.5 pt

Formatted: Font: (Default) +Headings (Cambria), 11.5 pt, Not Bold

Formatted: Font: +Headings (Cambria), 11.5 pt

Formatted: Indent: Left: 0.5", Hanging: 0.5", Tab stops: 1", Left + Not at 1.07"

Formatted: Normal, Indent: Left: 0", Hanging: 0.5"

Formatted: Font: +Headings (Cambria), 11.5 pt, Bold

Formatted: Font: +Headings (Cambria), 11.5 pt

Formatted: Indent: Left: 0.5", Hanging: 0.5", Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: 0.82" + Indent at: 1.07", Tab stops: 1", Left + Not at 1.07"

depicts nudity, ~~as defined above,~~ and is harmful to minors~~, as defined above~~. A minor does not violate this paragraph if all of the following apply:

a. The minor did not solicit the photograph, ~~or~~ video or substantially similar communication;

b. The minor took reasonable steps to report the photograph, ~~or~~ video or substantially similar communication to a school or law enforcement official; and

~~c.~~ The minor did not transmit or distribute the photograph, ~~or a~~ video or substantially similar communication to a third party other than a ~~school or~~ law enforcement official.

~~(6) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:~~

~~a. Predominately appeals to a prurient, shameful, or morbid interest;~~

~~b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and~~

~~c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.~~

~~(7) Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this chapter 128 of the Municipal Code.~~

c.

(c) **Enforcement.** Any ~~person who violates any provision of this ordinance is subject to a forfeiture of not less than $100 nor more than $500, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.~~juvenile who violates the provisions of this Section shall be subject to the general penalties set forth in Title 1 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Formatted: Font: +Headings (Cambria), 11.5 pt, Bold

Formatted: Normal, Indent: Left: 0", Hanging: 0.5"

Formatted: Font: +Headings (Cambria), 11.5 pt

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Formatted: Font: +Headings (Cambria)

Dated this day of , 2020.

CITY OF ONALASKA

By:
Kim Smith, Mayor

By:
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

Formatted: Indent: Left: 0"

Formatted: Font: +Headings (Cambria), 11.5 pt

FISCAL IMPACT OF ORDINANCE 1662 – 2020 **Please route in this order**

Eric Rindfleisch, Administrator

(signature)

☑ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Charles Ashbeck, Chief of Police

(signature)

☑ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

#12

ORDINANCE NO. 1663 -2020

AN ORDINANCE TO DELETE TITLE 8 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO HEALTH AND SANITATION

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 8 Health and Sanitation is hereby deleted in its entirety.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1663 – 2020

Please route in this order

Cari Burmaster, City Clerk

C. Burmaster
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

#13

ORDINANCE NO. 1664-2020

AN ORDINANCE TO AMEND TITLE 15 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO BUILDING CODES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 15 Building Code is hereby deleted in its entirety and replaced as follows:

Title 15 Building Code

Chapter 01 Building Code

Division 1 Establishment of Building Code

15.01.11 Building Code Established

A. **Title.** This Chapter shall be known as the "Building Code of the City of Onalaska" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."

B. **Purpose.** The purpose of this Chapter is to:

1. Exercise jurisdiction over the construction and inspection of new one (1)family and two (2)-family dwellings, additions or alterations to existing one (1) and two (2) -family dwellings by Inspectors certified by the Wisconsin Department of Safety and Professional Services ("DSPS").
2. Provide for plan review and onsite inspections of one (1) and two (2)-family dwellings by Inspectors certified by the state department of safety and professional services.
3. Provide for review and onsite inspection of commercial structures to the extent permitted by and subject to state law.
4. Provide for the collection and establishment of fees to defray administrative costs.
5. To adopt relevant state statutes and administrative code provisions to promote the interests stated in this section.

C. **Uniform Dwelling Code.**

1. **State Uniform Dwelling Code Adopted.** Wis. Admin. Code SPS Chapters 321 through 325, in associations with SPS 321.40, Manufactured Homes, are hereby adopted by reference and made part of this Chapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this Chapter. Future amendments, revisions, or modifications of the Wisconsin Administrative Code provisions incorporated in this Chapter are intended to be made a part of this Chapter to secure uniform state regulation of one (1)-family and two (2)-family dwellings in this city. The Wisconsin Administrative Codes, as adopted in this Chapter, are intended to apply to additions and alterations to one (1) and two (2)-family dwellings, including existing one (1) -family and two (2)-family dwellings, which were built prior to December 1, 1978 (effective adoption date of the Uniform Dwelling Code), detached garages, accessory buildings, as well as new construction. A copy of these Wisconsin Administrative Code provisions and any future amendments shall be kept on file in the office of the city building inspector.
2. **Enforcement and Right to Inspect.** The Inspection Department is hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Inspection Department, as a condition of the issuance of a building permit, shall have the authority to enter at any reasonable time during normal work hours, during the course of the work and until final inspection

and approval thereof has been given to inspect such premises for compliance of all state and municipal codes in this Chapter.

D. **Definitions**. Definitions for this Title are located in Chapter 5.

15.01.12 Building Permits and Inspection

A. **Permit Required**.

1. **General Permit Requirement.** No one (1)-family or two (2)-family dwelling shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or their agent from the Inspection Department. Application for a building permit shall be in writing upon the form designated by the State Uniform Dwelling Permit Application.
2. **Alterations and Repairs.** No addition, alteration or repair to an existing one (1)-family or two (2)-family dwelling shall be undertaken unless a building permit for this work is first obtained by the owner or their agent from the Inspection Department. The Inspection Department may not require a permit for minor repairs (i.e., repairs or alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation).
3. **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements are accepted by the Common Council upon recommendation of the Plan Commission.
4. **Utilities Required.**
   a. **Residential/UDC Buildings.** No building permit shall be issued for the construction of any one (1) and two (2)-family dwellings until sewer, water, grading, graveling, and pavement are installed in the streets necessary to service the property for which the permit is required.
   b. **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading, graveling, and pavement in the streets necessary to service the property for which the permit is requested.
   c. **Occupancy.** No person shall occupy any building until sewer, water, grading, graveling, and pavement are installed in the streets necessary to service the property and a Certificate of Occupancy shall not be issued until such utilities are available to service the property.
   d. **Utility Service Not Available.** If municipal sewer and water are not available, no building permit or Occupancy Permit will be issued until plans are provided for a private domestic sewage treatment and disposal system and an approved well system. The installation of the above-mentioned systems must be approved by the City Engineer, Inspection Department, and La Crosse County in charge of issuing the applicable state permits.
5. **Accessory Structures.** No accessory building or structure, including detached garages, open sheds, roof covered patios, gazebos, pergolas, or any other accessory building or structure, shall be constructed, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or their agent from the Inspection Department. Further, accessory structures may only be constructed on a parcel after a principal structure has been established.
6. **One (1)-family and two (2)-family homes built prior to December 1, 1978.** No addition, alteration, or repair to a one (1)-family or two (2)-family dwelling that was built before December 1, 1978 as per the effective date of the adoption of the Uniform Dwelling Code shall be undertaken unless a building permit for this work is first obtained by the owner or their agent from the Inspection Department. The Inspection Department may not require a permit for minor repairs (i.e., repairs as defined in SPS 320.05(3) of the Uniform Dwelling Code, alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation).
7. **Submission of Plans.** The applicant shall submit two (2) sets of plans along with a comprehensive site plan and soil erosion control plan for new construction to one (1)-family and two (2)-family dwellings at the time that the building permit application is filed. All required plans submitted for approval, shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the minimum requirements of the Uniform Dwelling Code.
8. **Required Inspections and Requests.** Prior to concealment of any electrical, plumbing, or HVAC installations, buildings shall be inspected at such times and in such manner to be in accordance with

all state and local codes, ordinances, or rules applicable thereto. No structural portion of any building or structure shall be covered or concealed until the completion of the required inspections and approval by the Inspection Department. The permit applicant or an authorized representative shall notify the building inspector after completion of the required inspections as listed below (inspection types) orally, email or in writing. The Inspection Department shall make a reasonable effort to conduct all inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval by the Inspection Department, except that construction may proceed if an inspection has not been performed within two (2) business days after proper notification has been given.

9. **Inspection Types.** The following inspections shall be completed for all projects whenever applicable:
   a. **Erosion Control Inspection.** Erosion control measures shall be inspected after implementation and concurrently with the following required inspections for proper maintenance.
   b. **Building Sanitary, Storm and Water Service Inspection.** The building sanitary, storm sewer and water service shall be inspected in accordance with SPS 382.21(1) of the State Plumbing Code prior to be covered or concealed.
   c. **Foundation Excavation Inspection.** The excavation for the foundation shall be inspected after the placement of any forms or required reinforcement and prior to the placement of the permanent foundation material. If a drain tile system is required, by the local inspector or by groundwater levels in the excavation, the presence and location of bleeders used to connect the interior and exterior drain tile shall be inspected at the same time as the excavation.
   d. **Foundation Inspection.** The foundation shall be inspected after completion. Where dampproofing, exterior insulation or drain tile are required for code compliance, the foundation shall be inspected prior to backfilling.
   e. **Underground Building Drains and Drain Tile Inspection.** Plumbing building drain, drain tile, washed stone base, and required sub slab vapor retarder shall be inspected prior to backfilling or placement of basement slab floors.
   f. **Rough Inspection.** General building construction (basement floor area, framing), plumbing, HVAC, and electrical installations shall be inspected after all work is complete, but before any of the installations are covered or concealed.
   g. **Insulation Inspection.** Insulation, vapor retarders, air barriers, and exterior drainage planes shall be inspected after installation is complete, but before any of the installations are covered or concealed.
   h. **Final Inspection.** The dwelling shall not be occupied until a final inspection has been made. The permit applicant shall notify the Inspection Department orally, or by written notification for a final inspection upon completion of the permitted work. The final inspection shall be performed within five (5) business days after proper notification and prior to the issuance of a certificate of occupancy. The Inspection Department shall notify the applicant and/or owner in writing of any code violations to be corrected. All code violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted. Failure to obtain a final inspection upon completion of the permitted work, and/or correct noted code violations prior to occupancy, and refused or neglected to pay for previous permits shall be considered in violation of this Section and may be subjected to citations and/or a re-inspection fee. The Inspection Department may refuse to issue permits to any person or applicant who has refused or neglected to correct any violations of this chapter.
   i. **Stop Work Order.** If a noted violation is not corrected within thirty (30) days, a stop work order may be served on the owner or the owner's representative, and a copy shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the Inspection Department after satisfactory evidence has been provided that the noted violation(s) have been corrected.
10. **Inspection Disclaimer.** All inspections are intended to cite conditions of noncompliance in accordance with all state and local code standards that are evident at the time of inspections. An inspection does not involve a thorough examination to all appliances, mechanical systems, and closed structural elements of the building or structure.
11. **Certificate of Occupancy and Use.**

a. **One and Two-Family Dwellings.** No one (1)-family and two (2)-family dwelling shall be used or occupied until the Inspection Department has issued a certificate of temporary occupancy or a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with provisions of this Chapter.

b. **Temporary Occupancy.** The Inspection Department may issue a temporary occupancy permit for a part or parts of a building or structure, before the entire work covered by a building permit shall have been completed provided such portions may be occupied safely prior to full completion of the structure without endangering life or public welfare. No such partial occupancy permit may be issued prior to full compliance with those provisions of State Statute and the Wisconsin Administrative Code that affect health and safety or before full completion of accessible routes to, into and through the structure exist. A temporary occupancy permit may be issued for a period not exceeding six (6) months, except as specifically approved by the Inspection Department for weather related or similar type delays. A temporary occupancy permit shall not be granted until all applicable fees, including necessary inspection fees have been paid. Applications for temporary occupancy shall be on such form as provided by the Inspection Department.

15.01.13 Commercial Buildings

A. **Wisconsin Uniform Commercial Building Code (UCBC).** Wis. Admin. Code SPS 361, SPS 360-66, and "International (I) Codes", are hereby adopted by reference and made part of this Chapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this Chapter. Any future amendments, revisions, or modifications of the State Commercial Building Code provisions incorporated in this Chapter are intended to be made a part of this Chapter to secure uniform state regulations.

B. **Commercial Buildings.** Notwithstanding the provisions of the State Uniform Commercial Building Code, no commercial building (i.e., any building not covered by the Uniform Dwelling Code) shall be built, enlarged, altered or repaired unless a building permit for that work has first been obtained by the owner or owner's agent from the Inspection Department. Application for such building permit shall be made as required by Wis. Admin. Code SPS 361.30 and a copy of such permit, together with the plans and specifications for such construction activities, shall be filed with the Inspection Department for review in accordance with the requirements of the Wis. Admin. Code SPS 361 and the State Uniform Commercial Building Code SPS 360-66.

C. **Design.** Pursuant to Wis. Stats. § 443.14, a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under Wis. Stats. §§ 443.14 and 443.15; b. Pursuant to Wis. Stats. § 443, a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system shall be designed by an architect, engineer, or a designer of engineering systems, except as provided under Wis. Stats. §§ 443.14 and 443.15.

1. Pursuant to SPS 361.30-1, the following buildings are exempt from state plan review containing less than twenty-five thousand (25,000) cubic feet in volume:
   a. Buildings of group assembly A-2; A-3;
   b. Business B;
   c. Factory F
   d. Mercantile M;
   e. Storage S; and
   f. Utility and miscellaneous U containing less than twenty-five (25,000) cubic feet in volume.

D. **Supervision Pursuant to SPS 361.40.**

1. Except as noted below, the proposed construction of a project within the scope of this Code shall be supervised by one (1) or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with a nonconformance with the Code during or at the end of construction, that party, together with

the designing architect, engineer or designer shall effect compliance or shall notify the Inspection Department of the noncompliance.

a. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one (1) of the following conditions:
   i. The building contains less than fifty thousand (50,000) cubic feet in volume.
   ii. An addition to an existing building does not cause the entire building to contain or exceed a volume of fifty thousand (50,000) cubic feet.
b. For the purposes of this Subsection, the utilization of the fire walls to divide up a building does not create separate buildings.

2. **Compliance statement.** Pursuant to SPS 361.40(4), initial occupancy of a new building or addition, and final occupancy of an alteration of an existing building, the supervising architect, engineer, or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of their knowledge and belief, construction of that portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the Department of Safety and Professional Services.

E. **Occupancy and Use**.

1. **Certificate of Occupancy and Use.** No building shall be used or occupied until the Inspection Department has issued a certificate of temporary occupancy or a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with provisions of this Chapter.
2. **Temporary Occupancy**. The Inspection Department may issue a temporary occupancy permit for a part or parts of a building or structure, before the entire work covered by a building permit shall have been completed provided such portions may be occupied safely prior to full completion of the structure without endangering life or public welfare. No such partial occupancy permit may be issued prior to full compliance with those provisions of State Statute and the Wisconsin Administrative Code that affect health and safety or before full completion of accessible routes to, into and through the structure exist. A temporary occupancy permit may be issued for a period not exceeding six (6) months, except as specifically approved by the Inspection Department for weather related or similar type delays. A temporary occupancy permit shall not be granted until all applicable fees, including necessary inspection fees have been paid. Applications for temporary occupancy shall be on such form as provided by the Inspection Department.

F. **Change of Occupancy or Use.** Pursuant to SPS 361.03(c)11, except as provided herein, no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with this Code's requirements for the new division or group of occupancies, as these requirements exist on the following dates:

1. Pursuant to Wis. Admin. Code SPS 361.30, the date when plans for the change in occupancy or use are approved by the Inspection Department;
2. The date a local building permit is issued, if plan submittal and approval is not required under Wis. Admin. Code SPS 361.30;
3. The date construction is initiated, where pars. 1. and 2. above do not apply;
4. The date an occupancy permit is issued, where pars. 1- 3. do not apply.

F. **Existing Buildings and Structures.** Unless otherwise stated in the State Uniform Commercial Building Code, an existing building or structure, and every element, system or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed, and to conform to the International Existing Building Code as adopted into the Uniform Commercial Building Code.

15.01.14 Regulation and Permit for Razing Buildings

A. No building within the City of Onalaska shall be razed without a permit from the Inspection Department. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the

foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Inspection Department.

B. All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

C. **Insurance Requirements for Razing Buildings.** The City shall require, in addition to the said bond above indicated, a certificate of insurance naming the city as an additional insured with the City Clerk, giving evidence of liability insurance in the following amounts: Public Liability- Bodily Injury: $1,000,000 each occurrence, $2,000,000 aggregate, Property Damage: $500,000 each occurrence, $2,000,000 aggregate.

D. **Asbestos Abatement/Removal.** The City shall require all asbestos material to be appropriately abated per Wisconsin Admin Code NR 447. All properties being razed must be inspected for the presence of asbestos-containing materials prior to demolition. Notification must be submitted to the DNR regardless of whether or not asbestos is present and a copy of the inspector's report submitted to the Inspection Department. All regulated asbestos-containing materials must be properly removed before beginning demolition.

15.01.15 Regulations for Moving Buildings

A. **General Requirements**.

1. No person shall move any building or structure upon any of the public ways of the City of Onalaska without first obtaining a permit therefor from the Inspection Department and upon the payment of the required fee. Every such permit issued by the Inspection Department for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
2. Issuance of moving permit shall further be conditioned on approval of the moving route.
3. Applicant shall provide copies of all State Permits as required.

B. **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

C. **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Inspection Department, inspect the trees, streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Director of Public Works, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

D. **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Inspection Department has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling

with reference to such building shall be submitted to the Inspection Department, and it shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Code and that, when the same are completed, the building as such will so comply with said Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

E. **Bond.**
   1. Before a permit to move any building is granted by the Inspection Department, the party applying therefor shall give a bond in the sum of Ten Thousand Dollars ($10,000.00) with good and sufficient sureties to be approved by the City of Onalaska conditioned, among other things, that said party will save and indemnify judgments, costs and expenses which may, in any way, accrue against the City and will save the City harmless against all liabilities, judgments, costs and expense in consequence of granting of such permit.

F. **Insurance**. The City shall require, in addition to the said bond above indicated, a certificate of insurance naming the city as an additional insured with the Inspection Department, giving evidence of liability insurance in the following amounts: Public Liability- Bodily Injury: $1,000,000 each occurrence, $2,000,000 aggregate, Property Damage: $500,000 each occurrence, $1,000,000 aggregate; Auto Liability-Bodily Injury: $100,000 each occurrence, $300,000 aggregate, Property Damage: $100,000 each occurrence.

15.01.16 Building Permits and Inspection Fees

A. **Issuance of Permits.** If the Inspection Department finds that the proposed building repair, alteration or addition complies with all City Ordinances and the Uniform Dwelling Code, the Inspection Department shall approve the application. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Inspection Department. All issued permit becomes null and void if work or construction authorized is not commenced within twelve (12) months or if construction or work is suspended or abandoned for a period of twelve (12) months at any time after work is commenced.

B. Before issuing a building permit required under this Title, the owner or their agent shall pay to the Inspection Department the necessary building permit fee as set forth on the City of Onalaska Fee Scheduled approved each year by resolution of the Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.

C. For all fees based upon building square footage, the square footage calculations shall include all floor levels, basements, attached garages, mezzanines, occupied roofs and all spaces enclosed under a room. All fees so calculated shall be rounded to the nearest dollar.

D. Permit Duration. All permits requiring state approval and all permits for initial construction of one (1)-family and two (2)-family dwellings shall be valid as stated in SPS 320.09(9)(5) from date of issuance. All plan approvals and extensions of plan approvals shall be valid as stated in SPS 361.36 (1) and (2). All other permits shall be valid for one year from date of issuance. Renewal of expired permits shall include fee assessments for such renewal in addition to other fees required by law.

Division 2 Building Code

15.01.21 Inspection Enforcement

A. **Method of Enforcement.**
   1. **Certified Inspector to Enforce**. The Inspection Department is hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. Inspectors of the Inspection Department shall be certified for inspection purposes by the Department in each of the categories specified under Chapter SPS 305, Wis. Adm. Code.
   2. **Duties.** The Inspection Department shall administer and enforce all provisions of this Title and the Uniform Dwelling Code.
   3. **Inspection Powers.** Inspectors of the Inspection Department or an authorized agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall

interfere with or refuse to permit access to any such premises to a representative of the Inspection Department while in performance of their duties.

4. **Records.** The Inspection Department shall perform all administrative tasks required by the Department of Industry, Labor and Human Relations under the Uniform Dwelling Code. In addition, the Inspection Department shall keep a record of all applications for building permits and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

15.01.22 Unsafe Buildings

A. Whenever the Inspection Department finds any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation or use and unreasonable to repair, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

B. Where public safety requires immediate action, the Inspection Department shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

15.01.23 Abandoned Premises and Protection of Property; Fill Dirt; Basement Subflooring

A. **Abandoned Excavations.** Any excavation which exists for thirty (30) days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within ten (10) days after receiving a written notice from the Engineering Department of such requirement; upon the failure of such owner to comply with such requirement within the stated period, the work may be done by the City or its agent and the expense thereof shall be assessed against such lot or parcel of land as a special tax pursuant to Sec. 66.0627, Wis. Stats., to be collected in the same manner as are other real estate taxes.

B. **Transfer of Solid Fill.** No person, firm or corporation shall transfer to, dump or place upon lands, public or private, solid fill within the City of Onalaska without first obtaining a permit therefor:

1. **Application.** Application for a permit to transfer, place or dump solid fill within the City of Onalaska shall be made by the owner of the lands to be filled or their designated agent in writing to the Engineering Department upon an application furnished by the City. The applicant shall set forth upon the application form the following information:
   a. Proposed route for hauling fill;
   b. Other equipment involved in fill operation;
   c. Descriptions and source of fill material; and
   d. Grading plan indicating final limits and finished grade of fill area.
2. **Fill Material.** Fill material shall be clean, inert material fee from organic material, brush, garbage and material subject to organic decomposition. Where necessary, to avoid dust or similar litter, all material shall be wetted down before transporting. Fill containing items such as hollow containers, appliances and equipment subject to subsequent collapse or settlement is prohibited. Generally, material such as earth fill and broken concrete of a size approved by the Inspection Department or their designee will be classified as acceptable fill subject to other permit requirements.
3. **Permits.** The Engineering Department is authorized to issue a filling permit to each applicant when Department officials are satisfied that the fill material meets the requirements provided herein and that the filling operation will not create noise, traffic or other problems detrimental to the residents of the area of the community in which said filling is taking place; the Engineering Department shall not authorize any filling between the hours of 5:00 p.m. and 8:00 a.m. on weekdays, nor at any time on Saturday, Sunday or a legal holiday; the Engineering Department shall further restrict the hours of filling or the number of trucks involved based upon the location of the filling operation and the traffic conditions of the area where the filling is being placed. The permit shall be for a period not to exceed three (3) consecutive months in a calendar year. Permit applications for subsequent years, when

filling operations span a period of several years, will be subject to conditions and fees governing initial applications.

4. **Other Regulations.** Filling operations also shall be subject to all applicable county, state or federal license or permit regulations. Filling operations shall not block a natural drainage course.
5. **Exceptions.** The provisions of this Subsection relating to the transfer of solid fill shall not apply to customary top dressing or fertilizing of lawns and gardens nor shall they apply to the construction of block or concrete patios, driveways or platforms permitted under City Ordinances. Filling involved in an operation requiring a building permit or a wrecking permit is exempt from this Subsection of the Code.

Division 3 Plumbing Code

15.01.31 Purpose and Scope of Plumbing Code

A. **Title.** This division shall be known as the "Plumbing Code of the City of Onalaska and will be referred to in this Chapter or elsewhere as the "Plumbing Code"

B. **Purpose.** The purpose of this Division is to:
   1. Provide minimum regulations, provisions and requirements in the City of Onalaska to insure safety and adequacy to persons and property wherever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.
   2. Ensure compliance with the requirements of this Chapter; the State Plumbing Code as described below, the City Utility Code, and the City's Water Utility Rules approved by the Wisconsin Public Service Commission.

C. **Uniform Dwelling Code.**
   1. **State Statutes and Plumbing Admin. Code Adopted.** Wis. Stats. Chapter 145 and Wis. Admin. Code SPS 381 to 384 together with all amendments, are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in this section in full. Failure to comply with the provision of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this Chapter, publishable according to the penalties provided.

15.01.32 Plumbing Permits

A. **Required.** No person shall engage in any plumbing work in any building, make any connection with any building, sewer or drains, or do any other plumbing work required by this Chapter or any state administrative code without first making application and paying the requisite fee for a plumbing permit under this section. The Inspection Department may require plans and specifications prior to approval of any permit. The permit may be issued by a designee of the Inspection Department.

B. **Application and Fee.** The application shall be in writing upon forms which the Inspection Department shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Chapter. At the time the application for a plumbing permit is filed, the applicant shall pay such fees for such services as are required under the City of Onalaska Fee Schedule. Such fees include late fees, inspection fees, professional services fees and fees for expedited process.

C. **Issuance, Term, Suspension and Revocation.** When the Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Chapter and after the appropriate fees have been paid, the Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for same as may be approved by the Inspection Department and shall automatically expire on completion of the work for which it is used, provided the Inspection Department may, upon notice, suspend or revoke such permit for violation of the provisions of this Chapter.

D. **Restrictions on Issuance**. No permit will be issued to anyone not licensed, where applicable, or who has failed to renew such license or had failed to comply with the provisions of this Chapter. No plumbing permit shall be issued to any person who is in violation of this Chapter until such violation has been corrected. No plumbing permit shall be issued to any person against whom an order issued by the

Inspection Department is pending, provided this restriction may be waived by the Inspection Department.15.01.33

E. **Plumbers to be Licensed**. No person shall carry on the business of plumbing or do any plumbing work until they shall have first obtained the proper license to do so from the state. An unlicensed person may remove stoppages in drain pipes or repair valves or faucets.

15.01.34 Plumbing Inspections

A. **Inspector.**
   1. **Qualification.** The City employs Building Inspectors I, II, III and Lead Building Inspector to perform plumbing inspections. Those Building Inspectors in the Inspection Department with the appropriate certifications and licenses for UDC and Commercial Plumbing shall perform inspections under this Division.
   2. **Duties and Authority.** Those City inspectors certified to perform plumbing inspections shall have control of the supervision and inspection of plumbing and drainage work within or in connection with all buildings within the city. They shall make or cause to be made all inspections of house sewers from the main sewer or other disposal terminal to the buildings, and shall faithfully enforce all laws, ordinances and rules in relation thereto. It shall be the duty of the Inspection Department to see that the construction, reconstruction and alteration of all plumbing, drainage and plumbing ventilation hereafter installed in all of the buildings in the City shall conform with the laws and ordinances of the state and the rules and regulations laid down by the state department of commerce and the city and that the work is done by licensed plumbers as provided by law and this chapter, and to make all inspections required thereby and in the manner therein set forth. The Inspection Department shall have the right to enter any building during reasonable hours in the discharge of their duties. The Inspection Department is empowered to exercise in the best interests of the general public such supervision over all plumbing and drainage installations as may be necessary to adequately enforce and administer the provisions of this Chapter and state law and code to make plumbing safe and sanitary and to promote public welfare in all classes of buildings, private and public.

B. **Inspections.** Inspections shall be made as provided for in the State Code and this Chapter and shall include:
   1. Inspection of the entire house sewer, and drain from the main sewer or other disposal terminal to the building, including connections at point of discharge, and the water service from curb box into building.
   2. The house drain within the building and its branches, under test as prescribed, which inspection shall be made before any part of the drain has been covered.
   3. The soil, waste and vent pipe known as roughing in, shall be inspected under test before it is enclosed or covered.
   4. Final inspection of the plumbing installation after fixtures, appurtenances and appliances have been tested and completed, and the installation is ready for use. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for such test purposes.

C. **Notification for Inspection.** The plumber or owner/occupant to whom the permit has been issued, or their agent, shall notify the Inspection Department in the manner prescribed by the Inspection Department when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. The person making the request for inspection shall make such arrangements as will enable the Inspection Department to reach all parts of the building and shall provide the equipment and labor for making tests of the system.

D. **Final Inspection.** The plumber or owner/occupant to whom the permit has been issued, or their agent shall notify the Inspection Department when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangement for entry into all parts of the building where the inspection is to be performed. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for such test purposes. The Inspection Department shall furnish the owner or the plumber to whom the permit was issued with a certificate of such inspection indicating whether the installation has been approved or disapproved and giving the reasons therefore in writing.

E. **Right to Entry.** The Inspection Department shall have the right to enter onto public or private property during reasonable hours to inspect plumbing work. Where entry is refused, the Inspection Department may seek an inspection warrant as provided in Sec. 66.0119, Wis. Stats. as may be amended.

15.01.35 Installation of Check Valves on All New Plumbing

A. Notwithstanding any other provisions of this Chapter, all residential units/homes within the City of Onalaska, within a secondary water pressure zone, shall have installed a check valve and a pressure-reducing valve. Said check valve is to be located on the home side of the water meter and said pressure reducing valve shall be installed on the street side of the water meter.

15.01.36 Plumbing Records and Reports

A. The Inspection Department shall prepare suitable records and applications for the permits required and keep an updated record of all inspections.

15.01.37 Discharge of Clear Waters

A. **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

B. **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of property.

C. **Groundwater.**
   1. Where deemed necessary by the Inspection Department, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
   2. Roof water shall be directed to the street storm sewer or between buildings.

D. **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

E. **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

F. **Conducting Tests.** If the Inspection Department or their designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, they may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Division 4 Heating, Ventilating and Air Conditioning Code

15.01.41 Purpose and Scope of Heating, Ventilating and Air Conditioning Code

A. The purpose of this Heating, Ventilating and Air Conditioning Code is to provide minimum regulations, provisions and requirements in the City of Onalaska to insure safety and adequacy to persons and property wherever heating, ventilating and air conditioning is installed and to all alterations or improvements, including replacement of any apparatus or device, pertaining to heating, ventilating and air conditioning.

B. The provisions of this Chapter shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

15.01.42 State Regulations Adopted

A. **Adopted by Reference**. Ch. SPS 323, Wis. Adm. Code; Ch. SPS 364 Wis. Adm. Code; NFPA 54; and ANSI Z223.1 are adopted and by reference made a part of this Chapter with the same force and effect as though set out in full.

15.01.43 Heating, Ventilating and Air Conditioning (HVAC) Inspections

A. In any new building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the Inspection Department that said portions of the installations are ready for inspection; and it shall be unlawful for any person, firm or corporation to lath over, plaster or cover up any heating work before such work has been inspected and a rough inspection card posted. The Inspection Department shall have the right and authority to order the removal of all such lath, plaster or other covering which may have been placed over such work as has not been inspected. The Inspection Department shall make inspections within two (2) working days after notice. Final inspection on new installations is to be made upon completion of such work. Inspection of repairs, replacement or conversion work is to be made upon completion of such work. The heating contractor shall notify the Inspection Department as soon as the installation is complete and ready for inspection.

B. Wherever any work or project governed by provisions of the HVAC Code and for which a permit has been issued, as provided herein, is being performed or carried on in violation of any of the provisions of said Code, it shall be the duty of the Inspection Department to post a printed notice to "Stop Work" signed by the Inspection Department on the premises where such work is in progress and to notify anyone in charge of such work on the premises of such stop work order. After the posting of such notice, it shall be unlawful for any person, firm or corporation to do any further work on such project until such time as the defects or violations of the HVAC Code have been eliminated to the approval of the Inspection Department.

C. When the Inspection Department finds any installation in which there are violations of the Code, it shall issue a written order specifying the violation and stating the date by which these corrections shall be made. Any licensee failing or neglecting to comply with written orders at the discretion of the Inspection Department shall not be issued any further permits until such violations have been corrected and penalty fee paid. Failure or neglect to comply with the provisions of the HVAC Code and of the permit issued under this Code shall be considered a violation of this Chapter.

15.01.44 Liability for Damages

A. This Chapter shall not affect the responsibility or liability of any party owning, operating, controlling, or installing any heating, ventilating, and air conditioning equipment for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

15.01.45 Bonds and Insurance

A. No permit shall be issued to any person engaging in the business of installing, altering, repairing, or servicing gas burner or gas burner equipment as defined herein within the City of Onalaska without first having on file with the Inspection Department a Surety Bond in the penal sum of ten thousand dollars ($10,000.00) operating in favor of the City and conditioned that the City will be saved harmless from any cause or damage by reason of work performed under this Section, or by reason of improper or inadequate performance under this Section, by the holder of any such license. Such bond shall be approved as to form and execution by the City of Onalaska and as to surety by the Controller. Surety Bond must be filed with the Inspection Department before any such permit shall become issued.

B. Gas installers shall carry insurance of the kind specified below and in the amounts herein specified as follows:

1. **For Personal Injuries.** Liability insurance in the amount of fifty thousand dollars ($50,000.00) for each person and one hundred thousand dollars ($100,000.00) for each accident.
2. **For Property Damage.** Liability insurance in the amount of fifty thousand dollars ($50,000.00).
3. **For Completed Operations Insurance.** Insurance for completed operations with coverage sufficiently broad to cover installation, service and repair of equipment sold by the HVAC installer and servicing, installation and repair of equipment not sold by the Gas installer, with coverage for personal injuries to be in the amount of fifty thousand dollars ($50,000.00) for each person, and one hundred thousand dollars ($100,000.00) for each accident; and for property damage fifty thousand dollars ($50,000.00) with one hundred thousand dollars ($100,000.00) aggregate limit.
4. Copies of such insurance policies or certificates of insurance indicating such coverage must be filed with the Inspection Department before any such permit shall be issued.

15.01.46 Heating, Ventilating and Air Conditioning Permits Required

A. **Permit Required.** No person shall repair or install any furnace/boiler, air conditioner, fireplace or wood burning stove, or commence any other heating, ventilating or air conditioning work in any structure under the scope of this Chapter, or as provided by the Wisconsin Administrative Code provisions adopted under this section, without first obtaining a permit from the Inspection Department.

B. **Application.** The application shall be in writing upon forms which the Inspection Department shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Chapter.

C. **Issuance, Term, Suspension and Revocation.** When the Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Chapter and after appropriate fees have been paid, the Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon.

D. **Fees**. The applicant shall, at the time such permit application is filed, shall pay any necessary HVAC permit fee as set forth on the City of Onalaska Fee Schedule approved each year by resolution of the Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.

E. **Restrictions on Issuance.**
   1. No HVAC permit shall be issued to any person who is in violation of this Chapter until such violation has been corrected.
   2. No HVAC permit shall be issued to any person, against whom an order issued by the Inspection Department is pending, provided this restriction may be waived by the Inspection Department.

F. **Data Required as Part of the Permit Application.** All drawings submitted for approval shall be accompanied by sufficient data and information for the Inspection Department to determine if the capacity of the equipment and the performance of the equipment shall satisfy the requirements of the Chapter.

Division 5 Electrical Code

15.01.51 Application of the Provisions of the Electrical Code

A. **Title.** This Division shall be known as the "Electrical Code of the City of Onalaska" and will be referred to in this Division as “this Code” or "Electrical Code"

B. **Purpose.** The purpose of this Electrical Code is the practical safeguarding of persons and property from hazards arising from the installation and use of electricity; and to establish rules and fees for the issuance of permits, and the inspection of all electrical and low voltage work covered under the scope of this article.

C. **Scope.** This Code shall apply to the installation, re-construction, alteration, extension and repair of wiring and equipment for heat, light, power, control, voice, data, CATV, fire alarm, security systems and other **low voltage work (one hundred (100) volts or less)**. Materials, fittings, devices, appliances, luminaries, apparatus and the like used as part of or in conjunction with said installations shall be referred to in this Code as “Equipment” or “Electrical Equipment” unless specifically stated otherwise.

D. **Conflict.** No part of this Chapter shall be interpreted to prevent the enforcement of other City ordinances or regulations which prescribe standards equal to or more stringent than the standards established by this Article.

15.01.52 State Regulations Adopted

A. **Adopted by Reference.** Chapter 101, Wis. Stats.; SPS 305, 316 and 320, Wis. Adm. Code and NFPA 70 together with all amendments and reinstatements are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this Chapter, punishable according to the penalties provided below. References in this Chapter to Wisconsin statutory section or chapter or Wisconsin Administrative Code sections or Chapter describing or defining procedures or author for enactment or enforcement shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

15.01.53 State of WI Electrical Licenses

A. **State Codes Adopted.** Secs. 101.80-101.88 Wis. Stats. relating to the regulation of electrical wiring and electricians; and Wisconsin Administrative Code Chapters 305, 316 and 324 and all future amendments thereto are hereby adopted by reference in their entirety except as to penalties contained therein. A copy of these provisions shall be permanently on file and open to public inspection in the Inspection Department. It is intended that all modifications, amendments, and renumbering of the foregoing provisions as may occur from time to time shall likewise be immediately adopted and fully incorporated into this code by reference. Any act prohibited by any of the foregoing provisions is prohibited by this Electrical Code. In the event any of the provisions of this code, whether incorporated by reference or enumerated hereinafter, are in conflict, it is intended that the more restrictive provisions shall be applied and enforced.

B. **License Required.** No person, firm or corporation shall alter, install, or repair electrical wires and apparatus for the utilization of electric current for light, heat or power in the City of Onalaska, without first having procured a contractor's license as provided by Sec. 101.862 Wis. Stat. unless an exception identified in Sec. 101.862(4)am-q (5)(6) Wis. Stat. applies. The City of Onalaska requires that only licensed electrical contractors may perform the aforementioned work in all single and two family dwellings. Any equipment owned or controlled by any customer shall be subject to inspection and shall not be considered as part of regular operations of the utility.

C. **Electrical Contractor Responsibility.** An electrical contractor licensed under SPS 305.41 shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

15.01.54 Permits, Fees and Inspections

A. **Low Voltage Permit Required.**
   1. An unlicensed individual may perform work on **non-UDC residential** parcels without an Electrical Contractors license upon obtaining a Low Voltage Permit if the work meets one of the licensing exceptions under 101.862(4)(am-q).
   2. **Low Voltage Permit Application.** Application for low voltage **(one hundred (100) volts or less)** shall be made by the installer on forms provided by the Inspection Department and shall include such plans, specifications, and other information as requested by the Inspection Department. No permits shall be issued to any installer who does not have a current certificate of insurance on file, or any installer who has ignored orders to correct code deficiencies or has fees, fines or penalties outstanding. Permits shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire one (1) year after permit issuance. The Inspection Department may extend the period not more than two (2) times for up to an additional one hundred eighty (180) days each.

B. **Electrical Permit Required.** Except for electrical wiring projects described in Sec. 101.875(2) Wis. Stats. and as provided below, no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the City of Onalaska if the project involves the installation of new or an addition to any electrical services, feeder, or branch circuit serving any of the following:
   1. A farm;
   2. A public building, structure or premises;

3. A place of employment;
4. A campground;
5. A manufactured home community;
6. A public marina, pier, dock or wharf; or
7. A recreational vehicle park.

Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the Inspection Department for the installation no later than the next business day after commencement of the installation.

C. **Electrical Permit Application.** All work requiring an electrical permit shall submit an application form provided by the City that complies with SPS 361.012(2).

D. **Permit Fees.** Permit fees shall be based upon the square footage of the work to be done, as determined by the Inspection Department on the basis of current costs as set forth on the City of Onalaska Fee Schedule. Fees shall be due at the time of application.
   1. The permit fee shall be doubled when work is commenced before a permit is obtained and in addition the City may issue citations pursuant to Division 5 of the Building Code herein.
   2. There shall be a re-inspection fee for each occurrence as set forth on the City of Onalaska Fee Schedule.

E. **Electrical Inspections:**
   1. **Inspections.** Electrical wiring shall remain accessible and exposed for inspection purposes and may not be energized. The City shall be notified that electrical wiring installation is ready for final inspection when all electrical fixtures, outlets and face plates are in place and the installation or that portion of the installation is energized.
   2. **Concealment Prior to Inspection(s).** The concealment or energizing of electrical wiring, other than an electrical service, may proceed if inspection has not been completed within two (2) business days after notification is received by the City or as otherwise agreed between the wiring installer and the Inspection Department.
   3. **Orders for Incompleteness and Non-Compliance.** The Inspection Department shall issue orders requiring that electrical code violations be corrected within a specified time. A written order to correct electrical code violations must be complied with as stated in the written order, the order itself shall remain active for twenty-four (24) months from the date of issuance, meaning that any subsequent violations during the twenty-four (24) month period may result in an immediate issuance of a municipal citation. A continued failure to correct a violation identified in an order may result in the issuance of a municipal citation to the person to whom the order was issued.
      a. **Content of Orders.** Whenever the Inspection Department determines that there are reasonable grounds to believe a violation of any provision of this Chapter exists, they shall order the person responsible to correct the violation. The order shall be in writing and shall:
         i. Include a description of the real estate sufficient for identification;
         ii. Specify the violation which exists and the remedial action required;
         iii. Allow a reasonable time for the performance of any act it requires; and
         iv. Include the following disclaimer: "The findings of this inspection report are intended to identify code violations that are readily apparent at the time of inspection. The inspection did not involve a detailed examination of the electrical systems or the closed structural or nonstructural elements of the buildings and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."
      b. **Service and Timeline for Correction Orders.** Orders to correct electrical violations shall be served upon the Permit Holder and such corrections shall be made within ten (10) days. Concealment of electrical work before inspection shall constitute an offense punishable in accordance with the provisions of this Chapter.
   4. **Compliance.** Upon the failure of any inspection due to code deficiencies or the electrical work scheduled to be inspected has not complete at the time of inspection, a re-inspection fee shall be assessed against the permit holder. If the Inspection Department determines that the work conforms to this Code, a certificate of compliance may be issued. All wiring and equipment covered under the

Scope of this Electrical Code shall be inspected and approved by the Inspection Department before the installation or equipment is put into normal or permanent service.

5. **Notice to Purchasers.** An owner shall notify a purchaser, in writing, that an order has been issued concerning a violation of this Electrical Code, whenever the condition of the property giving rise to the order has not been corrected. Any owner who fails to give written notice to a purchaser, prior to acceptance of a written offer to purchase, of any order concerning this property shall be subject to a forfeiture as provided below. No owner may accept an offer to purchase which was made prior to the disclosure required by this Subsection, unless the purchaser acknowledges receipt of a notice of outstanding orders and a willingness to proceed despite such knowledge.
6. **Liability for Damages.** This Code shall not affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

D. **Investigations.** The Inspection Department may investigate any charges or complaints filed which may be brought against the holder of any permit, for noncompliance with any provision of this code on the part of the permit holder or any person performing any work under their direction. Any licensed Electrical Contractor who knowingly and willfully procures a permit for electrical work which is to be performed by anyone not properly licensed by the State of Wisconsin shall be subject to the maximum penalty prescribed by in Division 6 of this Building Code. No person may obtain a permit for electrical work in the City of Onalaska while that person is failing or refusing to correct an electrical violation after having been convicted of that violation.

15.01.55 Electrical Inspector

A. **Qualification.** The City employs Building Inspectors I, II, III and a Lead Building Inspector to perform electrical inspections. Those Building Inspectors in the Inspection Department with the appropriate certifications and licenses for UDC and Commercial Electrical shall perform inspections under this Division.

B. **Restrictions.** It shall be unlawful for any Building Inspector to engage in the installation of electrical wiring and appliances for hire, either directly or indirectly, and such Building Inspectors shall have no financial interest in any concern engaged in such business in the City of Onalaska at any time while employed in the Inspection Department. Any violation of any provisions of this Subsection by an employee of the Inspection Department shall be sufficient cause for dismissal.

C. **Duties.** It shall be the duty of the Building Inspectors to enforce the provisions of this Chapter. Complete records of all permits issued and inspections made and other official work performed under the provisions of this Electrical Code shall be kept and so arranged as to afford prompt information concerning electrical installations.

D. **Right of Access.** The Inspection Department shall have the right during reasonable hours to enter any public or private buildings, structures, or premises in the discharge of his official duties or for the purpose of making any inspection or test of electrical wires or appliances contained therein. The BuildInspection Department shall be given prompt access to any premises upon notification to the proper authority.

E. **Right to Cut Off Current.** The Inspection Department shall have the authority to cause the turning off of all electrical currents to any equipment which they find to be in an unsafe condition, and cut off or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department. No person, firm or corporation shall reconnect any equipment thus cut off until written permission is given by the Inspection Department.

15.01.56 Standards for the Installation of Electrical Equipment

A. Standards for the installation of electrical conductors and equipment in the City of Onalaska shall conform to and comply with the applicable provisions of this Code, Chapters SPS 305, SPS 316 and SPS 320 of the Wisconsin Administrative Code and all subsequent amendments, the Statutes of the State of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this ordinance or by the State Electrical Code, conformity with the regulations set forth in the National

Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.

B. Only that equipment which has been expressly made for electrical, control, voice, data, CATV, fire alarm and security system purposes shall be installed for said purpose. All heat, light, power, control, voice, data, CATV, fire alarm, security system equipment and other low voltage system equipment shall be installed and used in the exact manner and for the exact purpose indicated by the equipment's listings, labels and the manufacturer's markings and instructions. The original manufacturer's listings, labels, ratings and markings shall be visible and the equipment 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 listing, original characteristics or design.

C. All materials and construction methods shall adhere to SPS 316.022 (1)(2)(3).

D. The City of Onalaska may require existing installations to be brought into compliance with the minimum wiring requirements of the Building Code or Uniform Dwelling Code and within the time determined by the City.

E. Interpretation of this Code shall be at the discretion of the Inspection Department. Written requests for formal interpretations or variances of SPS 316 shall be directed to the Wisconsin Department of Safety and Buildings Division, Electrical Unit.

15.01.57 Public Liability Insurance and Completed Operations Insurance

A. Permit holders, except those residential owner occupied permit holders for low voltage work (defined as installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less), shall carry insurance having aggregate coverage of not less than One Million Dollars ($1,000,000.00) covering all of the following risks: public liability, personal injuries, property damage, and completed operations. Insurance for completed operations coverage shall be sufficiently broad to cover installation, service and repair of equipment sold by the permit holder and servicing, installation and repair of equipment not sold by the permit holder. Permit holder shall submit a certificate of insurance indicating such coverage at the time the application for license or renewal thereof is made.

15.01.58 Unsafe or Illegal Electrical Equipment

A. When the Inspection Department finds any electrical equipment to be unsafe or dangerous to persons or property, the person owning, using or selling such electrical equipment shall be notified in writing to remove or cause to be removed, or to make any changes or repairs or cease to sell, so as to restore such electrical equipment to a safe condition. Failure to comply with such notice within the time specified in such notice shall be sufficient cause for the Inspection Department to disconnect or order the removal of, or order the discontinuance of, electrical service to said electrical equipment. 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 the regulations of this Electrical Code, the Inspection Department shall have the authority to disconnect immediately or cause the removal of or disconnection of any such electrical equipment. When the Inspection Department disconnects or causes to be disconnected electric current from electrical equipment, an official notice, tag, lock or seal shall be attached to such electrical equipment to prevent the use of electricity. It shall be unlawful for any unauthorized person to attach such official notice, tag, lock or seal, or to break open, change, remove, destroy, tear, alter, mutilate, cover or otherwise deface or injure any such official notice, tag, lock or seal. The Inspection Department shall have the power and authority to seize and take possession of any electrical equipment or materials which, in its opinion, are dangerous to life or property, or which are suspected or found to have been the cause of any fire, accident, injury or fatality and to retain possession for the purpose of making an investigation, an examination or for official evidence. After such electrical equipment and materials have served their purpose, they shall be returned to the owner.

Division 6 Enforcement and Penalties

15.01.61 Violations and Stop Work Orders

A. Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of the Building Code, the Electrical Code, Plumbing Code and Heating,

Ventilating and Air Conditioning Code (all included within the definition of "this Chapter" for purposes of this Section), shall be deemed an unlawful building, structure or use. The Inspection Department shall promptly report all such violations to the City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as set forth below. Any person who fails to obtain a building permit before starting construction shall be charged double the regular rate for this late filing violation. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Inspection Department or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

1. If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Inspection Department shall notify the applicant and the owner, electronically, if allowed, otherwise in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. SPS 320.10(4) Wis. Adm. Code.
2. If, after written notification, the violation is not corrected within thirty (30) days, a Stop-Work order may be served on the owner or their representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Inspection Department after satisfactory evidence has been supplied that the cited violation has been corrected.
3. Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
4. If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

B. Any person feeling aggrieved by an order or a determination of the Inspection Department may appeal from such order or determination to the Board of Zoning Appeals or as provided by State Law. Those procedures customarily used to effectuate an appeal to the Board of Zoning Appeals shall apply.

C. Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Onalaska charged with the enforcement of this Chapter shall render themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

15.01.62 Severability

A. If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

15.01.63 Penalties and Enforcement Actions

A. **Forfeiture.** Any person who violates any provision of this Title, or fails to comply with a lawful order of the Inspection Department to correct a violation of this Chapter shall, upon conviction of the violation, pay a forfeiture of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for each violation together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days for a first offense. Each day of violation shall constitute a separate offense.

B. **Refusal to Issue Permits.** No person may obtain permits to do construction work in the City of Onalaska while that person is failing or refusing to correct a violation after having been convicted of that violation.

C. **Suspension or Revocation of a Permit.** The Inspection Department may revoke or suspend a permit if the Inspection Department finds that the permit holder has:

1. Made a material misstatement in the application for a permit or renewal thereof; or
2. Has failed to correct a code violation within thirty (30) days after having received notice of the violation.

D. **Action to Enjoin.** The City Attorney may, in addition to, or in lieu of other remedies provided by law, bring an action to enjoin a person from committing repeated violations of this Chapter.

Chapter 02 Construction Site / Excavation Erosion Control

Division 1 Administration

15.02.11 Authority

A. This Chapter is adopted under the authority granted by Sec. 62.234, Wis. Stats, as may be amended and supersedes all provisions of an ordinance previously enacted under Sec. 62.23, Wis. Stats., relating to construction site erosion control. Except as otherwise specified in Sec. 62.234, Wis. Stats., Sec. 62.23 Wis. Stats., applies to this Chapter and to any amendments thereof. The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body. The City Common Council hereby designates the City Engineer or Designated Agent to administer and enforce the provisions of this Chapter. The requirements of this Chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

1. Wisconsin Department of Natural Resources (WDNR) administrative rules, permits or approvals including those authorized under Sec. 281.16 and 283.33, Wis. Stats.;
2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Sec. NR 151.004, Wis. Adm. Code.; or
3. La Crosse Sewer Service Area Water Quality Management Plan through cooperative agreement with La Crosse County Land Conservation Department.

15.02.12 Statement of Findings and Purpose

A. The finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to neighboring properties, public holdings, and waters of the State. It is the purpose of this Chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Onalaska.

15.02.13 Applicability and Jurisdiction

A. Applicability. This Chapter applies to a construction site with land disturbing construction activity except as follows:

1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing construction activity.
2. Land development and land disturbing activities exempted by State or Federal law, including highway construction projects.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Agricultural or horticultural activities, landscaping activities of one half (0.5) acre or less, the construction or maintenance of a septic system or associated drain field or any project involving excavation or fill of less than one hundred (100) cubic yards of earth and quarry operations are governed by Title 7 related to Regulation of Nonmetallic Mining.

B. Notwithstanding the exceptions noted above, this Chapter applies to construction sites of any size that, in the opinion of the City Engineer or Designated Agent, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

C. Jurisdiction. This Chapter applies to land disturbing activity located within the boundaries and jurisdiction of the City of Onalaska.

D. Exclusions. This Chapter is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Sec. 281.33 (2), Wis. Stats.

Division 2 Standards, Permitting Requirements, and Erosion and Sediment Control Plans

15.02.21 Technical Standards

A. **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. Where not superseded by stricter requirements in City of Onalaska Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:
   1. Applicable design criteria, standards and specifications identified in the Wisconsin Department of Natural Resources Stormwater Technical Standards; and
   2. Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.

B. **Other Standards.** Other technical standards not identified or developed above, may be used provided that the methods have been approved by the City Engineer or Designated Agent.

15.02.22 Performance Standards

A. **Responsible Party.** The responsible party shall implement an Erosion and Sediment Control Plan, developed in accordance with this Chapter that incorporates the requirements of this Chapter.

B. **Plan.** A written plan shall be developed in accordance with Section 15.02.24 and implemented for each construction site.

C. **Erosion and Sediment Control Performance Standards.** All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer.

D. **Alternate Requirements.** The City Engineer or Designated Agent may establish erosion and sediment control requirements more stringent than those set forth in City of Onalaska Erosion Control Stormwater Management Requirements, if the City Engineer or Designated Agent determines that an added level of protection is needed to address downstream stormwater management issues.

15.02.23 Permitting Requirements

A. **Permit Required.** No responsible party may commence a land disturbing construction or excavation/fill activity subject to this ordinance without receiving prior approval of an Erosion and Sediment Control Plan for the site and a permit from the City Engineer or Designated Agent. The City Engineer may issue a written waiver of the permit requirement if it is satisfied that the nature or size of the excavating/grading project will not result in erosion or be detrimental to the public health, safety, and welfare.

B. **Wisconsin Department of Natural Resources Permits.** All land disturbance activities of greater than one (1) acre in size shall obtain any necessary permits as required by NR 216, Wis. Adm. Code. unless sites are construction of public buildings or places of employment, then permit must be issued by the Wisconsin Department of Commerce. Copies of any needed permits or supporting documents shall be given to the City of Onalaska as part of the Erosion Control Permit.

C. **Permit Application and Fees.** At least one (1) responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an Erosion and Sediment Control Plan that meets the requirements of Section 15.02.31 and shall pay an application fee identified in the Fee Schedule. By submitting an application, the applicant is authorizing the City Engineer or Designated Agent to enter the site to obtain information required for the review of the Erosion and Sediment Control Plan.

D. **Review and Approval of Permit Application.** The City Engineer or Designated Agent shall review any permit application that is submitted with Erosion and Sediment Control Plan, and the required fee. The following approval procedure shall be used:
   1. All proposed applications for grading and/or excavating which involve ten thousand (10,000) cubic yards or less shall be reviewed by the City Engineer or Designated Agent prior to the issuance of any permit.
   2. The City Engineer or Designated Agent may request additional information if required for a complete application within fifteen (15) business days of receipt of any permit application. Within forty-five (45) business days of the receipt of a complete permit application, the City Engineer or Designated Agent shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this Chapter.

3. If the permit application and plan are approved, the City Engineer or Designated Agent shall issue the permit. If the permit application or plan is disapproved, the City Engineer or Designated Agent shall state in writing the reasons for disapproval.
4. The City Engineer or Designated Agent may request additional information from the applicant. If additional information is submitted, the City Engineer or Designated Agent shall have thirty (30) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
5. All proposed project applications for grading and/or excavating in excess of ten thousand (10,000) cubic yards shall be reviewed by the Common Council prior to issuance of any permit. Said review shall be made after consideration of the application by the City Engineer, Zoning Administrator or Designated Agent and the Plan Commission, if applicable.

E. Permit Standards and Provisions. The standards and provisions for all permits granted herein are as follows:

1. All fill material added to an approved site shall be clean, noncombustible and non-deleterious.
2. All decisions made by the City Engineer or Designated Agent under this Chapter shall be made to affect the purpose of controlling erosion to the extent that this is reasonable under the circumstances. Under no circumstances shall a permit be issued for disturbance or excavation of lands having slopes in excess of thirty percent (30%) or any area within ten (10) foot prior to the start of thirty percent (30%) slope except for the following purposes (per La Crosse Sanitary Service agreement):
   a. Access road developments for residential and non-residential purposes where an Erosion and Sediment Control Plan has been submitted to and approved by the City Engineer; and / or
   b. Quarry operations where an Erosion and Sediment Control Plan has been submitted to and approved by the City Engineer or Designated Agent.
3. The recipient of a permit agrees to indemnify and hold harmless the City of Onalaska, its employees, agents, or officers, from any cost, suit, liability or award which might come or be brought or assessed because of the issuance or exercise of the permit, or because of any adverse effect upon any person or property attributed to a partially or entirely completed project of the applicant.
4. The City Engineer or Designated Agent may require at any time that a surety bond or irrevocable letter of credit be secured by the owner, applicant, contractor, or developer holding the permit; such bond or irrevocable letter of credit amount and conditions thereto are to be made and approved by the City Engineer or Designated Agent to effectuate the purpose of this Chapter.
5. If conditions arise during development or construction which require the taking of measures or precautions of the imposition of limits or restraints to control erosion, the City Engineer or Designated Agent, at their discretion, may require that such be taken. When, during development or construction, it appears that measures or precautions previously required are unnecessary, the City Engineer or Designated Agent may choose to waive them in writing.
6. Any permit issued under this chapter is limited to the stated project, description, time frame and cubic yardage granted in the permit. The permit shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire two (2) years after permit issuance for residential construction or one (1) year after issuance for commercial construction. The City Engineer or Designated Agent may extend the period one (1) or more times for up to an additional one hundred and eighty (180) days each.
7. As a condition of granting the permit, the applicant agrees that the site may be inspected by the City Engineer or Designated Agent.
8. The City Engineer or Designated Agent may require that the owner/developer comply with the recommendations of officials or agencies designated by the City Engineer or Designated Agent which may:
   a. Require where appropriate and reasonable under the circumstances, erosion control practices set forth in the Wisconsin Department of Natural Resources Stormwater Technical Standards, including but not limited to the construction of silt traps, the mulching and temporary or permanent planting of areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures and bank protection structures;
   b. Place limits on the area of land which may be exposed and staging timetables; and/or
   c. Require all acts and impose all other limits and restraints which are necessary and reasonable to control erosion.
9. No permit shall be issued for more than one (1) excavation season. The permit shall set forth all time limitations with which the permit holder is required to comply. All restoration of top soil and/or re-vegetation must be completed in the fall season (target date should be September 15th) in order that the seeding is effective before the commencement of the winter season. The City Engineer or Designated Agent shall have the authority to waive re-vegetation requirements in no set circumstances in which the City Engineer or Designated Agent determines that re-vegetation is not necessary to meet the purposes of this Chapter. If it is determined that delays have occurred due to

an act of God and topsoil spreading and re-vegetation is impossible, then the contractor/developer is required to take appropriate action to eliminate erosion during the seasons that the site will remain uncovered.

10. Construction excavating/disturbance beginning on or after September 15th and/or prior to April 1st of each year shall include dormant seeding, and erosion control measures per Wisconsin Department of Transportation Erosion Control (PAL) Product Acceptability List or approved equal.

F. **Financial Guarantee.** As a condition of approval and issuance of the permit, the City Engineer or Designated Agent may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion and Sediment Control Plan and any permit conditions.

G. **Permit Requirements.** All permits shall require the responsible party to:

1. Notify the City Engineer or Designated Agent two (2) full business days prior to commencing any land disturbing construction activity.
2. Notify the City Engineer or Designated Agent of completion of any Best Management Practices (BMP) within three (3) full business days after their installation and prior to the start of any excavating or land disturbance.
3. Obtain finalized permit from the City Engineer or Designated Agent prior to any modification pursuant to Section 15.02.24.B.3 of the Erosion and Sediment Control Plan.
4. Install all BMPs as identified in the approved Erosion and Sediment Control Plan prior to construction or excavation activity.
5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the Erosion and Sediment Control Plan.
6. Inspect and or repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing activities and document said inspection and repairs in a site erosion control log, weekly. Any displaced sediment must be removed from downstream culverts, streets, adjoining properties, storm sewers, and other drainage facilities within twenty-four (24) hours.
7. Inspect the BMPs within twenty-four (24) hours after each rain of one half (0.5) inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection and any needed corrections, and a description of the present phase of the construction at the site.
8. Allow the City Engineer or Designated Agent to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the approved plan. Keep a copy of the Erosion and Sediment Control Plan at the construction site.

H. **Permit Conditions.** Permits issued under this section may include conditions established by City Engineer or Designated Agent in addition to the requirements set forth in Subsection E. above, where needed to assure compliance with the performance standards in Section 15.02.22.

I. **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain and inspect all BMPs weekly or within twenty-four (24) hours of a rain event in a necessary methodology to meet the requirements of this Chapter until the site has undergone final stabilization.

15.02.24 Erosion and Sediment Control Plan

A. **Plan Requirements.** An Erosion and Sediment Control Plan shall be prepared and submitted to the City Engineer or Designated Agent. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. The City Engineer or Designated Agent may waive certain submittal requirements, if determined to be unnecessary to demonstrate compliance with the Chapter standards.

B. **Amendments.** The applicant shall amend the plan if any of the following occur:

1. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
3. The City Engineer or Designated Agent or designee notifies the applicant of changes needed in the plan.

Division 3 Enforcement

15.02.31 Inspection and Enforcement

A. If land disturbing construction activities are being carried out without a permit required by this Chapter, the City Engineer or Designated Agent may enter the land pursuant to the provisions of Sec. 66.0119, Wis. Stats.

B. The City of Onalaska shall inspect construction sites weekly during the period starting March 1 and ending October 21 and at least two (2) times during the period starting November 1 and ending February 28 or after a rain event of equal to or greater than one half (.5) inch, to ensure compliance with the approved plan.

C. After official notice has been given for a violation of nonconformance to the Erosion and Sediment Control Plan, the property owner or land developer shall be given forty-eight (48) hours to correct a minor nonconformance and twenty-four (24) hours to correct a major nonconformance. The City shall adopt rules and regulations regarding what shall constitute a "major" and "minor" nonconformance.

D. The City Engineer or Designated Agent may post a Stop-Work order if any of the following occurs:

1. Any land disturbing construction activity regulated under this Chapter is being undertaken without a permit.
2. The Erosion and Sediment Control Plan is not being implemented in a good faith manner.
3. The conditions of the permit are not being met.

E. If the responsible party does not cease activity as required in a Stop-Work order posted under this Chapter or fails to comply with the Erosion and Sediment Control Plan or permit conditions, the City Engineer or Designated Agent may revoke the permit.

F. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the City Engineer or Designated Agent, or if a responsible party violates a stop-work order posted under Subsection D. above, the City Engineer or Designated Agent may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

G. The City Engineer or Designated Agent may retract the stop-work order issued under Subsection D. above or the permit revocation under Subsection E. above.

H. After posting a stop-work order under Subsection D. above, the City Engineer or Designated Agent may issue a notice of intent and to the responsible party of its intent to perform work necessary to comply with this ordinance and complete such work. The costs of the work performed under this Subsection by the City Engineer or Designated Agent, plus interest at the rate Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Finance Director shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sub Chapter VII of Ch. 66, Wis. Stats.

I. Any person violating any of the provisions of this ordinance shall be subject to penalties as outlined in Section 15.02.33. Each day a violation exists shall constitute a separate offense.

J. Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

15.02.32 Appeals

A. Board of Zoning Appeals.

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer or Designated Agent in administering this Chapter except for cease and desist orders obtained under Section 15.02.31.F.
2. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who May Appeal. Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Onalaska affected by any decision of the City Engineer or Designated Agent.

15.02.33 Violations and Penalties

A. It is a violation of this Chapter:

1. To fail to meet any time limits imposed by regulation under this Chapter, except failure caused by an act of God; or
2. To fail to do any act required by this Chapter or any regulation imposed hereunder; or
3. To do any act prohibited by this Chapter or any regulation imposed hereunder; or

4. To continue any construction or development work on a site, except to correct a violation while a Stop Work order is in effect; or
5. To suffer or permit any violation to continue in existence, except continuance caused by an act of God.

B. Any person, firm, or corporation violating this Chapter or any part thereof shall, upon conviction thereof, forfeit not less than one hundred dollars ($100.00) nor more than five thousand dollars ($5,000.00) and the cost of prosecution and, in default of such fine and costs, shall be imprisoned in the County Jail until payment of such forfeiture and the costs for a period not to exceed thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

C. In addition to the aforementioned penalties, no Plat submitted to the City and no Site Plan or Certified Survey required by the City shall be approved unless it shows all improvements reasonably required to prevent erosion after completion of development as required in this Chapter and the subdivision code of the City of Onalaska.

Chapter 03 Fair Housing

Division 1 Authority

15.03.11 Statement on Fair Housing

A. It is hereby declared to be the policy of the City of Onalaska, pursuant to the United States and Wisconsin Constitutions, and also its power to protect the public health, safety and general welfare, that all persons, regardless of sex, race, color, disability, as defined in Sec. 106.50 (1m) (g) Wis. Stats., sexual orientation, as defined in Sec. 111.32 (13m), religion, national origin, marital status, family status, as defined in Sec. 106.50 (1m) (k) Wis. Stats., status as a victim of domestic abuse, sexual assault, or stalking, as defined in Sec. 106.50 (1m) (u) Wis. Stats., lawful source of income, age, or ancestry are assured equal opportunity to live in adequate housing facilities and, to that end, to prohibit discrimination in housing by any persons.

15.03.12 Unlawful Practices

B. In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

1. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
2. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;
3. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth ;
4. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
5. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
6. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase; rental, lease or financing of any housing accommodation, which indicates and discrimination or any intent to make discrimination;

7. To offer, solicit, accept or use a list of any homing accommodation for sale: purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;
8. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
   a. The lowering of property values in the area;
   b. An increase in criminal or antisocial behavior in the area; or
   c. A decline in the quality of schools serving the area.
9. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any homing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions;
10. To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;
11. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter;
12. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder;
13. By canvassing, to commit any unlawful practices prohibited by this Chapter;
14. Otherwise to deny to, or withhold any housing accommodation from, a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
15. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists m whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth of such person or of any person associated with them in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
16. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth.

15.03.13 Exemptions

A. This Chapter shall not apply to the following:
   1. A religious organization, association, or society or any nonprofit institution or organization operation supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to

such persons, unless membership in such religion is restricted on account of race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth.

2. A private club not open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purposes, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
3. Any single family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single family houses at any one time; provided further, that in the case of the sale of any such single family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on their behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at one (1) time; provided further, the sale or rental of any such single family house shall be exempted from the application of this Chapter only if such house is sold or rented:
   a. Without the use of any money of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
   b. Without the publication, posting or mailing after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
   c. Without the violation of Section 15.03.12 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as their residence.

15.03.14 Enforcement

A. Any person aggrieved by any unlawful practice prohibited by this Chapter may file a complaint with the Board of Zoning Appeals within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and no event more than sixty (60) days after the alleged unlawful practice has occurred. The Board of Zoning Appeals shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Board of Zoning Appeals to forward the complaint and findings to appropriate state and federal in this Chapter shall be deemed to prohibit an owner or agent from requiring that a person who seeks to buy, rent or lease housing supply information concerning family marital, financial and business status but not concerning race, color, physical condition, disability as defined in Sec. 106.50(1m)(g)Wis. Stats., or creed.

Chapter 04 Minimum Residential Housing Code

Division 1 Administration

15.04.11 Intent and Purpose

A. This Chapter is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.

B. It is recognized that there may now be, or may in the future be, residential and residential-related buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety and general welfare of the

people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

15.04.12 General Provisions

A. **No Impairment of Authority.** Nothing in this chapter shall be construed or interpreted to in any way impair or limit the authority of the City of Onalaska to define and declare nuisances or to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

B. **Chapter Does Not Abrogate Provisions of Building Code.** The provisions of this chapter shall not abrogate the responsibility of any person to comply with any provisions of the Uniform Dwelling Code, and the building and zoning code of the City of Onalaska.

C. **Effect of Partial Invalidity.** If any subsection, sentence, clause, phrase, or other part of this section is for any reason held to be void or invalid, such decision shall not affect the validity of the remaining portions of this section. The Common Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases or other parts be declared void or invalid.

15.04.13 Board of Zoning Appeals

A. **Hearing and Opportunity to Be Heard.** Upon filing a written petition for hearing in connection with any order or notice pursuant to this Chapter or any rule or regulation adopted pursuant thereto, the person affected may request a hearing by filing a written petition on a form provided therefor in the Planning Department. Such petition shall set forth a statement of the grounds therefor and be filed with the Planning Department within twenty (20) days after the day on which the notice or order was served. The petition shall be accompanied by a fee as set forth in the City of Onalaska Fee Schedule. Within forty-five (45) days of receipt of the petition, the Board of Zoning Appeals shall hold a hearing. At such hearing the petitioner shall be given an opportunity to be heard and show cause why such notice should be modified or withdrawn. The Board of Zoning Appeals, may postpone the date of the hearing for a reasonable time beyond such forty-five (45) day period, if, in its judgment, the petitioner has submitted good and sufficient reason for such postponement

B. **Board of Zoning Appeals to Sustain, Modify or Withdraw Notices.** After such hearing, the Board of Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Board of Zoning Appeals may also modify any notice so as to authorize a variance from the provisions of this Chapter when, because of special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, provided that the spirit of this Chapter will be observed, public health and welfare secured and substantial justice done. If the Board of Zoning Appeals sustains or modifies such notice, it shall be deemed to be an order and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within six (6) months, as determined by the said Board of Zoning Appeals. The proceedings of any such hearing, including the findings and decision of the Board of Zoning Appeals, shall be set forth in writing and maintained as a matter of public record in its office. A copy of the Decision shall be mailed to the person who filed the petition.

C. **Court Review.** Any person or persons jointly or severally aggrieved by the decision of the Board of Zoning Appeals, or any resident, or any officer, department, board or commission of the municipality may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within thirty (30) days after the date on which said Board of Zoning Appeal's decision was mailed to the person who filed the petition for the hearing. Persons seeking such a writ shall give notice of intention to do so by serving on the Board of Zoning Appeals a written notice within ten (10) days of the date of mailing of the Board of Zoning Appeals's decision. The petition to the Court duly verified shall set forth that such decision is illegal in whole or in part and does not comply with the provisions of Subsection (b) and shall specify the grounds thereof.

Division 2 Minimum Standards for Dwelling Units

15.04.21 Minimum Standards for Plumbing

A. **Connection to City Services.** Each dwelling or other building used for human habitation or other buildings where human beings are in need of sewer and water facilities which is located upon or adjacent to any street in and along which sewer and water pipes have been laid or which has reasonable access to sewer or water mains shall be connected with the sewer and water systems; except that when a private well is in compliance with the Wisconsin Well Code, is adequate and safe, this supply may be continued in operation until such time as it is in need of repair. If the owner fails to comply with a notice in writing served upon him or his agent or tenant requiring him to connect with the public sewer or water within thirty (30) days, the Board of Health may cause a connection to be made and necessary fixtures to be installed and the cost shall be assessed as a special tax against the property. The owner may file, within thirty (30) days, a claim of inability to pay the amount in one (1) sum, and ask that the levy be made in five (5) equal installments with interest at eleven and one-half percent (11.5%).

B. **Connection to Septic Tank.** The owners of all premises used for human habitation which are not located upon or adjacent to any street in and along which sewer and water pipes have been laid or which have no reasonable access to sewer or water mains must provide a septic tank-seepage pit system therefor, constructed and maintained in accordance with the requirements of this Code. All other privy vaults, cesspools and dry wells shall be removed or abated and the use thereof discontinued. Where no City sewer facilities are available to service a dwelling unit, the following shall apply:
   1. No person shall construct a septic tank, seepage pit or disposal field within the City without first having obtained a permit from the La Crosse County Health Department.
   2. No person shall build, erect or construct any seepage pit, septic tank or cesspool within five (5) feet of the property line or fence of the adjacent lot, or within twenty (20) feet of any building in which people live or work.
   3. Whenever a seepage pit or septic tank is cleaned, the contents must be disposed of in the facilities at a municipal disposal plant.

15.04.22 Minimum Standards for Electrical

A. Every habitable room, bathroom and kitchen shall contain at least one (1) fully operational electrified outlet and one (1) switched lighting outlet properly installed and maintained in good and safe working condition and connected to an approved source of power in a safe and approved manner as per the Wisconsin Electrical Code.

15.04.23 Minimum Standards for Heat, Light, and Ventilation

A. **Natural Light.** Every habitable room shall be provided with natural light by means of glazed openings per Sec. 321.05(1) Wis. Admin. Code.

B. **Adequate Ventilation.** Every habitable room shall be provided with natural ventilation per Sec. 321.05(2) Wis. Admin. Code.

C. **Electric Outlets Required.** Every electrical receptacle, switch and fixture shall be maintained in reasonably good working condition, and shall be installed according to applicable electrical codes and manufacturer's instructions.

D. **Heating Facilities.** Every dwelling shall be equipped with a heating system. The system shall be properly installed, maintained in reasonably good working condition, and capable of adequately heating all habitable rooms, kitchens, bathrooms, and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least seventy (70) degrees Fahrenheit, at a distance three (3) feet above floor level when the outdoor temperature is at or above fifteen (15) degrees below zero (0) degrees Fahrenheit. Every central heating system must be listed by a recognized testing agency and shall comply with all of the following requirements:
   1. The central heating unit shall be in reasonably good operating condition;
   2. 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;

3. Every seal between the sections of a hot air furnace shall be tight so noxious gases will not escape into heat ducts. Every supplied space heater must be listed by a recognized testing agency and shall comply with all of 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, wood or other approved combustible material burning space heater shall have a fire-resistant panel, extending a minimum of eighteen (18) inches on all sides, beneath it;
   d. Every space heater location shall comply with Wis. Admin. Code SPS 323.04; and
   e. Every space heater chimney connector shall comply with Wis. Admin. Code SPS 323.045(4).

E. **Lighting of Public Halls and Stairways.** Every public stairway, passageway or exit door in every dwelling containing four (4) or more dwelling units shall be adequately lighted by means of properly located electric light fixtures from one (1) hour before sunset to one hour after sunrise. Every public hall and stairway in dwellings containing two (2) or three (3) dwelling units shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

15.04.24 Minimum Standards for Basic Equipment and Facilities

A. No person shall occupy as owner-occupant, or let another for occupancy, and dwelling or dwelling unit, for the purposes of living, sleeping, cooking, and/or eating of meals therein, which does not comply with the following minimum requirements:

1. **Kitchen.** Every dwelling unit shall have a kitchen equipped with the following:
   a. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.
   b. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.
   c. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than thirty (30) inches from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.
      i. Exception. If the lease or rental agreement does not provide for a range for cooking food, adequate connections for the occupant's installation and operation of a range shall be provided.
   d. Ventilation which shall be maintained in good working condition, of sufficient capacity to deliver fresh air and to remove moisture-laden or otherwise contaminated air generated during cooking. Range hoods shall be installed in accordance with manufacturer's specifications.
   e. A refrigerator with a freezer which shall be in good working condition and capable of maintaining a temperature less than forty-one (41) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit. The freezer section shall be capable of maintaining a temperature below zero (0) degrees Fahrenheit.
      i. Exception. If the lease or rental agreement does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.
   f. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent and cleanable surface.
2. **Bathroom.** Every dwelling unit shall have a private bathroom equipped with the following:
   a. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.

b. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.
c. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. Every bathtub shall have a wall covering extending at least forty-eight (48) inches above the joint between the bathtub and wall, and every shower shall have a wall covering extending at least seventy-two (72) inches above the floor of the shower stall, which is cleanable, nonabsorbent, and reasonably impervious to moisture. Such materials shall form a watertight joint with each other and with the bathtub or shower.
d. A bathroom floor that is so constructed and maintained as to be reasonably impervious to moisture and all such floor and floor coverings shall be kept in a clean and sanitary condition.
e. Bathroom ventilation in accordance with Wis. Admin. Code SPS 323.02(3)(d).

3. **Maintenance of Supplied Plumbing Fixtures.** Every supplied plumbing fixture, water distribution system and waste or vent pipe shall be properly installed and maintained in good, sanitary working condition.
4. **Safe and Effective Functioning of 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.
5. **Discontinuance of Required Services, Facilities, Equipment, or Utilities.** No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this Chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in the process of being made.
6. **Garbage Disposal Facilities.** Every dwelling unit shall have adequate garbage disposal facilities or garbage containers.

15.04.25 Minimum Standards for Space Requirements

A. No person shall occupy or let to another for occupancy and dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. **Minimum Ceiling Height.** The minimum ceiling height of every dwelling unit shall be in accordance with Wis. Admin. Code SPS 321.06, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered a part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
2. **Minimum Floor Area for Dwelling Unit.** Every dwelling unit consisting of only one (1) habitable room shall contain at least one hundred and fifty (150) square feet of habitable room floor area.
3. **Minimum Floor Area for Occupancy by More than One Occupant.** No dwelling unit containing less than one hundred and seventy (170) square feet of habitable room floor area shall be occupied by more than one (1) occupant; provided, that if a dwelling unit consisting of only one (1) habitable room has a closet with a minimum ceiling height of six (6) feet, contained within the dwelling unit and connected thereto with a doorway or other similar opening, the actual floor area of the closet, up to and including a maximum of twenty (20) square feet, shall be included in computing the habitable room floor area of the dwelling unit.
4. **Maximum Occupancy for One-Room Dwelling Unit.** No dwelling unit consisting of only one (1) habitable room shall be occupied by more than two (2) occupants.
5. **Maximum Occupancy for Dwelling Units of Two (2) or More Rooms.** No dwelling unit consisting of two (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 seventy (70) square feet of floor area	0
Each habitable room containing at least seventy (70) but less than one hundred (100) square feet of floor area	1

Each habitable room containing one hundred (100) or more square feet of floor area	2

6. **Arrangement of Sleeping, Bath and Toilet Rooms.** No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.
7. **Cellar Space Not Habitable.** No cellar space shall be used as a habitable room or dwelling unit.
8. **Basement Space May Be Habitable.** No basement space shall be used as a habitable room or dwelling unit unless:
   a. The floor and walls are of waterproof and damp proof construction;
   b. The total of window area in each room is equal to at least the minimum window area sizes as required in Wis. Admin. Code SPS 321.05(1);
   c. Exiting from the basement shall be in accordance with Wis. Admin. Code SPS 321.03(5) and/or (6);
   d. The total of openable window area in each room is equal to at least the minimum as required under Wis. Admin. Code SPS 321.05(2), except where there is supplied some other approved device affording adequate ventilation.
9. **Occupants to Have Access to Sanitary Facilities.** Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin, required in accordance with the provisions 15.04.24.

Division 3 Minimum Standards and Owner Responsibilities

15.04.31 Minimum Standards for Interior Structure

A. It shall be a violation of this section to own a building which does not comply with the requirements of this Section:

1. **Interior Surfaces.** Interior surfaces, including walls, windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Every interior wall or partition shall be capable of affording privacy, be structurally sound, and be kept in good, clean and sanitary condition.
2. **Stairs and Walking Surfaces.** Every interior stair, ramp, landing, or other walking surface shall be maintained in sound condition and good repair.
   a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
   b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.
3. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
4. **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
5. **Exits.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Exits shall be provided to meet requirements of local and State building codes.
   a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
   b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.

15.04.32 Minimum Standards for Building Maintenance

A. It shall be a violation of this section to own a building which does not comply with the requirements of this Section.

1. **General.** All structures shall be maintained in good repair, and shall be structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. **Protective Treatment**. Exterior surfaces, including, but not limited to, siding, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Use of moisture barriers and insulation materials as a method of permanent protective treatment is prohibited and shall be allowed for no more than thirty (30) days unless an extension is authorized by the Inspection Department.
3. **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than three (3) inches in height with a minimum stroke width of one-half inch.
4. **Foundation Walls.** Foundation walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
5. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
6. **Chimneys.** Every chimney, cooling tower, smokestack and similar appurtenances shall be adequately supported, reasonably clean, protected from deterioration and maintained in good condition.
7. **Stairways, Decks, Porches and Balconies.** Every exterior stairway, ramp, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
   a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
   b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.
8. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
9. **Windows and Skylights.** Every window and skylight shall be reasonably weathertight, watertight and rodent proof and shall be kept in reasonably good working condition. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. Every openable window and storm door shall be supplied with adequate sixteen (16)-gauge screens to prevent entry of pests. Glazing materials shall be maintained free from cracks and holes. Every dwelling having a bedroom in the basement shall have at least one (1) window which meets the requirements of Wis. Admin. Code SPS 321.03(6) and SPS 321.05(1) and (2).
10. **Doors and Door Assemblies.** Exterior doors, door assemblies, operator systems, if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Doors providing access to a dwelling unit, rooming unit, or

housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock through of one inch. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For purposes of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

11. **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.
12. **Accessory Structures.** Accessory structures, including detached garages, fences and walls, storage sheds, kennels, play houses, tree houses, and similar structures shall be structurally sound, clean, sanitary, and maintained in good repair.

15.04.33 Owner Responsibilities

A. Owners of buildings containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises.

B. Occupants of dwellings or dwelling units shall keep in a clean and sanitary condition that part of the building and premises which they occupy and control.

C. Occupants of dwellings or dwelling units shall be responsible for hanging all screens and double or storm doors and storm windows whenever the same are required under the provision of this Chapter or any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

D. Occupants of dwellings containing a single dwelling unit shall be responsible for the extermination of insects, rodents or other pests. The occupants of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever their dwelling unit is the only one (1) infested. Notwithstanding the foregoing provisions of the Subsection, whenever infestation is caused by the failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

E. Occupants of dwelling units shall keep all plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their use and operation.

F. Every owner of any dwelling containing three (3) or more dwelling units shall appoint, in the manner and form the Inspection Department prescribes, as agent, a person who is eighteen (18) years of age or over and resident of La Crosse County, Wisconsin, and shall vest in the agent full authority and control of the building and premises, described in the appointment document and of the conduct of all business on the premises relative to any and all regulations contained in this Code. The name, address and phone number of said agent shall be posted in the dwelling in a conspicuous place. Such appointment shall be made annually on or before January 1 of each year.

Division 4 Designation of Unfit Dwellings

15.04.41 Designation of Unfit Dwellings

A. Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Inspection Department and/or Health Officer:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
3. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; and/or
4. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Inspection Department or Health Officer shall be vacated within a reasonable time as specified by the Inspection Department or Health Officer.

B. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Inspection Department. The Inspection Department shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

C. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

D. Whenever the Inspection Department and/or Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto, they shall give or cause to be given notice of such violation or alleged violation to the person or persons responsible therefor; such notice shall be in writing, including a description of the real estate involved, including a statement of the violations and corrective actions required and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Section and with rules and regulations adopted pursuant thereto.

E. Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this Chapter may request and shall be granted, upon request, a hearing in the matter before the Board of Zoning Appeals.

Division 5 Enforcement and Penalties

15.04.51 Enforcement, Services of Notices and Orders and Hearing

A. Service of Notices. Whenever the Inspection Department determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Inspection Department shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

1. Be written;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason(s) why it is being issued;
4. Allow for a reasonable time for the performance of any act required; and
5. Be served upon the owner, owner's agent, or the occupant, as the case may require. Such notice shall be deemed properly served upon such owner or occupant if a copy thereof is delivered to him/her personally; or by leaving a copy thereof at his/her usual place of abode, in the presence of a family member of suitable age and discretion who shall be informed of the content thereof; or by sending a copy thereof by first class or certified mail, with return receipt requested to his/her last known address; or, if the mailed copy is returned with a receipt showing that it was not delivered to the intended recipient, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

B. Enforcement – Notices, Orders and Hearings. Any person affected by any notice issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto, may request in writing, and shall be granted, a hearing before the Board of Zoning Appeals on the matter. Any request shall set forth the grounds therefor, shall be filed within 20 days after the day the notice was served and shall be accompanied by a filing fee as set forth on the City's Fee Schedule. Within 10 days of receiving such request, the Inspection Department shall set a time and place for such hearing and shall give the petitioner written notice thereof and an opportunity to be heard.

C. Exception. The appeals process set forth in this subsection does not apply to citations or to convictions for offenses cited.

D. Board of Zoning Appeals to Sustain, Modify or Withdraw Notices. After such hearing the Board of Zoning Appeals shall sustain, modify, or withdraw the notice, depending upon their finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been

complied with. The Board shall be guided by a policy of reasonable compliance in order to promote the public health and may, at its discretion, permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole. The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.

E. **Adoption of Rules and Regulations by Inspection Department**. The Inspection Department is hereby authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this chapter. Such rules and regulations shall be submitted by said Inspection Department, after consultation with the City Attorney, to the Common Council and, if approved by a vote of a majority of the members thereof, shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter, as hereinafter provided. A copy of such rules and regulations shall be kept on file in the City Clerk's office and in the Inspection Department.

15.04.52 Penalties

A. **Penalties**. Violations of this section shall be punishable by a forfeiture of not more than $2,000. Each day a violation exists or continues to exist shall constitute a separate offense.

Chapter 5 Definitions

Division 6 Definitions

15.05.11 Definitions

A. The following definitions shall be applicable in this Title:

1. **Accessory Building.** A detached building or structure not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.
2. **Accommodation.** Any room, apartment, house, building or structure, any part of which is used for human habitation on a temporary or permanent basis.
3. **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
4. **Agricultural Facilities and Practices.** See Sec. 281.16(1), Wis. Stats.
5. **Air Conditioning**. The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirements of the conditioned space.
6. **Alteration.** An enhancement, upgrading or substantial change or modification other than an addition or repair to a swelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.
7. **Apprentice.** A person other than a master or journeyman plumber, registered as such with state division of health in compliance with the rules and regulations governing apprentices.
8. **Basement.** A portion of a building partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of adjoining ground.
9. **Best Management Practice (BMP).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
10. **Building System.** Plans, specifications and documentation for a system of manufactured building or for a type or system of building components, which may include structural, electrical, mechanical, plumbing and variations which are submitted as part of the building system.
11. **Business Day.** Any day other than Saturday, Sunday or a legal holiday.
12. **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
13. **Ceiling Height**. The clear vertical distance from the finished floor to the finished ceiling.
14. **Cellar.** A portion of a building partly or wholly underground, with half or more than half of it clear floor-to-ceiling height below the average grade of adjoining ground.
15. **Construction Site.** An area upon which one or more land disturbing construction activities occur, 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 (1) plan.

16. **Department.** The Department of Safety and Professional Services.
17. **Detached Building.** Any building which is not physically connected to the dwelling.
18. **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Title.
19. **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
20. **Dwelling Unit.** Any room or group of rooms located with a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
21. **Electrical Apprentice.** A person registered by the State of Wisconsin as an Electrical Apprentice under 305.46 of the Administrative Code.
22. **Electrical Contractor (active).** Any person who is skilled in the installation, planning, designing, superintending or inspection of electrical wiring and equipment and who is engaged in this work. Before any person shall be licensed as an electrical contractor such person must have served at least two years as a journeyman electrician and meet all other qualifications for an electrical contractor's license as determined by the Board of Electrical Examiners.
23. **Electrical Wiring.** All equipment, wiring ,material, fittings, devices, appliance, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures and apparatus used by a public utility, an electric cooperative or a wholesale merchant operator for the purpose of generating, transmitting, distributing or controlling heath, light, power or natural gas to its customers or members.
24. **Electrical Work.** The installation, superintending or inspection of electrical material, fittings, devices, appliances, fixtures, apparatus, wiring and equipment for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purposes.
25. **Electrician, Beginning.** A person registered by the State of Wisconsin as a Beginning Electrician under 305.45 of the Administrative Code.
26. **Electrician, Journeyman (active).** Any person other than an electrical contractor who is skilled in the installation of electrical wiring and equipment for the production, modification, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, and who is engaged in this work. They shall have had at least four years' practical experience. Two (2) or more years in an accredited trade school shall be equivalent to the first two years. They shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners. In no case shall a licensed journeyman electrician do electrical work in the City of Onalaska unless under the supervision of a licensed electrical contractor, who shall be responsible in accordance with this Electrical Code. A person licensed by the State of Wisconsin as a Journeyman Electrician under 305.44 of the Administrative Code.
27. **Electrician, Journeyman Industrial.** A person licensed by the State of Wisconsin as an Industrial Journeyman Electrician under 305.443 of the Administrative Code.
28. **Electrician, Journeyman Residential.** A Residential Journeyman Electrician is a person licensed by the State of Wisconsin as a Residential Journeyman Electrician under 305.447 of the Administrative Code.
29. **Electrician, Master.** A person licensed by the State of Wisconsin as a Master Electrician under 305.43 of the Administrative Code.
30. **Electrician, Registered Master.** A person licensed by the State of Wisconsin as a Registered Master Electrician under 305.437 of the Administrative Code.
31. **Electrician, Residential Master.** A person licensed by the State of Wisconsin as a Residential Master Electrician under 305.435 of the Administrative Code.
32. **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
33. **Erosion and Sediment Control Plan.** A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
34. **Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing materials that serve as food source or by other authorized elimination methods approved by the Health Officer.
35. **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city.

36. **Family.** One (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees m bankruptcy and receivers.
37. **Final stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
38. **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
39. **Foundation.** The structural system used to transfer the weight of the building to the earth.
40. **Furnace**. A completely self-contained direct-fired automatically controlled, vented appliance for heating air by transfer of heat of combustion through metal to air and designed to supply heated air through ducts to spaces remote from the appliance location.
41. **Governing body.** The City of Onalaska Common Council.
42. **Habitable Room.** Any room used for sleeping, living or dining purposes, excluding such places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
43. **Heating System.** Any combination of building construction, machines, devices or equipment, so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.
44. **Homeowner.** A person owning and occupying as their permanent address a single-family dwelling or two-family dwelling.
45. **Hot Water.** An adequate supply kept at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
46. **House Sanitary Drain.** All underground piping inside the building and to a point three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
47. **House Sanitary Sewer.** That part of the sanitary drainage system extending from the sewer service lateral or other disposal terminal to within three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
48. **House Storm Drain.** All underground piping inside the building and to a point three feet to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
49. **House Storm Sewer.** All underground piping designed to convey the discharge of the house storm drain, surface drains, yard drains, cistern overflows and all other clear water drains to the storm sewer service lateral at the curb or other disposal terminal.
50. **Housing.** Any improved property, including any mobile home as defined in Sec. 66.0435, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence.
51. **Infestation.** The presence, within or around a dwelling, of any insects, rodents or other pests.
52. **Journeyman, Contractor (inactive).** An inactive contractor or journeyman holds a valid license but is not actively engaged in the trade. At any time upon payment of an annual fee the license shall become active.
53. **Land disturbing construction activity.** 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 activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
54. **Low Voltage Installer.** Any person engaged in installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less.
55. **Manufacture.** The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semi-finished or finished materials.
56. **Minor Repair.** Repair performed for maintenance on replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
57. **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
58. **Multiple Dwelling.** One consisting of more than two (2) dwelling units.
59. **Occupant.** Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit.

60. **Open Construction.** Any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction.
61. **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.
62. **Operator.** Any person or group who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.
63. **Ordinary Minimum Winter Conditions.** The temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten (10) year period.
64. **Owner Occupied Dwelling**. A building used for human habitation in which the owner thereof maintains their permanent living quarters.
65. **Owner.** Any person who, alone or jointly or severally with others, shall have legal title of any dwelling, dwelling unit, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling or dwelling unit, as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, personal representative, trustee or guardian of the estate of the owner.
66. **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
67. **Permit.** A written authorization made by the City of Onalaska to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
68. **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
69. **Plumbers**. Master and journeyman plumbers licensed by the state division of health.
70. **Plumbing.**
    a. All piping, fixtures, appliances and appurtences in connection with the water supply and drainage system within a building and to a point from three to five feet outside of the building.
    b. The construction and connection of any drain or waste pipe carrying domestic sewage from a point three to five feet outside the foundation walls of any building and the connection to any sewer service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe except minor repairs to faucets, valves, pipes, appliances and the removal of stoppages.
    c. The water service piping from the building to the curb box at the street curb, alley or other terminal, and the connection of domestic hot water storage tanks, water softeners and water heaters with the water supply system
    d. Water supply piping and plumbing appliances including water pressure systems other than the City system and water mains and appurtenances in connection therewith.
    e. The construction of all stormwater drains from a point within three to five feet outside of the foundation wall of any building to the storm sewer at the curb or other disposal terminal. The construction and connection of all piping and appurtenances in connection with the stormwater drains within a building and to a point three to five feet outside the building.
71. **Pollutant.** See Sec. 283.01 (13), Wis. Stats.
72. **Pollution.** See Sec. 281.01 (10), Wis. Stats.
73. **Probable Cause**. Reasonable grounds to believe that a violation may have occurred or may be occurring.
74. **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed or acting on behalf of any of these.
75. **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
76. **Repair.** The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.
77. **Responsible Party.** Any entity holding fee title to the property or performing services to meet the performance standards of this Title through a contract or other agreement.

78. **Rooming House/Rooming Unit**. Any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let to three (3) or more persons who are not related to the owner or operator. A rooming unit refers to any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for preparation of food.
79. **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
80. **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
81. **Sewer Service Lateral.** That part of the drainage system extending from the curb to the connection with the main sewer.
82. **Single Occupancy Room.** Any room which the owner has leased or rented, or in any way offered to lease or rent, to a sole individual, provided, however, that the owner permanently occupies living quarters in the same dwelling.
83. **Storm Sewer Service Lateral.** That part of the stormwater drainage system extending from the curb to the main in the street.
84. **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
85. **Stop Work Order.** An order issued by the City of Onalaska which requires that all construction activity on the site be stopped.
86. **Story.** That portion of a building located above the basement, between the floor and the ceiling.
87. **Stress.** Internal resistance to an external force expressed in load per unit area; stresses acting perpendicular (compression or tension) to the surface, shear stresses acting in the plane of the surface or bending stresses which cause curving.
88. **Supplied.** Paid for, furnished or provided by or under the control of the owner or operator.
89. **Technical standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
90. **Temporary Housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable.
91. **Uniform Dwelling Code.** See Ch. SPS 320 to 325 of the Wisconsin Uniform Dwelling Code.
92. **Ventilating**. The process of supplying or removing air by natural or mechanical means, to or from any space.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1664 – 2020 **Please route in this order**

Eric Rindfleisch, Administrator _____
(signature)

☑ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Katie Aspenson, Planning Manager _____
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Formatted: Left

ORDINANCE NO. 1664 -2020

AN ORDINANCE TO AMEND TITLE 15 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO BUILDING CODES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 15 Building Code is hereby deleted in its entirety and replaced as follows:

Formatted: Normal

Title 15 Building Codes

Chapter 01 Building Codes

Division 1 Codes GenerallyEstablishment of Building Code

15.01.101 Building Code Established

A. **Title.** This Chapter shall be known as the "Building Code of the City of Onalaska" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."

B. **Purpose.** The purpose of this Cchapter is to:

1. Exercise jurisdiction over the construction and inspection of new one (1)-family and two (2)-family dwellings, additions or alterations to existing one (1) and two (2) -family dwellings by Iinspectors certified by the Wisconsin Department of Safety and Professional Services ("DSPS").
2. Provide for plan review and onsite inspections of one (1) and two (2)-family dwellings by Iinspectors certified by the state department of safety and professional services.
3. Provide for review and onsite inspection of commercial structures to the extent permitted by and subject to state law.
4. Provide for the collection and establishment of fees to defray administrative costs.
5. To adopt relevant state statutes and administrative code provisions to promote the interests stated in this section.is Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

C. **Uniform Dwelling CodeScope.**

1. **State Uniform Dwelling Code Adopted.** Wis. Admin. Code SPS Chapters 321 through 325, in associations with SPS 321.40, Manufactured Homes, are hereby adopted by reference and made part of this Cchapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this Cchapter. Future amendments, revisions, or modifications of the Wisconsin Administrative Code provisions incorporated in this Cchapter are intended to be made a part of this Cchapter to secure uniform state regulation of one (1)-family and two (2)-family dwellings in this city. The Wisconsin Administrative Codes, as adopted in this Cchapter, are intended to apply to additions and alterations to one (1) and two (2)-family dwellings, including existing one (1) -family and two (2)-family dwellings, which were built prior to June 1, 1980December 1, 1978 (effective adoption date of the Uuniform Ddwelling Ccode), detached garages, accessory buildings,

as well as new construction. A copy of these Wisconsin Administrative Code provisions and any future amendments shall be kept on file in the office of the city building inspector.

2. **Enforcement and Right to Inspect.** The Inspection Department~~building inspector or any inspector of the building Inspection Department, are~~ is hereby authorized and directed to administer and enforce all of the provisions of the U~~u~~niform D~~d~~welling C~~c~~ode. The~~ building inspector or any inspector of the of the building~~ Inspection Department, as a condition of the issuance of a building permit, shall have the authority to enter at any reasonable time during normal work hours, during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance of all state and municipal codes in this C~~c~~hapter.

D. **Definitions**. Definitions for this Title are located in Chapter 5~~6~~. ~~New buildings hereafter erected in, or any building hereafter moved within or into the City, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Codes of the City and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Codes.~~

15.01.1~~0~~2 Building Permits and Inspection

A. **Permit Required**.

1. **General Permit Requirement.** No one (1)-family or two (2)-family dwelling shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or ~~his or her~~ their agent from the ~~building inspector~~Inspection Department. Application for a building permit shall be in writing upon the form designated by the S~~s~~tate ~~u~~Uniform D~~d~~welling P~~p~~ermit A~~a~~pplication.~~No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner or his authorized agent from Department of Inspection. No permit under this section shall be issued unless and until any required excavation permit required under Title 15, Chapter 2 of this Code of Ordinances has been issued. The City shall allow no more than five (5) open building permits to a single individual or an entity at any one time unless the City Plan Commission determines that the issuance of more than five (5) permits is required for the orderly development of a parcel or a related number of adjacent parcels which have been master planned. An individual or entity possessing five (5) permits may apply for an additional permit only when the City closes one (1) or more of the original five (5) permits by the issuance of an occupancy permit that contains no conditions for completion.~~

2. **Alterations and Repairs.** No addition, alteration or repair to an existing one (1)-family or two (2)-family dwelling shall be undertaken unless a building permit for this work is first obtained by the owner or their ~~his or her~~ agent from the ~~building inspector~~Inspection Department. The ~~inspector~~Inspection Department may not require a permit for minor repairs (i.e., repairs or alterations not affecting occupancy, area, structural integrity, fire protection, exits, lighting or ventilation).

3. **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements are accepted by the Common Council upon recommendation of the Plan Commission.

4. **Utilities Required.**

   a. **Residential/UDC Buildings.** No building permit shall be issued for the construction of any one (1) and two (2)-family dwellings until sewer, water, grading, graveling, and pavement are installed in the streets necessary to service the property for which the permit is required.

   b. **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading,

graveling, and pavement in the streets necessary to service the property for which the permit is requested.

c. **Occupancy.** No person shall occupy any building until sewer, water, grading, graveling, and pavement are installed in the streets necessary to service the property and a Certificate of Occupancy shall not be issued until such utilities are available to service the property.

d. **Utility Service Not Available.** If municipal sewer and water are not available, no building permit or Occupancy Permit will be issued until plans are provided for a private domestic sewage treatment and disposal system and an approved well system. The installation of the above-mentioned systems must be approved by the City Engineer, Inspection Department, and La Crosse County in charge of issuing the applicable state permits.

2. **Accessory Buildings.** The following provisions shall apply to buildings altered or repaired:

3. **Alterations**. When not in conflict with any regulations, alterations to any existing substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.

4. **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 arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.

5. **Alterations When Not Permitted**. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

6. **Alterations and Repairs Required**. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.

7. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Department of Inspection.

5. **Accessory Structures.** No accessory building or structure, including detached garages, open sheds, roof covered patios, gazebos, pergolas, fences, or any other accessory building or structure, shall be constructed, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his or hertheir agent from the building inspectorInspection Department. Further, accessory structures may only be constructed on a parcel after a principal structure has been established.

8. **Application.** Application for a building permit shall be made in writing upon a form furnished by the Department of Inspection or its designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Department of Inspection may require.

Site Plan Approval.One (1)-family and two (2)-family homes buildt prior to June 1, 1980December 1, 1978. No addition, alteration, or repair to a one (1)-family or two (2)-family dwelling that was built before June 1, 1980December 1, 1978 as per the effective date of the Uuniform Ddwelling Ccode shall be undertaken unless a building permit for this work is first obtained by the owner or his or hertheir agent from the Inspection Departmentbuilding inspector. The inspectorInspection Department may not require a permit for minor repairs (i.e., repairs as defined in SPS 320.05(3) of the Uuniform Ddwelling Ccode, alterations not affecting occupancy, area, structural

integrity, fire protection, exits, lighting or ventilation). The following conditions shall be exempt from compliance with the Uuniform Ddwelling Ccode when the following conditions exist including but not limited to:

Stairways in existence prior to June 1, 1980 serving existing habitable space and basements may be rebuilt within the same stairwell opening provided that the remodeled stair system shall not be less compliant than the preexisting stair system. The dimension of the riser shall not be greater than the dimension of the tread or nine (9) inches. A minimum of six (6) feet of headroom shall be provided. The minimum width shall not be less than thirty-two (32) inches.

Ceiling height in existence prior to June 1, 1980 serving existing habitable space and basements may have a ceiling height not less than six (6) feet ten (10) inches.

Habitable areas above the second floor with a single exit may continue to exist unless an addition is built to the third floor or the floor area is expanded, a second exit would be required in accordance with the Uuniform Ddwelling Ccode.

6. Windows that do not conform to the required minimum egress size in accordance with the Uuniform Ddwelling Code SPS 321.03(6) that are not altered may continue to exist unless an addition or alteration is performed. A bedroom in a basement shall be required to conform to SPS 321.01(6)(b).
7. **Submission of Plans.** The applicant shall submit two (2) sets of plans along with a comprehensive site plan and soil erosion control plan for new construction to one (1)-family and two (2)-family dwellings at the time that the building permit application is filed. A complete set of building, electrical, plumbing and HVAC plans shall accompany every permit application for alterations and remodeling to all one (1) family and two (2) family additions, alterations and remodeling. All required plans submitted for approval, shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the minimum requirements of the Uuniform Ddwelling Ccode.

Issuance of Permits. If the Inspection Department finds that the proposed building repair, alteration or addition complies with all Ccity Oordinances and the Uuniform Ddwelling Ccode, the Inspection Department shall approve the application. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the building Inspection Department. All issued permit becomes null and void if work or construction authorized is not commenced within twelve (12) months or if construction or work is suspended or abandoned for a period of twelve (12) months at any time after work is commenced.

8. **Required Inspections and Requests.** Prior to concealment of any electrical, plumbing, or HVAC installations, buildings shall be inspected at such times and in such manner to be in accordance with all state and local codes, ordinances, or rules applicable thereto. No structural portion of any building or structure shall be covered or concealed until the completion of the required inspections and approval by the building inspectorInspection Department. The permit applicant or an authorized representative shall notify the building inspector after completion of the required inspections as listed below (inspection types) orally, email or in writing. The building inspectorInspection Department shall make a reasonable effort to conduct all inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval by the building inspectorInspection Department, except that construction may proceed if an inspection has not been performed within two (2) business days after proper notification has been given.
9. **Inspection Types.** The following inspections shall be completed for all projects whenever applicable:
   a. **Erosion Control Inspection.** Erosion control measures shall be inspected after implementation and concurrently with the following required inspections for proper maintenance.
   a. **Building Sanitary, Storm and Water Service Inspection.** The building sanitary, storm sewer and water service shall be inspected in accordance with SPS 382.21(1) of the Sstate Pplumbing Ccode prior to be covered or concealed.
   b.
   c. **Foundation Excavation Inspectionooting, Drain Tile and Foundation Inspection.** The excavation for the foundation shall be inspected after the placement of any forms or required reinforcement and prior to the placement of the permanent foundation material. If a drain tile system is required, by the local inspector or by groundwater levels in the excavation, the presence and location of bleeders used to connect the interior and exterior drain tile shall be inspected at the same time as the excavation.

d. **Foundation Inspection.** The foundation shall be inspected after completion. Where dampproofing, exterior insulation or drain tile are required for code compliance, the foundation shall be inspected prior to backfilling.~~Footings, drain tiles systems at the footings, and foundations shall be inspected after forms have been removed and required insulation and washed stone over the drain tile are in place, prior to backfilling.~~

e. **Underground Building Drains and Drain Tile Inspection.** Plumbing building drain, drain tile, washed stone base, and required sub slab vapor retarder shall be inspected prior to backfilling or placement of basement slab floors.

f. **Rough Inspection.** General building construction (basement floor area, framing), plumbing, HVAC, and electrical installations shall be inspected after all work is complete, but before any of the installations are covered or concealed.~~.~~

g. **Insulation Inspection.** Insulation, vapor retarders, air barriers, and exterior drainage planes shall be inspected after installation is complete, but before any of the installations are covered or concealed.

h. **Final Inspection.** The dwelling shall not be occupied until a final inspection has been made. The permit applicant shall notify the ~~building inspector~~Inspection Department orally, ~~[by] email,~~ or by written notification for a final inspection upon completion of the permitted work~~, and not more than thirty (30) days after completion~~. The final inspection shall be performed within five (5) business days after proper notification and prior to the issuance of a certificate of occupancy. The ~~building inspector~~ Inspection Department shall notify the applicant and/or owner in writing of any code violations to be corrected. All code violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted. Failure to obtain a final inspection upon completion of the permitted work, and/or correct noted code violations prior to occupancy, and refused or neglected to pay for previous permits shall be considered in violation of this S~~s~~ection and may be subjected to citations and/or a re-inspection fee. The ~~building inspector~~Inspection Department may refuse to issue permits to any person or applicant who has refused or neglected to correct any violations of this chapter.

i. **Stop Work Order.** If a noted violation is not corrected within thirty (30) days, a stop work order may be served on the owner or the owner's representative, and a copy shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the ~~building inspector~~Inspection Department after satisfactory evidence has been provided that the noted violation(s) have been corrected.

10. **Inspection Disclaimer.** All inspections are intended to cite conditions of noncompliance in accordance with all state and local code standards that are evident at the time of inspections. An inspection does not involve a thorough examination to all appliances, mechanical systems, and closed structural elements of the building or structure.

11. **Certificate of Occupancy and Use.**

a. **One and Two-Family Dwellings.** No one (1)-family and two (2)-family dwelling shall be used or occupied until the ~~building inspector~~Inspection Department has issued a certificate of temporary occupancy or a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with provisions of this C~~c~~hapter.

b. **Temporary Occupancy.** The Inspection Department may issue a temporary occupancy permit for a part or parts of a building or structure, before the entire work covered by a building permit shall have been completed provided such portions may be occupied safely prior to full completion of the structure without endangering life or public welfare. No such partial occupancy permit may be issued prior to full compliance with those provisions of State Statute and the Wisconsin Administrative Code that affect health and safety or before full completion of accessible routes to, into and through the structure exist. A temporary occupancy permit may be issued for a period not exceeding six (6) months, except as specifically approved by the Inspection Department for weather related or similar type delays. A temporary occupancy permit shall not be granted until all applicable fees, including necessary inspection fees have been paid. Applications for temporary occupancy shall be on such form as provided by the Inspection Department. ~~Every applicant for a building permit shall be deemed to be an application for an occupancy permit.~~

Formatted: Font: Bold

Alterations and additions of building. No addition, alteration or repair to an existing building shall be used or occupied until the building inspectorInspection Department has issued a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with the provisions of this Cchapter. Every applicant for a building permit shall be deemed to be an applicant for an occupancy permit.

b. **Change ins Use.** No change in use shall be made to an existing building to another use unless all the applicable provisions of the Uuniform Ddwelling Ccode and this Cchapter are complied with.

1. **Site Plan Approval**. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall list machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
2. **Administration**. The Department of Inspection shall make a preliminary review of the application and plans and refer them along with a report of its findings to the Plan Commission. The Plan Commission shall review the application. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Department of Inspection to issue or refuse a building permit.
3. **Requirements**. In acting on any site plan, the Plan Commission shall consider the following:
   a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
   b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
   c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
   d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
4. **Effect on Municipal Services**. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Department of Inspection or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the City has entered into an agreement with the applicant regarding the development of such facilities.
5. **Appeals**. Denials of building permits continent upon site plan approval may be appealed to the Zoning Board of Appeals by filing a notice of appeal with the Department of Inspection within ten (10) days of the denial.

B. **Dedicated Street and Approved Subdivision Required**. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the land division and required improvements are accepted by the Common Council upon the recommendation of the Plan Commission.

C. **Utilities Required**.
1. **Residential Buildings**. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required.
2. **Non-Residential Building**. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

3. **Occupancy**. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

4. **Utility Service Not Available**. If municipal sewer and water are not available, no building permit or occupancy permit will be issued until plans are provided for a private domestic sewage treatment and disposal system and an approved well system. The installation of the above-mentioned systems must be approved by the Department of Inspection and the county agency in charge of issuing the applicable state permits.

F. **Plans**. With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to City datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed with the Department of Inspection. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall be submitted which shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter ILHR 20.09(4), Wis. Adm. Code. There shall be a plan review fee for all plans submitted under this Section. The fee due the State of Wisconsin for the Wisconsin uniform building permit in accordance with Sec. ILHR 69.21, Wis. Adm. Code, shall be paid out of said plan review fee.

G. **Waiver of Plans; Minor Repairs**.

1. **Waiver**. If the Department of Inspection finds that the character of the work is sufficiently described in the application, it may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars ($2,000.00).

2. **Minor Repairs**. The Department of Inspection may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than Three Hundred Dollars ($300.00), as determined by the Department of Inspection, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

H. **Approval of Plans**.

1. If the Department of Inspection determines that the building will comply in every respect with all Ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, it shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Department of Inspection.

2. In case adequate plans are presented for part of the building only, the Department of Inspection, at its discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. No work is to be started unless a proper grade has been established by the Director of Public Works. This would include sidewalks, curb and gutter, driveways and general construction.

3. Applicants for a building permit for a zero-lot-line structure or "twindominium" must complete the structure as such, meeting all code requirements for a condominium including, but not limited to the construction of a common wall meeting fire and sound requirements. The applicant must also submit to the City Inspection Department the legal subdivision and common maintenance agreements required before any occupancy permit shall be issued. Applicants who obtain a building permit for a zero-lot-line or twindominium structure and who subsequently wish to build a duplex, must submit a

notarized letter to the inspection department indicating that this change will be made. Said letter must be furnished before any occupancy permit will be issued.

I. **Inspection of Work**. The Inspection Department, upon notification by the permit holder or his agent in writing and upon forms furnished by the Inspection Department for that purpose, shall make the following inspections and shall either approve the construction inspected or shall notify the permit holder or his agent, in writing, wherein the construction fails to comply and shall establish a period of time to bring about compliance. Copies shall be forwarded to all parties concerned. Approval of inspection shall be indicated by initialing or stamping the permit placard on the job site on a space provided for that purpose:

1. **Foundation Inspection**. To be requested and made after trenches are excavated, reinforcing steel is in place, the necessary forms are erected, and samples of all materials for the foundation are delivered to the job. Where concrete from a central mixing plant is to be used, such concrete need not be on the premises.
2. **Frame Inspection**. To be requested and made after the roof, all framing, fireblocking and bracing is in place, and all vents, pipes, wiring, heating and chimneys are complete. No reinforcing steel or structural framework shall be covered or concealed without first obtaining the approval of the Inspection Department.
3. **Final Inspection**. To be requested and made after the building or work for which the permit was issued is completed. A certificate of occupancy shall be issued when the construction is found to be in full compliance with all requirements.

J. **Permit Lapses**. A building permit shall lapse and be void unless building operations are commenced within sixty (60) days or if construction has not been completed within twenty four (24) months from the date of issuance thereof.

K. **Issuance of Occupancy Permit and Revocation of Permit**. No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. After the issuance of an occupancy permit, but before the issuance of a certificate of compliance, such building may be occupied or used only with the permission of the Department of Inspection. Such permit shall be in writing and shall state the type of use which is permitted. The permit may be revoked at the discretion of the Department of Inspection, upon thirty (30) days' notice to the user or occupant of the building. The revocation of a building permit or a permit to use shall not prevent such use of the building as was permissible prior to the issuance of such permit unless alterations have been made therein which increase the fire hazard or impair the safety or health conditions pertaining to such building.

L. **Revocation of Permits**.

1. The Department of Inspection may revoke any building, plumbing, HVAC or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
   a. Whenever the Department of Inspection shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
   b. Whenever the continuance of any construction becomes dangerous to life or property.
   c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
   d. Whenever, in the opinion of the Department of Inspection, there is inadequate supervision provided on the job site.
   e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
   f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Department of Inspection for the use of all new materials, equipment, methods or construction devices or appliances.
2. The notice revoking a building, plumbing, HVAC or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.

3. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Department of Inspection.
4. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Department of Inspection may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

M. **Report of Violations.** City officers shall report at once to the Department of Inspection any building which is being carried on without a permit as required by this Chapter.

N. **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

15.01.103 Disclaimer on InspectionsCommercial Buildings

A. **Wisconsin Uniform Commercial Building Code (UCBC).** Wis. Admin. Code SPS 361, and SPS 360-66, and "International (I) Codes", are hereby adopted by reference and made part of this eChapter as if fully set forth. Any act required to be performed or prohibited by any such provision is required or prohibited by this Cehapter. Any future amendments, revisions, or modifications of the Sstate Ceommercial Bbuilding Ceode provisions incorporated in this Cehapter are intended to be made a part of this Cehapter to secure uniform state regulations.

B. **Commercial Buildings.** Notwithstanding the provisions of the Sstate uUniform Ceommercial Bbuilding Ceode, no commercial building (i.e., any building not covered by the Uuniform Dedwelling Ceode) shall be built, enlarged, altered or repaired unless a building permit for that work has first been obtained by the owner or owner's agent from the building inspectorInspectiomn Department. Application for such building permit shall be made as required by Wis. Admin. Code SPS 361.30 and a copy of such permit, together with the plans and specifications for such construction activities, shall be filed with the building inspectorInspection Department for review in accordance with the requirements of the Wis. Admin. Code SPS 361 and the sState Uuniform Ceommercial Bbuilding Ceode SPS 360-66.

C. **Design.** Pursuant to Wis. Stats. § 443.14, a public building, structure or place of employment shall be designed by an architect or an engineer, except as provided under Wis. Stats. §§ 443.14 and 443.15; b. Pursuant to Wis. Stats. § 443, a component or a system, including an electrical system, a fire protection system, a heating ventilating and air conditioning system shall be designed by an architect, engineer, or a designer of engineering systems, except as provided under Wis. Stats. §§ 443.14 and 443.15.
   1. Pursuant to SPS 361.30-1, the following buildings are exempt from state plan review containing less than twenty-five thousand (25,000) cubic feet in volume:
      a. Buildings of group assembly A-2; A-3;
      b. Business B;
      c. Factory F
      d. Mercantile M;
      e. Storage S; and
      f. Utility and miscellaneous U containing less than twenty-five (25,000) cubic feet in volume.

D. **Supervision Pursuant to SPS 361.40.**
   1. Except as noted below, the proposed construction of a project within the scope of this Code shall be supervised by one (1) or more Wisconsin registered architects or engineers, except that Wisconsin registered designers may supervise the installation of heating, ventilating and air conditioning systems, fire protection systems and illumination systems. The person responsible for supervision shall also be responsible for the construction and installation being in substantial compliance with the approved plans and specifications. If the supervising architect, engineer or designer is confronted with a nonconformance with the Ceode during or at the end of construction, that party, together with the designing architect, engineer or designer shall effect compliance or shall notify the Inspection Department of the noncompliance.

a. A project does not require supervision by a Wisconsin registered architect or engineer, if the project qualifies under one (1) of the following conditions:

i. The building contains less than fifty thousand (50,000) cubic feet in volume.

ii. An addition to an existing building does not cause the entire building to contain or exceed a volume of fifty thousand (50,000) cubic feet.

b. For the purposes of this S~~s~~ubsection, the utilization of the fire walls to divide up a building does not create separate buildings.

2. **Compliance statement.** Pursuant to SPS 361.40(4), ~~prior to~~ initial occupancy of a new building or addition, and ~~prior to~~ final occupancy of an alteration of an existing building, the supervising architect, engineer, or designer shall file a written statement with the authority that issued plan approval certifying that, to the best of ~~his or her~~their knowledge and belief, construction of that portion to be occupied has been performed in substantial compliance with the approved plans and specifications. This statement shall be provided on a form prescribed by the ~~Inspection Ddepartment.~~Department of Safety and Professional ~~Serivces~~Services.

E. **Occupancy and Use.**

1. **Certificate of Occupancy and Use.** No building shall be used or occupied until the Inspection Department has issued a certificate of temporary occupancy or a certificate of occupancy. The certificate of occupancy shall state that the work has been completed; all violations have been corrected on the final inspection report and that the use or occupancy complies with provisions of this Chapter.

2. **Temporary Occupancy**. The Inspection Department may issue a temporary occupancy permit for a part or parts of a building or structure, before the entire work covered by a building permit shall have been completed provided such portions may be occupied safely prior to full completion of the structure without endangering life or public welfare. No such partial occupancy permit may be issued prior to full compliance with those provisions of State Statute and the Wisconsin Administrative Code that affect health and safety or before full completion of accessible routes to, into and through the structure exist. A temporary occupancy permit may be issued for a period not exceeding six (6) months, except as specifically approved by the Inspection Department for weather related or similar type delays. A temporary occupancy permit shall not be granted until all applicable fees, including necessary inspection fees have been paid. Applications for temporary occupancy shall be on such form as provided by the Inspection Department.

F. **Change of Occupancy or Use.** Pursuant to SPS 361.03(c)11, except as provided herein, no change may be made in the use or occupancy of any building or structure, or any space within a building or structure, that would place the building, structure or space either in a different division of the same group of occupancies or in a different group of occupancies, unless the building, structure or space complies with this C~~c~~ode's requirements for the new division or group of occupancies, as these requirements exist on the following dates:

1. Pursuant to Wis. Admin. Code SPS 361.30, the date when plans for the change in occupancy or use are approved by the Inspection D~~d~~epartment ~~or authorized representative~~;
2. The date a local building permit is issued, if plan submittal and approval is not required under Wis. Admin. Code SPS 361.30;
3. The date construction is initiated, where pars. 1. and 2. above do not apply;
4. The date an occupancy permit is issued, where pars. 1- 3. do not apply.

F. **Existing Buildings and Structures.** Unless otherwise stated in the S~~s~~tate U~~u~~niform C~~c~~ommercial B~~b~~uilding C~~c~~ode, an existing building or structure, and every element, system or component of an existing building or structure shall be maintained to conform with the building code requirements that applied when the building, structure, element, system, or component was constructed, and to conform to the International Existing Building Code as adopted into the U~~u~~niform C~~c~~ommercial B~~b~~uilding C~~c~~ode. ~~The purpose of the inspections under this Chapter is to improve the quality of housing in the City of Onalaska. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to inspections hereunder: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical~~

Formatted: Font: Bold

Formatted: Indent: Left: 0.25", Tab stops: 0.5", Left + Not at 0.25"

Formatted: Font: Bold

Formatted: Font: Bold

~~systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."~~

15.01.10~~0~~4 Regulation and Permit for Razing Buildings

A. No building within the City of Onalaska shall be razed without a permit from the Inspection Department ~~of Inspection~~. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Inspection Department ~~of Inspection~~.

B. All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

C. **Insurance Requirements for Razing Buildings.** The City shall require, in addition to the said bond above indicated, a certificate of insurance naming the city as an additional insured with the City Clerk, giving evidence of liability insurance in the following amounts: Public Liability- Bodily Injury: $1,000,000 each occurrence, $2,000,000 aggregate, Property Damage: $500,000 each occurrence, $2,000,000 aggregate.

~~B.~~D. **Asbestos Abatement/Removal.** The City shall require all asbestos material to be appropriately abated per Wisconsin Admin Code NR 447. All properties being razed must be inspected for the presence of asbestos-containing materials prior to demolition. Notification must be submitted to the DNR regardless of whether or not asbestos is present and a copy of the inspector's report submitted to the Inspection Department. All regulated asbestos-containing materials must be properly removed before beginning demolition.~~, Residential homeowners may perform abatement themselves and/or contract with an asbestos abatement contractor licensed by the Wisconsin Department of Health Services. An asbestos abatement report is required when razing a residential structure for conversion to a commercial use and a copy of said report shall be provided to the Inspection Department.~~

15.01.10~~0~~5 Regulations for Moving Buildings

A. **General Requirements**.

1. No person shall move any building or structure upon any of the public ways of the City of Onalaska without first obtaining a permit therefor from the ~~Department of Inspection~~ Inspection Department and upon the payment of the required fee. Every such permit issued by the ~~Department of Inspection~~ Inspection Department for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
2. Issuance of moving permit shall further be conditioned on approval of the moving route.
~~2.~~3. Applicant shall provide copies of all State Permits as required.~~obtain a street closure permit from the Department of Public Works. Such permit request shall include all necessary approvals from public utilities and communication carriers.~~

B. **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant

Comment [KA1]: Is this correct?

or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

C. **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Inspection Department ~~of Inspection~~, inspect the trees, streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Director of Public Works, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

D. **Conformance with Code.** No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the ~~Department of Inspection~~ Inspection Department has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Inspection Department ~~of Inspection~~, and it shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this ~~Building~~ Code and that, when the same are completed, the building as such will so comply with said ~~Building~~ Code. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

E. **Bond.**

1. Before a permit to move any building is granted by the Inspection Department ~~of Inspection~~, the party applying therefor shall give a bond in the sum of Ten Thousand Dollars ($10,000.00) with good and sufficient sureties to be approved by the ~~City Attorney~~City of Onalaska conditioned, among other things, that said party will save and indemnify judgments, costs and expenses which may, in any way, accrue against the City and will save the City harmless against all liabilities, judgments, costs and expense in consequence of granting of such permit.

~~2. Unless the Department of Inspection, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Department of Inspection Inspection Department and reasonably adopted or calculated to prevent the occurrences set forth herein.~~

F. **Insurance**. The City shall require, in addition to the said bond above indicated, a certificate of insurance naming the city as an additional insured with the ~~City Clerk~~Inspection Department, giving evidence of liability insurance in the following amounts: Public Liability- Bodily Injury: $1,000,000 each occurrence, $2,000,000 aggregate, Property Damage: $500,000 each occurrence, $1,000,000 aggregate; Auto Liability-Bodily Injury: $100,000 each occurrence, $300,000 aggregate, Property Damage: $100,000 each occurrence. ~~public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars ($100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars ($200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars ($50,000.00), or such other coverage as deemed necessary.~~

15.01.1~~0~~6 Building Permits and Inspection Fees

A. **Issuance of Permits.** If the Inspection Department finds that the proposed building repair, alteration or addition complies with all City Ordinances and the Uniform Dwelling Code, the Inspection Department shall approve the application. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Inspection Department. All issued permit becomes null and void if work or construction authorized is not commenced within twelve

(12) months or if construction or work is suspended or abandoned for a period of twelve (12) months at any time after work is commenced.

B. Before issuing a building permit required under this Title, the owner or his its their agent shall pay to the Department of Inspection Inspection Department the necessary building permit fee as set forth on the City of Onalaska Fee Scheduled approved each year by resolution of the Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.

C. For all fees based upon building square footage, the square footage calculations shall include all floor levels, basements, attached garages, mezzanines, occupied roofs and all spaces enclosed under a room. All fees so calculated shall be rounded to the nearest dollar.

A. Permit Duration. All permits requiring state approval and all permits for initial construction of one (1)-family and two (2)-family dwellings shall be valid as stated in SPS 320.09(9)(5)be valid for a period of two (2) years from date of issuance. All plan approvals and extensions of plan approvals shall be valid as stated in SPS 361.36 (1) and (2). All other permits shall be valid for one year from date of issuance. Renewal of expired permits shall include fee assessments for such renewal in addition to other fees required by law. Building permit fees shall be based upon the physical square footage of work to be done, as determined by the Department of Inspection, unless otherwise indicated.

B. **Residential Fees**. Residential Building Permit Fees shall be as follows:

Residential Buildings, Additions, Alterations and Accessory Structures	$.25 per s.f. of finished and unfinished areas. (Including porches, decks, egress window installations and misc. interior and exterior modifications) ($50 min fee)
Residential Swimming Pools (over 15 feet in diameter)	$50.00 flat fee
Residential Razing/Demolition over 200 square feet	$50.00 flat fee
Residential Moving	$60 flat fee plus $.25 per s.f. for the new foundation (includes mobile homes except when a new foundation is constructed
Residential Certificate of Completion	$25.00 flat fee
Erosion Control-Less Than 1 Acre of Disturbance	$75.00 flat fee
Erosion Control-More Than 1 Acre of Disturbance	$150.00 flat fee
Residential Zoning Permit (Plan Review)	$50.00 flat fee
Residential Roofing (Over 200sf)	$50.00 flat fee

Commercial Fees. Commercial Building Permit Fees shall be as follows:

Site Plan Permit-Projects under $75,000 in value	$50.00
Site Plan Permit-Projects over $75,000 in value	$100.00
Commercial (non-warehouse) and Structures	$.40 per s.f. for the first 15,000 s.f. plus $.20 for Multi-Family the remaining s.f. up to a $40,000 cap. ($50 min fee)

Remodeling and Build-Outs 15,000 s.f. plus $.15 for the remaining s.f. up to a $40,000 cap. ($50 min fee)

Commercial Wrecking $100.00 flat fee

Commercial Moving $60.00 flat fee plus $.40 per s.f. for new foundation

Commercial Certificate of Completion $50.00 flat fee

Multi-Family Certificate of Completion $20.00 plus $5.00 per unit

Erosion Control-Less Than 1 Acre of Disturbance $100.00 flat fee

Erosion Control-More Than 1 Acre of Disturbance $200.00 flat fee

Commercial Roofing over 1,000 s.f. $100.00 flat fee

Commercial Misc. (cell towers, misc. interior and exterior modifications) $100.00 flat fee

Commercial Warehouse Structures $.25 per s.f. for the first 15,000 s.f. plus $.15 for the remaining s.f. up to $40,000 cap ($50 min fee)

For the purposes of this Section 15-1-15(b), a Commercial Warehouse is defined as a commercial structure of no less than 5,000 s.f. with no less than eighty percent (80%) of the interior space being undivided and used for cold or heated low hazard storage.

Miscellaneous Permit Fees. Miscellaneous Building Permit Fees shall be as follows:

Driveway Permit $20.00 flat fee per opening

Sidewalk Permit $15.00 per stretch

Street Privilege/ Dumpster Permit $25.00 flat fee

Re-inspection Fee $50.00 for re-inspection due to incomplete conditions at the time of the initial inspection request

Double Fees. The above permit fees shall be double when construction is commenced before a permit is issued.

Cost Determination. In determining costs, all construction shall be included, with the exception of heating, air conditioning, electrical or plumbing work. Permits for all antennas, radio or television towers or structures, wireless communication facilities and satellite dishes over two (2) meters in diameter shall be subject to the same fees required for buildings based on the valuation of work as set forth in (a) above.

15.01.107 SeverabilityDefinitions

Definitions. The following definitions represent some of the more common definitions but all of the definitions in WI SPS 320.07 are adopted whether incorporated by reference or not.

Accessory Building. "Accessory Building" means a detached building or structure, not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.

Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

Alteration. "Alteration" means an enhancement, upgrading or substantial change or modification other than an addition or repair to a swelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.

Basement. "Basement" means that portion of a dwelling below the first floor or groundfloor with its entire floor below grade.

Building System. "Building system" means plans, specifications and documentation for a system of manufactured building or for a type or system of building components, which may include structural, electrical, mechanical, plumbing and variations which are submitted as part of the building system.

Business Day. "Business Day" means any day other than Saturday, Sunday or a legal holiday.

Ceiling Height. "Ceiling Height" means the clear vertical distance from the finished floor to the finished ceiling.

Department. "Department" means the Department of Safety and Professional Services

Detached Building. "Detached Building" means any building which is not physically connected to the dwelling.

Dwelling. "Dwelling" means any building, the initial construction of which is commenced on or after the effective date of this code, which contains one or 2 dwelling units.

Dwelling Unit. "Dwelling Unit" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

Foundation. "Foundation" means the structural system used to transfer the weight of the building to the earth.

Habitable Room. "Habitable Room" means any room used for sleeping, living or dining purposes, excluding such places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Manufacture. "Manufacture" means the process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semi-finished or finished materials.

Open Construction. "Open Construction" means any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction.

Repair. "Repair" means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.

Story. "Story" is that portion of a building located above the basement, between the floor and the ceiling.

Stress. "Stress" means internal resistance to an external force expressed in load per unit area; stresses acting perpendicular (compression or tension) to the surface, shear stresses acting in the plane of the surface or bending stresses which cause curving.

Uniform Dwelling Code. "Uniform Dwelling Code" means chs. SPS 320 to 325 of the Wisconsin Uniform Dwelling Code

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

15.01.108 Heating, Ventilating and Air Conditioning Permits Required

Permit Required. No person shall repair or install any furnace/boiler, air conditioner, fireplace or wood burning stove, or commence any other heating, ventilating or air conditioning work in any structure under the scope of this Cchapter, or as provided by the Wisconsin Administrative Code provisions adopted under this section, without first obtaining a permit from the Department of Inspection Department.

It shall be unlawful for a person, firm or corporation to construct, install, alter or repair any heating, ventilating or exhaust system (and appurtenance), replace a boiler, furnace, install stoker and conversion units in or for any building before securing a permit, except that in cases of emergency the contractor may proceed with the work and file the application for a permit within twenty-four (24) hours thereafter (Sundays and holidays excepted). A heating permit will not be required for the installation of electric baseboard or bathroom heaters when installed as auxiliary heat; that is, to supplement the existing heating system designed and installed to satisfy the load requirements of the space to be heated. The reference to appurtenances shall include direct heaters, cooling coils, central residential air conditioning (cooling) and similar devices affecting the safety or operation of the heating system.

Application. The application shall be in writing upon forms which the Department of Inspection Inspection Department shall provide and shall include the name of the owner and the description of the property on

which the work is to be done, along with such pertinent information as the Department of Inspection Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Chapter.

Issuance, Term, Suspension and Revocation. When the Department of Inspection Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Article Chapter and after appropriate fees have been paid to him, the Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon.

A permit shall automatically expire when work ceases for a period of sixty (60) days without good reasonable cause for the same as may be approved by the Department of Inspection Inspection Department and shall automatically expire on completion of the work for which it is issued, provided the Department of Inspection Inspection Department may, upon notice, suspend or revoke such permit for violation of the provisions of this Article.

Fees. The applicant shall, at the time such permit application is filed, shall pay any necessary HVAC permit fee as set forth on the City of Onalaska Fee Schedule approved each year by resolution of the Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.

Restrictions on Issuance.

No HVAC permit shall be issued to any person who is in violation of this Article Chapter until such violation has been corrected.

No HVAC permit shall be issued to any person, against whom an order issued by the Department of Inspection Inspection Department is pending, provided this restriction may be waived by the Inspection Department of Inspection.

C.D. Data Required as Part of the Permit Application. All drawings submitted for approval shall be accompanied by sufficient data and information for the Department of Inspection Inspection Department to determine if the capacity of the equipment and the performance of the equipment shall satisfy the requirements of the SectionChapter. The following data shall be submitted:

1. Division 2 Submit heat loss calculation in British Thermal Units (BTU) per hour for each room to be heated.
2. Include calculations for ventilation requirements.
3. Submit one (1) or more copies of complete drawings. When the heating and ventilation drawings require approval of the Department of Industry, Labor and Human Relations (Industrial Safety and Buildings Division), one (1) or more approved copies shall be submitted with the application.
4. Summation of heating and ventilating load requirement.
5. Installations shall be made to conform to approved drawings.
6. Plot plan showing the location of the condensing unit for air conditioning.
7. For solar systems, furnish an estimate of the amount of energy in BTUs to be delivered by the system on an annual basis, which estimate shall be based on the "F" chart analysis or another method appropriate to the system considered, and collector performance data as is determined by a recognized testing lab.
8. For solar systems, furnish the collector tilt and azimuth angle and a solar path shading diagram for the proposed collector location indicating the shading between the hours of 9:00 a.m. and 3:00 p.m. CST for the entire year.
9. For solar systems, furnish a plot plan showing the proposed location of the solar collector and any tree and/or structure that presently casts a shadow within twenty (20) feet of the proposed collector location.
10. For solar systems, furnish a detailed drawing showing anchorage and bearing of collector supports.
11. For solar systems, furnish detailed drawings of all piping, pumps, blowers, wiring, storage vessels, ductwork, dampers, valves, insulation and all other material that will be required to install the system.

A. **Design Standards.**

1. The heating and ventilating design shall conform to methods and standards approved by the Department of Inspection when not in conflict with the Wisconsin Department of Industry, Labor and Human Relations Regulation (Industrial Safety and Buildings Division). **NOTE**: The Department of Inspection will accept the method and standards recommended by the American Society of Heating, Refrigeration and Air Conditioning Engineers; National Warm Air Heating and Air Conditioning

Association; Mechanical Contractors' Association of America and National Electrical Manufacturers' Association.

2. Minimum design standards for all rooms in living quarters shall be seventy (70) degrees Fahrenheit except bathrooms, which shall be seventy-five (75) degrees Fahrenheit. The minimum outside design temperature shall be minus twenty (-20) degrees Fahrenheit.
3. The total heat loss of a building, including the basement, shall be used in sizing heating units or electrical service for electrical space heating.
4. The proper "U" factors shall be selected and shall reflect the additional heat loss in areas located over unheated areas.

B. **Supplemental Permits**. The license holder responsible for the work shall complete any application for a supplemental permit mailed to him and return it to the Department of Inspection within seven (7) days of the postmark date of the application for a supplemental permit. Failure to return the application for a supplemental permit prior to commencing work shall be deemed to be working without a permit.

15.01.09 Heating, Ventilating and Air Conditioning (HVAC) Permit Fees

A. The schedule of HVAC permit fees to be paid shall be as follows, and such fees shall be paid at the time the permit is issued:

1. Prior to performing any work concerning, affecting or relating to the installation, construction, remodeling, locating, relocating, moving, replacing, converting, repairing or resetting of any heat-producing appliance connected with space heating or air conditioning equipment; or any other matter governed by the provisions of this Code; a permit therefor shall be obtained by a person, firm, partnership, corporation, association or combination thereof, who is qualified under the provisions of this Code, and it shall be unlawful to proceed with such work unless a permit shall first have been obtained and the permit fee therefor paid in accordance with permit fee schedule herein provided:

Valuation of HVAC	Work Fee
0 to $2,000	$40.00
2,001 to 3,000	$45.00
3,001 to 4,000	$55.00
4,001 to 5,000	$65.00
5,001 to 6,000	$75.00
6,001 to 7,000	$85.00
7,001 to 8,000	$95.00
8,001 to 9,000	$105.00
9,001 to 10,000	$115.00

B. Greater than $10,000: $115 for the first $10,000 plus $2.50 for each $1,000.00 additional valuation of fraction thereof.

Building Code

15.01.2118~~21~~ Inspection Enforcement ~~State Uniform Dwelling Code Adopted~~

~~State Code Adopted. The Wisconsin Uniform One (1) - And Two (2) -Family Dwelling Code and all rules and regulations duly promulgated pursuant to that Code, as well as all amendments to said Code, rules, and regulations are hereby adopted by the City in their entirety and made a part of the Code of Ordinances as if set forth in full herein. A copy of said Code, rules, and regulations shall be kept on file in the Department of Inspection.~~

~~Existing Buildings. The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:~~

~~An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.~~

~~An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the City Assessor.~~

~~Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Department of Inspection shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.~~

~~Roof Coverings -- Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.~~

~~Additions and alterations -- Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.~~

~~Definitions. The following definitions shall be applicable in this Section:~~

~~Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.~~

~~Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.~~

~~Department. "Department" means the Department of Commerce, formerly the Department of Industry, Labor and Human Relations.~~

~~Dwelling. "Dwelling" means:~~

~~Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or~~

~~An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.~~

~~Minor Repair. **"Minor repair" means repair performed for maintenance on replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.**~~

~~One (1) or Two (2) Family Dwelling. **"A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.**~~

~~Person. **"Person" means an individual, partnership, firm or corporation.**~~

~~Uniform Dwelling Code. **"Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:**~~

~~**Wis. Adm. Code Chapter ILHR 20 - Administrative and Enforcement**~~

~~**Wis. Adm. Code Chapter ILHR 21 - Construction Standards**~~

~~**Wis. Adm. Code Chapter ILHR 22 - Energy Conservation Standards**~~

~~**Wis. Adm. Code Chapter ILHR 23 - Heating, Ventilating and Air Conditioning**~~

~~**Wis. Adm. Code Chapter ILHR 24 - Electrical Standards**~~

~~**Wis. Adm. Code Chapter ILHR 25 - Plumbing and Potable Water Standards**~~

A. **Method of Enforcement.**

1. **Certified Inspector to Enforce**. The ~~Department of Inspection~~ Inspection Department is hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. Inspectors of the ~~Department of Inspection~~ Inspection Department shall be certified for inspection purposes by the Department in each of the categories specified under ~~Sec. ILHR 26.06~~Chapter SPS 305, Wis. Adm. Code.
2. **Duties.** The ~~Department of Inspection~~ Inspection Department shall administer and enforce all provisions of this ~~Chapter~~ Title and the Uniform Dwelling Code.
3. **Inspection Powers.** Inspectors of the ~~Department of Inspection~~ Inspection Department or an authorized agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to a representative of the ~~Department of Inspection~~ Inspection Department while in performance of ~~his~~ their duties.
4. **Records.** The ~~Department of Inspection~~ Inspection Department shall perform all administrative tasks required by the Department of Industry, Labor and Human Relations under the Uniform Dwelling Code. In addition, the ~~Department of Inspection~~ Inspection Department shall keep a record of all applications for building permits and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

~~15.01.22 Construction Standards; Codes Adopted~~

A. ~~**Portions of State Building Code Adopted**. Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Department of Inspection.~~

B. ~~**Terms**. The building terms used in this Chapter shall have the meaning given them in the State Building Code.~~

C. ~~**Dwellings**. The term "dwelling" includes every building occupied exclusively as a residence by not more than two (2) families.~~

D. ~~**Workmanship**. Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice.~~

E. ~~**Conflicts**. If, in the opinion of the Department of Inspection, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Department of Inspection shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.~~

~~15.01.23 New Methods and Materials~~

A. ~~All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.~~

B. ~~Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.~~

~~15.01.2222~~4 ~~Fire Limits; Building Requirements~~

A. ~~**Boundaries.** There is hereby created a fire district to be known as the Onalaska Fire District which shall include properties listed on the official fire district map on file with the City Clerk.~~

B. ~~**Permits and Inspections.**~~

1. ~~No walls, structures, building or part thereof shall hereafter be built, enlarged or altered until the plan of the proposed work, together with the statement of the materials to be used, shall have been submitted in duplicate to the Department of Inspection Inspection Department who shall, if in accordance with the provisions herein contained, issue a permit for the proposed construction.~~
2. ~~No buildings shall be moved until a permit has been obtained from the Department of Inspection Inspection Department or other designated official; and such permit if, in his their judgment, the proposed new location of the building would seriously increase the fire hazard of the surrounding buildings.~~
3. ~~The Department of Inspection Inspection Department shall, as often as practical, inspect all buildings or structures during construction for which a permit has been issued; and if the structure does not comply with the plan submitted and approved and is in violation of the provisions of this Chapter, the Department of Inspection Inspection Department may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied.~~

C. ~~**Limitations Within Fire Limits.**~~

1. ~~No building or structure of frame wall, or of unprotected metal wall construction, or which has wooden cornice shall be erected hereafter in the fire limits except as provided in 15.01.19.E.4. below. Subsection (e)(4) of this Code. All other buildings hereafter erected, placed or built shall be of the following materials, to wit: The walls shall be of brick, concrete, stone or other noncombustible~~

material not less than eight (8) inches in thickness, and the roof shall be of metal, slate, gravel or other fireproof material.

2. It shall be unlawful to repair present combustible roof coverings in excess of ten percent (10%) of the surface covered by combustible material. In case of repair in excess of ten percent (10%) of the surface, all materials used must conform to the requirements in building new buildings.

D. **Alterations and Additions.** Within the fire limits, no buildings or structure of frame construction or of unprotected metal construction shall be hereafter extended on any side unless construction of such extension conforms to the requirements of this Chapter for new construction. All ordinary construction buildings and all frame buildings hereafter built or altered which are used for business and residences shall have all partitions and ceilings separating the business portion from the residence portions covered with metal lath and plaster or other equivalent fireproof material.

E. **General Building Requirements.**

1. **Frame Buildings.** No permits will be issued for any remodeling of any frame building or part of a frame building within fire limits unless such remodeling will be in conformity with the requirements for new buildings within said fire limits. No frame building within fire limits shall be raised or removed to any other place within said fire limits, nor shall any framed building be moved into fire limits, nor shall any frame building within such limits which may hereafter be damaged to the extent of fifty percent (50%) of the value of the present value thereof be repaired or rebuilt, nor shall such buildings where the damages are less than fifty percent (50%) of the value be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred or so as to occupy a greater space than before the damage thereto.

2. **Estimate of Damage.** The amount or extent of damage that may be done to any building may be determined by the Inspection Department of Inspection. No person or persons owning or having an interest in any such building damaged by fire or otherwise shall repair as hereinbefore specified until said person or persons have obtained in writing a certified copy of the decision from the Inspection Department of Inspection, vis: that such building is damaged less than fifty percent (50%) of the value.

3. **Frame Building Defined.** A frame building shall mean:

   a. A building or a structure of which the exterior walls or a portion thereof shall be constructed of wood.

   b. Buildings sheathed with boards, veneered with four (4) inches or less of stone, brick or concrete.

   c. Wood frames covered with metal, whether or not the frames are sheathed with boards.

4. **Exceptions.** No frame building or structure shall be erected within the fire limits except the following: One (1) story frame buildings for the use of builders, stands, platforms, booths and tents, erected under temporary permits. Such structures shall be removed as soon as they have ceased to serve the original purpose for which they were permitted.

5. **State Building Code Application in Fire Limits.** All buildings hereafter erected in the fire limits shall be of exterior masonry, type No. 5 construction or better as defined by the State Building Code, and shall have roofs of noncombustible material approved by the State Department of Industry, Labor and Human Relations or National Board of Fire Underwriters as Class "B" or equivalent material. All buildings of ordinary construction or better inside the fire limits and all public and business buildings outside the fire limits that are nearer than ten (10) feet to the boundary line between premises shall have the exterior walls carried up as parapet walls three (3) feet about the roof adjoining, not less in thickness than the wall below. Such parapet walls shall not be required for walls abutting upon a street or public alley. All foundations and walls must be of masonry construction, and must meet four (4) hour rating or fire division wall requirements.

6. **Condemnation of Buildings as Fire Hazards.** Whenever the Department of Inspection Inspection Department shall condemn any frame building within the fire limits as a fire hazard because of its condition or location in reference to other buildings, the Department of Inspection Inspection Department shall serve written notice upon the owner or owners to within ten (10) days start to remove or raze such building and to give a reasonable time within which to complete such removal or razing. Should the owner or owners refuse or neglect to remove or raze such building within the time specified, the Department of Inspection Inspection Department shall have this work done and assess the cost thereof assessed against the property of the same as taxes.

15.01.2230235 Unsafe Buildings

A. Whenever the Department of Inspection Inspection Department finds any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair as to beand consequently dangerous, unsafe, unsanitary or otherwise unfit for human occupancy habitation or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

B. Where the public safety requires immediate action, the Department of Inspection Inspection Department shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

Comment [KA2]: Should we include the 50% of assessed value in here?

15.01.26 Garages

A. Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code and City Zoning Code. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than forty-five (45) minute fire-restrictive construction as specified in Chapter ILHR, Wis. Adm. Code.

15.01.2341~~47~~ Abandoned Premises and Protection of Property; Fill Dirt; Basement Subflooring

A. **Abandoned Excavations.** Any excavation which exists for thirty (30) days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within ten (10) days after receiving a written notice from the Department of Inspection Engineering Inspection Department of such requirement; upon the failure of such owner to comply with such requirement within the stated period, the work may be done by the City or its agent and the expense thereof shall be assessed against such lot or parcel of land as a special tax pursuant to Sec. 66.0627, Wis. Stats., to be collected in the same manner as are other real estate taxes.

B. **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe and a menace to public safety. The Department of Inspection Inspection Department shall give the owner thereof written notice to secure said building or structure and comply with City Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Department of Inspection Inspection Department to condemn and 66.05(2)(a), Wis. Stats.

C. **Protection of Adjoining Property.** When the owner of any lot or plot of land, or the City, in making improvements, is about to excavate or cause an excavation to be made, which excavation in any way affects any building or structure on any adjoining lot, a notice shall be given to all owners of adjoining lots at least ten (10) days prior to commencing the excavation in order to give the adjoining owners a reasonable opportunity to protect their property at their own expense according to law. Such notice shall describe the extent and character of the excavation work about to be done.

D. B. **Transfer of Solid Fill.** No person, firm or corporation shall transfer to, dump or place upon lands, public or private, solid fill within the City of Onalaska without first obtaining a permit therefor:

1. **Application.** Application for a permit to transfer, place or dump solid fill within the City of Onalaska shall be made by the owner of the lands to be filled or his their designated agent in writing to the Department of Inspection InspectionEngineering Department upon an application furnished by the City. The applicant shall set forth upon the application form the following information:
   a. Proposed route for hauling fill;
   b. Other equipment involved in fill operation;
   c. Descriptions and source of fill material; and
   d. Grading plan indicating final limits and finished grade of fill area.
2. **Fill Material.** Fill material shall be clean, inert material fee from organic material, brush, garbage and material subject to organic decomposition. Where necessary, to avoid dust or similar litter, all material

shall be wetted down before transporting. Fill containing items such as hollow containers, appliances and equipment subject to subsequent collapse or settlement is prohibited. Generally, material such as earth fill and broken concrete of a size approved by the ~~Department of Inspection~~ Inspection Department or ~~his~~ their designee will be classified as acceptable fill subject to other permit requirements.

3. **Permits.** The ~~Department of Inspection~~ ~~Inspection~~Engineering Department is authorized to issue a filling permit to each applicant when Department officials are satisfied that the fill material meets the requirements provided herein~~in Subsection (3) above~~ and that the filling operation will not create noise, traffic or other problems detrimental to the residents of the area of the community in which said filling is taking place; the ~~Department of Inspection~~ ~~Inspection~~Engineering Department shall not authorize any filling between the hours of 5:00 p.m. and 8:00 a.m. on weekdays, nor at any time on Saturday, Sunday or ~~on a statutory~~a legal holiday; the Engineering ~~Inspection~~ Department shall further restrict the hours of filling or the number of trucks involved based upon the location of the filling operation and the traffic conditions of the area where the filling is being placed. The permit shall be for a period not to exceed three (3) consecutive months in a calendar year. Permit applications for subsequent years, when filling operations span a period of several years, will be subject to conditions and fees governing initial applications.
4. **Other Regulations.** Filling operations also shall be subject to all applicable county, state or federal license or permit regulations. Filling operations shall not block a natural drainage course.
5. **Exceptions.** The provisions of this Subsection relating to the transfer of solid fill shall not apply to customary top dressing or fertilizing of lawns and gardens nor shall they apply to the construction of block or concrete patios, driveways or platforms permitted under City Ordinances. Filling involved in an operation requiring a building permit or a wrecking permit is exempt from this Subsection of the Code.

~~E. **Basement Sub-flooring.** First floor sub-flooring shall be completed within sixty (60) days after the basement is excavated.~~

~~15.01.2558 Discharge of Clear Waters~~

~~A. **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.~~

~~B. **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.~~

~~C. **Groundwater.**~~

~~1. Where deemed necessary by the Department of Inspection, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.~~

~~2. Roof water shall be directed to the street storm sewer or between buildings.~~

~~D. **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.~~

~~E. **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.~~

~~F. **Conducting Tests.** If the Department of Inspection Inspection Department or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision~~

of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

15.01.2669 Installation and Operation of Room Heaters, Stoves and Freestanding Fireplaces

A. **Application.** This Section shall apply to radiant heating units installed in the City of Onalaska. No person shall install a radiant heating unit which fails to comply with the requirements of this Section.

B. **Definitions.** Radiant heating unit is a room heater, or stove, or freestanding fireplace not intended for duct connections used to heat a room or rooms that use the combustion of a solid fuel such as wood or coal as a source of heat.

C. **Permit.** No person shall install or cause to be installed a radiant heating unit without first obtaining a permit from the Department of Inspection. Radiant heating units shall be installed in accordance with Section 15-1-3all applicable provisions of this Title. The Department of Inspection Inspection Department shall give each permit applicant the following information:

1. The wood burned should be dry wood, preferably dry hardwood.
2. The chimney flue should be checked periodically to be sure the flue is open.
3. The chimney flue should be cleaned at least once a year.

D. **Plan and Data Approval.** Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:

1. The manufacturer's installation and maintenance/operations instructions.
2. Proposed chimney flue and/or new chimney flue sizes.
3. The number and sizes of existing vent connectors to the chimney flue.

E. **Inspection.** No person shall operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Department of Inspection.

Division 3 Plumbing Code

15.01.31 Purpose and Scope of Plumbing Code

A. **Title.** This division shall be known as the "The purpose of this Plumbing Code of the City of Onalaska and will be referred to in this eChapter or elsewhere as the "Plumbing Code"

B. **Purpose.** The purpose of this eDivision is to:

1. is toTo Pprovide minimum regulations, provisions and requirements in the City of Onalaska to insure safety and adequacy to persons and property wherever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.
2. The design and installation of all plumbing systems shall complyEnsure compliance with the requirements of this ChapterArticle; the State Plumbing Code as described in 15-1-31 below, the City Utility Code, found in Title 9 of the City Ordinances andand the City's Water Utility Rules approved by the Wisconsin Public Service Commission.

C. **Uniform Dwelling Code.**

1. **State Statutes and Plumbing Admin. Code Adopted. The provisions of this Article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.**

This Article shall be known as the City of Onalaska Plumbing Code.

1. 15.01.32 State Regulations Adopted

2.1. **Adopted by Reference.** Wis. Stats. Chapter 145 and Wis. Admin. Code SPS 381 to 384 together with all amendments, are hereby adopted and by reference made a part of this eChapter with the same force and effect as though set out in this section in full. Failure to comply with the provision of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this eChapter, publishable according to the penalties provided. Chapter 145, Wis. Stats.; the State Plumbing Code, Wis. Adm. Code; and SPS 381, 382, 383 and SPS 384, Wis. Adm. Code, together

with all amendments and restatements are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this chapter, punishable according to the penalties provided below.

A. **To be on File.** A copy of the State Plumbing Code shall be on file in the offices of the Department of Inspection.

15.01.323 Plumbing DefinedDefinitions

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In this Article, "plumbing" means and includes:

- **Apprentice**. "Apprentice" means a person other than a master or journeyman plumber, registered as such with state division of health in compliance with the rules and regulations governing apprentices.
- **House Sanitary Drain.** "House Sanitary Drain" means all underground piping inside the building and to a point three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
- **House Sanitary Sewer.** "House Sanitary Sewer" means that part of the sanitary drainage system extending from the sewer service lateral or other disposal terminal to within three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
- **House Storm Drain.**, "House Storm Drain" means all underground piping inside the building and to a point three feet to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
- **House Storm Sewer.** "House Storm Sewer" means all underground piping designed to convey the discharge of the house storm drain, surface drains, yard drains, cistern overflows and all other clear water drains to the storm sewer service lateral at the curb or other disposal terminal.
- **Plumbers**. "Plumbers" means master and journeyman plumbers licensed by the state division of health.
- **Plumbing**. "Plumbing" means:
  - All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage system within a building and to a point from three to five feet outside of the building.
  - The construction and connection of any drain or waste pipe carrying domestic sewage from a point three to five feet outside the foundation walls of any building and the connection to any sewer service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe except minor repairs to faucets, valves, pipes, appliances and the removal of stoppages.
  - The water service piping from the building to the curb box at the street curb, alley or other terminal, and the connection of domestic hot water storage tanks, water softeners and water heaters with the water supply system
  - Water supply piping and plumbing appliances including water pressure systems other than the City system and water mains and appurtenances in connection therewith.
  - The construction of all stormwater drains from a point within three to five feet outside of the foundation wall of any building to the storm sewer at the curb or other disposal terminal. The construction and connection of all piping and appurtenances in connection with the stormwater drains within a building and to a point three to five feet outside the building.
- **Sewer Service Lateral.** "Sewer Service Lateral" means that part of the drainage system extending from the curb to the connection with the main sewer.
- **Storm Sewer Service Lateral.** "Storm Sewer Service Lateral" means that part of the stormwater drainage system extending from the curb to the main in the street.

1. All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.
2. The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal

~~within the bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.~~

~~3. The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within the bounds of or beneath an area subject to easement for highway purposes and its connections.~~

~~4. The water pressure systems other than municipal systems as provided in Ch. 281, Wis. Stats.~~

~~5. A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly service, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.~~

15.01.32~~3~~4 Plumbing Permits

A. **Required.** No person shall engage in any plumbing work in any building, make any connection with any building, sewer or drains, or do any other plumbing work required by this ~~c~~Chapter or any state administrative code without first making application and paying the requisite fee for a plumbing permit under this section. The ~~plumbing inspector~~Inspection Department may require plans and specifications prior to approval of any permit. The permit may be issued by a designee of the ~~plumbing inspector~~Inspection Department. ~~The fee for such permit shall be as provided in this section. No work contemplated by this Chapter shall be started until a permit therefor has been obtained from the Department of Inspection, provided no permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.~~

B. **Application and Fee.** The application shall be in writing upon forms which the ~~Department of Inspection~~ Inspection Department shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the ~~Department of Inspection~~ Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this ~~Article~~Chapter. At the time the application for a plumbing permit is filed, the applicant shall pay such fees for such services as are required under the City of Onalaska Fee Schedule. Such fees include late fees, inspection fees, professional services fees and fees for expedited process.

C. **Issuance, Term, Suspension and Revocation.** When the ~~Department of Inspection~~ Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this ~~Article~~ Chapter and after the appropriate fees have been paid, the ~~Department of Inspection~~ Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for same as may be approved by the ~~Department of Inspection~~ Inspection Department and shall automatically expire on completion of the work for which it is used, provided the ~~Department of Inspection~~ Inspection Department may, upon notice, suspend or revoke such permit for violation of the provisions of this ~~Article~~Chapter.

~~D.~~ **Restrictions on Issuance.** No permit will be issued to anyone not licensed ~~and bonded~~, where applicable, or who has failed to renew such license ~~and bond~~ or had failed to comply with the provisions of this ~~c~~Chapter.

~~E.~~ No plumbing permit shall be issued to any person who is in violation of this ~~Article~~ Chapter until such violation has been corrected.

~~F.~~ No plumbing permit shall be issued to any person against whom an order issued by the ~~Department of Inspection~~ Inspection Department is pending, provided this restriction may be waived by the ~~Department of~~ Inspection Department.

~~G. **Notification for Inspection.** The plumber or owner/occupant to whom the permit has been issued, or his/her agent, shall notify the Department of Inspection~~ Inspection Department ~~in the manner prescribed by the Department of Inspection~~ Inspection Department ~~when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. Unless otherwise~~

~~permitted by the Department of Inspection, all plumbing work shall be left uncovered until inspected and approved. The person making the request for inspection shall make such arrangements as will enable the Inspector to reach all parts of the building and shall provide the equipment and labor for making tests of the system.~~

~~H.~~D. ~~Final Inspection. The plumber or owner/occupant to whom the permit has been issued, or his/her agent shall notify the Department of Inspection Inspection Department when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangement for entry into all parts of the building where the inspection is to be performed.~~

~~**Right to Entry.** The Inspector shall have the right to enter onto public or private property during reasonable hours to inspect plumbing work. Where entry is refused, the Inspector may seek an inspection warrant as provided in §66.0119, Wis. Stats. as may be amended.~~

15.01.33~~45~~ Plumbers to be Licensed

A. No person shall carry on the business of plumbing or do any plumbing work until ~~he/she~~ they shall have first obtained the proper license to do so from the state. An unlicensed person may remove stoppages in drain pipes or repair valves or faucets. ~~No person shall install plumbing unless at all times a licensed Wisconsin master plumber is in charge, who~~which ~~shall be responsible for the proper installation.~~

15.01.34~~6~~ ~~Plumbing Permit Fees~~Plumbing Inspections

A. **Inspector.**

1. **Qualification.** The City employs Building Inspectors I, II, III and Lead Building Inspector to perform plumbing inspections. Those Building Inspectors in the Inspection Department -with the appropriate certifications and licenses for UDC and Commercial Plumbing shall perform inspections under this ~~d~~Division.
2. **Duties and Authority.** Those City inspectors certified to perform plumbing inspections shall have control of the supervision and inspection of plumbing and drainage work within or in connection with all buildings within the city. ~~He or she~~They shall make or cause to be made all inspections of house sewers from the main sewer or other disposal terminal to the buildings, and shall faithfully enforce all laws, ordinances and rules in relation thereto. It shall be the duty of the ~~plumbing inspector~~Inspection Department to see that the construction, reconstruction and alteration of all plumbing, drainage and plumbing ventilation hereafter installed in all of the buildings in the ~~c~~City shall conform with the laws and ordinances of the state and the rules and regulations laid down by the state department of commerce and the city and that the work is done by licensed plumbers as provided by law and this chapter, and to make all inspections required thereby and in the manner therein set forth. The ~~plumbing inspector~~Inspection Department shall have the right to enter any building during reasonable hours in the discharge of ~~his or her~~their duties. The ~~plumbing inspector~~Inspection Department is empowered to exercise in the best interests of the general public such supervision over all plumbing and drainage installations as may be necessary to adequately enforce and administer the provisions of this ~~c~~Chapter and state law and code to make plumbing safe and sanitary and to promote public welfare in all classes of buildings, private and public.

B. **Inspections.** Inspections shall be made as provided for in the State Code and this ~~c~~Chapter and shall include:

1. Inspection of the entire house sewer, and drain from the main sewer or other disposal terminal to the building, including connections at point of discharge, and the water service from curb box into building.
2. The house drain within the building and its branches, under test as prescribed, which inspection shall be made before any part of the drain has been covered.
3. The soil, waste and vent pipe known as roughing in, shall be inspected under test before it is enclosed or covered.
4. Final inspection of the plumbing installation after fixtures, appurtenances and appliances have been tested and completed, and the installation is ready for use. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for such test purposes.

~~A.~~C. **Notification for Inspection.** The plumber or owner/occupant to whom the permit has been issued, or ~~his/her~~their agent, shall notify the ~~Department of Inspection~~ Inspection Department in the manner

prescribed by the ~~Department of Inspection~~ Inspection Department when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. ~~Unless otherwise permitted by the Department of Inspection, all plumbing work shall be left uncovered until inspected and approved.~~ The person making the request for inspection shall make such arrangements as will enable the ~~Inspector~~Inspection Department to reach all parts of the building and shall provide the equipment and labor for making tests of the system. ~~Unless especially permitted by the Department of Inspection, all work, either plumbing, water supply piping, house sewers or drainage shall be left uncovered until examined and approved by him or her.~~

~~B.~~D. **Final Inspection.** The plumber or owner/occupant to whom the permit has been issued, or ~~his/her~~their agent shall notify the ~~Department of Inspection~~ Inspection Department when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangement for entry into all parts of the building where the inspection is to be performed. When practical, the final inspection shall b-e made with the water supply serving such plumbing system turned on for such test purposes. The Inspection Department shall furnish the owner or the plumber to whom the permit was issued with a certificate of such inspection indicating whether the installation has been approved or disapproved and giving the reasons therefore in writing.

~~C.~~E. **Right to Entry.** The ~~Inspector~~ Inspection Department shall have the right to enter onto public or private property during reasonable hours to inspect plumbing work. Where entry is refused, the ~~Inspector~~Inspection Department may seek an inspection warrant as provided in ~~§~~Sec. 66.0119, Wis. Stats. as may be amended.

~~A. The schedule of permit fees to be paid shall be set forth in the City of Onalaska Inspection Office and shall be set forth on the City of Onalaska Fee Schedule, and such fees shall be paid at the time the permit is issued:~~

~~1. **Scope**. The fees provided for in this Chapter include all plumbing fixtures, appliances, devices or traps to be installed or openings roughed-in for future installation, which will be, or are, connected to the water supply or drainage system, directly or indirectly, or both. This includes garbage disposal units, domestic water heaters, water softeners, roof drains and devices connected to the building storm drains, along with fees for the inspection of changes or alterations in building drains, stacks, vents and plumbing work where no fixtures are installed.~~

~~2. **Plumbing Permit Fees**. Permit fees shall be based upon the physical value of the work to be done (including time and materials) as determined by the Department of Inspection on the basis of current costs as set forth in the City of Onalaska Fee Schedule, fees are charged for the following items:~~

~~a. **Installation Fee**: This fee is to be applicable for installation and inspection for connections to the main or end of the lateral at the curb to the buildings, as well as for septic tank and dry well installations, also for each tap and water service pipe connected to the City water main, including fire protection services.~~

~~b. **Underground Sprinklers**.~~

~~c. **Sewer Connection**.~~

~~d. **Sewer Relay**.~~

~~e. **Water Connection**.~~

~~f. **Water Relay**.~~

~~g. **Well Permits**.~~

~~h. **Lift Station Fees in Certain Areas**. In addition to the foregoing, there shall be a connection charge per service connection.~~

~~i. **Re-inspection Fee**. For re-inspection of incomplete conditions at the time of the initial inspection request.~~

~~3. **Double Fees**. The above permit fees shall be doubled when construction is commenced before a permit is issued.~~

15.01.35~~6~~~~7~~ Installation of Check Valves on All New Plumbing

A. Notwithstanding any other provisions of this Chapter, all residential units/homes within the City of Onalaska, within a secondary water pressure zone, shall have installed a check valve and a pressure-reducing valve. Said check valve is to be located on the home side of the water meter and said pressure reducing valve shall be installed on the street side of the water meter.

15.01.36~~78~~ ~~Orders to Correct Plumbing Violations~~Plumbing Records and Reports

A. The Inspection Department shall prepare suitable records and applications for the permits required and keep an updated record of all inspections.

15.01.37 Discharge of Clear Waters

A. **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

B. **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of property.

C. **Groundwater.**

1. Where deemed necessary by the Inspection Department, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
2. Roof water shall be directed to the street storm sewer or between buildings.

D. **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

E. **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

F. **Conducting Tests.** If the Inspection Department or their designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, they may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Division 4 Heating, Ventilating and Air Conditioning Code

Division 4 ~~Time for Compliance. The Inspector shall issue orders requiring that plumbing code violations be corrected within a specified time. The compliance time shall not be more than thirty (30) days, depending upon the nature of the violation and the hazard involved.~~

~~Duration of Order. A written order to correct plumbing code violations must be complied with as stated in the written order, the order itself shall remain active for twenty-four (24) months from date of issuance, meaning that any subsequent violations during the twenty-four (24) month period may result in an immediate issuance of a municipal citation. A continued failure to correct a violation identified in an order may result in the issuance of a municipal citation to the person to whom the order was issued.~~

~~Content of Orders. Whenever the Inspector determines that there are reasonable grounds to believe that a violation of any provision of this chapter exists, he or she shall order the person responsible to correct the violation. The order shall be in writing and shall:~~

~~Include a description of the real estate sufficient for identification;~~

~~Specify the violation which exists and the remedial action required;~~

~~Allow a reasonable time for the performance of any act it requires;~~

~~Include the following disclaimer: "The findings of this inspection report are intended to identify code violations that are readily apparent at the time of inspection. The inspection did not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."~~

~~Service of Orders. Orders to correct plumbing violations shall be served upon the Permit Holder with a copy to the owner of record by first class mail at the address listed with the City Assessor's office or by delivering the order to the owner personally. When the owner of record does not have an address listed, the order may be served:~~

~~By delivering the order to the owner personally; or~~

~~By first class mail addressed to the owner at the last known address as shown on the most recent property tax bill for the property affected by the order; or~~

~~By posting the order in a conspicuous place on the exterior of the structure affected by the order.~~

~~If an order is served by first class mail, the person serving the order shall execute an affidavit which should include the following:~~

~~**The date upon which the order was mailed.**~~

~~**An allegation that the envelope was postpaid.**~~

~~**The name of the person to whom the envelope was addressed.**~~

~~**The address on the envelope.**~~

~~**That the order was enclosed within the envelope.**~~

~~**Notice to Purchasers. An owner shall notify a purchaser, in writing, that an order has been issued concerning a violation of this Article, whenever the condition of the property giving rise to the order has not been corrected. Any owner who fails to give written notice to a purchaser, prior to acceptance of a written offer to purchase, of any order concerning this property shall be subject to a forfeiture as provided below. No owner may accept an offer to purchase which was made prior to the disclosure required by this subsection, unless the purchaser acknowledges receipt of a notice of outstanding orders and a willingness to proceed despite such knowledge.**~~

~~**Extension of Time to Comply with Orders. The owner/Permit Holder or other responsible person may, prior to the expiration of the compliance time specified in the order, request an extension of the compliance time. When the owner or other responsible person demonstrates that they are making a diligent effort to comply with the order, the Inspector may extend the time for compliance for not more than thirty (30) days.**~~

~~**Heating, Ventilating and Air Conditioning Code**~~

15.01.41 Purpose and Scope of Heating, Ventilating and Air Conditioning Code

A. The purpose of this Heating, Ventilating and Air Conditioning Code is to provide minimum regulations, provisions and requirements in the City of Onalaska to insure safety and adequacy to persons and property wherever heating, ventilating and air conditioning is installed and to all alterations or improvements, including replacement of any apparatus or device, pertaining to heating, ventilating and air conditioning.

B. The provisions of this ~~Article~~ Chapter shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

~~C. This Article shall be known as the "Heating, Ventilating and Air Conditioning Code of the City of Onalaska," and will be referred to as this "Code" or "this Article."~~

15.01.42 State Regulations Adopted

A. **Adopted by Reference**. Ch. ~~ILHR~~ SPS 323, Wis. Adm. Code; Ch. ~~ILHR~~ SPS 364~~,~~ Wis. Adm. Code; NFPA 54; and ANSI Z~~2~~223.1 are adopted and by reference made a part of this Chapter with the same force and effect as though set out in full.

~~B. **To Be on File**. A copy of the Heating, Ventilating and Air Conditioning Code shall be on file in the Inspection offices of the DDepartment of Inspection.~~

~~**15.01.43 Heating, Ventilating and Air Conditioning (HVAC) Definitions**~~

~~A. **Heating System**. Any combination of building construction, machines, devices or equipment, so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.~~

B. **Ventilating**. The process of supplying or removing air by natural or mechanical means, to or from any space.

C. **Furnace**. A completely self-contained direct-fired automatically controlled, vented appliance for heating air by transfer of heat of combustion through metal to air and designed to supply heated air through ducts to spaces remote from the appliance location.

D. **Air Conditioning**. The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirements of the conditioned space.

15.01.434 Heating, Ventilating and Air Conditioning (HVAC) Inspections

A. In any new building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the Department of Inspection Inspection Department that said portions of the installations are ready for inspection; and it shall be unlawful for any person, firm or corporation to lath over, plaster or cover up any heating work before such work has been inspected and a rough inspection card posted. The Department of Inspection Inspection Department shall have the right and authority to order the removal of all such lath, plaster or other covering which may have been placed over such work as has not been inspected. The Department of Inspection Inspection Department shall make inspections within two (2) working days after notice. Final inspection on new installations is to be made upon completion of such work. Inspection of repairs, replacement or conversion work is to be made upon completion of such work. The heating contractor shall notify the Department of Inspection Inspection Department as soon as the installation is complete and ready for inspection.

B. Wherever any work or project governed by provisions of the HVAC Code and for which a permit has been issued, as provided herein, is being performed or carried on in violation of any of the provisions of said Code, it shall be the duty of the Department of Inspection Inspection Department to post a printed notice to "sStop wWork" signed by the Department of Inspection Inspection Department on the premises where such work is in progress and to notify anyone in charge of such work on the premises of such stop work order. After the posting of such notice, it shall be unlawful for any person, firm or corporation to do any further work on such project until such time as the defects or violations of the HVAC Code have been eliminated to the approval of the Inspection Department of Inspection.

C. When the Department of Inspection Inspection Department finds any installation in which there are violations of the Code, it shall issue a written order specifying the violation and stating the date by which these corrections shall be made. Any licensee failing or neglecting to comply with written orders at the discretion of the Department of Inspection Inspection Department shall not be issued any further permits until such violations have been corrected and penalty fee paid. Failure or neglect to comply with the provisions of the HVAC Code and of the permit issued under this Code shall be considered a violation of this ArticleChapter.

15.01.45 Minimum Requirements for the Installation of Gas-Fired Heating Equipment and Piping

A. In addition to the standard referred to in Section 15-1-51 hereof, which shall be classed as minimum standards of this Article, the installation of gas heating equipment shall conform to the requirements set forth in the following Subsections of this Section:

1. **Scope**.

a. **Applicability**. The provisions of this Article, unless otherwise indicated herein, shall apply only to utilization pressure [not in excess of one-half (1/2) pound per square inch] gas pumping systems extending from the gas meter outlet connection to the inlet connections of appliances. They are intended to cover the design fabrication, installation and test of gas piping systems for fuel gases such as natural gas, liquified petroleum gas, liquified petroleum air, gas or mixtures thereof. They are not intended to cover systems or portions of systems supplying equipment engineering, designed and installed for specific manufacturing, production processing, large power generating application, melting and treating furnaces, production ovens and similar applications.

b. **Exception**. Gas piping and control equipment requirements for systems using gas pressures in excess of one-half (1/2) pound per square inch:

i. Generally, the valving arrangement shall conform to the American Standards Association (ASA-Z 21.33 - 1950). The Department of Inspection will recognize as approved valving, arrangements and designs approved by any other nationally recognized approved agency.

ii. A safety relief valve shall be placed downstream from a gas pressure regulator where gas is supplied at pressures in excess of one-half (1/2) pound per square inch. The discharge from the relief valve shall be piped to a safe location outside the building. [Valve setting not to exceed four (4) pounds.]

iii. Provide a suitable pressure gauge in the gas line located downstream from the pressure regulator.

iv. Where a gas supply pressure is higher than that at which the burners are designed to operate, a gas pressure regulator shall be provided to reduce pressure to satisfy design conditions.

v. Where the gas supply pressure is in excess of one-half (1/2) pound per square inch, the piping system shall be identified indicating the maximum line pressure. It is recommended that the legend "Gas_____PSI "(pressure per square inch to be inserted in the blank) be applied on gas piping near and downstream from pressure regulator at intervals of fifty (50) feet in every room or area which is less than fifty (50) feet.

vi. Submit two (2) copies of drawings (schematic is acceptable) and specifications to the Department of Inspection for review and approval.

B. **Work on Gas Piping Containing Unmeasured Gas**. Disconnecting inlet of gas meter, changing meter location or making connection to gas service pipe shall be done only by gas shall connect or disconnect the building piping from outlet meter connections when necessary. No person, unless in the employ of the gas company or having permission from the gas company, shall turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. It shall further be unlawful to turn on or supply gas on or at any premises unless at least one (1) gas appliance is connected to the gas piping system and all outlets are properly and securely connected to appliances or capped or plugged with screw joint fittings.

C. **Authority to Disconnect**. The Department of Inspection or the gas utility is hereby authorized to disconnect or have disconnected any gas space heating equipment or gas piping which shall be found not to conform to the requirements of this Code or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such equipment or gas piping which shall state that the same has been disconnected, together with a reason therefor, and such notice shall not be removed nor shall the equipment or gas piping be reconnected until authorized by the Department of Inspection to do so. Cost of such disconnect by the Inspector shall be paid for by the owner of the premises.

D. **General Precautions**.

1. **Installation of Gas Piping**. Installation of gas piping shall be performed with the gas turned off to eliminate hazards from leakage of gas. Connection of the new piping system to the existing system shall be done, if practical, with the gas turned off.
2. **Burner and Pilot Valves**. Before turning off the gas at the meter, except in cases of emergency, all burner and pilot valves on the premises supplied with gas through the meter shall be turned off and the meter test hand observed for a sufficient length of time to ascertain that there is not gas passing through the meter. When there is more than one (1) meter on the premises, precaution shall be exercised to assure that the proper meter is turned off.
3. **Checking for Gas Leakage**. No matches, candles, flame or other source of ignition shall be employed to check for gas leakage from meters, piping or appliances. Check for gas leakage with a soap and water solution.
4. **Artificial Illumination**. Artificial illumination used in connection with a search for gas leakage shall be restricted to electric hand flashlights, fixed electric lights controlled only by explosion-proof safety switches or switches remote from the area of the leakage or approved safety lamps.
5. **Smoking Not Permitted**. When connecting or disconnecting pipe which contains gas, smoking shall not be permitted.
6. **Electric Circuits Grounded to Gas Piping**. Except for appliance controls requiring a ground electrical system, including low voltage, circuits shall not be grounded to gas piping.

E. **Piping to Meter Location**.

1. **Piping Extended to Meter Location**. Gas building piping shall be extended to the meter location specified by the gas company. The meter location and gas piping connection shall be such that the meter connections are easily accessible in order that the meter may be read or changed.
2. **Piping Marked**. Piping from multiple meter installations [four (4) or more meters] shall be plainly marked near outlet connection with a permanent tag by the installer so that the piping systems supplied through them can be readily identified.
3. **Meters Supplied by Single Service Pipe**. Unless otherwise approved in writing by the gas company, all meters supplied by a single service pipe shall be at the same location.
4. **Piping Systems Not Interconnected**. Unless otherwise approved, where two (2) or more meters are installed on the same premises but supply separate consumers, the piping systems shall not be interconnected on the outlet side of the meters.
5. **Pipe Capacity Table 1**.

CAPACITY CUBIC FEET PER HOUR WITH A 67 S.P. 970 BTU SP. GR. GAS AND PRESSURE DROP OF 0.3 INCH WATER COLUMN

Length of Pipe in Feet	Nominal Diameter of Pipe in Inches						
	3/4	1	1 1/4	1 1/2	2	3	4
15	158	319	694	1130	2300	6000	12900
30	111	223	495	790	1640	4350	9000
45	92	184	403	650	1360	3600	7300
60	80	160	352	565	1200	3200	6300
75	71	144	317	500	1040	2775	5550
90	65	131	287	455	925	2500	5100
105	60	123	264	415	850	2250	4700
120		111	250	390	795	2125	4450
150		101	224	350	720	1925	4050
180		93	208	325	670	1800	3700
210			190	295	610	1650	3400
240			176	280	570	1550	3200
270			165	265	535	1450	3000
300			158	250	500	1375	2750
450			130	210	415	1150	2300
600			110	180	360	950	1975

F. **Size of Piping to Gas Appliances**.

1. **Sufficient Size**. Piping shall be of such size and so installed as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure between the meter and the appliance or appliances. The minimum gas pipe shall be not less than three-fourths (3/4) inch. This does not apply to water heaters, space heaters and unit heaters with inputs of less than fifty thousand (50,000) input. The size of the gas pipe to be used depends upon the following factors.
   a. Allowable loss in pressure to be provided for.
   b. Maximum gas consumption to be provided for.
   c. Length of pipe and number of fittings.
   d. Specific gravity of the gas.
   e. Diversity factor.
2. **Pressure Loss**. The pressure loss in any gas piping system from the gas meter to any appliance for the maximum demand shall not exceed three-tenths (0.3) inch water column. The minimum size of piping required to comply with the three-tenths (0.3) inch pressure loss limitation shall be determined by the procedure given in Subsection (3) below or by standard engineering methods, including use of gas flow computers.
3. **Size of Piping**. To determine the size of any section of gas pipe in a system, proceed as follows:

a. Measure the length of pipe from the gas meter to the most remote outlet of the building on that piping system. Where separate or individual fuel lines are extended from the meter to one (1) or more appliances, such as an individual gas line to heating plant, each separate fuel line from the meter shall be considered as a separate piping system.

b. In Table No. 1, select the horizontal line showing the distance or the next longer distance if the table does not give the exact length.

c. Use this horizontal line so selected to locate all gas demand figures for this particular system of gas piping.

d. Starting at the most remote outlet, find in the horizontal line just selected the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure in the same horizontal line.

e. Above this demand figure in the first line at the top of Table No. 1 will be found the correct size of pipe required to serve such an outlet.

f. Proceed in a similar manner for each outlet and each section of pipe. For each section of pipe, determine the total gas demand supplied by that section and use the length indicated by Subsection (e)(5) above, which length is at all times taken as the total distance from the meter to the most remote outlet.

g. The hourly volume of gas required at each outlet shall be taken as not less than the maximum hourly rating specified by the manufacturer of the appliance or appliances to be connected to each such outlet. Where the manufacturer's rating of an appliance is given in British Thermal Units (BTU) per hour, this rating shall be divided by nine hundred seventy (970) to obtain the corresponding gas demand in cubic feet per hour for natural gas. Where BTU rating of gas appliances to be installed has not been definitely specified, estimate of approximate requirements may be based on current typical appliances.

4. **Extensions to Existing Piping**. Extensions to existing piping shall conform to Subsection (f)(1). Existing piping, if extended, shall be converted to the proper size of pipe where necessary. In no case shall extensions be made to existing pipe which is smaller than permitted by Subsection (f)(1).

G. **Materials for Pipe and Fittings**.

1. **Rigid Pipe and Fittings**.

a. Gas pipe shall be black wrought iron or steel pipe complying with the American Standard for Wrought Iron and Wrought Steel Pipe A.S.A. B36 D-1939. All pipe fittings (except shut-off cocks or valves) shall be malleable iron or steel when used with wrought iron or steel pipe. In sizes three (3) inches or larger, all piping must be welded. (See Subsection b below.) Exception: Plastic pipe may be used outside of a building only and when it is buried at a minimum depth of twelve (12) inches and when it is used in the sizes of three-eighths (3/8) inch outside diameter for gas lights and five-eighths (5/8) inch outside diameter for gas grills. The plastic pipe must be an approved type. Alternate materials and methods of installation may be approved by the City of Onalaska Inspection Department upon submission of plans, materials and inspection schedule prior to commencing the installation. Any alternate installation must conform to the National Fuel Gas Code, NFPA 54 1988, and ANSI Z 223.1 1988.

b. The use of welded steel fittings, either shop or field fabricated, and jointing of pipe by welding is permissible.

c. Plain end pipe with gland type couplings shall not be used within or under any building or structure but may be used for exterior or underground installations.

d. Ground joint unions or gasket type unions with leather gaskets shall be used in gas building piping.

e. Copper or brass pipe in iron pipe sized when assembled with threaded fittings of the same material may be used. Copper tubing with seat, flared or compression fittings shall not be used for building piping.

f. Aluminum piping in iron pipe sizes may be used provided that no aluminum pipe may be used for underground installations, nor in contact with masonry or concealed in walls or partitions constructed of masonry materials, nor exposed to alkaline chemicals, fumes or materials. Aluminum pipe shall not be extended through walls or ceilings.

2. **Semi Rigid Tubings and Flexible Metal Connectors**. Copper or aluminum semi-rigid tubing, flexible metal connectors and fittings may be used in place of rigid pipe for connection of individual appliances, other than gas space heating equipment and gas water heaters, to building piping. Flexible metal connections or fittings shall bear the seal or listing symbol of a nationally recognized testing agency acceptable to the Department of Inspection or be fabricated and assembled from material using a flared type connection. The length of tubing shall not exceed six (6) feet.

H. **Concealed Pipe**.

1. Pressure. The requirements of this Section shall apply to concealed gas piping utilizing gas pressures up to and including four (4) pounds per square inch. Concealed or embedded pipe or tubing shall be tested before being covered to a hydrostatic or compressed air pressure of not less than fifty (50) pounds gauge for a period of not less than ten (10) minutes.
2. **Minimum Size**. No pipe smaller than three-fourths (3/4) inch pipe size shall be used in any concealed location.
3. **Gas Piping Embedded in Concrete**.
   a. When gas pipe is to be embedded in concrete or cement, it shall be coated with a corrosion-resisting material or laid in a conduit of iron pipe or glazed tile with tightly sealed joints. Tile joints shall be packed with jute or hemp at the base and remaining joint space filled with cement mortar or hot pour compound suitable for clay pipe. The coating or conduit shall be extended at least two (2) inches beyond the point where the pipe emerges from its concrete embedment. Where the encasing conduit terminates underground, it shall be tightly sealed around the gas pipe with bituminous or asphaltic material to prevent the entrance of moisture. Where pipe is to be embedded directly in a concrete floor, necessary precautions shall be observed to prevent the pipe from being damaged prior to and during the pouring of the concrete floor. The piping shall be installed and supported above the underlying fill so that there will be a minimum thickness of three-fourths (3/4) inch of concrete both under and over the pipe in the finished installation. Gas pipe shall not be embedded in a cinder fill or in a cinder concrete fill unless the pipe is laid in glazed tile pipe with tightly sealed joints as specified above.
   b. Gas pipe in solid floors, such as concrete, may be laid in channels in the floor suitably covered to permit access to pipe with minimum damage to the building. The channel may be covered with a removable cover or the channel may be filled with some non-corrosive material.
   c. No gas line shall be buried in or contact with the ground or fill under any building or structure unless suitably encased in a conduit installed as prescribed above for embedment in concrete.
4. **Piping in Partitions**. Where concealed piping is located in hollow rather than solid partitions, the space concealing the pipe shall be ventilated to permit the escape of gas should leakage develop. Ventilation may be provided by small grills in the wall or by making the opening through which the pipe leaves the concealed space at least one-half (1/2) inch larger than the outside diameter of pipe.
5. **Connections in Original Installation**. When installing pipe which will be concealed, unions, running threads, right- and left-hand couplings, bushings and swing joints made by combination of more than two (2) fittings (not including nipples) shall not be used.
6. **Reconnections**. When necessary to insert fittings in piping which has been installed in a concealed location, the piping may be reconnected by the use of a ground joint union with the nut "center punched" to prevent loosening by vibration.

I. **Underground Gas Piping**.

1. **Corrosion Resistive Material**. All wrought iron or steel gas piping installed below ground level outside of any building or structure shall be protected against corrosion with a coating or corrosion-resisting material recommended by the manufacturer for underground use and applied in accordance with manufacturer's printed instructions.
2. **Minimum Depth**. Underground piping located exterior to any building or structure shall be installed at a depth to provide a minimum cover of eighteen (18) inches. Exception: The depth of burial of plastic gas pipe for gas lights three-eighths (3/8) inch outside diameter and grills five-eighths (5/8) inch outside diameter shall be not less than twelve (12) inches. Where plastic gas piping passes within twelve (12) inches of any underground electrical piping, it shall be run in a split tile or an approved asbestos product. Where it crosses underground electrical piping, it must be run in split tile or an approved cement asbestos product for a distance of two (2) feet on each side of the electrical piping.

3. **Separate Ditch**. Gas house piping shall not be installed in the same ditch with water, sewer, drainage or other piping.
4. **Dielectric Insulation Fittings**. When any portion of iron or steel pipe in gas house piping is buried or in contact with the ground and is to be connected directly, such as through a water heater or other appliance having water connections, to any copper piping or tubing that is at some point in contact with the ground, the copper and iron piping shall be separated electrically by means of dielectric insulation fittings installed in the gas line.
5. **Iron and Copper Piping**. Iron gas pipe buried or in contact with the ground shall be placed a minimum of two (2) feet from all copper piping or tubing that is buried or in contact with the ground. Where iron and copper cross underground and it is impractical to maintain this spacing, the iron pipe shall have a one-thirty-second (1/32) inch coating of corrosion-resisting material suitable for underground use and applied in accordance with manufacturer's printed instructions for a distance of two (2) feet from the point of crossing.

J. **Sleeve on Building Piping Through Masonry Wall**. Where gas pipe passes through a wall below grade, the joint between the pipe and the wall shall be caulked or cemented so as to form as tight a seal as is possible. If the pipe is encased in a sleeve or conduit, both ends of the sleeve or conduit shall be tightly sealed.

K. **Installation of Gas Piping**.
1. **Drip Pipes**. Where practical, all gas piping shall be installed so that it will drain toward the meter. Horizontal piping shall be so graded approximately one-fourth (1/4) inch to fifteen (15) feet. Where it is necessary to trap the gas line, the drip pipe shall be attached to trapped piping at every point where condensation might collect. The drop pipe shall not be smaller than the diameter of pipe to which it is attached and shall be at least six (6) inches long. The end of drop pipe shall be capped and shall be accessible for draining.
2. **Supporting Pipe**. Gas piping shall be securely fastened and supported with pipe straps or hangers at sufficient intervals to prevent pipe from sagging more than one-fourth (1/4) inch between supports. Gas pipe shall not be supported by or from other piping.
3. **Fittings**. A tee fitting with the bottom outlet plugged or capped instead of an ell fitting shall be used at the bottom of any riser to catch any dirt or other foreign materials.
4. **Avoid Clothes Chutes, Etc**. Gas pipe inside any building shall not be run in through spaces used for air duct, clothes chutes, chimney or flue, ventilating duct, dumbwaiter or elevator shaft.
5. **Cap All Outlets**. Each outlet, including a valve or cock outlet, shall be securely closed gas-tight with a threaded iron plug or cap if not used immediately after installation and shall be left closed until an appliance is connected thereto. Likewise, when an appliance is removed from an outlet and the outlet is not to be used again immediately, it shall be securely closed gas-tight, using a threaded iron plug or cap.
6. **Air or Oxygen Under Pressure**. Where air or oxygen under pressure is used in connection with the gas supply, effective means shall be provided to prevent air or oxygen from passing back into gas piping. Where air or oxygen supply is interconnected with the gas piping system, a device used to prevent gas from passing the meter shall be approved by the Building Inspector.

L. **Gas Shut-Off Valves**.
1. **Accessibility of Gas Valves**.
   a. Main gas shut-off cocks or gate valves controlling several piping systems shall be placed an adequate distance from each other so they will be easily accessible for operation. These valves shall be plainly marked with a metal tag wired to the valve by the installer so that the piping systems supplied through them can be readily identified.
   b. The main gas shut-off valves on all gas space heating equipment shall be placed as close as possible to the equipment but shall be located between four (4) feet and six (6) feet above floor level. No main gas shut-off valves shall be concealed in the space-heating cabinet. Exception: On suspended units, rooftop units, space heaters and through-wall units, the gas valve shall be easily accessible and placed within three (3) feet of the unit.
   c. All gas-fired appliances shall be equipped with a main shut-off valve located between the appliance and the building piping. The shut-off valve for heating plants and water heaters shall be of the lever type.

2. **Location of Shut-Off on Piping for Apartments on Master Meter.**
   a. In multiple-tenant buildings supplied through a master meter, a shut-off cock shall be installed in the apartment, to be supplied at each of the appliances. If one (1) riser or fuel line supplies all the gas to any one (1) apartment, only one (1) shut-off cock need be installed in this riser or fuel line, but it shall be located so as to be readily accessible.
   b. In the event that shut-off cocks are to be installed on the risers or fuel lines in the basement, instead of in the piping at the appliance where the master meter is used, each riser or fuel line shall be tagged with a wired-on metal.

15.01.46 Wood and Solid Fuel Burning Equipment

A. **Scope**. The HVAC Code regulates all heating units, stoves, furnaces, boilers, freestanding or used in tandem with other heating systems that use wood, coal or other solids as fuel.

B. **Inspection Required**. No person shall operate or permit the operation of any heating equipment until inspected and approved by the Department of Inspection.

C. **Installation Clearances to Combustibles.**
   1. **Unlisted Radiant-Type Space Heaters.**
      a. Top thirty-six (36) inches.
      b. Back thirty-six (36) inches.
      c. Side thirty-six (36) inches.
      d. Front thirty-six (36) inches.
      e. Install only on noncombustible or protected floor.
   2. **Unlisted Circulating-Type Heaters.**
      a. Top thirty-six (36) inches.
      b. Back twelve (12) inches.
      c. Side twelve (12) inches.
      d. Front twenty-four (24) inches.
      e. Install only on noncombustible or protected floor.
   3. **Furnaces Central and Add-on Types; Boilers Central and Add-on Types.**
      a. Top eighteen (18) inches.
      b. Back eighteen (18) inches.
      c. Side eighteen (18) inches.
      d. Front forty-eight (48) inches.
      e. Install only on noncombustible or protected floor.
   4. **Duel Fuel Furnaces.**
      a. Top eighteen (18) inches.
      b. Back eighteen (18) inches.
      c. Side eighteen (18) inches.
      d. Front forty-eight (48) inches.
      e. Install only on noncombustible or protected floor.
   5. **Ranges - Cooking Stoves.**
      a. Top thirty (30) inches.
      b. Back twenty-four (24) inches.
      c. Firing side twenty-four (24) inches.
      d. Opposite side eighteen (18) inches.
      e. Install only on noncombustible or protected floor.

      NOTE: The above clearances apply unless otherwise shown on listed appliances or approved wall protection is used.

D. **Mounting of Unit.**
   1. On noncombustible floor, unit must be mounted on a firm level base.
   2. On combustible floors, all units without legs shall be mounted on four (4) inch thick hollow concrete or tile blocks covered with twenty-four (24) U.S. gauge sheet metal. Such protection shall extend not

less than eighteen (18) inches around the perimeter of the unit. Equivalent protection will be acceptable.

3. All units that have eighteen (18) inches or more of open space under the base of the unit may be mounted on combustible floors provided the floor is protected by a stove board extending eighteen (18) inches in front, twelve (12) inches to the side and rear.
4. Units with shorter legs may be mounted on combustible floors with approved protection.

NOTE: Above clearances apply unless otherwise shown on listed appliances.

E. **Type and Size of Chimney**. The chimney shall be sized so that the cross-sectional area is not smaller than the cross-section area of the flue collar of the equipment to be connected to it. All masonry chimneys shall be constructed in accordance with the Onalaska Building Code and factory-built all fuel chimneys bearing a listing by a nationally recognized testing laboratory will be considered as approved.

F. **Chimney Connector (Stovepipes and Vents)**.

1. Vent connectors shall not be less than twenty-four (24) gauge steel.
2. Vent connectors shall have an internal cross-sectional area not less than that of the flue collar of the equipment.
3. Vent connectors shall have a rise in the horizontal portion of not less than one-quarter (1/4) inch to the running foot so that the connection at the chimney is higher than the end at the equipment.
4. The smoke pipe shall be well supported and fastened together with screws or rivets.
5. The smoke pipe shall have eighteen (18) inches clearance to combustibles.
6. The smoke pipe shall have a cast iron damper to control the draft, subject to manufacturer's specifications.
7. The smoke pipe shall be connected to the masonry chimney with a metal or burned fire-class thimble that is cemented to the liner with cement designed for that purpose.
8. Smoke pipes that pass through combustible partitions must use a ventilated metal thimble.

G. **Duel Fuel Equipment**. Duel fuel equipment shall be installed as per manufacturer's specifications.

H. **Supplemental Heating Units Connected to Existing Systems**. Supplemental heating unit connection to existing system shall be installed as per manufacturer's specifications.

15.01.44~~7~~ Liability for Damages

A. This Chapter shall not affect the responsibility or liability of any party owning, operating, controlling, or installing any heating, ventilating, and air conditioning equipment for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

15.01.48 Gas Licenses

A. **License Required**. No person shall hereafter engage in the business or install, alter, repair or service gas burners or gas burner equipment as defined herein within the City of Onalaska without first securing from the Board of Gas Examiners a license. The requirements herein shall not be construed to limit the gas utility's right to render necessary service.

B. **Classification of Licenses**.

1. **Class A License**. To work at or engage in the business of installing, repairing or servicing gas burners or gas burner equipment without regard to input capacity of the said burners.
2. **Class B License**. To work at or engage in the business of installing, repairing or servicing gas burners or gas burner equipment whose input capacity is four hundred thousand (400,000) BTU and smaller.
3. **Class C License**. To engage in the work of installing, altering, repairing, or servicing gas burners or gas burner equipment as an employee of a Class A or Class B Licensee.

C. **Requirements for Partnership, Firm or Corporation**. Where a license is desired by a partnership, a firm, or a corporation, at least one (1) responsible officer, member or employee of such firm or corporation shall be required to qualify by examination to qualify such firm or corporation to carry on the business of gas installation. Each such partnership, firm, or corporation shall be required to have an appropriate license as required by this action, and in addition, each and every employee of such partnership, firm, or corporation who engages in the installation of gas burner equipment shall have an appropriate license.

D. **License Fees**. License fees for gas licenses shall be as set forth in the City of Onalaska fee schedule.

E. **Application, Examination, Qualifications**. The Inspection Department shall prescribe the form of applications. In order to obtain a license, each applicant shall pass an exam given by the Inspection Department or must provide satisfactory proof of having previously passed an exam deemed acceptable by the Inspection Department which exam was administered by a jurisdiction which enforces the 1992 Edition of ANSI 2223.1 NFPA 54, and all subsequent amendments or obtains the Department of Safety and Professional Services (DSPS) HVAC Qualifier.

F. **Term and Renewal**. Each license shall expire on December 31st following issuance. Annual renewal licenses shall be issued without examination upon payment of the proper license fee.

15.01.45~~9~~ Bonds and Insurance

A. No Class A or Class B licensepermit shall be issued shall become effective to any person engaging in the business of installing, altering, repairing, or servicing gas burner or gas burner equipment as defined herein within the City of Onalaska without first having on fileuntil the licensee shall have filed with the Inspection DepartmentInspection aDepartment a Surety Bond in the penal sum of Tten Tthousand Ddollars ($10,000.00) operating in favor of the City and conditioned that the City will be saved harmless from any cause or damage by reason of work performed under this Section, or by reason of improper or inadequate performance under this Section, by the holder of any such license. Such bond shall be approved as to form and execution by the City AttorneyCity of Onalaska and as to surety by the Comnptroller. Surety Bond must be filed with the Inspection DepartmentInspection beforeDepartment before any such Class A or Class B licensespermit shall become issuedeffective.

B. Class A and Class B licenseesGas installers shall carry insurance of the kind specified below and in the amounts herein specified as follows:

1. **For Personal Injuries.** Liability insurance in the amount of Ffifty Tthousand Ddollars ($50,000.00) for each person and Oone Hhundred Tthousand Ddollars ($100,000.00) for each accident.
2. **For Property Damage.** Liability insurance in the amount of Ffifty Tthousand Ddollars ($50,000.00).
3. **For Completed Operations Insurance.** Insurance for completed operations with coverage sufficiently broad to cover installation, service and repair of equipment sold by the Licensee HVAC installer and servicing, installation and repair of equipment not sold by the LicenseeGas installer, with coverage for personal injuries to be in the amount of Ffifty Tthousand Ddollars ($50,000.00) for each person, and Oone Hhundred Tthousand Ddollars ($100,000.00) for each accident; and for property damage Ffifty Tthousand Ddollars ($50,000.00) with Oone Hhundred Tthousand Ddollars ($100,000.00) aggregate limit.
4. Copies of such insurance policies, or certificates of insurance indicating such coverage must be filed with the Inspection DepartmentInspection beforeDepartment before any such permit shall be issuedClass A or Class B licenses shall become effective.

15.01.46 Heating, Ventilating and Air Conditioning Permits Required

A. **Permit Required.** No person shall repair or install any furnace/boiler, air conditioner, fireplace or wood burning stove, or commence any other heating, ventilating or air conditioning work in any structure under the scope of this Chapter, or as provided by the Wisconsin Administrative Code provisions adopted under this section, without first obtaining a permit from the Inspection Department.

B. **Application.** The application shall be in writing upon forms which the Inspection Department shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Inspection Department may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Chapter.

C. **Issuance, Term, Suspension and Revocation.** When the Inspection Department is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Chapter and after appropriate fees have been paid, the Inspection Department shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon.

D. **Fees**. The applicant shall, at the time such permit application is filed, shall pay any necessary HVAC permit fee as set forth on the City of Onalaska Fee Schedule approved each year by resolution of the

Common Council. Such fees may include late fees, inspection fees, fees for expedited process and fees for professional services.

E. **Restrictions on Issuance.**

1. No HVAC permit shall be issued to any person who is in violation of this Chapter until such violation has been corrected.
2. No HVAC permit shall be issued to any person, against whom an order issued by the Inspection Department is pending, provided this restriction may be waived by the Inspection Department.

A.F. **Data Required as Part of the Permit Application.** All drawings submitted for approval shall be accompanied by sufficient data and information for the Inspection Department to determine if the capacity of the equipment and the performance of the equipment shall satisfy the requirements of the Chapter.

Division 5 Electrical Code

15.01.51 Application of the Provisions of the Electrical Code

A. **~~General~~Title.** This ~~Article~~ Division shall be known as the "Electrical Code of the City of Onalaska" and will be referred to in this ~~Chapter~~ Division as "this Code" or "Electrical Code~~this Article.~~"

B. **Purpose.** The purpose of this Electrical Code is the practical safeguarding of persons and property from hazards arising from the installation and use of electricity; and to establish rules and fees for the issuance of permits, and the inspection of all electrical and low voltage work covered under the scope of this article.

C. **Scope.** This ~~c~~Code shall apply to the installation, re-construction, alteration, extension and repair of wiring and equipment for heat, light, power, control, voice, data, CATV, fire alarm, security systems and other **low voltage work (one hundred (100) volts or less)**. Materials, fittings, devices, appliances, luminaries, apparatus and the like used as part of or in conjunction with said installations shall be referred to in this Code as "Equipment" or "Electrical Equipment" unless specifically stated otherwise.

D. **Conflict.** No part of this ~~Article~~ Chapter shall be interpreted to prevent the enforcement of other City ordinances or regulations which prescribe standards equal to or more stringent than the standards established by this Article.

15.01.52 State Regulations Adopted

A. **Adopted by Reference.** Chapter 101, Wis. Stats.; SPS 305, 316 and 320, Wis. Adm. Code and NFPA 70 together with all amendments and reinstatements are hereby adopted and by reference made a part of this Chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this Chapter, punishable according to the penalties provided below. References in this Chapter to Wisconsin statutory section or chapter or Wisconsin Administrative Code sections or C~~c~~hapter describing or defining procedures or author for enactment or enforcement shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

~~B. **To be on File.** A copy of the State Electrical Code shall be on file in the offices of the Department of Inspection.~~

15.01.53 State of WI Electrical Licenses~~, Certifications, Definitions and Exceptions~~

A. **~~General~~ State Codes Adopted.** Secs. 101.80-101.88 Wis. Stats. relating to the regulation of electrical wiring and electricians; and Wisconsin Administrative Code Chapters 305, ~~2~~316 and 324 and all future amendments thereto are hereby adopted by reference in their entirety except as to penalties contained therein. A copy of these provisions shall be permanently on file and open to public inspection in the Inspection Department. It is intended that all modifications, amendments, and renumbering of the foregoing provisions as may occur from time to time shall likewise be immediately adopted and fully incorporated into this code by reference. Any act prohibited by any of the foregoing provisions is prohibited by this Electrical Code. In the event any of the provisions of this code, whether incorporated by reference or enumerated hereinafter, are in conflict, it is intended that the more restrictive provisions shall be applied and enforced.

B. **License Required.** No person, firm or corporation shall alter, install, or repair electrical wires and apparatus for the utilization of electric current for light, heat or power in the City of ~~Manitowoc~~Onalaska~~, Wisconsin, except in the usual operation of public or private electric utilities~~, without first having procured

Formatted: Font: Bold

a contractor's license as provided by Sec. 101.862 Wis. Stat. unless an exception identified in Sec. 101.862(4)am-q (5)—(6) Wis. Stat. applies. The City of Onalaska requires that only licensed electrical contractors may perform the aforementioned work in all single and two family dwellings. Any equipment owned or controlled by any customer shall be subject to inspection and shall not be considered as part of regular operations of the utility.

Electrical Contractor Responsibility. Only master electricians may install, repair, or maintain electrical wiring. Subject to the exceptions identified in Sec.(4)—(6) Wis. Stat., those who are not master electricians may only install, repair, or maintain electrical wiring if a master electrician is at all times responsible for the person's work.A licensed An electrical contractor licensed under SPS 305.41 shall utilize the appropriately licensed or registered individuals to construct, install, repair or maintain electrical wiring.

A. 15.01.54 Definitions No person, firm, corporation, institution, organization or representative thereof shall engage in the installation, alteration, re-construction, extension or any work covered under the Scope of this Article or engage in the business of said, installation, alteration, re-construction, or extension for any purpose in the City Of Onalaska without first having proper certifications, licenses and insurance as provided by this Section and per Wisconsin State Statutes and the Wisconsin Administrative Code as may be amended. Any electrical work associated with fire alarm systems regardless of voltages shall require an electrical permit without exception. A residential property owner may not install, repair or maintain electrical wiring on premises that the property owner owns and occupies as a residence, all work must be performed by an Electrical Contractor as defined in SPS 305.41 except as specified under 15-1-72(3)(b).

B. **Definitions.**

C. **Electrical Contractor (active).** An **electrical contractor (active)** is any person who is skilled in the installation, planning, designing, superintending or inspection of electrical wiring and equipment and who is engaged in this work. Before any person shall be licensed as an electrical contractor such person must have served at least two years as a journeyman electrician and meet all other qualifications for an electrical contractor's license as determined by the Board of Electrical Examiners.An Electrical Contractor is a person, firm, corporation, institution or organization licensed under SPS 305.41 of the Administrative Code.

D. **Master ElectricianElectrical Work**. A Master Electrician is a person licensed by the State of Wisconsin as a Master Electrician under 305.43 of the Administrative Code.Electrical works means and includes the installation, superintending or inspection of electrical material, fittings, devices, appliances, fixtures, apparatus, wiring and equipment for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purposes.

E. **Residential Master ElectricianHome owner**. A Residential Master Electrician is a person licensed by the State of Wisconsin as a Residential Master Electrician under 305.435 of the Administrative Code.Home owner is a person owning and occupying as his permanent address a single-family dwelling or two-family dwelling.

F. **Registered Master ElectricianInactive Contractor and Journeyman**. An inactive contractor or journeyman holds a valid license but is not actively engaged in the trade. At any time upon payment of an annual fee the license shall become active. A Registered Master Electrician is a person licensed by the State of Wisconsin as a Registered Master Electrician under 305.437 of the Administrative Code.

G.C. **Journeyman Electrician (active).** A jJourneyman eElectrician is a person licensed by the State of Wisconsin as a Journeyman Electrician under 305.44 of the Administrative Code.(active) is any person other than an electrical contractor who is skilled in the installation of electrical wiring and equipment for the production, modification, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, and who is engaged in this work. He shall have had at least four years' practical experience. Two or more years in an accredited trade school shall be equivalent to the first two years. He shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners. In no case shall a licensed journeyman electrician do electrical work in the City of Onalaska unless under the supervision of a licensed electrical contractor, who shall be responsible in accordance with this Electrical Code.

A. **Industrial Journeyman Electrician.** An Industrial Journeyman Electrician is a person licensed by the State of Wisconsin as an Industrial Journeyman Electrician under 305.443 of the Administrative Code.

B. **Residential Journeyman Electrician.** A Residential Journeyman Electrician is a person licensed by the State of Wisconsin as a Residential Journeyman Electrician under 305.447 of the Administrative Code.

C. **Beginning Electrician.** A Beginning Electrician is a person registered by the State of Wisconsin as a Beginning Electrician under 305.45 of the Administrative Code.

D. **Electrical Apprentices**. An Electrical Apprentice is a person registered by the State of Wisconsin as an Electrical Apprentice under 305.46 of the Administrative Code.

E. **Low Voltage Installer.** Any person engaged in installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less.

F. **Electrical Wiring**. means all equipment, wiring ,material, fittings, devices, appliance, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures and apparatus used by a public utility, an electric cooperative or a wholesale merchant operator for the purpose of generating, transmitting, distributing or controlling heath, light, power or natural gas to its customers or members.

H. **Exceptions.**

I. No permits are required for licensed Electrical Contractors for any electrical work that involves a total labor and material value under One Thousand Dollars ($1,000.00). If the City of Onalaska is not in agreement with the value of work, a copy of the customer paid invoice shall be made available upon request to the City. If the value is determined to be higher than the One Thousand Dollars ($1,000.00) value, a double fee shall occur in addition to an inspection of the work with the contractor on-site, and in addition the City may issue citations as noted in Section 15-1-78.

No permits are required for any individual, business, or entity who files a Certificate of Insurance with coverage amount allowed by the City of Onalaska for any low voltage electrical work (under one hundred (100) volts) that involves a total labor and material value under two hundred ($200.00) dollars. If the City is not in agreement with the value of work, a copy of the customer paid invoice shall be made available upon request to the City. If the value is determined to be higher than the two hundred ($200.00) dollar value, a double fee shall occur in addition to an inspection of the work with the contractor on-site, and in addition the City may issue citations as noted in Section 15-1-78. The conversion to light emitting diodes (L.E.D.'s) on/in signage will not require an electrical permit.

No permits are required for low voltage work performed by a licensed Electrical Contractor that involves a total labor and material value under ten thousand ($10,000) dollars. If the City is not in agreement of whom is responsible for the general supervision of the low voltage work or the value of the work being done, a written notarized statement shall be required from the electrical contractor verifying general supervision and installation compliance occurred on the subject property and a copy of the customer paid invoice shall be made available upon request of the City. If the City is not in agreement with the value of work, a copy of the customer paid invoice shall be made available upon request to the City. If the value is determined to be higher than the ten thousand ($10,000.00) dollar value, a double fee shall occur in addition to an inspection of the work with the contractor on-site, and in addition the City may issue citations as noted in Section 15-1-78.

No permits are required for electrical work in the following circumstances:

A person engaged in installing electrical wiring within an existing industrial facility or existing manufacturing facility owned or leased by the person or by an entity for which the person is an agent or an employee.

A person engaged in maintaining or repairing electrical wiring, apparatus or equipment for elevators and escalators.

A person engaged in installing, repairing or maintaining electrical wiring, apparatus, or equipment for elevators and escalators.

A person engaged in installing, repairing, or maintaining electrical wiring of facilities that support telecommunications service, as defined in Wis. Stat. 182.017 (1g)(cq) that is provided by a telecommunications provider, as defined in Wis. Stat. 196.01 (8)(p).

A person engaged in electrical wiring for components of a manufactured home, as defined in Wis. Stat. 101.91(2) or a manufactured building, as defined in Wis. Stat. 101.71(6), while the manufactured home or the manufactured building is at or in the facility at which it is being manufactured.

A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs, or maintains electrical wiring for equipment that is installed in the normal course of providing utility services by the electricity provider.
A person engaged in installing, repairing, maintaining electrical wiring that provides lighting or signets for public thoroughfares and for public airports.
A person engaged in installing, repairing or maintaining electric lines on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.
A person employed by an electricity provider, or a subcontractor of an electricity provider, who installs, repairs or maintains primary voltage electric facilities that are owned by the electricity provider's customers or members and that operate at greater than six hundred (600) volts.
A person employed by an electricity provider, or a subcontractor of an electricity provider, who restores service during an emergency.

J. No permits are required for any licensed Electrical Contractor who completes work specified under Wisconsin State Statute §101.862 License or Registration Required.

1. An unlicensed individual may perform work on non-residential properties without an Electrical Contractors license upon obtaining a permit under Sec. 15-1-73 below in the following circumstances:
   a. A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premises for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.
   b. A person engaged in installing, repairing or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs and luminaires, or any other manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair or maintenance only involves the modification or installation of conductors that are considered part of the equipment or system under this subsection. For purposes of this subsection, any conductor going from the disconnecting point or the nearest junction, pull or device box to the manufactured equipment or utilization equipment of the manufactured system is considered part of the equipment or system.
   c. A person who installs a replacement for an existing switch or outlet if the replacement switch or outlet has a rating of not more than twenty (20) amperes.
   d. A person engaged in installing, repairing, or maintaining a private on-site wastewater treatment system, as defined is Wis. Stat. §145.01(12), if the activity only involves modifying a conductor going from the system's junction, pull, or device box to the nearest disconnecting point and the conductor is buried with the system.
   e. A person engaged in installing, repairing or maintaining a pump for a well if the activity only involves installing or modifying a conductor going from the pump's junction, pull or device box to the nearest disconnecting point and the conductor is buried with the pump.
   f. A person or persons meeting the requirements under Wis. Stat. §101.862(5) or (6).

15.01.5454 Permits, Fees and Inspections

A. **Low Voltage Permit Required.**

1. An unlicensed individual may perform work on **non-UDC residential** parcels without an Electrical Contractors license upon obtaining a Low Voltage Permit in the following circumstancesif the work meets one of the licensing exceptions under 101.862(4)(am-q).

:

A person engaged in installing, repairing or maintaining an electronic system designed to monitor a premise for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.

A person engaged in installing, repairing or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs and luminaires, or any other manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair or maintenance only involves the modification or installation of conductors that are considered part of the equipment or system under this subsection. For purposes of this subsection, any conductor going from the disconnecting point or the nearest junction, pull or device box to the manufactured equipment or utilization equipment of the manufactured system is considered part of the equipment or system.

Formatted

Formatted: No bullets or numbering

A person who installs a replacement for an existing switch or outlet if the replacement switch or outlet has a rating of not more than twenty (20) amperes.

A person engaged in installing, repairing, or maintaining a private on-site wastewater treatment system, as defined in Ch. 145.01(12), Wis. Stats., if the activity only involves modifying a conductor going from the system's junction, pull, or device box to the nearest disconnecting point and the conductor is buried with the system.

A person engaged in installing, repairing or maintaining a pump for a well if the activity only involves installing or modifying a conductor going from the pump's junction, pull or device box to the nearest disconnecting point and the conductor is buried with the pump.

A person or persons meeting the requirements under Ch. 101.862(5) or (6), Wis. Stats.

2. **Low Voltage Permit Application.** Application for low voltage **(one hundred (100) volts or less)** shall be made by the installer on forms provided by the Inspection Department and shall include such plans, specifications, and other information as requested by the Inspection Department. No permits shall be issued to any installer who does not have a current certificate of insurance on file, or any installer who has ignored orders to correct code deficiencies or has fees, fines or penalties outstanding. Permits shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire one (1) year after permit issuance. The Inspection Department may extend the period not more than two (2) times for up to an additional one hundred eighty (180) days each.

Comment [JA3]: This should be B. not 2, otherwise the application section under Electrical Permit should move in, one or the other.

B. **Electrical Permit Required.** Except for electrical wiring projects described in Sec. 101.875(2) Wis. Stats. and as provided below, no electrical wiring project may commence unless the owner of the premises where the installation is to occur or their agent holds a permit from the City of Onalaska if the project involves the installation of new or an addition to any electrical services, feeder, or branch circuit serving any of the following:

1. 1. A farm;.
2. 2. A public building, structure or premises;.
3. A place of employment;.
4. A campground;.
5. A manufactured home community;.
6. A public marina, pier, dock or wharf;. or
7. A recreational vehicle park.

Under emergency conditions, the necessary electrical wiring may commence without obtaining a permit, provided the owner of the premises where the installation is to occur or their agent submits a permit application to the Inspection Department for the installation no later than the next business day after commencement of the installation.

C. **Electrical Permit Application.**: No electrical wiring shall be installed, altered, re-constructed, extended or repaired without first obtaining an electrical permit and their required inspections, except as set forth above in 5-1-72(3) Exceptions. All work requiring an electrical permit shall submit an application form provided by the City that complies with SPS 361.012(2).

A. as follows: Said work includes low voltage work: installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less.

B. **Application for Installation, Repair or Maintenance of Electrical Wiring.**

C. Applications for permits shall be made and signed by a Master Electrician or their approved agent. All work performed under the Electrical Permit, shall be done under the general supervision of the Master Electrician.

D. Application shall provide proof of valid license as a Master Electrician and Electrical Contractor with the State of Wisconsin.

E. Application shall be made on forms provided by the Inspection DepartmentInspection and Department and shall state the Electrical Contractor's permanent place of business.

F. **Application for Low Voltage Work.** Application for low voltage shall be made by the installer on forms provided by the Inspection DepartmentInspection and Department and shall include such plans, specifications, and other information as requested by the Inspection DepartmentInspection. Department. No permits shall be issued to any installer who does not have a current certificate of insurance on file, or

any installer who has ignored orders to correct code deficiencies or has fees, fines or penalties outstanding. Permits shall be invalid if work is not commenced within six one (1) year (6) months of permit issuance and shall expire one (1) year after permit issuance. The Electrical Inspector may extend the period not more than two (2) times for up to an additional one hundred eighty (180) days each.

G.D. **Permit Fees.** Permit fees shall be based upon the physical valuesquare footage of the work to be done, as determined by the Inspection DepartmentInspection onDepartment on the basis of current costs as set forth on the City of Onalaska Fee Schedule. Fees shall be due at the time of application.

1. The permit fee shall be doubled when work is commenced before a permit is obtained and in addition the City may issue citations as noted in Section 15-1-78pursuant to Division 5 of the Building Code herein.
2. There shall be a re-inspection fee for each occurrence as set forth on the City of Onalaska Fee Schedule.

H.E. **Electrical Inspections:**

1. **Inspections.** Electrical wiring shall remain accessible and exposed for inspection purposes and may not be energized. The City shall be notified that electrical wiring installation is ready for final inspection when all electrical fixtures, outlets and face plates are in place and the installation or that portion of the installation is energized.

1.2. **Concealment Prior to Rough Inspection(s).** The rough inspectionThe concealment or energizing of electrical wiring, other than an electrical service, may proceed if inspection has not been completed within two (2) business days after notification is received by the City or as otherwise agreed between the wiring installer and the Inspection Department by the Department of Inspection shall occur within three (3) business days (during a normal working week) after notification by the contractor that the wiring and equipment is roughed in, and before such work is covered up.

2. **Final Inspection.** The final inspection by the Department of Inspection shall occur within five (5) business days (during a normal working week) after written notification by the contractor that the job is completed.

3. **Orders for Incompleteness and Non-Compliance.** The Department of Inspection Inspection Department shall issue orders requiring that electrical code violations be corrected within a specified time. The compliance time shall not be more than thirty (30) days, depending on the nature of the violation and hazard involved. A written order to correct electrical code violations must be complied with as stated in the written order, the order itself shall remain active for twenty-four (24) months from the date of issuance, meaning that any subsequent violations during the twenty-four (24) month period may result in an immediate issuance of a municipal citation. A continued failure to correct a violation identified in an order may result in the issuance of a municipal citation to the person to whom the order was issued.

a.

a. **Content of Orders.** Whenever the Department of Inspection Inspection Department determines that there are reasonable grounds to believe a violation of any provision of this cChapter exists, theyhe or she shall order the person responsible to correct the violation. The order shall be in writing and shall:

i.

i. Include a description of the real estate sufficient for identification;

ii.

ii. Specify the violation which exists and the remedial action required;

iii.

iv. Allow a reasonable time for the performance of any act it requires; and

iii.

iv. Include the following disclaimer: "The findings of this inspection report are intended to identify code violations that are readily apparent at the time of inspection. The inspection did not involve a detailed examination of the electrical systems or the closed structural or nonstructural elements of the buildings and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

b.

c. **Service and Timeline for Correction of Orders.** Orders to correct electrical violations shall be served upon the Permit Holder and such corrections shall be made within ten (10) days. Concealment of electrical work before inspection shall constitute an offense punishable in accordance with the provisions of this cChapter. Orders not corrected within two (2) weeks shall be sent to the owner of record by first class mail at the address listed with the City Assessor's office or by delivering the order to the owner personally. When the owner of record does not have an address listed, the order may be served:

By delivering the order to the owner personally; or

By first class mail to the owner at the last known address as shown on the most recent property tax bill for the property affected by the order; or

By posting the order in a conspicuous place on the exterior of the structure affected by the order.

If an order is served by first class mail, the person serving the order shall execute an affidavit which shall include the following:

The date upon which the order was mailed.

An allegation that the envelope was postpaid.

The name of the person to whom the envelope was addressed.

The address on the envelope.

d. b. That the order was enclosed within the envelope.

3. 4. **Compliance.** Upon the failure of any inspection due to code deficiencies or the electrical work scheduled to be inspected has not complete at the time of inspection, a re-inspection fee shall be assessed against the permit holder. If the Department of Inspection Inspection Department determines that the work conforms to this Code, a certificate of compliance may be issued. All wiring and equipment covered under the Scope of this Article Electrical Code shall be inspected and approved by the Department of Inspection Inspection Department before the installation or equipment is put into normal or permanent service.

4. 5. **Notice to Purchasers.** An owner shall notify a purchaser, in writing, that an order has been issued concerning a violation of this ArticleElectrical Code, whenever the condition of the property giving rise to the order has not been corrected. Any owner who fails to give written notice to a purchaser, prior to acceptance of a written offer to purchase, of any order concerning this property shall be subject to a forfeiture as provided below. No owner may accept an offer to purchase which was made prior to the disclosure required by this sSubsection, unless the purchaser acknowledges receipt of a notice of outstanding orders and a willingness to proceed despite such knowledge.

5. 6. **Liability for Damages.** This Code shall not affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

K. D. **Investigations.** The Electrical InspectorInspection Department may investigate any charges or complaints filed which may be brought against the holder of any permit, for noncompliance with any provision of this code on the part of the permit holder or any person performing any work under their direction. Any licensed Electrical Contractor who knowingly and willfully procures a permit for electrical work which is to be performed by anyone not properly licensed by the State of Wisconsin shall be subject to the maximum penalty prescribed by Section 15-1-90in Division 65 of this Building Code of the Municipal Code of Ordinances. No person may obtain a permit for electrical work in the City of Onalaska while that person is failing or refusing to correct an electrical violation after having been convicted of that violation.

15.01.556 Electrical Inspector

A. **Qualification.** The City employs Building Inspectors I, II, III and a Lead Building Inspector to perform electrical inspections. Those Building Inspectors in the Inspection Department with the appropriate certifications and licenses for UDC and Commercial Electrical shall perform inspections under this Division.Those Building Inspectors in the Inspection Department with the appropriate certifications shall perform inspections under this division.

B. **Restrictions.** It shall be unlawful for any Building Inspector to engage in the installation of electrical wiring and appliances for hire, either directly or indirectly, and such Building Inspectors shall have no financial interest in any concern engaged in such business in the City of Onalaska at any time while employed in the Inspection Department~~holding the office of Building Inspector~~. Any violation of any provisions of this ~~s~~Subsection by an employee of the ~~the said~~ Inspection Department~~Building Inspector~~ shall be sufficient cause for dismissal ~~and removal from office~~.

C. **Duties.** It shall be the duty of the Building Inspectors to enforce the provisions of this ~~c~~Chapter. Complete records of all permits issued and inspections made and other official work performed under the provisions of this Electrical Code shall be kept and so arranged as to afford prompt information concerning electrical installations.

D. **Right of Access.** The ~~Building Inspector~~Inspection Department shall have the right during reasonable hours to enter any public or private buildings, structures, or premises in the discharge of his official duties or for the purpose of making any inspection or test of electrical wires or appliances contained therein. The Build~~ing Inspector~~ Inspection Department shall be given prompt access to any premises upon notification to the proper authority.

E. **Right to Cut Off Current.** The ~~Building Inspector~~Inspection Department shall have the authority to cause the turning off of all electrical currents to any equipment which ~~he~~they find~~s~~ to be in an unsafe condition, and cut off or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department. No person, firm or corporation shall reconnect any equipment thus cut off until written permission is given by the Inspection Department.

~~F. **Annual and Periodic Inspections.** The Electrical Inspector shall annually inspect all the electrical installations and apparatus in the factories, mills or shops and other occupancies as exigencies occur within the City of Onalaska and when such installations or apparatus are found to be in a dangerous condition, the Inspector shall notify the person, firm or corporation owning, using, operating or installing same to place them in a safe condition.~~

15.01.56~~7~~~~5~~ Standards for the Installation of Electrical Equipment

A. Standards for the installation of electrical conductors and equipment in the City of Onalaska shall conform to and comply with the applicable provisions of this Code, Chapters SPS 305, SPS 316 and SPS 320 of the Wisconsin Administrative Code and all subsequent amendments, the Statutes of the State of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this ordinance or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.

B. Only that equipment which has been expressly made for electrical, control, voice, data, CATV, fire alarm and security system purposes shall be installed for said purpose. All heat, light, power, control, voice, data, CATV, fire alarm, security system equipment and other low voltage system equipment shall be installed and used in the exact manner and for the exact purpose indicated by the equipment's listings, labels and the manufacturer's markings and instructions. The original manufacturer's listings, labels, ratings and markings shall be visible and the equipment 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 listing, original characteristics or design.

~~B.~~C. All materials and construction methods shall adhere to SPS 316.022 (1)(2)(3).

~~C.~~D. The City of Onalaska may require existing installations to be brought into compliance with the minimum wiring requirements of the ~~Minimum Housing and Property Maintenance Code~~Building Code or Uniform Dwelling Code and within the time determined by the City.

~~D.~~E. Interpretation of this~~e~~ Code shall be at the discretion of the Inspection Department~~ of Inspection~~. Written requests for formal interpretations or variances of SPS 316 shall be directed to the Wisconsin Department of ~~Commerce,~~ Safety and Buildings Division, Electrical Unit.

15.01.578~~6~~ Public Liability Insurance and Completed Operations Insurance

A. Permit holders, except those residential owner occupied ~~P~~permit ~~H~~holders for low voltage work (defined as installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less), shall carry insurance having aggregate coverage of not less than One Million Dollars ($1,000,000.00) covering all of the following risks: public liability, personal injuries, property damage, and completed operations. Insurance for completed operations coverage shall be sufficiently broad to cover installation, service and repair of equipment sold by the permit holder and servicing, installation and repair of equipment not sold by the permit holder. Permit holder shall submit a certificate of insurance indicating such coverage at the time the application for license or renewal thereof is made. ~~Residential owner occupied permit holders performing low voltage work must provide a current certificate of homeowner's insurance or a copy of their current homeowner's insurance policy.~~

15.01.589~~7~~ Unsafe or Illegal Electrical Equipment

A. When the ~~Department of Inspection~~ Inspection Department finds any electrical equipment to be unsafe or dangerous to persons or property, the person owning, using or selling such electrical equipment shall be notified in writing to remove or cause to be removed, or to make any changes or repairs or cease to sell, so as to restore such electrical equipment to a safe condition. Failure to comply with such notice within the time specified in such notice shall be sufficient cause for the ~~Department of Inspection~~ Inspection Department to disconnect or order the removal of, or order the discontinuance of, electrical service to said electrical equipment. 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 the regulations of this Electrical Code, the ~~Department of Inspection~~ Inspection Department shall have the authority to disconnect immediately or cause the removal of or disconnection of any such electrical equipment. When the ~~Department of Inspection~~ Inspection Department disconnects or causes to be disconnected electric current from electrical equipment, an official notice, tag, lock or seal shall be attached to such electrical equipment to prevent the use of electricity. It shall be unlawful for any unauthorized person to attach such official notice, tag, lock or seal, or to break open, change, remove, destroy, tear, alter, mutilate, cover or otherwise deface or injure any such official notice, tag, lock or seal. The ~~Department of Inspection~~ Inspection Department shall have the power and authority to seize and take possession of any electrical equipment or materials which, in its opinion, are dangerous to life or property, or which are suspected or found to have been the cause of any fire, accident, injury or fatality and to retain possession for the purpose of making an investigation, an examination or for official evidence. After such electrical equipment and materials have served their purpose, they shall be returned to the owner.

Division 6 Enforcement and Penalties

15.01.61 ~~Penalties and~~ Violations and Stop Work Orders

A. Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of the ~~City~~ Building Code, the ~~City~~ Electrical Code, Plumbing Code and Heating, Ventilating and Air Conditioning Code (all included within the definition of "this Chapter" for purposes of this Section), shall be deemed an unlawful building, structure or use. The ~~Department of Inspection~~ Inspection Department shall promptly report all such violations to the City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as set forth below~~provided in general penalty provisions in Section 1-1-7 of the Code of Ordinances~~. Any person who fails to obtain a building permit before starting construction shall be charged double the regular rate for this late filing violation. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the ~~Department of Inspection~~ Inspection Department or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

1. If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the ~~Department of Inspection~~ Inspection Department shall notify the applicant and the owner, electronically, if allowed, otherwise in writing~~in writing~~, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. ~~ILHR 20.10(1)(e),~~SPS 320.10(4) Wis. Adm. Code.
2. If, after written notification, the violation is not corrected within thirty (30) days, a ~~s~~Stop-~~w~~Work order may be served on the owner or ~~his or her~~their representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the ~~Department of Inspection~~ Inspection Department after satisfactory evidence has been supplied that the cited violation has been corrected.
3. Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
4. If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

B. Any person feeling aggrieved by an order or a determination of the ~~Department of Inspection~~ Inspection Department may appeal from such order or determination to the Board of Zoning Appeals or as provided by State Law~~, except the appeals regarding orders or determinations under the Electrical Code shall be made to the Board of Electrical Examiners~~. Those procedures customarily used to effectuate an appeal to the Board of Zoning Appeals shall apply.

C. Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Onalaska charged with the enforcement of this Chapter shall render ~~himself~~ themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

~~**15.01.62 Appeals to the Board of Building Appeals**~~

~~A. **Board Composition.** There shall be a Board of Building Appeals composed of (5) five appointed members by the Mayor and confirmed by the Common Council as follows: One (1) Master Electrician; one (1) Master Plumber; one (1) Building Contractor; one (1) qualified representative of the gas utility servicing the City and one (1) citizen member. All appointed members shall hold office for a three (3) year term following their appointment and shall receive no payment for their services on this Board.~~

~~B. **Authority.** The Board of Building Appeals shall review all appeals of decisions rendered by the City Inspection Department related to the City of Onalaska Code of Ordinances. Prior to the hearing, the Board of Building Appeals shall meet to review the case for validity and jurisdictional responsibility. Cases under the jurisdictional responsibility of the State of Wisconsin or Federal Government shall not be heard.~~

~~C. **Hearings.** The Board shall following procedure when reviewing an appeal: Order of Business.~~

~~1. **General Hearing.** At the hearing, the order of business shall be as follows:~~

~~a. Statement of the nature of the case by the Chairman.~~

~~b. Appellant's side of the case.~~

~~c. Questions by Board members.~~

~~d. City Inspector's side of the case.~~

~~e. Questions by Board members.~~

~~f. Statements by interested persons such as neighbors or abutting landowners.~~

~~g. Questions by Board members.~~

~~h. Appellant's or applicant's rebuttal.~~

~~D. **Applications and Fee.** Application for appeals to the Board of Building Appeals must be made in writing and must be received not more than thirty (30) days after the final determination of a violation by the Inspection Department. Upon receipt of an application, the City Clerk will schedule a meeting by the Board of Building Appeals and shall notify the applicant of the hearing date and time. The application must be accompanied by a non-refundable One Hundred Dollars ($100.00) application fee.~~

E. **Decisions**. The Board of Building Appeals shall render its decision either at the termination of the hearing or within thirty (30) days thereafter and shall notify the parties in interest and the City Inspector in writing of its decision. The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chairman of the Board of Building Appeals. Such decision shall state the reasons for the Board's determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny a special exception, or variance.

15.01.62~~39~~ Severability ~~Plumbing Enforcement Actions~~

A. If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

A. **Forfeiture**. Any person who violates any provision of this Article, or fails to comply with a lawful order of the Inspector to correct a violation of this chapter shall, upon conviction of the violation, pay a forfeiture of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County fail until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days for a first offense.

B. **Refusal to Issue Plumbing Permit**. No person may obtain a permit to do plumbing work in the City of Onalaska while that person is failing or refusing to correct a plumbing violation after having been convicted of that violation.

C. **Suspension or Revocation of Plumbing Permit**. The Inspector may revoke or suspend a plumbing permit if the Inspector finds that the permit holder has:

1. Made a material misstatement in the application for a permit or renewal thereof; or
2. Has failed to correct a plumbing code violation within thirty (30) days after having received notice of the violation.

D. **Action to Enjoin**. The City Attorney may, in addition to, or in lieu of other remedies provided by law, bring an action to enjoin a person from committing repeated violations of this chapter.

15.01.63 Penalties and ~~Electrical~~ Enforcement Actions

A. **Forfeiture.** Any person who violates any provision of this ~~Article~~Title, or fails to comply with a lawful order of the ~~Inspector~~ Inspection Department to correct a violation of this ~~c~~Chapter shall, upon conviction of the violation, pay a forfeiture of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for each violation together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs of prosecution are paid, but not exceeding ninety (90) days for a first offense. Each day of violation shall constitute a separate offense.

B. **Refusal to Issue ~~Electrical~~ Permits.** No person may obtain ~~a~~ permits to do ~~electrical~~ construction work in the City of Onalaska while that person is failing or refusing to correct a~~n~~ ~~electrical~~ violation after having been convicted of that violation.

C. **Suspension or Revocation of ~~Electrical~~ a Permit.** The ~~Inspector~~ Inspection Department may revoke or suspend a~~n electrical~~ permit if the ~~Inspector~~ Inspection Department finds that the permit holder has:

1. Made a material misstatement in the application for a permit or renewal thereof; or
2. Has failed to correct a~~n~~ ~~electrical~~ code violation within thirty (30) days after having received notice of the violation.

D. **Action to Enjoin.** The City Attorney may, in addition to, or in lieu of other remedies provided by law, bring an action to enjoin a person from committing repeated violations of this ~~c~~Chapter.

Formatted: Normal, No bullets or numbering

Title 15 Building Codes

Chapter 02 Construction Site / Excavation Erosion Control

Division 1 Administration

15.02.11 Authority

A. This Chapter is adopted under the authority granted by Sec. 62.234, Wis. Stats, as may be amended and supersedes all provisions of an ordinance previously enacted under Sec. 62.23, Wis. Stats., relating to construction site erosion control. Except as otherwise specified in Sec. 62.234, Wis. Stats., Sec. 62.23 Wis. Stats., applies to this Chapter and to any amendments thereof. The provisions of this Chapter are deemed not to limit any other lawful regulatory powers of the same governing body. The City Common Council hereby designates the City Engineer or Designated Agent to administer and enforce the provisions of this Chapter. The requirements of this Chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

1. Wisconsin Department of Natural Resources (WDNR) administrative rules, permits or approvals including those authorized under Sec. 281.16 and 283.33, Wis. Stats.;
2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Sec. NR 151.004, Wis. Adm. Code.; or
3. La Crosse Sewer Service Area Water Quality Management Plan through cooperative agreement with La Crosse County Land Conservation Department.

15.02.12 Statement of Findings and Purpose

A. The finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to neighboring properties, public holdings, and waters of the State. It is the purpose of this Chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Onalaska.

15.02.13 Applicability and Jurisdiction

A. Applicability. This Chapter applies to a construction site with land disturbing construction activity except as follows:

1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, Part 122, for land disturbing construction activity.
2. Land development and land disturbing activities exempted by State or Federal law, including highway construction projects.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Agricultural or horticultural activities, landscaping activities of one half (0.5) acre or less, the construction or maintenance of a septic system or associated drain field or any project involving excavation or fill of less than one hundred (100) cubic yards of earth and quarry operations are governed by Title 7 related to Regulation of Nonmetallic Mining.

B. Notwithstanding the exceptions noted above, this Chapter applies to construction sites of any size that, in the opinion of the City Engineer or Designated Agent, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

C. Jurisdiction. This Chapter applies to land disturbing activity located within the boundaries and jurisdiction of the City of Onalaska.

D. Exclusions. This Chapter is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stats., but also including the Office of District Attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Sec. 281.33 (2), Wis. Stats.

Division 2 Standards, Permitting Requirements, and Erosion and Sediment Control Plans

15.02.21 Technical Standards

A. **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. Where not superseded by stricter requirements in City of Onalaska Erosion Control and Stormwater Management Requirements, the following standards are also incorporated by reference:
   1. Applicable design criteria, standards and specifications identified in the Wisconsin Department of Natural Resources Stormwater Technical Standards; and
   2. Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.

B. **Other Standards.** Other technical standards not identified or developed above, may be used provided that the methods have been approved by the City Engineer or Designated Agent.

15.02.22 Performance Standards

A. **Responsible Party.** The responsible party shall implement an Erosion and Sediment Control Plan, developed in accordance with this Chapter that incorporates the requirements of this Chapter.

B. **Plan.** A written plan shall be developed in accordance with Section 15.02.24 and implemented for each construction site.

C. **Erosion and Sediment Control Performance Standards.** All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer.

D. **Alternate Requirements.** The City Engineer or Designated Agent may establish erosion and sediment control requirements more stringent than those set forth in City of Onalaska Erosion Control Stormwater Management Requirements, if the City Engineer or Designated Agent determines that an added level of protection is needed to address downstream stormwater management issues.

15.02.23 Permitting Requirements

A. **Permit Required.** No responsible party may commence a land disturbing construction or excavation/fill activity subject to this ordinance without receiving prior approval of an Erosion and Sediment Control Plan for the site and a permit from the City Engineer or Designated Agent. The City Engineer may issue a written waiver of the permit requirement if it is satisfied that the nature or size of the excavating/grading project will not result in erosion or be detrimental to the public health, safety, and welfare.

B. **Wisconsin Department of Natural Resources Permits.** All land disturbance activities of greater than one (1) acre in size shall obtain any necessary permits as required by NR 216, Wis. Adm. Code. unless sites are construction of public buildings or places of employment, then permit must be issued by the Wisconsin Department of Commerce. Copies of any needed permits or supporting documents shall be given to the City of Onalaska as part of the Erosion Control Permit.

C. **Permit Application and Fees.** At least one (1) responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an Erosion and Sediment Control Plan that meets the requirements of Section 15.02.31 and shall pay an application fee identified in the Fee Schedule. By submitting an application, the applicant is authorizing the City Engineer or Designated Agent to enter the site to obtain information required for the review of the Erosion and Sediment Control Plan.

D. **Review and Approval of Permit Application.** The City Engineer or Designated Agent shall review any permit application that is submitted with Erosion and Sediment Control Plan, and the required fee. The following approval procedure shall be used:
   1. All proposed applications for grading and/or excavating which involve ten thousand (10,000) cubic yards or less shall be reviewed by the City Engineer or Designated Agent prior to the issuance of any permit.
   2. The City Engineer or Designated Agent may request additional information if required for a complete application within fifteen (15) business days of receipt of any permit application. Within forty-five (45) business days of the receipt of a complete permit application, the City Engineer or Designated Agent shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this Chapter.

3. If the permit application and plan are approved, the City Engineer or Designated Agent shall issue the permit. If the permit application or plan is disapproved, the City Engineer or Designated Agent shall state in writing the reasons for disapproval.
4. The City Engineer or Designated Agent may request additional information from the applicant. If additional information is submitted, the City Engineer or Designated Agent shall have thirty (30) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
5. All proposed project applications for grading and/or excavating in excess of ten thousand (10,000) cubic yards shall be reviewed by the Common Council prior to issuance of any permit. Said review shall be made after consideration of the application by the City Engineer, Zoning Administrator or Designated Agent and the Plan Commission, if applicable.

E. Permit Standards and Provisions. The standards and provisions for all permits granted herein are as follows:

1. All fill material added to an approved site shall be clean, noncombustible and non-deleterious.
2. All decisions made by the City Engineer or Designated Agent under this Chapter shall be made to affect the purpose of controlling erosion to the extent that this is reasonable under the circumstances. Under no circumstances shall a permit be issued for disturbance or excavation of lands having slopes in excess of thirty percent (30%) or any area within ten (10) foot prior to the start of thirty percent (30%) slope except for the following purposes (per La Crosse Sanitary Service agreement):
   a. Access road developments for residential and non-residential purposes where an Erosion and Sediment Control Plan has been submitted to and approved by the City Engineer; and / or
   b. Quarry operations where an Erosion and Sediment Control Plan has been submitted to and approved by the City Engineer or Designated Agent.
3. The recipient of a permit agrees to indemnify and hold harmless the City of Onalaska, its employees, agents, or officers, from any cost, suit, liability or award which might come or be brought or assessed because of the issuance or exercise of the permit, or because of any adverse effect upon any person or property attributed to a partially or entirely completed project of the applicant.
4. The City Engineer or Designated Agent may require at any time that a surety bond or irrevocable letter of credit be secured by the owner, applicant, contractor, or developer holding the permit; such bond or irrevocable letter of credit amount and conditions thereto are to be made and approved by the City Engineer or Designated Agent to effectuate the purpose of this Chapter.
5. If conditions arise during development or construction which require the taking of measures or precautions of the imposition of limits or restraints to control erosion, the City Engineer or Designated Agent, at their discretion, may require that such be taken. When, during development or construction, it appears that measures or precautions previously required are unnecessary, the City Engineer or Designated Agent may choose to waive them in writing.
6. Any permit issued under this chapter is limited to the stated project, description, time frame and cubic yardage granted in the permit. The permit shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire two (2) years after permit issuance for residential construction or one (1) year after issuance for commercial construction. The City Engineer or Designated Agent may extend the period one (1) or more times for up to an additional one hundred and eighty (180) days each.
7. As a condition of granting the permit, the applicant agrees that the site may be inspected by the City Engineer or Designated Agent.
8. The City Engineer or Designated Agent may require that the owner/developer comply with the recommendations of officials or agencies designated by the City Engineer or Designated Agent which may:
   a. Require where appropriate and reasonable under the circumstances, erosion control practices set forth in the Wisconsin Department of Natural Resources Stormwater Technical Standards, including but not limited to the construction of silt traps, the mulching and temporary or permanent planting of areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures and bank protection structures;
   b. Place limits on the area of land which may be exposed and staging timetables; and/or
   c. Require all acts and impose all other limits and restraints which are necessary and reasonable to control erosion.
9. No permit shall be issued for more than one (1) excavation season. The permit shall set forth all time limitations with which the permit holder is required to comply. All restoration of top soil and/or re-vegetation must be completed in the fall season (target date should be September 15th) in order that the seeding is effective before the commencement of the winter season. The City Engineer or Designated Agent shall have the authority to waive re-vegetation requirements in no set circumstances in which the City Engineer or Designated Agent determines that re-vegetation is not necessary to meet the purposes of this Chapter. If it is determined that delays have occurred due to

an act of God and topsoil spreading and re-vegetation is impossible, then the contractor/developer is required to take appropriate action to eliminate erosion during the seasons that the site will remain uncovered.

10. Construction excavating/disturbance beginning on or after September 15th and/or prior to April 1st of each year shall include dormant seeding, and erosion control measures per Wisconsin Department of Transportation Erosion Control (PAL) Product Acceptability List or approved equal.

F. Financial Guarantee. As a condition of approval and issuance of the permit, the City Engineer or Designated Agent may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion and Sediment Control Plan and any permit conditions.

G. Permit Requirements. All permits shall require the responsible party to:

1. Notify the City Engineer or Designated Agent two (2) full business days prior to commencing any land disturbing construction activity.
2. Notify the City Engineer or Designated Agent of completion of any Best Management Practices (BMP) within three (3) full business days after their installation and prior to the start of any excavating or land disturbance.
3. Obtain finalized permit from the City Engineer or Designated Agent prior to any modification pursuant to Section 15.02.24.B.3 of the Erosion and Sediment Control Plan.
4. Install all BMPs as identified in the approved Erosion and Sediment Control Plan prior to construction or excavation activity.
5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the Erosion and Sediment Control Plan.
6. Inspect and or repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing activities and document said inspection and repairs in a site erosion control log, weekly. Any displaced sediment must be removed from downstream culverts, streets, adjoining properties, storm sewers, and other drainage facilities within twenty-four (24) hours.
7. Inspect the BMPs within twenty-four (24) hours after each rain of one half (0.5) inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection and any needed corrections, and a description of the present phase of the construction at the site.
8. Allow the City Engineer or Designated Agent to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the approved plan. Keep a copy of the Erosion and Sediment Control Plan at the construction site.

H. Permit Conditions. Permits issued under this section may include conditions established by City Engineer or Designated Agent in addition to the requirements set forth in Subsection E. above, where needed to assure compliance with the performance standards in Section 15.02.22.

I. Maintenance. The responsible party throughout the duration of the construction activities shall maintain and inspect all BMPs weekly or within twenty-four (24) hours of a rain event in a necessary methodology to meet the requirements of this Chapter until the site has undergone final stabilization.

15.02.24 Erosion and Sediment Control Plan

A. Plan Requirements. An Erosion and Sediment Control Plan shall be prepared and submitted to the City Engineer or Designated Agent. The Erosion and Sediment Control Plan shall include, at a minimum, information required in the City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. The City Engineer or Designated Agent may waive certain submittal requirements, if determined to be unnecessary to demonstrate compliance with the Chapter standards.

B. Amendments. The applicant shall amend the plan if any of the following occur:

1. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
3. The City Engineer or Designated Agent or designee notifies the applicant of changes needed in the plan.

Division 3 Enforcement

15.02.31 Inspection and Enforcement

A. If land disturbing construction activities are being carried out without a permit required by this Chapter, the City Engineer or Designated Agent may enter the land pursuant to the provisions of Sec. 66.0119, Wis. Stats.

B. The City of Onalaska shall inspect construction sites weekly during the period starting March 1 and ending October 21 and at least two (2) times during the period starting November 1 and ending February 28 or after a rain event of equal to or greater than one half (.5) inch, to ensure compliance with the approved plan.

C. After official notice has been given for a violation of nonconformance to the Erosion and Sediment Control Plan, the property owner or land developer shall be given forty-eight (48) hours to correct a minor nonconformance and twenty-four (24) hours to correct a major nonconformance. The City shall adopt rules and regulations regarding what shall constitute a "major" and "minor" nonconformance.

D. The City Engineer or Designated Agent may post a Stop-Work order if any of the following occurs:

1. Any land disturbing construction activity regulated under this Chapter is being undertaken without a permit.
2. The Erosion and Sediment Control Plan is not being implemented in a good faith manner.
3. The conditions of the permit are not being met.

E. If the responsible party does not cease activity as required in a Stop-Work order posted under this Chapter or fails to comply with the Erosion and Sediment Control Plan or permit conditions, the City Engineer or Designated Agent may revoke the permit.

F. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the City Engineer or Designated Agent, or if a responsible party violates a stop-work order posted under Subsection D. above, the City Engineer or Designated Agent may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.

G. The City Engineer or Designated Agent may retract the stop-work order issued under Subsection D. above or the permit revocation under Subsection E. above.

H. After posting a stop-work order under Subsection D. above, the City Engineer or Designated Agent may issue a notice of intent and to the responsible party of its intent to perform work necessary to comply with this ordinance and complete such work. The costs of the work performed under this Subsection by the City Engineer or Designated Agent, plus interest at the rate Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Finance Director shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sub Chapter VII of Ch. 66, Wis. Stats.

I. Any person violating any of the provisions of this ordinance shall be subject to penalties as outlined in Section 15.02.33. Each day a violation exists shall constitute a separate offense.

J. Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.

15.02.32 Appeals

A. Board of Zoning Appeals.

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer or Designated Agent in administering this Chapter except for cease and desist orders obtained under Section 15.02.31.F.
2. Upon appeal, may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

B. Who May Appeal. Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Onalaska affected by any decision of the City Engineer or Designated Agent.

15.02.33 Violations and Penalties

A. It is a violation of this Chapter:

1. To fail to meet any time limits imposed by regulation under this Chapter, except failure caused by an act of God; or
2. To fail to do any act required by this Chapter or any regulation imposed hereunder; or
3. To do any act prohibited by this Chapter or any regulation imposed hereunder; or

4. To continue any construction or development work on a site, except to correct a violation while a Stop Work order is in effect; or
5. To suffer or permit any violation to continue in existence, except continuance caused by an act of God.

B. Any person, firm, or corporation violating this Chapter or any part thereof shall, upon conviction thereof, forfeit not less than one hundred dollars ($100.00) nor more than five thousand dollars ($5,000.00) and the cost of prosecution and, in default of such fine and costs, shall be imprisoned in the County Jail until payment of such forfeiture and the costs for a period not to exceed thirty (30) days for each violation. Each day of violation shall constitute a separate offense.

C. In addition to the aforementioned penalties, no Plat submitted to the City and no Site Plan or Certified Survey required by the City shall be approved unless it shows all improvements reasonably required to prevent erosion after completion of development as required in this Chapter and the subdivision code of the City of Onalaska.

Formatted: Normal, No bullets or numbering

Title 15 Building Codes

Chapter 03 Fair Housing

Division 1 Authority

15.03.11 Statement on Fair Housing

A. It is hereby declared to be the policy of the City of Onalaska, pursuant to the United States and Wisconsin Constitutions, and also its power to protect the public health, safety and general welfare, that all persons, regardless of sex, race, color, disability, as defined in Sec. 106.50 (1m) (g) Wis. Stats., sexual orientation, as defined in Sec. 111.32 (13m), religion, national origin, marital status, family status, as defined in Sec. 106.50 (1m) (k) Wis. Stats., status as a victim of domestic abuse, sexual assault, or stalking, as defined in Sec. 106.50 (1m) (u) Wis. Stats., lawful source of income, age, or ancestry are assured equal opportunity to live in adequate housing facilities and, to that end, to prohibit discrimination in housing by any persons.

15.03.12 Unlawful Practices

B. In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the City for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

1. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
2. To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;
3. To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth ;
4. To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
5. To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
6. To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to

use a form of application for the sale, purchase; rental, lease or financing of any housing accommodation, which indicates and discrimination or any intent to make discrimination;

7. To offer, solicit, accept or use a list of any homing accommodation for sale: purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith;
8. To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
   a. The lowering of property values in the area;
   b. An increase in criminal or antisocial behavior in the area; or
   c. A decline in the quality of schools serving the area.
9. To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any homing accommodation in any area in the City for the purpose of inducing or attempting to induce any such listing or any of the above transactions;
10. To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation;
11. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter;
12. To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder;
13. By canvassing, to commit any unlawful practices prohibited by this Chapter;
14. Otherwise to deny to, or withhold any housing accommodation from, a person because of their race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth;
15. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists m whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth of such person or of any person associated with them in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
16. To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth.

15.03.13 Exemptions

A. This Chapter shall not apply to the following:
   1. A religious organization, association, or society or any nonprofit institution or organization operation supervised, or controlled by or in conjunction with a religious organization, association,

or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, family status, ancestry, national origin, handicap, marital status, sexual orientation or preference, sex, age, or place of birth.

2. A private club not open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purposes, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
3. Any single family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single family houses at any one time; provided further, that in the case of the sale of any such single family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on their behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single family houses at one (1) time; provided further, the sale or rental of any such single family house shall be exempted from the application of this Chapter only if such house is sold or rented:
   a. Without the use of any money of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
   b. Without the publication, posting or mailing after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
   c. Without the violation of Section 15.03.12 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
4. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as their residence.

15.03.14 Enforcement

A. Any person aggrieved by any unlawful practice prohibited by this Chapter may file a complaint with the Board of Zoning Appeals within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and no event more than sixty (60) days after the alleged unlawful practice has occurred. The Board of Zoning Appeals shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Board of Zoning Appeals to forward the complaint and findings to appropriate state and federal in this Chapter shall be deemed to prohibit an owner or agent from requiring that a person who seeks to buy, rent or lease housing supply information concerning family marital, financial and business status but not concerning race, color, physical condition, disability as defined in Sec. 106.50(1m)(g)Wis. Stats., or creed.

Formatted: Normal, No bullets or numbering

Title 15 Building Codes

Chapter 04 Minimum Residential Housing Code

Division 1 Administration

15.04.11 Intent and Purpose

A. This Chapter is adopted for the purpose of preserving and promoting the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and environs. This includes, among others, physical, aesthetic, spiritual and monetary values.

B. It is recognized that there may now be, or may in the future be, residential and residential-related buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

15.04.12 General Provisions

Comment [GA4]: A.To be removed.

A. No Impairment of Authority. Nothing in this chapter shall be construed or interpreted to in any way impair or limit the authority of the City of Onalaska to define and declare nuisances or to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

B. Chapter Does Not Abrogate Provisions of Building Code. The provisions of this chapter shall not abrogate the responsibility of any person to comply with any provisions of the Uniform Dwelling Code, and the building and zoning code of the City of Onalaska.

C. Effect of Partial Invalidity. If any subsection, sentence, clause, phrase, or other part of this section is for any reason held to be void or invalid, such decision shall not affect the validity of the remaining portions of this section. The Common Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases or other parts be declared void or invalid.

15.04.13 Board of Zoning Appeals

A. Hearing and Opportunity to Be Heard. Upon filing a written petition for hearing in connection with any order or notice pursuant to this Chapter or any rule or regulation adopted pursuant thereto, the person affected may request a hearing by filing a written petition on a form provided therefor in the Planning Department. Such petition shall set forth a statement of the grounds therefor and be filed with the Planning Department within twenty (20) days after the day on which the notice or order was served. The petition shall be accompanied by a fee as set forth in the City of Onalaska Fee Schedule. Within forty-five (45) days of receipt of the petition, the Board of Zoning Appeals shall hold a hearing. At such hearing the petitioner shall be given an opportunity to be heard and show cause why such notice should be modified or withdrawn. The Board of Zoning Appeals, may postpone the date of the hearing for a reasonable time beyond such forty-five (45) day period, if, in its judgment, the petitioner has submitted good and sufficient reason for such postponement

B. Board of Zoning Appeals to Sustain, Modify or Withdraw Notices. After such hearing, the Board of Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Board of Zoning Appeals may also modify any notice so as to authorize a variance from the provisions of this Chapter when, because of special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, provided that the spirit of this Chapter will be observed, public health and welfare secured and substantial justice done. If the Board of Zoning Appeals sustains or modifies such notice, it shall be deemed to be an order and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within six (6) months, as determined by the said Board of Zoning Appeals. The proceedings of any such hearing, including the findings and decision of the Board of Zoning Appeals, shall be set forth in writing

and maintained as a matter of public record in its office. A copy of the Decision shall be mailed to the person who filed the petition.

C. **Court Review.** Any person or persons jointly or severally aggrieved by the decision of the Board of Zoning Appeals, or any resident, or any officer, department, board or commission of the municipality may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within thirty (30) days after the date on which said Board of Zoning Appeal's decision was mailed to the person who filed the petition for the hearing. Persons seeking such a writ shall give notice of intention to do so by serving on the Board of Zoning Appeals a written notice within ten (10) days of the date of mailing of the Board of Zoning Appeals's decision. The petition to the Court duly verified shall set forth that such decision is illegal in whole or in part and does not comply with the provisions of Subsection (b) and shall specify the grounds thereof.

Division 2 Minimum Standards for Dwelling Units

15.04.21 Minimum Standards for Plumbing

A. **Connection to City Services.** Each dwelling or other building used for human habitation or other buildings where human beings are in need of sewer and water facilities which is located upon or adjacent to any street in and along which sewer and water pipes have been laid or which has reasonable access to sewer or water mains shall be connected with the sewer and water systems; except that when a private well is in compliance with the Wisconsin Well Code, is adequate and safe, this supply may be continued in operation until such time as it is in need of repair. If the owner fails to comply with a notice in writing served upon him or his agent or tenant requiring him to connect with the public sewer or water within thirty (30) days, the Board of Health may cause a connection to be made and necessary fixtures to be installed and the cost shall be assessed as a special tax against the property. The owner may file, within thirty (30) days, a claim of inability to pay the amount in one (1) sum, and ask that the levy be made in five (5) equal installments with interest at eleven and one-half percent (11.5%).

B. **Connection to Septic Tank.** The owners of all premises used for human habitation which are not located upon or adjacent to any street in and along which sewer and water pipes have been laid or which have no reasonable access to sewer or water mains must provide a septic tank-seepage pit system therefor, constructed and maintained in accordance with the requirements of this Code. All other privy vaults, cesspools and dry wells shall be removed or abated and the use thereof discontinued. Where no City sewer facilities are available to service a dwelling unit, the following shall apply:

1. No person shall construct a septic tank, seepage pit or disposal field within the City without first having obtained a permit from the La Crosse County Health Department.
2. No person shall build, erect or construct any seepage pit, septic tank or cesspool within five (5) feet of the property line or fence of the adjacent lot, or within twenty (20) feet of any building in which people live or work.
3. Whenever a seepage pit or septic tank is cleaned, the contents must be disposed of in the facilities at a municipal disposal plant.

15.04.22 Minimum Standards for Electrical

A. Every habitable room, bathroom and kitchen shall contain at least one (1) fully operational electrified outlet and one (1) switched lighting outlet properly installed and maintained in good and safe working condition and connected to an approved source of power in a safe and approved manner as per the Wisconsin Electrical Code.

15.04.23 Minimum Standards for Heat, Light, and Ventilation

A. **Natural Light.** Every habitable room shall be provided with natural light by means of glazed openings per Sec. 321.05(1) Wis. Admin. Code.

B. **Adequate Ventilation.** Every habitable room shall be provided with natural ventilation per Sec. 321.05(2) Wis. Admin. Code.

C. **Electric Outlets Required.** Every electrical receptacle, switch and fixture shall be maintained in reasonably good working condition, and shall be installed according to applicable electrical codes and manufacturer's instructions.

D. **Heating Facilities.** Every dwelling shall be equipped with a heating system. The system shall be properly installed, maintained in reasonably good working condition, and capable of adequately heating all habitable rooms, kitchens, bathrooms, and toilet rooms contained therein, or intended for use by the occupants thereof, to a temperature of at least seventy (70) degrees Fahrenheit, at a distance three (3) feet above floor level when the outdoor temperature is at or above fifteen (15) degrees below zero (0) degrees Fahrenheit. Every central heating system must be listed by a recognized testing agency and shall comply with all of the following requirements:

1. The central heating unit shall be in reasonably good operating condition;
2. 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;
3. Every seal between the sections of a hot air furnace shall be tight so noxious gases will not escape into heat ducts. Every supplied space heater must be listed by a recognized testing agency and shall comply with all of 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, wood or other approved combustible material burning space heater shall have a fire-resistant panel, extending a minimum of eighteen (18) inches on all sides, beneath it;
   d. Every space heater location shall comply with Wis. Admin. Code SPS 323.04; and
   e. Every space heater chimney connector shall comply with Wis. Admin. Code SPS 323.045(4).

E. **Lighting of Public Halls and Stairways.** Every public stairway, passageway or exit door in every dwelling containing four (4) or more dwelling units shall be adequately lighted by means of properly located electric light fixtures from one (1) hour before sunset to one hour after sunrise. Every public hall and stairway in dwellings containing two (2) or three (3) dwelling units shall be supplied with convenient light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

15.04.24 Minimum Standards for Basic Equipment and Facilities

A. No person shall occupy as owner-occupant, or let another for occupancy, and dwelling or dwelling unit, for the purposes of living, sleeping, cooking, and/or eating of meals therein, which does not comply with the following minimum requirements:

1. **Kitchen.** Every dwelling unit shall have a kitchen equipped with the following:
   a. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected.
   b. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable.
   c. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than thirty (30) inches from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood.
      i. Exception. If the lease or rental agreement does not provide for a range for cooking food, adequate connections for the occupant's installation and operation of a range shall be provided.
   d. Ventilation which shall be maintained in good working condition, of sufficient capacity to deliver fresh air and to remove moisture-laden or otherwise contaminated air generated during cooking. Range hoods shall be installed in accordance with manufacturer's specifications.
   e. A refrigerator with a freezer which shall be in good working condition and capable of maintaining a temperature less than forty-one (41) degrees Fahrenheit but more than thirty-two (32) degrees

Fahrenheit. The freezer section shall be capable of maintaining a temperature below zero (0) degrees Fahrenheit.

i. Exception. If the lease or rental agreement does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided.

f. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent and cleanable surface.

2. **Bathroom.** Every dwelling unit shall have a private bathroom equipped with the following:

a. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system.

b. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe.

c. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. Every bathtub shall have a wall covering extending at least forty-eight (48) inches above the joint between the bathtub and wall, and every shower shall have a wall covering extending at least seventy-two (72) inches above the floor of the shower stall, which is cleanable, nonabsorbent, and reasonably impervious to moisture. Such materials shall form a watertight joint with each other and with the bathtub or shower.

d. A bathroom floor that is so constructed and maintained as to be reasonably impervious to moisture and all such floor and floor coverings shall be kept in a clean and sanitary condition.

e. Bathroom ventilation in accordance with Wis. Admin. Code SPS 323.02(3)(d).

3. **Maintenance of Supplied Plumbing Fixtures.** Every supplied plumbing fixture, water distribution system and waste or vent pipe shall be properly installed and maintained in good, sanitary working condition.

4. **Safe and Effective Functioning of 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.

5. **Discontinuance of Required Services, Facilities, Equipment, or Utilities.** No owner or operator shall cause any service, facility, equipment, or utility which is required to be supplied under the provisions of this Chapter to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him/her, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in the process of being made.

6. **Garbage Disposal Facilities.** Every dwelling unit shall have adequate garbage disposal facilities or garbage containers.

15.04.25 Minimum Standards for Space Requirements

A. No person shall occupy or let to another for occupancy and dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

1. **Minimum Ceiling Height.** The minimum ceiling height of every dwelling unit shall be in accordance with Wis. Admin. Code SPS 321.06, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered a part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

2. **Minimum Floor Area for Dwelling Unit.** Every dwelling unit consisting of only one (1) habitable room shall contain at least one hundred and fifty (150) square feet of habitable room floor area.

3. **Minimum Floor Area for Occupancy by More than One Occupant.** No dwelling unit containing less than one hundred and seventy (170) square feet of habitable room floor area shall be occupied by more than one (1) occupant; provided, that if a dwelling unit consisting of only one (1) habitable room has a closet with a minimum ceiling height of six (6) feet, contained within the dwelling unit and connected thereto with a doorway or other similar opening, the actual floor area of the closet, up to and including a maximum of twenty (20) square feet, shall be included in computing the habitable room floor area of the dwelling unit.

4. **Maximum Occupancy for One-Room Dwelling Unit.** No dwelling unit consisting of only one (1) habitable room shall be occupied by more than two (2) occupants.

5. **Maximum Occupancy for Dwelling Units of Two (2) or More Rooms.** No dwelling unit consisting of two (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 seventy (70) square feet of floor area	0
Each habitable room containing at least seventy (70) but less than one hundred (100) square feet of floor area	1
Each habitable room containing one hundred (100) or more square feet of floor area	2

6. **Arrangement of Sleeping, Bath and Toilet Rooms.** No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.
7. **Cellar Space Not Habitable.** No cellar space shall be used as a habitable room or dwelling unit.
8. **Basement Space May Be Habitable.** No basement space shall be used as a habitable room or dwelling unit unless:
   a. The floor and walls are of waterproof and damp proof construction;
   b. The total of window area in each room is equal to at least the minimum window area sizes as required in Wis. Admin. Code SPS 321.05(1);
   c. Exiting from the basement shall be in accordance with Wis. Admin. Code SPS 321.03(5) and/or (6);
   d. The total of openable window area in each room is equal to at least the minimum as required under Wis. Admin. Code SPS 321.05(2), except where there is supplied some other approved device affording adequate ventilation.
9. **Occupants to Have Access to Sanitary Facilities.** Every occupant of every dwelling shall have unrestricted access to a kitchen sink, toilet, bath and lavatory basin, required in accordance with the provisions 15.04.24.

Division 3 Minimum Standards and Owner Responsibilities

15.04.31 Minimum Standards for Interior Structure

A. It shall be a violation of this section to own a building which does not comply with the requirements of this Section:

1. **Interior Surfaces.** Interior surfaces, including walls, windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. Every interior wall or partition shall be capable of affording privacy, be structurally sound, and be kept in good, clean and sanitary condition.
2. **Stairs and Walking Surfaces.** Every interior stair, ramp, landing, or other walking surface shall be maintained in sound condition and good repair.
   a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
   b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.
3. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

4. **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
5. **Exits.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Exits shall be provided to meet requirements of local and State building codes.
   a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
   b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.

15.04.32 Minimum Standards for Building Maintenance

A. It shall be a violation of this section to own a building which does not comply with the requirements of this Section.

1. **General.** All structures shall be maintained in good repair, and shall be structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
2. **Protective Treatment**. Exterior surfaces, including, but not limited to, siding, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Use of moisture barriers and insulation materials as a method of permanent protective treatment is prohibited and shall be allowed for no more than thirty (30) days unless an extension is authorized by the Inspection Department.
3. **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than three (3) inches in height with a minimum stroke width of one-half inch.
4. **Foundation Walls.** Foundation walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
5. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
6. **Chimneys.** Every chimney, cooling tower, smokestack and similar appurtenances shall be adequately supported, reasonably clean, protected from deterioration and maintained in good condition.
7. **Stairways, Decks, Porches and Balconies.** Every exterior stairway, ramp, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
   a. Any flight of stairs having more than three (3) risers shall be provided with at least one (1) handrail for the full length of the flight.
   b. Guards shall be provided on all open sides of stairs consisting of more than three (3) risers and on all open sides of areas that are elevated more than twenty-four (24) inches above the floor or exterior grade.
8. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

9. **Windows and Skylights.** Every window and skylight shall be reasonably weathertight, watertight and rodent proof and shall be kept in reasonably good working condition. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. Windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. Every openable window and storm door shall be supplied with adequate sixteen (16)-gauge screens to prevent entry of pests. Glazing materials shall be maintained free from cracks and holes. Every dwelling having a bedroom in the basement shall have at least one (1) window which meets the requirements of Wis. Admin. Code SPS 321.03(6) and SPS 321.05(1) and (2).
10. **Doors and Door Assemblies.** Exterior doors, door assemblies, operator systems, if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock through of one inch. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For purposes of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
11. **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.
12. **Accessory Structures.** Accessory structures, including detached garages, fences and walls, storage sheds, kennels, play houses, tree houses, and similar structures shall be structurally sound, clean, sanitary, and maintained in good repair.

15.04.33 Owner Responsibilities

A. Owners of buildings containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises.

B. Occupants of dwellings or dwelling units shall keep in a clean and sanitary condition that part of the building and premises which they occupy and control.

C. Occupants of dwellings or dwelling units shall be responsible for hanging all screens and double or storm doors and storm windows whenever the same are required under the provision of this Chapter or any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

D. Occupants of dwellings containing a single dwelling unit shall be responsible for the extermination of insects, rodents or other pests. The occupants of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever their dwelling unit is the only one (1) infested. Notwithstanding the foregoing provisions of the Subsection, whenever infestation is caused by the failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

E. Occupants of dwelling units shall keep all plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their use and operation.

F. Every owner of any dwelling containing three (3) or more dwelling units shall appoint, in the manner and form the Inspection Department prescribes, as agent, a person who is eighteen (18) years of age or over and resident of La Crosse County, Wisconsin, and shall vest in the agent full authority and control of the building and premises, described in the appointment document and of the conduct of all business on the premises relative to any and all regulations contained in this Code. The name, address and phone number of said agent shall be posted in the dwelling in a conspicuous place. Such appointment shall be made annually on or before January 1 of each year.

Division 4 Designation of Unfit Dwellings

15.04.41 Designation of Unfit Dwellings

A. Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Inspection Department and/or Health Officer:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
3. One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; and/or
4. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Inspection Department or Health Officer shall be vacated within a reasonable time as specified by the Inspection Department or Health Officer.

B. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Inspection Department. The Inspection Department shall remove such placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

C. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation.

D. Whenever the Inspection Department and/or Health Officer determines that a violation exists or has reasonable grounds to believe that there has been a violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto, they shall give or cause to be given notice of such violation or alleged violation to the person or persons responsible therefor; such notice shall be in writing, including a description of the real estate involved, including a statement of the violations and corrective actions required and allowing a reasonable time for the performance of any act required. Such notice shall be served upon the owner, operator or occupant as the case may require and may be served by ordinary mail or in the manner provided by the Wisconsin Statutes. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Section and with rules and regulations adopted pursuant thereto.

E. Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this Chapter may request and shall be granted, upon request, a hearing in the matter before the Board of Zoning Appeals.

Division 5 Enforcement and Penalties

15.04.51 Enforcement, Services of Notices and Orders and Hearing

A. **Service of Notices**. Whenever the Inspection Department determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this chapter or of any rule or regulation adopted pursuant thereto, the Inspection Department shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

1. Be written;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason(s) why it is being issued;
4. Allow for a reasonable time for the performance of any act required; and
5. Be served upon the owner, owner's agent, or the occupant, as the case may require. Such notice shall be deemed properly served upon such owner or occupant if a copy thereof is delivered to him/her personally; or by leaving a copy thereof at his/her usual place of abode, in the presence of a family member of suitable age and discretion who shall be informed of the content thereof; or by sending a copy thereof by first class or certified mail, with return receipt requested to his/her last known address; or, if the mailed copy is returned with a receipt showing that it was not delivered to the intended recipient, by posting a copy thereof in a conspicuous place in or about the dwelling

affected by the notice. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

B. **Enforcement – Notices, Orders and Hearings**. Any person affected by any notice issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto, may request in writing, and shall be granted, a hearing before the Board of Zoning Appeals on the matter. Any request shall set forth the grounds therefor, shall be filed within 20 days after the day the notice was served and shall be accompanied by a filing fee as set forth on the City's Fee Schedule. Within 10 days of receiving such request, the Inspection Department shall set a time and place for such hearing and shall give the petitioner written notice thereof and an opportunity to be heard.

C. **Exception.** The appeals process set forth in this subsection does not apply to citations or to convictions for offenses cited.

D. **Board of Zoning Appeals to Sustain, Modify or Withdraw Notices**. After such hearing the Board of Zoning Appeals shall sustain, modify, or withdraw the notice, depending upon their finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. The Board shall be guided by a policy of reasonable compliance in order to promote the public health and may, at its discretion, permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole. The proceedings at such hearing, including the findings and decision of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the City Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.

E. **Adoption of Rules and Regulations by Inspection Department**. The Inspection Department is hereby authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this chapter. Such rules and regulations shall be submitted by said Inspection Department, after consultation with the City Attorney, to the Common Council and, if approved by a vote of a majority of the members thereof, shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter, as hereinafter provided. A copy of such rules and regulations shall be kept on file in the City Clerk's office and in the Inspection Department.

15.04.52 Penalties

A. **Penalties**. Violations of this section shall be punishable by a forfeiture of not more than $2,000. Each day a violation exists or continues to exist shall constitute a separate offense.

Title 15 Building Codes

Chapter 5 Definitions

Division 6 Definitions

15.01.11 Definitions

A. The following definitions shall be applicable in this Title:

1. **Accessory Building.** A detached building or structure not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.
2. **Accommodation.** Any room, apartment, house, building or structure, any part of which is used for human habitation on a temporary or permanent basis.
3. **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
4. **Agricultural Facilities and Practices.** See Sec. 281.16(1), Wis. Stats.

5. **Air Conditioning**. The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirements of the conditioned space.
6. **Alteration.** An enhancement, upgrading or substantial change or modification other than an addition or repair to a swelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.
7. **Apprentice.** A person other than a master or journeyman plumber, registered as such with state division of health in compliance with the rules and regulations governing apprentices.
8. **Basement.** A portion of a building partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of adjoining ground.
9. **Best Management Practice (BMP).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
10. **Building System.** Plans, specifications and documentation for a system of manufactured building or for a type or system of building components, which may include structural, electrical, mechanical, plumbing and variations which are submitted as part of the building system.
11. **Business Day.** Any day other than Saturday, Sunday or a legal holiday.
12. **Cease and Desist Order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
13. **Ceiling Height**. The clear vertical distance from the finished floor to the finished ceiling.
14. **Cellar.** A portion of a building partly or wholly underground, with half or more than half of it clear floor-to-ceiling height below the average grade of adjoining ground.
15. **Construction Site.** An area upon which one or more land disturbing construction activities occur, 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 (1) plan.
16. **Department.** The Department of Safety and Professional Services.
17. **Detached Building.** Any building which is not physically connected to the dwelling.
18. **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Title.
19. **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
20. **Dwelling Unit.** Any room or group of rooms located with a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
21. **Electrical Apprentice.** A person registered by the State of Wisconsin as an Electrical Apprentice under 305.46 of the Administrative Code.
22. **Electrical Contractor (active).** Any person who is skilled in the installation, planning, designing, superintending or inspection of electrical wiring and equipment and who is engaged in this work. Before any person shall be licensed as an electrical contractor such person must have served at least two years as a journeyman electrician and meet all other qualifications for an electrical contractor's license as determined by the Board of Electrical Examiners.
23. **Electrical Wiring.** All equipment, wiring ,material, fittings, devices, appliance, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures and apparatus used by a public utility, an electric cooperative or a wholesale merchant operator for the purpose of generating, transmitting, distributing or controlling heath, light, power or natural gas to its customers or members.
24. **Electrical Work.** The installation, superintending or inspection of electrical material, fittings, devices, appliances, fixtures, apparatus, wiring and equipment for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purposes.
25. **Electrician, Beginning.** A person registered by the State of Wisconsin as a Beginning Electrician under 305.45 of the Administrative Code.
26. **Electrician, Journeyman (active).** Any person other than an electrical contractor who is skilled in the installation of electrical wiring and equipment for the production, modification, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, and who is engaged in this work. They shall have had at least four years' practical experience. Two (2) or more years in an accredited trade school shall be equivalent to the first two years. They shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners. In no case shall a licensed journeyman electrician do electrical work in

the City of Onalaska unless under the supervision of a licensed electrical contractor, who shall be responsible in accordance with this Electrical Code. A person licensed by the State of Wisconsin as a Journeyman Electrician under 305.44 of the Administrative Code.

27. **Electrician, Journeyman Industrial.** A person licensed by the State of Wisconsin as an Industrial Journeyman Electrician under 305.443 of the Administrative Code.
28. **Electrician, Journeyman Residential.** A Residential Journeyman Electrician is a person licensed by the State of Wisconsin as a Residential Journeyman Electrician under 305.447 of the Administrative Code.
29. **Electrician, Master.** A person licensed by the State of Wisconsin as a Master Electrician under 305.43 of the Administrative Code.
30. **Electrician, Registered Master.** A person licensed by the State of Wisconsin as a Registered Master Electrician under 305.437 of the Administrative Code.
31. **Electrician, Residential Master.** A person licensed by the State of Wisconsin as a Residential Master Electrician under 305.435 of the Administrative Code.
32. **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
33. **Erosion and Sediment Control Plan.** A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
34. **Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing materials that serve as food source or by other authorized elimination methods approved by the Health Officer.
35. **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city.
36. **Family.** One (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees m bankruptcy and receivers.
37. **Final stabilization.** That all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
38. **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
39. **Foundation.** The structural system used to transfer the weight of the building to the earth.
40. **Furnace**. A completely self-contained direct-fired automatically controlled, vented appliance for heating air by transfer of heat of combustion through metal to air and designed to supply heated air through ducts to spaces remote from the appliance location.
41. **Governing body.** The City of Onalaska Common Council.
42. **Habitable Room.** Any room used for sleeping, living or dining purposes, excluding such places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
43. **Heating System.** Any combination of building construction, machines, devices or equipment, so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.
44. **Homeowner.** A person owning and occupying as their permanent address a single-family dwelling or two-family dwelling.
45. **Hot Water.** An adequate supply kept at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
46. **House Sanitary Drain.** All underground piping inside the building and to a point three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
47. **House Sanitary Sewer.** That part of the sanitary drainage system extending from the sewer service lateral or other disposal terminal to within three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
48. **House Storm Drain.** All underground piping inside the building and to a point three feet to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.
49. **House Storm Sewer.** All underground piping designed to convey the discharge of the house storm drain, surface drains, yard drains, cistern overflows and all other clear water drains to the storm sewer service lateral at the curb or other disposal terminal.
50. **Housing.** Any improved property, including any mobile home as defined in Sec. 66.0435, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be used or occupied as a home or residence.
51. **Infestation.** The presence, within or around a dwelling, of any insects, rodents or other pests.

52. **Journeyman, Contractor (inactive).** An inactive contractor or journeyman holds a valid license but is not actively engaged in the trade. At any time upon payment of an annual fee the license shall become active.
53. **Land disturbing construction activity.** 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 activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
54. **Low Voltage Installer.** Any person engaged in installing, repairing, or maintaining equipment or systems that operate at one hundred (100) volts or less.
55. **Manufacture.** The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semi-finished or finished materials.
56. **Minor Repair.** Repair performed for maintenance on replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
57. **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
58. **Multiple Dwelling.** One consisting of more than two (2) dwelling units.
59. **Occupant.** Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit.
60. **Open Construction.** Any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction.
61. **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.
62. **Operator.** Any person or group who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.
63. **Ordinary Minimum Winter Conditions.** The temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature for the previous ten (10) year period.
64. **Owner Occupied Dwelling**. A building used for human habitation in which the owner thereof maintains their permanent living quarters.
65. **Owner.** Any person who, alone or jointly or severally with others, shall have legal title of any dwelling, dwelling unit, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling or dwelling unit, as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, personal representative, trustee or guardian of the estate of the owner.
66. **Performance Standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
67. **Permit.** A written authorization made by the City of Onalaska to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
68. **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
69. **Plumbers**. Master and journeyman plumbers licensed by the state division of health.
70. **Plumbing.**
    a. All piping, fixtures, appliances and appurtences in connection with the water supply and drainage system within a building and to a point from three to five feet outside of the building.
    b. The construction and connection of any drain or waste pipe carrying domestic sewage from a point three to five feet outside the foundation walls of any building and the connection to any sewer service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe except minor repairs to faucets, valves, pipes, appliances and the removal of stoppages.
    c. The water service piping from the building to the curb box at the street curb, alley or other terminal, and the connection of domestic hot water storage tanks, water softeners and water heaters with the water supply system
    d. Water supply piping and plumbing appliances including water pressure systems other than the City system and water mains and appurtenances in connection therewith.
    e. The construction of all stormwater drains from a point within three to five feet outside of the foundation wall of any building to the storm sewer at the curb or other disposal terminal. The

construction and connection of all piping and appurtenances in connection with the stormwater drains within a building and to a point three to five feet outside the building.

71. **Pollutant.** See Sec. 283.01 (13), Wis. Stats.
72. **Pollution.** See Sec. 281.01 (10), Wis. Stats.
73. **Probable Cause**. Reasonable grounds to believe that a violation may have occurred or may be occurring.
74. **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed or acting on behalf of any of these.
75. **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
76. **Repair.** The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.
77. **Responsible Party.** Any entity holding fee title to the property or performing services to meet the performance standards of this Title through a contract or other agreement.
78. **Rooming House/Rooming Unit**. Any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let to three (3) or more persons who are not related to the owner or operator. A rooming unit refers to any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for preparation of food.
79. **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
80. **Sediment.** Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
81. **Sewer Service Lateral.** That part of the drainage system extending from the curb to the connection with the main sewer.
82. **Single Occupancy Room.** Any room which the owner has leased or rented, or in any way offered to lease or rent, to a sole individual, provided, however, that the owner permanently occupies living quarters in the same dwelling.
83. **Storm Sewer Service Lateral.** That part of the stormwater drainage system extending from the curb to the main in the street.
84. **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
85. **Stop Work Order.** An order issued by the City of Onalaska which requires that all construction activity on the site be stopped.
86. **Story.** That portion of a building located above the basement, between the floor and the ceiling.
87. **Stress.** Internal resistance to an external force expressed in load per unit area; stresses acting perpendicular (compression or tension) to the surface, shear stresses acting in the plane of the surface or bending stresses which cause curving.
88. **Supplied.** Paid for, furnished or provided by or under the control of the owner or operator.
89. **Technical standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
90. **Temporary Housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable.
91. **Uniform Dwelling Code.** See Ch. SPS 320 to 325 of the Wisconsin Uniform Dwelling Code.
92. **Ventilating**. The process of supplying or removing air by natural or mechanical means, to or from any space.

Comment [JA5]: B. The state no longer defines pollutant

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this day of , 2020.

CITY OF ONALASKA

By:
Kim Smith, Mayor

By:
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:
~~D.~~

Formatted: Normal, No bullets or numbering

#14

ORDINANCE NO. 1665 -2020

AN ORDINANCE TO DELETE CHAPTER 6 OF TITLE 11 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO PUBLIC NUISANCES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Chapter 6 of Title 11 Public Nuisances is hereby deleted in its entirety.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ____day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1665 – 2020

Please route in this order

Cari Burmaster, City Clerk

C. Burmaster
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

#15

ORDINANCE NO. 1666 -2020

AN ORDINANCE TO AMEND TITLE 16 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO PROPERTY MAINTENANCE

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 16 Property Maintenance and Vacant Building Code is hereby deleted in its entirety and hereby replaced as follows:

Title 16 Property Maintenance, Public Nuisance and Vacant Building Code

Chapter 01 Property Maintenance

Division 1 Administration

16.01.11 Property Maintenance

A. This Chapter shall be known, referred to, and cited as the Property Maintenance Code of the City of Onalaska.

16.01.12 Intent

A. The intent of this Chapter is to ensure public health, safety, and welfare to the degree that they are affected by the occupancy and maintenance of structures and premises. It is also the intent of this section to help prevent the continuation, extension, and aggravation of blight in Onalaska. This Chapter is enacted pursuant to the authorization contained in Sec. 62.23, Wis. Stats. and applies to all structures and premises in the City of Onalaska. The provisions of this Chapter shall not limit the authority of the City or other applicable jurisdictions to abate problems on improperly maintained and unsafe structures or premises pursuant to other applicable laws.

16.01.13 Interpretation

A. In their interpretation and application, the provisions of this Chapter shall be held to the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare. Where the conditions imposed by any provisions of this Chapter are either more or less restrictive than comparable standards imposed by any other provisions of this Chapter or of any other applicable law, Code, Ordinance, resolution, rule, or regulation of any kind, the regulation that is more restrictive or that imposes higher standards or requirements shall govern.

16.01.14 Severability and Conflict

A. The provisions of this Chapter are severable. If any provision, section, subsection, sentence, clause, phrase or portion of this Property Maintenance Code is found to be unlawful or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. If any part of this Chapter is found to be in conflict with any other Chapter or with any other part of this Chapter, the most restrictive or highest standard shall prevail. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment; and if any court or competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

16.01.15 Responsibility

A. The responsible person, as defined herein, shall maintain their structures and premises in compliance with this Chapter. The responsible person is the property owner of record according to the La Crosse County Land Records System. A person shall not occupy, or permit another person to occupy, a structure or premises that does not comply with the provisions of this Chapter. Occupants, including

owner occupants and tenants, of a structure or premises are responsible for caring for and maintaining that part of the structure or premises that they occupy or control. All responsible persons shall be jointly and severally responsible for securing compliance of their structure or premises with this Chapter.

16.01.16 Inspection Authority and Access Procedures

A. **Person authorized to conduct inspections.** Agents of the City authorized to conduct inspections pursuant to this Section shall include the Planning Department, Inspection Department, Police Department, Fire Department, Public Works Department and/or other authorized agents.

B. **Inspections with consent.** Authorized agents of the City, upon display of proper identification and the consent of the owner, owner's agent, occupant, or other responsible person, may enter any structure or premises (locked or unlocked) at any reasonable time to determine whether said structures or premises comply with the provisions of this Chapter. No person shall obstruct or resist any authorized agent of the City acting in their official capacity and with lawful authority.

C. **Special Inspection Warrant.** The provisions of this Chapter shall not be construed to allow an authorized agent of the City to inspect structures or premises without the consent of the owner, owner's agent, occupant, or other responsible person. If said person refuses to permit an inspection, an authorized agent of the City may apply to a court for a warrant to inspect the structure and premises pursuant to Sec. 66.0119, Wis. Stats.. In cases of emergency, a Special Inspection Warrant shall not be required.

D. **Access by owner or operator.** The provisions of this section shall not restrict the owner, owner's agent, or other responsible person lawful access to structures or premises for the purpose of inspecting, maintaining, repairing, or altering the structure or premises as necessary to comply with the provisions of this Chapter.

E. **Confidentiality of complaints.** In the event that the City receives a complaint regarding the maintenance of a structure or premises, the City may request contact information of the complainant. However, the City shall endeavor to keep the identity of all complainants confidential unless a complainant desires their name to be revealed. The City shall reveal a complainant's identity if so ordered by a court or required by law and/or as required in Chapter 3 of Title 3: Public Records of the City of Onalaska Code of Ordinances.

F. **Inspections resulting from anonymous complaints.** Anonymous complaints shall not cause the City to inspect the interior of a structure unless there is reason to believe there is immediate and grave danger to the occupants of the structure or to the occupants of structures on adjacent properties.

16.01.17 Penalties for Violation of This Chapter and Failure to Maintain Property

A. **Penalties.** If any responsible person, as defined herein, fails to comply with any provision of this Chapter a citation will be issued to the responsible person for the violation. The violation shall be referred to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a penalty of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00) per offense, together with the taxable costs of such action plus reasonable attorney's fees. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation may be enjoined, and the maintenance may be abated by action at suit of the City, the State of Wisconsin, or any citizen thereof. Any subsequent and similar violations of this Chapter within a twenty-six (26) month period shall be considered a continued offense and as such may cause the usual penalty to double for each subsequent and continued offense up to the maximum allowed by this Section.

B. **Responsible person's liability to City for costs of correction of violation.**
   1. **Notification of failure to maintain property.** An authorized agent of the City shall serve written correction orders upon the owner, the owner's agent, or other responsible person, by certified mail or by delivering the order to them personally. In the event that the owner, their agent, or other responsible person cannot be found, an authorized agent of the City shall do one (1) or more of the following:
      a. Deliver and describe the written correction order to a person of suitable age and discretion at the owner's or owner's agent's regular place of abode; and/or
      b. Post the written correction in a conspicuous place on the structure or property affected by the order.
   2. **Collection of costs incurred by the City.** If any owner, owner's agent, or other responsible person fails to comply with this Chapter; and after written notice given by an authorized agent of the City as described in the foregoing subsection, has not complied with the correction orders within the time specified in the written notice, the City may cause such maintenance to be performed. The City Treasurer or other authorized agent shall certify to the County Treasurer of La Crosse County, a statement of the cost incurred by the City to correct the deficiencies. Costs will include all expenses incurred associated with bringing the property into compliance with this Chapter, including but not

limited to administrative and clerical costs, notification and publication fees, equipment charges, tipping fees, contractor fees, and other related expenses. The cost thereof shall be a lien upon such real estate and shall be a personal liability of the owner of said real estate, collectable as any other money judgment. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and may be collected in the same manner as real estate taxes.

C. **Enforcement of other ordinances and codes.** The provisions in this Chapter are intended to be coordinated with the enforcement of other City ordinances and codes including the adopted Building Code.

16.01.18 Procedures for Razing and Vacating Structures

A. Structures may be raised pursuant to Sec. 66.0413, Wis. Stats. and the provisions set forth in the City of Onalaska Building Code.

Division 2 Maintenance of Exterior Landscaping

16.01.21 Clean, Safe, Sanitary and Attractive

A. All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish, brush, clothing, garbage, recyclables or other refuse.

16.01.22 Vegetation and Landscaping

A. Vegetation and landscaping shall present an attractive appearance in accordance with generally accepted landscaping practices and as follows:
   1. Exposed soils, except exposed soil that is associated with a garden or cultivated farmland, shall be vegetated, landscaped, or paved consistent with this Chapter to prevent soil erosion.
   2. The Common Council finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and safety hazard in that debris can be hidden in the grass, interferes with the public convenience, and adversely affects property values of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area, wetland area, or where the parcel of land is located within a subdivision where more than seventy percent (70%) of the parcels are unbuilt/vacant, or where natural landscaping as described below has been appropriately utilized. Native grasses and forbs that are part of a managed natural landscape are exempt from the height requirement of this provision.
   3. Natural landscapes shall be permitted in all zoning districts. However, unmanaged vegetation that constitutes a nuisance or hazard shall be prohibited. The Building Inspector/ Zoning Administrator or other authorized agent shall determine whether an existing landscape is a natural landscape or unmanaged vegetation that constitutes a nuisance or hazard. Natural landscapes include existing wooded areas, wetlands, prairies, and similar areas that are generally characterized by a diversity of species native to the area. Natural landscapes also include restored and managed plant communities and wildlife habitats that are comprised primarily of native ferns, grasses, forbs, aquatic plants, trees and shrubs. Where a natural landscape abuts a property or right-of-way that does not have a natural landscape, the property owner with the natural landscape shall provide an adequate grass lawn buffer or other acceptable buffer between the natural landscape and the adjacent property or right-of-way so as to prevent the natural landscape from being a nuisance or hazard or encroachment. Wherein the City is an adjoining property owner, the Public Works Director or other authorized agent shall act as a signatory to the waiver, so long as the vision triangle, public safety, and visibility of public infrastructure are not impacted.
   4. When in the opinion of the Fire Chief or their designee, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief or their designee may order the cutting of natural lawns to a safe condition by written order. A property owner shall be required to cut the natural lawn within three (3) days upon receiving direction from the Fire Chief or their designee.
   5. Natural lawns shall not be removed through the process of burning unless approval is received form the Fire Chief or their designee and a written permit to burn is issued by the Fire Chief or their designee. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars ($300,000.00).

6. Vegetation that may impede the proper functioning of a drainage swale shall be removed unless specifically approved in writing by an authorized agent of the City.
7. Vegetation (including gardens) shall be properly and routinely maintained or removed so that it does not present a hazard to structures, persons, or vehicles, impact vision triangles, and visibility/utility of public infrastructure. No person shall maintain, plant, or permit to remain on any private property situated at the intersection of two (2) or more streets/alleys in the City any tree, shrub, or other growth which may obstruct the view or life safety of the operator of any motor vehicle or pedestrian approaching such intersection. No obstructions shall be permitted between the heights of two and a half (2.5) feet and ten (10) feet at an intersection measured ten (10) feet along both streets/alleys and forming a triangle by striking an imaginary line between said points. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
8. Any trees/bushes/shrubbery located upon any private premises adjacent to any public way or public property/areas shall be kept trimmed so not to impede travel. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over the public right-of-way provide a clearance of a minimum of fourteen (14) feet. Clearance from sidewalk to lower branches shall be a minimum of ten (10) feet above the level of a sidewalk.
9. **Brush.** Piles of brush (tree branches, yard waste, etc.) shall not be allowed to accumulate and/or be stored on parcels of residentially-zoned land as said brush becomes habitat for vermin and other associated animals and can become a public nuisance.

16.01.23 Noxious Weeds, Nuisance Weeds and Invasive Species

A. The species listed herein are not native to Onalaska and have a tendency to prohibit the successful growth of native plant communities. These plants are not naturally occurring in Onalaska and become capable of spreading and developing a significant population that destroys ecologic relationships, habitats, and create an overall loss in plant diversity.
B. As listed herein, some of these species are prohibited while others are encouraged to be eradicated. In situations where the Building Inspector/ Zoning Administrator or other authorized agent determines that a plant is causing or has the potential to cause negative impacts on neighboring properties, said plant(s) shall be properly removed and disposed.
C. **Noxious Weeds.** Pursuant to Sec. 66.0407, Wis. Stats., a person owning, occupying, or controlling land shall destroy and remove all noxious weeds on said land. View Sec. 66.0407, Wis. Stats., for an updated list of noxious weeds in the State of Wisconsin.
D. **Nuisance Weeds.** Pursuant to Sec. 23.235, Wis. Stats., it is prohibited to sell, distribute, plant, or cultivate Nuisance Weeds. View Sec. 23.235, Wis. Stats., for an updated list of nuisance weeds in the State of Wisconsin.
E. **Prohibited & Restricted Invasive Species.** Pursuant to NR 40, Wisconsin Administrative Code, the listed prohibited invasive species of terrestrial plants are currently not found in Wisconsin with the exception of small pioneer stands and are prohibited. They shall be eradicated from properties and may not be transported, possessed, transferred (including sale), or introduced. Pursuant to NR 40, Wisconsin Administrative Code, the listed restrictive invasive species of terrestrial plants are already established in the state and are restricted. They may not be transported, transferred (including sale), or introduced. If they are already on your property, you are encouraged, but not required to remove them. View NR 40, Wisconsin Administrative Code, for an updated list of prohibited invasive species and restrictive invasive species in the State of Wisconsin.

Division 3 Maintenance of Exterior Uses And Storage

16.01.31 Composting

A. Composting shall be allowed in all residential zoning districts subject to the following conditions:
   1. Composting shall be conducted within an enclosed container (or containers) not to exceed a sum total of one hundred fifty (150) cubic feet per parcel. A compost container shall be made of durable material such as wood, block, plastic, or sturdy metal fencing and shall have been constructed exclusively for composting.
   2. Compost containers shall not present an aesthetic, health, or odiferous nuisance to neighboring properties.
   3. Compost containers are prohibited in any front or side yard. Compost containers shall not be located in any drainage swale. Further, compost containers shall be located a minimum of three (3) feet from

parcel lines, five (5) feet from an alley right-of-way; ten (10) feet from a principal structure; and three (3) feet from another neighboring accessory structure.

4. Only kitchen wastes or other products labeled "compostable" that break down in compost containers and yard waste (free of logs, large branches, and diseased plants) may be placed in compost containers.
5. Meat, bones, fat, oil, dairy products and other kitchen wastes that do not break down in compost containers, as well as plastic synthetic fibers, and human or pet waste shall not be placed in compost containers.
6. Compost shall be maintained within the container to keep the material aerated, minimize odor, reduce potential rodent harborage, and promote effective decomposition of the material.

16.01.32 Harborage of Pests

A. All premises shall be kept free from non-domesticated rodents, vermin, insect infestation, rock doves (feral pigeons), starlings, skunks and other pests as determined by the Building Inspector/Zoning Administrator or other authorized agent of the City. Where such pests are found, they shall be promptly exterminated or removed in a lawful manner that will not be injurious to human health. After extermination, proper precautions shall be taken to control harborage of pests and to prevent reinfestation. Bats shall be removed from a structure as determined by Animal Control in consultation with the Building Inspector/Zoning Administrator when they cause a health or structural issues to a residence. Eradication methods of bats shall be consistent with WDNR rules.

16.01.33 Animals, Animal Enclosures and Feces

A. All animal pens, runs, exercise areas, fenced areas, structures, and enclosures shall comply with the provisions of this Chapter and shall be kept clean, sanitary, and free from odor, feces, insects, and other unsightly or objectionable matters, which constitute a public nuisance or are otherwise detrimental to public health, safety, or welfare.
B. The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
C. Domestic animal feces shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors. Property owners are required to prevent the overall accumulation of domestic animal feces on private property.

16.01.34 Fences

A. All fences shall be maintained in good repair, not lean, be structurally sound and plumb. Fences shall be free of rust, corrosion, deterioration, decay, missing parts, peeling, flaking, and chipped paint. Wood surfaces, other than decay-resistant wood, must be protected from the elements and decay by paint or other protective covering or treatment. The finished side or decorative side of a fence shall face the adjoining property.

16.01.35 Miscellaneous Outdoor Storage

A. All furniture, furnishings, appliances, household goods (except those items designed and intended for outdoor use), clothing, vehicle parts, tools, equipment, and similar items shall be stored within a completely enclosed structure or properly and promptly disposed of. Furniture may be placed for use on a covered porch, so long as said furniture is protected from the elements and kept in good repair. Further, in particular, the following may not be stored outdoors:
   1. **Outdoor Storage.** No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, implements and/or equipment or other unsightly debris which substantially depreciates property values in the neighborhood. The applicable provisions of Sec. 175.25, Wis. Stats. entitled "Storage of junked automobiles," including any revisions or amendments thereto, are hereby adopted by reference. A motor vehicle shall include but not be limited to, an automobile, truck, recreational vehicle, motor home, bus and trailer that can be licensed. The term "junked automobile" shall mean any automobile or motor vehicle which is incapable of operation or use upon a highway including failure to register the vehicle or which has been dismantled for parts or scrap.
   2. **Tires.** No person shall store tires outside where they may collect rain and harbor a breeding place for the mosquito species that carries La Crosse Encephalitis, a serious viral disease.
   3. **Building waste/Construction materials.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor and is not permitted to be stored outdoors.

4. **Ice box, freezer, or similar items.** No person shall leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under their control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator, freezer or other containers which has an airtight door or lid having a capacity of one and one half (1 ½) cubic feet or more, without first removing the door and/or chaining the door with a padlock.

16.01.36 Graffiti

A. No person may write, paint, or draw any inscription, figure, or mark of any type of any public building, structure or property or other real or personal property owned by another person, business or entity unless the express permission of the owner or proper authority has been obtained. The existence of graffiti on any real property within the City is expressly declared a public nuisance affecting the public health, safety and welfare.
   1. **Definition.** When used in this Section, the term "graffiti" shall mean marks, symbols, signs, letters, names, phrases, writings, drawings or sentences which are inscribed or placed on real property without the consent of the owner or occupant that are not otherwise permitted by law.
      a. Every owner of a structure or real property defaced by graffiti shall report the defacing to the City of Onalaska Police Department upon discovery. The owner shall also comply with the terms of a written notice to abate served on the property owner by the Police Department order the removal or covering of such graffiti. The notice to abate shall be served personally or by certified mail. If a property owner fails to comply with the notice to abate within seventy-two (72) hours, the City shall have the graffiti covered or removed and all costs, fees, and expenses shall be entered into the tax roll as a special charge, pursuant to Sec. 66.0627, Wis. Stats., against the parcel of land on which the property is defaced by the graffiti is located. Extensions to the seventy-two (72) hour correction period may be granted by the Chief of Police or their designee.

B. Therefore, it is the responsibility of the owner, owner's agent, occupant, or other responsible person of the property to which the graffiti has been applied, to at all times, keep the property clear of graffiti.

16.01.37 Firewood Storage

A. Firewood storage associated with permitted outdoor sales shall be consistent with the outdoor sales provisions of the appropriate zoning district. All other stored firewood shall be used on premises and shall be stored pursuant to the following conditions:
   1. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of delivery.
   2. Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than eight (8) feet from grade, except adjacent to a fence where firewood can be stacked as high as the fence. Fences as used in this section shall not include hedges or other vegetation.
   3. All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
   4. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Chapter.
   5. Any tarp or similar material used to cover a firewood stack shall be made of durable and wind/water-resistant materials, shall be properly tied or anchored down, and shall be repaired or replaced when necessary.

16.01.38 Dumping and Littering

A. Dumping of any garabe, rubbish, furniture or furnishings, brush, junk, stone, construction materials, appliances, grease, solvents, petroleum products, vehicles and vehicle parts, in any place in any manner is prohibited in all zoning districts unless such dumping is within an approved landfill or recycling center. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City, or upon property within the City owned by the Onalaska School District or any private person, or upon the surface of any body of water within the City. Further, all waste/refuse containers and their storage areas shall be maintained in a nuisance and odor-free condition and so as to prevent the scattering of contents by weather conditions or animals. Litter shall not be allowed to accumulate.
   1. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City or upon property within the City owned by the Onalaska School District, or upon the surface of any body of water within the City.
   2. **Litter from Conduct of Commercial Enterprise.**
      a. **Scope.** The provisions of this section shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

b. **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

c. **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required above within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

3. **Handbills.**

a. **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

b. **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Division 4 Maintenance of Vehicles

16.01.41 Vehicles

A. Parking and storage of vehicles in all residential zoning districts.

1. **Parking and storage of registered, licensed, and operable vehicles.** Vehicles shall be kept fully operational, licensed and used on a regular basis. Oil and other vehicle fluids shall not be permitted to spill onto the ground, which may create an aesthetic nuisance and/or migrate into the City's right-of-way or utility systems. In all districts, parking and/or storage of registered, licensed and operable vehicles, including automobiles, vehicles and trailers used for recreational purposes over twenty-five (25) feet in length (not including trailer tongue) and commercial vehicles under twenty-five (25) feet in length, shall be consistent with the following:

   a. All vehicles shall be appropriately parked on an approved hard surface (including, but not limited to: gravel, asphalt, concrete or similar surface), or stored in an enclosed structure, or on a driveway.

   b. No person shall park or store, or permit any other person to park or store, a vehicle on lawn/grassed surface.

2. **Parking of vehicles and trailers.** Vehicles and trailers under twenty-five (25) feet in length (not including trailer tongue) not required by the State of Wisconsin to be licensed or registered, including cargo trailers, travel trailers, boats, and other such items, as well as registered and licensed vehicles and trailers used for recreational purposes, including snowmobiles and all-terrain vehicles, shall not be parked on front yards (excluding corner properties) unless parked on a driveway or parking area described pursuant to the provisions of the Unified Development Ordinance. Such vehicles if parked in the driveway shall not extend over a public sidewalk and/or City Right-of-Way. Such vehicles/trailers may be parked in rear and side yards.

3. All recreational vehicles stored on a property shall be owned by the resident on whose property the unit is parked for storage.

4. **Vehicles or trailer used for storage of goods.** No vehicle, trailer, or similar device shall be used for the storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

5. **Parking or storage of unregistered, unlicensed, or inoperable vehicles on private property.** Any unregistered, unlicensed, or inoperable vehicles (including automobiles and vehicles and trailers used for recreational purposes) shall not be stored for more than ten (10) days on private property on an approved hard surface, unless stored within an enclosed structure.

6. **Parking or storage of unregistered, unlicensed, or inoperable vehicles on public property.** Except as permitted on State of Wisconsin property, no person shall park any unregistered, unlicensed, or inoperable vehicle upon any public street, alley, highway, or public property.

7. **Abandoned vehicles.** A vehicle is considered abandoned if the vehicle is parked and left unattended in the same place for forty-eight (48) consecutive hours without the permission of the owner of the premises and is in public view. The City of Onalaska Police Department shall be

responsible for the removal and disposition of vehicles abandoned on public premises. Vehicles abandoned on public property shall be disposed of per Sec.342.40, Wis. Stats. For private properties, the Onalaska Police Department's involvement is limited to issuing appropriate parking tickets and it is the responsibility of the property owner to appropriately remove and dispose of vehicles abandoned on private property. Any person who abandons a vehicle on public or private premises may be punished by imposition of forfeiture as detailed in this Chapter.

8. **Responsibility for parking violations on premises.** The registered owner of a vehicle shall be responsible for any violations of the parking provisions of this Chapter. If a vehicle has been abandoned or the owner of the vehicle is unknown, then the owner of the property on which the vehicle is located shall be responsible for any violation of the parking provisions of this Chapter.

16.01.42 Propane Fuel Tanks

A. Fuel tanks shall not be stored in any front or side yard.

Division 5 Maintenance of Public Right of Ways

16.01.51 Rubbish in Public Rights-of-Way

A. To protect the City's storm water system, pedestrian safety, and vehicular traffic in public rights-of-way, dirt, mud, rocks, leaves, grass clippings, and/or rubbish/refuse of any kind may not be dropped, deposited, or directed towards the public right-of-way. Dirt, mud, rocks, leaves, grass clippings, and/or other rubbish/refuse unintentionally directed towards the public right-of-way shall be removed and properly disposed of.

B. Removal of debris and dirt from sidewalks, streets and public grounds.

1. No abutting property owner shall, upon any sidewalk, street, alley or public ground, so maintain their land or any building situated thereon so that, by erosion, by travel or by act of the responsible person, parts of the soil or other substance shall be deposited upon the abutting sidewalk, street, alley or any public ground, and if such deposit by erosion or otherwise shall take place, the sidewalk, street, alley or public ground shall be cleaned and made passable by such abutting owner within twenty-four (24) hours after receiving notice thereof.
2. No abutting property owner shall maintain their adjacent land within three (3) feet of any sidewalk, street, alley or public ground so that by erosion, debris, or other substances creates a public nuisance or that the maintenance of the adjoining lands shall be such that over time said conditions will cause destruction and disrepair of the sidewalk, street, alley or public grounds. That within the twenty-four (24) hours after receiving notice thereof, said property owner shall remedy any public nuisance or conditions which may cause destruction and disrepair of sidewalks, streets, alleys or public grounds.

16.01.52 Snow/Ice Removal and Storage

A. **Removal from Sidewalks.** The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on said sidewalk due to natural means and/or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to the width of the sidewalk. In the event that ice has formed on any sidewalk in such a manner than it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with material to accelerate melting or prevent slipping. In case snow shall continue to fall for some time, then it shall be removed immediately after it shall cease to fall. If snow should begin to fall again within the initial twenty-four (24) hours, the twenty-four (24) hour time shall be reset to when the snow ceases to fall the following time. The owner, agent, occupant or person in charge of a corner lot shall also clear, sand or salt, as set forth herein, to the curb that portion of the sidewalk commonly referred to as the corner crosswalk. A corner lot is defined as a lot abutting upon two (2) or more streets.

B. **Public Works Department to Remove.**

1. In any case where any sidewalk in front of or adjoining any lot or parcel of land shall remain covered in any part with snow or ice after twenty-four (24) hours when it cased to fall, the Public Works Department, may grant a courtesy notice to the owner, agent or occupant to remove said snow. It shall be the duty of the Public Works Department, to thereafter cause such snow or ice to be so removed from the full width of such sidewalk. The costs incurred by the City for the removal of snow and/or ice shall be fully accounted and charged to the parcel of land adjoining said sidewalk. If the costs and expenses remain unpaid, the City Treasurer shall enter those charges onto the tax roll as a special charge and shall be collected as other taxes upon real estate are collected.
2. The charge for said service shall be lineal foot of frontage cleared with costs outline in the City Fee Schedule including an administrative fee.

C. **Snow and Ice Not to Encroach.** No person shall push, shove, plow, throw or in any way deposit any snow or ice onto any public streets, alley, sidewalk, or public lands dedicated to public use except for parcels or lots where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exists from the City right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks only onto the public streets. Snow from public sidewalks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access. The deposit of any snow or ice upon any sidewalk, alley or public street of the City, contrary to the provisions of this Section, is a nuisance; and the City may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed.

D. **Enforcement.** The Public Works Department officers are hereby authorized and directed to enforce the provisions of this Section.

E. **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.

F. **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Title 1 and per Sec. 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

16.01.53 Obstructions/Encroachments into the Right of Way

A. No person shall encroach upon or cause an encroachment/obstruction of any street, alley, sidewalk, or public grounds.

Division 6 Maintenance of Manufactured and Mobile Homes

16.01.61 Maintenance Standards for Manufactured and Mobile Homes

1. Wrecked, damaged or dilapidated manufactured and mobile homes shall not be kept or stored in any manufactured or mobile home district or upon any premises in the City. The Planning and Inspection Departments shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such manufactured or mobile homes are hereby declared to be a public nuisance. Whenever the Planning and Inspection Departments so determines, it shall notify the licensee or landowner and owner of the manufactured or mobile home in writing that such public nuisance exists within the district or on lands owned by them giving the findings upon which its determination is based and shall order such home removed from the district or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
2. The Planning, Inspection, and Fire Departments or other applicable City staff are authorized to inspect manufactured or mobile home a minimum of one (1) time in every twelve (12) month period to determine the health, safety and welfare of the occupants of the district and inhabitants of the City for compliance with the City Code and State Statutes.
3. All manufactured or mobile homes shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
4. Storage under manufactured or mobile homes is prohibited.

Chapter 02 Public Nuisances

Division 1 Nuisances

16.02.11 Public Nuisances Prohibited

A. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City of Onalaska.

16.02.12 Public Nuisances Defined

A. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
   1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
   2. In any way render the public insecure in life or in the use of property;
   3. Greatly offend the public morals or decency;

4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

16.02.13 Public Nuisances Affecting Health

A. **Definitions.** For purposes of this Section:
   1. **Human Health Hazard.** A substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public, pursuant to Sec. 254.01(2) Wis. Stats.
   2. **Immediate Health Hazard.** A health hazard that exists, or has the potential to exist, which should, in the opinion of the La Crosse County Health Officer, be abated or corrected immediately, or at least within a twenty-four (24) hour period, to prevent possibly injury or damage to human health or the environment.
   3. **Pollution.** The contaminating or rendering unclean or impure the air, land or waters in the City, or making the same injurious to public health, harmful or commercial or recreational use or deleterious to fish, animal or plant life.
   4. **Toxic and Hazardous Materials.** Any chemical or biological material that is stored, deposited, used or disposed of in such quantity or manner that it is or has the potential to create a health hazard.

B. **Public Health Nuisances.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be constructed to exclude other nuisances coming from within the definitions set forth above:
   1. **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public. No person shall take or permit to remain any dog, cat or other live animal on or upon the interior of any premises where food is sold, offered for sale or processed for consumption by the general public.
   2. **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
   3. **Animals at Large.** All animals running at large.
   4. **Animal Welfare.** Intentional abuse or prolonged confinement of any domestic or wide animal or fowl such that a decline in the health or well-being of the animal occurs.
   5. **Accumulation of Refuse.** Accumulation of old cans, lumber, firewood, and other refuse or trash.
   6. **Clean Air Act.** The statutory provisions describing and defining regulations with respect to indoor smoking contained in Sec. 101.123, Wis. Stats., known as the Clean Indoor Air Act, exclusive of any provisions therein relating to penalties to be imposed or the punishment for violation of such statutes, are hereby adopted by reference and made part of this section as if fully set forth herein. Any act required to be performed or prohibited by Sec. 101.123, Wis. Stats., and incorporated herein by reference is required or prohibited by this section. Penalties for violation of this section shall be as provided in Section 1-1-7 of this Code of Ordinances.
   7. **Garbage Cans and Recycling Cans.** Garbage cans and recycling bins which are not fly tight.
   8. **Human Health Hazard.** No person shall erect, create, cause, continue, maintain or permit any human health hazard within the City. Any person who shall cause, create or maintain a human health hazard, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of violation of this Section.
   9. **Noxious Odors, Etc.** Any use of property, substances or things within the City or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
   10. **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
   11. **Storage of Potentially Polluting Substances.** It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the City.
   12. **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
   13. **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
   14. **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

C. **Cleanup of Spilled or Accidentally Discharged Wastes.**

i. The name and address of the owner of the dog if known and if not known that fact;
ii. A description of the dog;
iii. Whereabouts of the dog;
iv. Facts upon which the declaration is based;
v. Restrictions placed upon the dog and when the owner is not known the intended disposition of the dog;
vi. Penalties for violation of the restrictions, including possibility of destruction of the dog and any fine or imprisonment of owner; and
vii. Availability of a hearing to contest the declaration by submitting a written request to the Common Council within fifteen (15) days of receipt of the declaration or if notice is given by publication or posting within fifteen days of the earlier of the date the notice appears in the newspaper or the property is posted.

d. A dog may be declared dangerous under this section if the dog has within a twelve (12) month period attacked and killed a domestic animal on more than one occasion. For purposes of this subsection only, a domestic animal does not include any feral animal or does not apply where the attack was upon a domestic animal that was at large or upon a domestic animal that was tormenting or attacking the dog.

e. Dogs shall not be declared dangerous, potentially dangerous or vicious if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tor upon the premises occupied by the owner of the dog, or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, provoked or assaulted the dog or was committing or attempting to commit a crime.

f. **Notice.** When notice is given by regular mail to the owner's last known address, notice is effective on the third day after the notice was placed in the mail, postage prepaid, to the owner's last known address. When notice is given by certified mail, notice is effective when received; provided however, if certified mail delivery has been refused, notice is effective by publication or posting and whenever notice is accomplished by publication or posting the notice is effective and deemed received on the earlier of the day the property is posted or the newspaper is published.

5. **Potentially Dangerous Dogs.**

a. **Prohibited.** No person shall maintain a potentially dangerous dog in violation of Title 7 or otherwise in violation of this Section.

b. No person owning, harboring or having the care or custody of a potentially dangerous dog shall permit the dog to go at large or leave the owner's property unless the dog is securely leashed and muzzled.

c. **Spaying/Neutering.** All owners of potentially dangerous dogs must spay or neuter the dog and provide proof of sterilization to the City Clerk within fourteen (14) days of the animal control officer declaring the dog potentially dangerous.

d. In addition to any other penalty for a violation of this Section, a court may revoke the authority of a person to keep a potentially dangerous dog within the city.

e. The owner of a potentially dangerous dog may apply to the Chief of Police and Director of Animal Control to have the declaration waived after two (2) years upon meeting the following conditions:
i. The owner and offending dog has no subsequent violations of this Chapter; and
ii. The owner of the dog has complied with all the provisions of this ordinance for a period of two (2) years; and
iii. The owner provides proof to the Chief of Police of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.
iv. If the Chief of Police and Director of Animal Control finds sufficient evidence that the dog owner has complied with all conditions in this subsection, the application to rescind the potentially dangerous dog declaration shall be approved.

6. **Dangerous Dogs.**

a. No person shall maintain a dangerous dog in violation of this Section.

b. **Keeping of a Dangerous Dog.** Once a dog has been declared dangerous, it shall be kept in a secure enclosure subject to the following requirements:
i. **Leash.** No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its enclosure unless such dog is securely attached to a leash not more than four (4) feet in length and walked by a person who is both over the age of eighteen (18) and who has the physical ability to restrain the dog at all times. No owner shall keep or permit a dangerous dog to be kept on a chain, rope or other type of leash outside its enclosure unless a person capable of controlling the dog is in physical control of the leash.

ii. **Muzzle.** It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

iii. **Confinement.** Except when leashed and muzzled as provided in this Section, a dangerous dog shall be securely confined in a residence or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light, and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

1. The structure must have secure sides and a secure top, or all sides must be at least six (6) feet high;
2. The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and
3. The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

v. **Indoor Confinement.** No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dogs shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

vi. **Signs.** All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premise a sign easily readable by the public using the words "Beware of Dog."

vii. **Liability Insurance, Surety Bond.** Subject to the City's discretion, the owner of a dangerous dog may be required to present to the City Clerk proof that the owner has procured liability insurance or a surety bond in the amount of not less than One Hundred Thousand Dollars ($100,000.00) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing it if the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that the owner shall maintain and not voluntarily cancel the liability insurance policy following the determination of the status of dangerous dog unless the owner ceases to own or keep the dog prior to the expiration date of the permit period.

viii. **Identification Photographs.** All owners, keepers or harborers of dangerous dogs must within ten (10) days of determination by the City provide to the City Clerk's office and Director of Animal Control, each two color photographs of the registered dog clearly showing the color and approximate size of the dog.

ix. **Microchip.** All owners, keeps or harborers of dangerous dogs must within ten (10) days of determination of such status microchip the dog and provide the microchip information to the City Clerk and Director of Animal Control.

x. **Sale or Transfer of Ownership Prohibited.** No person shall sell, barter or in any other way dispose of a dangerous dog registered with the City to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog, provided that the owner of a dangerous dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city. Owner must disclose dog's status as a dangerous dog to anyone to whom the owner transfers custody or care of the dog.

xi. **Notification of Escape.** The owner or keeper of a dangerous dog shall notify the Onalaska Police Department and Animal Control immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

xii. **Failure to Comply.** It shall be a separate offense to fail to comply with the restrictions in this section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment as set forth below. In addition, failure to comply with the requirements and conditions set forth in this Chapter shall result in the revocation of the dog's license providing for the keeping of such dog.

xiii. A dangerous dog owner may apply to the Chief of Police and Director of Animal Control to have the declaration waived after three (3) years upon meeting the following conditions:

1. The Owner and offending dog has no subsequent violations of this Chapter;
2. The Owner of the dog has complied with all of the provisions of this act for a period of three (3) years; and successful completion of a behavior modification program

1. **Cleanup Required.** All persons, firms, or corporations delivering, hauling disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the City.
2. **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Police Department so that assistance can be given by the proper agency.
3. **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the City, or its designated agent, in an effort to minimize the pollutional effects of the discharged waste.

16.02.14 Public Nuisances Offending Morals and Decency

A. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be constructed to exclude other nuisances coming from within the definition of Section 16.01.56:
   1. **Disorderly Houses.** All disorderly houses or resorts, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling unless said device is authorized by State Law.
   2. **Gambling Places and Devices.** All gambling devices and slot machines unless specifically authorized by State Law. Any gambling place defined in Sec. 945.01(4)(a) Wis. Stats. pursuant to the restrictions and abatement process under Sec. 823.20 Wis. Stats.
   3. **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the Ordinances of the City.
   4. **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the City.
   5. **Drug and Gang Houses.** Any building, structure or dwelling unit or portion of any building that is used to facilitate the delivery, distribution or manufacture of controlled substance as prohibited by State Statute and as further defined in Sec. 823.113, Wis. Stats., or any building, structure or portion thereof that is used as a meeting place of a criminal gang or that is used to facilitate the activities of a criminal gang in accordance with this chapter is hereby declared a public nuisance and may be proceeded against under this section. The provisions of Sec. 823.113, Wis. Stats., is hereby adopted and by reference made a part of this code as is fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited in this Chapter.

16.02.15 Public Nuisances Affecting Peace and Safety

A. **General Public Nuisances.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances affecting peace and safety, but such enumeration shall not be constructed to exclude other nuisances coming from within the definition of Section 16.01.56:
   1. **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the City or laws of the State relating to the storage of flammable liquids.
   2. **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City.
   3. **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City.
   4. **Obstructions of Streets and Excavations.** All obstructions of streets, alleys, sidewalks, crosswalks or bike paths and all excavations in or under the same, except as permitted by the Ordinances of the City or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit. No person shall undertake any activity, resulting in the placement of mud, dirt, clay, sediment or other similar substance upon any street, gutter, alley, sidewalk or bike path within the City, which creates a condition hazardous to others using the street, gutter, alley, sidewalk or bike path.
   5. **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

6. **Wires over streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
7. **Continuous Violation of City Ordinances.** Any place or premises within the City where City Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

B. **Dangerous Dogs.**

1. **Authorization.** This ordinance is enacted pursuant to the general police power, the authorities granted to cities by the Wisconsin State Constitution and set forth under Sec. 66.0101 Wis. Stats., and the express authority under of Sec.174.12(3), Wis. Stats., as may be amended.
2. **Purpose and Intent.** The purpose of this Section is to promote the public health, safety and general welfare of the citizens of the City of Onalaska.
3. **Definitions.** When used in this Section, words have their common meaning and in addition the following words, terms and phrases, and their derivations have the following meaning:
   a. **Animal Control Officer.** Any person employed, contracted with or appointed by the City who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Section.
   b. **At Large.** A dog that is not on its owner's property and not leashed.
   c. **Bite Injury.** Any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.
   d. **Dangerous Dog.** Any dog that has caused a bite injury and is not a vicious dog.
   e. **Director.** The Director of Animal Control.
   f. **Domestic Animal.** An animal of a tamed species that is commonly kept as pets and includes livestock.
   g. **Enclosure.** A fenced or walled area having a fence or wall height of at least six (6) feet suitable to prevent the entry of young children and suitable to confine a dog.
   h. **Impoundment.** Seizing and confining a dog by any police officer, animal control officer or any other public officer under the provisions of this Section.
   i. **Muzzle.** A device construct of strong, soft material of or metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.
   j. **Potentially Dangerous Dog.** Any dog that while at large: (1) behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or domestic animal, or (2) causes injury to a domestic animal.
   k. **Provocation.** Any action or activity, whether intentional or unintentional which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by evidence.
   l. **Owner.** Any person, partnership or corporation having a right of property in an animal, or who keeps or harbors a dog, or who has in their care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by them.
   m. **Sanitary Condition.** A condition of good order and cleanliness to minimize the possibility of disease transmission.
   n. **Serious Physical Injury.** Disfigurement, protracted impairment of health, or impairment of the function of any bodily organ.
   o. **Vicious Dog.** A dog that without provocation or justification bites or attacks a person and causes serious physical injury or death or is declared vicious under this Section.
4. **Declaration of Status.**
   a. An animal control officer or police officer may find and declare a dog potentially dangerous, dangerous or vicious after the officer has probably cause to believe that the dog falls within the definition of "vicious dog", "dangerous dog" or "potentially dangerous dog". The finding must be based on:
      i. The written complaint of a person who is willing to testify that the dog has acted in a manner in which causes it to fall within the definition of "vicious dog", "dangerous dog" or "potentially dangerous dog";
      ii. Dog bite reports filed with the animal control officer or City of Onalaska;
      iii. Action of the dog witnessed by any animal control officer or law enforcement officer; or
      iv. Other substantial evidence admissible in court.
   b. The declaration shall be in writing and shall be served by the City:
      i. On the owner if known using regular mail to the owner's last known address or by certified mail directed to the owner at the owner's last known address, personally, or if the owner cannot be located by publication of a Class 1 notice and posting a notice on the property of the owner.
   c. The declaration shall contain the following information:

administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training; and

3. If the Chief of Police and Director of Animal Control finds sufficient evidence that the dog has complied with all conditions in this subsection, and has sufficient evidence that the dog's behavior has changed, the application shall be approved to rescind the dangerous dog declaration.

7. **Vicious Dogs.** It shall be unlawful to keep, possess or harbor a vicious dog within the City limits.
   a. The provisions of this section shall not apply to a police dog being used to assist one (1) or more Law Enforcement officers acting an official capacity.
   b. The Director of Animal Control, Chief of Police or their designee may seek a Court order to have a dog euthanized that has been declared vicious.
   c. The Owner of a dog that has been declared to be vicious may appeal that determination to the Common Council within fifteen (15) days of the declaration. If an appeal is timely filed, the order to destroy the animal is suspended pending the final determination of the Common Council except when the Director declares that the public health and safety require the immediate destruction of the animal as in the case of rabies.
   d. The Owner of a vicious dog shall be liable for and shall pay all costs associated with impoundment, removal or euthanasia of said animal. The Owner shall pay any other associates costs incurred.
8. **Immediate Impoundment.**
   a. A dog suspected of being dangerous or vicious may be immediately impounded when the Director of Animal Control, Chief of Police or the Director's designee determines such immediate impoundment is necessary for the protection of public health or safety.
   b. If the owner of the dog impounded is not reasonably ascertainable at the time of impoundment, Animal Control in conjunction with the City shall immediately notify the owner by mail sent to the owner's last known address postage prepaid which upon the passage of three days be deemed complete or by personal service within five (5) business days after the dog's impoundment.
   c. The notice of impoundment shall inform the owner of the dog that the owner may request, in writing, a hearing to contest the impoundment. Upon receipt of the notice of impoundment either through personal service or by mail (receipt is complete three days after mailing to the last known address of owner postage prepaid), the owner has five (5) business days to request a hearing by serving on the City Clerk a written request for the hearing.
   d. Upon request by the Owner of the dog for a hearing, a hearing must be held within ten (10) business days after receipt of the request. Notice of the date, time and location of the hearing shall be provided by regular mail to the dog owner requesting the hearing. The impoundment hearing shall determine if the dog poses a risk to public health and safety or if the dog could be released. If the trier of fact determines the dog does not pose a risk to public health and safety, the dog shall be immediately released back to the owner pending further proceedings either administrative or judicial.
   e. The Owner must pay all of the cost of the impoundment and upon request must post sufficient funds to cover the anticipated costs for continued impoundment. In the alternative, the owner may propose a suitable facility where the dog could be contained and maintained at the sole cost of the Owner and upon approval of the Director the dog may be impounded at that facility under the terms and conditions set by the director. Failure to post funds sufficient to pay for the costs of impoundment constitutes a waiver of any rights the owner may have to a hearing under this Section.
   f. If the Owner is successful in appealing the decision to impound the dog, the Director must refund to the Owner any costs paid for the impoundment.
9. **Continuation of Dangerous Dog Declaration.** Any dog that has been declared dangerous or vicious by any agency or department of this City, another municipality, county, or state shall be subject to the provisions of this Chapter. The person owning or having custody of any dog designated as potentially dangerous or dangerous by any municipality, county, or state government shall notify the City Clerk's Office and Animal Control of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City of Onalaska. The restrictions and conditions of maintenance of any dog declared dangerous by this City, another municipality, county, or state shall remain in force while the dog remains in the City. No dog declared a potentially dangerous, dangerous, or vicious dog by any other designation agency or department of another municipality, county, or state based solely on size, breed, mix of breeds, or appearance shall be subject to this Section.
10. **Reckless Dog Owner.**
    a. Any person convicted of:

i. a violation of the City of Onalaska Code of Ordinances Title 7, Chapter 1 relating to the licensing and regulation of Animals or Title 11 nuisances ordinances three (3) or more times in any twenty-four (24) month period; or
ii. a violation of this Division two (2) or more times in any five (5) year period, shall be declared a reckless dog owner.

b. The City Attorney's office in consultation with the Police Department and Animal Control office shall issue a notification to the declaration of Reckless Dog Owner to the person with the following:
   i. Name and address of the person subject to the declaration, and;
   ii. The description, violation and conviction that led to the declaration, and;
   iii. The name, description and license number of all dogs subject to the effects of such declaration, and
   iv. Instructions on appealing the declaration to the Common Council.

c. Once declared a reckless dog owner, the person shall now own, keep, possess or harbor a dog for a period of five (5) full years from the date of declaration.

d. A person declared to be a reckless dog owner may apply to have the declaration waived after two (2) years upon meeting the following conditions:
   i. The person has son subsequent violations of this Chapter or Title 7, Chapter 1; and
   ii. The person has complied with all provision of this Chapter for a period of two (2) years; and
   iii. The person provides proof to the City of a successful completion of a program designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with Animal Control and City appropriate City Officials as determined by the City Administrator establishes that understanding.

e. If the City finds sufficient evidence that the person has complied with all conditions in this subsection, the City may rescind the reckless owner declaration subject to conditions that can help to ensure no future violations.

11. **Penalties.** Any person violating this Division, shall upon conviction, forfeit a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or imprisonment in the La Crosse County Jail for up to sixty (60) days or both. For each subsequent violation of this section within twenty-four (24) months after committing a previous violation the forfeiture shall be not less than Two Hundred and Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00).
12. **Appeals**. Any person aggrieved by a decision under this Section may appeal that decision to Circuit Court in accordance with and pursuant to Wisconsin state laws and Circuit Court rules.

Division 2 Deer and Wildlife Feeding Ban

16.02.21 Feeding of Deer Prohibited

A. No person may feed deer through the placement of any salt, mineral, grain, fruit, or vegetable material outdoors on any public or private property. The following acts shall constitute deer feeding:
   1. The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
   2. The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the grain, fruit, or vegetable material.
   3. Any other method of placing salt, mineral, grain, fruit, or vegetable material out of doors, or allowing salt, mineral, grain, fruit, or vegetable materials to remain out of doors in a manner that would encourage consumption by deer.
   4. Any feeder placed fifty (50) feet or more from any deeded residence.

B. **Exceptions.** This Section shall not apply to the following situations:
   1. **Hunting.** The placement of bait for the purpose of hunting deer subject to all other laws, ordinances, rules, and regulations governing hunting and the discharge of hunting weapons.
   2. **Naturally Growing Materials.** Naturally growing grain, fruit, or vegetable material, including gardens.
   3. **Bird Feeders.** Unmodified commercially purchased bird feeders or their equivalent.
   4. **Authorized by the City of Onalaska.** Deer feeding may be authorized on a temporary basis by the Common Council for a specific purpose as determined by the Common Council.

16.02.22 Feeding of Other Wildlife Prohibited

A. Per Sec. NR 19.60, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted as though fully set forth herein for all other animals except deer which are outlined in Section 16.02.21. above.

16.02.23 Penalty

A. Any person violating any provision of this Division shall forfeit not less than Twenty-Five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) for each offense, together with prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Any person who defaults in the payment of forfeiture or the costs of prosecution may be imprisoned in the county jail until the forfeiture and costs are paid, but such imprisonment shall not exceed thirty (30) days. This paragraph does not preclude the City from taking any appropriate action to abate, prevent or remedy a violation of any provision of this Section.

Division 3 Chronic Nuisance Premises

16.02.31 Definitions

A. Definitions shall have the following meaning:
   1. **Chief.** The Chief of Police or their designee.
   2. **Enforcement Action.** Arrest, issuance of a citation or the issuance of a written or verbal warning.
   3. **Nuisance Activity.** Any of the following activities, behaviors or conduct occurring on a premises:
      a. An Act of Harassment, as defined in Sec.947.013 Wis. Stats.
      b. Disorderly Conduct, as defined in Sec. 947.01 Wis. Stats.
      c. Battery, Substantial Battery or Aggravated Battery, as defined in Sec. 940.19 Wis. Stats.
      d. Lewd and Lascivious Behavior, as defined in Sec. 944.20 Wis. Stats.
      e. Prostitution, as defined in Sec. 944.30 Wis. Stats.
      f. Theft, as defined in Sec. 943.20 Wis. Stats.
      g. Receiving Stolen Property, as defined in Sec. 943.34 Wis. Stats.
      h. Arson, as defined in Sec. 943.02 Wis. Stats.
      i. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in Ch. 961 of Wis. Stats.
      j. Gambling, as defined in Sec. 945.02 Wis. Stats.
      k. Violations of regulations related to Animals under Chapter 1 of Title 7 of the City of Onalaska Code of Ordinances.
      l. Trespassing, as defined in Sec. 943.31 Wis. Stats. and Sec. 943.14 Wis. Stats.
      m. Violations of City regulations related to Firearms, Explosives and Weapons under Chapter 2 of Title 11 of the City of Onalaska Code of Ordinances.
      n. Noise violations as defined in Chapter 2 of Title 11 of the City of Onalaska Code of Ordinances.
      o. Any Conspiracy to Commit, as defined in Sec. 939.31, Wis. Stats., or attempt to commit, as defined in Sec. 939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in Subdivision 3.a. through n. above.
      p. The execution of arrest or search warrants at a particular location.
      q. Alcohol violations regulated in Chapter 4 of the City of Onalaska Code of Ordinances and Sec. 125.07, Wis. Stats.
      r. City of Onalaska Inspection/Planning/Zoning-related calls where the Police Department responds.
   4. **Owner.** The owner of the premises and their agents.
   5. **Premises.** An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.

B. **Statutory References.** All references to Wisconsin Statutes in this section are to statutes as may be amended or replaced.

C. **Notice of Chronic Nuisance.** Whenever the Chief determines that three (3) or more nuisance activities resulting in enforcement action have occurred at a premise during a twelve (12) month period, the Chief may notify the premises owner in writing of the chronic nuisance. In calculating the requisite nuisance activities, the Chief may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall never count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. The notice shall be delivered by personal service. If personal service is unsuccessful or impractical, the Chief or their designee shall post a copy of the notice in a conspicuous place on the premises where the nuisance exists and send notice by first class mail to the last-known address of the owner or the agent of the owner.

D. **Abatement Plan.** Any owner receiving notice subject to Section 16.02.31.C. above shall meet with the City Attorney and Chief or their designee, within five (5) days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten (10) days of this meeting, the owner shall submit

to the Chief or their designee, an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within sixty (60) miles of the property that can be contacted in the event of further police, fire or inspection contact.

E. **Additional Nuisance Activity.** Whenever the Chief determines that additional nuisance activity has occurred at a premise for which notice has been issued pursuant to Section 16.02.31.C. above, that this nuisance activity has occurred not less than fifteen (15) days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Chief may calculate the cost of police responses and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.

F. **Appeal.** Appeal of the determination of the Chief under this Division may be submitted to the Common Council. Ch. 68 Wis. Stats. shall not apply to such an appeal.

Division 4 Abatement of Nuisances

16.02.41 Public Nuisances Prohibited

A. **Enforcement.** The Chief of Police, the Chief of the Fire Department, the Director of Public Works, Zoning Administrator, County Health Officer, Building Inspector or their enforcement designees shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does in fact exist. Inspection authority and administration for public nuisances shall follow the requirements set forth in Property Maintenance Code Section 16.01.16.

B. **Summary Abatement.** If the inspecting officer shall determine that a nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, notice to abate the nuisance may be issued and served by the officer pursuant to Subsection (e) below. The notice shall order abatement of the nuisance within a period of not less than twenty-four (24) hours or greater than seven calendar days and shall state that unless the nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, maintaining or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

C. **Nonsummary Abatement.** If an officer determines that a public nuisance exists but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, notice to abate the nuisance may be issued and served by the officer pursuant Subsection 16.02.41.D. below. If the public nuisance activity involves felony drug type conduct, a notice to abate the nuisance shall be mandatory. The notice shall order abatement of the nuisance within a period of not less than fifteen (15) calendar days and shall state that unless the nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, maintaining or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

D. **Abatement Plan.** If an officer determines that a public nuisance exists but the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals or decency, the officer may order the owner, occupant or person causing, maintaining, or permitting the nuisance to appear for a hearing to discuss the abatement of the nuisance. If the public nuisance involves felony drug type conduct, the officer shall order the owner, occupant or person causing, maintaining or permitting the nuisance to appear for a hearing to discuss abatement of the nuisance. The hearing shall include the officer and a representative of the City's Police Department and the City Attorney. Notice of the hearing shall be issued and served pursuant to Subsection 16.02.41.E. below. The parties may formulate an abatement plan which indicates the measures to be taken by the owner, occupant or person causing, maintaining or permitting the nuisance to abate the nuisance, such plan shall be in writing and signed by the parties.

E. **Notice to Abate.** The officer may attempt personal service on the owner, agent of the owner, occupant or other person causing, maintaining or permitting the nuisances at such person's last known address. If this attempt is unsuccessful the officer shall post or cause to post a copy of the notice in a conspicuous place in or about the building where the nuisance exists and send notice by first class mail to the last-known address of the owner or agent of the owner.

F. **Remedy from Abatement Order.** Any person affected by an order under Subsections 16.02.41.B. and C. above shall, prior to the abatement date, apply to the circuit court for an order restraining the City from entering on the premises and abating or removing the nuisance, or be forever barred.

G. **Non-Abatement Prohibited.**

1. **Failure to Comply with Order to Abate.** No person shall fail to comply with a lawful order to abate a public nuisance pursuant to this section. Each day of non-compliance with a lawful order to abate issued pursuant to this section is a separate violation.
2. **Failure to Appear for Hearing.** No person shall fail to comply with an order to appear for an abatement hearing pursuant to Section 16.02.31.D. of this Chapter.
3. **Failure to Observe Abatement Plan.** No person shall fail to comply with the terms of an abatement plan.

H. **Abatement by Court Action.** If an officer determines that a public nuisance exists, the officer may refer the nuisance to the City Attorney for review. If the City Attorney determines that alternative enforcement methods have failed to abate the nuisance or would be ineffective in doing so, the Common Council may cause an action to abate such nuisance be commenced in the name of the City in the Circuit Court for La Crosse County in accordance with the provisions of the Wisconsin Statutes.

I. **Other Methods Not Excluded**. Nothing in this Chapter shall be construed as prohibiting the abatement of nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

16.02.42 Cost of Abatement and Penalties

A. **Cost of Abatement.** In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

B. **Penalties.** Except as otherwise outlined elsewhere in this chapter, any person, firm or corporation who fails to follow the provisions of this Chapter, shall upon conviction thereof forfeit as follows:
1. **First Offense**. Not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00).
2. **Subsequent Offenses**. For each subsequent violation of any provision of this Chapter or any regulation, rule or order made hereunder within twenty-four (24) months after committing a previous violation of this Chapter, the forfeiture shall be not less than Two Hundred Dollars ($200.00) nor more than Two Thousand Dollars ($2,000.00).

Chapter 03 Vacant Building Code

Division 1 Introductory Provisions

16.03.11 Vacant Buildings

A. This Chapter shall be known as, referred to and cited as the "Vacant Buildings Code", and is hereinafter referred to as the "Vacant Buildings Code" or "Chapter".

16.03.12 Purpose

A. This Chapter is enacted to facilitate the identification of, inspection of, and property maintenance of vacant buildings for purposes of preserving and promoting the public health, safety, prosperity and general welfare, and to abate and prevent property maintenance issues, public and private nuisances and potential fire hazards.

B. The Common Council of the City of Onalaska, finds that there are now, and may in the future, be vacant buildings which are dilapidated, unsafe, unhygienic and inadequately maintained so as to create or contribute to blight and so as to jeopardize the health, safety, prosperity and general welfare, and so as to create a public and/or private nuisance.

C. **Intent.** The purpose of this Code is to establish the measures and requirements reasonably necessary to protect the health, safety and welfare of the public from public nuisances, blight and negative market impact of vacant or abandoned buildings and structures.

16.03.13 Public Records

A. **Finding.** In addition to the purposes in Section 16.02.12. above, the City finds that vacant buildings are targets for vandalism, arson, squatting, and other illegal activities. The City still further finds that the public disclosure of the identification of any or all vacant buildings would provide to persons with criminal intentions a data source to locate vacant buildings in which to carry out illegal activity. While the City acknowledges the requirements of the Wisconsin Public Records Law embodied in Sec. 9.31-19.39, Wis. Stats., and the strong public policy underpinning those statutes that all persons are entitled to the greatest possible information regarding the affairs of government, the City also recognizes that against that strong public policy, records custodians must balance contrary public policy that would weigh against disclosure of a particular document.

B. **Policy.** Prior to releasing any records that are received, created, or maintained pursuant to the provisions of this chapter or are received, created, or maintained to accomplish the purpose of this Chapter, the records custodian will consider the intent of the City articulated in this Section.

Division 2 Interpretation

16.03.21 Rules of Interpretation and Definitions

A. **Rules of Interpretation:**
   1. **Tense.** Words used in the present tense shall be interpreted to include the future tense.
   2. **Gender.** Words used stating or implying gender shall be interpreted to include the masculine, feminine and neuter.
   3. **Number.** Words used implying the singular shall be interpreted to include the plural, where appropriate, and vice versa.
   4. **May and Shall.**
      a. The word "may" is permissive.
      b. The word "shall" is mandatory and not directory.
   5. **"Used For".** The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "arranged for".

B. **Definitions:**
   1. **Accessory Building/Structure.** A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; i.e., a child's playhouse, garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
   2. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy. For multi-unit structures, each non-residential unit is deemed a separate "building" subject to this chapter; in multi-unit structures, individual residential units are to be considered a part of the larger building that encompasses the other residential units.
   3. **Code of Ordinances.** The Code of Ordinances for the City of Onalaska, Wisconsin, which includes the Vacant Building Code.
   4. **Code Official.** Those individuals as set forth in the City of Onalaska Property Maintenance Code Section 16.01.16.A.
   5. **Department.** The Planning and/or Inspection Departments of the City of Onalaska, Wisconsin.
   6. **Exterior Premises.** The open space on the premises or the portion of the premises upon which there is not a structure.
   7. **Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
   8. **Good Repair.** Free from blighting and hazardous conditions, clean and sanitary, in a safe condition and meeting applicable building codes.
   9. **Imminent Hazard.** A condition which could cause serious or life-threatening injury or death at any time.
   10. **Mixed Occupancy.** Occupancy of a structure in part for residential use and in part for some other lawful use under the Unified Development Code, not accessory thereto.
   11. **Occupied.** A building is occupied when it is open to the public, when a business or manufacturing activity is performed therein, when people reside therein, or when any personal property is moved therein. Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this Chapter, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual cable television or internet service, electric, gas, heating, water and sewer.
   12. **Owner.** Every person, partnership, limited partnership, corporation, service corporation, limited liability company or partnership, or other legally-recognized entity or association, who alone or jointly or severally with others:
      a. Has the legal title to a Building or Structure;
      b. Has legal right or obligation to the care, charge, or control of any Building or Structure, in any capacity including, but not limited to, agent; executor, administrator, trustee, guardian, or personal representative of the estate of the holder of legal title; or an agent, trustee, receiver or other person appointed by court order with authority to have possession or control of the Building or Structure;
      c. Is a mortgagee, where either:

i. The mortgagee has obtained a judgment of foreclosure against the mortgagor with regard to the premises containing the Vacant Building or Structure;
ii. The mortgage or note secured by the mortgage contains a provision authorizing the mortgagee to act to secure or repair the property of the mortgagor, and the mortgagor no longer maintains the vacant Building or Structure; or

d. Is a land contract vendor, where either:
i. The land contract vendor has obtained a judgment of foreclosure against the land contract vendee with regard to the premises containing the vacant Building or Structure; or
ii. The land contract contains a provision authorizing the land contract vendor to act to secure or repair the property of the vendee, and the vendee no longer maintains the Vacant Building or Structure.

e. "Owner" does not include any real estate licensee providing brokerage services in accordance with Ch. 452, Wis. Stats.

13. **Partially Vacant.** A multi-storied building or structure that has one (1) or more stories or suites vacant.
14. **Responsible Person.** A natural person who is the owner, operator or manager of any structure or premises.
15. **Rubbish.** Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.
16. **Secured.** A Building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all of its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panels intact and unbroken.
17. **Structure.** Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
18. **Unified Development Code (UDC).** The Unified Development Code for the City of Onalaska.
19. **Vacant.** A building or structure shall be deemed to be vacant if no person or persons, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s), tenant- occupant(s), owner-occupants or tenant(s) on a permanent, non-transient basis. Vacant status is determined from a totality of circumstances. For purposes of this chapter only, rebuttable evidence of vacancy includes, but is not be limited to, low or no utility usage, lack of customary furnishing consistent with occupancy, accumulation of newspapers or fliers, and fixtures or window coverings which are not secured.
20. **Waste.** Garbage, ashes, rubbish and trash, but not of an earthly or construction nature.
21. **Weeds.** Those weeds as set forth in Sec. 23.235, Wis. Stats.

C. **Terms Defined Elsewhere.** Where terms are not defined in this Code and are defined in other City Ordinances, Codes or ASHRAE and NFPA 70, such terms shall have the meanings ascribed to them therein.

D. **Terms Not Defined.** Where terms are not defined herein, or through the methods of interpretation authorized by this Section, such terms shall have ordinarily accepted meanings, such as the context indicates.

16.03.22 Applicability

A. **General.** The provisions of this Vacant Building Code shall apply to all residential single and two-family dwellings vacant for one-hundred eighty (180) consecutive days and all manufacturing, commercial, institutional, multi-family residential and mixed occupancy buildings vacant for three hundred sixty five (365) consecutive days. Upon application to the Planning Department, an exemption from the provisions of this code may be granted for a period of up to 365 days for residential and two (2) years for all other property types. In the event an exemption is granted the premises must be maintained in a clean and sanitary condition with grass/weeds cut and snow removed and the building maintained in good condition during the exemption period consistent with Code of Ordinances. The exemption may be revoked for a failure of the applicant to maintain the Building or the premises associated with the Building free from violation of law. Any one of the following circumstances may be a basis for an exemption from the provisions of this Chapter:

1. A Building under active construction, rehabilitation, renovation or repair for which a Building Permit has been obtained.
2. A Building with a raze permit or with a raze order pending from the City of Onalaska.
3. A Building whose owner is actively seeking in good faith to rent or sell the building, which good faith is supported by evidence to the reasonable satisfaction of the Planning Department of such activity.

B. **Conflict.** In any case where a provision of this Chapter is found to be in conflict with a provision of the UDC or any other provisions of the Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety and welfare shall prevail.
C. **Application of Other Ordinances.** Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances or the UDC. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of State law, Title 15 of the Code of Ordinances, and NFPA 70. Nothing in this Vacant Building Code shall be construed to cancel, modify or set aside any provision of the UDC.
D. **Existing Remedies.** The provisions in this Chapter shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or other City Ordinances or UDC relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.
E. **Historic Buildings.** The provisions of this Chapter shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with the UDC and Sec. 101.121, Wis. Stats.
F. **Referenced Statutes, Ordinances, Codes and Standards.** The Statutes, Ordinances, Codes and standards referenced in this Chapter shall be incorporated herein by reference and be a part of the requirements of this Chapter to the prescribed extent of each such reference, and include amendments, renumbering and successor acts.
G. **Requirements Not Covered By This Chapter.** The requirements necessary for the strength, stability, or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Chapter, shall be determined by the Code Official, subject to a right of appeal to the Board of Zoning Appeals.

16.03.23 Severability

A. If any provision of this Chapter is, for any reason, held to be unconstitutional, invalid or unenforceable by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this Code, which shall remain in full force and effect.
B. If the application of any provision of this Chapter is for any reason held to be an invalid application to a particular premises or structure by any court of competent jurisdiction, such provision shall continue to apply and remain in full force and effect to any premises or structure not specifically included in said judgment.

Division 3 Administration

16.03.31 Code Official

A. **Code Official.** The Code Official shall have the authority to exercise the powers and duties of the position specified in this Chapter. The Code Official shall administer and enforce this Chapter.
B. **Inspections.** The Code Official has the power to inspect Premises and structures to determine compliance with this Code. All reports of such inspections shall be in writing, signed or initialed and dated. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with Department policy.
C. **Right of Entry.** The Code Official is authorized to enter structures or Premises, at reasonable times, with the express or implied consent of the owner, operator or occupant, to conduct administrative interior and exterior inspections for Code administration and enforcement and Licensing/Permitting purposes specified in other ordinances. If entry is refused or not obtained, the Code Official is authorized to pursue recourse to obtain entry as provided by law.
D. **Reinspections.** Every owner, operator and occupant of a premises shall cooperate with and facilitate reinspections of Premises at reasonable times pursuant to reasonable notice by the Code Official to determine Code compliance with an Order to Repair. Failure by said owner, operator or occupant to cooperate with and facilitate such reinspections by the Code Official shall be a violation of this Chapter.
E. **Obstruction.** No owner or operator of a [remises may deny the Code Official the right to enter and inspect any portion thereof under the control of a lawful occupant where such occupant has consented to said entry and inspection.
F. **Denial of Entrance.** No occupant of a premises shall obstruct the owner thereof from complying with any order(s) of the Code Official made under authority of this Chapter. Obstruction shall include the denial of entrance into a premises at reasonable times pursuant to reasonable notice.
G. **Identification.** The Code Official shall carry Department issued identification when entering and inspecting premises in the performance of their duties under this Chapter and display such identification, when asked.

H. **Notices and Orders.** The Code Official shall, as necessary, issue notices and orders to responsible persons and tenants, where relevant, to obtain compliance with this Chapter.

I. **Department Records.** The Inspecting Department is responsible for keeping official records of all business and activities of the Department specified in the provisions of this Chapter in accordance with State and City record keeping requirements.

Division 4 Regulation

16.03.41 Vacant or Abandoned Building or Structure Requirements

A. **Vacant Building Permit.** The owner of a vacant building or structure subject to this Code shall obtain a Vacant Building Permit for the period during which it is vacant. When a building or structure becomes vacant, as defined by this Chapter for the period of time greater than allowed under Section 16.02.22, the owner of the building or structure shall apply for and obtain an annual Vacant Building Permit.
Upon the expiration of a Vacant Building Permit, if the building or structure is still vacant, the owner shall arrange for an inspection of the building and premises with the Code Official pursuant to Section 14.03.42., and renew the permit within fifteen (15) days of expiration in the same manner as the expired permit. All renewed permits shall be subject to all conditions and obligations imposed by this Chapter.

B. **Code Compliance.** The owner of a vacant building or structure shall comply with all building, fire, property maintenance, UDC, and other applicable Codes or Ordinances, and shall apply for all necessary building, fire prevention and zoning permits upon application for a Vacant Building Permit.

C. **Waste Removal.** The owner of a vacant building or structure shall immediately remove all waste from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, debris or excessive vegetation from the exterior premises surrounding the vacant building or structure in accordance with the vacant building maintenance standards of this Code and the Code of Ordinances.

D. **Owner's Responsibility.** The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons in accordance with the Vacant Building Maintenance Standards of this Code.
If the owner does not reside within the State, the owner shall provide to the Code Official, the name, address and telephone number of an agent who is available for service of process within the State of Wisconsin. The owner shall provide to the Code Official, the name, address and telephone number of a manager who is a natural person who is available for contact by the Code Official at all times for emergency repairs and maintenance, and who will respond to the vacant building or structure when required by the Code Official. The agent and manager may be the same person, and/or either may be a Responsible Person. The owner shall notify the Code Official within thirty (30) business days of any changes to the name, address or telephone number of the agent or manager.

E. **Owner's Obligations Continuous Through Term of Vacancy.** The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this Code.

16.03.42 Vacant Building Permit; Inspection; Maintenance Standards

A. **Permit Application.** Application by the owner of a vacant building or structure for a Vacant Building Permit shall be made on a form provided by the Planning Department. Applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers and safe for entry by police officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:
   1. Contact information for each owner. If the owner is other than a natural person or persons, the following shall apply, as appropriate:
      a. If the owner is a corporation, limited liability company, limited or liability partnership, the registration statement shall provide the names and residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to Wisconsin State Statutes.
      b. If an estate, the name and business address of the personal representative of the estate.
      c. If a trust, the names and addresses of the trustee or trustees.
      d. If a partnership, the names and residence addresses of the partner or partners.
      e. If another form of unincorporated association, the name and residence address of a responsible person.
      f. If an individual person, the name and residence address of that individual person.
   2. Any rehabilitation or demolition plans.

3. An acknowledgment by the owner that grass and weeds shall not exceed a height of eight (8) inches, and that snow and ice shall be removed from the public right-of-way within twenty-four (24) hours of a snowfall.

B. **Inspection of Premises.**

1. **Purpose.** The Code Official, or their designee, may inspect vacant buildings to determine the structural integrity of the building, the repairs necessary to maintain structural integrity, to determine what repair actions must be undertaken to maintain the premises safe for entry of police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present an imminent hazard to the public during the time that the building remains vacant, and that the building and structure are in compliance with the Vacant Building Maintenance Standards.
2. **Inspector.** The Code Official, or their designee, may conduct inspections made pursuant to the provisions of this Vacant Building Code in conjunction with other officials of the City, police officers, firefighters, or inspectors from other governmental bodies.
3. **Types of Inspections:**
   a. **Code Official Directed.**
      i. **Implied Consent.** Any owner of a building, which is either the subject of a Vacant Building Permit or an application filed by a responsible person, for a Vacant Building Permit, is deemed to have given consent to inspections of the building.
      ii. **Reinspections.** At any time subsequent to the issuance of an Order to Repair, the Code Official may conduct reinspections to determine compliance with the Order to Repair. Such reinspections will be conducted only after a reasonable time has been afforded to a responsible party to comply with portions of the Order. Reinspections are subject to reinspection fees under Section 16.02.51.
      iii. **Emergency Inspections/Emergency Repairs.** If, at any time, the Code Official has reason to believe than an emergency situation exists with respect to the building, which tends to create an imminent hazard to health, welfare or safety of the general public, the Code Official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If the Code Official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, the maintenance of which, until such time as the responsible party could conduct the repairs, would be unreasonable, the Code Official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs. Costs incurred in the performance of emergency repairs shall be paid by the City and the Code Official shall recover the costs through special assessments levied against the benefited property. A One Hundred Dollar ($100.00) administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.
      iv. **Inspections Made Pursuant To A Special Inspection Warrant.** If any responsible party takes any action contrary to the Implied Consent given by the owner in Section 16.02.42.B.3.a.i., above, the owner hereby consents to the issuance of a Special Inspection Warrant by a judge of a court of competent jurisdiction, pursuant to Sec. 66.0119, Wis. Stats., or any successor thereof. Any interior inspection made pursuant to a Special Inspection Warrant shall be deemed a reinspection for the purpose of imposition of fees pursuant to Section 16.02.51.
   b. **Responsible Party Requests for Inspection.** Requests from responsible parties for inspections of buildings which are both subject to a Vacant Building Permit and are under the control of the requesting responsible party.

C. **Issuance of Orders to Repair.** The Code Official, upon inspection, shall issue orders to repair for work needed to:

1. Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the Vacant Building Maintenance Standards set forth in this Chapter; and,
2. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency. When issuing such orders, the Code Official shall specify the time for completion of the work. All work done pursuant to this Section shall be done in compliance with the applicable Building, Fire, Property Maintenance, UDC, and other Ordinances.

D. **Issuance of Vacant Building Permit.** The Code Official shall issue a Vacant Building Permit upon being satisfied that the building has been inspected and is in compliance with the Vacant Building Maintenance Standards set forth in this Vacant Building Code, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This Permit shall be effective for a period of three hundred sixty five (365) days.

E. **Vacant Building Maintenance Standards.** A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following Vacant Building Maintenance Standards:

1. **Building Openings.** Doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired/replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors and openings shall be free of any posters, paper or fabric coverings.
2. **Roofs.** The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain or roof draining; and, allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
3. **Drainage.** The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
4. **Building Structure.** The building shall be maintained in good repair, structurally sound, and free from debris, rubbish and garbage. The building shall be maintained in a sanitary manner and in a manner that does not pose a threat to the public health, safety and welfare.
5. **Structural Members.** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
6. **Foundation Walls.** The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rat-proof.
7. **Exterior Walls.** The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
8. **Decorative Features.** The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
9. **Overhanging Extensions.** All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
10. **Chimneys and Towers.** Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. **Walkways.** Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed within twenty-four (24) hours of a snowfall.
12. **Accessory Building/Structures.** Accessory buildings/structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and, shall comply with these Vacant Building Maintenance Standards.
13. **Exterior Premises.** The premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, exterior storage, and shall not pose a threat to the public health, welfare or safety.

16.03.43 Board of Zoning Appeals

A. **Appeal and Fee.** Any person receiving a notice of violation and order which has been issued in connection with the enforcement of any provision of this Code and aggrieved thereby, may appeal the order and shall be granted a hearing on the matter before the Board of Zoning Appeals, provided that such person shall file in the Planning/Inspection Department a written notice of appeal and request for hearing, setting forth a brief statement of the grounds therefor, within twenty (20) days after the date the notice of violation and order was served. Upon receipt of such appeal, the Board of Zoning Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice of violation and order should be modified or withdrawn. No appeal to the Board of Zoning Appeals shall be deemed perfected or shall be heard until the appellant shall pay an appeal fee as set forth in the City's Fee Schedule.

Division 5 Enforcement

16.03.51 Reinspection Fees

A. To compensate the City for inspection and administrative costs related to the enforcement of this Chapter, an escalating fee established by the Common Council through resolution, may be charged for any reinspection following the initial inspection which resulted in an order for corrective action, and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee for a final inspection indicating compliance, or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order.

B. Reinspection fees which are not paid by or on behalf of the property owner within thirty (30) days of mailing an invoice to the property owner of record on the City tax roll shall be charged and collected as a special assessment against the real estate upon which the reinspections were made, and shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven percent (7%) per annum. There shall be an administrative fee as set forth on the City's fee schedule added to the charge and special assessment to cover the administrative costs of charging and specially assessing the property.

16.03.52 Penalties

A. **Violation Penalties.** Any person who shall violate a provision of this Code shall, upon conviction, be subject to a forfeiture of not more than One Thousand Dollars ($1,000.00); and, in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense. Failure to promptly pay said forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed sixty (60) days.

B. **Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1666 – 2020 **Please route in this order**

Eric Rindfleisch, Administrator _____
(signature)

☑ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Katie Aspenson, Planning Manager _____
(signature)

☒ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

#16

ORDINANCE NO. 1667-2020

AN ORDINANCE TO AMEND TITLE 6 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO PUBLIC WORKS

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 6 Public Works is hereby deleted in its entirety and hereby replaced as follows:

Title 6 Public Works

Chapter 01 Grades and Underground Utilities

Division 1 General Provisions for Grades and Underground Utilities

6.01.11 Establishment of Grades

A. **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by the Common Council and the same recorded by the City Engineer in their office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by Section, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.

B. **Grades of Sidewalks.** The grade or elevation of the top of the inner line of sidewalks, except when otherwise specifically provided by the Common Council, shall be above the grade of the adjoining street in an amount equal to a minimum of one-quarter (1/4) inch per foot of width and a maximum of one (1) inch per foot of width from the inner edge of the sidewalk to the curb of the street. The grade or elevation of the top of the inner line of the sidewalk between any two (2) fixed grade points shall be upon straight lines, or on vertical curves, if necessary, to conform to the curb lines, from one (1) fixed point to the nearest fixed point, excepting in cases otherwise specifically provided for by resolution or approved plans.

C. **Authority.** Sec. 62.14(7) and 62.16, Wis. Stats.

6.01.12 Alteration of Grade Prohibited

A. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Onalaska by any means whatsoever unless authorized or instructed to do so by the Common Council upon the recommendation of the City Engineer. All such alterations of grade shall be recorded in the office of the City Engineer.

6.01.13 Regulations and Grades of Underground Utilities

A. **Elevation.** The grade or elevation of all underground construction shall be a minimum of three (3) feet below the established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.

B. **Approval of Location.** The location of any and all such underground construction must have the approval of the City Engineer. Contractor(s) or agents thereof shall obtain City Street Opening Permit if within or crossing City right-of-way from the office of the City Engineer.

C. **Filing Plans.** Complete plans for any such construction must be filed with and be approved by the City Engineer before construction can begin.

D. **Inspection.** On request of the City Engineer, the utility company must provide opportunity for City officials to check any construction before it may be covered.

E. **Conflict with Other Utilities.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction at the election of the Common Council, or its designee, and in accordance with its directions and specifications.

F. **Establishment of Grade.** At the request of the utility company, the Common Council, or its designee, shall, at the City's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
G. **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Common Council, or its designee, as soon thereafter as is reasonably possible.
H. **Restoration of Surface.** In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do, the City may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 6.02.42. and 6.02.43.
I. **Non-Relief from Obligations.** Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travel-way, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

Chapter 02 Street and Alley Design Standards

Division 1 Street Design Standards

6.02.11 Street Improvements

A. **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
B. **Construction Standards.** Construction of all streets shall conform to the current standards as established by the City and shall be subject to approval of the City Engineer before acceptance.

6.02.12 General Design Standards

A. **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Ch. 236, Wis. Stats., and all applicable City regulations. In all cases where the requirements of this Section are different from the requirements of Ch. 236, Wis. Stats, the more restrictive provision shall apply.
B. **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Section and Chapter 3 of this Title. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Common Council. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
C. **Compliance with Comprehensive Plan and Official Map.** The arrangement, character, extent, width, grade and location of all streets shall conform to any City Comprehensive Plan and Official Map and to this Section and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
D. **Areas Not Covered by Official Map.** In areas not covered by an official map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
E. **Traffic Impact Studies.** If a Traffic Impact Study is required as outlined in Section 13.05.51, the recommendations outlined shall be followed as part of street design standards. Costs for improvements related to new traffic impacts shall be paid by the Developer.
F. **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a

direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Common Council, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

G. **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.

H. **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Plan Commission may require a frontage road, non-access reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

I. **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use and installed to City specifications.

J. **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

K. **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets is not permitted.

6.02.13 Street Classification

A. **Street Classifications.** Streets shall be classified as indicated below.

1. **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, shopping areas, recreation areas and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
2. **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
3. **Minor/Local Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
4. **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
   a. **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
   b. **Alleys.**
      i. **Commercial, Industrial, and Mixed Use.** Alleys may be provided in all Commercial, Industrial, and Mixed Use Districts as approved by the City Engineer.
      ii. **Residential.** Alleys may be approved in residential areas due to topography, planned unit developments or other exceptional circumstances.
      iii. **Dead End.** Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turn-around facilities at the dead end.

6.02.14 Street Grades and Radii of Curvature

A. **Street Grades.**

1. Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
   a. Arterial streets: six percent (6%).
   b. Collector streets: eight percent (8%).
   c. Minor streets, alleys and frontage streets: ten percent (10%). Three hundred (300) feet maximum length on a single street section.

d. Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.
e. The grade of any street shall in no case exceed twelve percent (12%) or be less than thirty-six hundredths percent (0.36%).

2. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
3. All pavement shall have a minimum cross slope of fifteen thousandths (0.015) ft/ft and a minimum longitudinal slope of thirty-six hundredths percent (0.36%).

B. **Radii of Curvature.**

1. When a continuous street centerline deflects at any one (1) point by more than ten degrees (10°), a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
   a. Arterial streets and highways: five hundred (500) feet.
   b. Collector streets: three hundred (300) feet.
   c. Minor streets: one hundred (100) feet.
2. Horizontal curves should be provided when centerline defections exceed one degree (1°) in rural areas and in urban areas when defection exceeds three degrees (3°).
3. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for all major streets and one-half (1/2) this minimum for all other streets.

6.02.15 Intersections

A. **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the City Engineer, sufficient vision clearance triangles shall be provided at intersections.

B. **Intersections.**

1. **Property Lines.** Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the City Engineer considers it necessary.
2. **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
3. **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Diagonal intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
4. **Number of Intersections.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than twelve hundred (1,200) feet.
5. **Property Lines at Street Intersections.** Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Plan Commission or shall be terminated by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
6. **Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the street adjoining t across the major or collector street is continuous.
7. **Additional Sight Easements.** At any intersection determined by the City Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than twenty (20) feet from the intersection point.

6.02.16 Street Names

A. **Street Names.**

1. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Common Council at the time of plat or Certified Survey Map approval.
2. All streets shall be named subject to approval by the City Planning and Engineering Departments. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and shall bear the names of

the existing streets. Repetition of common names (i.e. oak) should be avoided. Long or continuous thoroughfares running north and south shall be named avenues; those running east and west shall be named streets; diagonal thoroughfares shall be named roads; and curving thoroughfares shall be named drives. Short or discontinuous thoroughfares running north and south shall be named courts; those running east and west shall be named places; diagonal thoroughfares shall be named ways; and curving thoroughfares shall be named lanes, or as approved by the Plan Commission.

3. **Obscure Names, Similar Spelling and Phonetically Confusing Spelling Not Permitted.** To eliminate confusion resulting from diction problems when individuals are reporting street names under stress, similar (text or phonetic) or confusing spelling of street names shall not be approved.

6.02.17 Miscellaneous Street Standards

A. **Cul-de-sacs and Dead End Streets.**
   1. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length. Any cul-de-sac street over five hundred (500) feet in length will only be considered if unusual conditions exist with the approval of the City Engineer. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate with a turnaround of not less than one hundred (100) feet in diameter of right-of-way and a roadway of not less than eighty (80) feet in diameter, unless approved by Plan Commission. The use of cul-de-sacs should be avoided where possible. Cul-de-sacs shall have a ten (10) foot snow easement beyond the right-of-way.
   2. Temporary Dead-ends or Cul-de-sacs. All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty-six (66) feet and a minimum inside curb radius of forty (40) feet.

B. **Limited Access Highway and Railroad Right-of-Way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

C. **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

D. **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

E. **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

F. **Highway Access.**
   1. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1,500) feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps).
   2. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
   3. Temporary access to the above rights-of-way may be granted by the City Engineer after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Division 2 Street Construction Specifications

6.02.21 General Requirements

A. **General Requirements.**

1. **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the latest edition of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, City specifications, and this Section, whichever is more restrictive. The design requirements of this Section shall be applicable to all streets and roads that are to be dedicated to the City, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning and street classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the City Engineer. Combination concrete curb and gutter is required on all streets (refer to the Section describing requirements for curbs and gutters). A copy of all design assumptions and computations on which the proposed design is based shall be submitted to and approved by the City Engineer.
2. **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the City in the preparation of plans and review and inspection of plans and construction. The developer shall pay such project costs for streets thirty-seven (37) feet or less in width, back-of-curb to back-of-curb; the City shall be responsible for additional costs of construction over thirty-seven (37) feet back-of-curb to back-of-curb for larger streets and bituminous asphalt pavement over three (3) compacted inches.
3. **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the City of Onalaska, the applicant shall notify the City Engineer. An on-site meeting will then be arranged to be attended by the City Engineer and the applicant. Plans must be provided in order for the City Engineer to check the design and the drainage.
4. **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the City before the City approves the final construction.
5. **Required Inspections.** Prior to the commencement of any street construction, the subdivider shall notify the City Engineer at least one (1) workday in advance, as to the nature of the work being done. The City Engineer shall be contacted for required inspections after the following phases of construction:
   a. Sub-base grading;
   b. Crushed aggregate base course;
   c. Bituminous surface course; and
   d. Shouldering.
   e. Any deficiencies found by the City Engineer shall be corrected before proceeding to the next phase of construction.
6. **Tests of Materials.** The City reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
7. **Pavement Samples.** Samples of bituminous concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.

B. **Street Signs.** Developer shall coordinate with the City Engineering Department a plan for street signage. Following review and approval by the City, the Developer shall pay a sum as listed in the City Fee Schedule.

C. **Street Trees.** Developer shall provide the City with a Master Street Tree Plan for review and approval by the City Planning Department.

D. **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the subdivider shall install monuments placed in accordance with the requirements of Ch. 236, Wis. Stats., or as may be required by the City Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Engineer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at their cost.

E. **Curb and Gutter.** After the installation of all utility storm water drainage improvements, the subdivider shall construct thirty (30) inch wide curbs and gutters in accordance with plans and standard specifications approved by the City Engineer. The City shall assume the cost of difference of materials only over thirty (30) inches.

6.02.22 Construction Standards

A. **Construction Standards.** All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards:

1. **Right-of-Way and Pavement Width.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component or official map or, if no width is specified therein, the minimum widths shall be as specified below. Cross sections for freeways and parkways should be based upon detailed engineering studies. The Plan Commission may approve reduced width for right-of-way and pavement where needed for special zoning districts, such as Planned Unit Developments.

URBAN CROSS SECTION

Type of Street	Pavement Width R.O.W. Width to be Reserved	R.O.W. Width To be Dedicated	Face of Curb to Face of Curb Width
Expressway, Primary or Standard Arterial (Limited Access) Primary Arterial	State Standard	80 Feet	State Standard
High Collector	66 Feet	66 Feet	State Standard
Low Collector	66 Feet	66 Feet	State Standard
Local	66 Feet	66 Feet	36 Feet
Cul-de-sac	60 Feet	60 Feet	36 Feet
Frontage Streets	66 Feet	66 Feet	30 Feet
Alleys	N/A	25 Feet	25 Feet
Pedestrian Ways	10 Feet	10 Feet	5 Feet

RURAL CROSS SECTION (Extraterritorial Jurisdiction Area)

Type of Street	Pavement Width R.O.W. Width to be Reserved	R.O.W. Width To be Dedicated	Face of Curb to Face of Curb Width
Expressway, Primary Arterial (Limited Access) Primary Arterial or Standard Arterial	State Standard	80 Feet	State Standard
High Collector	80 Feet	80 Feet	State Standard
Low Collector or Local	66 Feet	66 Feet	State Standard

2. **Ditches.** Where curb and gutter is not required by the City for rural cross-section streets, the minimum ditch slope shall be fifty one-hundredths percent (0.50%).
3. **Roadway Base Thickness.**
   a. All streets shall have a minimum roadway base thickness of eight (8) inches of compacted in-place crushed aggregate base course in areas of granular soils. In areas of heavy clay soils/hydric or as determined by City Engineer, all streets shall have a minimum of eighteen (18) inches of breaker rock and four (4) inches of crushed aggregate base course compacted in place. Crushed rock shall comply with Wisconsin Department of Transportation's "Standard Specifications for Road and Bridge Construction", latest edition, as it relates to crushed aggregate base course.
   b. The developer/subdivider shall hire an independent soil testing/pavement design consultant to recommend adequate pavement design or have such design approved by the City Engineer. The subdivider/developer is responsible for all the costs of installing approved pavement design, with a minimum of eight (8) inches of crushed rock base and two and one-half (2 ½) inches of compacted asphalt in granular soils and eighteen (18) inches of breaker rock, four (4) inches in base, and three (3) inches in asphalt in heavy clay or silty soils/hydrologic.
   c. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for such roads after researching the site(s) and conducting a soil and pavement design analysis.

d. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.

4. **Roadway Sub-Base.** Stable and non-organic sub-base material is required. Unstable and organic material must be sub-cut, removed and replaced with a suitable granular or breaker-run material approved by the City Engineer.
5. **Pavement Thickness.** Residential streets shall have a minimum of two and one-half (2 ½) inches thick compacted bituminous concrete pavement. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3 ½) inches of bituminous concrete pavement, placed in two (2) layers -- a binder course two (2) inches thick and a surface course of one and one-half (1 ½) inches thick. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for paving such roads after researching the site(s) and conducting a pavement and soil analysis. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
6. **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the City Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage", of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be reinforced concrete with concrete apron endwalls.
7. **Driveway Culverts.** Driveway culverts shall be sized by the City Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls.
8. **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing six (6) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two and one-half percent (2 ½ %) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc. For additional standards, see "City of Onalaska Erosion Control and Stormwater Management Requirements".
9. **Drainage Improvements.** In the case of all new roads and streets, the City Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.
10. **Continuity and Transitions.**
    a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
    b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safety occur at an intersection, it shall not occur closer than two hundred fifty (250) feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than fifteen to one (15:1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).

6.02.23 Street Lights

A. The subdivider shall install street lights along all streets per City specifications and approval. In the event the City determines that it is in the best interests of the health, safety and welfare of the residents of the City to install street lights on undeveloped lands prior to their development, the City shall do so and shall charge the costs of the same to the developer upon development.
   1. Upon annexation of lands to the City of Onalaska, street lights shall be installed per City specifications. Each owner of lands within the annexed area shall be assessed for the costs of the street lights. The amount of the assessment shall be determined on a front footage basis. The cost per front foot shall be calculated by dividing the total cost for the street lamps and the installation thereof by the amount of front footage served by said lights. The assessment per owner shall then be determined by multiplying the cost per front foot times the amount of front footage owned.
   2. In determining such assessment, lands on both sides of any street shall be included.
   3. Provided, however, that in the event lands on only one (1) side of any street shall be annexed, the assessment for lands within the City shall be fifty percent (50%) of the assessment as calculated above. Upon subsequent annexation to the City of any lands for which no street light

assessment has previously been paid, the owners of said land shall be assessed for the cost of street lights in accordance with this Section.

6.02.24 Roadway Grading and Finishing

A. **Grading.**
   1. With the submittal of the Preliminary Plat, the subdivider shall furnish drawings, which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
   2. Proposed grades will be reviewed by the City Engineer for conformance with City standards and good engineering practice. Street grades require the approval of the Common Council after receipt of the City Engineers recommendations.
   3. After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standards approved by the governing body, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
   4. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
   5. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
   6. The City Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
   7. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.

B. **Street Construction.** After the installation of all utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with plans and specifications approved by the City Engineer. The subdivider shall surface roadways to the widths prescribed by City specifications. Construction shall be to City standard specifications for street improvements.

C. **Street Cross Sections.** When permanent street cross sections have been approved by the City, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City Engineer.

D. **Completion of Street and Sidewalk Construction.**
   1. Prior to any occupancy permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider/owner, approved by the City Engineer and accepted by the Common Council.
   2. The Common Council may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Common Council.
   3. The owner requesting a waiver shall do so in writing, presenting such information and documentation as required by the Common Council.
   4. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

Division 3 Streets, Sidewalks and Alleys

6.02.31 Removal of Debris and Dirt from Sidewalks, Streets, and Public Grounds

A. No abutting property owner shall, upon any sidewalk, street, alley or public ground, so maintain their land or any building situated thereon so that, by erosion or by travel, parts of the soil or other substance shall be deposited upon the butting sidewalk, street, alley or any public ground, and if such deposit by erosion or otherwise shall take place, the sidewalk, street, alley or public ground shall be cleaned and made passable by such abutting owner within twenty-four (24) hours after receiving notice thereof from the Inspection Department.

B. No abutting property owner shall maintain their adjacent land within three (3) feet of any sidewalk, street, alley or public ground so that by erosion, debris, or other substances a public nuisance, as defined in Section 16.0.12. of the City of Onalaska Code of Ordinances, shall be created or that the maintenance of the adjoining lands shall be such that over time said conditions will cause destruction

and disrepair of the sidewalk, street, alley or public grounds. That within twenty-four (24) hours after receiving notice thereof from the Inspection Department, said property owner shall remedy any public nuisance or conditions which may cause destruction and disrepair of sidewalks, streets, alleys or public grounds.

C. If such owner of occupant fails to remove any such debris or dirt or remedy a public nuisance or condition as outlined above when notified to do so by the City Engineer, or its designee, the City Engineer or its designee may cause the same to be done and report the cost thereof to the City Clerk who shall place the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.0627, Wis. Stats. or such cost may be recovered in an action against the owner or occupant.

6.02.32 Boulevard Areas and Vaults

A. **Definition.** See Section 6.05.12.

B. **Noxious Weeds; Paving.** All that part of the boulevard not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, the infiltration of stormwater runoff, and shall be maintained as a lawn, except in areas specifically approved by the Common Council or its designee.

C. **Responsibility to Maintain.** Every owner of land in the City whose land abuts a boulevard is required to maintain, or have maintained by their tenant, the boulevard directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a boulevard free and clear of snow. Excess right-of-way located between any sidewalk and a private property line is also the responsibility of the abutting property owner to maintain.

D. **Boulevard Area Restrictions.** In addition to the definitions and restrictions contained herein, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the boulevard area. No lawn sprinkler system shall be installed in the boulevard area without first obtaining a street privilege permit under Section 6.02.45.

E. **Vaults.** All vaults and cisterns under sidewalks shall be prohibited.

6.02.33 Requests for Improvements

A. Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Common Council on or before August 1st to be considered for installation in the following year.

6.02.34 Raking Leaves into Streets

A. In the interest of public safety, health and general welfare, community appearance and efficiency of operation, it shall be unlawful to rake or place fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street. No person shall permit grass clippings from mower swaths to remain upon sidewalks or on abutting property owned or occupied by them.

6.02.35 Unlawful Dumping on Streets

A. It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner of occupant thereof.

6.02.36 Street Numbers

A. **Buildings to Have Street Numbers.** Each principal building in the City shall be assigned an official street number by the Public Works Department. All lots and parts of lots in the City shall be numbered in accordance with a street numbering map on file in the office of the Public Works Department. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

B. **Street Number System.**

1. **Definitions.** For the purpose of this Section, all streets whose course is northerly or southerly shall be considered North and South streets, and all streets having a easterly or westerly course shall be considered East and West streets and the general word "street" shall be deemed and held to include all streets, boulevards, courts or avenues.
2. **Numbering North and South Streets.** All streets running north and south shall have as their dividing line, Main Street, and all numbers running northerly from Main Street shall be designated as North, and all numbers running south from Main Street shall be designated as South and shall have as their point of beginning the said Main Street.

3. **Numbering East and West Streets.** All streets running east and west shall have as their dividing line, First Street, and all numbers running easterly from First Street shall be designated as East, and all numbers running westerly from First Street shall be designated as West and shall have their point of beginning said First Street.
4. **Allocation of Numbers.**
   a. All numbering shall commence at the dividing street, and there shall be assigned as a unit of one hundred (100) for each block with even numbers on the right side and odd numbers on the left side of each street or avenue commencing at said dividing streets.
   b. In all cases where an intersecting street or avenue shall not continue entirely across the City, the lots and buildings shall be numbered so that all lots and buildings the same distance from the base line shall have approximately the same numbers.

C. **Street Numbers to Be Displayed.** The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by them the official street number assigned to that building as provided in Section 6.02.36.A. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

D. **Noncompliance.** If the owner or occupant of any building neglects to duly attach and maintain the proper numbers on the building, the City shall serve them a notice requiring them to properly number the same, and if they neglects to do so for ten (10) days after service, they shall be subject to a forfeiture as provided in the City Schedule of Deposits.

6.02.37 Obstruction of Public Ditches

A. No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

6.02.38 Alley Paving

A. Property owners desiring paved alleys shall present a signed petition for alley paving to the City Clerk. Said petition must contain the signatures of the owners of at least sixty percent (60%) of the front footage of the alley. After presentation, the City Clerk shall check the petition to determine compliance and, when approved, it shall be forwarded to the Common Council. The Council shall refer said petition to the Board of Public Works for plans and costs and a recommendation to the Council.

B. Due to the varying degrees of run-off, each alley will be reviewed individually. If the particular circumstances justify paving and the Common Council agrees, it shall direct the Board of Public Works to set up a public hearing on alley paving.

C. After a public hearing, the project shall be placed in the capital improvement budget for the following year.

D. **Assessments.**
   1. Assessments for alley paving are determined by the actual cost of paving within the alley limits (from street line to street line). Any addition work such as alley aprons, sidewalks, retaining walls, etc., shall be the sole obligation of the property owner.
   2. The cost of the project will be assessed on the basis of one-third (1/3) of the cost to each property owner abutting on the alley and the remaining one-third (1/3) shall be borne by the City.
   3. The formula to determine the per-foot assessment for alley paving is as follows:

$$\frac{\text{Total Construction Costs}}{\text{Assessable Frontage}} = \text{Assessment/Foot}$$

E. Corner lots and double frontage shall be assessed in full.

F. Most alleys are twenty (20) feet in width (right-of-way). Residential alleys are paved seventeen (17) feet in width, while alleys in commercial or industrial areas are paved full width. Alleys having less than twenty (20) feet in right-of-way are judged individually as to what width they shall be paved.

Division 4 Street Openings, Permits and Encroachments

6.02.41 Regulations Regarding Construction of Mailboxes

A. **Purpose.** The purpose of this Section is to establish standards for providing safe mailbox installation to lessen the likelihood of injuries, deaths, and substantial property damage resulting from mailboxes

which do not have breakaway supports and/or sufficient attachment of mailbox to support so as to prevent the separation of the box from the support post when struck.

B. **Support Systems.** The support should be a wood post or steel channel installed no more than twenty-four (24) inches in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of forty-one (41) inches, but not to exceed a maximum of forty-five (45) inches above the ground surface. The support should be the following dimensions:
   1. Square post: four (4) by four (4).
   2. Round wood post: four and one-half (4-1/2) inches diameter.
   3. Steel channel: two (2) pounds per foot.

C. **Location.** In compliance with the requirements set by the United States Post Office for the location of a mailbox, the front edge of the mailbox itself shall be six (6) to eight (8) inches behind the back edge of the curb and gutter system, in the event that there is no curb and gutter system in place contact the postmaster for guidance.

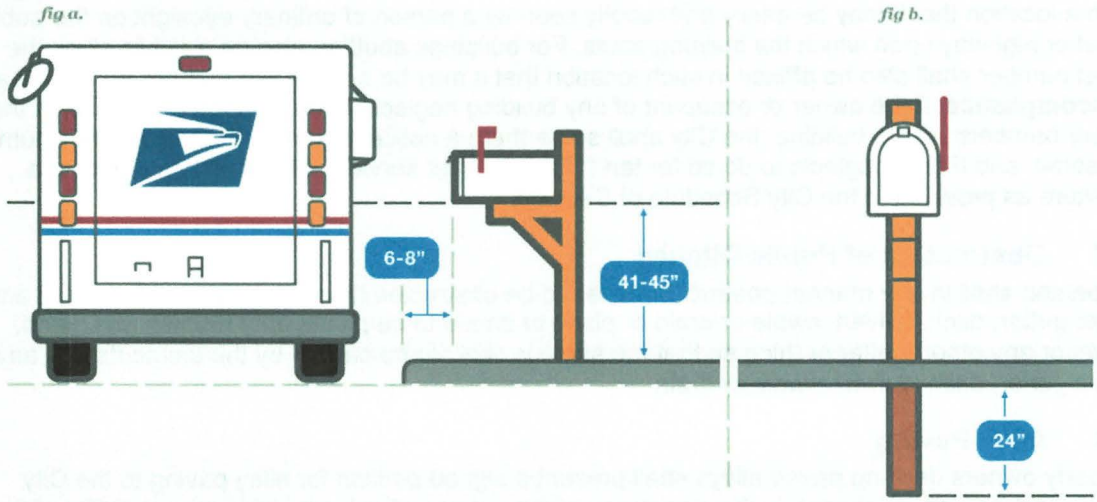


Fig. from USPS.com/mailboxes

D. **Anchoring of Support.** Anchor plates shall not be used with metal posts. No support shall be set in concrete. Anti-twist flanges may be installed on a steel channel support but shall not be imbedded more than ten (10) inches into the ground.

E. **Attachment.** The box-to-post attachment shall be sufficient to prevent the separation of the box from the support post when struck.

F. **Permit.** Any support system not meeting the requirements of this section shall need a street privilege permit approved by the Director of Public Works.

G. **Damage.** Mailboxes damaged during the process of snow removal, street sweeping or other street department activities will only be replaced or repaired if that mailbox complies with the support system and location requirements, as set forth above, and only if physically hit by the snow removal or street equipment. If City replacement or repair is warranted, the mailbox will be returned to working condition until such time as permanent replacement or repair can be made. Repair or replacement shall be limited to a basic metal mailbox and a four (4) inch by four (4) inch square wood post, with material cost not to exceed Fifty Dollars ($50.00).

H. **Non-Compliance.** Persons constructing mailboxes in non-compliance with these provisions shall be required to sign a waiver of liability for replacement of the structure if it is damaged by street maintenance.

6.02.42 Excavations of Streets, Alleys, Public Ways and Grounds

A. **Permit Required.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, right-of-way, public alley, public way, public ditch, public ground, public sidewalk or City-owned easement within the City of Onalaska without a permit therefor from the City Engineer.

B. **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or their agent. The applicant shall submit to the City Engineer at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The City Engineer shall determine if sufficient information is submitted.

C. **City Work Excluded.** The provisions of this Section shall not apply to excavation work by City employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.

D. **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6.02.43. for pavement replacement.

E. **Renewal of Permit.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the City Engineer and payment outlined in the City Fee Schedule. Permit renewals shall be issued at the discretion of the City Engineer.

F. **City Standards; Fees.**
   1. **City Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6.02.41. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
   2. **Fee.** The fee for a street opening permit shall be as outlined in the City Fee Schedule. Permit fees shall be paid to the City Treasurer who shall issue the receipt therefore.

G. **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the City Engineer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than One Million Dollars ($1,000,000.00) per one (1) person, One Million Dollars($1,000,000.00) for one (1) accident and property damage coverage of not less than One Million Dollars ($1,000,000.00). The policy shall name the City of Onalaska as the additional insured.

H. **Bond Requirements.**
   1. Before a permit for excavating or opening any public street, sidewalk, ditch, alley or public right-of-way may be issued, the applicant must execute and deposit with the City Clerk an indemnity bond of Ten Thousand Dollars ($10,000.00) conditioned that he will indemnify and save harmless the City of Onalaska and its officers from all liability for accidents and damage caused by any of the work covered by their permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Board of Public Works for a period of three (3) years, and that they will pay all fines or forfeitures imposed upon them for any violation of any rule, regulation or ordinance governing street openings or drain-laying adopted by the Board of Public Works and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the City. Such bond shall also guarantee that, if the City shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for three (3) years. Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violation of law during the period of excavation for which it is given. An annual bond may be given.
   2. Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Board of Public Works shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
   3. The person who does such restoration shall be responsible therefore for three (3) years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount of Ten Thousand Dollars ($10,000.00).
   4. Whenever the Board of Public Works shall find that any such work has become defective within three (3) years of the date of completion, he shall give written notice thereof to the contractor or to their surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Board of Public Works to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.
   5. An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and

in the amount determined by the City Engineer as necessary to adequately protect the public and the City.

I. **Public Utilities.** All public utilities as defined in Sec. 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6.02.43. any and all subparagraphs thereunder, except that a public utility as defined within this Section shall not be required to post the per-project indemnity bond nor annual bond.

6.02.43 Regulations Governing Excavations and Openings

A. **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and May 1st except where it is determined by the City Engineer to be an emergency excavation.

B. **Protection of Public.**

1. Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the City Engineer or Police Department, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunset to sunrise. No open flame warning devices shall be used. Except by special permission from the Common Council, Board of Public Works, or its designee, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
2. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the City in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or their employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
3. Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to their project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
4. The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Police Department twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6.02.43.H.
5. When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6.02.43.H.

C. **Pavement Removal.**

1. Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of their work and in accordance with all applicable codes and regulations. Concrete pavement shall be removed to the nearest joints.
2. If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The City Engineer shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.
3. Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
4. The City Engineer may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

D. **Excavation.**

1. All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.
2. Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

E. **Backfilling.**
1. All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the City Engineer, is unsuitable.
2. In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the City Engineer, hauled in.
3. Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
4. Mechanical compaction shall be used on all materials used for trench backfill. Each layer twelve (12) inches maximum shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
5. All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.
6. When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.

F. **Notice.** It shall be the duty of the permittee to notify the City Engineer and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The City Engineer shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.

G. **Pavement Replacement and Sidewalk, Curb and Gutter and Driveway Restoration.**
1. Backfill material shall be left below the original surface to allow for five (5) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.
2. Bituminous pavement shall be placed the full depth of the existing pavement or three (3) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of one and one-half (1-1/2) inch layers with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge.
3. Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the City Engineer.
4. All permanent restoration of street, curb and gutter shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter.
5. All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the City Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.
6. Sidewalks shall be replaced the full width of the walk and minimum length shall be sixty (60) inches. All replaced walk shall be four (4) inches thick, except at driveways where it shall be six (6) inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
7. In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of

three and one-half (3-1/2) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.

H. **Emergency Excavation.** In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and their agents and employees make take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the Police Department immediately.

I. **Excavation in New Streets Limited.** Whenever the City determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Common Council, the Board of Public Works shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Board of Public Works, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

J. **Repair by City.** The City may elect to have the City or a contractor working for the City make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining such repair for three (3) years shall be charged to the person making the street opening.

6.02.44 Obstructions and Encroachments

A. **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which they are the owner or occupant, except as allowed in Sections 6.02.45. and 6.02.46.

B. **Exceptions.** The prohibition noted above shall not apply to the following:
   1. Temporary encroachments or obstructions authorized by permit under Sections 6.02.45. and 6.02.46. pursuant to Sec. 66.0425, Wis. Stats.
   2. Building materials for the period authorized by the Building Inspector and City Engineer which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.
   3. Excavations and openings permitted under Sections 6.02.42. and 6.02.43. of this Title.
   4. Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
   5. Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.

C. **Issuance of Permit.**
   1. The Common Council may issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
      a. The property must be located in an area zoned for commercial uses.
      b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
      c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five (5) feet at any point.
      d. The property owner shall provide the City with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than One Million Dollars ($1,000,000.00) per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the City sidewalks. In addition, the City shall be identified as a third-party insured.
      e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise, specifically excluded are all forms of vending machines, vendors carts or tables, etc.

f. The property owner whose property adjoins the City sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.
g. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.

2. Upon reviewing the permit application if it is determined by the Common Council that all of the above requirements have been met, it shall issue the permit. Said permit may be revoked by the Common Council, Board of Public Works, Director of Public Works, Building Inspector or any City law enforcement officer ("City enforcement officials") at any time when one (1) or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.

D. **Removal by City for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any City enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.

E. **Removal by City for Obstruction and Encroachments Located In the City Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if any City enforcement official determines that a City street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.

F. **Failure to Remove Obstruction.**

1. If the owner or occupant fails to remove the obstruction within the time period established in Subsection D. or E. above respectively, any City enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Treasurer shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.
2. The failure of the City Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

6.02.45 Street Privilege Permit

A. **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the City as per Sec. 66.0425, Wis. Stats. for the purpose of moving any building, structure, or other large items which encroaches on more than one (1) lane of traffic, or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The City Clerk or his/her authorized deputy shall issue the permit. The City Clerk or their deputy shall request advisory recommendations from the Chief of Police, Director of Public Works, City Engineer and Building Inspector prior to issuance of the permit. City officials may attach conditions to the permit, including proof of liability insurance.

B. **Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the City Clerk a bond of Ten Thousand Dollars ($10,000.00), conditioned that the applicant will indemnify and save harmless the City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the City resulting from such building or moving operations.

C. **Fee.** The fee for a street privilege permit shall be as outlined in the City Fee Schedule.

D. **Conditions of Occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings, structures or other items as defined above, and shall be given upon the following terms and conditions and subject to revocation without notice by the Board of Public Works, Chief of Police, Common Council or Building Inspector for violation thereof:

1. Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
2. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

3. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
4. The process of moving any building, structure or other large item as defined above shall be as continuous as practicable until completed and, if ordered by the Chief of Police, Common Council or Board of Public Works, shall continue during all hours of the day and night.
5. No building, structure or other large item as defined above shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
6. Buildings, structures or other large items as defined above shall be moved only in accordance with the route prescribed by the Common Council, upon the recommendation of the Chief of Police.
7. Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.

E. **Termination.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Common Council.

F. **Removal by City.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Common Council, Board of Public Works, City Engineer, Chief of Police or Building Inspector to do so, it shall be the duty of the Common Council, Board of Public Works, City Engineer, Chief of Police or Building Inspector to remove such obstruction and make return of the costs and expenses thereof to the City Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

6.02.46 Use of Streets, Alleys and Other Public Ways by Persons and Businesses Renting Dumpsters and Roll-off Containers

A. **Permit Required.** No person or business engaged in the business of leasing dumpsters or refuse containers for the storage of materials discarded or used in the process of construction or alteration of buildings are to place or allow for placement such dumpsters or refuse containers in any street, alley, highway, sidewalk or other public way within the City without first obtaining a permit from the Public Works Department.

B. **Application.** Applications for the dumpster or refuse container business permit shall be on forms provided by the City Public Works Department. Each person engaged in the business of leasing to others dumpsters or refuse containers which are placed in any street, alley, highway, sidewalk or other public way within the City for the storage of materials discarded or used in the process of construction or alteration of structures or buildings shall make a separate application and said permit shall be valid for the period of time specified thereon, not to exceed fourteen (14) days.

C. **Fees.** The permit fee for each person engaged in the business of renting or leasing to others the use of dumpsters or refuse containers which are placed in the street or other public ways within the City shall be as outlined in the City Fee Schedule.

D. **Insurance.** Prior to the issuance of a permit provided for in this Section, the permittee must furnish the Department of Inspection satisfactory written evidence that it has in force and will maintain during the term of the permit public liability insurance of not less than One Million Dollars ($1,000,000.00) for one (1) person, One Million Dollars ($1,000,000.00) for one (1) accident and property damage insurance of not less than One Million Dollars ($1,000,000.00). Each permittee shall also furnish to the City a certificate of insurance naming the City of Onalaska as additional insured, and evidence of the same shall be on file with the Public Works Department at all times during the term of the permit.

E. **Regulations.**
1. Each dumpster or refuse container shall have posted thereon the name, address and phone number of the lessor or owner of said dumpster or refuse container.
2. Each dumpster or refuse container shall be equipped with reflectorized tape or other reflector devices adequate to warn others of its presence during night hours.
3. No dumpster or refuse container shall be placed in a moving lane of traffic.
4. Each permittee shall notify the Public Works Department of the location of all dumpsters or refuse containers placed in the streets, alleys, highways, sidewalks or other public ways within the City.
5. Each permittee shall comply with any order of the Public Works Department to remove any dumpster or refuse container should the placement or location of the dumpster or refuse container constitute a safety hazard.

6. No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the City.
7. Each permittee shall place flashing lights on at least two (2) sides of each dumpster or refuse container so as to alert all persons of the placement of the dumpster or container during hours of darkness.
8. No dumpster or refuse container shall be placed within twenty-five (25) feet of any intersection.

F. **Security.** Each permittee shall provide in the sum of not less than One Thousand Dollars ($1,000.00) a bond by an approved insurance or security company or letter of credit meeting the approval of the City Attorney in order to insure removal of any dumpster or refuse container ordered removed by the Public Works Department and to cover any damages to any street, alley, highway, sidewalk or other public way that may be damaged by the permittee's placement of a dumpster or refuse container.

Chapter 03 Subdivision Required Public Works Improvements

Division 1 General Provisions for Subdivisions

6.03.11 Required Construction Plans; City Review; Inspections

A. **Engineering Reports, Construction Plans and Specifications.** As required by Section 13.04.11. and Section 13.04.12., engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the Ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain their seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for their approval and for their estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Preliminary Plat with the City Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:
   1. **Street Plans and Profiles.** Showing existing and proposed grades, elevations and cross sections of required improvements.
   2. **Sanitary Sewer Plans and Profiles.** Showing the locations, grades, sizes, elevations and materials of required facilities.
   3. **Storm Sewer and Open Channel Plans and Profiles.** Showing the locations, grades, sizes, cross sections, elevations and materials of required facilities complying with best management practices as set forth in the latest version of the City of Onalaska Erosion Control and Stormwater Management Requirements.
   4. **Water Main Plans and Profiles.** Showing the locations, sizes, elevations and materials of required facilities.
   5. **Erosion and Sedimentation Control Plans.** Showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Title 15, Chapter 2, Construction Site/Excavation Erosion Control and the Wisconsin Department of Natural Resources Best Management Practices.
   6. **Planting Plans.** Showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
   7. **Stormwater Management Plan.** Showing calculations, drawings, maps, etc. as outlined in the City of Onalaska Erosion Control and Stormwater Management Requirements.
   8. **Additional Special Plans or Information.** As required by City officials.

B. **Action by the City Engineer.** The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Section and other pertinent City Ordinances and design standards recommended by the City Engineer and approved by the Common Council. If the City Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications for transmittal to the Board of Public Works and Common Council. The Common Council shall approve the plans and specifications before the improvements are installed and construction commenced.

C. **Construction and Inspection.**
   1. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Section. Building permits shall not be issued

until all improvements required by this Section are satisfactorily completed, unless the developer provides the City with a bond or irrevocable letter of credit. The City requires that at a minimum all utilities and curb and gutter are installed, inspected and approved before the issuance of building permits.

2. During the course of construction, the City Engineer shall make such inspections as the Common Council deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work, billed monthly.
3. The City shall pay for the initial compaction test; if the test results are unsatisfactory, the owner/developer shall pay for any necessary retesting.

D. **Subdivider to Reimburse the City for Costs Sustained.** The subdivider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:

1. The cost of City employees time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Financial Services Director/Treasurer to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
2. The cost of City equipment employed.
3. The cost of mileage reimbursed to City employees which is attributed to the land division.
4. The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
5. All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars ($50.00), the City shall bill the subdivider monthly for expenses incurred by the City. Bills outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars ($50.00) shall be held for billing by the City until amounts total more than Fifty Dollars ($50.00) or until the conclusion of project activities.

E. **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the City Engineer shall require. These plans shall be prepared on the original Mylar's of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the City and one (1) copy of such record plans shall be forwarded to the appropriate sanitary district.

6.03.12 Improvements on Boundaries of Subdivisions and on Undeveloped Land

A. Any public improvements occurring on the boundaries of a subdivision shall be paid for by using the normal assessing methods for establishing payments. Similarly, undeveloped land shall have the same assessing policies as this Section provides. The intention is that the owners of said land shall pay for all improvements using the same procedures as in this Section.

6.03.13 Non-Residential Subdivisions

A. **General Requirements.**

1. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the City may require.
2. A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in Title 13 Unified Development Code. A non-residential subdivision shall be subject to all the requirements of this Section, as well as such additional standards required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the Unified Development Code.

B. **Standards.** In addition to the principles and standards in this Section, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is taken into account with other uses in the vicinity and adapted to the uses anticipated in the area. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
6. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

6.03.14 Grading and Erosion Control

A. **Grading.** The subdivider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
   1. The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
   2. Block grading shall be completed by one (1) or more of the following methods:
      a. Regrading along the side or rear lot lines, which provides for drainage to the public drainage facilities.
      b. Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
      c. Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.
   3. Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a minimum grade of one percent (1%) and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
   4. Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
   5. The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the City Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
   6. Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.

B. **Erosion Control.** Pursuant to Title 15 Chapter 2 Construction Site/Excavation Erosion Control, the subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

6.03.15 Required Agreement Providing for Proper Installation of Improvements; Surety

A. **Development Agreement.** Prior to installation of any required improvements and prior to approval of the Final Plat, the subdivider shall enter into a written development agreement with the City requiring the subdivider to furnish and construct said improvements at their sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the City Engineer. The development agreement form shall be provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the City Council. The City reserves the right to control the phasing through limits, sequence and/or additional surety so as to provide for continuity of streets, sewers, water mains and other necessary public improvements within and between the phases.

B. **Security Required.** The City may require surety as allowed under Sec. 236.13(2)(am) Wis. Stats. for a period of time up to fourteen (14) months after the substantial completion of the public improvements. .

C. **Waiver of Special Assessment Notice and Hearing.** The subdivider shall file with said Development Agreement , subject to the approval of the City Attorney, a waiver of special

assessment notices and hearings such that the subdivider, their heirs and assigns (including purchasers of property from the subdivider), waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with Sec. 66.0701 and 66.0703), Wis. Stats.

6.03.16 Acceptance of Improvements and Dedications

A. **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Common Council. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Director of Public Works. In the event the City must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-incurred costs to be reimbursed to the City by the subdivider in accordance with the provisions of this Section.

1. **Inspection and Certification of Improvements.** After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the City Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements. Acceptance of the improvements may be requested in the following increments:
   a. Sewer mains and services (either storm or sanitary).
   b. Water mains and services.
   c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
   d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
2. The appropriate department heads shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the Common Council recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid, the report of the City Engineer shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

Division 2 Utility Requirements for Subdivisions

6.03.21 Sanitary Sewer and Water Systems and Facilities

A. **Central Sanitary Sewerage and Private Sewage Disposal Systems.**

1. The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If central sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the community Wisconsin Department of Natural Resources; however, any lot containing less than one (1) acre of land and being less than one hundred fifty (150) feet wide must be served by public sanitary sewer facilities, unless in the considered opinion of the Plan Commission such service will be made available to the subdivision within five (5) years of the date of the submission of the Preliminary Plat. The City Plan Commission may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the submission of the Preliminary Plat, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the City Engineer. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer. All sanitary sewer facilities shall be flood proofed.
2. The subdivider shall assume the cost of installing all sanitary sewers ten (10) inches in diameter or less in size. If greater than ten (10) inch diameter sewers are required to handle the contemplated sewage flows, the cost of the materials only of such larger sewers shall be reimbursed by the City to the subdivider. The subdivider shall pay all costs associated with installation of sewer.

B. **Water Supply Facilities.**

1. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the Wisconsin Department of Natural Resources; however, any lot containing less than one (1) acre of land and being less than one hundred fifty (150) feet wide must be served by public water facilities, unless in the considered opinion of the Plan Commission such services will be made available to the subdivision within five (5) years of the date of the submission of the Preliminary Plat. The Plan Commission may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the City Engineer.
2. The subdivider shall assume the cost of installing all water mains ten (10) inches in diameter or less in size. If greater than ten (10) inch water mains are required, the City shall reimburse the developer for the difference in cost of materials only between the ten (10) inch water main and the larger size water main. The subdivider shall pay all costs associated with the installation of mains no matter what size. All water systems shall be flood proofed.
3. If oversized materials and equipment are required to obtain adequate flows when developing at higher elevations such as the bluffs, the subdivider/developer shall be required to pay for all oversized materials and equipment, including but not limited to booster stations and oversized water mains.

6.03.22 Stormwater Drainage Facilities and System

A. Pursuant to Section 13.04.31. the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Section and plans and standard specifications approved by the City Engineer. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the City Engineer. . The subdivder, at their cost, shall comply with Federal Storm Water Regulations and the State of Wisconsin Department of Natural Resources NR 216 using NR151 performance standards. The subdivider shall submit a storm water management plan as outlined in the City of Onalaska Erosion Control and Stormwater Management Requirements. The size, type, quantity of all storm water controls and best management practices shall be reviewed for approval by the City Engineer.

B. **Drainage System.**
   1. **Required**. As required by the City of Onalaska Erosion Control and Stormwater Management Requirements, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. The drainage system shall adhere to the requirements as outlined in the City of Onalaska Erosion Control and Stormwater Management Requirements. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Common Council, upon the recommendations of the Plan Commission and City Engineer.
   2. **Associated Permits**. Applicants must also apply for and receive stormwater and erosion control permits when applicable. Applicants shall conform to standards set forth in the City of Onalaska Erosion Control and Stormwater Management Requirements.
   3. **Drainage System Plans**.
      a. The subdivider shall submit to the City at the time of filing a Preliminary Plat a preliminary drainage plan, and engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. The drainage plan and engineering report shall adhere to the requirements as outlined in the City of Onalaska Erosion Control and Stormwater Management Requirements. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

i. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
ii. Quantities of flow at each inlet or culvert.
iii. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

b. A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
c. The design criteria for storm drainage systems shall be based upon information provided by the City Engineer.
d. Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the City Engineer.

4. **Storm Drainage and Stormwater Management Facilities.**
   a. The subdivider, at their cost, shall install all drainage and stormwater management facilities identified in the drainage plan, engineering report and Erosion Control Plan or determined by the City Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
   b. The subdivider shall submit to the City Engineer for review and approval a final copy of the drainage plan and engineering report, including as built data, as outlined in the City of Onalaska Erosion Control and Stormwater Management Requirements prior to any final plat approval.

6.03.23 Easements

A. **Utility Easements.** The Common Council, on the recommendation of appropriate departments and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Section to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

B. **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainageway, channel or stream:
   1. There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
   2. The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
   3. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the City Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

C. **Easement Locations.** Such easements shall be at least ten (10) feet wide, or wider where recommended by the City Engineer, and may run across lots or alongside of front lot lines. Such easements should preferably be located along front lot lines. Evidence shall be furnished the Plan Commission and Common Council that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

6.03.24 Extra-Sized and Off-Site Facilities

A. When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or Certified Survey Map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

1. **Design Capacity.** All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
2. **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 06.03.21.B.
3. **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the City Engineer's requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the City Engineer to be feasibly accessible.

Chapter 04 Sidewalks, Curb and Gutter, and Driveways

Division 1 General Provisions

6.04.11 Construction and Repair of Sidewalks

A. **Provision of State Law.** All provisions of Sec. 66.0907 of the Wisconsin Statutes describing and defining regulations with respect to sidewalks are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by Sec. 66.0907, Wis. Stats. is required or prohibited by this Section.

B. **Sidewalk Repair or Construction.**
   1. Adjacent property owners building, repairing, constructing and perpetually maintaining sidewalks along or upon any street, alley or highway in the City of Onalaska shall pay the cost thereof pursuant to this Section. A sidewalk map as recommended by the Plan Commission and adopted by the Common Council shall be the basis of selecting proposed sidewalk locations throughout the City.
   2. All sidewalks within the City of Onalaska hereafter shall be repaired, rebuilt and constructed in accordance with the specifications of this Section.

C. **Special Assessments for Sidewalks.** Special assessments levied to defray the costs of laying, removing and repairing sidewalks may, when they exceed One Hundred Dollars ($100.00), be paid in equal installments, over a twenty (20) year period when new sidewalks are installed and over ten (10) years when sidewalks are replaced or repaired. The special assessment shall bear interest at the rate determined by the Common Council, uniform with other City special assessments, at a rate equal to one percent (1 %) over the interest rate for the bond issuance that is issued to pay for the improvement. Engineering and administrative fees of seven and one-half percent (7.5%) shall be added to the special assessment cost.
   1. Special assessments levied to defray the costs of repairing sidewalks damaged by City owned trees placed on the boulevard shall be split equally between the City of Onalaska and the property owner for all City administered repairs. Where the property owner's portion of the fee exceeds One Hundred Dollars ($100.00), the property owner shall be allowed to pay the fee in equal installments as set forth in Subsection C. above.

D. **Sidewalk Permit Required.**
   1. No person shall hereafter lay, remove, replace or repair any public sidewalk within the City unless they are under contract with the City to do such work or has obtained a permit therefore from the Inspection Department at least three (3) days before the work is proposed to be undertaken. A fee as set forth on the City of Onalaska Fee Schedule shall be charged for such permit. The permit shall be issued upon application forms provided by the City and shall contain such information as the Inspection Department shall deem necessary.
   2. Such permit shall be for a continuous sidewalk within or between intersecting streets, in front of the property owned by one (1) person, firm or corporation. No permit shall be necessary for repairs which do not exceed sixty (60) square feet, unless the Public Works Inspector deems it necessary to establish a new grade for such repair.
   3. After the permit has been issued, the applicant shall obtain a survey and grade stakes from the City Engineer. After the sidewalk has been constructed, repaired or reconstructed, the Inspector will again check, after which a grade certificate will be issued upon request.

E. **Grade Certificate.** A grade certificate may be issued by the Public Works Department upon request providing all sidewalk construction, repair or reconstruction is in accordance with City specifications.

F. **Standard Specifications for Sidewalk.**

1. **General.** Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the City.
2. **Sub-grade.** Sub-grade shall be two (2) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft, porous and unsuitable sub-grade material shall be removed and replaced with sand or other satisfactory material, and the sub-grade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.
3. **Concrete.** The minimum quantity of cement per cubic yard shall be six (6) sacks of ninety-four (94) pounds each. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test three thousand five hundred (3,500) pounds compression in twenty-eight (28) days.
4. **Forming.** Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
5. **Jointing, Floating and Finishing.** Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (1/2) inch expansion joint shall be placed. Transverse expansion joints of one-half (1/2) inch thick and four (4) inches wide and five (5) feet long or premolded material shall be located every seventy-five (75) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half (1/2) by four (4) inch expansion joints of premolded material.
6. **Slope.** All forms must be approved by the City Engineer, or their designee, before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, the back of the sidewalk shall be on the property line.
7. **Width and Thickness.** All sidewalks shall be five (5) feet in width unless otherwise specified by the Board of Public Works. Residential sidewalks shall be not less than four (4) inches thick and commercial sidewalks not less than five (5) inches thick, except within driveway approaches the minimum thickness shall be six (6) inches.
8. **Carriage Walks and Driveway Areas.**
   a. Concrete carriage walks and concrete driveways that are not placed at grade shall be removed at City expense. The concrete replacement cost to grade shall be charged to the property owner.
   b. Bituminous asphalt driveways shall be saw cut and removed at the City's expense. Their replacement shall be six (6) inch thick concrete, and shall be charged to the property owner.
   c. The City shall pay up to four (4) feet of driveway length to match the back of the sidewalk to the existing driveway. Length in excess of four (4) feet shall be charged to the property owner. Unusual cases shall be reviewed by the Board of Public Works.
   d. The area between the curb and gutter and sidewalk, through the driveway commonly referred to as the driveway approach, shall be six (6) inches thick poured concrete, the cost to be assessed to the property owner.
9. **Finishing.** The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a one-quarter (1/4) inch radius edging tool. Dry cement shall not be spread on a wet surface to take up excess water. Finishing operations shall be delayed until water has disappeared. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours.
10. **Curing.** Concrete shall be kept moist by sprinkling, covering or a combination of both for a minimum of five (5) days.
11. **Cold Weather Requirements.** When the temperature is less than forty (40) degrees F., all concrete placed in the forms shall have a temperature between fifty (50) degrees F. and seventy (70) degrees F. and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.

12. **Lawn Replacement.** When contractors perform sidewalk work for the City, the City shall replace and/or return lawns back to original condition at the City's expense. (Example: If a property owner has black dirt and sod, that is what the City shall replace; if a property owner has sand and weeds, the City will simply seed the area, with no black dirt.) After the sod has been placed, it shall be the responsibility of the property owner to water and to care for it. There shall be no replacement because of abuse or neglect. Property owners doing their own sidewalk and driveway construction shall take out sidewalk and driveway permits and shall not be entitled to any services from the City, such as excavation, black dirt, sod, seed, etc.

G. **Objects in Right-of-Way.**

1. All trees, shrubs, planters, landscaped flower gardens, flagpoles, fences, light posts, etc., and, in general, other objects placed on a City right-of-way (boulevard) without permission from the City that are in the way of the sidewalk, or pose a problem by being too close to the sidewalk, shall be the removal responsibility of the property owner. Any relocation of said objects shall be done by the property owner before sidewalk contractors start work. A property owner shall have thirty (30) days to remove said objects after the City has ordered the sidewalk in. Objects not removed within the thirty (30) day period shall be removed by the City or the sidewalk contractor at the time of construction. Objects shall be hauled away and disposed of.
2. Trees that exist very close to the back of sidewalks [within three (3) feet] may be removed by the City or sidewalk contractor at the City's expense. No replacement costs will be absorbed by the City. Property owners are advised to remove or relocate trees, because in time the roots may heave the walk, resulting in replacement at the cost of the property owner.
3. Any objects breaking the vertical plane at the property line, sitting on or over-hanging a sidewalk that may constitute a public danger or safety hazard (be it on City boulevards or private property), shall be cause to be removed by the City with no replacement provided.

H. **Repair or Replacement of Defective Sidewalks.** Pursuant to Sec. 66.0907, Wis. Stats., the Common Council may order at any time property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk within sixty (60) days after service of the notice provided in Sec. 66.0907, Wis. Stats., the Common Council shall repair or construct such sidewalk and the Finance Director shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land. If a life-threatening situation exists which is caused by a sidewalk in need of repair, the Board of Public Works or City Engineer shall direct the property owner to make repairs within seven (7) days. If the property owner shall fail to repair such sidewalk within the required period, the Board of Public Works shall make the necessary repairs and the Finance Director shall enter the total cost thereof on the tax roll as a special tax against said parcel.

I. **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

J. **Retaining Walls.** The cost of the initial flagstone or retaining wall, as determined by the Board of Public Works, shall be paid for by the City. After completion of the construction, the wall shall become property of the property owner. The property owner shall pay for any and all maintenance and upkeep.

6.04.12 Downspouts and Eaves of Buildings Not to Drain on Sidewalks

A. No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over any public sidewalk in the City. When the eaves of a building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in the City's Schedule of Deposits pursuant to Title 1 of this Code of Ordinances.

6.04.13 Sale or Display of Merchandise within Public Right-of-Way

A. **Street Sales Prohibited Except by Permit.** No person shall display, sell or offer to sell on any street, sidewalk, alley or other public place within the City any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special event permit as set forth in Title 7 of this Code of Ordinances from the City Clerk. Where a special event permit is open, sidewalks must remain open and accessible at all times.

6.04.14 Curb and Gutter

A. **Special Assessments and Charges.** The City may, at any time, construct or have constructed curb and gutter in the City. As a complete alternative to any other methods provided by law, the City may collect for said curb and gutter in the manner and by the procedure provided by Sec. 66.0701 and/or 66.0703, Wis. Stats.

B. **Alternative Methods.**
   1. **Petition.** Any taxpayer and property owner in the City may petition the City for the installation of curb and gutter abutting property owned by said petitioner in said City.
      a. **Requirements of Petition.** The petition for the installation of curb and gutter shall state that the petitioner(s) request curb and gutter abutting property owned by said petitioner, describing said property, stating what type is requested, and further said petition shall state that each petitioner individually shall be responsible and liable for, and thereby obligates themselves to pay the total costs of installation of said curb and gutter to include surveying and other contingent expenses.
      b. **Effect of Petition.** In the event a petition for the installation of curb and gutter is presented to the Common Council, the Council shall have the exclusive discretion to accept or reject the same. The Council may refer said petition, may table it, but in any event they shall act upon the same in some manner within six (6) months of receipt of said petition.
   2. **Resolution of Intent.** In the event the City should desire to construct curb and gutter in any area of the City, the Common Council may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as provided in Sec. 66.0701, Wis. Stats.

C. **Types of Curb and Gutter.** All curbs and gutters shall conform to the construction standards adopted by the Common Council, on file with the City Engineer.

D. **Liability for Repair Thereof.** Whenever curb and gutter is installed, all property owners receiving the benefits thereof shall be responsible and liable for all replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts. Any expense for additional width of road made necessary by blacktop curb and gutter shall be the responsibility of and shall be paid for by the abutting property owner.

E. **Entered on Tax Rolls.** Any and all costs of replacement, repair and maintenance of curb and gutter incurred within two (2) years after installation thereof or damage thereto during construction as provided above, shall be charged to the lot or parcel of land affected thereby pursuant to Sec. 66.0703, Wis. Stats.

6.04.15 Driveway Permit Required

A. **Purpose.** For the safety of the general public, the City shall determine the location, size, construction and number of access points to public roadways within the City limits. It is the City's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.

B. **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the City of Onalaska without first obtaining a permit therefor as provided by this Section.

C. **Application.**
   1. Application for such permit shall be made to the Inspection Department on a form provided by the City and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee as prescribed in the City Fee Schedule.
   2. Applications for permits must be accompanied by a scale drawing indicating the location of the driveway or driveways to be installed and the requested widths for all installations classified as special above and for any installation involving a utility relocation.
   3. The permit application shall be made at least forty-eight (48) hours in advance of intended installation for all classes, except special or unclassified uses, wherein five (5) days shall apply to permit time for study and consideration before granting the permit.
   4. In no case shall any driveway be installed prior to securing a building permit if the driveway is to service such building or buildings.
   5. The determination of the class of driveway shall be by present land use where nonconforming to the Unified Development Cod and, in all other cases, by the class of driveway for the particular zone involved.
   6. Application for "blind" driveways, wherein the only purpose is to restrict street parking, shall be denied.

D. **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
   1. The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to their property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the City street, or for any other purpose.
   2. The City, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
   3. The permittee, their successors or assigns, agrees to indemnify and hold harmless the City of Onalaska, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
   4. The City does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the City street.

E. **Widths and Permit Fees.** Unless otherwise especially permitted by resolution of the Common Council, upon written application giving the reason therefore, the standard and maximum widths of driveways at the sidewalk and curb, other requirements for such installations, and fee for permits shall be as outlined in the City Fee Schedule:

Type and Classification	**Minimum Widths at Sidewalk**	**Curb**	**Maximum Widths at Sidewalk**	**Curb**	
Residential:					
Single Garage	10 ft	17 ft	12 ft	17 ft	
Double Garage	18 ft	25 ft	22 ft	26 ft	
Three-Car Garage	18 ft	25 ft	30 ft	34 ft	
Commercial:					
Single	15 ft	22 ft	20 ft	25 ft	
Double	20 ft	27 ft	30 ft	34 ft	
Industrial:					
Special	20 ft	27 ft	30 ft	34 ft	
Parking Lots:	20 ft	27 ft	26 ft	30 ft	

6.04.16 Driveway Location, Design and Construction Requirements

A. **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
   1. **General Design.**
      a. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways must be a minimum of three (3) feet from adjoining parcel line at right-of-way and into the parcel.
      b. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street.
      c. Where more than one (1) driveway shall be on the same street, they shall be at least six (6) feet apart on frontage of less than ninety (90) feet or twenty-five (25) feet apart on frontage exceeding ninety (90) feet.
      d. Driveways shall, in all cases, be placed wherever possible as not to interfere with utilities in place. All costs of relocating utilities shall be the responsibility of the property owner with approval of the Board of Public Works necessary before any utilities may be relocated and the driveway installed.

e. All driveways must be located within the extended property lines unless accompanied by a special agreement from the abutting property owner, with extension of said property lines to be on a ninety (90) degree angle from the street line.
f. Where removal of the curb head is required for driveway installation, it shall be fully removed and replaced.
g. In all instances, for driveways a drophead curb shall be installed in a two (2) foot distance.
h. The slope across the sidewalk portion of each driveway shall be governed by this Section or as permitted by specific resolution. A sidewalk permit is also required for the sidewalk portion of the driveway.

2. **Number.** The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the City Engineer for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
3. **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided below in Section 6.04.16.A.7.
4. **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
5. **Culverts.** Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a twelve (12) inch diameter pipe. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled in pursuant to the provisions of Section 6.04.16.A.7.
6. **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 6.04.11. of this Title insofar as such requirements are applicable, including thickness requirements. Standard thickness of driveway approaches will be six (6) inches thick.
7. **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
   a. The filling or draining shall be to grades approved by the City Engineer and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
   b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for clean-out purposes may be required where the total culvert length is excessive.
   c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the City Engineer.
8. **Construction Across Sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 6.04.11. of this Title insofar as such requirements are applicable, including thickness requirements.
9. **Variances.** Any of the above requirements may be varied by the Board of Public Works, upon the recommendation of the City Engineer, in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

B. **Prohibited Driveways.**
1. No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the City of Onalaska except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Section.
2. No driveway shall be closer than ten (10) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street

intersection area and shall not occupy areas of the roadway deemed necessary by the City for effective traffic control or for highway signs or signals.

3. The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
4. No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
5. No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

Chapter 05 Trees and Shrubs

Division 1 General Provisions

6.05.11 Application of Chapter

A. **Intent and Purpose.** It is the policy of the City to regulate and establish policy for planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the City to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the City; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the City against the spread of disease, insects or pests.

B. **Application.** The provisions of this Section shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

C. **Violations.** Any person, firm or corporation violating any of the provisions of this Chapter shall upon conviction thereof be subject to a forfeiture between Fifty Dollars ($50.00) and Five Hundred Dollars ($500.00). Each day that such violation is not remedied, shall be considered a separate offense.

D. **Severability.** Should any section, subsection, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or in any part thereof other than the part so declared to be invalid.

6.05.12 Definitions

A. Whenever the following words or terms are used in this Section, they shall be construed to have the following meanings:

1. **Boulevard or Terrace Areas.** The land between the typical location of the street edge or curbing and the street right-of-way. Where there is no curb and gutter, the edge of the road way (pavement or gravel) to the right-of-way line shall be deemed to be a boulevard for the purpose of this Section. "Boulevard" shall have the same meaning as "terrace". Where there are no sidewalks, the area from the curbing or edge of street to the right-of-way line shall be deemed boulevard areas under this Section.
2. **Critical Root Radius (CRR).** 1.5 feet for every diameter inch at diameter at breast height (DBH), as relating to excavations near trees.
3. **Evergreen Tree.** Any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.
4. **Frames.** A device used to stabilize or provide protection to a tree. May include staking materials, blocks, or other landscaping materials around the base of a tree.
5. **Major Alteration.** Trimming a tree beyond one-third (1/3) of the crown.
6. **Person.** Person, firm, business, association, corporation or other legal entity.
7. **Public Nuisance.** Any deleterious or fatal tree disease. Any tree or shrub or part thereof which, by reason of its condition and location, is hazardous and/or interferes with the use of any public property/area or public ways; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

8. **Public Properties/Areas.** Land owned or controlled by the City, including without limitation because of enumeration, public sites, parks, playgrounds, recreation areas, park ways, common open spaces, greenways, forests, conservancies and other lands owned or leased by the City under the authority of the Parks, Recreation and Library Board.
9. **Public Trees and Shrubs.** All trees and shrubs located or to be planted in or upon public areas.
10. **Public Ways.** All public streets, roads, right-of-ways, boulevards, terraces strips between public lot lines and curbs, alleys, sidewalks, cemeteries, and other lands owned or leased by the City and under the authority of the Board of Public Works.
11. **Shrubs.** Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
12. **Staff Forester.** Person(s) designated by the Parks, Recreation and Library Board or the Board of Public Works as authorized to carry out provisions of this Section.
13. **Top, Topping.** The severe cutting back of limbs to stubs within the tree crown to such a degree so as to remove normal canopy and disfigure the tree.
14. **Tree.** Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
15. **Urban Forest.** The collection of trees in and around the City, including park and street trees on public property and on private property.

6.05.13 General Standards

A. **Adoption of State Statutes.** Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.
B. **Arboricultural Standards.** All work performed must be performed in compliance of accepted arboricultural standards.
C. **Interference with Staff Forester Prohibited.** No person shall interfere with the Staff Forester or authorized representative while Staff Forester is engaged in carrying out any work or activities authorized by this Section.
D. **Emergencies.** The Staff Forester, in the case of emergencies, such as windstorms, ice storms, insect/disease outbreaks or other disasters, may waive the requirements of this Ordinance so that private or public work to restore order in the City is in no way hindered.
E. **Appeal from Determinations and Orders.** Any person who receives a determination or order under this Section from the Staff Forester or the Parks, Recreation and Library Board or Board of Public Works or their designee and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Ch. 68, Wis. Stats., to the Parks, Recreation and Library Board or Board of Public Works or their designee within seven (7) days of receipt of the order. The Parks, Recreation and Library Board or Board of Public Works or their designee shall hear such appeal within forty-five (45) days of receipt of written notice of the appeal. After such hearing, the Common Council may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Common Council shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Council shall file its written decision with the City Clerk.

6.05.14 Staff Forester

A. **Parks, Recreation and Library Board or Board of Public Works Appointment.** The Parks, Recreation and Library Board or Board of Public Works may designate a municipal employee(s) to perform the duties of Staff Forester under Ch. 27.09, Wis. Stats., and may authorize such Staff Forester to perform the duties and exercise the powers imposed by this Section. The Staff Forester shall have the following general powers and duties:
   1. To direct, manage, supervise, and control the planting, removal, maintenance, protection of all trees and shrubs on all public properties, areas and ways; to supervise Park and Public Works Department personnel in the planting, removal, maintenance, and protection of said trees and shrubs.
   2. To guard all trees and shrubs within the City located on public areas so as to prevent the spread of disease or pests and to eliminate dangerous conditions which may affect the life, health or safety of persons or property.
   3. To enforce this ordinance as it pertains to trees and shrubs on private premises.
   4. Such other powers and duties as are provided by the laws of Wisconsin, particularly Sections 27.08 and 27.09, Wis. Stats., by ordinance of the City, by the Parks, Recreation and Library Board, or Board of Public Works.
B. **Right-of-Entry.** The Staff Forester or other authorized City representatives may make a request to enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Section. If a request

to inspect such trees or shrubs is denied by the person responsible for the property, an inspection warrant may be obtained pursuant to Sec. 66.0119, Wis. Stats.

C. **Inspection.** The Staff Forester may inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance exists thereon. The Staff Forester may also inspect or cause the inspection of any tree reported to be public nuisance or suspected to be infested with a deleterious or fatal tree disease or any part of a tree bearing materials reported or suspected to be infested.

D. **Maintenance/Removal.** Staff Forester or other authorized agent may trim, prune, or remove a tree or shrub located on or hanging into public properties/areas and public ways as necessary as determined by the Staff Forester, due to disease, damage, hazardous condition and/or location, public nuisance, or if it's location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Staff Forester shall cause maintenance and/or removal of a tree or shrub on private premise as allowed per Section 6.05.15.

6.05.15 Abatement of Public Nuisances, Dangerous Trees and Costs

A. **Tree Diseases as a Public Nuisance.** Due to the many trees growing on public and private premises within the City, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the City, and that the health and life of such trees is threatened by fatal diseases, the City intends to control and prevent the spread of tree diseases, therefore infectious, epidemic and fatal tree diseases ("Nuisance Diseases") and the insect pests and vectors which carry such diseases are declared to be public nuisances.

B. **Inspection.** The Staff Forester may inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance exists thereon. The Staff Forester may also inspect or cause the inspection of any tree reported or suspected to be infested with Nuisance Diseases, or any part of a tree bearing materials reported or suspected to be infested.

C. **Abatement of Nuisances; Duty of Staff Forester.**

1. The Parks, Recreation and Library Board or Board of Public Works their designee, upon the recommendation of the Staff Forester, shall order, direct, supervise and control the abatement of public nuisances on public properties/areas or public ways as defined in this Section by removal, burning or by other means which it determines to be necessary to prevent as fully as possible the spread of Nuisance Diseases, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
2. Any tree or part thereof, whether alive or dead, which the Staff Forester finds to be infected, hazardous or a nuisance so as to be a public nuisance, endanger the public or other structures, trees, plants or shrubs, shall be removed, trimmed or treated by the owner of the property. The Staff Forester shall give written notice to said owner to remedy the situation. Such notice shall describe the public nuisance and recommend procedures for its removal or abatement and shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Staff Forester on the basis of the seriousness of the condition of the tree and/or danger to the public. The notice shall state that unless the owner abates the public nuisance in the manner specified in the notice, or appeals to the Parks, Recreation and Library Board or Board of Public Works or their designee to show that such nuisance does not exist or does not endanger the health of trees in the City, the Parks, Recreation and Library Board or Board of Public Works or their designee shall cause the abatement thereof and the property shall be assessed a special charge for the work completed plus an administrative fee.
3. If the owner shall fail to remove, treat or trim said tree within the specified timeframe, the Staff Forester may cause the tree to be removed, treated or trimmed by order of the Parks, Recreation and Library Board or Board of Public Works or their designee and the property shall be assessed as a special charge for the work completed in addition to an administrative fee as set forth on the City's fee schedule.
4. Prior to the Staff Forester causing the work to be completed, the Parks, Recreation and Library Board or Board of Public Works or their designee shall determine if a public nuisance exists on private property in the City and determine the method to abate or cause the abatement of such nuisance in a manner as to remove the tree or bush or to destroy or prevent as fully as possible the spread of public nuisances, other deleterious tree diseases, or the insect pests or vectors known to carry such disease.
5. If the property owner appeals to the Parks, Recreation and Library Board or Board of Public Works or their designee and the appeal to halt the abatement fails, the Parks, Recreation and Library Board or Board of Public Works or their designee shall order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such

appeal, the Parks, Recreation and Library Board or Board of Public Works or their designee shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property, including an administrative fee, in accordance with the procedures provided in this Section. The Parks, Recreation and Library Board or Board of Public Works or their designee may extend the time allowed the property owner for abatement work, but not to exceed ten (10) additional days.

D. **Assessment of Costs of Abatement.** The entire cost of abating any public nuisance as defined herein may be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands, at the direction of the Parks, Recreation and Library Board or Board of Public Works or their designee and Common Council in accordance with Sec. 66.0627 or Sec. 27.09, Wis. Stats.
    1. The cost of abating a public nuisance located on private premises shall be assessed as a special charge to the property on which such public nuisance is located, as follows:
        a. The Staff Forester shall keep a strict account of the cost of such work and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the and subsequently the Common Council on or before October 15 of each year.
        b. Upon receiving the Parks, Recreation and Library Board or Board of Public Works or their designee's report, the Council shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against their premises and the work for which such charge is being made.
        c. After such hearing, the Common Council shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
        d. The City Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at their last-known address, stating that, unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
        e. The City hereby declares that, in making assessments under this Section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

6.05.16 Maintenance and Removal of Trees and Shrubs in Public Ways or Public Properties/Areas

A. No person, firm, organization or corporation shall remove, damage, perform major alterations on or destroy a tree or shrub in public ways or public properties/areas or cause such act to be done by others unless authorized in writing by the Staff Forester.
B. In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least eight (8) inches below grade measured in a straight line with the normal grade of sidewalk to top of eight (8) inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil and seeded as soon as practicable.
C. Public Utilities shall notify the Staff Forester prior to removal, trimming, pruning, etc., of any public tree or shrub in public ways or on public properties/areas in the City.
D. Any landscaping installed at the base of a public tree or shrub may be removed at the discretion of the City.

6.05.17 Planting of Trees and Shrubs

A. **Purpose.** The planting, care and protection of the trees within the City is desirable for the purposes of beauty, shade, comfort, stormwater runoff, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
B. **Tree Planting Program.** The Staff Forester shall establish a program for tree planting, care and protection for public properties/area and public ways. The Common Council shall also encourage the planting, care and protection of trees and shrubs on private premises within the City. Planting of trees in the terrace areas shall be according to the City approved tree planting list, as kept on file with the Staff Forester.
C. **Planting.**

1. The size and genus, species and variety of trees and shrubs to be planted in public ways shall be consistent with the City's recommended tree species list on file with the Staff Forester, and following planting requirements listed herein. The City at its discretion may remove any trees planted in public ways.
2. Prior to any tree or shrub planting in public properties/areas, the Staff Forester shall first be consulted regarding the size and genus, species and variety of trees and shrubs to be planted as well as the manner of planting. The City at its discretion may remove any trees planted in public properties/areas.
3. There shall be a minimum distance of fifteen (15) feet and a recommended distance of twenty-five (25) to thirty (30) feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than five (5) feet wide, planting will not be permitted. Terrace area trees shall be a minimum of twenty (20) feet from an intersection.
4. Evergreen trees shall not be planted in a terrace area.
5. It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of thirty (30) inches in height above the top of the nearest curb.
6. Tree grates, where required, shall be provided for terrace trees surrounded by concrete by the adjacent property owner and shall be level with adjacent concrete.
7. Trees or shrubs shall not be planted closer than two and a half (2 ½) feet to any sidewalk or curb. Where sidewalks are not installed, trees or shrubs shall be planted in a manner to allow for future sidewalk improvements.
8. All new required shade trees must be a minimum of one and one-half (1 1/2) inch diameter caliper at the time of planting. All new required evergreen trees must be a minimum of six feet (6) high when planted, except for low creeping shrubs.
9. For all new subdivisions and commercial developments, developers shall install one (1) tree per twenty-five (25) feet of street frontage on boulevard of street frontage prior to issuance of occupancy permits.
10. **Placement of Trees.** Trees may not be planted in the boulevard closer than:
    a. Twenty (20) feet to a utility or street light pole;
    b. Fifteen (15) feet to a driveway or alley;
    c. Ten (10) feet to a water stop box, or gas shut off;
    d. Ten (10) feet to a fire hydrant.
    e. Fifteen to thirty (15-30) feet to another tree; or
    f. Twenty (20) feet to the intersection of two (2) streets from either corner on the property line.

D. **Unlawfully Planted Trees.** Trees or shrubs planted within any terrace or planting easement without the authorization and approval of the Staff Forester may be removed. The Staff Forester shall notify the abutting owner in writing, listing the unlawfully planted trees or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the City may remove such trees, plants or shrubs and assess the costs thereof to the owner.

E. **Frames.** Any person, adjacent to whose land any public tree or shrub is growing in public ways or public property/areas, may, for the propose of protecting such tree or shrub, surround the same with a suitable box or frame or staking for protection, but all such work should be performed under the supervision and direction of the Staff Forester. The City may at its discretion remove frames or landscaping located in public ways or on public properties/areas.

6.05.18 Trimming of Trees and Shrubbery and Those Obstructing Views at Intersections/Traffic Signs

A. Trees and shrubs standing in or upon any boulevard, public way, public property/area or upon any private premises adjacent to any public way or public property/areas shall be kept trimmed so that the lowest branches projecting over the public way provide a clearance of not less than fourteen (14) feet. The Staff Forester may waive the provisions of this Section for newly planted trees if the Staff Forester determines that the trees(s) do not interfere with public travel, obstruct the light of any street light or endanger public safety.

B. The necessity of pruning shall be determined by and may be ordered by the Staff Forester to be completed.

C. Clearance from sidewalk to lower branches shall not be less than ten (10) feet. All trees standing upon private property in the City, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten (10) feet

above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.

D. No person may remove, trim or fertilize trees in the public right-of-way or on public property unless the work is completed by a licensed arborist or designated agent of the City unless the City gives written permission for another individual to complete such work. No person shall remove or make Major Alterations to trees in the public right-of-way or on public property unless such work is approved in writing by the City Forester, or the City Forester's designee, prior to the completion of work. For the purposes of this subsection the term "Major Alteration" shall mean "trimming or pruning of more than one third (1/3) of the crown of a tree or bush."

E. Notwithstanding any other provision of this Section, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the City any tree, shrub or other growth which may obstruct the view or life safety of the operator of any motor vehicle or pedestrian approaching such intersection.

F. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

G. Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel or life safety. The Staff Forester shall notify the abutting owner in writing, listing the planted trees, plants or shrubs, ordering their trimming/removal, and establishing a reasonable time within which such trimming/removal shall be accomplished. In the event that trimming/removal is not accomplished within the time specified, the Board of Public Works may order the trimming/removal such trees, plants or shrubs and property shall be special assessed for the work completed in addition to an administrative fee.

6.05.19 Prohibited Acts

A. **Damage to Public Trees.** No person shall perform or cause to be performed by others any of the following acts:

1. Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
2. Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
3. Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place concrete/asphalt or other solid substance around the base of the same.
4. Remove any guard, stake, tree gator bag or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
5. Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the City may tie official regulatory temporary signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
6. Cause or encourage any fire or burning near or around any tree.
7. It is prohibited to plant trees that reach a maximum, mature height of greater than twenty-five (25) feet underneath any overhead utility line.

B. **Excavations.**

1. All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a Street Opening / Work in Right-of-Way Permit from the Public Works Department. Any person seeking a permit to excavate near a tree in a public street, alley, highway, or boulevard shall submit a written proposed plan to the Public Works Department as part of the permit application with clear and specific identification of the trees in a public street, alley, highway or boulevard which the person is targeting for excavation. The identification shall include the name and block number(s), address(s) of the street(s) on which the trees are located.
2. The Staff Forester has the authority to approve or deny the permit and assess violations as outlined in this Section if the work is not performed in accordance with accepted arboricultural standards. Any public tree that is removed or damaged to the extent of not gaining full recovery in the opinion of the Staff Forester will be replaced through payment from the person causing the removal or damage. Cost will be the value as determined in the City Tree Inventory, if the tree is

not part of an inventory the cost will equal Two Hundred Dollars ($200.00) per inch measured at diameter breast height or four and one-half (4 ½) feet from ground level.

Chapter 06 Stormwater Management

Division 1 General Provisions

6.06.11 Authority, Statement of Findings, and Purpose

A. **Authority.** This Section is adopted by the City Common Council under the authority granted by Sec.62.234, Wis. Stats. This Section supersedes all provisions of an ordinance previously enacted under Sec. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in Sec. 62.234 or 62.23, Wis. Stats., applies to this Section and to any amendments thereof. The provisions of this Section are deemed not to limit any other lawful regulatory powers of the same governing body. The City Common Council hereby designates the City Engineer to administer and enforce the provisions of this Section. The requirements of this Section do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
   1. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sec. 281.16 and 283.33, Wis. Stats.
   2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under NR 151.004, Wis. Adm. Code.

B. **Statement of Findings.** The City Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:
   1. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
   2. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
   3. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
   4. Reduce the quality of groundwater by increasing pollutant loading.
   5. Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
   6. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
   7. Undermine floodplain management efforts by increasing the incidence and levels of flooding.

C. **Purpose.** The general purpose of this Section is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
   1. Further the maintenance of safe and healthful conditions.
   2. Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
   3. Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

D. **Intent.** It is the intent of the City Common Council that this Section regulates post-construction storm water discharges to waters of the state. This Section may be applied on a site-by-site basis. The City Common Council recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Sec. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the City Common Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

E. **Applicability.**
   1. Where not otherwise limited by law, this ordinance applies after final stabilization to a site of land disturbing construction activity that results in one or more acres of land disturbing construction activities.
   2. A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
      a. A redevelopment post-construction site with no increase in exposed parking lots or roads.
      b. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.
      c. Nonpoint discharges from agricultural facilities and practices.
      d. Nonpoint discharges from silviculture activities.
      e. Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
      f. Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
   3. Notwithstanding the applicability requirements in paragraph (a), this Section applies to post-construction sites of any size that, in the opinion of the City Engineer, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

F. **Jurisdiction.** This Section applies to post construction sites within the boundaries and jurisdiction of the City of Onalaska.

G. **Exclusions.** This Section is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Sec. 281.33 (2), Wis. Stats.

6.06.12 Technical and Performance Standards and Design Methods

A. **Design Criteria, Standards and Specifications.** All drainage facilities and practices required to comply with this ordinance shall incorporate technical standards and design methods specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. Where not superseded by stricter requirements in City of Onalaska Erosion Control and Stormwater Management Requirements, the following standards are also incorporated for reference:
   1. Applicable design criteria, standards and specifications identified in the Wisconsin Department of Naturals Resources Stormwater Technical Standards.
   2. Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of Ch. NR 151, Wis. Adm. Code.

B. **Other Standards.** Other technical standards not identified or developed above, may be used provided that the methods have been approved by the City Engineer

C. **Responsible Party.** The entity holding fee title to the property shall be responsible for either developing and implementing a stormwater management plan, or causing such plan to be developed and implemented through contract or other agreement. This plan shall be developed in accordance with Section 6.06.15., which incorporates the requirements of this Section.

D. **Plan.** A written storm water management plan in accordance with Section 6.06.14 shall be developed and implemented for each post-construction site.

E. **Stormwater Management Performance Standards.** All drainage facilities and practices required to comply with this ordinance shall meet performance standards specified in the document City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer.

F. **Location and Regional Treatment Option.**
   1. Stormwater Management Facilities required to meet this ordinance may be located on-site or off-site as part of a regional stormwater device, practice or system.
   2. The City Engineer may approve off-site management measures provided that all of the following conditions are met:
      a. The City Engineer determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the City of Onalaska and that contains management requirements consistent with the purpose and intent of this ordinance.
      b. The off-site facility meets all of the following conditions:

i. The facility will be in place before the need for the facility arises as a result of on-site construction activities.
ii. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
iv. Where a regional treatment option exists such that the City Engineer may exempt the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the City Engineer and approved by the Board of Public Works. In determining the fee for post-construction runoff, the City Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

G. **Alternate Requirements.** The City Engineer may establish stormwater management requirements more stringent than those set forth in City of Onalaska Erosion Control and Stormwater Management Requirements, if the City Engineer determines that an added level of protection is needed to address downstream stormwater management issues.

6.06.13 Permitting Requirements, Procedures and Fees

A. **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a Storm Water Management permit, approved by the City Engineer, as outlined in City of Onalaska Erosion Control and Stormwater Management Requirements prior to commencing the proposed activity.

B. **Permit Application and Fees.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.
1. Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement (where required) and, where not otherwise covered by a developer's agreement, a non-refundable permit administration fee. The permit administration fee, where applicable, shall be consistent with a fee schedule maintained by the City of Onalaska and available at City Hall.
2. The storm water management plan shall be prepared to meet the requirements of Sections 6.06.12. and 6.06.14., the maintenance agreement shall be prepared to meet the requirements of Section 6.06.15., the financial guarantee shall meet the requirements of Section 6.06.15., and fees shall be those established by the City Fee Schedule.

C. **Review and Approval of Permit Application.** The City Engineer or designee shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
1. The City Engineer may request additional information if required for a complete application within fifteen (15) business days of receipt of any permit application. Within thirty (30) business days of the receipt of a complete permit application, including all items as required by Subsection B. above, the City Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
2. If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the City Engineer shall issue the permit.
3. If the storm water permit application, plan or maintenance agreement is disapproved, the City Engineer shall detail in writing the reasons for disapproval.
4. The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have thirty (30) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
5. Prior to commencing the land development activity, the project may be subject to additional approvals as required by the City's municipal code.

D. **Permit Requirements.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer to suspend or revoke this permit may be appealed in accordance with Section 6.06.16.C.

1. Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
2. The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
3. The responsible party shall notify the City Engineer or designee at least two (2) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices. If required as a special condition under Section 6.06.13.E. below, the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that installations or BMP's can be inspected during construction.
4. Installations or BMP's required as part of this Section shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the City Engineer or its designee to determine if they are in accordance with the approved storm water management plan and Section. The City Engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.
5. The responsible party shall notify the City Engineer of any significant modifications it intends to make to an approved storm water management plan. The City Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
6. The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the City of Onalaska, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
7. The responsible party authorizes the City Engineer or designee to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under Sub Chapter VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section 6.06.15.
8. If so directed by the City Engineer or designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
9. The responsible party shall permit property access to the City Engineer or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
10. Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
11. The responsible party is subject to the enforcement actions and penalties detailed in Section 6.06.16.A. and B., if the responsible party fails to comply with the terms of this permit.

E. **Permit Conditions.** Permits issued under this subsection may include conditions established by City Engineer or designee in addition to the requirements needed to meet the performance standards in Section 6.06.12. or a financial guarantee as provided for in Section 6.06.12.

F. **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date the City Engineer notifies the responsible party that all storm water management practices have passed the final inspection required under Subsection D.4. above. The permit shall be invalid if work is not commenced within one (1) year of permit issuance and shall expire two years after permit issuance. City Engineer may extend the period one (1) or more times for up to an additional one hundred eighty (180) days each.

6.06.14 Stormwater Management Plan

A. **Plan Requirements.** A Stormwater Management Plan shall be prepared and submitted to the City Engineer. The Stormwater Management Plan shall include, at a minimum, information required in the City of Onalaska Erosion Control and Stormwater Management Requirements, maintained and periodically updated by the City Engineer. The City Engineer may waive certain submittal requirements if determined by the City Engineer to be unnecessary to demonstrate compliance with Section standards.

B. **Alternate Requirements.** The City Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards.

6.06.15 Maintenance Agreement and Financial Guarantee

A. **Maintenance Agreement Required.** The maintenance agreement required under Section 6.06.13.B. for storm water management practices shall be an agreement between the City Engineer and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the office of the La Crosse County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

B. **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required Section 6.06.13.B.
   1. Identification of the storm water facilities and designation of the drainage area served by the facilities.
   2. A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Section 6.06.12.D.
   3. Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Section 6.06.12.D.
   4. Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the Wisconsin Department of Natural Resources standards.
   5. Authorization for the City Engineer to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
   6. A requirement on the City Engineer or designee to maintain public records of the results of the site inspections, to inform the party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
   7. Agreement that the party designated under par. (3), as responsible for long term maintenance of the storm water management practices, shall be notified by the City Engineer or designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.
   8. Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under par. (3) does not make the required corrections in the specified time period. The City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subchapter VII of Ch. 66, Wis. Stats.

C. **Establishment of the Financial Guarantee.** The City Engineer may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the City Engineer pursuant to Wisconsin Statutes. The financial guarantee shall be in an amount determined by the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City Engineer the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the City Engineer that the requirements of this Section have not been met.

D. **Conditions For Release of Financial Guarantee.** Conditions for the release of the financial guarantee are as follows:
   1. The City Engineer shall release the portion of the financial guarantee established under this section, less any costs incurred by the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
   2. The City Engineer shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the City Engineer, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

6.06.16 Administration

A. **Enforcement.**
   1. Any land disturbing construction activity or post-construction runoff initiated after the effective date of this Section by any person, firm, association, or corporation subject to the Section

provisions shall be deemed a violation unless conducted in accordance with the requirements of this Section.

2. The City Engineer or designee shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
3. Upon receipt of written notification from the City Engineer or designee under Subsection B. below, the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the City Engineer in the notice.
4. If the violations to a permit issued pursuant to this Section are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be billed to the responsible party.
5. The City Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Section, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
6. The City Engineer or designee may revoke a permit issued under this Section for non-compliance with Section provisions.
7. Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the City Engineer or by a court with jurisdiction.
8. The City Engineer is authorized to refer any violation of this Section, or of a stop work order or cease and desist order issued pursuant to this Section, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
9. Compliance with the provisions of this Section may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.
10. When the City Engineer determines that the holder of a permit issued pursuant to this Section has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the City Engineer or a party designated by the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 6.06.15. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.
11. Compliance with the provisions of this Section may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctional proceedings.
12. When the City Engineer determines that the holder of a permit issued pursuant to this Section has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the City Engineer or a party designated by the City Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section 6.06.15. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

B. **Penalties.**

1. Any person, firm, or corporation violating this Chapter shall, upon conviction thereof, forfeit not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) and the cost of prosecution and, in default of such fine and costs, shall be imprisoned in the county Jail until payment of such forfeiture and the costs for a periods not to exceed thirty (30) days for each violation. Each day of violation shall constitute a separate offense.
2. In addition to the aforementioned penalties, no plat submitted to the City and no site plan or certified survey required by the City shall be approved unless it shows all improvements reasonably required to prevent erosion after completion of development as required in this Title and Title 13 of the City of Onalaska.

C. **Appeals.**

1. **Board of Zoning Appeals.** The Board of Zoning Appeals, created pursuant to Sec. 62.23(7)(e) Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this Section. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this Section that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the Section will result in unnecessary hardship.
2. **Who May Appeal.** Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Onalaska affected by any decision of the City Engineer.

D. **Definitions.**

1. **Administering authority.** A governmental employee, or a regional planning commission empowered under Sec. 62.234 Wis. Stats., that is designated by the City Common Council to administer this Section.
2. **Agricultural facilities and practices.** See Sec. 281.16, Wis. Stats.
3. **Average annual rainfall.** A typical calendar year of precipitation, excluding snow, and as defined by the Wisconsin Department of Natural Resources within models such as SLAMM, p8 or equivalent technology.
4. **Best management practice (BMP).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
5. **Business day.** A day the office of the City Engineer is routinely and customarily open for business.
6. **Cease and desist order.** A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
7. **Combined sewer system.** A system for conveying both sanitary sewage and storm water runoff.
8. **Connected imperviousness.** An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
9. **Design storm.** A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
10. **Development.** Residential, commercial, industrial or institutional land uses and associated roads.
11. **Division of land.** The creation from one parcel of two (2) or more parcels or building sites at one time or through the successive partition within a five (5) year period.
12. **Effective infiltration area.** The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
13. **Erosion.** The process by which the land's surface is worn away by the action of wind, water, ice or gravity.
14. **Exceptional resource waters.** See Sec. NR 102.11, Wis. Adm. Code.
15. **Extraterritorial.** The unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city, or within one and one-half (1.5) miles of a fourth class city or village.
16. **Final stabilization.** All land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least seventy percent (70%) of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
17. **Financial guarantee.** A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City Engineer by the responsible party to assure that requirements of the Section are carried out in compliance with the storm water management plan.
18. **Governing body.** The Onalaska Common Council, Board of Public Works.
19. **Impervious surface.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.
20. **In-fill area.** An undeveloped area of land located within existing development.
21. **Infiltration.** The entry of precipitation or runoff into or through the soil.
22. **Infiltration system.** A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
23. **Karst feature.** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

24. **Land Development Activity.** Any construction related activity that results in the addition or replacement of impervious surfaces such as rooftops, roads, parking lots, and other structures. Measurement of areas impacted by land development activity includes 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.
25. **Land disturbing construction activity.** 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 activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
26. **Maintenance agreement.** A legal document that provides for long-term maintenance of storm water management practices.
27. **Maximum Extent Practicable (MEP).** A level of implementing best management practices in order to achieve a performance standard specified in this Section which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
28. **New development.** Development resulting from the conversion of previously undeveloped land or agricultural land uses.
29. **Off-site.** Located outside the property boundary described in the permit application.
30. **On-site.** Located within the property boundary described in the permit application.
31. **Ordinary High-Water Mark.** See Sec. NR 115.03(6), Wis. Adm. Code.
32. **Outstanding Resource Waters.** See Sec. NR 102.10, Wis. Adm. Code.
33. **Percent fines.** The percentage of a given sample of soil, which passes through a # 200 sieve.
34. **Performance standard.** A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
35. **Permit.** A written authorization made by the City Engineer s to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
36. **Permit Administration Fee.** A sum of money paid to the City Engineer by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
37. **Pervious surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
38. **Pollutant.** See Sec. 283.01(13), Wis. Stats.
39. **Pollution.** See Sec. 281.01(10), Wis. Stats.
40. **Post-construction site.** A construction site following the completion of land disturbing construction activity and final site stabilization.
41. **Pre-development condition.** The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
42. **Preventive action limit.** See Sec. NR 140.05(17), Wis. Adm. Code.
43. **Redevelopment.** Areas where development is replacing older development.
44. **Responsible party.** Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
45. **Runoff.** Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
46. **Separate Storm Sewer.** A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
    a. Is designed or used for collecting water or conveying runoff.
    b. Is not part of a combined sewer system.
    c. Is not draining to a storm water treatment device or system.
    d. Discharges directly or indirectly to waters of the state.
47. **Site.** The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
48. **Stop Work Order.** An order issued by the City Engineer which requires that all construction activity on the site be stopped.
49. **Stormwater Management Plan.** A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has under gone final stabilization following completion of the construction activity.

50. **Stormwater Management System Plan.** A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
51. **Technical standard.** A document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
52. **Top of the channel.** An edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is twelve percent (12%) or less continually for the initial fifty (50) feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
53. **TR-55.** The United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
54. **Type II Distribution.** A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
55. **Waters of the State.** See Sec. 281.01 (18), Wis. Stats.

Division 2 Illicit Discharges and Connections

6.06.21 Definitions

A. The following definitions shall be applicable in this Section:
   1. **Illicit Connection.** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks.
   2. **Person.** Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
   3. **Storm Drain System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

6.06.22 Discharge and Connections Prohibited

A. No person shall discharge, spill or dump substances or materials which are not entirely composed of storm water into receiving bodies of water or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system. Unless otherwise approved by the City Engineer, no person shall discharge roof drains, yard drains or sump pumps onto streets, sidewalks, or other areas within City right-of-way that drain into the storm drainage system. Roof drains, yard drains, and sump pumps shall discharge onto pervious areas at grade on private property.

B. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system will be allowed as grandfathered non-conforming use unless the City Engineer determines it is a detriment. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connections was permissible under law or practice applicable or prevailing at the time of connection. Roof drain and sump pump discharge connections to be approved by the City Engineer prior to connection to the Storm Drainage System.

6.06.23 Exemptions

A. The following activities are exempt from the provisions of this Section unless found to have an adverse impact on the storm water:
   1. Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
   2. Discharges resulting from fire-fighting activities.
   3. Discharges from uncontaminated ground water, potable water source, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and municipal swimming pools if the water has been dechlorinated.

6.06.24 Enforcement

A. Whenever the City of Onalaska finds a person has violated a prohibition or failed to meet a requirement of this section, the City of Onalaska may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
   1. The elimination of illicit connections or discharges;

2. That violating discharges, practices, or operations shall cease and desist;
3. The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;
4. In the event the person fails to eliminate the illicit connects or discharge, fails to cease and desist in discharge, practices or operations in violation of this Section or fails to abate or remediate the storm water pollution or contamination hazards, that person may be subject to a forfeiture of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

Chapter 7 Refuse and Recycling Disposal and Collection

Division 1 General Provisions

6.07.11 Purpose; Collection Service; Distribution of Rules and Regulations

A. **Purpose.** It is hereby declared to be the purpose and intent of this Section to enhance and improve the environment and promote the health, safety and welfare of the City by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste. It is also the intent of this Section to promote recycling, composting and resource recovery through the effective refuse collection and recycling program.

B. **Garbage, Recycling and Refuse Collection Service.** All residential garbage, recycling and refuse collection service shall be provided by City personnel or by private firms under contract with the City.

C. **Distribution of Rules and Regulations.** The City will distribute yearly rules and regulations regarding refuse, recycling, yard waste, etc. on or before January 1st of each year. Any additional rules or regulations outlined in the yearly distribution shall also be in effect along with those contained herein.

6.07.12 General Regulations for City Serviced Dwelling Units

A. **General Container Standards.** City Serviced Dwelling Units shall each be issued one (1) automated cart each for refuse and recycling collection. The size of the automated cart shall be set by the Common Council. The Automated Refuse and Recycling Carts shall be owned by the City and shall remain at each place of issuance.

B. **Approved Containers.** All Garbage, Rubbish and Recyclable Materials set out for collection shall be placed in City Automated Refuse and Recycling Containers. No Refuse or Recyclable Materials will be collected from non-City issued containers.

C. **Yard Waste.** Yard Waste Containers and Yard Waste Bags shall be used for Yard Waste disposal. Yard waste containers including contents shall not exceed two hundred (200) pounds in weight and yard waste bags shall not exceed fifty (50) pounds in weight. City Serviced Dwelling Units may place Yard Waste in paper yard waste bags (in Spring and Fall as outlined by the City) or Yard Waste Containers. Said containers shall be picked up by City's contractor on the approved pick-up day, currently the same day as refuse pickup. Yard Waste Sticker must be purchased for service.

D. **Request for Additional Containers.** City Service Dwelling Units may request additional sixty-five (65) gallon automated containers for refuse and recycling. Each additional cart requested shall have a yearly fee as set forth on the City of Onalaska Fee Schedule. .

E. **Automated Cart Replacement or Damage.** If Automated Refuse or Recycling Containers are lost, damaged or destroyed by City Service Dwelling unit a new automated cart will be issued at a cost as set forth on the City of Onalaska Fee Schedule. If the automated cart is damaged by the City or Contractor a new Automated Refuse or Recycling Container will be provided at no cost. If Automated Refuse or Recycling Containers needs maintenance due to normal wear and tear City Service Dwelling Units shall contact Contractor for scheduling repair of Automated Refuse or Recycling Containers.

F. **Illegal Containers.** Contractor shall not be obligated to pick up any Garbage, Rubbish or Recyclable Materials not within City issued Automated Refuse or Recycling Containers.

G. **Materials Deposited in Garbage Containers.** Rubbish, except broken glass, and garbage shall be deposited into Automated Refuse Containers. Liquid Garbage shall not be deposited in such containers. Kitchen Garbage shall be drained of all moisture and completely wrapped in paper or plastic or placed in a plastic bag before it is deposited or placed in the Automated Refuse Containers.

H. **Recyclables to Be Separated & Clean.** City Serviced Dwelling Units shall separate all recyclable materials from refuse and prepare them for recycling according to requirements established and publicized by the Board of Public Works. Recycling shall be single stream deposited into the Automated Recycling Container. To the greatest extent practicable, the Recyclable Materials

separated in accordance with this section shall be substantially clean and kept free of containments such as food or product residue, oil or grease or other non-recyclable materials, Recyclable Materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions until such time as the materials are set at the Curb for collection.

I. **Special Handling Recyclables.** No person shall place any lead acid battery, waste oil, motor vehicle tire or tractor tire with post-consumer waste. Any person having waste oil, lead acid battery, or said tires shall take it to an appropriate private retail recycler, or designated City disposal site if available.

J. **White Goods Disposition.** All discharged major appliances shall be delivered to a facility licensed by the Wisconsin Department of Natural Resources to recycle appliances. Citizens must arrange to have major appliances collected at their home by a private waste hauler or delivered to the La Crosse County Solid Waste Facility.

K. **Prohibition on Placing Recyclable Materials in Refuse.** The following materials shall be separated from Postconsumer Waste. Mixing of these recyclable materials with Postconsumer Waste from residential, commercial, industrial or other sources is prohibited. All City Service Dwelling Units must place the materials listed below in City issued Automated Recycling Container for pickup by Contractor:

1. Aluminum containers.
2. Glass containers.
3. Steel or bi-metal containers.
4. Plastics #1, #2, #4, and #5.
5. Newspaper.
6. Magazines and other materials printed on similar paper, including glossy newspaper inserts.
7. Office paper/white paper.
8. Fiberboard (cereal boxes, soda cartons, beer cartons, etc.)
9. Corrugated card board.
10. These recyclable materials shall not be mixed with Garbage or Rubbish or disposed of at any Landfill or Incinerator, without written permission of the Board of Public Works, except Waste Tires may be burned with energy recovery in a facility licensed by the Wisconsin Department of Natural Resources. Board of Public Works permission may be granted only to allow disposal of contaminated or unmarketable Recyclable Materials.

L. **Brush.** Brush is to be secured in bundles less than four (4) feet in length and weighing less than seventy (70) pounds.

M. **Refusal to Collect Refuse or Recycling in Violation.** The City and Contractor may refuse to collect Garbage, Rubbish, Recyclable Materials and Yard Waste if they are not prepared in accordance with the requirements established by the City.

6.07.13 Collection of Automated Containers for City Serviced Dwelling Units

A. **Placement For Collection.**

1. **Accessibility.** City Automated Refuse and Recycling Containers shall be accessible to Contractor's collection crews. Automated Refuse and Recycling Containers shall be placed immediately behind the Curb of the public street, along alley or at location as determined by Board of Public Works, for collection with a minimum of three (3) feet clear space on either side. Yard Waste Containers shall likewise be placed in neat, orderly fashion behind the Curb. During winter months, Automated Refuse and Recycling Containers shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the Curb or placement area in which to place the Automated Refuse and Recycling Containers or Owner shall place it in Owner's driveway. Collection crews will not collect refuse and recycling unless it is placed at the curb of a public street, alley or location as determined by the Board of Public Works. City Serviced Dwelling Units shall bring their Automated Refuse and Recycling Containers to the public right-of-way for collection. Should collection crews be unable to discharge contents of Automated Refuse and Recycling Containers using normal handling procedures, the containers including contents, will be left at curb side. The owner shall make provisions to assure that the Solid Waste therein can be collected on the next collection day.
2. No automated containers for refuse or recycling other than those of the City shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Common Council may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.
3. **City Service Dwelling Unit Physically Impaired Roll Out Service.** Qualifying City Service Dwelling Units that submit City required form and physician's note will be eligible for Physically Impaired Roll Out Service for one (1) year. Contractor will only pick up Automated Refuse and

Recycling Containers that are visible from street at driveway or alley and not within a building. Automated Refuse and Recycling.

4. Containers will not be collected under this service if driveway is not clear of snow and ice.

B. **Restriction on Time of Placement.**
   1. All Automated Refuse and Recycling Containers shall be placed in collection locations as designated in Subsection A. above only after 4:00 p.m. on the evenings prior to the regular collection time.
   2. All Automated Refuse and Recycling Containers shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time.
   3. City employees or employees of Contractor will not enter any structures to access Automated Refuse and Recycling Containers or refuse.

C. **Collection Schedule.**
   1. The designation of the day or days of refuse and recycling collection shall be made by the Common Council, or committee thereof, and such information shall be advertised so that all occupants, tenants and proprietors of all residential units will be advised of the correct collection schedule. Unless hardship is shown, caused by extreme weather conditions or other hazardous situations, refuse shall be collected from all residential units weekly.
   2. The occupant, tenant or proprietor of a new residential unit shall notify the Public Works Department that collection of refuse from such place is required.

6.07.14 General Regulations for Non-City Serviced Dwelling Units

A. **Non-Residential Facilities and Properties and Multiple Family Dwelling Refuse.** All Non-Residential Facilities and Properties and Multiple Family Dwelling (consisting of five (5) or more dwelling units) shall provide for the prompt removal and proper disposal of all refuse generated by or at that Non-Residential Facility and Property or Multiple Family Dwelling. This shall include all buildings or facilities used wholly or partly for non-residential purposes, including those owned or occupied by non-profit organizations and all Multiple Family Dwellings. Refuse generated by or at Non-Residential Facilities and Properties or Multiple Family Dwellings shall not be placed along with or mixed with refuse generated at a City Serviced Dwelling Unit.

B. **Dumpster Requirement for Multiple Family Dwellings.** The owner or operator of any Multiple Family Dwelling shall be required to provide a dumpster or dumpsters consisting of appropriate size as recommend by the City's Inspection Department for the deposit of refuse. All dumpsters shall be placed at safe convenient locations for use and pick-up.

C. **Size Requirements for Dumpster Enclosures.** All dumpsters shall be enclosed in an appropriately sized enclosure so as to insure the safety of persons providing refuse and recycling collection. Enclosures are required for all refuse and recycling dumpsters. Enclosures shall be four (4) sided with doors for access to dumpsters.
   1. Appropriately sized enclosures are:
      a. For a one (1) to two (2) cubic yard dumpster, an enclosure of not less than:
         i. One hundred twenty (120) inches in width; by
         ii. One hundred ten (110) inches in length with an unobstructed gate opening (when gate is fully open).
      b. For a three (3) to four (4) cubic yard dumpster, an enclosure of not less than:
         i. One hundred forty (140) inches in width; by
         ii. One hundred thirty-two (132) inches in length, with an unobstructed gate opening (when gate is fully open).
      c. For a five (5) to six (6) cubic yard dumpster, an enclosure of not less than:
         i. One hundred fifty-seven (157) inches in width; by
         ii. One hundred thirty-two (132) inches in length, with an unobstructed gate opening (when gate is fully open).
      d. For a seven (7) to eight (8) cubic yard dumpster, an enclosure of not less than:
         i. One hundred eighty (180) inches in width; by
         ii. One hundred thirty-two (132) inches in length, with an unobstructed gate opening (when gate is fully open).
   2. For dumpsters over eight (8) cubic yards, location and access approval from the Inspection Department is necessary prior to installation.
   3. All enclosures shall be at least six (6) feet high and be constructed of materials which match the principle structure's architecture.
   4. No garbage shall be collected from dumpsters in inappropriately sized enclosures.
   5. All persons who presently have dumpsters in inappropriately sized enclosures shall have sixty (60) days from the effective date of this Subsection to comply with its provisions.

D. **Recycling Responsibilities for Multiple Family Dwellings and Non-Residential Facilities and Properties.**

1. **Responsibilities of Owners.** Owners of designated agents of Multiple Family Dwellings and Non-Residential Facilities and Properties shall do all of the following to recycle materials as outlined in this Section:
   a. Provide adequate, separate containers for the recyclable materials.
   b. Notify all users, tenants and occupants in writing at the time of renting or leasing the property and at least semi-annually thereafter about the established recycling program.
   c. Provide for the collection of the recyclable materials separated from the solid waste and the delivery of the materials to a recycling facility.
   d. Notify users, tenants and occupants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations, and hours of operation, and a contact person or company, including a name, address and telephone.
2. **Exemptions.** The preceding requirements of Subsection D.1.a.-d. for the owners of designated agents of Non-Residential Facilities and Multiple Family Dwellings do not apply if the refuse generated within the facility or property is delivered to and treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling all non-combustible recyclable materials in as pure a form as is technically and practically feasible.
3. **Compliance Audit.** The City's Public Works Department can audit up to fifteen percent (15%) of all non-residential recycling programs for compliance annually.

E. **Reporting Requirements for Private Recyclers.** All licensed waste haulers or salvage dealers in the City of Onalaska shall report quarterly to the City the quantity in weight of each of the following materials that they have collected for recycling. Such date shall be reported to the Public Works Office no later than forty-five (45) days after the end of March, June, September and December each year.

F. **Enforcement of Reporting Requirements.**

1. **Inspections.** For the purpose of ascertaining compliance with the provisions of this Section, an authorized representative of the Board of Public Works may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of Multiple Family Dwellings and Non-Residential Facilities and Properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
2. **Citations.** Any person who violated a provision of this Section may be issued a citation by the City of Onalaska Police Department or an authorized agent of the Board of Public Works. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection.

6.07.15 General Regulations for All City Serviced Dwelling Units, Multiple Family Dwelling and Non-Residential Facilities and Properties

A. **Prohibited Activities and Non-Collectable Materials.**

1. **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
2. **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.
3. **Ashes.** It shall be unlawful to place hot ashes for collection.
4. **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the City contrary to the provisions of this Section.
5. **Compliance With Section.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the City contrary to the provisions of this Section.
6. **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak-proof, if necessary, considering the type of waste and its

moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.

7. **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage or recycling materials after it has been put into automated carts and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of their duties.
8. **Scavenging.** It shall be unlawful for any person to scavenge any solid waste placed for collection. All City Service Dwelling Unit recyclable material collected and deposited, as provided in this section, shall be the property of the City of Onalaska unless altered by written City contract with Contractor.
9. **Private Dumps.** It shall be unlawful for any person to use or operate a Dump.
10. **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Section.
11. **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:
    a. Hazardous waste;
    b. Toxic waste;
    c. Chemicals;
    d. Explosives or ammunition;
    e. Drain or waste oil or flammable liquids;
    f. Large quantities of paint;
    g. Tires;
    h. Stone, concrete, rubber, earth or sod;
    i. Construction debris; and
    j. Appliances.
12. **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection unless such waste is placed in a plastic bag. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as "kitty litter" may be placed for collection if animal wastes are removed prior to disposal unless kitty litter is placed in a plastic bag.
13. **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes.
14. **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.
15. **Waste Motor Oil Recycling.** No person shall dispose of any waste motor oil by placing it with refuse for regular collection by the City, by pouring it on the ground, into storm sewers, ditches or waterways, or into gutters or City streets. Any person wishing to dispose of waste motor oil shall utilize or at any other legal waste motor oil site.
16. **Yard Waste.** Yard waste shall not be disposed of with any other type of waste or refuse. Yard waste shall be disposed of and deposited for pick up in accordance with the provisions of this Section.

B. **Construction Debris.** City will not dispose of any construction debris. Property owner must contract with private waste hauler or deliver to the La Crosse County Solid Waste Facility for disposal.

C. **Large Items.** City will not dispose of any large items. Property owner must contract with a private waste hauler or deliver to the La Crosse County Solid Waste Facility for disposal.

D. **White Goods.** City will not dispose of any white goods. Property owner must contract with a private waste hauler or deliver to the La Crosse County Solid Waste Facility for disposal.

E. **Collection and Disposal of Refuse other than by City.** Refuse which is not collected by the City, its agents, employees or contractors may be collected and disposed of by private rubbish haulers. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. All rubbish haulers shall comply with all applicable rules and regulations established by the Common Council or Committee thereof.

F. **Garbage Accumulation; When a Nuisance.** The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the City which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

G. **Refuse from Outside the Municipality.** It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the City of Onalaska.

H. **Restriction on Hours of Refuse Collection.** It shall be unlawful for any person, firm, or corporation to collect refuse in the City of Onalaska between the hours of 9:00 p.m. and 5:00 a.m.

6.07.16 Definitions

A. For the purpose of this Section, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

1. **Agricultural Establishment.** An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
2. **Aluminum Container.** An aluminum container for food or beverages.
3. **Automated Refuse Container.** City issued size as approved by Common Council container for the purposes of holding Garbage and Rubbish for pickup by City Contractor.
4. **Automated Recycling Container.** City issued size as approved by Common Council container for the purposes of holding Recyclable Materials for pickup by City Contractor.
5. **Bl-Metal Container.** A container for beverages that is made primarily of a combination of steel and aluminum.
6. **Board of Public Works.** The City of Onalaska, Board of Public Works.
7. **Brush Site.** A site designated by the City of Onalaska Board of Public Works where citizens may drop off brush, shrubs, branches, and other tree waste meeting criteria established by the Board.
8. **Bulky Waste.** Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
9. **City Service Dwelling Unit.** Any building containing four (4) or less dwelling units or any condominium or any manufactured home park that receives refuse and recycling collection service from the City of Onalaska.
10. **Commercial Unit.** Commercial units shall be all property other than City Service Dwelling Units and Multi Family Dwellings and shall include boarding houses, motels and resorts.
11. **Contractor.** Shall mean the entity which the City contracts with for solid waste collection services.
12. **Curb.** The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
13. **Demolition Wastes.** That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
14. **Disposal.** The orderly process of discarding useless or unwanted material.
15. **DNR.** The Wisconsin Department of Natural Resources.
16. **Dump.** A land site where solid waste is disposed of in a manner that does not protect the environment.
17. **Dwelling Unit.** A place of habitation occupied by a normal single family unit or a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Section.
18. **Enclosures for Dumpsters.** An enclosure designed to screen and adequately house refuse and recycling containers and dumpsters, constructed with like materials which match the principal structure's architecture.
19. **Garbage.** Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables originally used for foodstuffs.
20. **Glass Container.** A container in which food or beverages are sold that are made of clear, green, or brown glass. Drinking glasses or crystal are not included.
21. **Hazardous Waste.** Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
22. **Household Non-Combustible Recyclable Materials.** Aluminum, steel, and bi-metal containers and glass containers.
23. **Industrial Waste.** Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
24. **Landfill.** A landsite where solid waste is disposed of in a manner to provide protections for the environment, in accordance with state regulations.
25. **Large Item.** Any item that does not fit into City issued automated carts with lid closed.
26. **Litter.** Solid waste scattered about in a careless manner, usually rubbish.
27. **Major Appliance.** A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnaces, boilers, dehumidifiers, water heaters, and any other appliances designated by the Board of Public Works.

28. **Multiple Family Dwelling.** A building under one (1) ownership containing five (5) or more dwelling units, including those which are occupied seasonally.
29. **Newspaper.** Newspapers printed on newsprint.
30. **Non-Collectable Material.** Includes lead acid batteries; major appliances, waste oil; Hazardous waste; Toxic waste; Chemicals; Explosives or ammunition; Tires. Appliances or materials that may be designated by the Board of Public Works.
31. **Non-Residential Facilities and Properties.** Commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
32. **Non-Residential Solid Waste.** Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
33. **Person.** Any individual, corporation, partnership, association, local governmental unit, as defined in Sec. 66.0131(1), Wis. Stats., state agency or authority or federal agency.
34. **Plastic Container.** An individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
35. **Plastic Bottle.** A Number 1 through Number 7 Type Plastic Bottle or Jug.
36. **Postconsumer Waste.** Solid waste other than solid waste generated in the production of goods, hazardous waste as defined in Sec.289.01 Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Sec.289.01, Wis. Stats.
37. **Private Waste Hauler.** A person licensed by the DNR to provide solid waste collection services.
38. **Recyclable Materials.** Includes yard waste; aluminum containers; glass containers; Plastic #1, #2, #4, #6; newspaper; steel containers; fiber board; corrugated; and bi-metal containers, and other items or materials that may be designated by the Board of Public Works.
39. **Residential Solid Waste.** All solid waste that normally originates in a residential environment from residential dwelling units.
40. **Residential Unit.** Residential unit shall mean an individual household capable of independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
41. **Rubbish.** Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, sweepings.
42. **Scavenging.** The uncontrolled removal of materials at any point in solid waste management.
43. **Solid Waste.** Garbage, rubbish, recyclables and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
44. **Solid Waste Facility.** Has the meaning specified in Sec. 289.01(35) Wis. Stats.
45. **Solid Waste Treatment.** Any method, technique or process which is designed to change the physical, chemical, or biological character, or composition of solid waste. Treatment includes incineration.
46. **Steel Container.** A steel food or beverage container, commonly referred to as a tin can.
47. **Storage.** The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
48. **Storage Areas.** Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.
49. **Waste Tire.** A tire that is no longer suitable for its original purpose because of wear, damage, or defect.
50. **Whitegoods.** Heavy consumer durables, namely large appliances such as air conditioners, refrigerators, stoves etc.
51. **Yard Waste.** Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than one-half (1/2) inch in diameter. This term does not include stumps, roots, or shrubs with intact root balls.
52. **Yard Waste Bag.** Paper bag of thirty (30) gallon size.
53. **Yard Waste Containers, Automated.** City contractor supplied automated cart as approved by Common Council for pickup by contractor.
54. **Yard Waste Sticker.** Yearly sticker for purchase to receive yard waste disposal curbside by contractor. Cost as noted in City Fee Schedule.
55. **Yard Waste Site.** A site designated by the City of Onalaska Board of Public Works where citizens may drop off non-woody yard waste.

56. **Dumpster Sizing.** Recommend dumpster size for Multiple Family Dwelling use shall be a minimum of one-half (0.5) cubic yard per unit. E.g. four (4) unit = two (2) cubic yards; six (6) unit = three (3) cubic yards, etc. If the property owner wishes to utilize a smaller size he/she shall provide adequate proof of the Inspection Department that refuse generation will be less than average at the proposed site. If loose debris becomes a problem at any residential or non-residential dumpster location, the Inspection Department in its discretion, may require pick-up more frequently or larger sized dumpster.

Chapter 8 City Cemetery

Division 1 General Provisions

6.08.11 General Provisions

A. **Policy Statement.**
   1. **Purpose.** The City of Onalaska Cemetery is owned and maintained by the City for the benefit of all citizens. Definite rules and regulations must be set up by the Common Council to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in the Ordinances of this Section to govern the cemetery. The City reserves the right to amend or change any of these Ordinances to conform with newly developed cemetery practices.
   2. **Management.**
      a. **Management.** The management and control of the cemetery of the City of Onalaska shall be vested in the Council's Administrative Committee.
      b. **Powers.**
         i. The Committee shall have the power to adopt rules, regulations, terms and conditions of sales of lots, perpetual care, opening of graves and to make any and all regulations necessary to maintain and manage the cemetery.
         ii. The committee shall have the authority to employ necessary personnel for the proper care and maintenance of the cemetery and to determine the conditions and remuneration for the employees.
         iii. The City Clerk and City Treasurer shall be the Secretary-Treasurer of the Cemetery Fund and shall keep records of all receipts and disbursements.
   3. **Administration and Maintenance.** The City Cemetery shall not have a Sexton. The City of Onalaska Department of Public Works shall be responsible for the daily administration and maintenance of the City of Onalaska cemetery.

B. **Platting of New Cemetery Lots.**
   1. **Platting.** Before any new block of a municipal cemetery is opened for the sale of lots, the City shall cause it to be platted and recorded in the office of the La Crosse County Register of Deeds.
   2. **Single Grave Section.** The Common Council or its designee shall designate certain lots as a single grave section, and lots therein shall be platted and sold as single grave lots. Unused portions of lots repossessed for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.

C. **Privileges and Restrictions.**
   1. No mound shall be raised upon any grave above the general level of the lot.
   2. No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and, if so placed, will be removed by the City without notice. Urns are not permitted on lots.
   3. Each block in the cemetery will, prior to sale, be suitably marked by the City with metal, brick or concrete.
   4. The City reserves the right for its workers and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
   5. The City, or its employees, assumes no liability for damages to property or of persons, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
   6. The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

D. **Miscellaneous.**
   1. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.

2. All fees and charges as outlined in the current schedule of fees and charged are payable at the office of the City Clerk, where receipts will be issued for the amounts paid.
3. The City will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.
4. For purposes of this Section, an infant shall be defined as a person under the age of two (2) years old.

E. **Rules and Regulations.** All use of the City Cemetery shall be governed as outlined in Title 6, Chapter 8of the City Ordinances and the City of Onalaska Rules and Regulations Standards, as periodically updated by the Administrative Committee.

6.08.12 Purchase of Lots

A. **Sale of Lots.** Persons or their agents desiring to purchase a lot in the cemetery shall be referred to the City of Onalaska Department of Public Works. The City of Onalaska Department of Public Works will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having a lot selection, the City of Onalaska Department of Public Works will issue a lot order to the prospective purchaser, or their agent, who will present the order at the office of the City Clerk. Upon receipt of proper payment, the City Clerk shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk and Mayor and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the La Crosse County Register of Deeds. Lots are sold on a first-come, first-serve basis. Payment must be made in full, lots will not be held or reserved.

B. **Price of Lots.** The price of a lot shall be as set forth on the City of Onalaska Fee Schedule. The price of a lot(s) shall be paid at the office of the Financial Services Director no later than 5:00 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.

C. **Fees.** The fees charged for opening graves or vaults (including ashes buried in a vault) shall be as set forth on the City of Onalaska Fee Schedule. All fees shall be paid at the office of the City Clerk no later than 5:00 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.

D. **Cemetery Deed and Transfer Charges.**
1. The consideration for the cemetery lots must be paid in full prior to the transfer of the deed.
2. There shall be a charge for the transfer of the ownership of cemetery gravesites in order to cover the various administrative costs in effecting a transfer. Cost of transfer of a gravesite shall be as set forth on the City of Onalaska Fee Schedule and this expense shall be borne by the seller of the gravesite.

E. **Marker and Monument Fees.**
1. Marker and Monument fees shall be as set forth on the City of Onalaska Fee Schedule and shall be invoiced by the City of Onalaska at the time of placement of the marker/monument.

6.08.13 Ownership Rights of Internment

A. The lot owner or their authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
1. Upon full payment of the purchase price of a lot, the City Clerk will issue a cemetery deed, and the deed will be recorded in the records of the City as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the City, will not thereafter be divided except by consent of the City. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
2. All repossessed vacant grave spaces shall be subject to the same fees and charges.
3. The lot owner shall have acquired the lot for interment of themselves and members of the owner's family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Clerk) for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband, or wife of such person, or their relative, except by the consent of all persons having an interest in the lot.

B. Unless otherwise directed in writing and filed with the City Clerk, the lot owner, the owner's devisees, or the owner's heirs, the cemetery will permit the interment of members of the owner's family at the request of any interested person upon proof of eligibility for burial as follows:
1. The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.

2. When there is no surviving spouse, the devisees, or heirs of the owners, may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk.
3. In the event the owner, the owner's devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.

C. All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise the same to one (1) person.

D. Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
1. The City Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the City Clerk until the transfer fee has been paid therefor. Said fee shall go into the general municipal fund.
2. Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk, the same to be approved by the Administrative Committee. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.
3. No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person without the City's consent. The City shall have the right of first refusal to repurchase such lot or part thereof at the current grave price. If the owner of any lot or part of a lot should sell or transfer the same without giving notice to the City, except through probate, of such transaction, such sale or transfer shall be null and void.

E. Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

6.08.14 Care of Lots

A. For each saleable lot the distribution of funds is as follows: eighty percent (80%) for Cemetery Operating, ten percent (10%) for Perpetual Care, and ten percent (10%) for Capital Improvements in the Cemetery. A record shall be kept on file in the office of the City Clerk. The fund may also be increased by gifts, bequests, a portion of memorial charges and other service revenues.

B. "Perpetual care" shall be construed to mean the obligation which the City assumes to use the net annual income received from the investments of the fund in furnishing such care as is furnished similarly endowed lots in the cemetery. Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, filling sunken graves and raising of markers, caring for avenues, alleys, fences, buildings and grounds in general. It is understood that such expenditures shall be made at the discretion of the City. The City shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner as heretofore provided. Nothing herein shall be construed as obligating the City to any alleged existing contract as to perpetual care.

6.08.15 Rules for Visitors

A. The cemetery will be open to visitors between the hours one-half (1/2) hour before sunrise and one-half (1/2) hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the City of Onalaska Department of Public Works.

B. Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.

C. Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.

D. All pets must be on a leash no longer than six (6) feet and under the control of the owner at all times. Pet owners are required to curb their pets and dispose of waste in an appropriate waste receptacle.

E. Firearms shall not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots and other like articles shall not be allowed.

F. Visitors are required to use the walks and drive whenever possible and shall not pick any flowers (either wild or cultivated), injure any shrub, tree or plant, or mar or deface any monument, stone or structure in the cemetery.

G. Vehicles traveling within the cemetery shall not exceed five (5) miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner. Vehicles may only park on established roadways.
H. Recreational walking, running, and bicycling are allowed only on paved surfaces.
I. The disposal of waste and litter is prohibited unless in the conjunction with general clean-up and cemetery business.

6.08.16 Interments and Disinterment

A. **Interments.**
1. Interments will be made only during daylight hours.
2. All interments shall be made in a permanent outer container excluding the use of wood.
3. All graves shall be dug by the City under the direction of the City of Onalaska Department of Public Works. Depth of graves shall conform to the Wisconsin State Board of Health specifications. A charge for opening and closing a grave, including the sodding and seeding of the plot will be made at a current rate set by the City. Said charge will be paid to the City Clerk prior to performance of the service. No burial will be allowed until all fees have been paid to the City Clerk and an authorization has been issued. This authorization must be presented to the City of Onalaska Department of Public Works.
4. No burial will be permitted until a legal burial transit permit has been presented to the City of Onalaska Department of Public Works. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.
5. There will be no responsibility on the part of the City for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
6. The lot owner or funeral director shall designate on the interment form the location of the graves on the lot to the City of Onalaska Department of Public Works and any change in location made after the opening of a grave has begun shall be at the expense of the lot owner. When the definite information for locating a grave is not available thirty-six (36) hours prior to grave preparation to meet the time requested for interment, the cemetery may exercise its best judgment in making a location order that the requested time for interment may be met. The cemetery assumes no responsibility for any error or inconvenience of such location and an additional charge will be made for any change requested.
7. The City of Onalaska Department of Public Works shall, whenever possible, be given thirty-six (36) hours' notice to assure the opening and preparation of a grave prior to interment. Banning unforeseen or other untoward circumstances, such grave shall be opened and prepared in time for interment.
8. When several burials occur in a one (1) or two (2) day period, said burials may be scheduled at the discretion of the City of Onalaska Department of Public Works, but in a prompt and efficient manner.
9. The interments of two (2) adult bodies in one (1) grave will not be allowed, except in case of mother and infant, twin children, or two (2) children buried at the same time or in special circumstances with the approval of the Administrative Committee.
10. An approved concrete liner or approved concrete vault shall be required when a body is interred.
11. No interment of any body or cremains of any body other than that of a human being will be permitted in the cemetery.
12. Where a human body has been cremated, the cremains may be interred. The Administrative Committee shall make proper regulations as to the receptacles and the number of interments allowed on a single lot. Four (4) cremains or three (3) cremains and one (1) full body burial shall be allowed on any one (1) lot, provided that the one (1) full body burial must be placed first before any cremains can be buried. No exceptions to the maximum number of interments shall be made. No cremains shall be scattered on private lots or on cemetery property.
13. If any structure, display or inscription placed in or on any lot is determined by the Administrative Committee to be offensive or improper or injurious to the appearance of the surrounding lots or grounds, the Administrative Committee shall have the right to enter upon such lot and remove the offensive or improper object or objects.
14. No tree growing within or beside any lot shall be cut down or disturbed or any structure upon or around any lot be removed or disturbed without the consent of the Administrative Committee.
15. The interment of up to four (4) cremains shall be allowed in a single adult grave space, as set forth above. This grave space can have only one (1) single marker monument and may contain the names of each individual interred.

B. **Infant Burial.**
1. When infants are buried in the "Infant Burial Section" of the cemetery, all markers shall be placed at the head of the grave site and shall be flush with the ground.

2. When infants are buried on existing occupied grave sites not designated as "Infant Burial Section," markers shall be flush with the ground. One (1) monument and one (1) marker shall be allowed.
3. Infants buried on unoccupied grave sites other than in the "Infant Burial Section" shall be buried at the head of the grave site so as not to interfere with future burial in the same grave. One (1) monument with two (2) names will only be allowed.
4. The interment of only one (1) cremains will be allowed in a single infant grave site.

C. **Disinterments.**
1. Disinterments of bodies from graves in the cemetery shall be made only by the City in accordance with the requirements of the State Board of Health. Charges set by the City for removal must be paid in advance.
2. Lot owners, or their heirs, desiring graves opened may secure the necessary disinterment permit from the State and deliver the same to the City of Onalaska Department of Public Works.
3. For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

D. **Interment of Ashes in Monuments.** In the event that ashes of a deceased are to be interred inside a monument, the City shall be notified in writing of such interment prior to the interment. In addition, the name of each deceased whose ashes are so interred shall be engraved on the monument. A charge as set forth on the City of Onalaska Fee Schedule shall be paid to the City for the ashes of each deceased interred in a monument, which sum shall be paid prior to such interment.

6.08.17 Monuments, Markers, Vaults and Mausoleums

A. **Monuments and Markers.**
1. Grave markers and foundations will be set only by the monument company according to regulations specified by the City. Except as herein otherwise provided, under no conditions will the City construct monument or marker bases or erect monument or markers on bases. The City reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground line. All foundations must be six (6) inches thick with a four (4) inch overlap and have a one and one-half (1 ½) inch diameter hole on top for placement of a flower pot holder. Large monuments may require thicker foundations unless reinforcing is used. A permit shall be required from the office of the City Clerk, with a fee as outlined in the City Fee Schedule. Monuments or markers are allowed on single grave sites with a maximum length of twenty-four (24) inches by twelve (12) inches wide, except in the "Infant Burial Section" where flush markers are allowed only. Two (2) grave lots can have either single or double markers or monuments of thirty-six (36) inches in length and twelve (12) inches in width. Three (3) graves may have a monument suitable to the size of the lot.
2. The setting and design of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and approval of the City of Onalaska Department of Public Works. Unless special arrangements are made with the City of Onalaska Department of Public Works, such work shall be conducted between the hours of 8:00 a.m. and 3:00 p.m., Mondays through Fridays, except on national holidays. Whenever possible, at least twenty-four (24) hours' notice shall be given to the City of Onalaska Department of Public Works that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the City of Onalaska Department of Public Works, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
3. The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the City of Onalaska Department of Public Works and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the City of Onalaska Department of Public Works.
4. Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the City of Onalaska Department of Public Works.
5. The lot must be paid in full or other assurance given of payment before markers and monuments are set.
6. Temporary markers must be removed or replaced with a permanent marker within one (1) year.
7. All monuments and markers must be of granite which has a known reputation for durability and permanence in color. Veterans' Administration markers of bronze are acceptable.

B. **Vaults and Mausoleums.**

1. All vaults constructed, lots enclosed, monuments erected and other improvements made shall be under the supervision of the Administrative Committee.
2. Plans for a vault, tomb or mausoleum must be submitted to the Administrative Committee for its approval.

6.08.18 Trees, Shrubs, Flowers, and Decorations

A. The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by approval of the City of Onalaska Department of Public Works. No yew trees or evergreens of any kind will be allowed on cemetery lots. If any existing yew trees or evergreens die, they cannot be replaced. If not taken care of properly, they will be removed. Nothing will be allowed to hang from any tree, shrub, monument or marker, etc. (e.g.: bird feeders, windsocks, bird houses, etc.)
B. Lot owners may remove under the direction of the City of Onalaska Department of Public Works large trees on gravesites that hinder the full usage of the gravesite. The expense of the tree and stump removal shall be paid for by the lot owners.
C. Fresh cut flowers may be used anytime. Containers for cut flowers are to be of a type level with the ground surface and not holding water when not in use, or of the type to be disposed of when flowers are removed. The planting of perennial flowers is prohibited. If these plants and flowers are not maintained and when they become unsightly or undesirable they will be removed by the City without notice.
D. Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but if not removed within five (5) days will be picked up without notice and destroyed if unsightly, or preserved for use in beds within the cemetery if suitable. A flower vase as recommended by the cemetery in front of markers or monuments is permissible. Any vase or vase stand that is not in use for one (1) year or more will be removed by the City of Onalaska Department of Public Works without notice. Shepherds hooks will be allowed, one (1) per site, and must be at least twenty-four (24) inches from the lowest part of the hanging pot to the ground, and installed immediately against the monument. Winter decorations will be allowed after November 15th but will be removed April 15th and destroyed. Other artificial pieces, including grave blankets and wreaths may be used during this period only. Wreaths on wire stands must also be placed at the head of the lot.
E. Artificial decorations are prohibited unless in a vase or pot, when used, will be treated as potted plants. All artificial flowers displayed in the cemetery must be in containers and placed at the head of the grave lot. Any artificial flowers not in containers will be removed from the cemetery by the City of Onalaska Department of Public Works without notice. Urns are not permitted on lots sold after November 23, 2001. Existing urns shall be removed by the City as they become unsightly or deteriorated and shall not be replaced. However before such an urn is destroyed or discarded the last owner of record of the lot shall be notified by registered or certified mail with return receipt requested that such urn has been removed from the grave and will be destroyed unless the owner thereof claims the same within thirty days after mailing of such letter.
F. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the City of Onalaska Department of Public Works or under its direction.
G. Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.
H. No benches will be allowed on private lots.
I. All landscaping, care of lots and other work in the cemetery shall be done by the City of Onalaska Public Works department or its designee, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. The City shall retain the ownership of all aisles, including monument aisles.
J. Twice per year, spring and fall, all decorations, natural or artificial are to be removed from grave spaces to allow for the general cleanup of the cemetery. Spring cleanup will be from April 1 to April 15. Fall cleanup will be from October 15 to November 1. New summer decorations may be placed after May 1. New winter decorations may be placed after November 15. The City is not responsible for decorations disposed of during spring or fall clean-up.
K. The following decorations are not permitted: toys, mementos, figurines, lighting border edging, fencing, benches, rocks, gravel, bricks, or mulch. Styrofoam constructed decorations, vases, and standing easels are prohibited.
L. All shepherd hooks must be placed as close as possible to the left or right side of the marker. Basket must hang over the marker with no decorations infringing upon adjacent grave lots.
M. The City is not responsible for reimbursement for any plants or decorations removed or damaged by City Staff during normal maintenance activities.
N. The City has the right to remove and maintain (trim) any tree or shrub situated on any lot which becomes, by means of roots, branches, condition or in any other respect, detrimental to the adjacent

lots, roads or general appearance of the grounds. Trees or shrubs may also be removed or trimmed which restrict access to grave sites for burials or maintenance purposes.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1667 – 2020 **Please route in this order**

Eric Rindfleisch, Administrator _____
(signature)

☑ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer C. Holt 2-26-2020
(signature)

☐ No Fiscal Impact

☒ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

#17

ORDINANCE NO. 1668-2020

AN ORDINANCE TO AMEND TITLE 9 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO PUBLIC UTILITIES

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 9 Public Utilities is hereby deleted in its entirety and hereby replaced as follows:

Title 9 Public Utilities

Chapter 01 Water Utility

Division 1 General Provisions

9.01.11 Compliance with Rules

A. All persons now receiving a water supply from the City of Onalaska Water Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

9.01.12 Establishment of Service

A. Application for water service shall be made in writing on a form furnished by the Public Works Department. The application shall require the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note: particularly any special refrigeration and/or air-conditioning water-consuming appliances).

B. Service will be furnished only if:
   1. Premises have a frontage on a properly platted street or easement in which a ductile iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the City specifications.
   2. Property owner has installed or agrees to install a service pipe form the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to Utility's specification; and
   3. Premises have adequate piping beyond metering point.

C. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit if it is under eight (8) units. If it is over eight (8) units, the property must be served by a master meter. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.

D. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or easement whether owned by the same or different parties, unless approved by City Engineer and each metered location has an individual curb stop shut off.

E. The City Engineer is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

F. Accounts shall be maintained and billed in the name of the property owner unless otherwise required by Statute or Administrative Code.

9.01.13 No Claims for Damages and Inspections

A. No person using water shall enter a claim against the City as a Water Utility or any officer thereof, for damages to any fixtures or appurtenance by reason of interrupted water supply or variation of pressure, or for damage of any nature caused by turning off or on, either partially or entirely, of the

water supply for any premises, either for the repairs or alterations of any water main, or for the discontinuance of the service to their premises for violation of any rule or regulation of the Water Department. No claims will be allowed against the Utility or the City on account of interruption of supply caused by breaking of pipes or by stoppage for repairs or fire or other emergency. In case of a probable stoppage of water supply when time of interruption can be forecast, every reasonable attempt will be made by the Water Department to acquaint the users with the action proposed.

B. During reasonable hours any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. As required by the Public Service Commission, the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water. If entry to the premises is denied, the authorized inspector may seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

9.01.14 Private Well Abandonment and Permits

A. **Purpose.** Residents of the City of Onalaska depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute regulations and restrictions to protect the city's municipal water supply and well fields and to promote the health, safety and general welfare of the residents of the City of Onalaska.

B. **Applicability and Authority.** These regulations are established pursuant to the authority granted by the state legislature in 1983, Wisconsin Act 410 (effective May 11, 1984) which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. This ordinance applies to all wells located within the City's corporate limits. Water Utility customers outside the jurisdiction of the municipal water system may be required under contract agreement or utility rules to adopt and enforce equivalent ordinances within their jurisdiction for purpose stated in Subsection A. above.

C. **Use of Private Wells; Use of Water Supply.**

1. **Private Well Abandonment Generally.** All structures and buildings used, or intended to be used, for human habitation shall connect to the municipal water supply within one (1) year of the availability of said water. All private wells shall, within ninety (90) days after connection to the City water supply, be permanently abandoned pursuant to Subsection 9.01.14.C.6. below unless the owner or owners obtain a well operation permit from the City of Onalaska Water Utility. In the event permission is granted to use a private well, it is expressly provided that the water therefrom shall be used on outside hose bibs only.
2. **Well Operation Permit.** A permit may be granted to operate a well if the following requirements are met, except as otherwise provided herein:
   a. The well and pump installation meet the requirements of Wis. Admin. Code NR 812 and subsequent amendments, a well constructor's report is on file with the DNR or certification of the acceptability of the well has been granted by the private water supply section of the DNR.
   b. The well construction and pump installation have a history of producing safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells unless the state department of natural resources approves in writing the continued use of the well.
   c. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
   d. No physical connection shall exist between the piping of the public water system and the private well. The City may elect to do a cross connection inspection to verify compliance.
   e. A permit fee shall have been paid once every five (5) years in an amount determined annually by the City Council and set forth on the City Fee Schedule.
3. **Additional Conditions of Permit.** The right to construct, install and maintain a well as authorized by permit under this section shall be expressly conditioned upon the owners and successors in interest complying with the following:
   a. The owner shall permit the Water Utility or its designee access to the well for inspection and testing at anytime during working hours.
   b. No repair or modification of any well may be performed unless prior notification is given to the Water Utility and the plan and resulting construction is reviewed and inspected by the City Engineer or designee.
   c. The City shall have the right to sample the water after completion of any such repairs or modification. Such sampling shall be at the owner's cost and may either be done by the City or by the owner at the City's direction.
   d. The City shall have the right to randomly test or direct the owner to test the well not more than two (2) times in any six (6) month period. The City may require additional testing if there

is reason to believe some contamination may be present or that the results of previous tests may be invalid.

e. The cost of any testing and sampling as provided in this Section shall be paid by the owner upon invoice by the City.

f. A permit issued in accordance with the provisions of this Section shall be revoked by the City Engineer or designee upon notice to the permittee that any of the following have occurred:
   1. The owner of the well has refused access to a well for testing or has failed to follow a direction of order of the Water Utility in regard to testing or sampling.
   2. The owner of any well has neglected to pay for any tests authorized with thirty (30) days of billing invoice.
   3. Any test results demonstrate well contamination and do not meet reasonable health standards or are in violation of any state or municipal ordinance dealing with well operation.
   4. The parties aggrieved by permit revocation may appeal the initial decision of the water superintendent to the Board of Public Works by filing a written for review with the City Clerk.

4. **Application for Permit.** Applications for a well operation permit shall be made in writing by the owner or owners of the well to the City of Onalaska Water Utility. Application shall be upon a form provided by the Water Utility and shall be made concurrently with the application for a plumbing permit to connect the premises with municipal water. A fee as determined by the City of Onalaska Common Council and reflected on the City's Fee Schedule shall accompany the well operation permit application. Applications for a well operation permit must be approved by the City Engineer, upon approval by the City Engineer the application will be forwarded to the Board of Public Works and the Common Council for approval. Applications to drill a new well shall require a separate application for new well in addition to the well operation permit, the application to drill a new well shall be on a form provided by the City Engineer's office and shall require a needs assessment and any other information deemed necessary by the City Engineer and shall be reviewed in conjunction with the well operation permit. The application to drill a new well shall be accompanied with the applicable permit fee.
5. **Terms of Permit.** The well operation permit shall be valid for five (5) years from the date of issuance.
6. **Renewal Permit.** Renewal permits shall be issued for the term and upon payment of the permit fee hereinabove mentioned. Renewal Well Operation Permits are subject to the same conditions as initial Well Operation Permits, as outlined in Subsection 9.01.14.C.3. above. The owner or owners shall certify when applying for a renewal permit that the well is in good operable condition and is in conformity with all applicable state and local laws and shall provide proof of safe water by providing at least one (1) sample, having been taken within two (2) weeks of the date of application. In the event the first sample fails, the owner can provide an additional two (2) samples taken a minimum of two (2) weeks apart to verify that the first sample was related to domestic hygiene issues and not well safety problems. No exception to this condition may be made for unsafe wells unless the State Department of Natural Resources approves in writing the continued use of the well. In the event it is found, upon any inspection, that any cross connection has been made between the municipal water supply system and the piping of a private well water system, or that the well equipment is inoperable, or does not meet state or local regulations, all permits shall be immediately suspended. In the case of a cross connection, the permit shall be revoked and the well ordered properly abandoned in accordance with applicable ordinances. In the event any inspection results in a suspension of a permit and a second inspection is made to determine if the reason for suspension has been eliminated, the owner shall bear the cost of any re-inspection fee as set forth on the Inspection Department's Fee Schedule.
7. **Well Abandonment.** Upon revocation of a well permit in accordance with this Section or upon voluntary determination to abandon the use of any well previously permitted hereunder, all wells under the jurisdiction of this section shall be abandoned in accordance with the procedures of Wis. Admin. Code NR Ch. 812. All debris, pump, piping, unsealed liners, and other obstructions which may interfere with the sealing operations shall be removed prior to abandonment. The owner of the well or the owner's agent shall notify the City Engineer or its designee at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Water Utility Superintendent or its designee and an abandonment report form, supplied by the State Department of Natural Resources, shall be submitted by the well owner to the Water Utility and the State Department of Natural Resources within ten (10) days of the completion of the well abandonment.
8. **Abandonment of Unused or Previously Abandoned Wells.** It shall be the responsibility of the landowner of any real property upon which a well is located to see to it that all wells located on

the owner's property have been properly abandoned in accordance with the procedures of Wis. Admin. Code NR Ch. 812, regardless of whether such owner has used such well. Upon discovery of any unused or previously abandoned well, the owner shall notify the Water Utility and comply, insofar as is practicable, with the procedures of Subsection 9.01.14.C.6. In the case of a previously abandoned well, if the owner can produce proof of compliance with state well abandonment requirements to the satisfaction of the utilities manager/engineer, compliance with this section may be deemed unnecessary. Such determination shall be at the discretion of the utilities manager/engineer upon considering the present and future possibility of ground water contamination at the well site.

9. **Failure to Properly Abandon Well Public Nuisance.** Failure to abandon any well after revocation of a permit to follow the provisions of Wis. Admin. Code NR Ch. 812, in abandoning such well is hereby deemed a public nuisance, and the City may cause such well to be property abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.

9.01.15 Outdoor Water Usage Restrictions

A. **Water Usage Restrictions.** The City Engineer, in concurrence with the City Council, may request voluntary or impose mandatory outdoor water usage restrictions on all water users in the City of Onalaska. The restrictions may apply to all properties using City water or to alternate sides of the street as deemed necessary by the City Engineer. Alternate side restrictions would apply to even-numbered sides of the street on even-numbered calendar days and odd-numbered sides of the street on odd-numbered calendar days respectively. Restrictions may be for all day or for specified times each day. Reasons for such restrictions will be given with each notice. Notice of the restrictions shall be given to all news media in the City of Onalaska and posted to the City's website and social media sites.

B. **Criteria for Mandatory Restrictions.** Criteria for mandatory restrictions shall be as follows:
   1. To avoid undue stress upon the resources and reserve capacity of the Water Utility.
   2. To avoid sustained low pressure.
   3. To maintain reservoir levels sufficient to provide adequate fire protection.
   4. To compensate for loss of one (1) or more wells.

C. **Outdoor Water Usage Restrictions.** The following restrictions would be imposed based on the needs and concerns of the Water Utility. The level of severity of the imposed restrictions would be based on such factors as weather conditions and/or forecasts; water distribution system pressure; reservoir levels, and groundwater levels:
   1. Voluntary water restrictions.
   2. Mandatory water restrictions.
   3. Mandatory water restrictions even/odd sides of the street and specified times each day.
   4. Mandatory water restrictions on certain days of the week.
   5. Mandatory water restrictions for complete ban of outdoor water usage.

9.01.16 Cross Connection Control

A. **Cross-Connection Prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.

B. **Inspections.** It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected at a minimum of one (1) time every twenty (20) years or coinciding with meter replacement program. All non-residential high hazard properties serviced by the Utility shall be inspected at a minimum of once every two (2) years, all non-residential low/medium hazard shall be inspected every twenty (20) years or with meter replacement program. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections based on potential health hazards involved may be shortened by the Utility. The Utility may charge fees as approved by the Common Council for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

C. **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property sewed by a connection to the public water system of the Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. The Utility may disconnect service for refusal to allow entry to examine any property. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

D. **Authority to Discontinue Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 810, Wisconsin Department of Safety and Professional Services Ch. 382.22, Wis. Stats., or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats.

E. **Reconnection of Service.** Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility may charge fees as approved by the Common Council for the reconnection of the water service.

F. **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Such hearing shall be before the City of Onalaska Board of Public Works.

G. **Owner Responsibility.** The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 810 and SPS administrative code. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA MI4 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

H. **Additional Protection.** In the case of premises having internal cross-connections that cannot be permanently corrected or controlled or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and carwash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of Utility.

I. **Wisconsin Administrative Code.** Wisconsin Administrative Code is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 810 is hereby adopted.

J. **Plumbing Code.** This Section does not supersede the State of Wisconsin Plumbing Code, SPS administrative code, or the City Plumbing Code, City of Onalaska Municipal Code, but is supplementary to them.

K. **Fee Schedule.** Where the use of a cross connection controlled device has been approved as put forth above, the property owners shall pay to the City of Onalaska a fee as outlined in the City Fee Schedule. Additional water charges and deposits may apply per P.S.C Rate Schedule BW-1. Costs related to the cross connection control of the device will be reviewed annually and may be subject to change.

9.01.17 Protective Devices

A. **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises. (See Title 15, Chapter 1, Division 3 "Plumbing Code").

B. **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See Title 15, Chapter 1, Division 3 "Plumbing Code").

C. **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air. (See Title 15, Chapter 1, Division 3 "Plumbing Code").

9.01.18 Definitions

A. For purposes of this Section, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive.

1. **Backflow.** The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Onalaska Water Utility (hereinafter "Utility") distribution pipes of the potable supply of water from any source.
2. **Backflow Preventer.** A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double cheek valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.
3. **Backpressure.** An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.
4. **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
5. **Cross-connection.** Any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.
6. **Customer.** The owner of the property.
7. **Customer service.** The portion of the service lateral that is between the curb box and the premises being served by the Water Utility.
8. **Director of Public Works.** The City Engineer/Utilities Administrator or their designee.
9. **Mains.** All pipes used for carrying water in the streets.
10. **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
11. **Non-complying.** A well or pump installation which does not comply with Sec. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Sec. NR 812.43, Wisconsin Administrative Code.

12. **Owner.** Any person, firm, corporation or association owning property or premises which is or can be supplied with water or their authorized agent.
13. **Premises.** A single-family dwelling, two-family dwelling, an apartment house occupied by more than one (1) family, a building occupied by business or other purpose, of any part of a building with the land appurtenant thereto when sold as a separate unit.
14. **Public Works Department.** The organization and operation of each and every part of the water works system.
15. **Pump Installation.** The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
16. **Service lateral.** The combined Utility and customer service which extends from the public water main through the meter or to a point of two (2) feet outside the building if no meter exists.
17. **Unsafe Well or Pump Installation.** One which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standards of Ch. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
18. **Unused Well or Pump Installation.** One which is not used or does not have a functional pumping system.
19. **Utility Service.** That portion of the service lateral from the public water main through the curb box which is the property of the utility or to the property line if no curb box or shut off exists.
20. **Well.** A drill hole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
21. **Well Abandonment.** The proper filling and sealing of a well according to the provision of Sec. NR 812.26, Wisconsin Administrative Code.

Division 2 Connection and Installation

9.01.21 Operation of Valves and Hydrants and Unauthorized Use of Water

A. Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances.

9.01.22 Service Connections (or Water Laterals)

A. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with a mastic cement, or other resilient material, and made impervious to moisture.
B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
C. All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Inspection Department.
D. Water service from the main to the curb stop shall use type "K" copper for one (1) inch to two (2) inch diameter pipe. The type of pipe for installations in excess of two (2) inches shall be determined by the City of Onalaska. All water services from the main to the meter stops for new construction shall be a minimum of one (1) inch. All water services from the curb stop to the meter, whether new or replacement, shall be one (1) inch.
E. All water laterals installed within the City right of way or easement must be installed to current City of Onalaska specifications.
F. If the property owner changes use of property currently receiving water service and such as a result of such change water service will no longer be needed in the future, the City Engineer may require abandonment of the water service at the main. Property owner shall be responsible for all costs for removal.

9.01.23 Turning on Water

A. The water cannot be turned on for a consumer except by a duly authorized employee of the Utility or a licensed plumber as listed on a Plumbing Permit for the property. When a plumber has completed a job, they must leave the water turned off. This does not prevent the plumber from testing the work.

9.01.24 Connection Control

A. **Regulation by Size.** Any connections two (2) inches or greater shall be flushed by the installer and tested by the Water Utility and be certified with one (1) bacteriologically safe sample prior to use for any purpose. A water line pressure test shall also be made before or after the bacteriologically safe sample (per the latest revision of AWWA Standard C-651) has been obtained, unless the line to be pressure tested is not connected to the Water Utility system.

B. **Flushing.** Preparation for flushing and testing shall consist of providing a flushing assembly at the end of the installed line before any other piping is connected. The flushing assembly is to consist of a two inch (2) inch minimum connection to the end of the line, a three-quarter (3/4) inch female pipe tee for a test faucet, a test faucet, and necessary hose to discharge the flushing water into a drain. The size of the hose shall be one and one-half inches (1 1/2) inch for water main sizes smaller than eight (8) inches and hose lengths two hundred (200) feet or less. All others require hoses two and one-half (2 1/2) inches in diameter. Flushing shall proceed only upon approval and under the supervision of the Water Utility. Flushing shall only occur to the storm sewer. All samples for newly constructed services or water mains shall be taken by Water Utility personnel. Metering of flushing water is required. Flushing water may only be turned off upon notification by the Water Utility that the installation has been determined to be bacteriologically safe.

9.01.25 Repairs to Mains

A. The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit notice of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

9.01.26 Handling Water Mains and Service Pipes in Sewer or Other Trenches

A. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.

B. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at their own expense cause them to be replaced or repaired at once. They must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

9.01.27 Settling Main or Service Trenches

A. Trenches shall be backfilled per current City of Onalaska water main specifications.

9.01.28 Repairs – Leaks, Deteriorated Connections and Service Pipes

A. **Failure to Repair.** If a customer fails to repair a leaking, damaged, deteriorated or broken service pipe from the curb stop or if no curb stop is present from the property line to the point of metering or use within five (5) days after receiving notification from the Water Utility that their service requires repair, the water may be shut off and will not be turned on again until the repairs have been completed. The Water Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists.

Division 3 Meters

9.01.31 Installation of Meters

A. Meters will be furnished and placed by the Utility in replacement applications, meters will be furnished to a licensed plumber for installation in new locations. Meters are not to be disconnected or tampered with by the consumer or property owner. All meters shall be so located that they shall be protected from obstructions and permit ready access, defined as a three (3) foot by three (3) foot clear area, six (6) feet in height, thereto for reading, inspection and servicing, such location to be designated or approved by the Utility. MXU shall have wires to meter securely fastened and MXU shall be installed at highest vertical elevation available. All piping within the building must be supplied by the consumer. (See Section 9.01.36).

9.01.32 Repairs to Meters

A. Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
B. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, their agent, or tenant, or from the negligence of any one (1) of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

9.01.33 Stop Boxes

A. The property owner shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.
B. Stop box shall be set to flush grade with finished elevations and be operable prior to occupancy of any new structure. If installation falls within concrete or asphalt, stop box must be protected by a Utility provided sleeve.

9.01.34 Compliant Meter Tests

A. See Wis. Adm. Code, Ch. PSC 185.77.

9.01.35 Failure to Read Meters

A. Where the Utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month.
B. If the meter is damaged (see Section 9.01.37.) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

9.01.36 Service Piping for Meter Settings

A. In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes their service piping for their own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at their expense, provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
B. No permit will be given to change from metered to flat rate service.

9.01.37 Surreptitious Use of Water

A. When the Utility has reasonable evidence that a consumer is obtaining their supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to their equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:
    1. The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
    2. The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
    3. The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
    4. Sec. 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

9.01.38 Duty of Utility with Respect to Safety of the Public

A. It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

Division 4 Special Services

9.01.41 Thawing Frozen Services

A. See Wis. Adm. Code, Ch. PSC 185.89.

9.01.42 Locating of Sanitary Lateral/Water Service Stub or Curb Boxes for Water Shutoff (Utility Responsibility)

A. When requested to locate a sanitary sewer lateral, water service stub, or curb box for water shutoff, the Water Utility will often try and mark with a stake or paint the location per the latest records available. The Water Utility shall be not be responsible for any costs to the owner, developer or other persons for an inaccuracy or incompleteness of the records or any misinterpretation of the records.

9.01.43 Use of Hydrants for Construction; Temporary Supply

A. In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a Reduced Pressure Zone ("RPZ"). In no case shall any RPZ be moved except by a member of the Utility.
B. Before a RPZ is set, payment must be made for its setting and for the water to be used at the scheduled rates. See City Fee Schedule for applicable deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
C. In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the RPZ is set, and the flow of water must be regulated by means of the ball valve.

9.01.44 Vacation of Premises

A. When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb stop. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the Utility of vacancy.

Division 5 Rates and Billing

9.01.51 City of Onalaska Water Rate Structure

A. The City of Onalaska Water Utility provides water as a public utility under Ch. 196, Wis. Stats., and the rates of the utility are developed and ordered by the Wisconsin Public Service Commission as authorized under Secs. 196.03, 196.20, and 196.37, Wis. Stats., and any amendments or modifications thereto. The rates of the Onalaska Water Utility in effect at any time are the authorized rates on file with the Public Service Commission and copies of these rates are available in the Office of the Clerk of the City of Onalaska. Customers of the Onalaska Water Utility shall be informed of new rates as they become effective as required by the Public Service Commission.

9.01.52 Service Contract

A. The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of their minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Wisconsin Public Service Commission Tariffs.) The minimum contract period is renewed with each reconnection.
B. A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due. (See Wisconsin Public Service Commission.)
C. A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

9.01.53 Temporary Metered Supply, Meter and Deposits

A. An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter as set forth in the City Fee Schedule.

9.01.54 Water for Construction

A. When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Public Works Department. Payment for the water for construction shall be as billed at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.

B. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work performed.

C. Property owners shall not allow contractors, masons or other persons to take water from their premises prior to installation of a utility meter. Any consumer failing to comply with this provision will have water service discontinued.

9.01.55 Customer's Deposits

A. **New Residential Service.** The Utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the Utility which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.

B. **Existing Residential Service.** The Utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
   1. Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
   2. Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.

C. **Commercial and Industrial Service.** If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the Utility, they may be required to make a deposit or otherwise guarantee to the Utility payment of bills for service.

D. **Conditions of Deposit.** See Wis. Adm. Code, Ch. PSC 185.36(4).

E. **Refund of Deposits.** The Utility shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer the Utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.

F. **Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a Deferred Payment Agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.

G. **Guarantee Contracts.**
   1. The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two (2) years, but shall automatically terminate after the customer has closed their account, or at the guarantor's request upon thirty (30) days' written notice to the Utility.
   2. Upon termination of a guarantee contract or whenever the company deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon ten (10) days' written notice, disconnected.
   3. The Utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

4. In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the Utility shall have the right to receive service from the company under a Deferred Payment Agreement as provided in these Rules and Regulations for the outstanding account balance.

9.01.56 Refunds of Monetary Deposits

A. All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a RPZ, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

9.01.57 Disconnection and Refusal of Service

A. **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:
   1. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (see Sec. PSC 185.38);
   2. Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served;
   3. Failure to pay for an outstanding account balance with the City Water Utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;
   4. Failure to comply with deposit or guarantee arrangements as specified in Sec. PSC 185.36 or 185.361;
   5. Diversion of service around the meter;
   6. Refusal or failure to permit authorized City Water Utility personnel to read the meter at least once every four (4) months where the utility bills monthly or bimonthly, or at least once every nine (9) months where the utility bills quarterly or less frequently than quarterly. The four (4) or nine (9) month period begins with the date of the last meter reading;
   7. Refusal or failure to permit authorized City Water Utility personnel access to the base meter;
   8. Violation of the City Water Utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
   9. Failure to comply with Wisconsin Statutes and Public Service Commission rules or orders pertaining to water utility service;
   10. Failure to pay costs or fees incurred by and awarded to the City Water Utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the Utility's tariffs filed with the Public Service Commission;
   11. Failure to comply with the City Water Utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;
   12. Failure of an applicant for City Water Utility service to provide adequate verification of identity and residency;
   13. Failure of an applicant for City Water Utility service to provide the information set forth in Sec. PSC 185.33(18) (a), (b) and (c);
   14. Refusal to permit the Utility Department entry to the premises for purposes of meter exchange, replacement of parts, or installation of radio read devices as it relates to the water meter provided by the City Water Utility and which needs to be maintained by the City Water Utility.

B. **Disconnection for Delinquent Accounts.**
   1. A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer at least ten (10) calendar days prior to disconnection a written disconnect notice. For purposes of this rule, the due date shall not be less than twenty (20) days after issuance.
   2. The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.

C. **Dispute Procedures.**
   1. Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the Utility shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide

the opportunity for the customer to enter in to a Deferred Payment Agreement as approved by the Board of Public Works when applicable in order to settle the dispute.

2. After the customer has pursued the available remedies with the Utility, they may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
3. Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay fifty percent (50%) of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.
4. The form of disconnection notice to be used is as follows or another form containing the same information:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have ten (10) days to pay the utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the ten (10) days allowed, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, **we urge you to pay the full arrears IMMEDIATELY AT OUR OFFICE.**

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER () IMMEDIATELY IF:

1. You have a question about your utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any circumstances you think should be taken into consideration before service is discontinued.
4. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to twenty-one (21) days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(CITY OF ONALASKA, WI)

5. In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Sec. 66.0809, Wis. Stats.

9.01.58 Charges for Water Wasted Due to Leaks

A. At the discretion of the Water Utility Staff and the City Engineer, a one (1) time per property, per owner, adjustment for verified leaking toilets, broken pipes, irrigation units and stuck valves on water softeners may be made when the overage is at least two (2) times the homeowners' average seasonal usage for that billing period quarter. Verification of the reason for the excess usage of water must be by Utility Personnel or by a Licensed Plumber. The adjusted billing will be based upon a block rate as assigned in PSC table (MG-1). This number will be used with an estimate based on seasonal quarter usage.

B. If the reason for excessive water use is not detected or determined to involve any plumbing fixtures or appliances, then the homeowner shall be responsible, regardless of the water used, for the full amount of water consumption listed on the quarterly bill.

C. No adjustment will be made or offered from the point the homeowner has been notified of the leak(s) and had the opportunity to make repairs and/or corrections to remedy the condition. Water adjustments will also only pertain to that quarterly billing period and the time of the homeowners' complaint, and will not include prior billing quarters and possible higher consumption during those periods.

D. Refer to Wis. Adm. Code, Ch. PSC 185.35(6).

9.01.59 Water Services in Unincorporated Areas

A. Section 66.069(2)(c), Wis. Stats., authorizes service by a City to an unincorporated area and, therefore, this Section provides that water service be made available to portions of the Town of Medary, La Crosse County, Wisconsin. The municipal utility shall have no obligation to serve beyond the area so delineated. The service area is described as follows:

1. **Water Service Area – Town of Medary.** A parcel of land located in the NWI/4 - NW1/4, NEI/4 - NW1/4, SW1/4 - NWI/4 and the SE1/4 - NWI/4 of Section 10, T16N, R7W, Town of Medary, La Crosse County, Wisconsin, more fully described as follows:

   a. Commencing at the northeast corner of the SWI/4 - NWI/4 of Section 10, T16N, R7W; thence south along the east line of said SW 1/4 - NW 1/4 33 feet to the south right-of-way line of CTH "OS"; this also being the point of beginning; thence west along said south right-of-way line 60 feet; thence south parallel to said east line 257.4 feet; thence west 450 feet; thence south 20 feet; thence west 150 feet to the east line of Leisso Addition; thence south along said east line 349.6 feet; thence west 270 feet more or less to the east City of Onalaska limits; thence N. 32° 00' W. to the east right-of-way line of STH "157"; thence north along said east right-of-way line to the north line of the SWI/4 - NWI/4 Section 10, T16N, R7W; thence east along said north line to a point being 300 feet west of the northeast corner of the SW 1/4 -NW 1/4; thence N.4° 09' W. 238.2 feet; thence east 224 feet; thence S. 8° 00' E. 207 feet to the north right-of-way line of CTH "OS"; thence east along said north right-of-way line 60 feet; thence N. 8° 00' W. 207 feet; thence east 240 feet; thence S 8° 00' E 240 feet to the north line of SE1/4 - NWI/4 Section 10, T16N, R7W; thence east along north line 428.3 feet; thence south 290.4 feet; thence west 176.3 feet to the east right-of-way line of Pralle Road; thence south along said right-of-way line 380 feet; thence east 360 feet to the east right-of-way line of Germann Court; thence south along said east right-of-way line extended to the south line of the SEI/4 - NWI/4 of said Section 10; thence west along said south line to the west right-of-way line of Pralle Road; thence north along said right-of-way line 206 feet; thence west 150 feet; thence north parallel to west right-of-way line of Pralle Road 600 feet; thence east 150 feet to west right-of-way line of Pralle Road; thence north along said west right-of-way line 230 feet; thence east parallel to north line of the SE1/4 - NWI/4 442 feet to west line of said SE1/4 - NW1/4; thence north along said west line 257.4 feet to the point of beginning.

   b. Also, that portion of the present Town of Medary lying East of the present City of Onalaska corporate limits West of the town line of the Town of Hamilton, North of the La Crosse River and South of U.S.H. 16

Division 6 Charges for Service Areas

9.01.61 North Abbey Road Zone Charges

A. **Water and Sewer Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a water main,

sanitary main and lateral within Abbey Road between Commerce Road (Northerly junction) and 2,000 feet Northwest of East Avenue for future hookups by parcels and which are not currently within the corporate limits of the City, but may, in the future, become a part of the City.

B. North Abbey Road Zone Charges as a result, the City of Onalaska does hereby establish the following North Abbey Road Zone Charges for all such lands:
   1. Water and Sewer Hookup Charges: $7,663.00 per hookup.
   2. Street Improvement Fee: $2,616.00 per hookup.
C. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
D. The North Abbey Road Zone consists of those lands designated on the map that is designated as Appendix B of this Section and which is incorporated herein and is on file in the office of the City Engineer.
E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.01.62 Crestwood Lane Zone Charges

A. **Water and Sewer Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a water main, sanitary main and lateral within Crestwood Lane for future hookups by parcels and which are not currently within the corporate limits of the City, buy may, in the future, become a part of the City.
B. Crestwood Land Zone Charges as a result, the City of Onalaska does hereby establish the following Crestwood Land Zone Charges for all such lands:
   1. Water and Sewer Hookup Charges: $7,250.00 per hookup.
   2. Street Improvement Fee: $2,176.00 per hookup.
C. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
D. The Crestwood Land Zone consists of those lands designated on the map that is designated as Appendix B of this Section and which is incorporated herein and is on file in the office of the City Engineer.
E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.01.63 French Road / Crestwood Lane Water System High Pressure Zone Charges

A. **Water Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a booster station for water in lands which may be developed in the French Road, Crestwood Lane and State Highway 16 areas, having an USGS elevation of 790-930 and some of which are not currently within the corporate limits of the City, but may, in the future, become a part of the City. As a result, the City of Onalaska does hereby establish the following booster station charges for all such lands:
   1. French Road / Crestwood Lane / State Highway 16 Area Booster Station Charges:

Parcel Size	Booster Station
New Parcels < 1 acre	$2,266.00
New Parcels > 1 acre	$2,266.00/acre
Existing Parcels < 5 acres	$2,266.00
Existing Parcels > 5 acres	*See Below

*If the parcel cannot be subdivided, the Booster Station Charge shall be Two Thousand Two Hundred Sixty-Six Dollars ($2,266.00) for the entire parcel. If the parcel can be subdivided, the Booster Station Charge shall be Two Thousand Two Hundred Sixty-Six Dollars ($2,266.00) for each parcel resulting from such subdivision.

B. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
C. The French Road / Crestwood Lane Water System High Pressure Zone consists of those lands designated on the map that is designated as Appendix A of this Section and which is incorporated herein and is on file in the office of the City Engineer.
D. As of January 1, 2021, the charges set forth herein shall increase. The amount of such increase shall be the amount by which the Consumer Price Index (CPI) has increased since January 1, 2020. Thereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.01.64 Greens Coulee Water System High Pressure Zone Charges

A. **Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a booster station and necessary transmission lines for water in lands which may be developed in Greens Coulee having an USGS elevation of 790-930 and which are not currently within the corporate limits of the City, but may, in the future, become a part of the City. As a result, the City of Onalaska does hereby establish the following booster station/transmission charges for all such lands:

Parcel Size	Booster Station	Transmission Charge
New Parcels < 1 acre	$1,000.00	$500.00
New Parcels > 1 acre	$1,000.00/acre	$500.00/acre
Existing Parcels < 5 acres	$1,000.00	$500.00
Existing Parcels > 5 acres	*See Below	*See Below

*If the parcel cannot be subdivided, the Booster Station Charge shall be One Thousand Dollars ($1,000.00) and the Transmission Charge shall be Five Hundred Dollars ($500.00) for the entire parcel. If the parcel can be subdivided, the Booster Station Charge shall be One Thousand Dollars ($1,000.00) and the Transmission Charge shall be Five Hundred Dollars ($500.00) for each parcel resulting from such subdivision.

B. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.

C. The Greens Coulee Water System High Pressure Zone consists of those lands designated on the map that is designated as Appendix A of this Section and which is incorporated herein and is on file in the office of the City Engineer.

D. As of January 1, 2001, the charges set forth herein shall increase. The amount of such increase shall be the amount by which the Consumer Price Index (CPI) has increased since January 1, 2000. Thereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

Division 7 Penalties and Legal Remedies

9.01.71 Penalties and Legal Remedies

A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars ($200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars ($500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars ($1,000.00).

B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.

C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

Chapter 02 Sewers and Sewerage

Division 1 General Provisions

9.02.11 Wisconsin Administrative Code Requirements

A. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Wisconsin Administrative Code.

9.02.12 Special Agreements

A. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern, provided the agreement is not in conflict with the intent or rates established by this Section or with Wisconsin Administrative Code requirements.

9.02.13 Powers and Authority of Inspectors

A. The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Section. The City Engineer or their representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other processes beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or wastewater treatment facilities.

B. The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage collection system or treatment works. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Section.

C. While performing the necessary work on private properties referred to in Subsection B. above, the City Engineer or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner, the owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the inspection, gauging or sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in this Section.

9.02.14 Installation of Laterals and Provisions of Water and/or Sanitary Sewer Services to Properties Outside the Corporate Limits of the City of Onalaska

A. No person, corporation, partnership or other legal entity owning property outside the corporate limits of the City of Onalaska may connect said property to and/or obtain City water and/or sanitary sewer services for said property from any City water or sanitary sewer main(s).

B. Notwithstanding the provisions of Subsection A. above, any person, corporation, partnership or other legal entity owning property outside the corporate limits of the City of Onalaska may install, at their own expense, a lateral for water and/or sanitary sewer services from the City's main(s) to said property, which lateral may, upon annexation of the property to the City and upon payment of all fees or charges, be utilized for the purpose of obtaining water and/or sanitary sewer services for said property.

C. This Section shall not affect the provisions of Section 9.01.59 regarding water services in unincorporated areas.

9.02.15 Definitions

A. For purposes of this Section, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive.

1. **Agency.** The City of Onalaska Common Council, the Board of Public Works, City Engineer or designee which is designated by it to administer and enforce the terms of this Section.
2. **Agreement.** The current agreement between the City of La Crosse and the City of Onalaska for the transportation and treatment of wastewater emanating in the City of Onalaska.
3. **Ammonia Nitrogen plus Organic Nitrogen.** The quantity of soluble nitrogen in the oxidation tri-negative state combined with hydrogen and hydroxyl ions as NH40H expressed in mg/1 of nitrogen, plus the organically bound nitrogen in the oxidation trinegative state; also referred to as Kjeldahl Nitrogen; the quantity being determined by Standard Methods for the Examination of Water and Wastewater, latest edition.
4. **Biochemical Oxygen Demand (BOD_5).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
5. **Building Drain.** The lowest horizontal piping of a drainage system which receives the discharge from waste drainage pipes inside the building and conveys the same to the building sewer, beginning five (5) feet (1.52 meters) outside the inner face of the building wall.

6. **Building Sewer.** The extension from the building drain beginning at five (5) feet (1.52 meters) outside the inner face of the building wall to its connection with the sanitary sewer or other place of disposal.
7. **Commercial User.** Any user engaged in a business enterprise, churches, schools, mobile home courts, governmental and public facilities, multi-family units consisting of more than two (2) families, elderly housing units, care centers and nonprofit organizations shall be considered commercial users.
8. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, chemical oxygen demand, total organic carbon, nitrogen and nitrogen compounds.
9. **DNR.** The State of Wisconsin Department of Natural Resources.
10. **Domestic Wastewater.** Water-carried wastes containing approximately two hundred fifty (250) mg/1 BOD5 and approximately two hundred fifty (250) mg/1 suspended solids, consistent with that emanating from a typical household.
11. **Garbage.** Solid wastes from the domestic and commercial preparation, cooling and dispensing of food, and from the handling, storage and sale of produce.
12. **Grant.** Federal and/or state financial assistance for the construction of improvements to the public sanitary sewer collection system and/or sewage treatment plant.
13. **Grantee.** The local agency which receives a grant.
14. **Incompatible Pollutant.** Any pollutant which is not a compatible pollutant.
15. **Industrial User.** Any nongovernmental, nonresidential user of a sewage treatment plant which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one (1) of the following divisions: Division A, Agriculture, Forestry and Fishing; Division B, Mining; Division D, Manufacturing; Division E, Transportation, Communications, Electric, Gas and Sanitary Services; Division I, Industrial Services.
16. **Industrial Wastewater.** The liquid processing wastes from an industrial manufacturing process, trade or business including, but not limited to, all Standard Industrial Classification Manual D manufacturers, as distinct from domestic wastewater.
17. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
18. **Non-contact Cooling Water.** Wastewaters from a commercial or industrial user which have not become exposed to contamination or pollution, the sole alteration of which is in temperature increase and which do not contain any toxic or deleterious substances.
19. **Person.** Any individual, corporation, company, association, cooperative, trust, institution, partnership, state, municipality or federal agency.
20. **pH.** The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a pH of seven (7) and hydrogen-ion concentration of ten (10)-'.
21. **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
22. **Public Sanitary Sewer Collection System.** A system of sanitary sewers owned, maintained, operated and controlled by the City.
23. **Private Sewage System.** A system comprised of a septic tank and effluent absorption area designed for the purpose of processing and disposing of sewage.
24. **Residential User.** Single- and two-family homes which discharge domestic waste to the public wastewater collection system, as distinct from commercial or industrial users.
25. **Sanitary Interceptor Sewer.** A sewer whose primary purpose is to transport wastewaters from collection systems to a treatment facility.
26. **Sanitary Sewer.** A pipe or conduit owned and maintained by the City which carries sewage.
27. **Sanitary Waste.** The wastes discharged from the average residential user in the City; also termed domestic wastewater.
28. **Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
29. **Shall.** Is mandatory; **May.** Is permissive.
30. **Slug.** Any discharge of sewage or industrial wastewater, the concentration of any constituent of which or the quantity of flow of which exceeds instantaneously more than five (5) times the average twenty-four (24) hour concentration of flows of the user during normal operation.
31. **Standard Industrial Classification Manual.** The document so entitled, published by the Office of Management and Budget, 1972.

32. **Storm Sewer ("storm drain").** A sewer which carries storm and surface waters and drainage, but excludes sewage, garbage and domestic wastewater and wastewaters other than non-contact cooling water from commercial and industrial users.
33. **Director of Public Works/City Engineer.** The Director of Public Works/City Engineer of the Water and Sewer Commission of the City of Onalaska or their authorized deputy, agent or representative.
34. **Suspended Solids.** Solids that are visible and in suspension in the liquid, the quantity being determined by Standard Methods for the Examination of Water and Wastewater, latest edition.
35. **Treatment Facilities.** Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastes.
36. **Users.** Those residential, multi-family, commercial, governmental, institutional and industrial establishments which are connected to the public sanitary sewer collection system.
37. **User Charge System.** A system based on estimated use of wastewater collection, transportation and treatment services where each user pays its proportionate share or construction and operation and maintenance cost of the collection, transportation and treatment facilities.
38. **Unaltered Water.** Waters which are not changed chemically or physically as a result of use.
39. **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.
40. **Wastewater.** See Sewage.

Division 2 Sewer Regulations

9.02.21 Connection to Sanitary Sewers Required

A. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage, except non-contact cooling waters, on the ground surface of any public or private property within the jurisdiction of the City.
B. It shall be unlawful to discharge any sewage except non-contact cooling waters to any natural outlet within the jurisdiction of the City, except where authorized by the DNR.
C. Except as provided for in Section 9.02.22., it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the jurisdiction of the City and abutting on any street, alley or right-of-way in which there is located a sanitary sewer is hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the public sewer collection system in accordance with the provisions of this Section within a period determined by the City Engineer but in no event more than one (1) year and to pay such connection charges as may be established herein or by other ordinance.

9.02.22 Private Sewage Disposal

A. Where a sanitary sewer is not available, the building sewer shall be connected to a private, individual sewage system complying with the provisions of this Section.
B. Before commencement of construction of a private sewage system, the owner shall first obtain a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and/or other information as is deemed necessary by the City Engineer. The application fee is located within the City Fee Schedule and is due at the time the application is filed.
C. A permit for a private sewage system shall not become effective until the installation is completed and approved by the City Engineer or designee. The City Engineer or designee shall be allowed to inspect the work at any stage of construction; and in any event, the applicant for the permit shall notify the City Engineer or designee when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City Engineer or designee.
D. The type, capacity, location and layout of a private, individual sewage disposal system shall comply with NR 214.16, Wis. Adm. Code.
E. At such time as a sanitary sewer becomes available to a property served by a private sewage system, as provided in Section 9.02.21.D., a direct connection shall be made to the sanitary sewer in compliance with this Section and any septic tanks, cesspools and similar private or individual sewage facilities shall be abandoned in accordance with NR 214.16, Wis. Adm. Code.

9.02.23 Building Sewers and Connections

A. No authorized person shall alter, disturb or uncover any connections with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the City Engineer.

B. Permits and Charges:
   A. Two (2) classes of Building Sewer Permits.
      a. For establishments producing only domestic wastewaters, including residences, institutions, public facilities and commercial establishments; and
      b. For service to establishments producing industrial wastewater.
   B. In either case, the owner or their representative shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
   C. For each sewer and water inspection, there shall be a permit fee as set forth in the City of Onalaska Fee Schedule In addition, there shall be a charge pursuant to the project's value. This fee is to be applicable for installation and inspection for connections to the main or end of the lateral at the curb to the buildings, as well as for septic tank and dry well installations, also for each tap and water service pipe connected to the City water main, including fire protection services.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no individual sewage system is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended in such cases to the rear building and the whole considered as one (1) building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer or designee, to meet all requirements of this Section.

F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of current State of Wisconsin Plumbing Code, except that bituminous fiber pipe shall not be allowed.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer, sewage carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to current State of Wisconsin Plumbing Code, Wis. Adm. Code.

H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps or other sources of surface runoff or groundwater to the building sewer or building drain which, in turn, is connected directly or indirectly to a sanitary sewer. If such connections are found during an inspection by the City Engineer or designee, the penalty provisions of Section 9.02.14. are applicable.

I. The connection of the building sewer into the sanitary sewer shall conform to the requirements of Subsection 9.02.23.F. above.

J. The applicant for the building sewer permit shall notify the City Engineer or designee when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the supervision of the City Engineer or designee.
   A. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to public welfare and safety. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
   B. Where sanitary sewer construction requires excavation of streets or sidewalks, the applicant shall be required to obtain a permit for excavation from the City Engineering Department.

K. All building sewers, both new and existing, shall be maintained in such condition as to prevent inflow or infiltration of unpolluted waters from the groundwater table, storm runoff or other sources. If, during an inspection defined in Section 9.02.13.B. of this Title, upon plugging the building sewer at or near its point of entry into the sanitary sewer, unpolluted water should be observed by the City Engineer or designee to back up into the building being served, the building sewer shall be declared defective and correction shall be ordered under Section 9.02.14.

9.02.24 Records and Monitoring

A. All industrial users subject to categorical standards or required to pre-treat industrial waste who discharge or propose to discharge wastewaters to the wastewater collection system shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Section and any applicable state or federal pretreatment standards or requirements.

B. The owner or operator of any premises or facility discharging industrial wastes subject to categorical pretreatment standards or required to pre-treat industrial waste shall install, at their own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
C. Industrial records relating to wastewater discharges shall be available upon request by the City. All treatment standards shall be made available to officials of the U.S. Environmental Protection Agency or the Wisconsin Department of Natural Resources upon demand.
D. Monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the City may allow modifications as necessary.
E. When more than one (1) user can discharge into a common sewer, the City may require the installation of separate monitoring equipment for each user. Where there is a significant difference in wastewater constituents or characteristics produced by different operations of a single user, the City may require that separate monitoring facilities be installed for each separate discharge.
F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications.

9.02.25 City Inspection, Sampling and Analysis for Compliance

A. Compliance determinations with respect to Section 9.03.32.C. prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four (24) hour period, or cover a longer or shorter time span, as determined necessary by the City to meet the needs of specific circumstances.
B. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods," "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials.
C. Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 9.03.32.C. prohibitions and limitations will be done at intervals as the City may designate. However, it is the intention of the City to conduct compliance sampling or to cause such sampling to be conducted for all industrial users subject to categorical standards or required to pre-treat industrial wastes at least once per year.

9.02.26 Regulation of Grease Interceptors, Installation and Disposal of Waste

A. **Purpose.** The purpose of this Section is the regulation of the collection and disposal of grease interceptor waste for the protection of the City sanitary sewer system and the environment. The objective of this Section is to reduce the operational and maintenance costs to the City of maintaining the sanitary sewer system by preventing the accumulation of grease within the collection system lines. This Section shall apply to the City of Onalaska and to persons outside the City who, by contract, agreement or otherwise with the City, are users of the City's sanitary sewer. This Section shall be in addition to any restrictions, regulations or prohibitions set forth in Section 9.03.32..
B. **Administration.** The City of Onalaska shall administer, implement, and enforce the regulations of this Section.
C. **Applicability.**
   1. Waste that contains grease shall be discharged into the sanitary sewer system only under the conditions of this Ordinance. The following facilities shall discharge all waste from sinks, dishwashers, drains, and any other fixtures through which grease may be discharged, into an adequately sized, properly maintained and functioning grease interceptor before the discharge enters the sanitary sewer. The following facilities shall also provide a grease-interceptor(s) inlet-flow control-device inspection port and a grease-interceptor effluent monitoring port.
   2. Every commercial food-preparation and food-service facility, including but not limited to bakeries, cafes, commercial kitchens, delicatessens, ice-cream parlors, hospitals, restaurants, schools, and similar facilities, especially where meat, poultry, seafood, dairy products or fried foods are prepared or served:
      a. All shopping centers that have food-processing facilities;
      b. All food courts;
      c. All other facilities discharging grease in amounts that, in the opinion of the City of Onalaska will, alone or in combination with other substances from the discharges of the same or other facilities, have a reasonable chance to inhibit the flow in the sanitary sewer;
      d. All new areas of intensified use or dwelling, including, but not limited to adult day-care facilities, assisted-living facilities, convalescent homes, day nursing and childcare facilities, in which food preparation occurs, homes for the mentally challenged, hotels, maternity homes,

motels in which there is a commercial food-preparation service, nursing homes, retirement and life-care communities and homes, and truck stops with commercial food service, shall be required to have grease interceptors. Modifications to existing facilities that do not add new buildings or new grease-generating activities are exempt from this requirement; and

e. Interceptors shall not be required for single-family residences, duplexes, triplexes, quadplexes, or apartment complexes, unless the City first determines there are discharges from the property that may create problems in the sanitary sewer system. The determination shall be made based upon an investigation of the property and a comparison of the content and amount of discharge from the property with the discharges of other properties similar in size and use. Upon a determination that the discharges may create problems in the sanitary sewer system, the City may require the installation of a sufficiently sized grease interceptor to treat the discharges.

D. **Compliance and Timeline.**

1. On or after the effective date of the ordinance codified in this Section, an existing facility shall be required to install an approved, adequately sized, and properly operated and maintained grease interceptor when any of the following conditions exist:
   a. It is found by the City of Onalaska to be contributing grease in potential quantities sufficient to inhibit sanitary sewer flow or necessitate increased maintenance on the sanitary sewer collection system in order to keep impairments to the main line flow from occurring.
   b. It is remodeling the food preparation or kitchen waste plumbing facilities in such a manner to be subject to a permit issued by the Inspection Department.
   c. Its interceptor allows a discharge of oil or grease in excess of two hundred and fifty (250) mg/l.
2. New facilities required by this or other applicable ordinances to maintain a grease interceptor shall install such a unit prior to commencement of discharge to the sanitary sewer system.
3. Any requests for extensions to installation dates must be made in writing to the City of Onalaska at least thirty (30) days in advance of the compliance date. The written request shall include the reasons for the facility's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The City of Onalaska shall determine the date for compliance.
4. Existing facilities required by this or other applicable ordinances to maintain a grease interceptor that demonstrate that the installation of a grease trap is not feasible may use bioremediation as an alternative. The City of Onalaska will determine whether a facility may exercise this option for sanitary sewer maintenance. The bioremediation method and product must be approved by the City of Onalaska in writing prior to use in the drainage system. In addition, the operator must maintain written documentation of a current contract with a bioremediation supplier approved through the City of Onalaska.

E. **Discharge Criteria.**

1. Where oil and grease are a byproduct of food preparation and/or cleanup, reasonable efforts shall be made to separate waste oil and grease into a separate container for proper disposal. Except as contained in byproducts of food preparation and/or clean up, waste oil and grease shall not be discharged to any drains or grease interceptors. Such waste shall be placed in a container designed to hold such waste and either utilized by industry or disposed of at suitable locations.
2. None of the following agents shall be placed directly into a grease interceptor, or into any drain that leads to the interceptor:
   a. Emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any type of product that will liquefy grease interceptor wastes;
   b. Any substance that may cause excessive foaming in the sanitary sewer system; or
   c. Any substance capable of passing the solid or semi-solid contents of the grease interceptor to the sanitary sewer system.
3. The influent to interceptors shall not exceed one hundred fifty (150) degrees F. The temperature at the flow-control-device inspection port shall be considered equivalent to the temperature of the influent.
4. Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.
5. Waste shall only enter the grease interceptor through the inlet-flow-control device.
6. Where food-waste grinders are installed, the waste from such units shall discharge directly into the building drainage system without passing through a grease interceptor. Living quarters are exempted from this requirement.

F. **Requirements for Grease Interceptors.**

1. The operator must apply for all necessary permits prior to installation of any grease trap or interceptor.
2. The plumbing inspector assigned by the City will oversee the installation of the trap or interceptor.

3. Grease traps shall be installed a minimum distance of ten (10) feet from sinks and dishwashers to allow for adequate cooling of wastewater. Water temperatures must be less than one hundred fifty (150) degrees F. prior to entering grease trap.
4. Sample port. A sample port shall be installed on the effluent line of each grease trap. The port shall be a minimum of six (6) inches in diameter and be connected to the sewer line at a ninety degree (90°) angle to allow for sampling activities. The port shall be installed in such a manner as to be protected from storm water contamination and maintained in a safe and proper operating condition. The plug on the sample port must be easily removable.

G. **Interceptor Maintenance.**
1. It shall be unlawful for a grease or grit generator to allow grease or grit interceptor waste to be removed from their premises by a transporter who does not have all applicable Federal, State, or local permits or registrations, including any permit required by the City of Onalaska. If a vacuum truck company is used to remove the grease from the interceptor or trap, the following information must be kept on file with the operator and submitted to the City of Onalaska.
   a. The vacuum truck company name, address, and telephone number;
   b. The name of a primary and secondary contact person at the vacuum truck company;
   c. The City of Onalaska/La Crosse County Health Department permit number;
   d. Be signed and dated by an authorized representative of the vacuum truck company indicating acceptance of the terms of the contract;
   e. The name, address, and telephone number of the disposal site, and
   f. The signature of the facility representative present when the grease trap was cleaned.
2. The vacuum truck company shall provide a Certificate of Insurance, Certificate of Assurance, and Certificate of Indemnification to the City of Onalaska.
3. Facilities are responsible for maintaining grease traps in continuous proper working condition. Further, facilities are responsible for inspecting, repairing, replacing, or installing apparatus and equipment as necessary to ensure proper operation and function of grease traps and compliance with discharge limitations at all times.
4. Records of maintenance are required to be maintained on site for three (3) years. (Ninety (90) day maintenance frequency assumes proper sizing and installation consistent with this guidance).
5. The facility shall maintain adequate documentation that the grease interceptor is appropriately cleaned and inspected.

H. **Required Pumping Frequency.**
1. Unless otherwise specified in writing by the City of Onalaska, each grease interceptor in active use shall be cleaned at least once every calendar quarter or more frequently as needed to prevent carry over of grease into the sanitary sewer system, unless it is demonstrated to the City, that the pumping frequency can be performed at greater intervals without impairment of the operation of the public sewer. The City of Onalaska may specify cleaning more frequently when quarterly pumping is determined by the City, to be inadequate. Any grease generator desiring a schedule less frequent than quarterly shall submit a request to the City of Onalaska.
2. The facility shall be responsible for providing such additional pumping as needed.
3. All grease interceptors shall be maintained by the facility at the facility's expense.

I. **Interceptor Maintenance Log.** Every facility having a grease interceptor shall maintain an Interceptor Maintenance Log indicating each pumping for the previous three (3) years. This log shall include the date, time, amount pumped, hauler and disposal site, initials of individual recording the information, and shall be kept in a conspicuous location on the premises of the facility for inspection. Said log shall be made immediately available to any authorized inspector.

J. **Fees.**
1. The City, with the approval of the City Council, has the option to establish permit fees under this Section in the City Fee Schedule.
2. The fees for such permits shall be for a permit issued for a period of one (1) year. The control authority may prorate the amounts for permits with shorter durations. All permits will expire at 12:00 midnight on the date specified on the permit as determined by the City.

K. **Violation.**
1. It is unlawful for any person and/or facility to discharge into the sanitary sewer system in any manner that is in violation of this Ordinance, or of any condition set forth in this Ordinance. No person shall cause or permit the plugging or blocking of, or otherwise interfere with or permit the interference of the operation of a grease interceptor or the sanitary sewer system, including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the interceptor.
2. No person and/or facility shall discharge grease in excess of two hundred and fifty (250) mg/l to the sanitary sewer system.

3. The City of Onalaska may suspend water or sewer service when such suspension is necessary, in the opinion of the La Crosse Count Health Department and/or City, in order to stop an actual or threatened discharge which:
   a. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
   b. Causes or may cause stoppages or excessive maintenance to be required to prevent stoppages in the sanitary sewer collection system;
   c. Causes interference to the sanitary sewer system; or
   d. Causes the City to violate any condition of its NPDES community discharge permit.
4. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with a suspension order, the City may take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize actual or threatened damage to the sanitary sewer system or sewer connection or endangerment to any individuals. The City shall reinstate the water or sewer service upon receipt of proof that such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the facility describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.
5. Any person who violates any provision of this ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Five Hundred Dollars ($500.00) for each violation and each day a violation continues, shall constitute a separate offense and shall be punished accordingly.
6. In addition to any applicable fines or penalties, a violator shall be liable to the City for any expense, loss, or damage occasioned by the City for clean-up and proper disposal of said materials. The violator shall be further required to pay an administrative fee equal to one-half (1/2) of assessed clean-up costs.
7. The City has the option to take additional action against any facility that has caused three (3) or more sanitary sewer blockages in one (1) calendar year due to excess grease accumulation.

Division 3 Rates and Billing

9.02.31 User Charge System

A. **Purpose.** The purpose of this Section is to establish the basis for reasonable charges for the cost of collection, transportation and treatment of wastewater.

B. **Classes of Charges.** Three (3) classes of wastewater charges shall be established as follows and wastewater shall include wastewater from residential, multi-family, commercial, governmental and industrial classes:
   1. Treatment Rate;
   2. Transmission and Maintenance Rate; and
   3. Flat Rate and shall be based on the Effective Total Meter Water Consumption for the quarter.

C. **Effective Total Metered Water Consumption**. The term Effective Total Metered Water Consumption shall mean:
   1. For quarters 1, 3 and 4 (billed in April, October and January) the treatment charge and transmission and maintenance charge shall be based on metered water volume for the three (3) month period beginning December 5th and ending March 5th of each year which shall be reflected in the April billing unless consumption in any given quarter is lower than the metered water volume established on the April billing;
   2. For the 2nd quarter (billed in July), the treatment charge and transmission and maintenance charge shall be based on the actual metered water volume for that quarter (March 5 to June 5). In the event that December 5th or March 5th falls on a Saturday, Sunday or legal holiday, the following or preceding Business Day shall be used in lieu of the 5th. If consumption for quarters 3 or 4 is lower than the established metered water volume for the December 5th through March 5th period, the metered water volume for that quarter will be used to establish the treatment charge and transmission and maintenance charge for that specific quarter.

   Wastewater charges for new residential and nonresidential class customers in the City of Onalaska that do not have an established sewer value or where the public water supply is not available, and a private water supply is used or where metered records are not available, water usage shall be calculated based on the average sewer value of account classes within the City of Onalaska from the April billing. New residential or nonresidential class customers who establish service mid quarter will be charged the City average for first quarter or actual consumption, whichever is lower.

D. **Wastewater Charges.** The charges for wastewater shall include a quarterly charge consisting of a treatment charge, transmission and maintenance charge and a flat rate charge. The treatment charge

and transmission and maintenance charge shall be based on the Effective Total Metered Water Consumption.

E. **Quarterly Treatment Rate Charge.**
   1. A quarterly treatment rate charge shall be assessed each residential and nonresidential class customer. The quarterly treatment rate charge is intended to generate sufficient revenues to pay the cost of wastewater treatment by the City of La Crosse and to pay the amortization cost of improvements to the La Crosse Interceptor Sewer System.
   2. The Treatment Rate shall be an amount established yearly by the Common Council of the City of Onalaska based upon information provided by the City of La Crosse which shall be a sufficient amount to cover the annual cost of wastewater treatment and the amortization cost of improvements to the La Crosse Interceptor Sewer System.
   3. The quarterly treatment rate charge shall be calculated as follows:
      a. *(Treatment Rate /100 Cubic Feet) x Effective Total Metered Water Consumption*

F. **Quarterly Transmission & Maintenance Charge and Flat Fee.**
   1. The quarterly transmission and maintenance and flat fee charge is intended to generate sufficient revenues to pay for the cost of operation, maintenance and depreciation of the Onalaska Sanitary Sewer Collection System. The annual operating budget will be estimated prior to each calendar year's operation.
   2. The Transmission Rate shall be an amount established yearly by the Common Council of the City of Onalaska based upon the annual operating expense of Onalaska Sewer Utility.
   3. The quarterly transmission and maintenance charge shall be calculated as follows:
      a. *(Transmission Rate/100 Cubic Feet)* x *Effective Total Metered Water Consumption*
   4. The quarterly sewer flat fee shall be determined as follows based upon the size of the meter as established by the Common Council annually on file in the office of the City Engineer.

   5. The City shall reserve the right to require a meter for any user.
   6. Charges for a portion of a billing period shall be prorated by the City.

G. **Payment of Quarterly Sewer Charges; Lien; Penalty**.
   1. Wastewater charges shall be payable upon receipt, subject to the provisions of this Section.
   2. Wastewater charges shall not be payable in installments.
   3. Charges remaining unpaid for a period of twenty (20) days or more from the date of the wastewater utility bill shall be assessed a late payment penalty charge of three percent (3%) of the amount billed, in addition to all other charges, penalties or interest, when the delinquent charge is extended upon the tax roll.
   4. If a charge and/or late penalty remains unpaid for a period of twenty (20) days after the date of the utility bill, such charge and penalty shall become a lien upon the real property to which it applies, as provided in Sec. 66.0809 Wis. Stats., and other applicable provisions of the Wisconsin Statutes, as from time to time amended or renumbered.
   5. Delinquent charges and penalties shall be automatically extended upon the next available tax roll as a delinquent tax against the real property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges.
   6. The City reserves the right to disconnect services pursuant to Wisconsin Administrative Code PSC 185.37, Wis. Stats., as may be amended.

H. **Billing Schedule.** Billing intervals shall be established by the City. If it has been impossible to read the water meter and as a result been over-estimated, there shall be no rebate on the sewer bill. No credits shall be given on such estimated bills unless proof is submitted of correctable error and a solution is possible.

I. **Unknown Water Leaks.** If a leak unknown to the user is found in an appliance or the plumbing, the City use shall be adjusted based on the City's current leak adjustment policy. No such adjustment shall be made for sewer after the customer has been notified and has had an opportunity to correct the condition.

J. **Special Treatment Charges.** Each user which discharges wastewater other than domestic or discharges toxic pollutants which cause an increase in the cost of managing the collection or treatment systems as determined by the City shall pay for such increased costs.

K. **Distribution of Costs.** The costs of operation and maintenance of all flow not directly attributable to users, e.g., infiltration and inflow, shall be distributed among all users on the basis of the flow volume of users.

L. **Records.** The City shall keep the records necessary to comply with applicable state or federal requirements.

9.02.32 Use of the Sanitary Sewers

A. **Prohibited Discharge.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or any other unaltered water to any sanitary sewer.

B. **Authority to Restrict Industrial Wastewaters.** The City reserves the right to refuse or limit the amount or character of any or all industrial wastewaters from an industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the public sewer collection system. All users must meet City of La Crosse Sewerage rules, regulations, and ordinances for discharge to the La Crosse Wastewater Treatment Plant. The City of La Crosse has the authority to sample discharged sewerage.

C. **Prohibited Substances.** No person shall discharge or deposit or cause to allow to be discharged or deposited into the wastewater collection system any wastewater or substances which contain the following:

1. Liquids, solids or gases which, by reason of their nature or quantity, may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious to the wastewater collection system or personnel engaged in the operation, maintenance or repair or monitoring of the same. At no time shall two (2) successive readings on the explosion meter, at the point of discharge into the wastewater collection system, be more than five percent (5%) of the Lower Explosive Limit (LEL) of the meter nor shall any single reading exceed ten percent (10%) of the LEL.
2. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer require excessive cleaning or maintenance or otherwise interfere with the proper operation of the wastewater collection system.
3. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.
4. Noxious or malodorous solids, liquids or gases which either singly, or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into the wastewater collection system for the purpose of monitoring, maintenance or repair.
5. Any waste which will cause corrosion or deterioration of the collection system. All wastes discharged into the wastewater collection system must have a pH value in the range of six (6) to nine (9) standard units at the point of discharge into the wastewater collection system. Prohibited materials include, but are not limited to, compounds and substances which will react with water to form acidic or alkaline products.
6. Wastewater or materials containing fat, wax, oil or grease of a concentration exceeding one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between zero (0) and sixty-five (65) degrees Celsius [thirty-two (32) degrees F. and one hundred fifty (150) degrees F.] at the point of discharge into the wastewater collection system.
7. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater collection system or personnel engaged in the operation, maintenance or monitoring of the same.
8. Any wastewater or materials not removable by the wastewater treatment process which will cause discoloration of the wastewater treatment plant effluent or treatment residues.
9. Heated wastewater in amounts which will cause or is likely to cause deterioration or hazard to the wastewater collection system, personnel engaged in monitoring, maintenance or repair, or inhibit biological activity resulting in loss of treatment efficiency. In no case shall wastewater with a temperature exceeding forty (40) degrees Celsius [one hundred four (104) degrees F.] be introduced into the wastewater collection system.
10. Any unpolluted water, including, but not limited to, cooling water, rain water, storm water, river water or ground water which will increase the hydraulic load on the wastewater collection system, except in cases where no prudent and reasonable alternative exists as determined by the City.
11. Wastewater at a flow rate or containing such concentrations of pollutants released in a single extraordinary discharge episode such that would cause a wastewater collection system upset and subsequent loss of treatment efficiency or result in the accumulation or production of inert or biological sludges in excess of normal operating removal capability or adversely affect treatment residues, sludges or scums.
12. Wastewater discharges, except as authorized by the City, shall not contain in excess of the following:

Parameter	Limitation, Whichever is Greater (Maximum for any operating day)
Biochemical Oxygen Demand	500 mg/l or 500 lbs/day
Suspended Solids, Total	500 mg/l or 250 lbs/day

The City, upon review, may approve discharges in excess of the limits set forth providing that such discharge has little or no adverse impact on the wastewater treatment operation.

13. No holding tank wastes shall be discharged into the wastewater collection system unless a permit has been secured from the City or its representative. Unless allowed by the City under the terms and conditions of a permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, time of day discharge is to occur, the volume of the discharge and the wastewater origin, constituents and characteristics.
14. Fluid or solid substances in quantities or of such size or nature as to cause obstruction to the flow in sanitary sewers or other interference with the proper operation of the wastewater treatment plant such as, but not limited to, unground garbage, ashes, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups or milk containers, either whole or ground by garbage grinders, or any soluble substance that would create a viscosity of liquid greater than 1.1 in any portion of the treatment works.
15. Any fluid or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substances which exceed the limits which are established for such materials. Unless more restrictive limits are established by a state or federal regulatory agency having jurisdiction, the following concentrations in milligrams per liter (mg/1) shall not be exceeded on a grab sample basis:

Prohibited Substances	Concentration Limitations
Arsenic	0.50
Barium	4.00
Cadmium	0.01
Chromium	0.6
Copper	1.0
Cyanide	0.05
Lead	0.2
Mercury	0.002
Nickel	2.0
Selenium	0.004
Silver	0.1
Zinc	1.0

16. Any fluid of solid containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the City Engineer as necessary or as are established by the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters. Unless other limits are established by a state or federal regulatory agency having jurisdiction, the concentration of phenol shall not exceed 0.005 mg/1 on an instantaneous basis.
17. Any waste containing more than one hundred (100) mg/1 of antiseptic substances.
18. Materials which exert or cause:
    a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, clays, lime slurries and lime residues) or of dissolved solids detrimental to the treatment processes.
    b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions) or excessive odors.
    c. Unusual chemical oxygen demand or chlorine requirements in quantities in excess of that found in domestic sewage.
    d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 9.02.16.
    e. BODS in excess of five thousand (5,000) mg/1 on an instantaneous basis or five hundred (500) mg/1 on an average daily (work day) basis.
    f. Total solids in excess of twenty thousand (20,000) mg/1 on an instantaneous basis or two thousand (2,000) mg/1 on an average daily (work day) basis.

g. Suspended solids in excess of ten thousand (10,000) mg/1 on an instantaneous basis or one thousand (1,000) mg/1 on an average daily (work day) basis.

19. Fluids or solids containing substances which are not amenable to treatment by the sewage treatment processes employed or are untreatable to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction.
20. "Disposable" wipes and/or rags.

D. **Compliance Standards.** No person shall discharge or cause or allow to be discharged or deposited any waters or wastes that do not conform to the following:

1. Pretreatment standards established by the United States Environmental Protection Agency pursuant to Sections 307(b) and (c) of the Clean Water Act or standards established by the Wisconsin Department of Natural Resources. No sewage, water or waste, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards, the WPDES permit requirements or which may be determined by the City to be unduly harmful or deleterious to the wastewater collection system, environment, public health and welfare, or interfere with the operation of the system.

E. **Action Upon Prohibited Discharge.** If wastewaters containing any substances described in Subsection 9.02.32.C. are discharged or proposed to be discharged into the public sewer system of the City of Onalaska or any sewer system tributary thereto, the City and City Attorney may take any action necessary to:

1. Prohibit the discharge of such wastewater.
2. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Section.
3. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
4. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling and treating excess loads imposed on the treatment system.
5. Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Section.

F. **Discharge Permit.** New and existing industrial users subject to categorical standards or required to pretreat industrial wastes wishing to connect or continue discharging into any part of the Onalaska wastewater collection system must obtain a discharge permit therefor.

1. All of said industrial users connected to, proposing to connect to or discharging to any part of the City wastewater collection system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of enactment of any pretreatment standard applicable to the respective industrial category or subcategory under which said industrial user is classified.
2. Users seeking a wastewater discharge permit shall complete and file with the City an application on the form prescribed by the City and accompanied by the applicable fee as established in the City Fee Schedule. In support of this application, the user shall submit the following information:
   a. Name, address and SIC number of applicant;
   b. Volume of wastewater to be discharged;
   c. Wastewater constituents and characteristics including, but not limited to, those set forth in Section 9.02.32.C. of this Title as determined by a reliable analytical laboratory;
   d. Time and duration of discharge; and
   e. Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
   f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
   g. Description of activities, facilities and plant processes on the premises, including all materials and types of materials which are, or could be, discharged.
   h. Each product produced by type, amount and rate of production.
   i. Number and type of employees and hours of work.
   j. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

   The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided therein.

G. **Permit Conditions.**

1. Wastewater discharge permits shall be expressly subject to all provisions of this Section and all other regulations and fees established by the City. The conditions of the wastewater discharge

permits shall be uniformly enforced in accordance with this Section and applicable state and federal regulations. Permit conditions will include the following:

a. The average and maximum wastewater constituents and characteristics.
b. Limits on rate and time of discharge or requirements for flow regulation and equalization.
c. Requirements for installation of inspection and sampling facilities and specifications for monitoring programs.
d. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.
e. Daily average and daily maximum discharge rates or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.
f. Compliance schedules.
g. Other conditions to ensure compliance with this Section.

2. Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period of less than one (1) year or stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit, as limitations or requirements as identified in Subsection 9.02.32.C. are modified and changed. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions shall include reasonable time schedule for compliance.
3. Wastewater discharge permits are issued to a specific user for specific process or operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation or process.
4. Any user who violates the following conditions of their permit or of this Section or of applicable state and federal regulations is subject to having their permit revoked. Violations subjecting a user to possible permit revocation include, but are not limited to, the following:
   a. Failure of a user to accurately report the wastewater constituents and characteristics of their discharge;
   b. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
   c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
   d. Violation of conditions of the permit.
5. Permit fees shall be established by the City to provide revenues for the costs associated with the administration and compliance monitoring of the industrial pretreatment program and are found in the City Fee Schedule. The fees provide only for the direct cost of industrial monitoring and administration and do not provide for the recovery of operations, maintenance and repairs or replacement costs of the wastewater treatment system. Permit fees, at intervals of no less than one (1) year, shall be evaluated and amended as necessary to reflect current costs. Permit fee schedules shall be available from the City.

H. **Preconstruction Approval.** Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater collection system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the City for review and approval at least sixty (60) days prior to initiation of construction. Such approval shall not exempt the applicant from compliance with any applicable code, ordinance, rule, regulation or order from any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior to approval of the City.

I. **Proper Maintenance of Pretreatment Facilities.** If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at their cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

J. **Inspections and Sampling.** Whenever it shall be necessary for the purposes of these rules and regulations, the City or duly appointed representatives, upon presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

1. Copying any records required to be kept under the provisions of this Section.
2. Inspecting any monitoring equipment or method.
3. Sampling any discharge of wastewater to the wastewater collection system.

The City, or said representatives, may enter upon the property at any hour under emergency circumstances.

K. **Accidental Discharge Protection.** Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Section. Facilities to prevent

accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review at least sixty (60) days prior to the construction of the facility. Review and approval of such plans shall not relieve the industrial user from the responsibility to modify their facility as necessary to meet the requirements of this Section.

L. **Notification of Accidental Discharge.** If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitation in this Section, the facility responsible for such discharge shall immediately notify the City so that corrective action may be taken to protect the wastewater collection system. In addition, a written report addressed to the City detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.

M. **Discharge Reports.**
   1. Every industrial user subject to categorical standards or required to pre-treat industrial waste shall file periodic self-monitoring discharge reports at such intervals as are designated by the City. The City may require any other industrial users discharging into the wastewater collection system to file such periodic self-monitoring reports depending upon the volume and character of discharge. The self-monitoring report shall include, but, in the discretion of the City, shall not be limited to:
      a. Nature of process;
      b. Volume and rates of flow;
      c. Mass emission rate of pollutants;
      d. Production quantities;
      e. Hours of operation; and
      f. Concentrations of controlled pollutants or other information which relate to the generation of waste.
   2. Such reports may also include the chemical constituents and quantity of liquid materials stored onsite even though they are not normally discharged.

Division 4 Charges for Service Areas

9.02.41 Sewer Installation Charges in Greens Coulee Service Area

A. Install sanitary sewers of the diameter(s) set forth in Appendix A, on file with the City Engineer, ranging from eight (8) inch diameter sewers to eighteen (18) inch diameter sewers; and
B. Pay to the City, prior to final ratification of the plat, the sum of Two Thousand Two Hundred and Sixteen Dollars ($2,216.00) per acre
C. Assume the cost of installing all such sanitary sewers ten (10) inches in diameter in size. If greater than ten (10) inch diameter sewers are required to handle the contemplated sewerage flows as set forth in Appendix A, on file with the City Engineer, the City shall reimburse the developer for the cost difference between ten (10) inch pipe material and the larger pipe materials required. No sums will be reimbursed by the City for installation.
D. The Green Coulee service area consists of those lands designated on the map which is designated as Appendix A of this Section and which is on file with the City Engineer and incorporated herein.
E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.42 North Abbey Road Zone Charges

A. Refer to Section 9.01.61. for applicable charges.

9.02.43 Crestwood Lane Zone Charges

A. Refer to Section 9.01.62. for applicable charges.

9.02.44 Sewer Connection Charges for East Avenue Service Area

A. For connection of any lands within the East Avenue service area to the sewer mains of the City of Onalaska, the owner(s) of such lands(s) shall pay to the City Clerk of the City of Onalaska a connection charge.
B. The amount of the connection charge shall be One Thousand Two Hundred and Four Dollars ($1,204.00) per acre.
C. Owners of land(s) served with sanitary sewer laterals must pay the connection charges required herein within one (1) year after installation of the laterals or upon issuance of a plumbing permit for said land(s), lot(s) and/or parcel(s), whichever occurs first.

D. The East Avenue service area consists of those lands designated in the map which is marked as Exhibit A and is attached and incorporated into Ordinance No. 596 87, on file with the City Clerk.

E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.45 Sewer Connection for Pralle Annexation Service Area

A. Upon connection of any lands within the Pralle annexation service area to the sewer mains to the City of Onalaska, the owner(s) of such land(s) shall pay to the Finance Director of the City of Onalaska a connection charge.

B. The amount of the connection charge shall be Seven Hundred and Ninety-Five Dollars ($795.00) per connection.

C. Owners of land(s) served with sanitary sewer laterals must pay the connection charge required herein within one (1) year after installation of the laterals or upon issuance of a plumbing permit for said land(s), lot(s) and/or parcel(s), whichever occurs first.

D. The Pralle annexation service area consists of those lands designated in the map which is denominated as Exhibit A and is attached to and incorporated into this Section by Ordinance No. 943 97. A copy of such map is on file with the City Engineer.

E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.46 Sewer Connection Charges for US Hwy 16 Service Area

A. For connection of any lands within the U.S. Hwy 16 service area to the sewer mains of the City of Onalaska, the owner(s) of such land(s) shall pay to the City Clerk of the City of Onalaska a connection charge.

B. The amount of the connection charge shall be Eight Hundred Eighty-Seven Dollars ($887.00) per acre.

C. The connection charge shall be calculated by multiplying the total acres of land within the U.S. Hwy 16 service area owned by any person(s) or business (es) by Eight Hundred Eighty-Seven Dollars ($887.00) per acre. Provided, however, that if any portion of said acreage has been separated from the total acreage by certified survey or plat, the connection charge shall be calculated by multiplying the acreage of such survey of platted lot/parcel by Eight Hundred Eighty-Seven Dollars ($887.00) per acre.

D. Owners of land(s) served with sanitary sewer laterals must pay the connection charges required herein within one (1) year installation of the laterals or upon issuance of a plumbing permit for said land(s), lots(s), and/or parcel(s), whichever occurs first.

E. The U.S. Hwy 16 service area consists of those lands designated in the map which is marked as Exhibit A and is attached and incorporated into Ordinance No. 596 87, on file with the City Engineer.

F. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.47 Connection Charges

A. In addition to the foregoing, there shall be a connection charge of Twenty Dollars ($20.00) per dwelling unit or commercial establishment for connection to the sanitary sewer system comprising Area A on attached Exhibit A which is incorporated herein. There shall be a connection charge of Thirty Eight Dollars ($38.00) per dwelling unit or commercial establishment for connection to the sanitary sewer system comprising Area B on said attached Exhibit A. Each of said charges shall be in addition to the various fixture charges and permit charges and shall be payable at the time application for the permit is made, whether it be to the public sewer system or water system, when applicable. Said connection charges shall be adjusted annually with the first adjustment being made as of January 1, 2002. The adjustment will be calculated by multiplying the connection charge by the percentage change in the Consumer Price Index for La Crosse County from January 1, 2001 to the date of connection or payment of the connection charge whichever is later. Said resulting amount shall be added to the connection charge to arrive at a total connection charge.

9.02.48 Sewer Connection Charges for New Connections

A. La Crosse Treatment Plant Charges shall be as set forth in the current (or where no current agreement exists in the most recent) executed Sewer Agreement between the City of Onalaska and City of La Crosse

Division 5 Penalties and Legal Remedies

9.02.51 Penalties and Legal Remedies

A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars ($200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars ($500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars ($1,000.00).

B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.

C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

Chapter 03 Stormwater Utility

Division 1 Authority

9.03.11 Purpose and Necessity

A. The Common Council of the City of Onalaska hereby find that the management of stormwater and other surface water discharges within and beyond La Crosse River, Mississippi River, Black River, Half Way Creek, and other bodies of water within the City is a matter that affects the health, safety and welfare of the City, its citizens and businesses and others in the surrounding area. All real property in the City, including property owned by public and tax-exempt entities contributes runoff and either uses or benefits from the stormwater system.

B. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause nonpoint source pollution, erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams and other bodies of water within and adjacent to the City. A system for the collection and disposal of stormwater provides services to all properties within the City of Onalaska and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the City stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Common Council hereby exercises its authority to establish a Stormwater Utility and establish the rates for stormwater management services.

C. In promulgating the regulations contained in this Section, the City is acting pursuant to authority granted by Ch. 62 and 66, including, but not limited to, Sec. 62.04, 62.11, 62.16, 62.18, 66.0101, 66.0621, 66.0801, 66.0811, 66.0813, 66.0703, and 66.0627, Wis. Stats.

9.03.12 Creation

A. There is hereby created and established a Stormwater Utility within the City of Onalaska, effective January 1, 2010. The entire operation, charge and management of the Stormwater Utility is vested in the City Engineer, subject, however, to the general control and supervision of the Common Council, pursuant to applicable State law.

9.03.13 Authority

A. The City, acting through the Stormwater Utility, may, without limitation due to enumeration, acquire by gift, purchase, eminent domain, condemnation or otherwise, construct, lease, own, operate, maintain, improve, update, modify, extend, expand, replace, clean, dredge, repair, conduct, manage, finance, borrow monies, assess and/or levy fees for such facilities, operations, maintenance and activities as are deemed, from time to time, by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to

enumeration, surface and underground drainage facilities, inlets, manholes, sewers, channels, ditches, retention and detention basins, infiltration facilities, retaining walls, streets, roads, natural drainageways, and such other facilities as will support a stormwater management system.

Division 2 Billing and Rates

9.03.21 Income and Revenue

A. The Stormwater Utility finances shall be accounted for in a separate Stormwater Utility Enterprise Fund by the City. All income and revenues shall be retained by the Stormwater Utility Enterprise Fund. The Stormwater Utility shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the Stormwater Utility. The annual budget is subject to approval by the Common Council.

9.03.22 Rates and Charges

A. Every person shall pay the applicable Onalaska stormwater service charge when due for each property by that person.

B. The basis for computations of the charge for stormwater services to lots and parcels of land within the City is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer classifications shall be consistent with this Section. Each year the Common Council shall determine the value of one (1) ERU based upon the applicable year's adopted City Budget and this Section, and shall certify such value to the City Clerk/Treasurer and Common Council. All charges established pursuant to this Section shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the Department of Public Works.

C. Charges shall be imposed to recover all or a portion of the costs of the Stormwater Utility. Such charges may include, but are not limited to, the following components:
   1. **Base Component.** The Base Component shall include the Stormwater Utility's estimated annual administrative and management costs, water quality costs, and other costs not in the components described below. The Base Rate shall be calculated by taking the sum of all Base Component costs and dividing that by the estimated number of billable ERUs.
   2. **Operations and Maintenance Component.** Operation and Maintenance Component shall include the Stormwater Utility's estimated annual operation and maintenance costs for the City's stormwater management system. The Operation and Maintenance Rate shall be determined by:
      a. Taking the sum of all Operation and Maintenance Component costs,
      b. Dividing that amount by the ERUs remaining after the ERUs that the City, upon user application, has determined need not pay Operation and Maintenance Component costs; and
      c. Making appropriate adjustments to the Rate to account for factors such as changes in stormwater reserves.
   3. **Capital and Debt Service Component.** Capital and Debt Service Component cost shall include the capital costs and debt service payments for the City's stormwater conveyance system, including retention and detention facilities. The Capital and Debt Service Rate shall be determined by:
      a. Taking the sum of all Capital and Debt Service Component costs,
      b. Dividing that amount by the ERUs remaining after the ERUs which the City, upon user application, has determined need not pay Capital and Debt Service Component costs, and
      c. Making appropriate adjustments to the Rate to account for factors such as changes in stormwater reserves.

D. Credits or adjustments may be available to individual property owners in the nonresidential and multifamily customer classes. It shall be the burden of the property owner to request such a credit and to demonstrate that the property owner has met the requirements as listed in the Stormwater Utility Credit Policy to a reasonable degree of certainty with evidence that a fee adjustment is warranted. The credits or adjustments shall be applied to the Operation and Maintenance Component Costs and the Capital and Debt Service Component Costs. The Base Component shall be charged to all properties regardless of credits unless the property is regulated by a separate municipal Stormwater Discharge Permit (WPDES). The Stormwater Utility Credit Policy, as issued by the City of Onalaska Common Council, shall be applied to all credit applications. All applications for credit or adjustments shall be reviewed by the City Engineer and the City Engineer may reduce the measured impervious area after taking into consideration the demonstrated reduction in stormwater volume. Credits or adjustments may be applied to applicable properties based upon the following criteria:
   1. An adjustment may be applicable if some or all of a customer's property provided:

a. Stormwater runoff from the property does not discharge directly or indirectly to or through any form of conveyance system owned or operated by the Stormwater Utility; and
b. The drainage from the property is not in violation of any environmental code or Federal, State or local surface water drainage requirements.

2. Credits may be granted to owners of properties who have significantly reduced the impacts of stormwater discharge or stormwater quality to the stormwater utility system. Owners of property which discharge all or a portion of their stormwater into privately owned and maintained retention and detention ponds shall receive a prorated credit to the number of ERUs assigned to their property as outlined in the Stormwater Utility Credit Policy. No owner may be given a credit in excess of fifty percent (50%) of their total number of ERUs for the operation and maintenance component and capital and debt service component.
3. Prior to receiving a credit or adjustment, the City Engineer or designee shall be allowed access to the property to determine the amount of credit or exemption to be granted.

9.03.23 New Construction

A. A property owner shall be responsible for timely submitting a fully completed and accurate stormwater utility service application at the time a building permit is issued or a site plan review is conducted. The application shall be made on a form prescribed by the City and provided with each application for a building permit or application for site plan review. Failure to submit such stormwater utility service application or providing false information on such form shall constitute a violation of this Section. The implementation of stormwater charges shall commence as set forth in this Section.

9.03.24 Billing

A. The Stormwater Utility billing schedule shall be set by the Utility Committee and approved by the Common Council.

9.03.25 Payment of Charge; Lien; Penalty

A. Stormwater Utility charges shall be payable upon receipt, subject to the provisions of this Section.
B. Stormwater Utility charges shall not be payable in installments.
C. Charges remaining unpaid for a period of twenty (20) days or more from the date of the utility bill shall be assessed a late payment penalty charge of three percent (3%) of the amount billed, in addition to all other charges, penalties or interest, when the delinquent charge is extended upon the tax roll.
D. If a charge and/or late penalty remains unpaid for a period of twenty (20) days after the date of the utility bill, such charge and penalty shall become a lien upon the real property to which it applies, as provided in Sec. 66.0821 and 66.0809, Wis. Stats., and other applicable provisions of the Wisconsin Statutes, as from time to time amended or renumbered.
E. Delinquent charges and penalties shall be automatically extended upon the next available tax roll as a delinquent tax against the real property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges.

9.03.26 Assets and Outstanding Debt

A. The land rights and improvements of the City, or such rights determined to exist, for the following components of the public stormwater system are hereby transferred to the land assets of the Onalaska Stormwater Utility.
   1. Stormwater sewers;
   2. Inlets, catch basins, retention ponds and related stormwater control features;
   3. Access structures;
   4. Drainageways;
   5. Greeways; and
   6. Fees collected for stormwater management and fees collected in lieu of land dedication.
B. Upon adoption of this ordinance codified in this chapter, the Stormwater Utility shall assume any future debt obligation for stormwater drainage and quality control purposes.

Division 3 Customer Classifications

9.03.31 Customer Classes

A. For the purposes of imposing the Stormwater Utility charge, all lots and parcels within the City are classified into the following customer classes:
   1. Residential-single family;
   2. Residential-duplex;

3. Multi-family: (including apartments greater than or equal to three (3) Units, Condominiums, and Mobile Homes)
4. Commercial;
5. Industrial;
6. Governmental; and
7. Undeveloped and Agricultural.

B. The City Engineer shall prepare and maintain an updated current list of all lots and parcels of real property (land) within the City of Onalaska and assign the appropriate customer classification to each customer account. This list shall include the number of ERUs assigned to each customer account.

C. The average square footage of impervious area of the ERU as of the date of adoption of this Section is hereby established to be equivalent to three thousand eight hundred eighty-eight (3,888) square feet.

D. The ERU charges for the foregoing customer classifications shall be established as follows:
1. Residential-single family: One (1.0) ERU;
2. Residential-duplex: One-half (0.5) ERU multiplied by each dwelling unit;
3. Multi-family: (including apartments greater than or equal to three (3) Units, Condominiums, and Mobile Homes). The charge per unit shall be calculated by dividing the number of ERUs calculated for the entire property by the number of units existing on the property.
4. Commercial: One (1) ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one (1) ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1);
5. Industrial: One (1) ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one (1) ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1);
6. Governmental: One (1) ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one (1) ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1); and
7. Undeveloped and Agricultural: No stormwater charge shall be assigned to undeveloped or agricultural land.

E. The City Engineer shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant, or developer. The billing amount shall be updated by the City Engineer based on any additions to the impervious area as approved through the building permit or site plan process. Individual property owners may submit site and building surveys to the City Engineer that help more accurately determine the total area and impervious area.

F. The minimum charges for any parcel shall be equal to the rate for four tenths (0.4) ERU, unless it contains no impervious surface.

G. All unoccupied developed lots and parcels with impervious surfaces shall be subject to a stormwater utility charge.

H. The Common Council, from time to time, by budget adoption may establish classifications other than the customer classifications set forth in this Section, as may be likely to provide a reasonable and fair distribution of the costs of the stormwater utility to all users.

Division 4 Administration

9.03.41 Appeals

A. The amount of a particular stormwater utility charge may be appealed to the City Engineer by filing a written appeal with the City Clerk/Treasurer prior to the due date of the charge or within thirty (30) days of payment. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers to be inappropriate. Failure to timely appeal waives all rights to later challenge the charge.

B. In considering an appeal, the City Engineer shall determine whether the stormwater utility charge is fair and reasonable under the particular facts and circumstances pertaining to that specific property and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The City Engineer shall notify the appellant in writing of their determination.

C. The customer has thirty (30) days from the date of the written decision of the City Engineer to file a written appeal with the Board of Public Works.

D. If the Board of Public Works determines that a refund is due the customer, the refund will be applied as a credit towards the customer's next stormwater billing charge, if the refund will not exceed the

customer's next stormwater billing charge, or it may be refunded at the discretion of the Board of Public Works.

9.03.42 Alternative Method to Collect Stormwater Charges

A. The Common Council hereby find and determine that the stormwater utility charges established under this Section reasonably reflect the services rendered to real property and may be, and are hereby authorized to be, assessed, charged, levied, imposed and collected upon property as a special charge in accord with all applicable Wisconsin Statutes.

B. The mailing of the bill for stormwater utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being levied upon the owner's applicable real property.

C. In addition, the City may provide notice each October of any unpaid charges to the Stormwater Utility and such charges, if not paid by November 15, may be placed upon the tax roll and collected in the manner provided by this Section and/or the applicable provisions of the Wisconsin Statutes. The collection method provided in this section is in addition to the collection method provided for in this Section.

9.03.42 Conflict with Other Ordinances, Laws

A. In the event of any conflict between any provision set forth in this Section and any other City ordinance, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.

9.03.43 Definitions

A. For purposes of this Section, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive.

1. **Charge.** The periodic or other fee imposed under this Section for the rendering of stormwater utility services by the City.
2. **City Engineer.** The City Engineer or designee.
3. **Common Council.** The Common Council of the City of Onalaska.
4. **Equivalent Runoff Unit (ERU).** The basic unit by which a storm sewer charge is calculated under this Section and is based upon the impervious area reasonably determined by the City. The term "ERU" means the statistical average of horizontal impervious area of single family homes and duplexes within the City of Onalaska on the date of adoption of this Section.
5. **Impervious area.** A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, loading docks and sidewalks, and semi-impervious surfaces such as compacted gravel, all as measured on a horizontal plane.
6. **Duplex.** Any residential property having two (2) dwelling units.
7. **Dwelling unit.** A room or group of rooms including cooking accommodations, occupied by one (1) family, and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one (1) time.
8. **Multifamily Unit.** Any residential property comprised of three (3) or more dwelling units, including condominiums and manufactured homes.
9. **Non-residential Property.** A lot or parcel of land, with improvements such as a building, structure, grading or substantial landscaping, which is not residential property, excluding publicly-owned rights of way, recreational trails, and publicly-owned or privately-owned rail beds utilized for railroad transportation.
10. **Person.** Each and every property owner and includes, but is not limited to, natural persons, partnerships, corporations, limited liability companies, limited liability partnerships, joint ventures, and all other legal entities of whatever kind or nature.
11. **Residential Property.** A lot or parcel of land developed exclusively for residential purposes, including single-family units, duplexes, and multifamily units. The term includes condominiums and manufactured homes.
12. **Single Family Unit.** Any residential property consisting of one (1) dwelling unit.
13. **Stormwater Utility.** The City owned and operated utility established under this Section for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.
14. **Undeveloped Property.** Real property that is not developed by the addition of an improvement such as a building, structure, grading or substantial landscaping. A property shall be considered to be developed if:

a. A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
b. Construction of an improvement on the property is at least fifty percent (50%) completed and such construction has ceased for a period of at least three (3) months, whether consecutive or not.

9.03.44 Severability

A. Should any word, phrase, clause, sentence, paragraph, or portion of this Section be declared to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of this Section as a whole, but shall only affect the portion thereof declared to be invalid; and the City Common Council hereby expressly states and declares that it would nonetheless have passed this Section known that any such word, phrase, clause, sentence, paragraph or portion of said Section were invalid.

Division 5 Penalties and Legal Remedies

9.03.51 Penalties and Legal Remedies

A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars ($200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars ($500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars ($1,000.00).
B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.
C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

Chapter 04 Private and Special Franchises

Division 1 Video and Cable Television Service Providers

9.04.11 General Provisions

A. The provisions of Sec. 66.0420, Wis. Stats. are hereby incorporated as though fully set forth herein. The additional provisions of this Section supplement those provisions of the state statutes and constitute and expression of the City's home rule authority. Any person who owns, leases, operates, controls, constructs or maintains a video service or cable television service shall comply at all times with the provisions herein when constructing, operating or maintaining a video service or cable television service in the City.

9.04.12 Definitions.

A. The terms used in this Section shall have the same meaning as those terms are defined in Sec. 66.0420(2) Wis. Stats. which is incorporated by reference as though fully set forth herein.

9.04.13 Video Service Provider Fee and PEG Channel Monetary Support

A. **Video Service Provider Fee.** Vide Service Providers and Cable Operators shall pay, in addition to the PEG Support Fee set forth in 9.04.14 below, a Video Service Provider Fee to the City in an amount set forth in the City Fee Schedule.
B. **Public Educational and Governmental (PEG) Channel Monetary Support.** Video Service Providers and Cable Operators may be required to pay, in addition to the Video Service Provider Fee set forth in Subsection A. above, a monthly fee of Twenty-Five Cents ($ .25) per subscriber, which payment shall be used to fund PEG access related external costs. The allocation of the PEG Channel Monetary Support fee between public access and government access activities or channels shall be

at the sole discretion of the City and which allocation the City may alter at any time and without notice. The City shall establish such fee by ordinance and shall provide no less than one-hundred eighty (180) days written notice before such fee may be collected.

C. **Supporting Documentation.** Payment of the fees set forth in this Section shall be accompanied by documentation verified by an agent or officer with the authority to legally bind the provider that is sufficient for the City to verify the accuracy of the fees being paid by the provider. The failure to provide such documentation shall subject the provider to a forfeiture of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) per day until such time as documentation is provided to the City.

9.04.14 PEG Channel Requirements

A. **Number of PEG Channels.** Video Service Providers and Cable Operators shall provide capacity for up to three (3) PEG channels.

B. **Location of PEG Channels.** PEG channels must be carried on any service tier that is viewed by more than fifty percent (50%) of the video service provider's or cable operator's customers. Video service providers or cable operators may not charge an extra fee nor require the rental of special equipment in order for their customers to view such PEG channels if such fees or equipment are not required to view any of the non-PEG channels on such service tiers.

C. **Quality of PEG Channels.** Video Service Providers and Cable Operators shall not early a PEG television signal in a lesser format or lower resolution than that afforded to a non-broadcast digital programmer carried on the video or cable system. The signal quality of PEG channels shall be indistinguishable or better than the signal of other non-PEG channels carried by the video service provider or cable operator.

D. **Origination Points.** Video service providers and cable operators shall supply and maintain upstream capacity from all origination points (a/k/a "live drops") as the City may identify and shall provide sufficient capacity for carriage of a television signal from each of these origination points at all times.

E. **Substantial Utilization of PEG Channels and PEG Programming.**

1. **Procedures for Disconnection Due to Failure to Substantially Utilize PEG Channel.**

   a. **Written Notice of Objection to Program as Not Locally Produced.** A Video Service Provider or Cable Operator must provide written notice to the PEG Channel Director within ten days of the first or original airing of any program that the Video Service Provider or Cable Operator is objecting to the program as having not been locally produced. Such notice shall describe with particularity the program being objected to, the date and time the program was first aired and the factual basis supporting the objection. Failure to timely provide this notice waives the objection and therefore, such program will be counted towards the determination of whether said PEG channel is being substantially utilized.

   b. **Written Notification of Failure to Substantially Utilize Channel.** A Video Service Provider or Cable Operator must provide written notification to any PEG channel Director within 10 days following any week in which the Video Service Provider or Cable Operator objects that the PEG Channel has not been substantially utilized. Such notice shall describe with particularity the time period being objected to, the dates and times during the week in which qualifying programming was not aired and the factual basis supporting the objection. Failure to timely provide this notice waives this objection and, therefore, such programming period will be counted towards the determination of whether said PEG channel is being substantially utilized.

   c. **Written Notification of Intention to Disconnect, Reprogram or Drop PEG Channel.** A Video Service Provider or Cable Operator must provide 120 Days advance written notification to any PEG channel Director that the Video Service Provider or Cable Operator intends to disconnect, reprogram or drop. A video Service Provider or Cable Operator may not disconnect, reprogram or drop any PEG channel that it has not timely provided with such written notice. Furthermore, should any PEG channel Director provide the Video Service Provider or Cable Operator with a written response that the PEG channel was substantially utilized during the time period in question or will be substantially utilized by the municipality, the video service provider or cable operator shall not disconnect, reprogram or drop the PEG channel.

   d. **Penalty for Failing to Provide Notice.** If any Video Service Provider or Cable Operator disconnects, reprograms or drops any PEG Channels without providing notice as required in subs. a. through c. above, the video service provider or cable operator shall be subject to the following:

      i. Immediate reinstatement of the PEG channel to its location in the channel line-up prior to the disconnection, reprogramming or dropping of the channel.

ii. A forfeiture of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00) for each day that the PEG channel is disconnected, reprogrammed or dropped.

2. **Locally Produced Programming.** "Locally produced programming" shall include all programming produced by any PEG channel and shall include all programming that has not been commercially aired as well as any program that was in part produced for original airing in the broadcast market in which it was produced either in part or in whole. The term "locally produced" shall not require that the programming was created, filmed or produced in the Onalaska or La Crosse county area. PEG stations may share and exchange programming content in order to meet the substantial utilization requirements of Wis. Stats. § 66.0420(5)(b).

F. **Underwriting of Programming.** PEG channels may transmit non-commercial programming to subscribers generally or to specific recipients of video service providers or cable operators. Nothing herein shall in anyway prohibit or prevent PEG channels from accepting grants or sponsorships in support of such programming nor shall PEG channels be prohibited from acknowledging such grants or sponsorships before, during or immediately after such PEG programming has been broadcast in such a manner that is similar to the manner in which the Public Broadcasting System (PBS) acknowledges the substantially similar support of its programming content. Such acknowledgements shall comply with the requirements of 47 USC § 399b as though the PEG channel were a public broadcast station.

G. **Notice of Intention to Move PEG Channel Locations or Designation.** Any Video Service Provider or Cable Operator who intends to move any PEG Channel from the channel designations in effect at the time this ordinance is enacted may only make such a change after providing 60 days' advance written notice to the affected PEG channel. Additionally, such Video Service Provider or Cable Operator shall engage in a public education program of such intensity and duration as to reasonably inform the general public of the proposed PEG channel designations.

9.04.15 Police Powers, Design and Construction Standards and Right of Ways

A. **Subject to Police Powers.** Video Service Providers and Cable Operators are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety, health and welfare of the public. The grant of a statewide video or cable franchise, does not render or to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Wisconsin to regulate the use of streets and public ways or to regulate any matter affecting the safety, health and welfare of the public. The City shall make the video service providers' and cable operators' history of compliance with such codes and ordinances available to the Department of Financial Institutions so that the Department may determine the provider or operators legal, financial and technical qualifications to provide video services.

Division 2 Private and Special Franchise Ordinances

9.04.21 Ordinances

A. The following ordinances shall be known as private and special franchise ordinances and shall not be printed in full in the Code of Ordinances of the City of Onalaska but shall be adopted by reference and referred thereto as follows:

1. Franchise to Northern States Power Company under Section 182.017(7) of the Statutes for Operation of Gas Utility Within the City. (Ord. 148.)
2. Franchise to Northern States Power Company under Section 182.017(7) of the Statutes for Electrical Transmission Line. (Ord. 149.)
3. Franchise to La Crosse Water Power Company (now Mississippi Valley Public Service Company) for Operation of Electrical Utilities and Construction and Maintenance of Electrical Lines. (Ord. 41), (Res. No. 5), (Ord. 82), (Ord. 153).
4. Permission to the La Crosse Telephone Company to Erect and Maintain a Line of Telephone Poles in the City of Onalaska. (Ord. 25.)
5. Permission Granted to the C B & Q Railroad Company the Right to Lay Track and Other Rights and Privileges. (Ord. 34.)
6. Permission Granted to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company the Right to Lay Track and Other Rights and Privileges. (Ord. 39.)

Division 3 Penalties and Legal Remedies

9.04.31 Penalties and Legal Remedies

A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars ($200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars ($500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars ($1,000.00).

B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.

C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___day of _____, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1668 – 2020 **Please route in this order**

Eric Rindfleisch, Administrator _____
(signature)

☑ No Fiscal Impact

☐ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer _____ 2-26-2020
(signature)

☐ No Fiscal Impact

☒ Budgeted Item

☐ Will need $_____ for _____ to meet the requirements of this ordinance.

Chapter 9 Penalties and Legal Remedies

Division 1 Penalties and Legal Remedies

06.09.01 Penalties and Legal Remedies

A. **General.** Any person who violates any provision of this Title, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars ($200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars ($500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars ($1,000.00).

B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.

C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.