Affidavit of Publication

$93.42

STATE OF WISCONSIN
County of La Crosse } ss.

Jasmine Ferguson, being duly sworn, says that they are the principal clerk of the **LA CROSSE TRIBUNE**, a public daily newspaper of general [circul]ation, published in the City of La Crosse, in the county and state [afore]said, and that the notice, (of which the hereto annexed is a true and [corre]ct printed copy taken from said paper) was inserted, printed and [publi]shed in said paper on the

ORDINANCE NO.: 5010

AN AMENDED ORDINANCE to amend Section 10-460 of the Code of Ordinances of the City of La Crosse regarding limitation on location for junk dealers.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:
SECTION I: Section 10-460 is hereby amended to read as follows:
(a) Except as provided in subsection (b), no~~No~~ premises established after April 1, 1992, shall be used for carrying on the business of junk dealing within a distance of 1,000 feet from land zoned for single family residence district, residence district, multiple dwelling district, special multiple dwelling district, or low density multiple dwelling district.
(b) Waiver of 1,000 foot requirement. The Common Council may grant a waiver to the 1,000 foot requirement by simple majority vote.
(1) Prior to granting any waiver, the City Clerk shall notify all property owners within 1,000 feet shall be notified by first class mail. If any property owner within 1,000 feet objects to the waiver, then the Common Council may only grant the waiver by 2/3 supermajority vote of the entire Common Council.
(2) A request for a waiver shall be submitted in writing to the City Clerk, on a form provided by the City Clerk, along with any applicable fee as established by resolution. Each application for waiver submitted shall be transmitted by the City Clerk to the Department of Planning & Development and Fire Prevention & Building Safety Departments for analysis and recommendation.
(3) In review of a waiver request, the Common Council shall consider whether: (a) failing to grant the waiver could create an undue hardship on the property owner; (b) granting the waiver will disrupt or harm the neighborhood and surrounding community; (c) granting the waiver is in the interest of the City under the circumstances and (d) any other remedy exists in order to achieve substantially the same result as the waiver.
(4) Any waiver granted shall be for a period not to exceed 5 years. A waiver may be renewed upon application not less than 90 days prior to the expiration of the waiver's ~~expiration~~. Renewal requests may be granted upon simple majority vote ~~by~~ of the Common Council without further notification to property owners within 1,000 feet.
(5) All waivers are non-transferable and valid only for the original requester. Any attempted transfer of a waiver shall render it null and void, including, without limitation, a change in corporate ownership. Any successor-in-interest may apply for its own waiver by complying with subsections (1) and (2).
(6) After notice and hearing, the Common Council may revoke any waiver upon finding non-compliance with any federal, state or local statute, regulation, ordinance, law or other requirement.
(7) Any premises established prior to July 22, 2017 may obtain a waiver upon simple majority vote of the Common Council without notification to property owners within 1,000 feet subject to renewal as provided herein.
(c) Chapter 68, Wis. Stat., shall not apply to this section.
SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.
SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

/s/ Timothy Kabat, Mayor
/s/ Teri Lehrke, City Clerk

Passed: 7/13/17
Approved: 7/17/17
Published: 7/22/17

7/22 30564978 WNAXLP

22nd day of **July** **2017**,

[and th]ereafter on the following dates, to wit:

_____

_____

_____

[and a]t least once in each week for [succes]sive week(s). **1**

Jasmine Ferguson (signature)

[Jas]mine Ferguson

25Th day of **July** **2017**

Margaret A. Berg (signature)

Notary Public, La Crosse County, Wisconsin

Margaret A. Berg
Notary Public, State of Wisconsin

My Commission as Notary Public will expire on the

12th day of **July** **2021**