AMENDED

City of Onalaska Meeting Notice

COMMITTEE/BOARD: Common Council

DATE OF MEETING: March 10, 2020 (Tuesday)

PLACE OF MEETING: City Hall – 415 Main Street (Common Council Chambers)

TIME OF MEETING: 7:00 P.M.

PURPOSE OF MEETING

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Rules of the City of Onalaska Common Council and its Sub Committees – Harassment Free Forum
4. **PUBLIC INPUT: (limited to 3 minutes / individual)**
5. **REPORT FROM THE MAYOR:**
   A. Fleis Nightfall Frolic 5K Run / Walk on Friday, April 17, 2020. Youth race starts at 6:30 p.m. and the 5K at starts at 7:00 p.m.
   B. 9th Annual Firehouse 5K Run / Walk on Saturday, April 11, 2020 at 8:00 a.m.
   C. Onalaska Area Historical Society event featuring Nancy Tolvstad's photos and books March 13-14, 2020
   D. Library Statistics and upcoming events
   E. Update on 2020 Census

RECOMMENDATIONS FOR APPROVAL AND/OR POSSIBLE ACTION FROM THE FOLLOWING COMMITTEES/COMMISSIONS BOARDS:

All items listed under the consent agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member requests removal, in which event the item will be removed from the consent agenda and considered in the order of business in the non-consent agenda.

6. **Consent Agenda**
   A. Approval of minutes from the previous meeting(s)

NOTICES MAILED TO:

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

*Committee Members

Date Mailed & Posted: 3-6-2020

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

FINANCE COMMITTEE

B. Approve 2020 Omni Center Financials
C. Approve 2020 General Fund Financials
D. Authorization to set aside $20,000 annually in a Depreciation Fund for the Storm Water Utility with a maximum cap of $400,000

PERSONNEL COMMITTEE

E. Approval of out of state travel for Jim Netwal and Jarod Benson to attend FDIC (Fire Department Instructor Conference) Hands-On Training Evolutions with full conference in Indianapolis, IN from April 23-24, 2020
F. Approval of authorization to fill positions:
    1. Full-Time Firefighter / EMT
    2. Part-time Community Risk Reduction and Outreach Specialist
    3. Part-time Office Clerical Support – Inspection
G. Approval of new part-time job descriptions:
    1. Community Risk Reduction and Outreach Specialist
    2. Office Clerical Support - Inspection

JUDICIARY COMMITTEE

H. Approval of **Ordinance 1661-2020** to amend Title 13 of the Code of Ordinances of the City of Onalaska relating to Zoning. (https://tinyurl.com/OnalaskaUDC-FinalDraft)
I. Approval of **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
J. Approval of **Ordinance 1663-2020** to delete Title 8 of the Code of Ordinances of the City of Onalaska relating to Health and Sanitation
K. Approval of **Ordinance 1664-2020** to amend Title 15 of the Code of Ordinances of the City of Onalaska relating to Building Codes.
L. Approval of **Ordinance 1665-2020** to delete Chapter 6 of Title 11 of the Code of Ordinances of the City of Onalaska relating to Public Nuisances.
M. Approval of **Ordinance 1666-2020** to amend Title 16 of the Code of Ordinances of the City of Onalaska relating to Property Maintenance.
N. Approval of **Ordinance 1667-2020** to amend Title 6 of the Code of Ordinances of the City of Onalaska relating to Public Works
O. Approval of **Ordinance 1668-2020** to amend Title 9 of the Code of Ordinances of the City of Onalaska relating to Public Utilities

ADMINISTRATIVE COMMITTEE

P. Approval of Operator's Licenses as listed on report dated March 4, 2020
Q. Approval of special events permit for:
    1. Fleis Nightfall Frolic on Friday, April 17, 2020 from approximately 5:30-8 p.m. at Rowe Park
    2. Carry the Load's National Relay on Saturday, May 2, 2020 from approximately 5-7 p.m. along the sidewalks through the City of Onalaska
    3. American Legion Riders District 7 Legacy Run, Saturday, June 20, 2020 starting from La Crosse Area Harley Davidson, 1116 Oak Forest Drive, Onalaska
    4. Onalaska Community Days, June 19-20, 2020 at the American Legion, 731 Sand Lake Road, Onalaska
R. Approval of change of agent for Crooked Pint Ale House, 9348 State Road 16, Onalaska to Jarrod Byers
S. 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
T. 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 11:30 p.m. each evening

BOARD OF PUBLIC WORKS

U. Approval of sale of merchandise on city right of way at 213 Main Street on April 3rd and 4th, 2020
V. Approval of Recycling Compliance Assurance Plan
W. Approval of 2020 Urban Forestry Project bid to Hoffman & McNamara in the amount of $91,933
X. Approval of 2020 Miscellaneous Concrete Project bid to Steiger Construction in the amount of $84,612.50
Y. Approval of professional services for corrosion control study within water system by Process Research Solutions not to exceed $12,000
Z. Approval of professional services for Well #8 and Well #9 rehabilitation and water system testing by Water Quality Investigations not to exceed $25,000
AA. Approval of Task Order Number 20–02 for Supervisory Control and Data Acquisition (SCADA) Programing modifications by Strand Associates for 6th & Quincy lift station not to exceed $7,400
BB. Approval of participating in Grow Solar La Crosse Project at no cost to the City of Onalaska
CC. Approval of purchasing Fire Department one hundred foot Quint Fire Apparatus from Reliant Fire Apparatus in the amount of $989,170
DD. Approval of Change Order #2 for 2019 Utility Project with Gerke Excavating in the amount of $44,440.40
EE. Approval of wheel loader purchase from Titan Machinery in the amount of $151,319
FF. Approval of salt brine production system purchase from Vari Tech Industries in the amount of $80,870

PLAN COMMISSION

GG. Approval of a Certified Survey Map (CSM) submitted by Robert Jacobson, 806 11th Avenue South, Onalaska, WI 54650 to subdivide one (1) parcel into two (2) parcels with a shared driveway easement between the two parcels (0.74 acres) at 806 11th Avenue South, Onalaska, WI 54650 (Tax Parcel #: 18-985-1)

UTILITIES COMMITTEE

HH. Approval of Shared Ride Financials
II. Accept 2019 4th Quarter MTU Financials

PARKS & RECREATION BOARD

JJ. Approve the purchase of two sets of soccer goals from BSN Sports at a cost not to exceed $4,075
KK. Approve Aquatic Center resurface to Badger Swimpools, Inc. at a cost not to exceed $241,175
LL. Approve Great River Landing trail plan to Short Elliot Hendrickson (SEH) at a cost not to exceed $20,000
MM. Approve the purchase of a 72" lawnmower to Bobcat of the Coulee Region at a cost not to exceed $16,791
NN. Approve the purchase of 20 lifetime foldable picnic tables from Competitive Edge Products at a cost not to exceed $3,580
OO. Approve the purchase of valves from WHV for the HVAC system at City Hall at a cost not to exceed $2,830
PP. Approve Automated Logic software upgrades for the HVAC systems at City Hall, Library and Public Works facility to WHV at a cost not to exceed $1,320

Non-Consent Agenda

7. **RECAP ITEMS PULLED FROM THE CONSENT AGENDA**

8. **FINANCE COMMITTEE**

A. Vouchers
B. **Resolution 17-2020** - Awarding the Sale of $4,680,000 General Obligation Corporate Purpose Bonds
C. **Resolution 19-2020** -Resolution Requesting State Trust Fund 5-year Loan of $542,000 to purchase 3 police cars, police portable radios, city hall roof and HVAC, municipal code recodification, and wage study

9. **PERSONNEL COMMITTEE**

A. **Resolution 18-2020** - Authorization to allow for replacement of full-time vacant budgeted positions without committee approval provided the grade and essential job functions do not change and Human Resources provides a monthly update on staffing

10. **BOARD OF PUBLIC WORKS**

A. Approval of 2020 Utility Project bid

11. **CITY ATTORNEY'S REPORT**

A. Addition to the existing City of Onalaska Fee Schedule

B. City response, continuity of operations and policies and procedures for community-wide spread of viruses and disease

12. **CLOSED SESSION**

To consider a motion to convene in Closed Session under Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons required a closed session:

- Requests for Reductions / Forgiveness of Truancy Forfeitures
- IAFF, International Association of Firefighters, Local 127
- Discussion and negotiation regarding the proposed Sanitary Sewer Agreement with the City of La Crosse

To consider a motion to convene in Closed Session under Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved:

- IAFF, International Association of Firefighters, Local 127: Prohibited Practice Complaint – RE: Part Time Emergency Medical Technicians (EMT's)
- Claim for water leak 1200 Redwood Street

If any action is required in Open Session, as the result of the Closed Session, the Council will reconvene in Open Session to take the necessary action and/or continue on with the printed agenda

Adjournment

2020 Onalaska Public Library
Monthly Use

#5-D

	January	February	March	April	May	June	July	August	September	October	November	December	YTD	% of Use
Bangor	44	9											**53**	0.17%
Campbell	203	225											**428**	1.41%
Holmen	1012	704											**1716**	5.65%
Onalaska	8956	9278											**18234**	60.04%
West Salem	91	159											**250**	0.82%
Bangor (Town)	28	19											**47**	0.15%
Barre	46	19											**65**	0.21%
Burns	9												**9**	0.03%
Farmington	116	73											**189**	0.62%
Greenfield	25	2											**27**	0.09%
Hamilton	201	328											**529**	1.74%
Holland	197	137											**334**	1.10%
Medary	228	263											**491**	1.62%
Onalaska (Town)	1982	2173											**4155**	13.68%
Rockland	6	17											**23**	0.08%
Shelby	11	22											**33**	0.11%
Washington													**0**	0.00%
Total Resident	**13155**	**13428**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**26583**	**87.53%**
City of La Crosse	1192	1082											**2274**	**7.49%**
WRLS														
Jackson w/o Lib	21	48											**69**	0.23%
Monroe w/o Lib	58	66											**124**	0.41%
Trempeleau w/o Lib	179	188											**367**	1.21%
Vernon w/o Lib	21	5											**26**	0.09%
Buffalo w/o	24												**24**	0.08%
Juneau w/o													**0**	0.00%
Total w/o	**303**	**307**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**610**	2.01%
Other WRLS	305	184											**489**	1.61%
Total WRLS	**608**	**491**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1099**	**3.62%**
Other Wisconsin	119	168											**287**	**0.94%**
Out of State	78	50											**128**	**0.42%**
Total Non-Resident	**1997**	**1791**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3788**	12.47%
Total Circulation	**15152**	**15219**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**30371**	
2019 Circulation	***14814***	***14773***	***15744***	***15111***	***15311***	***19936***	***22318***	***18390***	***14845***	***16370***	***14561***	***14082***	***196255***	
Overdrive Digital Use	**2709**	**2709**											**5418**	
Public Computer Use	**1002**	**1138**											**2140**	
Wireless	**695**	**702**											**1397**	
Reference Count	**272**	**308**											**580**	
Door Count	**8161**	**8717**											**16878**	
Meeting Room Groups	**11**	**11**											**22**	
Meeting Rm Attendance	**118**	**182**											**300**	
Revenue	**$ 25.00**	**$ 50.00**											**$ 75.00**	

MARCH 2020

lacrossecountylibrary.org

All Locations

SIGN-UP for Messy Kids Art begins March 9th
SIGN-UP for Scribblers Teen Writing Contest begins March 6th

Key: B = Bangor 608-486-4408, **C = Campbell** 608-783-0052, **H = Holmen** 608-526-4198, **O = Onalaska** 608-781-9568, **WS = West Salem** 608-786-1505, **H-PC = Holmen Pizza Corral**

SUN.	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	**2** **O:** 10:00-10:25 a.m. Tales for Twos Story Time **O:** 4:30-5:30 p.m. **Lego Brick Building**	**3**	**4**	**5** **H:** 10:15-10:40 a.m. Tales for Twos Story Time **O:** 6:30 p.m. **Movie** "Once Upon a Time in Hollywood" (rated R) **C:** 6:30-7:30 p.m. **Wild Child Nature Explorers**	**6**	**7** **O:**10:00-11:00 a.m. **Wild Child Nature Explorers**
8	**9** **O:** 10:00-10:25 a.m. Tales for Twos Story Time **O:** 3:30 p.m. **Library Board Meeting** **B:** 4:00-5:00 p.m. **Wild Child Nature Explorers** **H:** 4:30-5:30 p.m. **Lego Brick Building**	**10** **C:** 6:00-7:00 p.m. **Book Club** **WS:** 6:30-7:30 p.m. **Wild Child Nature Explorers**	**11** **O:** 10:00-11:00 a.m. **Senior Moments:** "Riverside International Gardens" **WS:** 1:30-2:30 Afternoon **Book Club**	**12** **H:** 10:15-10:40 a.m. Tales for Twos Story Time **WS:** 2:15 p.m. **Movie** "Once Upon a Time in Hollywood" (Rated R) **H:** 6:30-7:30 p.m. **Wild Child Nature Explorers**	**13**	**14** **O:**10:00-10:30 a.m. Family Story Time
15 **WS:** 11:00 a.m.-2:00 p.m. **Celebrate West Salem @** WS High School	**16** **O:** 10:00-10:25 a.m. Tales for Twos Story Time **B:** 10:15-10:45 a.m. Preschool Story Time **O:** 12:00-12:20 p.m. Baby Story Time **WS:** 4:30-5:30 p.m. **Lego Brick Building** **H:** 6:00 p.m. **Movie** "Once Upon a Time in Hollywood" (Rated R) **O:** 6:30-7:30 p.m. **Friends Adult Coloring** **O:** 6:30-7:00 p.m. Preschool Story Time **WS:** 7:00-8:00 p.m. Evening **Book Club**	**17** **H-PC**: 6:00-7:00 p.m. **Book Club** **H:** 6:30-7:00 p.m. Preschool Story Time **WS:** 6:30-7:00 p.m. Preschool Story Time	**18** **O:** 10:00-11:00 a.m. **Senior Moments:** "Bikers Against Child Abuse" **H:** 10:15-10:45 a.m. Preschool Story Time **WS:** 10:15-10:45 a.m. Preschool Story Time **B:** 6:00-8:00 pm. **Art in the Library—Oil Pastel**	**19** **H:** 10:15-10:40 a.m. Tales for Twos Story Time **O:** 1:15-2:15 p.m. **Book Club** **O:** 6:30 p.m. **Movie** "Ford vs. Ferrari" (Rated PG-13) **C:** 6:30-7:00 p.m. Preschool Story Time	**20** **O:** 10:00-10:30 a.m. Preschool Story Time	**21** **H:**11:00 a.m.-2:00 p.m. **Holmen Business Expo @** Holmen High School
22	**23** **O:** 10:00-10:25 a.m. Tales for Twos Story Time **B:** 10:15-10:45 a.m. Preschool Story Time **O:** 12:00-12:20 p.m. Baby Story Time **H:** 6:00 p.m. **Movie** "Ford vs Ferrari" (Rated PG-13) **O:** 6:30-7:00 p.m. Preschool Story Time	**24** **H:** 6:30-7:00 p.m. Preschool Story Time **WS:** 6:30-7:00 p.m. Preschool Story Time	**25** **O:** 10:00-11:00 a.m. **Senior Moments:** "Bizarre History of Wisconsin" **H:** 10:15-10:45 a.m. Preschool Story Time **WS:** 10:15-10:45 a.m. Preschool Story Time	**26** **H:** 10:15-10:40 a.m. Tales for Twos Story Time **WS:** 2:15 p.m. **Movie** "Ford vs Ferrari" (Rated PG-13) **O:** 6:30 p.m. **Friends of Onalaska Library Monthly Meeting** **C:** 6:30-7:00 p.m. Preschool Story Time	**27** **O:** 10:00-10:30 a.m. Preschool Story Time **O:** 2:30-4:00 p.m. **TGIDF Teen Event** **H:** 3:00-4:30 p.m. **TGIDF Teen Event**	**28** **O: 2 shows (45-60 min each)** 10:30 a.m. and 12:30p.m. **Sias Saturday "Here Comes Spring!"**
29	**30** **B:** 10:15-10:45 a.m. Preschool Story Time **O:** 12:00-12:20 p.m. Baby Story Time **H:** 6:00 p.m. **Movie** "Joker" (Rated R) **O:** 6:30-7:00 p.m. Preschool Story Time	**31** **C:** 5:00-7:00 p.m. **Art in the Library—Watercolor** **H:** 6:30-7:00 p.m. Preschool Story Time **WS:** 6:30-7:00 p.m. Preschool Story Time				

Job Evaluation Factors Questionnaire

#6-G-2

Name _____ Position Title _____ Date _____

Points	Grade
151-165	10
166-180	11
181-195	12
196-210	13
211-225	14
226-240	15
241-255	16
256-270	17
271-285	18
286-300	19
301-315	20
316-330	21
331-345	22
346-360	23
361-375	24
376-390	25
391-405	26
406-420	27
421-435	28
436-450	29
451-465	30

Education Required – *Weight 12 out of 100* Weight _____X 12 =_____

- ☐ 1 High school diploma or equivalent
- ☐ 2 High school diploma or equivalent; some additional training or certification
- ☐ 3 Associate degree or equivalent work experience
- ☐ 4 Bachelor's degree or equivalent work experience
- ☐ 5 Master's degree or equivalent work experience

Experience Required – *Weight 15 out of 100* Weight _____X 15 =_____

- ☐ 0 0-1 years applicable work experience
- ☐ 1 1-3 years applicable work experience
- ☐ 2 3-5 years applicable work experience
- ☐ 3 5-7 years applicable work experience
- ☐ 4 7-10 years applicable work experience
- ☐ 5 10+ years applicable work experience

Scope of Responsibility - *Weight 15 out of 100* Weight _____X 15 =_____

- ☐ 1 Minimal autonomy and independent judgment are exercised
- ☐ 2 Moderate autonomy and independent judgment are exercised; errors are readily detected
- ☐ 3 Considerable Autonomy and independent judgment exercised; errors may cause confusion or delay
- ☐ 4 High autonomy and independent judgment exercised; errors may cause considerable confusion and adversely affect outside relationships
- ☐ 5 Extreme autonomy and independent judgment exercised; errors may affect organizational policy and damage outside relationships

Budget Responsibility - *Weight 8 out of 100* Weight _____X 8 =_____

- ☐ 1 No fiscal responsibility
- ☐ 2 Approves expenses within limited spending authority
- ☐ 3 Partially responsible for an annual budgeting and approval of expenditures for a department/area
- ☐ 4 Fiscally responsible for a departments/area including annual budgeting and approval of expenditures
- ☐ 5 Fiscally responsible for multiple departments/areas including annual budgeting and approval of expenditures

Nature of Supervision Received - *Weight 10 out of 100* Weight _____X 10 =_____

- ☐ 1 Immediate supervision; performs routine, repetitive assignments according to instructions and with procedures to follow
- ☐ 2 Close supervision; performs routine duties according to established procedures
- ☐ 3 General supervision; performs varied assignments following established procedures
- ☐ 4 General direction; performs varied assignments within an area according to broadly stated program objectives
- ☐ 5 General direction; performs assignments in various functional areas with little or no guidance

Nature of Supervision Exercised - *Weight 10 out of 100* Weight _____X 10 =_____

- ☐ 1 No supervision exercised
- ☐ 2 Lead worker of a work group; or assists in directing a work group's activities
- ☐ 3 Responsible for a work group within a department
- ☐ 4 Responsible for a specific work unit within a City department
- ☐ 5 Responsible for an entire department within the City

Mental/Psychological Demands - *Weight 7 out of 100* Weight _____X 7 =_____

- ☐ 1 Unpredictable fluctuations in work volume; frequent interruptions; regular changes in work priority
- ☐ 2 Unpredictable fluctuations in work volume; frequent interruptions; frequent changes in work priority; occasional rush orders or conflicting deadlines
- ☐ 3 Frequently conflicting deadlines; constant rush orders; constant changes in work priority
- ☐ 4 Extremely tight deadlines; frequent exposure to distressing human situations
- ☐ 5 Conflicting priorities in matters of serious consequence; repeated or continuous exposure to distressing human situations

Physical Demands - *Weight 7 out of 100* Weight _____X 7 =_____

- ☐ 1 Minimal physical effort; slight risk of minimal injury or illness
- ☐ 2 Minimal physical effort; some risk of minimal injury or illness
- ☐ 3 Moderate physical effort, such as long periods of standing, walking, bending, climbing, reaching, repetitive motion, or lifting of moderately heavy items
- ☐ 4 Considerable physical effort, such as prolonged crouching or crawling in cramped spaces, digging, or frequent lifting of heavy objects; some risk of life-threatening injury or illness
- ☐ 5 Considerable risk of life-threatening injury or illness

Social Demands - *Weight 8 out of 100* Weight _____X 8 =_____

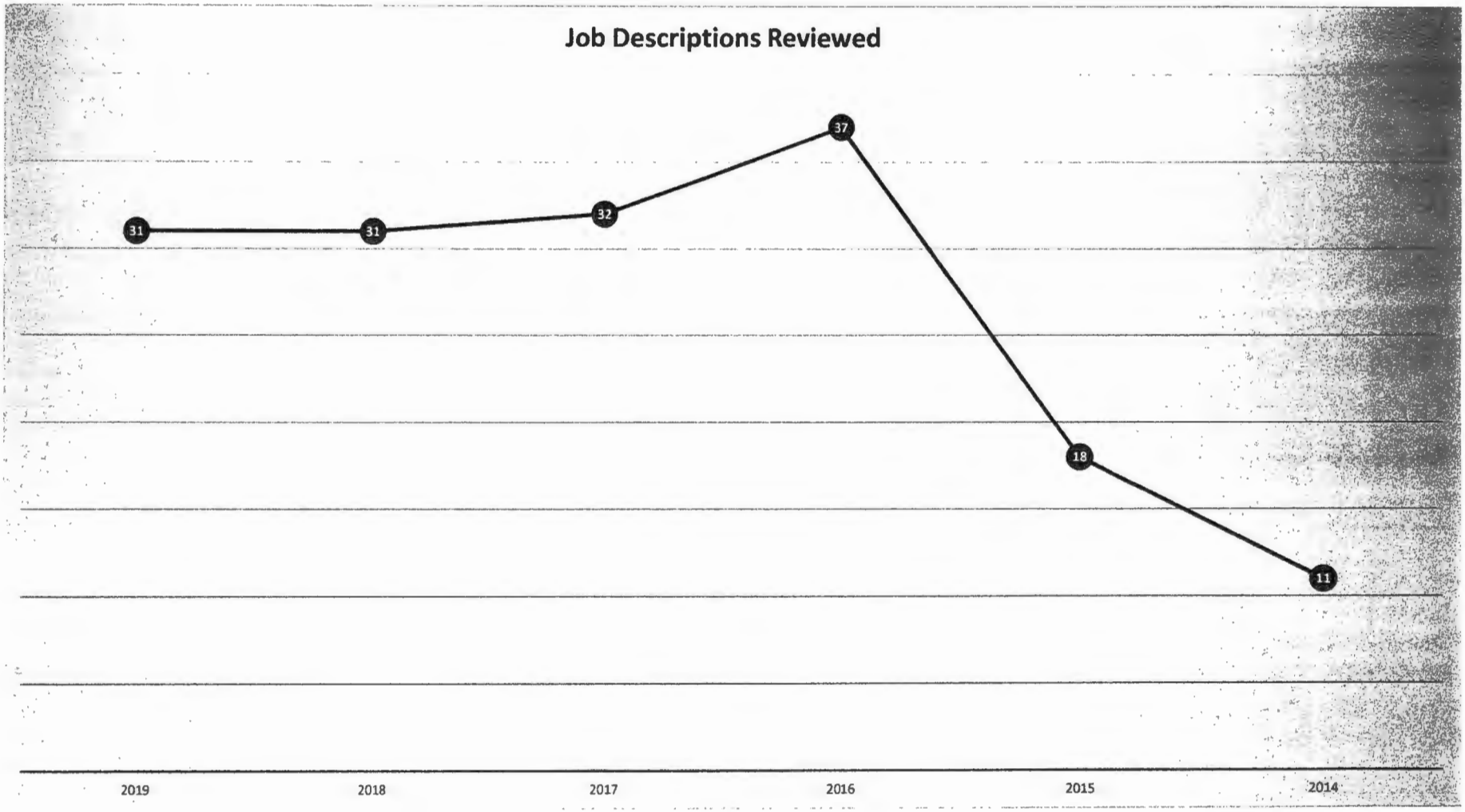
- ☐ 1 Basic interpersonal skills needed; responds to simple requests for information
- ☐ 2 Moderate interpersonal skills needed; verifies and explains facts/information
- ☐ 3 Considerable interpersonal skills needed; teaches, instructs, advises, counsels, guides, or interviews individuals; handles sensitive or confidential information
- ☐ 4 High interpersonal skills and understanding needed; persuades, motivates, or influences others; facilitates meetings and negotiations involving important or difficult issues
- ☐ 5 Extreme interpersonal skills and sensitivity needed; obtains trust and cooperation from individuals; negotiates critical, highly controversial issues

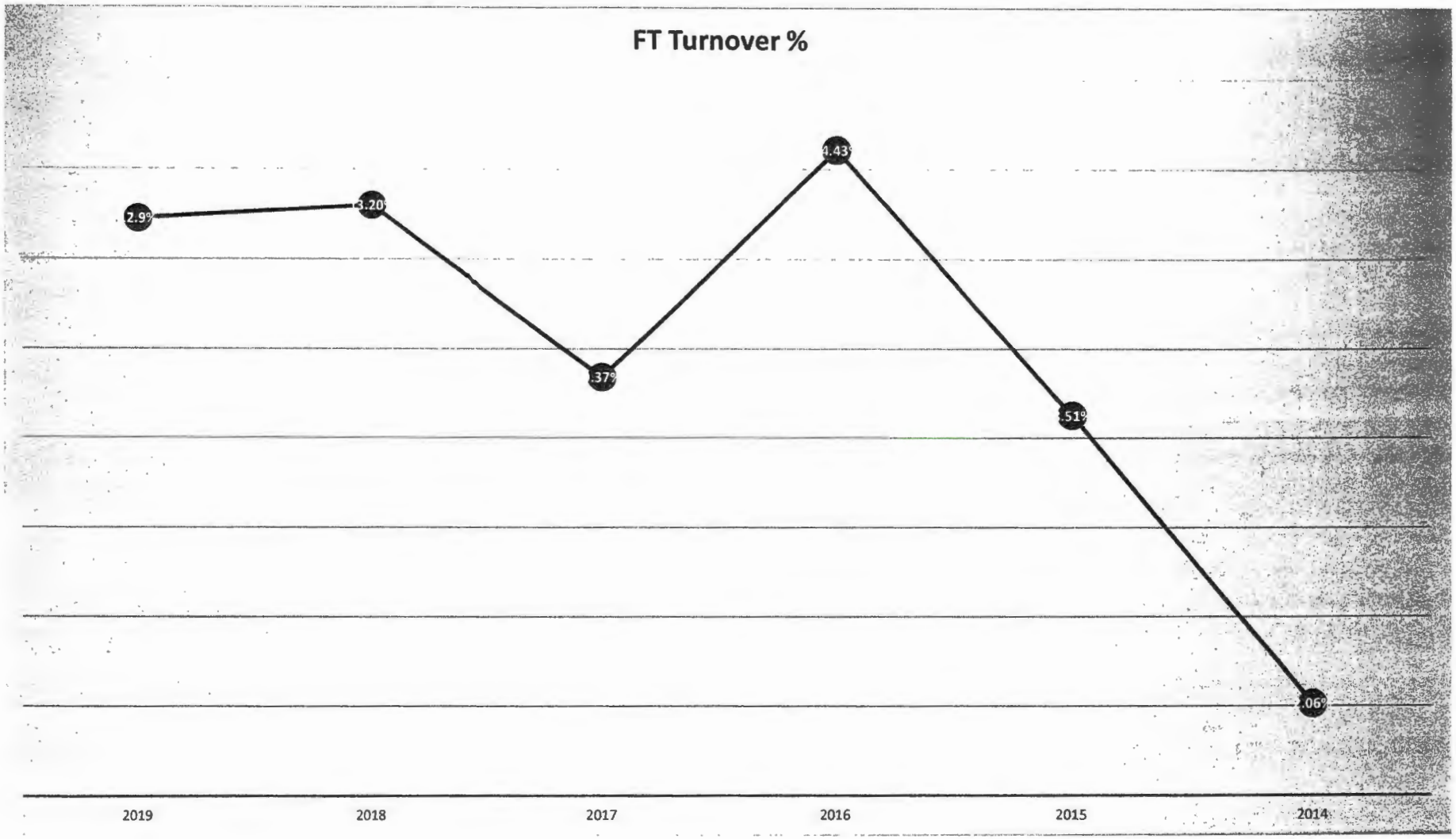
Working Conditions - *Weight 8 out of 100* Weight _____X 8 =_____
(disagreeable conditions: dust, dirt, grease, rime, blood or soil, offensive sights or odors, heat or cold, extreme weather conditions, or noise)

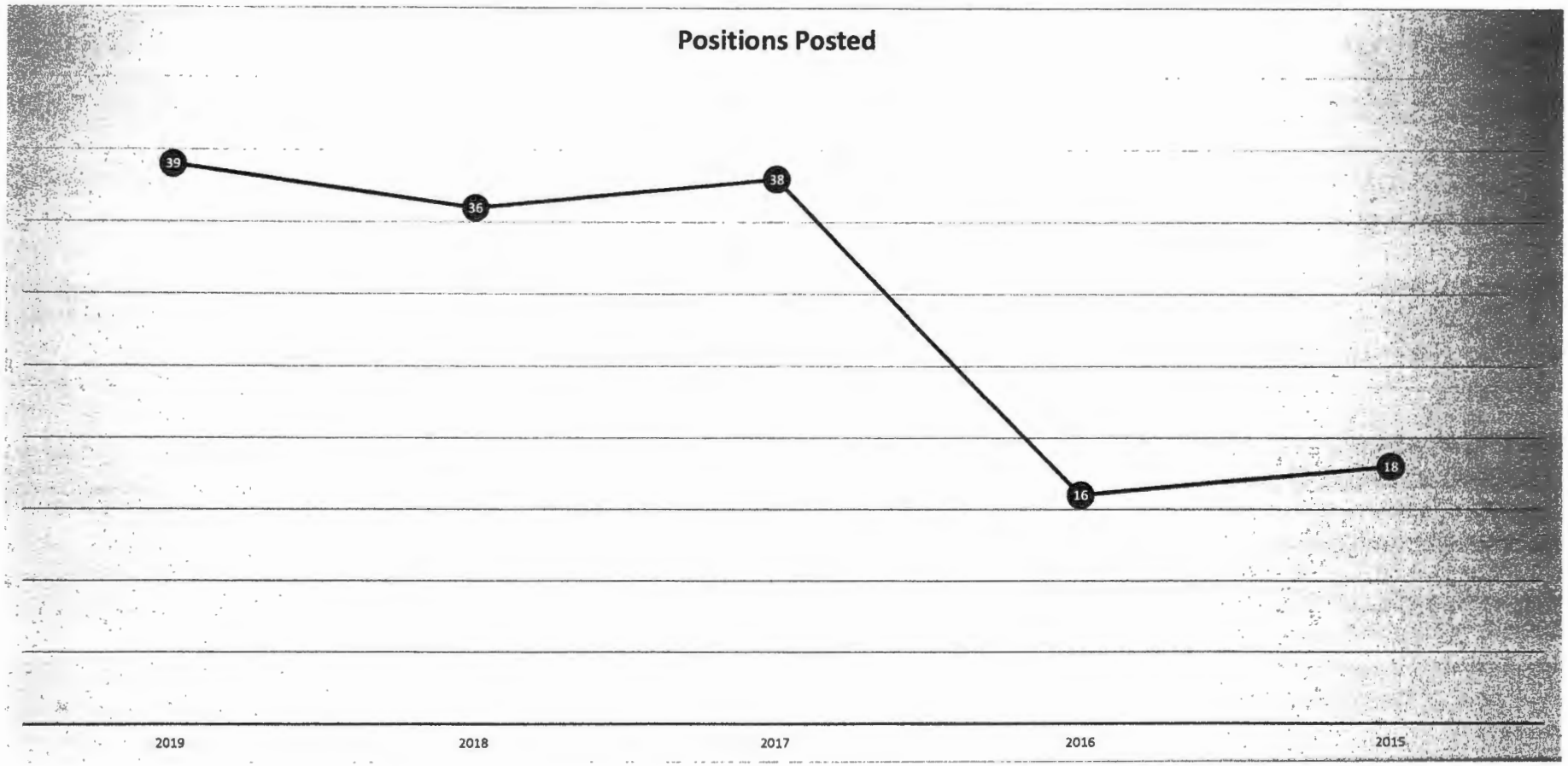
- ☐ 1 No exposure to disagreeable conditions
- ☐ 2 Minimal exposure to disagreeable conditions
- ☐ 3 Moderate exposure to disagreeable conditions
- ☐ 4 Considerable exposure to disagreeable conditions
- ☐ 5 Extreme exposure to disagreeable conditions

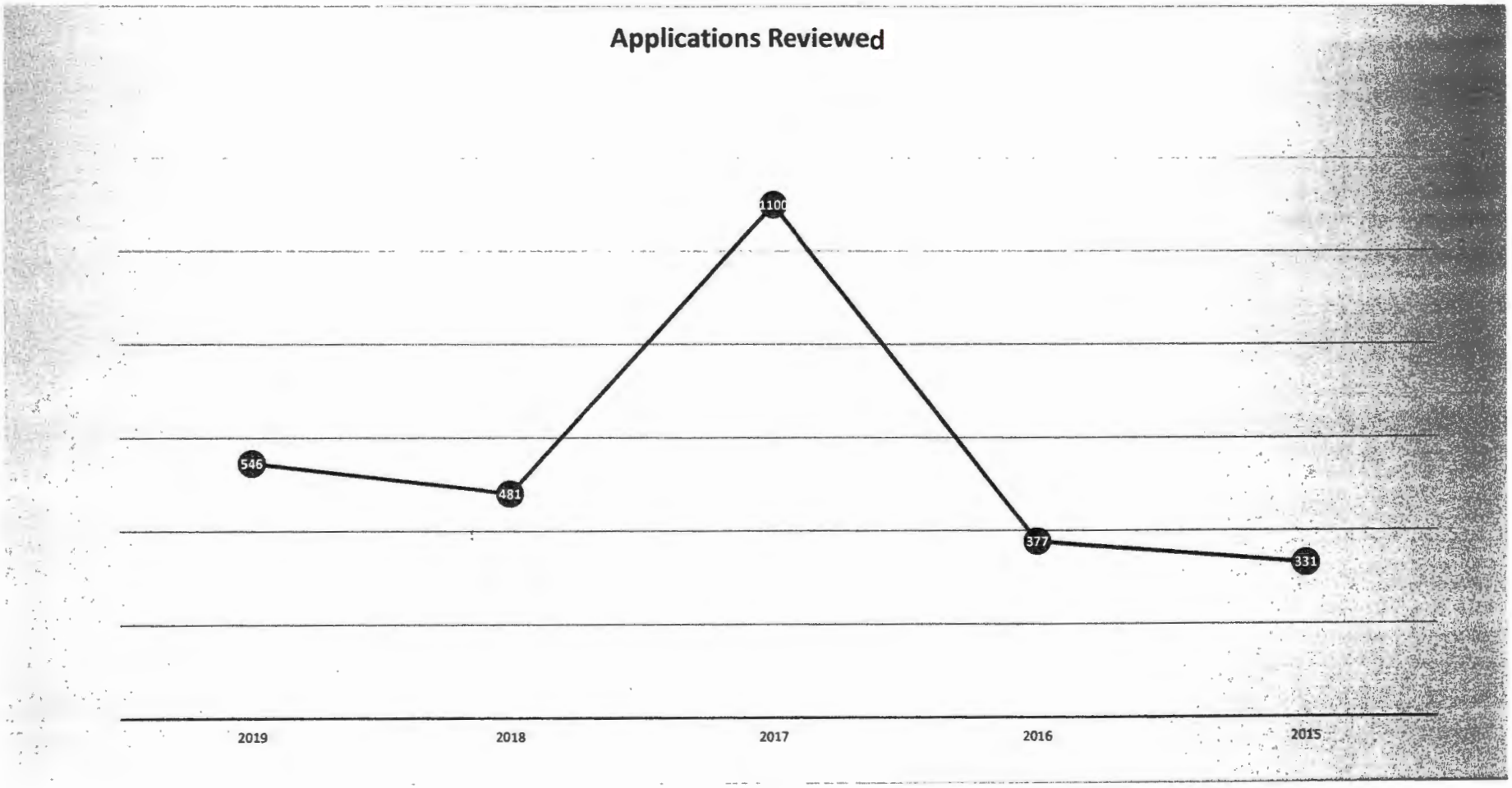
Total Weight _____ Grade _____

_____ _____
HR Signature Date


Job Descriptions Reviewed
31
31
32
37
18
11
2019
2018
2017
2016
2015
2014


FT Turnover %
2.9%
3.20%
.37%
4.43%
.51%
.06%
2019
2018
2017
2016
2015
2014


Positions Posted
39
36
38
16
18
2019
2018
2017
2016
2015


Applications Reviewed
546
481
1100
377
331
2019
2018
2017
2016
2015

#6-H

ORDINANCE NO. 1661-2020

AN ORDINANCE TO AMEND TITLE 13 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO ZONING

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

SECTION I. Title 13 of the Code of Ordinances including the City of Onalaska Zoning Map of the City of Onalaska is hereby deleted in its entirety and replaced with the attached Onalaska Title 13 Unified Development Code and corresponding official City Zoning Map, copies of said map are available in the City Planning Department and online at www.cityofonalaska.com/maps.

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 10th day of March, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED: 3/10/2020
APPROVED: 3/10/2020
PUBLISHED: 3/20/2020

FISCAL IMPACT OF ORDINANCE 1661 – 2019 **Please route in this order**

UDC Code

Eric Rindfleisch, Administrator _____
(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.

Amanada Jackson, City Attorney _____
(signature)

☐ No Fiscal Impact

☒ Budgeted Item

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

#6-N

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 (10º), 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.

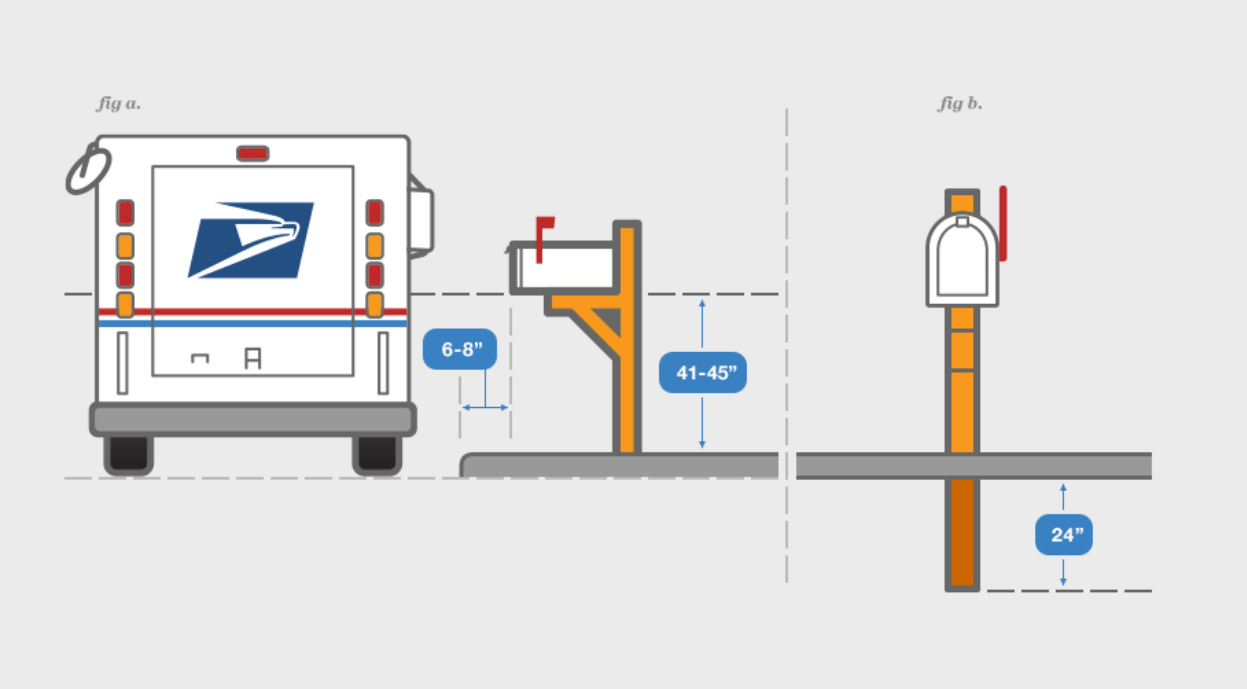


Fig. from USPS.com/mailboxes

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. **BI-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.

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.

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 10th day of March, 2020.

CITY OF ONALASKA

By: _____
Kim Smith, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED: 3/10/2020
APPROVED: 3/10/2020
PUBLISHED: 3/20/2020

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

#6-P

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

March 10, 2020

#8-A

To: Finance and Personnel Committee
FROM: Finance Department
SUBJ: Payables and Approval

The following is a list of monies expended since the last Common Council meeting dated February 11, 2020.

The total is: **$12,315,008.83**

12/31/2019	AP Packet 2805 - VOID	($767.86)
	AP Packet 2855 - Reissue	$890.00
01/28/2020	AP Packet 2846 - VOID	($168.69)
02/12/2020	AP Packet 2842 - February 2020 (including ACH)	$10,366,014.81
02/13/2020	AP Packet 2848 - December 2019	$3,077.25
02/14/2020	PY Packet 1187 - City Payroll	$162,855.67
	PY Packet 1187 - City Payroll (Drafts)	$104,686.40
	PY Packet 1184 - PT Fire & EMS	$4,313.40
	PY Packet 1184 - PT Fire & EMS Drafts	$969.80
	PY Packet 2840 - Deferred Payables	$13,081.89
02/17/2020	AP Packet 2850	$10,000.00
	AP Packet 2857 - February 2020	$355,703.49
	AP Packet 2852 - December 2019	$1,232.06
02/19/2020	AP Packet 2858	$5,956.00
02/28/2020	PY Packet 1193 - Ciy Payroll	$172,404.86
	PY Packet 1191 - OPPA SORD	$84,434.49
	PY Packet 1193 - City Payroll Drafts	$107,504.82
	PY Packet 1191 - OPPA SORD Drafts	$44,745.51
	PY Packet 2861 - Deferred Payables	$51,291.33
	AP Packet 2862	$477.50
03/02/2020	AP Packet 2863	$35.00
03/03/2020	AP Packet 2866 - February 2020	$5,312.15
	AP Packet 2868 - VOID	($70.00)
	AP Packet 2869	$60.00
03/05/2020	UB Packet 2485 - REFUND	$365.12
	AP Packet 2870	$330.00
03/09/2020	AP Packet 2871 - JMC Mileage	$8.68
03/10/2020	AP Packet - March 2020 (includes ACH)	$820,218.60
	Total	**$12,315,008.83**

Finance Committee Signatures

_____

_____

_____

ORIGINAL VERSION

#9-A

RESOLUTION NO. 18-2020

A RESOLUTION AUTHORIZING ONGOING HIRING FOR BUDGETED CITY POSITIONS

WHEREAS, the City of Onalaska has a diverse and growing workforce; and

WHEREAS, the City of Onalaska recognizes that employee vacancies disrupt the flow of work, create additional tasks, and that it is beneficial to both City staff and residents for vacancies to be filled in in an efficient and expeditious manner; and

WHEREAS, past practice has been to require committee and Common Council approval to fill vacancies even where positions may be existing and budgeted; and

WHEREAS, the requirement to seek approval to fill these vacancies creates delays and reduces the level of service offered to the public; and

WHEREAS, City staff recognizes the importance of keeping City officials routinely informed of personnel matters and can do so in a monthly report.

NOW, THEREFORE, BE IT RESOLVED that where no major changes to the essential job functions and pay grade exist and where the position has been budgeted and funded, City staff shall be authorized to fill such vacancies as needed and that a monthly report shall be provided related to vacancies and hiring within the City at the monthly Finance and Personnel Committee meeting.

Dated this 11th day of March, 2020.

CITY OF ONALASKA

BY: _____
Kim Smith, Mayor

_____
Caroline Burmaster, City Clerk

Passed: 3/11/2020
Approved: 3/11/2020
Published: 3/21/2020

AMENDED VERSION

RESOLUTION NO. 18-2020

A RESOLUTION AUTHORIZING ONGOING HIRING FOR BUDGETED CITY POSITIONS

WHEREAS, the City of Onalaska has a diverse and growing workforce; and

WHEREAS, the City of Onalaska recognizes that employee vacancies disrupt the flow of work, create additional tasks, and that it is beneficial to both City staff and residents for vacancies to be filled in in an efficient and expeditious manner; and

WHEREAS, past practice has been to require committee and Common Council approval to fill vacancies even where positions may be existing and budgeted; and

WHEREAS, the requirement to seek approval to fill these vacancies creates delays and reduces the level of service offered to the public; and

WHEREAS, City staff recognizes the importance of keeping City officials routinely informed of personnel matters and can do so in a monthly report.

NOW, THEREFORE, BE IT RESOLVED that where no major changes to the essential job functions and pay grade exist and where the position has been budgeted and funded, City staff shall be authorized to post such vacancies as needed subject to Common Council approval and that a monthly report shall be provided related to vacancies and hiring within the City at the monthly Finance and Personnel Committee meeting.

Dated this ____ day of March, 2020.

CITY OF ONALASKA

BY: _____
Kim Smith, Mayor

_____
Caroline Burmaster, City Clerk

Passed:
Approved:
Published:

#8-B

BAIRD

City of Onalaska

Final Pricing Summary
March 10, 2020

Justin Fischer, Director
jfischer@rwbaird.com
777 East Wisconsin Avenue
Milwaukee, WI 53202
Phone 414.765.3827
rwbaird.com/publicfinance

Bradley D. Viegut, Managing Director
bviegut@rwbaird.com
777 East Wisconsin Avenue
Milwaukee, WI 53202
Phone 414.765.3827
rwbaird.com/publicfinance

BAIRD

City of Onalaska

Results of Competitive Bids

$4,680,000 General Obligation Corporate Purpose Bonds
Bids Received by 10:00 AM (CT)
Tuesday, March 10, 2020

Rank	Bidder	True Interest Cost
1	UMB Bank N.A.	1.6534%
2	The Baker Group	1.7174%
3	BOK Financial Securities, Inc.	1.7766%
4	FHN Financial Capital Markets	1.7858%

BAIRD

City of Onalaska

Issue Summary	
Description:	General Obligation Corporate Purpose Bonds
Amount:	$4,680,000
Dated & Settlement Date:	April 2, 2020
Maturities:	October 1, 2021 - 2039
First Interest Payment:	October 1, 2020
First Call Date:	October 1, 2028
Moody's Rating:	Aa2
True Interest Cost:	1.6534%
Winning Bidder/Purchaser:	UMB Bank N.A.

City of Onalaska

General Obligation Financing Illustration

			$542,000 STATE TRUST FUND LOAN Dated April 2, 2020 (First interest 3/15/21)			$4,680,000 G.O. CORPORATE PURPOSE BONDS - FINAL Dated April 2, 2020 (First interest 10/1/20)									
YEAR DUE	NET EXISTING DEBT SERVICE (A)	EXISTING MILL RATE (B)	PRINCIPAL (3/15)	INTEREST (3/15) AVG= 2.50%	TOTAL	PRINCIPAL (10/1)	INTEREST (4/1 & 10/1) TIC = 1.65%	LESS: BID PREMIUM	TOTAL	OFFSETTING REVENUES (C)	NET DEBT SERVICE	NET MILL RATE (B)	COMBINED DEBT SERVICE	COMBINED MILL RATE (B)	YEAR DUE
2020	$3,954,809	$1.90					$46,540	($46,540)	$0	$0	$0	$0.00	$3,954,809	$1.90	2020
2021	$3,641,064	$1.75	$99,254	$12,882	$112,136	$100,000	$93,600	($93,600)	$100,000	($3,100)	$209,036	$0.10	$3,850,100	$1.85	2021
2022	$3,644,952	$1.76	$106,625	$11,069	$117,694	$100,000	$91,600	($30,646)	$160,954	($3,100)	$275,547	$0.13	$3,920,500	$1.89	2022
2023	$3,621,402	$1.74	$109,291	$8,403	$117,694	$125,000	$89,600		$214,600	($3,100)	$329,194	$0.16	$3,950,596	$1.90	2023
2024	$3,446,710	$1.66	$112,007	$5,686	$117,694	$225,000	$87,100		$312,100	($8,100)	$421,694	$0.20	$3,868,403	$1.86	2024
2025	$3,314,842	$1.60	$114,823	$2,871	$117,694	$230,000	$82,600		$312,600	($8,000)	$422,294	$0.20	$3,737,136	$1.80	2025
2026	$3,171,937	$1.53				$235,000	$78,000		$313,000	($7,900)	$305,100	$0.15	$3,477,037	$1.67	2026
2027	$2,809,790	$1.35				$240,000	$73,300		$313,300	($7,800)	$305,500	$0.15	$3,115,290	$1.50	2027
2028	$1,806,784	$0.87				$245,000	$68,500		$313,500	($7,700)	$305,800	$0.15	$2,112,584	$1.02	2028
2029	$1,624,674	$0.78				$255,000	$63,600		$318,600	($7,600)	$311,000	$0.15	$1,935,674	$0.93	2029
2030	$1,630,504	$0.79				$265,000	$58,500		$323,500	($12,500)	$311,000	$0.15	$1,941,504	$0.93	2030
2031	$1,535,994	$0.74				$270,000	$53,200		$323,200	($12,300)	$310,900	$0.15	$1,846,894	$0.89	2031
2032	$1,425,023	$0.69				$275,000	$47,800		$322,800	($12,100)	$310,700	$0.15	$1,735,723	$0.84	2032
2033	$1,303,572	$0.63				$280,000	$42,300		$322,300	($11,900)	$310,400	$0.15	$1,613,972	$0.78	2033
2034	$1,138,960	$0.55				$285,000	$36,700		$321,700	($11,700)	$310,000	$0.15	$1,448,960	$0.70	2034
2035	$978,240	$0.47				$295,000	$31,000		$326,000	($16,500)	$309,500	$0.15	$1,287,740	$0.62	2035
2036	$769,555	$0.37				$305,000	$25,100		$330,100	($16,200)	$313,900	$0.15	$1,083,455	$0.52	2036
2037	$570,960	$0.27				$310,000	$19,000		$329,000	($15,900)	$313,100	$0.15	$884,060	$0.43	2037
2038	$293,550	$0.14				$315,000	$12,800		$327,800	($15,600)	$312,200	$0.15	$605,750	$0.29	2038
2039						$325,000	$6,500		$331,500	($15,300)	$316,200	$0.15	$316,200	$0.15	2039
	$40,683,323		$542,000	$40,910	$582,910	$4,680,000	$1,107,340	($170,786)	$5,616,554	($196,400)	$6,003,064		$46,686,387		

(A) Net of Water, Sewer, Storm Water, Taurism, TIF #4, and Room Tax projected revenues.

(B) Mill rate based on 2019 Assessed Valuation of $2,076,557,700 with annual growth of 0.00%

(C) Assumes amounts borrowed for Sewer Utility, Water Utility and Storm Water Utility are self supporting

Sewer Utility Portion	$50,000
Water Utility Portion	$80,000
Storm Water Utility Portion	$25,000

UMB Bank N.A. - Kansas City , MO's Bid

Onalaska
$4,680,000 General Obligation Corporate Purpose Bonds

For the aggregate principal amount of $4,680,000.00, we will pay you $4,850,786.15, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount $	Coupon %
10/01/2021	100M	2.0000
10/01/2022	100M	2.0000
10/01/2023	125M	2.0000
10/01/2024	225M	2.0000
10/01/2025	230M	2.0000
10/01/2026	235M	2.0000
10/01/2027	240M	2.0000
10/01/2028	245M	2.0000
10/01/2029	255M	2.0000
10/01/2030	265M	2.0000
10/01/2031	270M	2.0000
10/01/2032	275M	2.0000
10/01/2033	280M	2.0000
10/01/2034	285M	2.0000
10/01/2035	295M	2.0000
10/01/2036	305M	2.0000
10/01/2037	310M	2.0000
10/01/2038	315M	2.0000
10/01/2039	325M	2.0000

Total Interest Cost:	$1,107,340.00
Premium:	$170,786.15
Net Interest Cost:	$936,553.85
TIC:	1.653394

Time Last Bid Received On:03/10/2020 9:54:52 CDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: UMB Bank N.A., Kansas City , MO
Contact: Kristin Koziol
Title: VP
Telephone: 816-860-7223
Fax: 816-843-4325

MOODY'S
INVESTORS SERVICE

Rating Action: Moody's assigns Aa2 to Onalaska, WI's GO bonds

28 Feb 2020

New York, February 28, 2020 -- Moody's Investors Service assigns a Aa2 rating to the City of Onalaska, WI's $4.7 million General Obligation Corporate Purpose Bonds. We maintain the Aa2 rating on the city's outstanding general obligation unlimited tax (GOULT) debt. Following the sale, the city will have $43 million in rated GOULT debt.

RATINGS RATIONALE

The Aa2 rating reflects the city's strong operating reserves and expanding tax base, providing financial flexibility to offset its limited revenue raising ability. Also incorporated are high fixed costs due to an elevated debt burden and a modest pension burden, and a growing population with above-average resident income levels.

RATING OUTLOOK

Outlooks are typically not assigned to local governments with this amount of debt.

FACTORS THAT COULD LEAD TO AN UPGRADE

-Continued tax base growth coupled with strengthened resident income levels

-Moderation of the debt burden

FACTORS THAT COULD LEAD TO A DOWNGRADE

-Deterioration of the tax base and resident income profile

-Significantly increased leverage

-Large and sustained decrease in available reserves or liquidity

LEGAL SECURITY

The city's GOULT bonds are secured by its full faith and credit and pledge to levy unlimited ad valorem property taxes.

USE OF PROCEEDS

Proceeds will finance sewerage and water system improvements; parks and public grounds projects; street improvements; and the purchase of fire department equipment.

PROFILE

The city of Onalaska is located in southwestern Wisconsin (Aa1 stable), just north of the City of La Crosse (Aa2). It encompasses 12.5 square miles in La Crosse County (Aa1) and provides a full range of municipal services, including public safety and utilities, to just under 19,000 residents.

METHODOLOGY

The principal methodology used in this rating was US Local Government General Obligation Debt published in September 2019. Please see the Rating Methodologies page on www.moodys.com for a copy of this methodology.

REGULATORY DISCLOSURES

For ratings issued on a program, series, category/class of debt or security this announcement provides certain regulatory disclosures in relation to each rating of a subsequently issued bond or note of the same series,

category/class of debt, security or pursuant to a program for which the ratings are derived exclusively from existing ratings in accordance with Moody's rating practices. For ratings issued on a support provider, this announcement provides certain regulatory disclosures in relation to the credit rating action on the support provider and in relation to each particular credit rating action for securities that derive their credit ratings from the support provider's credit rating. For provisional ratings, this announcement provides certain regulatory disclosures in relation to the provisional rating assigned, and in relation to a definitive rating that may be assigned subsequent to the final issuance of the debt, in each case where the transaction structure and terms have not changed prior to the assignment of the definitive rating in a manner that would have affected the rating. For further information please see the ratings tab on the issuer/entity page for the respective issuer on www.moodys.com.

Regulatory disclosures contained in this press release apply to the credit rating and, if applicable, the related rating outlook or rating review.

Please see www.moodys.com for any updates on changes to the lead rating analyst and to the Moody's legal entity that has issued the rating.

Please see the ratings tab on the issuer/entity page on www.moodys.com for additional regulatory disclosures for each credit rating.

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MOODY'S
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CITY OF ONALASKA
BID OPENING

2020 UTILITY PROJECT
OPENING: March 10, 2020 @ 11:00 AM

Contractor	Bidders Proof	Bid Bond	Base Bid Amount	Bid Alt #1	Bid Alt #2	Bid Alt #3	Total Bid
McCabe Construction	X	X	$ 1,575,056.75	$ 43,813.95	$ 2,050.00	$ 14,056.00	$ 1,634,976.70
Gerke Excavating	X	X	$ 1,603,733.75	$ 35,757.90	$ 2,255.00	$ 12,188.65	$ 1,653,935.30
Haas Sons Inc	X	X	$ 1,640,889.25	$ 49,555.00	$ 4,100.00	-	$ 1,694,544.25
A-1 Excavating	X	X	$ 1,644,960.00	$ 38,420.00	$ 12,300.00	$ 11,650.00	$ 1,707,330.00

RECOMMEND AWARD BID TO: McCabe Construction
(Base Bid + Alt #1, Alt #2 & Alt #3 = $1,634,976.70)

#11-A

City of Onalaska Fee Schedule			
Ordinance #	**Description**	**Fee**	
Title 6 Public Works			
6.02.21.B.	Street Signs	**$75.00**	
6.02.42.E.	Renewal of Excavation Permit	**$25.00**	
6.02.42.F.	Street Opening Permit	**$25.00**	**plus actual City costs**
6.02.45.C.	Street Privilege Permit	**$25.00**	**plus actual City costs**
6.02.46.C.	Dumpster in Street Permit	**$25.00**	
6.04.11.D.	Sidewalk Permit	**$15.00**	**per stretch**
6.04.15.E.	Driveway Permits (per opening)	**$25.00**	
6.05.15	Administrative Fee	**$75.00**	
6.06.13	Storm Water Permit:		
	Residential < 1 acre	**$75.00**	
	Residential > 1 acre	**$150.00**	
	Subdivision/Condo < 10 acres	**$200.00**	
	Subdivision/Condo > 10 acres	**$400.00**	
	Commercial < 1 acre	**$100.00**	
	Commercial > 1 acre	**$200.00**	
6.07.12 .D.	Additional Refuse Container	**$70.00**	
6.07.12.D.	Additional Recycling Container	**$30.00**	
6.07.12.E.	Lost/Damaged Refuse/Recycle Cart	**$85.00**	
6.07.16	Yard Waste Sticker	**$20.00**	
6.08.12.C.	Grave Openings:	**Adult**	**Infant**
	Full Burial M-F (8am-3pm)	**$725.00**	**$295.00**
	Ashes M-F (8am-3pm)	**$350.00**	**n/a**
	Full Burial Outside of M-F 8-3 & Holidays	**$1,020.00**	**$430.00**
	Ashes Burial Outside of M-F 8-3 & Holidays	**$485.00**	**n/a**
6.08.12.D.	Cemetery Transfer Charge	**$65.00**	
6.08.12.E.	Monument and Marker Fees	**$85.00**	**per lot**
Title 9 Public Utilities			
Ordinance #	**Description**	**Fee**	
9.01.17.K.	Cross Connection Hydrant Rental of Meter	**$125.00**	
9.02.23.C.	Initial Water & Sewer Inspection Fee	**$10.00**	
9.02.23.C.	Followup Water and Sewer Inspection	**$5.00**	
9.02.31.F.4.	Quarterly Sewer Flat Fee:		
	5/8 - 3/4 meter size	**$6.50**	
	1" meter size	**$8.60**	
	1.5" meter size	**$13.20**	
	2" meter size	**$18.60**	
	3" meter size	**$31.30**	
	4" meter size	**$49.40**	
9.02.47	Connection Charges-Area A	**$28.00**	
9.02.47	Connection Charges-Area B	**$53.00**	
	Video Service Provider Fee	**3%**	**of gross revenues**
9.04.13.A.	PEG Support Fee	**0.25**	**per subscriber**

Title 16 Property Maintenance, Public Nuisances & Vacant Buildings			
Ordinance #	**Description**	**Fee**	
16.03.43	BOZA Appeal Fee	**$100**	
16.03.51.B.	Administrative Fee for Reinspections	**$75.00**	
16.01.52.B.	Snow Removal	**$ 2.00**	**per lineal foot & $75.00 administrative fee**