

LA CROSSE MUNICIPAL CODE

Published in 2014 by Order of the Common Council



OFFICIALS

of the

CITY OF

LA CROSSE, WISCONSIN

AT THE TIME OF THIS RECODIFICATION

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PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of La Crosse, Wisconsin.

Source materials used in the preparation of the Code were the 1980 Code, as supplemented and amended through April 16, 2014. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1980 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and Howard George, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Teri Lehrke, City Clerk, Mr. Stephen F. Matty, City Attorney, and Ms. Brenda Buddenhagen, Paralegal, for cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

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PART I

GENERAL ORDINANCES

Chapter 1

GENERAL PROVISIONS

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- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; history notes; references.
- Sec. 1-4. Effect of repeal or amendment of ordinances.
- Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-6. Supplementation of Code.
- Sec. 1-7. General penalty; continuing violations.
- Sec. 1-8. Severability.
- Sec. 1-9. Provisions deemed continuation of existing ordinances.
- Sec. 1-10. Code does not affect prior offenses or rights.
- Sec. 1-11. Certain ordinances not affected by Code.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances of the City of La Crosse, Wisconsin," and may be so cited. Such Code may also be cited as the "City of La Crosse Municipal Code," the "La Crosse Municipal Code," or "La Crosse Code." The Code consists of parts I and II.

State law reference—Codification of ordinances, Wis. Stat. § 66.0103.

Sec. 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances unless the context requires otherwise:

Generally.

- (1) When provisions conflict, the specific prevails over the general. All provisions shall be liberally construed so that the intent of the Common Council may be effectuated.
- (2) Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings shall be construed according to such meanings.
- (3) Provisions shall be interpreted and applied so as to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.
- (4) If any manifest error be discovered consisting of a misspelling, an omission of a word necessary to express the manifest intention of any provision, the use of a word to which no meaning can be attached, or the use of one word where it is manifest that a different word should have been used to express the intent of any provision, such spelling shall be corrected and such word supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the words correctly spelled, and as supplied, omitted or substitute, were used originally. This subsec-

tion shall not permit any change to be made should there exist doubt as to the meaning of the provision in question.

Actions by agents. When a provision requires an act to be done that may legally be done by an agent, such requirement includes all such acts when done by an authorized agent.

Chiropractor. The term "chiropractor" means a person holding a license issued by the State Chiropractic Examining Board.

City. The term "City" means the City of La Crosse, Wisconsin.

Code, Municipal Code. The term "Code" or "Municipal Code" means the La Crosse Municipal Code, as designated in section 1-1, as now or hereafter revised or amended. The Code consists of parts I and II.

Common Council, Council, City Council. The terms "Common Council," "City Council" and "Council" mean the Common Council of the City.

Computation of time. All periods of time shall be computed in accordance with the provisions of Wis. Stat. § 990.001(4).

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows, except that the terms "and" and "or" may be interchangeable when the context so requires:

- (1) "And" indicates that all the connected terms, conditions, provisions or events apply.
- (2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (3) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Council Member, Alderman, etc. The term "Council Member" shall be substituted for the terminology "Alderman" and the term "Council Member" shall be the term used to designate members of the Common Council.

County. The term "County" means La Crosse County, Wisconsin.

Delegation of authority. A provision that authorizes or requires a City officer or City employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include all other genders.

Health Department, Health Officer. The term "Health Department" means the County Health Department. The term "Health Officer" means the County Health Officer.

Includes. The term "includes" does not limit a term to a specified example.

Joint authority. Words giving a joint authority to three or more persons give such authority to a majority of such persons.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" has a prohibitory effect and states a prohibition.

Month. The term "month" means a calendar month.

Must. The term "must" is to be construed as being mandatory.

Number. Words in the singular include the plural. Words in the plural include the singular.

Oath, affidavit. The terms "oath" and "affidavit" and their derivatives shall include affirmation and declaration, and their derivatives, in the senses of equivalents of the expressions used.

Officers, departments, etc.

- (1) References to officers, departments, board, commissions or employees are to City officers, City departments, City boards, City commissions and City employees.
- (2) References to any public officer or department shall apply to the person or department for the time being exercising the powers and performing the duties of the office intended. If the office or department intended has been abolished, or if the power or duty thereof which was under contempla-

tion in the reference has been transferred or assigned to some other officer or department, the reference shall be construed to follow the power or duty and to apply to the successor in authority to the officer or department to which reference is made.

Owner. The term "owner," as applied to land, building or premises, shall include the owner, his agent, the lessee, the occupant or the person in charge of such building or premises, and in each case as circumstances and conditions may require.

Person. The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any limited liability company, any partnership, any firm, association or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Physician. The term "physician" includes surgeons and osteopaths and means a person holding a license or certificate of registration from the State Medical Examining Board.

Preceding, following. The terms "preceding" and "following," when used by way of reference to any section or subsection of this Code, shall be construed to mean the section or subsection next preceding or next following that in which said reference is made unless some other section or subsection is designated in such reference.

Reasonable time, reasonable notice. A requirement that any act to be done in a reasonable time or reasonable notice to be given to any person, said reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt execution of such duty, or compliance with such notice.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means that portion of the street between the curblin and the adjacent property line intended for the use of pedestrians.

Signature or subscription by mark. If the signature of any person is required, it shall always be the handwriting of such person or, if the person is unable

to write, such person's mark or name written by another person at the person's request and in the person's presence.

State. The term "State" means the State of Wisconsin.

Street. The term "street" includes any public way, road, highway, street, avenue, boulevard, bridge, viaduct, trestle and the approaches to any bridge, viaduct or trestle.

Tenant, occupant. The terms "tenant" and "occupant," as applied to premises, include any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

Tenses. The present tense of a verb includes the past and future tenses. The future tense includes the present tense.

Week. The term "week" means seven consecutive days; provided, however, that a publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

Wis. Admin. Code. The abbreviation "Wis. Admin. Code" refers to the Wisconsin Administrative Code, as now or hereafter amended or renumbered.

Wis. Stat. The abbreviation "Wis. Stat." refers to the Wisconsin Statutes, as now or hereafter amended or renumbered.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Year. The term "year" means a calendar year. (Code 1980, §§ 22.10, 22.12, 22.13(A), (B), (C)(1), (C)(3)—(C)(14), (C)(16)—(C)(22), 22.14, 22.15, 22.17, 22.22)

State law reference—Similar provisions, Wis. Stat. §§ 990.001, 990.01.

Sec. 1-3. Catchlines of sections; history notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section

and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) History notes that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Editor's notes, cross references and State law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(d) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code. References to sections or subsections of this Code apply to such section or subsection as now or hereafter amended, revised or re-enacted, as long as such section or subsection referred to deals with the same subject matter as when the reference was made. If any section or subsection is repealed and re-enacted under another number dealing with the same general subject, whether in the same or in other language, existing references to such section or subsection as originally numbered shall thereafter be construed to apply to the section or subsection as it exists under its new number.

(Code 1980, §§ 22.13(C)(2), 22.18)

State law reference—Similar provisions, Wis. Stat. § 990.001(6).

Sec. 1-4. Effect of repeal or amendment of ordinances.

The repeal or amendment of any provision of this Code or of any other ordinance or resolution shall not:

- (1) By implication revive anything not in force or existing at the time at which the repeal or amendment takes effect.
- (2) Affect the previous operation of any enactment so repealed or amended.
- (3) Affect any act duly done or suffered under any enactment so repealed or amended.
- (4) Affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended.

- (5) Affect any penalty, forfeiture or punishment incurred in respect of any offense committed against any enactment so repealed or amended.
- (6) Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.

(Code 1980, § 22.19)

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances of the City of La Crosse, Wisconsin, is hereby amended to read as follows:"

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the Code of Ordinances of the City La Crosse, Wisconsin, is hereby created to read as follows:"

(d) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

Sec. 1-6. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the City. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been

inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be removed from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts or ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

- (1) Arrange the material into appropriate organizational units.
- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-7. General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means any of the following:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or

a misdemeanor by ordinance, by statute adopted by reference in this Code, by State rule or regulation adopted by reference in this Code, or by order, rule or regulation authorized by ordinance.

- (2) Failure to perform an act that is required to be performed by ordinance, by statute adopted by reference in this Code, by State rule or regulation adopted by reference in this Code or by order, rule or regulation authorized by ordinance.
- (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by State rule or regulation adopted by reference in this Code or by order, rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided by law or ordinance, persons who commit a violation of this Code shall be subject to the following penalties, remedies and other relief, which penalties, remedies and other relief may be jointly and severally sought and/or employed by the City, and may be ordered and/or imposed, as applicable by the courts:

- (1) If the violation of the Code is designated a Class A offense or Class A forfeiture:
 - a. For the first offense, a forfeiture which shall be paid to the City of not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution.
 - b. For the violation of the same provision within 24 months after committing a previous violation, a forfeiture which shall be paid to the City of not less than \$200.00 nor more than \$5,000.00 together with the costs of prosecution.
- (2) If the violation of this Code is a Class B offense or Class B forfeiture, a forfeiture of not less than \$50.00 nor more than \$1,000.00 and the costs of prosecution.

- (3) If the violation of this Code is a Class C offense or Class C forfeiture, a forfeiture of not less than \$50.00 nor more than \$500.00 and the costs of prosecution.
- (4) In the absence of a specific forfeiture or designation, a violation of this Code is a Class A offense or Class A forfeiture.
- (5) Language providing that a person is subject to a forfeiture of a specific class means that the conduct prohibited is an offense of that class.

(d) For purposes of determining previous violations under this section, the period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purposes of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time, all those violations shall be counted as one violation.

(e) In no case shall the forfeiture imposed for a violation of any provision of this Code exceed the maximum fine for the same offense under the laws of the State.

(f) Except as otherwise provided by law or ordinance, each and every day that a violation of this Code occurs, continues and/or remains present constitutes a separate offense.

(g) For a violation of this Code, the City, in addition to the above monetary penalties and special charges may from time to time seek and obtain, and the court may order, temporary and/or permanent injunctive relief, abatement and such other legal and/or equitable relief, remedies, judgments and/or orders of the court against any person and/or property as the court may, from time to time, deem necessary, appropriate and/or desirable to effectuate the intent of this section and the public good, peace, order, welfare and/or safety.

(h) In addition to the above penalties, relief and remedies, the Common Council may refuse to issue or not renew any license or permit to the owner of the premises, after conducting a public hearing thereon.

(i) It shall be the responsibility of the convicted person to immediately abate each and every violation upon the premises as expeditiously as possible, unless otherwise directed by the City or the Court.

(j) Pursuant to Wis. Stat. § 938.17(2)(cm), the Municipal Court is authorized to impose the following alternative juvenile dispositions and sanctions:

- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Wis. Stat. §§ 938.343 and 938.344, in accordance with the provisions of those statutes.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stat. § 938.343 or 938.344, the Municipal Court is authorized to impose any of the sanctions listed in Wis. Stat. § 938.355(6)(d), in accordance with the provisions of those statutes.

(k) The Chief of Police may, whenever in the Chief's opinion circumstances justify it, receive from any person who shall have been accused of having committed a violation of this Code, and who shall have been arrested therefor, a deposit of money equal to the maximum penalty prescribed for such offense, and release such person from arrest until the opening of court on the next succeeding day when such court shall be open, or until a time which may be fixed for the hearing of the case. In case any person who makes a deposit and is released in accordance with this section shall fail to appear personally or by an authorized agent or attorney before the Municipal Judge at the time fixed for the hearing of the case, then the money deposited shall be retained and used for the payment of the forfeiture and the costs which may be imposed upon the depositor after an ex-parte hearing, and the surplus, if any, shall be refunded to the person who has made such deposit upon application therefor. In case such person is acquitted, then the whole amount shall be refunded upon application. Any sums not applied for shall be paid into the general fund of the City. The provisions of this section shall impose no liability on the part of the City for the whole or any part of the money deposited with the Chief of Police.

(l) When a forfeiture is imposed for a violation of this Code, the court shall also sentence the defendant to pay, and shall give judgment for, the costs of prosecution, whether the section under which said prosecution or proceeding is had shall specifically so direct or not.

(m) When imprisonment is imposed in default of payment of forfeitures and costs of prosecution for a violation of this Code, the imprisonment shall be in the County Jail, unless otherwise authorized by law.

(n) When the Municipal Judge determines that a guilty defendant is indigent, the Judge shall permit the defendant to pay the forfeiture at a later specified date, or in monthly installments of at least \$5.00 until paid in full. Upon default in the payment of any installment, the entire balance of the forfeiture shall immediately be due and payable by the defendant. The Municipal Judge, upon receipt of such report of such default, shall set a date for hearing with notice to the defendant ordering the defendant to appear to show cause why the defendant should not be imprisoned until the forfeiture is paid in full. Such notice may be given either by personal service or by certified mail to the defendant at the last known address, at least five days prior to the date set for the hearing. After such hearing, if the evidence warrants, the Municipal Judge shall sentence the defendant to imprisonment in the County Jail, unless otherwise authorized by law, for a term not to exceed 90 days for each offense or until the fine is fully paid.

(o) Whenever any forfeiture shall be imposed for a violation of this Code and the person who is thus penalized shall neglect or refuse to pay such penalty and costs, it shall be the duty of the Municipal Judge to issue execution forthwith against the goods and body of such person, and in default of such forfeiture and costs, the person against whom such forfeiture is imposed shall be committed to jail until such forfeiture and costs shall be paid, or until they shall be discharged according to law, and it shall be the duty of the officer in charge of such person to see that this section be carried into effect.

(p) This section is cumulative in its legal effect and is not in lieu of any and all other legal and equitable remedies under City ordinances, State statutes, State administrative codes, and common law, including, but not limited to, forfeiture of the property to the City under this section and/or the applicable State statutes.

(Code 1980, §§ 7.09(F), 22.02—22.09, 22.13(C)(15))

Cross references—Municipal Court, ch. 28; provisions designated as Class A forfeitures, §§ 2-5, 2-131; provisions designated as Class B forfeitures, §§ 10-3, 16-2, 18-60, 18-101, 20-116, 20-139, 30-2, 32-1, 34-1, 36-26, 40-7, 44-7, 44-198, 46-184, 50-1; 103-28, 103-269, 103-365; provisions designated as Class C

forfeitures, §§ 4-1, 8-1, 10-1, 14-2, 14-52, 14-88, 18-2, 32-138, 36-20, 40-1, 42-57, 44-78, 46-21, 46-71, 48-1, 101-3, 103-4, 103-134, 103-168, 103-226, 107-2, 111-2, 113-2, 115-2; forfeiture for possessing unregistered kegs of fermented malt beverages, § 4-111; forfeiture for violation of animal ordinances (ch. 6) unless otherwise provided, § 6-2; forfeiture for keeping unlicensed dog or cat (§ 6-67), § 6-2; forfeiture for violation of ch. 10, art. IX (outdoor food stands and mobile food units), § 10-1; forfeiture for violation of adult establishment ordinance (ch. 10, art. II), § 10-26; forfeiture for violation of retail cigarette and tobacco dealers ordinance (ch. 10, art. V), § 10-170; forfeiture for violation of horse-drawn vehicle ordinance (ch. 10, art. XIV), § 10-659; forfeiture for violation of going out of business sale ordinance (ch. 10, art. XV), § 10-707; forfeiture for violation of historic preservation ordinance (ch. 20, art. II), § 20-22; forfeiture for housing discrimination (§ 22-25), § 22-21; forfeiture for discrimination in public place of accommodation or amusement (§ 22-26), § 22-21; forfeiture for discrimination in city facilities (§ 22-26), § 22-21; forfeiture for offenses involving library materials (ch. 26, art. II), § 25-21; forfeiture for failure to abate drug or gang houses, § 30-3; forfeiture for failure to destroy noxious weeds or cut grass, § 30-4; forfeiture for retail theft, § 32-31; forfeiture or tenants damaging property, § 32-42; graffiti forfeiture, § 32-43; forfeiture for discharging weapons, § 32-75; forfeiture for possession of weapon in certain buildings or special events, § 32-77; forfeiture for public intoxication, § 32-103; forfeiture for tattooing of children, § 32-184; forfeiture for truancy, § 32-188; forfeiture or habitual truancy, § 32-189; forfeiture for scales of food, beverages and merchandise on premises on public property near La Crosse Center, § 34-23; forfeiture or unauthorized changes to boulevard areas (§§ 34-109, 34-111), § 34-104; forfeiture for violation of solid waste disposal and collection ordinance (ch. 36, art. III), § 36-57; forfeiture for violation for snow, ice and debris removal ordinance (§ 40-8), § 40-1; forfeiture for violation of confidentiality of room tax returns, § 42-55; penalties for violation of traffic and parking ordinances (ch. 44), § 44-1; forfeiture for injuring or removing street sign, § 44-4; forfeiture for violation of electric vehicle ordinance, § 44-9; forfeiture for tampering with parking enforcement marks on tires, § 44-103; forfeiture for violation of sewer discharge regulations, § 46-108; forfeiture for failure to obtain permit for marine shipping structures or dock walls, § 48-3; forfeiture for abandoning boat, § 48-31; penalty for violation of residential inspection and registration ordinance, § 103-400; penalty for violation of mandatory inspection standards ordinance, § 103-435; forfeiture for violation of erosion control measures at construction sites (ch. 105, art. II), § 105-20; forfeiture for violation of shoreland-wetland zoning ordinance (ch. 109), § 109-3; forfeiture for leasing to more than five unrelated persons (§ 115-396) or for parking vehicle in front yard (§ 115-395), § 115-2; forfeiture for violation of floodplain zoning (ch. 115, art I, div. 2), § 115-213; forfeiture for violation of wireless communications ordinance (ch. 115, art. VII, div. 2), § 115-436.

State law references—Ordinance violations, Wis. Stat. § 66.0109 et seq.; imprisonment for failure to pay forfeiture and other remedies available to court for ordinance violations, Wis. Stat. § 800.09 et seq.; penalty for violation of local ethics ordinances, Wis. Stat. § 19.59; penalty for violation of ordinance pertaining to placement and use of moorings, Wis. Stat. § 30.772; restriction on penalties for violation of municipal ordinances regulating aeronautics and astronautics, Wis. Stat. § 114.105; penalty

for violation ordinance pertaining to placement and use of moorings, Wis. Stat. § 30.772; penalty for failure to obtain mobile home permit, Wis. Stat. § 66.0435; penalty for room tax violations, Wis. Stat. § 66.0615; penalty for violation of fair housing ordinances, Wis. Stat. § 66.1011; penalty for violation of municipal truancy and school dropout ordinances, Wis. Stat. §§ 118.163, 938.342; penalty for violation of ordinances pertained to alcohol liquor and underage persons, Wis. Stat. § 125.07; penalty for violation of ordinances pertaining to sales of cigarettes, nicotine or tobacco products to underage persons, Wis. Stat. § 134.66; penalty for violation of ordinances regulating pawnbrokers, secondhand article and jewelry dealers, Wis. Stat. § 134.71; penalty for violation of posted cemetery rules, Wis. Stat. § 157.11; penalty for violation of ordinances pertaining to safety at sporting events, Wis. Stat. § 167.32; penalty for transfer of lots without recorded plat, Wis. Stat. § 236.31; penalty for violation of ordinances pertaining to reckless driving, Wis. Stat. § 346.65; penalty for violations by juveniles of alcohol or drug ordinances, Wis. Stat. § 938.344.

Sec. 1-8. Severability.

The sections, subsections, paragraphs, sentences, clauses and phrases of this Code and all provisions adopted by reference in this Code are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Code or of any provision adopted by reference in this Code, for the Common Council declares that it is its intent that it would have enacted this Code and all provisions adopted by reference in this Code without such invalid or unconstitutional provisions.
(Code 1980, § 22.20)

State law reference—Severability of State statutes, Wis. Stat. § 990.001(11).

Sec. 1-9. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.
(Code 1980, § 22.21)

Sec. 1-10. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any City ordinance on the effective date of this Code.

Sec. 1-11. Certain ordinances not affected by Code.

(a) Nothing in this Code, or the ordinance adopting this Code, affects the validity of any ordinance or portion thereof pertaining to the following, which ordinances designated continue in full force and effect to the same extent as if published at length in this Code:

- (1) Annexing property into the City.
- (2) Detaching property or excluding property from the City.
- (3) Describing the corporate limits.
- (4) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (5) Authorizing, granting or approving any lease, easement, contract, deed, or agreement.
- (6) Making or approving any appropriation or budget.
- (7) Accepting any gift or grant.
- (8) Granting any right or franchise.
- (9) Providing for salaries or other officer or employee benefits.
- (10) Releasing a person from liability.
- (11) Establishing a bulkhead line or shoreline.
- (12) Pertaining to a specific hospital.
- (13) Naming or renaming a park or recreational facility.
- (14) Authorizing or establishing specific pedestrian malls.
- (15) Adopting or amending the Comprehensive Plan.
- (16) Authorizing specific railroad tracks or lines.
- (17) Levying or imposing any special assessment.
- (18) Authorizing, dedicating, establishing, naming, renaming, locating, relocating, opening, paving, widening, repairing, vacating or discontinuing any street, alley, bridge or viaduct.
- (19) Establishing the grade or any street or sidewalk.
- (20) Establishing curblines and widths of sidewalks.
- (21) Authorizing specific skywalks.
- (22) Providing for street lighting.
- (23) Providing for the construction of public works.
- (24) The construction or repair of specific sidewalk.
- (25) The creation and establishment of districts wherein all utilities are required to be located underground.
- (26) Dedicating, accepting or vacating any plat or subdivision.
- (27) Levying, imposing taxes.
- (28) Providing traffic or parking regulations for specific locations not inconsistent with this Code.
- (29) Water rates, and rules and regulations for sewer and water main construction.
- (30) Rezoning specific property or amending the zoning map.
- (31) That is temporary, although general in effect.
- (32) That is special, although permanent in effect.
- (33) The purpose of which has been accomplished.

(b) Nothing in this Code or the ordinance adopting this Code affects any Charter ordinance. (Code 1980, §§ 21.01—21.30, 22.18, 22.21)

Chapter 2

ADMINISTRATION*

Article I. In General

- Sec. 2-1. City boundaries.
- Sec. 2-2. Insurance.
- Sec. 2-3. Bonds.
- Sec. 2-4. Administrative review of municipal determination; Administrative Review Board.
- Sec. 2-5. Disclosure of confidential information prohibited.
- Sec. 2-6. Disposal of abandoned property.
- Secs. 2-7—2-30. Reserved.

Article II. Common Council

- Sec. 2-31. Aldermanic Districts—Boundaries.
- Sec. 2-32. Number and term of Council Members.
- Sec. 2-33. Salary and fringe benefits of Council Members.
- Sec. 2-34. Notice of special meetings; fees for special meetings.
- Secs. 2-35—2-56. Reserved.

Article III. Mayor

- Sec. 2-57. Term of office.
- Sec. 2-58. Salary and fringe benefits.
- Sec. 2-59. Duties.
- Secs. 2-60—2-76. Reserved.

Article IV. City Clerk

- Sec. 2-77. Term of office.
- Sec. 2-78. Salary and fringe benefits.
- Sec. 2-79. Duties generally.
- Sec. 2-80. Documents incorporated by reference.
- Sec. 2-81. Ordinances and supplemental sheets.
- Secs. 2-82—2-105. Reserved.

Article V. Officers, Employees and Departments

Division 1. Generally

- Sec. 2-106. Vacancies authorized to be filled by the Common Council.
- Secs. 2-107—2-125. Reserved.

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- Sec. 2-126. Definitions.
- Sec. 2-127. Declaration of policy.
- Sec. 2-128. Distribution of division.
- Sec. 2-129. Ethics Board.
- Sec. 2-130. Violations and complaints.
- Sec. 2-131. Standards of conduct.

*Cross reference—Charter ordinances, app. A.

State law references—Cities generally, Wis. Stat. ch. 62; municipalities generally, Wis. Stat. ch. 66.

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- Sec. 2-132. Disclosures.
- Sec. 2-133. Gifts and gratuities.
- Secs. 2-134—2-164. Reserved.

Division 3. Director of Finance/Treasurer and Department of Finance/Treasurer

- Sec. 2-165. Functions.
- Sec. 2-166. Rules for purchasing.
- Secs. 2-167—2-185. Reserved.

Division 4. Department of Information and Technology

- Sec. 2-186. Duties.
- Sec. 2-187. Assistants.
- Secs. 2-188—2-212. Reserved.

Division 5. Assessors

- Sec. 2-213. Number.
- Sec. 2-214. City Assessor.
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Article VI. Public Records

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- Sec. 2-237. Definitions.
- Sec. 2-238. Duty to maintain records.
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- Sec. 2-261. Generally.
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- Sec. 2-290. Fee refunds.
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- Sec. 2-325. Miscellaneous.
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Treasurer.
- Sec. 2-356. Capital Equipment Review and Report by the Board of Public Works.
- Sec. 2-357. Capital Projects Review and Report by City Plan Commission.
- Sec. 2-358. Common Council approval.
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- Secs. 2-361—2-378. Reserved.

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- Sec. 2-379. Public works contracts.
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- Sec. 2-402. Findings of fact, statement of purpose.
- Sec. 2-403. Economic Development Commission.
- Sec. 2-404. Standards for economic development assistance.
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- Sec. 2-445. Created; membership.
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- Sec. 2-552. Purpose.
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Division 8. La Crosse Center Board

- Sec. 2-604. Membership and organization.
- Sec. 2-605. Restrictions on Board members.
- Sec. 2-606. Meetings.
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- Sec. 2-636. Membership and organization.
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- Sec. 2-663. Members.
- Sec. 2-664. Duties and powers.

ARTICLE I. IN GENERAL

Sec. 2-1. City boundaries.

A description of the boundaries of the City is on file in the office of the City Engineer.

(Code 1980, § 1.01)

State law reference—Annexations and detachments, Wis. Stat. §§ 62.071 et seq., 66.0217 et seq.

Sec. 2-2. Insurance.

(a) Insurance is required in this Code as follows:

- (1) *Building moving permit (§ 40-133)*. Prior to issuance of a permit to move a building, the applicant must furnish the Board of Public Works satisfactory written evidence that the applicant has in force and will maintain during the life of the permit, public liability and motor vehicle liability insurance in amounts not less than \$100,000.00 each person, \$300,000.00 each accident for bodily injury and for property damage in the amount of \$100,000.00. The Board of Public Works may waive the requirement of public liability insurance should the circumstances justify the same. The City shall be named as an additional insured on such policy.
- (2) *Oversize load permit (§ 44-78)*. No oversize load permit shall be issued unless the applicant has furnished:
 - a. General liability insurance with a minimum combined single limit of \$50,000.00 for bodily injury and property damage per occurrence.
 - b. Comprehensive auto and truck liability insurance, including owned, non-owned and hired vehicles with a minimum combined single limit \$500,000.00 for bodily injury and property damage per occurrence.

(b) The City shall be named as an additional insured on all such policies.

- (1) *Street and sidewalk excavations and opening (§ 40-33)*. Persons issued permits for street and sidewalk excavations and opening shall carry comprehensive general liability insurance and completed operations insurance, which insurance shall include all

work provided for by the permit whether such work be by the permittee or by any subcontractor or by anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable, with a minimum combined single limit of \$500,000.00 for bodily injury and property damage per occurrence. The insurance required shall be written by insurance companies who are rated "B" or better in Best's Key Rating Guide and shall be licensed to do business in the State of Wisconsin. Certificates of insurance naming the City of La Crosse as additional insured shall be filed with the Engineering Department before any permit shall be issued and shall also provide for 30 days' notice prior to expiration, cancellation or material change to be sent to the Engineering Department.

- (2) *Right-of-way encroachment permit (§ 40-108)*. The applicant for a permit to encroach on the public right-of-way shall procure and maintain for the duration of the permit a minimum liability and contractual liability policy in the amount of \$100,000.00 each person, \$300,000.00 each accident for bodily injury and \$100,000.00 for property damage. A certificate of such insurance shall be filed with the City Attorney as part of the application. The insurance shall name the City, its officials, employees and agents as additional insureds. The Board may approve greater insurance protection on a case-by-case basis.
- (3) *Laying of gas pipes (§ 40-9)*. The Board of Public Works may require that persons installing gas piping furnish public liability insurance in amounts of not less than \$500,000.00 each person, \$1,000,000.00 each accident for bodily injury, and \$500,000.00 property damage. The City shall be named as an additional insured.
- (4) *Permit to place dumpster in street (§ 40-13)*. Prior to the issuance of a permit for the placement of a dumpster in the street, the permit applicant must furnish the City Engineer satisfactory written evidence that the applicant has in force and will maintain during the term of the permit, public liability

insurance in not less than \$200,000.00 for one person, \$500,000.00 for one accident, and property damage insurance of not less than \$100,000.00. Each such applicant shall also furnish to the City a certificate of insurance naming the City of La Crosse as additional insured and evidence of the same shall be on file with the City Engineer's office at all times during the terms of the permit.

- (5) *Fireworks (§ 18-102)*. All persons applying for a fireworks user's permit shall furnish a certificate of insurance showing that the applicant has in force insurance in the amount of \$200,000.00 for each claim or \$500,000.00 for each incident. The City shall be named as an additional insured.
- (6) *Shipwreck salvage or removal permit (§ 20-141)*. The applicant for a permit to salvage or remove artifacts from any abandoned shipwreck shall furnish a certificate of liability insurance coverage of at least \$500,000.00 to cover damage to persons or property during the period the salvage operation is being undertaken. The City shall be named as an additional insured.
- (7) *Vacant building registration (§ 103-370(a))*. The owner of a vacant building that is required to be registered with the City shall acquire or otherwise maintain liability insurance in an amount not less than \$300,000.00 for buildings designed primarily for residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses. The liability insurance shall provide coverage for any injury to any person or damage to the property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the Department of Planning and Development. The City shall be named as an additional insured.
- (8) *School crossing guards (§ 40-44)*. Any school crossing guard not an employee of the City shall file a certificate of insurance in the sum of not less than \$500,000.00 for bodily injury, naming the City of La Crosse as additional insured.
- (9) *Traffic control attendants (§ 9.20(B)(5))*. Any traffic control attendant not an employee of the City shall file a certificate of insurance in the sum of not less than \$500,000.00 for bodily injury, naming the City of La Crosse as additional insured.
- (10) *Ultralight aircraft (§ 34-69)*. Any person desiring to land or to take off from any property owned by the City of La Crosse shall, prior to receiving a permit providing for not less than \$500,000.00 of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the City of La Crosse as additional insured and said certificate shall be filed with the Parks and Recreation Department at the time the applicant seeks a permit.
- (11) *Wireless communication facilities (§ 115-475(d))*. A person issued a permit for wireless communication facilities shall file with the City Clerk and shall, during the term of its permit, maintain in full force and effect at its own expense insurance as provided below:
- a. General comprehensive liability insurance, in the amount of \$1,000,000.00, together with personal injury liability insurance in an amount of not less than \$250,000.00 for injuries, including accidental death, to any one person, and subject to the same limit for each person in an amount not less than \$500,000.00 on account of any one occurrence, and property damage liability insurance in an amount not less than \$250,000.00 resulting from any one occurrence, and workers compensation insurance.
 - b. The City shall be named as an additional insured on all of said insurance policies.
 - c. Where such insurance is provided by a policy which also covers the permittee

- or any other entity or person, it shall contain a standard cross-liability endorsement.
- d. All insurance shall be issued by companies authorized to do business in the State of Wisconsin.
 - e. All insurance required by this section shall be and remain in full force and effect for the entire life of the permit. Said policy or policies of insurance or a certified copy or copies thereof shall be approved by the City Attorney and deposited with and kept on file by the City Clerk.
 - f. The permittee shall not cancel any such insurance policy nor reduce the coverage thereof without prior written notice to the City Clerk at least 15 days in advance.
- (12) *Electrical contractors and fire alarm contractors (§ 103-140)*. Electrical contractors and fire alarm contractors shall, with the application for license or renewal thereof, file a certificate of insurance showing that they carry public liability insurance in the amount of at least \$500,000.00 property damage and \$500,000.00 per person and \$1,000,000.00 per accident death or personal injury, along with completed operations insurance with at least the same coverage. It is the responsibility of the contractor to supply a current certificate of insurance at the beginning of each policy cycle. The City shall be named as an additional insured on the policy.
- (13) *Gas contractors (§ 103-195)*. Class "A" and Class "B" gas contractor licensees shall carry General Liability Insurance and Completed Operations Insurance, with a minimum combined single limit of \$500,000.00 for bodily injury and property damage per occurrence. The completed operations coverage shall be sufficiently broad to cover installation, service and repair of equipment sold by the licensee and servicing, installation and repair of equipment not sold by the licensee. The insurance policies shall also provide for 30 days' notice prior to expiration, cancellation or material change to be sent to Department of Planning and Development. Copies of the insurance policies, or certificates of insurance indicating such coverage, must be filed with the Department of Planning and Development before any Class "A" or Class "B" licenses shall be issued. The City shall be named as an additional insured on the policy.
- (14) *Special event outdoor cabaret license (§ 10-102)*. Prior to the issuance of a special event outdoor cabaret license by the City Clerk, the applicant shall furnish evidence liability insurance policy in amounts of not less than \$1,000,000.00 aggregate coverage, and shall be in force and effect at the time such event is to take place. Said evidence of insurance shall include a certificate of insurance naming the City of La Crosse as additional insured in connection with said event. If an entity is self-insured, it must provide evidence of alternative proof of coverage, in a form acceptable to the City Clerk. The City shall be named as an additional insured on the policy.
- (15) *Circuses, carnivals or menageries (§ 10-304)*. Every circus, carnival or menagerie shall carry single limit liability insurance, including complete operations in the amount of \$1,000,000.00. The liability insurance policy shall include the City of La Crosse as an "Additional Insured." The Insurance Company providing the coverage shall be rated "B" or better in Best's Key Rating Guide and shall be licensed in the State of Wisconsin. A Certificate of Insurance shall be filed with the City Clerk prior to issuance of the license. The City shall be named as an additional insured on the policy.
- (16) *Outdoor food stands or mobile food units (§ 10-424)*. The applicant shall procure and maintain for the duration of the license, a minimum liability and contractual liability policy in the amount of \$100,000.00 each person, \$300,000.00 each accident for bodily injury and \$100,000.00 for property damage. A certificate of such insurance shall be filed with the City Clerk as part of the application. The insurance shall name the City, its

officials, employees and agents as additional insureds. The Certificate of Insurance shall provide 30 days' written notice to the City upon cancellation, or nonrenewal or material change in policy.

- (17) *Burglary and robbery alarm systems (§ 14-60)*. Every authorized burglary and robbery alarm business, monitoring service and proprietary system shall carry single limit liability insurance, including complete operations in the amount of at least \$1,000,000.00 per occurrence. The liability insurance policy shall include the City of La Crosse as an "additional insured." The Insurance Company providing the coverage shall be rated "B" or better in Best's Key Rating Guide and shall be licensed in the State of Wisconsin. A certificate of insurance shall be filed with the City Clerk prior to the commencement of operations. This Certificate shall contain a provision that coverages afforded under the policy will not be cancelled until at least 30 days' prior written notice has been given to the City's Police Chief.
- (18) *Fire alarm systems (§ 14-95)*. Every authorized fire alarm business, central station system and alarm answering service shall carry single limit liability insurance, including complete operations in the amount of \$1,000,000.00. The liability insurance policy shall include the City of La Crosse as an "Additional Insured." The Insurance Company providing the coverage shall be rated "B" or better in Best's Key Rating Guide and shall be licensed in the State of Wisconsin. A Certificate of Insurance shall be filed with the City Clerk prior to the commencement of operations. This Certificate shall contain a provision that coverages afforded under the policy will not be cancelled until at least 30 days' prior written notice has been given to the City of La Crosse.
- (19) *Public vehicle for hires (§ 10-590)*.
- a. It shall be unlawful to operate a vehicle for conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant files with

the City Clerk a valid commercial policy or certificate of public liability and property damage insurance issued by a responsible insurance company authorized to do automobile liability business in the State and licensed by the State of Wisconsin, Office of Commissioner of Insurance. Coverage shall be provided for in the minimum liability amount of \$1,000,000.00 for bodily injury and property damage per occurrence covering all vehicles to be used and a \$1,000,000.00 umbrella liability following for excess of automobile insurance coverage. Coverage is to duplicate the requirement as set forth herein. Said policy shall also provide that the indemnitor be directly liable for and shall pay all damages for injuries to persons or property that may be recovered against the owner or operator of each such motor vehicle by reason of the negligent use or operation thereof. Said policy shall name the City of La Crosse, its elected and appointed officials, officers, employees and authorized agents as additional insured.

- b. Such insurance policy shall describe the vehicle on which the same shall be issued by the factory number, make, and model; and no vehicle shall be used under the issued license unless such insurance policy covers it.
- c. Said insurance policy shall further provide that the same may not be cancelled before the expiration of its term except upon 30 days' written notice to the City Clerk. The cancellation or other termination of any such insurance policy shall automatically revoke and terminate all licenses issued for the public passenger vehicles covered by such insurance policy, unless another policy shall be provided and be in effect at the time of such policy cancellation or termination.
- d. If conveying passengers interstate (between two or more states), the licensee must comply with Federal Motor Car-

rier Safety Administration (FMCSA) regulations, sec. 387.31 Financial Responsibility Required.

(20) *Direct sellers and trade shows license (§ 10-788)*. Accompanying an application for a director seller and trade show license shall be a certificate of liability and contractual liability policy in the minimum amount of \$100,000.00 each person, \$300,000.00 each accident for bodily injury and \$100,000.00 for property damage. The insurance shall name the City, its officials, employees and agents as additional insured. The Certificate of Insurance shall provide 30 days' written notice to the City upon cancellation, or nonrenewal or material change in policy.

(21) *Horse drawn vehicles (§ 10-687)*.

- a. No license for a horse drawn vehicle shall be issued until and unless the applicant files with the City Clerk a valid policy or certificate of liability and property damage insurance issued by a responsible insurance company authorized to do business in the State and licensed by the State of Wisconsin Office of Commissioner of Insurance. Licensee shall provide and maintain commercial general liability insurance at least as broad as Insurance Services Office (ISO) Commercial General Liability Coverage with limits no less than: General Liability—\$500,000.00 per occurrence for bodily injury, personal injury and property damage.
- b. Said insurance policy shall describe the vehicles on which the same shall be issued and no vehicle shall be used under the issued license unless such insurance policy covers it.
- c. Said insurance policy shall further provide that the same may not be cancelled before the expiration of its term except upon 30 days' written notice to the City Clerk. The cancellation or other termination of any such insurance policy shall automatically revoke and terminate all licenses issued for the vehi-

cles covered by such insurance policy, unless another policy shall be provided and be in effect at the time of such policy cancellation or termination.

(22) *Sign erectors (§ 111-9(b))*. Each sign erector licensee shall insure the licensee's operations with a policy of liability insurance with limits of \$300,000.00 for bodily injury and \$1,000,000.00 aggregate, and \$100,000.00 property damage. Such insurance shall be maintained in effect at all times.

(23) *Parades or processions (§ 40-197)*. Prior to issuance of a permit for a parade or procession by the Clerk, the persons making application for the permit shall furnish evidence of a liability insurance policy in amounts of not less than \$1,000,000.00 aggregate coverage, and shall be in force and effect at the time such parade or procession is to take place. Said evidence of insurance shall include a certificate of insurance naming the City of La Crosse as additional insured in connection with said parade or procession. If a governmental entity is self-insured, it must provide evidence of alternative proof of coverage, in a form acceptable to the City Clerk.

(Code 1980, §§ 5.10(A)(7), (B)(3), 5.11(D), 5.12(E)(2), 5.13, 5.17(D), 7.01(G), 7.04(V)(3), 8.01(L)(5)(i), 9.20(A)(4), (B)(5), 10.03(U)(2)(a), 15.41(Q)(4), 17.06, 18.04(F)(2), 20.04(J)(10), 20.08(F), 20.10(F)(2), 20.14(F), 20.15(G), 20.16(G), 20.21(D)(2)(c), 20.23(G), 20.25(I)(2), 20.28(P))

Sec. 2-3. Bonds.

Bonds required by this Code are as follows:

- (1) *Moving buildings (§ 40-136)*. The Director of Planning and Development may accept a bond guaranteeing that the building sought to be moved will be made to comply with the Building Code. The bond shall be twice the sum of the estimated cost of bringing the building into compliance with the Building Code.
- (2) *Street and sidewalk excavations and opening (§ 40-33)*. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and de-

posit with the City Engineer's office an Indemnity Bond approved by the Director of Finance/Treasurer in the sum of \$10,000.00 conditioned that the applicant 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 openings the applicant may make as near as can be to the state and condition in which the applicant found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of three years. 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 years. Such bond shall be further conditioned that the applicant will observe the provisions of all State laws, ordinances, rules and regulations governing the issuance of permits under this section. Such bonds may be filed individually for each excavation, or an annual bond may be given covering all excavation work done by the principal for one year beginning January 1.

- (3) *Street encroachment permits (§ 40-108)*. The Board of Public Works may require the applicant for a permit to encroach in the public right-of-way to file a bond that does not exceed \$10,000.00 that runs to the City and to third parties that may be injured as a result of the applicant's encroachment and that further secures the performance of the conditions of the permit, such as, without limitation, any damage that could be done to any public right-of-way or other public property as a result of the encroachment.
- (4) *Groundwater monitoring wells and soil borings (§ 40-106)*. If a street encroachment permit is granted for groundwater monitoring wells and soil borings, a Bond shall be maintained for not less than \$10,000.00 and be on file with the City Engineer's office until the well is properly abandoned.
- (5) *Gas pipes (§ 40-9)*. When gas pipes are laid, the Board of Public Works may require in order to secure proper installation and re-

placement of grass, trees and settling, that a bond be provided in the sum of not less than \$10,000.00 by an approved insurance or security company, and said bond shall run for a period of not less than three years for the benefit of the City and the public.

- (6) *Placement of dumpsters in streets (§ 40-13)*. Each holder of a permit to place a dumpster in the street shall provide a bond in the sum of not less than \$3,000.00 issued 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 City Engineer's office 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.
- (7) *Private on-site wastewater treatment systems and waste haulers (§ 16-2)*. Private on-site wastewater treatment systems and waste haulers shall furnish the City a bond in the amount of \$5,000.00 conditioned upon the faithful performance of the duties of the waste hauler and the observance of the ordinances and resolutions of the City and such state laws and administrative regulations as are applicable.
- (8) *Subdivision improvements (§ 113-11(a))*. Before final approval of a subdivision plat, the subdivider shall install street and utility improvements. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the approval of the plat, enter into a contract with the community agreeing to install the required improvements and shall file with said contract a bond meeting the approval of legal counsel or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the City Engineer, as a guarantee that such improvements will be completed by the subdivider or the subdivider's subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

Insofar as the cost of street improvements is concerned the subdivider's cost shall be limited to the cost of material for said streets, excluding curb and gutter. Construction costs for streets with the exception of material shall be paid by the City.

- (9) *Land disturbance permit (§ 105-28(h))*. As a condition for approval and issuance of any land disturbance permit required by this chapter, the Building Inspector shall, on construction sites equal to or greater than 20 percent, require the permittee to provide an irrevocable letter of credit or permit bond in an amount of not less than \$5,000.00 to guarantee the faithful execution of the approved control plan and permit conditions.
- (10) *Reduction of off-street parking spaces (§ 115-393)*. The number of off-street parking spaces serving a building or use which was in existence on March 9, 1972, or was provided voluntarily after March 9, 1972, shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of chapter 115 (zoning) for a similar new building or use, unless a surety bond in an amount approved by the Common Council is posted to ensure that any reduction in the required number of parking spaces will be replaced within two years.
- (11) *Landscape surety (§ 115-553)*. The owner shall provide the City with a cash deposit, bond, or approved letter of credit to guarantee the proper installation and growth of all landscape improvements proposed in the approved landscape plan under chapter 115 (zoning). Said surety may remain in effect for two full growing seasons. A growing season shall be considered a period from May 1 to September 30. The first year, the amount of the surety will be equal to 100 percent of the estimated cost of plant material, installation and tree preservation. Once installation has been completed per the approved landscape plan and verified by the City, 75 percent of the surety will be reimbursed back to the owner. The remaining 25 percent will be kept by the City for a period of 12 months to cover any maintenance cost that may be needed. Such surety shall be filed with the Director of Finance/Treasurer.
- (12) *Gas contractors (§ 103-195(f))*. No Class "A" or Class "B" gas contractor's license shall become effective until the licensee shall have filed with the City Clerk a Surety Bond in the penal sum of \$10,000.00 operating in favor of the City and conditioned that the City will be saved harmless from any cause or damage by reason of work performed under this chapter, or by reason of improper or inadequate performance under this chapter, by the holder of any such license. Such bond shall be approved as to form and execution by the City Attorney and as to surety by the Director of Finance/Treasurer.
- (13) *Use of explosives (§ 18-2)*. No permit to set off, explode or use any blasting powder, dynamite, nitroglycerin or any other explosive substance or material for construction purposes or otherwise or for any purpose whatsoever shall be issued without first having filed with the City Clerk a bond signed by such person as principal and by a reliable surety company authorized to do business in the State in the sum of not less than \$5,000.00, nor more than \$50,000.00, the amount to be determined by the Mayor from the nature and character of the use for which permission is requested; which said bond shall be conditioned to promptly and full pay to the owner of property damaged by such use, whether negligent or not, the amount of such damage, and to promptly and fully pay all damages which may result to any person by reason of the use of such explosives, whether such use be negligent or not, and fully pay all damages resulting to any by reason of the death of any other person resulting from such use of such explosives, whether negligent or not; provided, however, that said bond shall not apply to damages to the life or person or health of employees of said person to whom such permit shall be issued in cases where such employees are protected by the workmen's compensation laws of the State.

- (14) *Direct sellers and trade shows (§ 10-791)*. If the Chief of Police determines from its investigation of an application of a direct seller or trade show license that the interests of the City or of inhabitants of the City require protection against possible misconduct of the licensee, the Police Chief may require an applicant for a license to file, before licensing, a bond or other surety acceptable to the City Attorney up to the sum of \$10,000.00, running to the City conditioned upon the licensee's full compliance with the ordinances of the City and laws of State relating to direct sellers and guaranteeing to any citizen of the City doing business with the licensee that the property purchased will be delivered according to the representation of the applicant, provided that such action to recover on any such bond shall be commenced within one year after the expiration of the license of the principal.

(Code 1980, §§ 5.19(A)(14), 5.11(C), 5.12(E)(3), 5.12(F)(6), 5.13, 5.17(F), 8.04(B)(1), 14.08(A), 14.29(F)(8), 15.04(G)(12), 15.47(F)(2)(b), 18.04(F)(1), 20.19(C), 20.21(G))

Sec. 2-4. Administrative review of municipal determination; Administrative Review Board.

(a) *Election to be covered by statute*. In order to ensure fair play and due process in the administration of the affairs, ordinances, resolutions and by-laws of the City of La Crosse, the governing body thereof hereby declares that the provisions of Wis. Stat. ch. 68 relating to municipal administrative review procedure shall be in full force and effect in the City of La Crosse, except as provided in subsection (c) of this section. All officers, employees, agents, agencies, committees, boards and commissions of the City of La Crosse shall comply with the requirements of Wis. Stat. ch. 68 and shall conduct initial administrative reviews of their own determinations in accordance with Wis. Stat. § 68.09 upon filing of a proper written request therefor.

(b) *Administrative Appeals Board*. There is hereby created for the City of La Crosse an Administrative Review Board consisting of the members of the Judiciary and Administration Committee who shall have the duty and responsibility of hearing appeals

from initial administrative determinations, or decisions of officers, employees, agents, agencies, committees, boards and commissions of the City filed in accordance with Wis. Stat. § 68.10 and making a final determination thereon. In conducting administrative review hearings and making final decisions, the Board shall be governed by the provisions of Wis. Stat. §§ 68.11 and 68.12. The Board may adopt rules for conduct of hearings not in conflict or inconsistent with the provisions of Wis. Stat. § 68.11.

(c) *Conflicting ordinances not superseded*. The provisions of this section shall not be deemed to repeal or supersede the provisions of any other ordinances in conflict herewith or providing other procedures for review of administrative determinations within the City of La Crosse except when otherwise specifically provided in said ordinances. (Code 1980, § 2.42)

Sec. 2-5. Disclosure of confidential information prohibited.

(a) "Confidential information" is, at the time of a proposed disclosure, information where the City's interests in its confidentiality or in the City's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes, but is not limited to, information where the disclosure is prohibited by common law, or State or Federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Wis. Stat. § 19.85 unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this section, information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.

(b) No official or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of such official or employee's official position or activities, nor shall such official or employee use such information to advance the financial or other private interests of such official or employee or others.

(c) A determination that an elected official's actions constitute improper conduct under the provisions of this chapter may constitute a cause for sanctioning or censuring. Sanctions and censures may be made only by an affirmative vote of two-thirds of the members of the Council present. A determination that an employee's actions constitutes improper conduct under the provisions of this chapter may constitute a cause for disciplining or discharging the employee, or other disciplinary action by the Council, as permitted by law subject to any collective bargaining agreements or meet and confer resolution. A determination that an appointed member of a board, committee or commission's actions constitutes improper conduct under the provisions of this chapter may constitute a cause for the Mayor or other appointing authority to consider removing the member from the board, committee or commission.

(d) As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a Class A forfeiture.

(e) Review of any alleged violations of disclosure of confidential information shall be heard by the Ethics Board pursuant to article V, division 2 of this chapter, who may make an initial determination subject to final determination by the Common Council. The role of the Ethics Board provided for in article V, division 2 of this chapter shall be applicable to the extent the same is consistent with the provisions of this section.

(Code 1980, § 2.49)

Cross references—Class A forfeitures, § 1-7; boards and commissioners generally, ch. 2, art. X.

Sec. 2-6. Disposal of abandoned property.

(a) *Purpose.* The purpose of this section is to provide a means of disposal of abandoned or unclaimed personal property in accordance with Wis. Stat. § 66.0139.

(b) *Exclusions.* The provisions of this section do not apply to cash, to abandoned motor vehicles, for which procedure established by State statute shall be followed, to any deposit or trust fund placed in the custody of the City or of any City officer or board, nor to any property coming into possession of the Police Department if disposition of such property is provided for by State law.

(c) *Possession and sale of abandoned property.* Any personal property which has been abandoned, or remained unclaimed for a period of 30 days after the taking of possession shall be handled as provided in this section. The following procedure shall be followed:

- (1) If the property is of no value, it shall be disposed of in the manner provided for disposal of trash and garbage.
- (2) If the property appears to have value, the Director of Finance/Treasurer shall arrange to have it sold at a public auction, after notice to the public unless the Common Council by resolution authorizes a City department, agency or utility to retain the property for utilization by said department, agency or utility. If the Director of Finance/Treasurer or any other City officer or employee have any information about the location or last known address of the last known owner of the property, the Director of Finance/Treasurer or such other City officer or employee shall mail notice to such person at such address at least 30 days before the sale or other disposition of the property, stating that the owner may claim the property upon presenting acceptable proof of ownership.
- (3) Abandoned or unclaimed flammable, explosive or incendiary substances, materials, or devices posing a danger to life or property under the storage, transportation or use may be disposed of immediately after taking possession of the substances, materials or devices, without a public auction, by the Police or Fire Department after an attempt has been made to return the substances, materials or devices to the rightful owner if the same have a commercial value in the normal business usage and do not pose an immediate threat to life or property. If the substance, material or device appears to be or is reported stolen, an attempt will be made to return the substance, material or device to the rightful owner within 30 days after taking possession of the same.
- (4) Articles of clothing may be given to charitable organizations by the City department or officer having custody of the same.

(Code 1980, § 22.26)

Secs. 2-7—2-30. Reserved.

ARTICLE II. COMMON COUNCIL*

Sec. 2-31. Aldermanic Districts—Boundaries.

(a) *Number of Aldermanic Districts.* The City shall be divided into 17 Aldermanic Districts.

(b) *Boundaries.* The Aldermanic Districts shall be numbered and bounded as follows. A map showing such Districts is on file in the office of the City Engineer.

(1) *First District.*

North - City limits.

East - Oak Street from Lauderdale Place extended east; south to Interstate 90; along Interstate 90 to the westerly spur tracks of the Burlington Northern Railroad; south along the westerly spur tracks of the Burlington Northern Railroad to Moore Street extended east to the said spur tracks.

West - City limits.

South - From the intersection of westerly spur track of Burlington Northern Railroad and Moore Street extended east; west on Moore Street extended and Moore Street to Charles Street; south on Charles Street to Sill Street; west on Sill Street to Rose Street; south on Rose Street to Clinton Street; west on Clinton Street to the west City limits.

(2) *Second District.*

North - City limits.

East - City limits.

West - From the intersection of Oak Street and I-90; west on I-90 to the westerly spur track of the Burlington Northern Railroad; southerly on spur track of the Burlington Northern Railroad to Moore Street extended east; west on Moore Street extended and Moore Street to Charles Street; south on

Charles Street to Sill Street; west on Sill Street to Rose St; south on Rose Street to Clinton Street.

South - Clinton Street from Rose Street to Charles Street; north on Charles Street to Logan Street; east on Logan Street to Wood Street; north on Wood Street to Gillette Street; east on Gillette Street to City limits.

(3) *Third District.*

North - Clinton Street from the west City limits to Charles Street; north on Charles Street to Logan Street; east on Logan Street to Wood Street; north on Wood Street to Gillette Street; east on Gillette Street to City limits.

East - City limits.

West - City limits.

South - The Canadian Pacific Railroad main track from the Black River to Copeland Avenue; north on Copeland Avenue to Island Street; east to the intersection of Rose Street and Island Street; north to the Canadian Pacific Railroad main track; northeast on the Canadian Pacific Railroad to Hagar Street; east on Hagar Street to Avon Street; south on Avon Street to St. Andrew Street; east on St. Andrew Street to Liberty Street; south on Liberty Street to Island Street; east on Island Street to George Street; south on George Street/Lang Drive to the La Crosse River; east along the La Crosse River from George Street/Lang Drive to City limits.

(4) *Fourth District.*

North - The Canadian Pacific Railroad main track from the City limits on the west, to Copeland Avenue; north on Copeland Avenue to Island Street; east to the intersection of Rose Street and Island Street; north to the Canadian Pacific Railroad main track; northeast on the Canadian Pacific Railroad to Hagar Street; east on Hagar Street to Avon Street; south on Avon Street to St. Andrew Street; east on St. Andrew Street to Liberty Street; south on Liberty Street to Island Street; east on Island Street to George

***Cross references**—Charter ordinance designated elected officers, app. A, § 1; elections ch. 12; continuity of government, ch. 14, art. II; Council rules, app. B.

State law references—Common councils generally, Wis. Stat. § 62.1; open meeting requirements, Wis. Stat. § 19.81 et seq.

Street; south on George Street/Lang Drive to the La Crosse River; east along the La Crosse River to the City limits.

East - City limits.

West - City limits and the main channel of the Mississippi River.

South - Beginning at center of main channel of the Mississippi River and the center of the La Crosse River extended; east along La Crosse River extended and the La Crosse River to Copeland Avenue; south on Copeland Avenue to La Crosse Street; east on La Crosse Street to 9th Street; north on 9th Street to Grove Street; east on Grove Street to 10th Street; south on 10th Street to La Crosse Street; east on La Crosse Street to State Highway "16"; north on State Highway "16" to City limits.

(5) *Fifth District.*

North - La Crosse Street from West Avenue to Myrick Park Lane.

East - Myrick Park Lane from La Crosse Street to Playfield Lane; east on Playfield Lane to 22nd Street; southeast on 22nd Street to Campbell Road; southwest on Campbell Road to State Street.

West - West Avenue from La Crosse Street to Pine Street; east on Pine Street to 15th Street; south on 15th Street to State Street.

South - State Street from 15th Street to Campbell Road.

(6) *Sixth District.*

North - Pine Street from 11th Street to 15th Street.

East - 15th Street from Pine Street south to State Street; east on State Street to 17th Street; south on 17th Street to King Street; west on King to 16th Street; south on 16th Street to Market Street.

West - 11th Street from Pine Street to State Street; west on State Street to 10th Street; south on 10th Street to Cass Street; east on Cass Street to West Avenue; south on West Avenue to Mississippi Street.

South - Mississippi Street from West Avenue to 13th Street; north on 13th Street to Winnebago Street; east on Winnebago Street to 15th Street; north on 15th Street to Market Street; east on Market Street to 16th Street.

(7) *Seventh District.*

North - From the intersection of the main channel of the Mississippi River and the west channel of the Mississippi River (City limits), southeast along the main channel of the Mississippi River to the center of the La Crosse River extended west; east along the La Crosse River extended and the La Crosse River to Copeland Avenue; south on Copeland Avenue to La Crosse Street; east on La Crosse Street to 9th Street; north on 9th Street to Grove Street; east on Grove Street to 10th Street; south on 10th Street to La Crosse Street; east on La Crosse Street to West Avenue.

East - West Avenue from La Crosse Street to Pine Street; west on Pine Street to 11th Street; south on 11th Street to State Street; west on State Street to 10th Street; south on 10th Street to Cass Street.

West - West channel of the Mississippi River from the main channel of the Mississippi River, south to U.S. Highway "14/61."

South - Cass Street from 10th Street west to U.S. Highway "14/61"; west on U.S. Highway "14/61" to the west channel of the Mississippi River (City limits).

(8) *Eighth District.*

North - City limits.

East - City limits.

West - 16th Street from Madison Street north to King Street; east on King Street to 17th Street; north on 17th Street to State Street; east on State Street to Campbell Road; north-east on Campbell Road to 22nd Street; north-west on 22nd Street to Playfield Lane; west on Playfield Lane to Myrick Park Lane; north on Myrick Park Lane to La Crosse Street; east on La Crosse Street to State Highway "16"; north on State Highway "16" to the City limits.

South - Madison Street from 16th Street east to Losey Boulevard; north on Losey Boulevard to Cass Street; east on Cass Street to City limits.

(9) *Ninth District.*

North - Madison Street from 19th Street to Losey Boulevard; north on Losey Boulevard to Cass Street; east on Cass Street to the City limits.

East - City limits.

West - 19th Street from Madison Street to Market Street; east on Market Street to 20th Street; south on 20th Street to State Road.

South - State Road from 20th Street east to City limits.

(10) *Tenth District.*

North - Winnebago Street from 13th Street to 15th Street; north on 15th Street to Market Street; east on Market Street to 16th Street; north on 16th Street to Madison Street; east on Madison Street to 19th Street.

East - 19th Street from Madison Street to Market Street; east on Market Street to 20th Street; south on 20th Street to State Road; southeasterly on State Road to Losey Boulevard; south on Losey Boulevard to Green Bay Street.

West - 13th Street from Winnebago Street to Mississippi Street; west on Mississippi Street to West Avenue; south on West Avenue to Johnson Street; east on Johnson to 13th Street; South on 13th Street to Farnam Street.

South - Farnam Street from 13th Street to 16th Street; south on 16th Street to Denton St; east on Denton to East Avenue; south on East Avenue to Hyde Avenue; east on Hyde Avenue to 21st Street; north on 21st Street to Green Bay Street; east on Green Bay Street to Losey Boulevard.

(11) *Eleventh District.*

North - Cass Street from Cross Street to West Avenue.

East - West Avenue from Cass Street to Jackson Street.

West - Cross Street/Front Street from Cass Street to Jackson Street.

South - Jackson Street from Front Street to West Avenue.

(12) *Twelfth District.*

North - Farnam Street from 9th Street to 16th Street; south on 16th Street to Denton Street; east on Denton Street to East Avenue.

East - East Avenue from Denton Street to South Avenue.

West - 9th Street from Farnam Street south to Green Bay Street; southwesterly on Green Bay Street to South Avenue; southeasterly on South Avenue to West Avenue; south on West Avenue to Maple Street; west on Maple Street to the end of the improved street; south to the northern bank of Swift Creek; west along the north bank of Swift Creek to 7th Street; south on 7th Street to the south bank of Swift Creek; west along the south bank of Swift Creek to the east bank of Coleman Slough; south along the east bank of Coleman Slough to the City limits.

South - From the City limits at Coleman Slough east to 15th Street; north on 15th Street to South Avenue; southeasterly on South Avenue to East Avenue.

(13) *Thirteenth District.*

North - U.S. Highway "14/61" from the west channel of the Mississippi River (City limits) east to Cross Street/Front Street.

East - Cross Street/Front Street from U.S. Highway "14/61" south to Jackson Street; east on Jackson Street to West Avenue; south on West Avenue to Johnson Street; east on Johnson to 13th Street; south on 13th Street to Farnam Street; west on Farnam Street to 9th Street; south on 9th Street to Green Bay Street; southwesterly on Green Bay Street to South Avenue; southeasterly on South Avenue to West Avenue; south on West Avenue to Maple Street; west on Maple Street to the end of the improved street; south to the northern bank of Swift Creek; west along the north bank of Swift Creek to 7th Street; south on 7th Street to the south

bank of Swift Creek; west along the south bank of Swift Creek to the east bank of Coleman Slough; south along the east bank of Coleman Slough to the City limits.

West - City limits.

South - City limits.

(14) *Fourteenth District.*

North - Hyde Avenue from East Avenue to 21st Street; north on 21st Street to Green Bay Street; east on Green Bay Street to Losey Boulevard; north on Losey Boulevard to State Road; southeast on State Road to City limits.

East - City limits.

West - East Avenue from Hyde Avenue to Ward Avenue.

South - Ward Avenue from East Avenue east to City limits; north along City limits to Glendale Avenue; east and south along City limits to Ward Avenue; east on Ward Avenue to 33rd Street; south on 33rd Street to Park Lane Drive; east to Birch Drive; south on Birch Drive to Easter Road; southeasterly on Easter Road to City limits.

(15) *Fifteenth District.*

North - From the intersection of Easter Road and the City limits, northwesterly on Easter Road to Birch Drive; north on Birch Drive to Park Lane Drive extended east; west to 33rd Street; north on 33rd Street to Ward Avenue; west on Ward Avenue to the City limits; south and west along the City limits to Losey Boulevard.

East - City limits.

West - Mormon Coulee Road from Broadview Place, north to Losey Boulevard; north on Losey Boulevard to City limits.

South - Broadview Place from Mormon Coulee Road, east to 33rd Street; north on 33rd Street to Kenton Street; east on Kenton Street to City limits.

(16) *Sixteenth District.*

North - South Avenue from 15th Street southeast to Ward Avenue; east on Ward Avenue to the City limits nearest to Diagonal Road.

East - From the intersection of Ward Avenue and the City limits nearest Diagonal Road, southeasterly along City limits to Losey Boulevard; continuing along the City limits to Losey Boulevard and Victory Street; south on Losey Boulevard to Mormon Coulee Road; southeasterly on Mormon Coulee Road to Broadview Place; easterly on Broadview Place to Pammel Creek; southerly along Pammel Creek to City limits.

West - 15th Street from South Avenue south to City limits.

South - City limits.

(17) *Seventeenth District.*

North - Kenton Street from 33rd Street, east to City limits.

East - City limits.

West - 33rd Street from Kenton Street, south to Broadview Place; west on Broadview Place to Pammel Creek; south along Pammel Creek to the City limits.

South - City limits.

(Code 1980, § 1.02)

Cross reference—Elections, ch. 12.

State law reference—Alteration of Councilmanic districts, Wis. Stat. § 62.08.

Sec. 2-32. Number and term of Council Members.

(a) There shall be 17 Council Members. The regular term for Council Members shall be four years, any other law of this State to the contrary notwithstanding. Regular term of office of Council Members shall commence on the third Tuesday of April in the year of their election after the taking and filing of the official oath of office.

(b) Council Members for the Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Districts shall be elected at the 2003 spring election and every four years thereafter.

(c) Council Members for the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Districts shall be elected at the spring election for the year 2005 and every four years thereafter provided, how-

ever, the Council Member for the Second District shall be elected for three years at the spring election in 2002 only.

(d) Council Members shall be paid such salaries as shall be provided by the Council. Such salaries may be changed in the same manner as the salaries of other officers elected or appointed for a definite term.

(Code 1980, § 2.027)

Cross references—Charter ordinance requirement of one Council Member for each district, app. A, § 1; charter ordinance fixing number of Council Members, app. A, § 4.

Sec. 2-33. Salary and fringe benefits of Council Members.

The salary for the office of Council Member commencing with the persons elected at the regular spring election in 2015 is hereby established as \$200.00 per month and the salary for the office of Council President commencing with the persons elected at the regular spring election in 2015 is hereby established as \$300.00 per month. The fringe benefits for this part-time position shall include Section 125 Flex Spending under the same plan provided to other nonrepresented employees. In limited circumstances, per Wis. Stat. § 40.22, defining Wisconsin Retirement System eligibility, the part-time position may be eligible for:

- (1) Wisconsin Retirement System contributions at one-half of the total actuarially required contribution for elected officials;
- (2) Life insurance under the same plan provided to other nonrepresented employees; and
- (3) Income continuation insurance under the same plan made available to other nonrepresented employees.

(Code 1980, § 2.51)

Cross reference—Charter ordinance provisions re: compensation of Council Members, app. A, § 4.

Sec. 2-34. Notice of special meetings; fees for special meetings.

(a) *Notification.* The City Clerk shall give notice to each Council Member of any special meeting of the Council.

(b) *Establishing fees for special meetings.*

- (1) *Purpose.* The purpose of this subsection is to deter the inefficient allocations of City resources by recovering those costs, including, but not limited to, publication and administrative costs, when circumstances arise during which a requester desires to expedite action by a governmental body before the next regularly scheduled meeting of said body. Special meetings of governmental bodies containing voluntary citizen membership without compensation are generally discouraged.
- (2) *Fee required.* A requestor of special meetings for a City of La Crosse governmental body shall pay a fee before the special meeting shall be scheduled.
- (3) *Exceptions.* Subsection (b)(2) of this section shall not apply when:
 - a. The requestor provides the extraordinary circumstances that prevented the new business from being timely submitted to a regularly scheduled meeting of the governmental body as well as the extraordinary circumstances that prevents the new business from being postponed until the governmental body's next regularly scheduled meeting and said proof is explained in writing; or
 - b. The requestor is a City official, seeking official action on City business stemming from the normal course of the official's duties.
- (4) *Fee amount.* The fee shall be as established by resolution and may be revised from time to time as the Common Council may determine.
- (5) *Refund.* The payment of a fee does not obligate the governmental body to meet. For example, a governmental body may not meet when it is unable to do so or when the special meeting is not feasible. At all times, whether a special meeting of a governmental body is held shall be in the sole and absolute discretion of the City subject to any other applicable statutes and ordinances.

After a determination that a special meeting will not occur, a refund of the fee shall be repaid to the requester, except for that portion of the fee disbursed by the City in good faith reliance of the request.

- (6) *Definitions.* For this subsection, the following terms shall be defined as follows:
 - a. The term "special meeting" means a meeting of any governmental body of the City of La Crosse, requiring public notice, other than a regularly scheduled meeting.
 - b. The term "extraordinary circumstances" does not include a lack of planning or preparation on behalf of the requester to timely submit the new business before the governmental body. Extraordinary circumstances shall be determined on a case-by-case basis by the City official or department head through whose office the request originated, subject to review by the City Attorney.
- (7) *Other.* In the event a governmental body convenes a special meeting in accordance with this section, the governmental body is not obligated to approve the requestor's request. The governmental body retains sole and absolute discretion as provided by law when considering the request.

(Code 1980, § 2.34)

State law references—Special meetings, Wis. Stat. § 62.11(2); public notice of meetings, Wis. Stat. § 19.84.

Secs. 2-35—2-56. Reserved.

ARTICLE III. MAYOR*

Sec. 2-57. Term of office.

The regular term of office for the Mayor shall commence on the third Tuesday of April in the year of the Mayor's election after taking and filing the official oath for such office.

(Code 1980, § 2.03(A))

Cross reference—Charter ordinance designating term of mayor, app. A, § 3.

***Cross references**—Charter ordinance designating Mayor as elected official, app. A, § 1; elections ch. 12.

State law reference—Mayor generally, Wis. Stat. § 62.09(8).

Sec. 2-58. Salary and fringe benefits.

The salary for the office of Mayor commencing with the person elected at the regular spring election in April 2009 is hereby established at \$77,200.00 on an annual basis. The fringe benefits for this full-time position shall include:

- (1) Wisconsin Retirement System contributions at one-half of the total actuarially required contribution for elected officials;
- (2) Medical benefit plan under the same plan provided to other nonrepresented employees;
- (3) Income continuation insurance under the same plan made available to other nonrepresented employees;
- (4) Life insurance under the same plan provided to other nonrepresented employees;
- (5) Deferred Compensation under the same plan provided to other nonrepresented employees;
- (6) Section 125 Flex Spending under the same plan provided to other nonrepresented employees; and
- (7) Voluntary dental under the same plan provided to other nonrepresented employees.

(Code 1980, § 2.47)

Cross reference—Charter ordinance provisions re: compensation of Mayor, app. A, § 3.

Sec. 2-59. Duties.

The office of Mayor shall be the full-time principal occupation for the holder of said office. The Mayor shall have all duties and powers permitted by law.

(Code 1980, § 2.03(B))

Secs. 2-60—2-76. Reserved.

ARTICLE IV. CITY CLERK***Sec. 2-77. Term of office.**

The regular term of office for the City Clerk shall commence on the third Tuesday of April in the year of the Clerk's election after the taking and filing of the official oath for such office.

(Code 1980, § 2.05(B))

Cross reference—Charter ordinance establishing term of City Clerk, app. A, § 5.

Sec. 2-78. Salary and fringe benefits.

The salary for the office of City Clerk commencing with the person elected at the regular spring election in 2017 is hereby established at \$70,336.50 on an annual basis. The fringe benefits for this full-time position shall include:

- (1) Wisconsin Retirement System contributions at one-half of the total actuarially required contribution for elected officials;
- (2) Medical benefit plan under the same plan provided to other nonrepresented employees;
- (3) Income continuation insurance under the same plan made available to other nonrepresented employees;
- (4) Life insurance under the same plan provided to other nonrepresented employees;
- (5) Deferred Compensation under the same plan provided to other nonrepresented employees;
- (6) Section 125 Flex Spending under the same plan provided to other nonrepresented employees; and
- (7) Voluntary dental under the same plan provided to other nonrepresented employees.

(Code 1980, § 2.05(C))

State law reference—Compensation, Wis. Stat. § 66.0505.

***Cross references**—Charter ordinance designating City Clerk as elected official, app. A, § 1; elections ch. 12; charter ordinance relative to duties of City Clerk, app. A, § 5.

State law reference—City clerks, Wis. Stat. § 62.09(11).

Sec. 2-79. Duties generally.

The City Clerk shall perform such duties as provided by law and those other duties as the Council requests to be performed from time to time.

Cross reference—Charter ordinance relative to duties of City Clerk, app. A, § 5.

Sec. 2-80. Documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation, or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein and the City Clerk is hereby directed and required to file, deposit and keep in the Clerk's office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Such materials are deemed public records to be open for public inspection in the Clerk's office.

(Code 1980, § 2.31(A))

Sec. 2-81. Ordinances and supplemental sheets.

The City Clerk shall certify one copy of this Code as the original Municipal Code of the City and shall file the same. Such copy shall be retained in its original form. In addition, the City Clerk shall retain in the Clerk's office at least one copy of the Municipal Code of the City in current form in which shall be inserted all supplemental sheets as hereinafter provided. Such Codes shall be made available to persons requesting same at a fee specified by the Council. Whenever any ordinance amending, repealing, revising, or creating any section of this Code is adopted by the Council, the City Clerk shall, after recording such ordinance, cause copies of such ordinance to be reproduced on supplemental sheets in proper form for insertion in the Municipal Code and shall insert such ordinances in all copies of this Code in the Clerk's possession, except the aforementioned original copy. The City Clerk shall make such supplemental sheets available at a fee specified by the Council to all persons requesting the same.

(Code 1980, § 2.31(B))

Secs. 2-82—2-105. Reserved.

ARTICLE V. OFFICERS, EMPLOYEES AND DEPARTMENTS*

DIVISION 1. GENERALLY

Sec. 2-106. Vacancies authorized to be filled by the Common Council.

(a) *Common Council.*

- (1) *Initiation.* The procedure for filling any Common Council vacancy shall be initiated by the President of the Council, or in the absence of the Council President, the Chair of the Judiciary and Administration Committee. The President of the Council, or in the absence of the Council President the Chair of the Judiciary and Administration Committee, shall direct the City Clerk to publish a Class 1 notice advertising the vacancy, stating the time for submission of applications, and the date of the appointment.
- (2) *Application.* Persons interested in serving as Council Member must send a letter of application stating their desire and qualifications to serve to the City Clerk no earlier than the date of the publication as required in subsection (a)(1) of this section, and at least ten days in advance of the meeting of the Council provided in subsection (a)(3) of this section. The City Clerk shall provide a copy of each application to Council Members and the Mayor before the meeting of the Council provided for in subsection (a)(3) of this section.
- (3) *Informational meeting to conduct candidate interviews.* The President of the Council, or

***Cross references**—Charter ordinance relative to appointment and term of City Attorney, app. A, § 8; charter ordinance relative appointment and term of City Engineer, app. A, § 9; charter ordinance relative to appointment and term of Director of Human Resources, app. A, § 11; charter ordinance relative to appointment and term of Director of Planning and Development, app. A, § 12; charter ordinance relative to appointment and term of Director of Public Works, app. A, § 13; charter ordinance relative to appointment and term of Director of Information and Technology, § 14; charter ordinance relative to appointment and term of Director of Parks and Recreation, app. A, § 16; charter ordinance relative to appointment and term of City Assessor, app. A, § 7; Municipal Judge, § 28-2.

State law reference—Municipal officers, Wis. Stat. § 62.09.

in the absence of the Council President, the Chair of the Judiciary and Administration Committee, shall call and preside at an informational meeting of the Council Members to be held at least five days before the meeting at which such vacancy is to be filled. At such time the Council may interview applicants. In accordance with the Open Meetings Law, this meeting shall be noticed to the public and be conducted in open session. In the event there is a need for a closed session under Wis. Stat. § 19.85(1)(f) or other applicable law, a subsequent meeting of the governmental body may be called.

- (4) *Submission of applicants to the Council.* The name of each applicant for which an application is received by the deadline shall be submitted to the Common Council, unless said application is withdrawn in writing by the applicant.
- (5) *Voting.*
 - a. At the meeting to fill the vacancy, the vote in Council shall be by roll call vote or paper ballot. In either case, the Council Members shall indicate the name of the person for whom they are voting. A majority of the Council Members present is required to declare a winner. If after the first vote there is not a majority, the three candidates receiving the most votes proceed to the second round of the voting. If there is no majority after the second round, the two candidates receiving the most votes proceed to a third round of voting.
 - b. In case of a tie vote in the final round, Council Members revote at least one time up to a maximum of three times. If after the first revote there is still a tie, the Mayor may choose to break the tie, or submit it back to the Council for another revote. If the Mayor declines to break the tie after the fourth aggregate vote the City Clerk flips a coin.
 - c. In case of a tie vote in the preliminary rounds of voting, the Mayor may break the tie.

- d. In the event of a three-way tie in the first round, e.g., 7-3-3-3, the Mayor may break the tie and send a candidate into the second round. Of the remaining two candidates, the City Clerk shall flip a coin to determine the third candidate to advance. In the event the Mayor declines to exercise tie-breaking authority, then two of the three names will be randomly drawn to determine who advances into the second round.

(b) *Temporary vacancy of the Council.* The Council may fill a temporary vacancy of the Council pursuant to Wis. Stat. § 62.09(5)(d) by following the procedure outlined in subsection (a) of this section.

(c) *Other vacancies.* For other appointments that are authorized by law to be filled by the Council, the President of the Council shall initiate proceedings to fill the vacancy or appointment.

(d) *Failure to initiate proceedings to fill a vacancy.* In the event the Council President fails to initiate proceedings to fill a vacancy or appointment within 30 days of said vacancy, the Council may initiate said proceedings by resolution.
(Code 1980, § 2.43)

Secs. 2-107—2-125. Reserved.

DIVISION 2. CODE OF ETHICS*

Sec. 2-126. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anything of value means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the City, fees, honorariums and expenses which are permitted and reported under Wis. Stat. § 19.56, political contributions which are reported under Wis. Stat. ch.

***State law references**—Code of ethics for public officers and employees, Wis. Stat. § 19.41 et seq.; code of ethics for local government officials, employees and candidates, Wis. Stat. § 19.59.

11 or hospitality extended for a purpose unrelated to City business by a person other than an organization.

Public employee means any person excluded from the definition of a public officer who is employed by the City of La Crosse.

Public officer means all City officers as defined in Wis. Stat. § 62.09 and all members of Boards, Commissions and Agencies established or appointed by the Mayor or Common Council, whether paid or unpaid.

(Code 1980, § 2.48(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 2-127. Declaration of policy.

It is declared that high moral and ethical standards among City officers and employees are essential to the conduct of good representative government and that a Code of Ethics for the guidance of Public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of this City in their public officers and employees.

(Code 1980, § 2.48(B))

Sec. 2-128. Distribution of division.

(a) The City Clerk shall cause to be distributed to each public officer and employee a copy of this division before entering upon the duties of the public officer or employee's office or employment.

(b) Each public officer, the President of the Common Council, the Chair of each board, commission or agency and the head of each department shall, between January 1 and January 31 each year, review the provisions of this division and with fellow Council, board, commission, agency members or subordinates, as the case may be, and certify to the City Clerk by February 15 that such annual review had been undertaken. A copy of this division shall be continuously posted on each department bulletin board wherever situated.

(Code 1980, § 2.48(F))

Sec. 2-129. Ethics Board.*(a) Membership.*

- (1) The Ethics Board shall be composed of five voting members. The members shall be citizens chosen from the private sector who shall not have an affiliation with City government in any capacity. The members shall be appointed by the Mayor with the approval of the majority vote of the City Council.
- (2) Terms of office of the citizen members shall be three years.

(b) Officers and staff.

- (1) The Ethics Board shall have its own Chair and Vice-Chair.
- (2) The City Attorney shall furnish the Ethics Board whatever legal assistance, which may become necessary. The Ethics Board may determine the need for private counsel.

(c) Advisory opinions. Any person governed by this Code may apply in writing to the Ethics Board for an advisory opinion. Applicants shall present their interpretation of the facts at issue and of the applicability of the provision of this Code before the advisory opinion is rendered. All opinions shall be in writing and adopted by the Ethics Board by resolution. The Ethics Board's deliberations and action upon such applications shall be in meetings not open to the public, but notice of such meetings shall be given pursuant to Wis. Stat. § 19.84, Record of the Ethics Board opinions, opinion request and investigations of violations may be closed to public inspection, as permitted by Wis. Stat. ch. 19. The Ethics Board, however, may make such records public with the consent of the applicant.

(Code 1980, § 2.48(G)(1), (G)(2))

Cross reference—Boards and commissions, ch. 2, art. X.

Sec. 2-130. Violations and complaints.

(a) The City Clerk shall accept from any person, except a member of the Ethics Board, a signed original complaint that states the name of the official or employee alleged to have violated this Code and that sets forth the material facts involved in the allegation. The City Clerk shall forward the original complaint to the Ethics Board Chair within three working days.

(b) Time limitations. No action may be taken on any complaint that is filed more than one year after a violation of this division is alleged to have occurred.

(c) Ethics Board procedures. Following the receipt of a complaint:

- (1) The Ethics Board shall notify the accused within ten calendar days.
- (2) The Ethics Board shall convene within 20 calendar days.
- (3) The Ethics Board may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused official or employee is notified in writing within ten calendar days from the initial meeting. The notice shall state the purpose of the investigation and the individual's specific action or activities to be investigated.
- (4) The Ethics Board shall make every effort to conclude within 120 calendar days.

(d) Hearings. If the Ethics Board finds that probable cause exists for believing the allegations of the complaint, the Ethics Board may issue an order setting a date for a hearing. If the Ethics Board elects to hold a hearing, the Ethics Board shall give the accused at least 20 calendar days' notice of the hearing date. Such hearing shall be conducted pursuant to the contested case hearing requirements of Wis. Stat. ch. 227 at open session unless the accused petitions for a hearing closed to the public and good cause to close the hearing is shown.

(e) Right of representation. During all stages of an investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation is entitled to be represented by counsel of personal choice and at personal expense.

(f) Due process. The accused or the accused's representative shall have an adequate opportunity to:

- (1) Examine all documents and records to be used at the hearing within a reasonable time before the date of the hearing as well as during the hearing;
- (2) Have witnesses heard;

- (3) Establish all pertinent facts and circumstances; and
- (4) Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

(g) Power to subpoena and administer oaths. The Ethics Board shall have the power to administer oaths and compel the attendance of witnesses by issuing subpoenas as granted other boards and commissions.

(h) Vote of the Ethics Board. The majority vote of the Ethics Board shall be required for any action taken by the Ethics Board.

(i) Evidentiary standard. If the recommendation is that a violation of this division has occurred, the Ethics Board must be convinced by clear and convincing evidence that such violation occurred.

(j) Violations.

- (1) If the Ethics Board finds that a violation of this division has occurred, the Ethics Board shall report their findings in writing to the City Council, complainant, and accused, through the City Clerk, within ten working days after reaching a conclusion.
- (2) If the Ethics Board determines that an official or employee has violated any provision of this Code, the Ethics Board may, as part of its report to the City Council, make any of the following recommendations:
 - a. In case of an official who is an elected City Council Member, that City Council considers sanctioning, censuring or removing the person.
 - b. In the case of a citizen member or other elected or appointed City officer, that the City Council consider removing the person from the committee, board or office.
 - c. In the case of an employee, that the employee's appointing authority consider discipline up to and including discharge of the employee.
 - d. That the City Council consider imposing a civil forfeiture in an amount not exceeding \$1,000.00 for each offense.

- (3) If the Ethics Board finds that no violation has occurred, the Ethics Board shall notify the complainant, the accused, and City Clerk in writing within five working days.

(k) Penalties.

- (1) If the Ethics Board files a report with the City Council finding that an official or employee has violated the Ethics Code, such report shall be referred to the Judiciary and Administration Committee for a report. The Judiciary and Administration Committee may recommend to the City Council a penalty for the violation and/or recommendation that a hearing be held on the issue of the penalty. If a hearing is recommended by the Judiciary and Administration Committee, then the Mayor shall schedule a hearing before the City Council and cause notice to be mailed to the interested parties, including the person accused of the violation at least ten days prior to the date set for the hearing. At the hearing, the evidence in support of the penalty recommendations by the Ethics Board and/or Judiciary and Administration Committee shall be presented by the City Attorney or by a member of the City Attorney's staff. The accused, who may appear in person or who may be represented by an attorney, shall be entitled to present the City Council such evidence as may be relevant, competent and material in regard to the penalty for the violation.
- (2) Upon completion of the hearing or other proceeding by the City Council, judgment shall be entered by the City Council determining the penalty for violation of this division found by the Ethics Board and may include a recommendation of discipline of the person to the person's appointing authority up to and including discharge from employment or removal from office, in accordance with Wis. Stat. Ch. 17.
- (3) Any person violating this division may be subject to a Class A forfeiture for each offense.

(Code 1980, § 2.48(G)(3)—(G)(12))

Cross reference—Class A forfeitures, § 1-7.

Sec. 2-131. Standards of conduct.

(a) There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics.

(b) Accordingly, the provisions of the following sections of the Wisconsin Statutes are made a part of this division and shall apply to public officers and public employees whenever applicable, to-wit:

Wis. Stat. § 946.10 - Bribery of Public Officers and Employees

Wis. Stat. § 946.11 - Special Privileges from Public Utilities

Wis. Stat. § 946.12 - Misconduct in Public Office

Wis. Stat. § 946.13 - Private Interest in Public Contract Prohibited

(Code 1980, § 2.48(C))

Sec. 2-132. Disclosures.

In addition to the foregoing statutory provisions, the following disclosure and related requirements are hereby established:

(1) *Disclosure of interest in legislation.* To the extent that a member of the Common Council and any public officer or employee of the City of La Crosse knows thereof, such member, officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Council on any legislation before the Council, shall publicly disclose the nature and extent of any direct or indirect financial or other private interest such person has in such legislation.

(2) *Disclosure of interest in other matters.* To the extent that a member of a board, commission or agency, and any other public officer or public employee of the City of La Crosse knows thereof, such member, officer or employee, whether paid or unpaid, who participates in discussion or gives official opinion to any such board, commission or agency on any matter before it, shall publicly disclose the nature and extent of any direct or indirect financial or other private interest such person has in such matters.

(3) *Confidential information.* No public officer or employee may intentionally use or disclose

information gained in the course of or by reason of such public officer or employee's official position or activities in any way that could result in receipt of anything of value for such person, or such person's immediate family as defined by Wis. Stat. § 19.42, or for any other person or organization, if the information has not been communicated to the public or is not public information.

(4) *Special privileges.* No public officer or employee may use or attempt to use any public position to influence or gain unlawful benefits, advantages or privileges for the public officer or employee or others.

(5) *Conduct after termination of employment.* No public officer or employee, after the termination of service or employment with the City, shall appear before any Board or Agency of the City of La Crosse in relation to any case, proceeding or application in which the public officer or employee personally participated during the period of service or employment, or which was under the public officer or employee's active consideration.

(Code 1980, § 2.48(D))

Sec. 2-133. Gifts and gratuities.

(a) No public officer or employee shall receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which the public officer or employee is not authorized to receive from any person, if such person:

(1) Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official;

(2) Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or

(3) Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.

The receipt of any gift, gratuity, or anything of value as denoted in this subsection (a) is contrary to the public policy of the City of La Crosse.

(b) The following is the policy to be followed in determining whether or not public officer or employees of the City of La Crosse may attend as a guest:

- (1) It will be the choice of the official or employee to accept or not accept guest status when such individual is the primary speaker or on the program agenda as a participant in the program.
- (2) It will be the choice of the official or employee to accept or not accept guest status when such individual is honored for distinguished service.
- (3) It will be the choice of the official or employee to accept or not accept guest status when such individual attends functions in other capacities than that as an elected official or as an employee of the City.
- (4) It will be the choice of the official or employee to accept or not accept a meal at meetings which are instructional and job-related and, if the employee or official chooses to accept a meal, the cost of such should be submitted to the City of La Crosse for payment.

(Code 1980, § 2.48(E))

Secs. 2-134—2-164. Reserved.

DIVISION 3. DIRECTOR OF
FINANCE/TREASURER AND DEPARTMENT OF
FINANCE/TREASURER*

Sec. 2-165. Functions.

The Department of Finance/Treasurer shall consist of a Director and such assistance as the Council shall by resolution determine.

(Code 1980, § 2.13(B))

Sec. 2-166. Rules for purchasing.

The Council shall from time to time adopt rules governing the purchasing of supplies other than such purchasing as must be let to the lowest responsible bidder; and all departments of the City shall

***Cross references**—Charter ordinance creating position of Director of Finance/Treasurer and providing for appointment and term thereof, app. A, § 10; finance, ch. 2, art. VII; taxation, ch. 42.

conform thereto, to the end that purchasing within the City shall be made uniform and efficient, and shall be conducted for the best advantage of the City. (Code 1980, § 2.13(D))

Secs. 2-167—2-185. Reserved.

DIVISION 4. DEPARTMENT OF INFORMATION
AND TECHNOLOGY

Sec. 2-186. Duties.

There is hereby established the Department of Information and Technology which shall assist the various City departments in providing information technology systems in order to provide efficient solutions to the various City departments' technology needs.

(Code 1980, § 2.21(A))

Sec. 2-187. Assistants.

There shall be other employees or assistants provided for in the table of organization of the Department of Information and Technology which shall be approved by the Common Council.

(Code 1980, § 2.21(C))

Secs. 2-188—2-212. Reserved.

DIVISION 5. ASSESSORS†

Sec. 2-213. Number.

There shall be a City Assessor and such additional Assistant Assessors as the Council may direct. (Code 1980, § 2.06(A))

Sec. 2-214. City Assessor.

The City Assessor shall:

- (1) Possess and exercise the rights and duties of tax assessor under the code and laws of the State of Wisconsin;

†**Cross references**—Charter ordinance relative to appointment and term of City Assessor, app. A, § 7; taxation, ch. 42.

State law reference—General duties of assessors, Wis. Stat. § 70.23.

- (2) Have direct supervision of the work of the other assessors and direct the making up of the assessment roll;
- (3) Appoint such assistants as the City Assessor may deem necessary to discharge the City Assessor's functions. However, such appointments shall be within the Table of Organization prescribed by Council resolution. (Code 1980, § 2.06(B))

Secs. 2-215—2-236. Reserved.

ARTICLE VI. PUBLIC RECORDS*

DIVISION 1. GENERALLY

Sec. 2-237. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means any of the following City entities having custody of a City record: An office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

Custodian means that officer, department head, division head, or employee of the City designated under section 2-239 or otherwise responsible by law to keep and preserve any City records on file, deposit or keep such records in the custodian's office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

Record means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. The term "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, including computer tapes,

*State law reference—Public records, Wis. Stat. § 19.21 et seq. records management, Wis. Stat. § 16.61 et seq.

and computer printouts. The term "record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to the custodian's office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library. (Code 1980, § 2.36(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 2-238. Duty to maintain records.

(a) Except as provided under section 2-240, each employee of the City shall safely keep and preserve all records received from the employee's predecessor or other persons and required by law to be filed, deposited or kept in such employee's office or which are in the lawful possession or control of the employee or deputies, or to the possession or control of which the employee or deputies may be lawfully entitled as employees.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to the employee's successor all records then in the employee's custody and the successor shall provide a receipt therefor to the employee, who shall file said receipt with the City Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt. (Code 1980, § 2.36(B))

Sec. 2-239. Legal custodian.

(a) Each elected official is the legal custodian of said official's records and the records of the official's office, but the official may designate an employee of the official's staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the City Clerk shall act as legal custodian for the Common Council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Common Council.

(c) For every authority not specified in subsection (a) or (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of the officer's staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in said custodian's absence.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stat. ch. 19, subch. II (Wis. Stat. § 19.21 et seq.) and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section. (Code 1980, § 2.36(C))

Sec. 2-240. Destruction of records.

(a) City officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stat. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Wis. Stat. § 16.61(3)(e), and then after such shorter period, except that bonds and coupons after maturity may be destroyed after two years:

- (1) Bank statements, deposit books, slips and stubs;
- (2) Cancelled checks, duplicates and check stubs;
- (3) License and permit applications, stubs and duplicates;
- (4) Payrolls and other time and employment records of personnel included under the Wisconsin retirement fund;
- (5) Receipt forms;
- (6) Special assessment records;
- (7) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of

any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stat. ch. 442, subject to State Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Wis. Stat. § 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years:

- (1) Contracts;
- (2) Excavation permits;
- (3) Inspection records.

(c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Wis. Stat. § 16.61(3)(e), and then after such a shorter period, except that unsold ticket stubs for concerts or events at the La Crosse Center may be destroyed after two years:

- (1) Assessment rolls and related records, including Board of Review minutes;
- (2) Contracts and papers relating thereto;
- (3) Correspondence and communications;
- (4) Financing reports other than annual financial reports;
- (5) Insurance policies;
- (6) Justice dockets;
- (7) Oaths of office;
- (8) Reports of boards, commissions, committees and official Council minutes;
- (9) Resolutions and petitions.

Exception: Election materials governed by State statutes.

(d) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Wis. Stat. § 19.21(4)(a).

(e) Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(Code 1980, § 2.36(G))

State law reference—Destruction of public records, Wis. Stat. §§ 19.21, 16.61 et seq.

Sec. 2-241. Preservation through microfilm or other reproductive means.

Any City officer, or the director of any department or division of City government, may, subject to the approval of the Mayor, keep and preserve public records in such officer or director's possession by means of microfilm or other reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stat. § 16.61(7)(a) and (b) and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and of division 2 of this article.

(Code 1980, § 2.36(H))

State law reference—Records reproduction, Wis. Stat. § 19.21.

Secs. 2-242—2-260. Reserved.

DIVISION 2. PUBLIC ACCESS TO RECORDS*

Sec. 2-261. Generally.

(a) Except as provided by law, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stat. §§ 19.34 and 19.35(1).

(b) Records will be available for inspection and copying during all regular office hours.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

***State law reference**—Public access to records, Wis. Stat. § 19.31 et seq.

(d) A requester shall be permitted to use facilities comparable to those available to City employees to inspect, copy or abstract a record.

(e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating the copying records as follows:

- (1) The cost of photocopying and/or producing shall be as established by resolution. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
- (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or videotapes, shall be charged.
- (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- (5) There shall be no charge for locating a record unless the actual cost therefor exceeds the amount established by resolution, in which case the actual cost shall be determined by the legal custodian and billed to the requester.
- (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment, if such estimate exceeds the amount established by resolution.
- (7) Elected and appointed officials of the City of La Crosse shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- (8) The legal custodian may provide copies of a record without charge or at a reduced charge where such custodian determines that waiver or reduction of the fee is in the public interest.

(g) Pursuant to Wis. Stat. § 19.34, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Wis. Stat. §§ 19.31 to 19.39. This subsection does not apply to members of the Common Council.
(Code 1980, § 2.36(D))

Sec. 2-262. Access procedures.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stat. § 19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under section 2-261. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the City Attorney, determines that a written request is so general as to be unduly time-consuming, the party making the request may first be required to itemize the request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in section 2-263. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon the petition for a writ of mandamus under Wis. Stat. § 19.37(1), or upon application to the Attorney General or a district attorney.
(Code 1980, § 2.36(E))

Sec. 2-263. Limitations on right to access.

(a) Records specifically exempted from disclosure by State or Federal law or authorized to be exempted from disclosure by State law are exempt from inspection under this section.

(b) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Wis. Stat. § 70.47(7)(af), or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis; except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office, including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties; or pursuant to order of a court. Income and expense information provided to the Assessor under Wis. Stat. § 70.47(7)(af), unless a court determines that it is inaccurate, is, per Wis. Stat. § 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stat. § 19.35(1).
(Code 1980, § 2.36(F))

State law reference—Limitations on right of access to public records, Wis. Stat. § 19.36.

Secs. 2-264—2-289. Reserved.

ARTICLE VII. FINANCE***DIVISION 1. GENERALLY****Sec. 2-290. Fee refunds.**

Any fee imposed by this article shall comply with Wis. Stat. § 66.0628 and is nonrefundable unless otherwise expressly provided by State, Federal or local law.

(Code 1980, § 25.02)

Sec. 2-291. Loan origination fee for upper floor renovation program.

A loan origination fee shall be paid at the time the application for said loan is received. That origination fee shall be as established by resolution.

(Code 1980, § 22.29)

Sec. 2-292. Unpaid debts due the City.

No permits, licenses, leases or other franchises shall be granted by the City or by any City officer, board, department, or employee, to any person who owes the City any money or debt. No item, goods or tangible property shall be sold to any such person except for cash. This section shall not apply to a person who is making regular payments on such person's debt, according to a schedule approved by the City, its officers or employees.

(Code 1980, § 22.23)

Cross references—Intoxicating liquor operator's licenses, § 4-46; intoxicating liquor licenses, ch. 4, art. II, div. 2; intoxicating liquor operator's license; fermented malt beverage operator's license, § 4-110; fermented malt beverage licenses, ch. 4, art. III, div. 2; pigeon loft license, 6-15; license to keep chickens, § 6-16; dog or cat license, ch. 6, art. II, div. 2; commercial animal license transfer fee, § 6-103; pet shop license, § 6-104; grooming shop license, § 6-105; kennel or cattery license, § 6-106; animal training school license, § 6-107; beer garden licenses, ch. 10, art. III, div. 2; cabaret licenses, ch. 10, art. IV, div. 2; retail cigarette dealer license, § 10-171; dance hall licenses, ch. 10, art. VI div. 2; theatre and roller rink licenses, § 10-256; circus, carnival, caravan and menagerie licenses, ch. 2, art. VIII, div. 2; escort service licenses, ch. 10, art. IX, div. 2; outdoor food stands and mobile food units, licenses, ch. 10, art. X, div. 2; junk dealers licenses, ch. 10, art. XI,

***Cross references**—Director of Finance/Treasurer and Department of Finance/Treasurer, ch. 2, art. V, div. 3; taxation, ch. 42.

State law references—City finance, Wis. Stat. § 62.15; municipal budget systems, Wis. Stat. ch. 65; municipal borrowing and municipal bonds, Wis. Stat. ch. 67; municipal finances generally, Wis. Stat. § 66.0601 et seq.

div. 2; recyclers' licenses, ch. 10, art. XII, div. 2; public vehicle for hire operator's license, § 10-153; public motor vehicle for hire license, ch. 10, art. XIII, div. 2; horse drawn vehicle licenses and permits, ch. 10, art. XIV, div. 2; close out sale licenses, ch. 10, art. XV, div. 2; direct sellers and trade shows licenses, ch. 10, art. XVI, div. 2; sauna and massage establishment licenses, ch. 10, art. XVII, div. 2; pawnbrokers, secondhand dealer and jewelry dealer license, § 10-826; fee for response to vehicle fires, § 14-3; permit fee for petroleum/chemical tank removals, § 18-69; trash burning permit fee, § 18-103; permit to consume alcohol on streets, § 32-106; construction noise permit, § 32-134; sidewalk construction permit, § 40-3; driveway construction permit fee, § 40-4; dumpster street permit fees, § 40-13; street opening permits, § 40-33; street privilege permits, § 40-108; building moving permit fee, § 40-133; parade permit fee, § 40-192; room tax permit § 42-49; oversize load permit fee, § 44-78; special parking permit fee, § 44-108; water service installation permit fee, § 46-25; dock wall permit fee, § 48-3; construction permit fees, §§ 103-34, 103-138, 103-169, 103-229; licensing of electricians and fire alarm installers, § 103-137; licensing of gasfitters, § 103-195; roominghouse license fee, § 103-337; erosion control permit fee, § 105-28; mobile home park license fee, § 107-31; sign contractors license, § 111-9; land use permit, § 115-28; satellite antenna permit fee, § 115-397; wireless communication permit fees, § 115-474.

Secs. 2-293—2-317. Reserved.**DIVISION 2. ANNUAL OPERATING BUDGET†****Sec. 2-318. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anticipated revenues are classified as "surplus," "miscellaneous revenues," and "amount to be raised by property tax." Miscellaneous revenues shall be listed by the sources from which such revenues are to be derived.

Anticipated revenues; comparison with other years. The Board of Estimates shall direct that there be placed opposite the several items of anticipated revenues for the ensuing year, adequate comparisons with the anticipated revenues and receipts of the previous year.

Board of Estimates shall be the Mayor, the President of the Common Council, the members of the Finance and Personnel Committee of the Common

†**State law reference**—Municipal budget systems, Wis. Stat. ch. 65.

Council, the members of the Executive Committee, the President of the Board of Public Works, and the Director of Finance/Treasurer (as a nonvoting member).

Budget provides a financial plan for the ensuing fiscal year. It shall list the information contained in section 2-319(b).

Budget summary or summary of the budget means and includes, at a minimum, all the information identified in Wis. Stat. § 65.90(3)(b).

Budget supporting document itemizes the principal sources of anticipated revenues, the proposed expenditures for each department, board and commission in such a manner as to present to the public a simple and clear estimate of the budget. It shall contain in tabular form:

- (1) Detailed estimates of all anticipated revenues and expenditures.
- (2) A compensation schedule to provide rates of pay for offices and positions in the City service.

Compensation schedule provides for and establishes rates of pay for offices and positions in the City service to be in effect for the ensuing fiscal year.

Department means any department, board, commission or other body under the control of the Common Council which expends City funds or incurs obligations for the City, and unless otherwise expressed refers to the head of such department.

President and Secretary. The Mayor shall be President of the Board of Estimates and the Director of Finance/Treasurer shall be the Secretary. The Secretary shall keep a record of the proceedings of the Board of Estimates and perform such other duties as may be required by the Board.

Proposed expenditures. Separate provision shall be included in the budget supporting document for at least:

- (1) The administration, operation and maintenance of each department, board, commission and division thereof, itemized by kind and nature of expenditure.
- (2) The number, title and compensation range of each officer and of each position and the proposed appropriation for the same shall

be itemized according to the divisions in each department, board and commission and shall be incorporated in the proposed budget.

Proposed expenditures; comparison with other years. The Board of Estimates shall direct that there be placed opposite the several items of proposed expenditures for the ensuing year, adequate comparisons with the budgets and expenditures of the previous year.

(Code 1980, § 2.17(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 2-319. Plan.

(a) Each year the Common Council shall make available a plan for the annual operations of the City of La Crosse. Pursuant to Wis. Stat. § 65.90(1), every municipality shall annually, prior to the determination of the sum to be financed in whole or in part by a general property tax, funds on hand, or estimated revenues from any source, formulate a budget, and hold public hearings thereon.

(b) Such budget shall list all existing indebtedness and all anticipated revenues from all sources during the ensuing year and shall likewise list all proposed appropriations for each department, activity, and reserve account during the said ensuing year. Such budget shall also show actual revenues and expenditures for the preceding year, actual revenues and expenditures for not less than the first six months of the current year, and estimated revenues and expenditures for the balance of the current year. Such budget shall also show for informational purposes by fund all anticipated unexpended or unappropriated balances and surpluses.

(Code 1980, § 2.17(A))

Sec. 2-320. Duties of the Budget Parameter Committee.

(a) The Budget Parameter Committee shall consist of the members of the Finance and Personnel Committee and the Mayor.

(b) The Budget Parameter Committee, prior to July 1 of each year, shall:

- (1) Prepare a report or reports showing the number, title, compensation range of each officer, and each position in the City service,

and the proposed appropriation for the same recommended for the ensuing year. The compensation rates of pay and the number of positions established in the budget supporting document shall determine the compensation to be paid and the number of positions for the ensuing fiscal year except that additional positions may be established where necessary during the year by resolution adopted by majority vote of the Council Members.

- (2) Set the budget parameters for the upcoming year.
 - (3) Set the schedule of public meetings at which the Board of Estimates will discuss the department estimates filed with the Secretary.
 - (4) Determine the place and time of the public hearing of the Common Council on the proposed budget submitted by the Board of Estimates to the Common Council. Said meeting shall not be less than 15 days after the publication provided in Wis. Stat. 65.90(3)(a), nor later than the third Tuesday in November each year.
 - (5) Provide the budget parameters, compensation report and other pertinent information to the Secretary of the Board of Estimates who will provide them to each department, including timelines to be used in the preparation of the individual department estimates and overall City budget.
- (Code 1980, § 2.17(C))

Sec. 2-321. Department estimates.

(a) It shall be the duty of each department to file with the secretary of the Board of Estimates not later than August 1 of each year on forms, and using the City's current financial software as approved by the Board of Estimates, an estimate in detail of the department's needs for the ensuing fiscal year and a projection of expenditures therefore, and including such information supplied in such form as the Board of Estimates may direct.

(b) Debt. The Board shall also include in its budget the amount of debt for the ensuing year as required by law, except such debt as authorized to be omitted by express provisions of law.

(c) Contingent fund. In addition to the purposes required to be set forth in detail, the Board of Estimates may provide a contingent fund for such sum as it may deem reasonably necessary for emergency and other purposes that may arise during the year requiring the expenditure of money in addition to the sums provided for the several purposes, and for purposes for which no express provision is made in the budget, except that as provided herein it shall not authorize the expenditures of any money from the contingent fund of the Common Council unless approved by a majority vote of the Common Council. Said Contingent Fund will be in accordance with the City's fund balance policy.

(Code 1980, § 2.17(D))

State law reference—Department estimates, Wis. Stat. § 65.03.

Sec. 2-322. Meetings of Board of Estimates/ Common Council.

(a) *Meetings of the Board of Estimates.* All meetings of the Board of Estimates shall be public and properly noticed by the City Clerk.

(b) *Meeting; report of estimates.* The Board of Estimates shall commence public hearings on the estimates not later than September 10 of each year. The secretary shall place before the Board the estimates filed with the secretary by the departments together with the Director of Finance/Treasurer's statement of anticipated revenues for the ensuing year. If any department fails to file its estimates as herein provided, the Board shall make an estimate for such department specifying the purposes for which and the amount of funds such department may expend. The Board of Estimates shall meet as often as necessary to complete the budget process prior to the third Tuesday in October of each year.

(c) *Changes by Board.* The Board may make changes to the department estimates by an affirmative vote of a majority of its members.

(d) *Proposed budget; budget summary; publication.* From the estimates before it the Board of Estimates shall make and submit to the Common Council, on or before the third Tuesday of October each year, a proposed budget and budget supporting document setting forth the amounts proposed to be spent by each department and the various purposes therefore and the amounts of money for each purpose it is proposed. The budget summary, at a min-

imum, shall be published forthwith in at least one and not more than two daily newspapers having the largest circulation in the City as a Class 1 notice under Wis. Stat. ch. 985 to include notice of the place where the budget in detail is available for public inspection and notice of the time and place for holding the Common Council public hearing thereon shall be published in the municipality at least 15 days prior to the time of the public hearing of the Common Council. A public hearing shall be held at the time and place stipulated at which any resident or taxpayer of the government unit shall have the opportunity to be heard on the proposed budget. Said hearing of the Common Council shall be held not earlier than 15 days after publication, but not later than the third Tuesday of November each year.

(Code 1980, § 2.17(E))

State law reference—Meetings of board of estimates, Wis. Stat. § 65.04.

Sec. 2-323. Adoption of budget; changes, how made.

(a) The Common Council, by vote of the majority of its entire membership, may make such changes in the proposed budget submitted by the Board of Estimates either as to purposes or amounts for which money may be expended with the exception of debt service.

(b) The Common Council, on or before the third Tuesday in November, shall adopt the proposed budget by a majority vote of those present and voting either as submitted or as changed by the Council. It shall not be necessary to refer the budget to a committee of the Common Council.

(c) The procedure of the Common Council to adopt the proposed budget shall consist of:

- (1) A public hearing, at which time any resident or taxpayer of the City shall be given an opportunity to be heard on the proposed budget as the budget summary was published in the newspaper. This may be accomplished by convening into Committee of the Whole.
- (2) After an opportunity has been given to those wishing to be heard, the public hearing is adjourned until after the Common Council considers the proposed budget and makes any changes.

(3) After the Council considers the proposed budget, and if any changes are made in the proposed budget different from the budget summary which was published in the newspaper, then a further public hearing is held in order to provide an opportunity to be heard by any resident or taxpayer on the proposed changes.

(4) Finally, the budget is adopted with any changes.

(d) The adoption of the budget shall determine the amount of money to be levied upon all taxable property in the City for the ensuing year. The tax levy shall be computed by deducting the surplus and miscellaneous revenues available therefor from the appropriations for expenditures for the ensuing year. The Director of Finance/Treasurer shall then certify the necessary taxes to be levied and shall calculate the tax rate. Such tax rate shall be the rate of the ensuing tax levy.

(Code 1980, § 2.17(F))

Sec. 2-324. Funds, how expended.

(a) No money may be expended and no liabilities incurred by the City or any department unless otherwise specially authorized by law during the fiscal year, in excess of the amounts specified or except as hereinafter provided for any other purposes than as designated therein.

(b) No department shall spend a greater sum than is appropriated by the budget for that department.

(c) Any department whose funds are subject to the control of the Common Council may expend funds for the purpose appropriated by the Common Council.

(d) The adoption of the budget shall be authority for the expenditure by a department for the purposes therein provided and of the amounts assigned to the department thereby and no further action by the Common Council shall be necessary to authorize any department to make such expenditures except the budget supporting document showing the various line items for the respective departments are shown for purposes of planning, explanation, and management and not as the adopted budget pursuant to Wis. Stat. § 65.90, it being intended that the

exception of line items for equipment, salaries, and employee benefits, transfers between those particular line items within a department shall not require authorization of the Common Council, however, any department budget exceeding the total department budget shall require Common Council approval.

(e) All funds subject to the control of the Common Council assigned by the budget to a department not expended during the budget year and not reserved for indebtedness incurred during the year shall revert to the general fund of the City. Notwithstanding the Common Council may by resolution authorize the carrying over of unexpended funds which have been appropriated to a department for additional periods not to exceed three years from the year in which they were appropriated.

(f) The omission from the budget of any of the following items shall not prevent the placing of the same on the tax roll for the levy and collection of the tax and the payment of money therefor:

- (1) The payment of interest on or the principal of any bonded debt of the City when due.

(g) Budget alterations. The amount of tax to be levied or certified, the amounts of the various appropriations, and the purposes for such appropriations stated in a budget required under section 2-319(a) may not be changed unless authorized by a vote of two-thirds of the entire membership of the governing body of the City. When such changes to the budget are approved by the Common Council, the City shall publish a Class 1 notice thereof, as required under Wis. Stat. ch. 985, within ten days after any change is made. Failure to give notice shall preclude any changes in the proposed budget and alterations thereto.

(Code 1980, § 2.17(G))

Sec. 2-325. Miscellaneous.

(1) *Supplemental information as allowed by the State.* Any supplemental information to be provided with the annual tax bill mailing as authorized by the State shall be approved by the Board of Estimates prior to mailing.

(2) *Governmental Accounting Standards Board (GASB).* Relevant Governmental Accounting Standards Board provisions shall be followed.
(Code 1980, § 2.17(H))

Secs. 2-326—2-353. Reserved.

DIVISION 3. CAPITAL PROJECT BUDGET

Sec. 2-354. Plan.

Each year the Common Council shall make available a plan for the acquisition of the capital projects/equipment needs necessary to the City for the next following five years. Such plan will be composed of two separate documents: a Capital Project Budget and a Capital Equipment Budget. Each year prior to March 1, the Director of Finance/Treasurer will meet with the Finance and Personnel Committee who will determine the amount of available funding for both projects and equipment.

(1) *Capital Project Budget.*

- a. *Definition.* The term "Capital Project" means outlays for the construction, maintenance, or purchase of facilities or equipment that are expected to provide benefits or services for future period with the minimum asset life expectancy to exceed one year and a minimum asset value in excess of \$1,000.00.
- b. The following shall be included in the Capital Project Budget: the project description, the estimated cost of each project, recommendations for financing the project, and the year each project is expected to require funding. The Capital Project Budget shall include all projects which require approval by the Common Council. Such projects to be included in the long range capital project budget shall include, but not be restricted to, public works improvements such as administration, airport facilities, bridges, development, emergency management, equipment budget, fire facilities, harbor/dock/waterway improvements, information systems, convention center facilities, land acquisitions, library facilities, park and recreation facilities, parking facilities, police, public buildings, sanitary sewer/wastewater facilities, special projects, storm sewer/stormwater facili-

ties, new or improved streets, streetscaping, Tax Incremental District improvements, transit facilities, water supply and distribution systems, and other capital projects meeting the definition of a Capital Project to be financed in the five-year Capital Project budget.

(2) *Capital Equipment Budget.*

- a. Definition. The term "equipment" means outlays for new, replacement, and used equipment that are expected to provide benefits or services for future periods with minimum asset life expectancy to exceed one year and minimum asset value in excess of \$100.00.
- b. The following shall be included in the Capital Equipment Budget: the equipment description, the estimated cost of each equipment item, recommendations for financing the equipment item, and the year each equipment item is expected to require funding. Such equipment to be included in the long range capital equipment budget or annual operating budget shall include, but not be restricted to, capital equipment items, such as outlays for new, replacement, and used equipment that are expected to provide benefits or services for future periods by meeting the Capital Equipment definition to be financed in the five-year Capital Budget or annual operating budget as determined by the Common Council.

(Code 1980, § 2.32(A))

Sec. 2-355. Submission of forms to the office of the Director of Finance/Treasurer.

The capital improvement budget shall be established in the following manner. The Director of Finance/Treasurer shall provide application and rating forms for those desiring to apply for Capital Improvement Projects/Capital Equipment on or before the regular Common Council meeting in January each year. The application form shall contain space to provide information where applicable as to the number of persons the proposed improvement will serve,

the type of facility, its size and contents, the first year the project would be in use, the year in which financing would be required, the estimated construction cost, estimated cost of equipment, estimated annual operating cost, and other relevant information. Each City department, agency, utility, commission or office shall file such application with the Office of Director of Finance/Treasurer for any such Capital Improvement Projects/Capital Equipment and each application shall include information for each Capital Project/Equipment expected to be requested in the forthcoming five fiscal years. Prior to submittal of said form, the form shall first be approved by the appropriate board, committee, commission with authority over said item, department, utility, agency, or office where applicable. Each item requested for inclusion in the five-year Capital Improvement/Capital Equipment Budget shall first be enumerated in a long-range plan such as a facility plan, master plan, neighborhood plan, TIF Project plan, which plan shall first be approved by the appropriate board, committee, commission and the Common Council when applicable. Non-official agencies or groups desiring Council consideration of Capital Projects/Capital Equipment may also file requests in accordance with the procedure outlined herein.

- (1) *Capital Equipment Application/Rating Form due date.* The completed Capital Equipment application and rating forms are to be filed with the Office of the Director of Finance/Treasurer no later than the third Monday in February of each year.
- (2) *Capital Project Application/Rating Form due date.* The completed Capital Project application and rating forms are to be filed with the Office of Director of Finance/Treasurer no later than April 15 each year.

(Code 1980, § 2.32(B))

Sec. 2-356. Capital Equipment Review and Report by the Board of Public Works.

(a) On or before the third Monday of March of each year, a consolidated list of capital equipment items shall be submitted to the Board of Public Works by the Director of Finance/Treasurer at a regular or special meeting called for that purpose. With the assistance of the Director of Finance/Treasurer or representatives and other public officials, as needed, the Board of Public Works shall

prepare a five-year budget of capital equipment needs of the City in order of priority, need, and availability of fiscal resources. The Board of Public Works shall meet as often as is necessary to review the equipment items, determine the priority of each in relation to all other equipment items, including the equipment's relevance to the overall master plans and facility plans of the City, giving consideration to the ability of the facility plans of the City, giving consideration to the ability of the community to finance the equipment in any particular year. Each equipment item included in the capital equipment budget shall, individually or jointly, be presented, with recommendations as to the manner in which it shall be financed. The recommendations of the Board of Public Works as presented in the capital equipment budget shall be advisory only. On or before May 1 of each year the Board of Public Works shall file with the Common Council through its Finance and Personnel Committee the proposed long range capital equipment budget.

(b) The Finance and Personnel Committee and Common Council shall determine by separate resolution the approved equipment budget, the amount to be funded, and the funding source.
(Code 1980, § 2.32(C))

Sec. 2-357. Capital Projects Review and Report by City Plan Commission.

On or before July 1 of each year, a consolidated list of capital projects shall be submitted to the City Plan Commission by the Director of Finance/Treasurer at a regular or special meeting called for that purpose. With the assistance of the Director of Finance/Treasurer or representatives and other public officials, as needed, the City Plan Commission shall prepare a five-year budget of capital projects of the City in order of priority, need, and availability of fiscal resources. The Public Works Director, City Engineer, Director of Planning and Development, and Director of Finance/Treasurer shall annually prepare a list of Capital Improvement Projects that have been approved in previous years Capital Improvement Budgets but have not been constructed, implemented or purchased along with a projected timeline for implementation. The City Plan Commission shall review such lists and shall consider whether to recommend funding additional projects until such time as previously approved projects are scheduled for comple-

tion. Additionally, the Public Works Director, City Engineer, Director of Planning and Development, Director of Finance/Treasurer, appropriate Department Heads, and representatives of outside agencies that receive funding shall annually prepare a list of Capital Improvement Projects that have been constructed in previous years and report the status, effect, and impact of completed projects to the Common Council and City Plan Commission. The City Plan Commission shall meet as often as is necessary to review the projects, determine the priority of each in relation to all other projects including a project's relevance to the overall master plans and facility plans of the City, and develop a schedule of projects for each year, giving consideration of the ability of the community to finance the projects in any particular year. Each project included in the capital project budget shall, individually or jointly, be presented, with recommendations of the City Plan Commission as presented in the capital budget shall be advisory only. On or before October 1 of each year the City Plan Commission shall file with the Common Council through its Finance and Personnel Committee the proposed long-range capital improvement budget.
(Code 1980, § 2.32(D))

Sec. 2-358. Common Council approval.

The Capital Budget must be approved by the Common Council no later than the regular November Common Council meeting.
(Code 1980, § 2.32(E))

Sec. 2-359. Implementation of the Capital Improvement Budget.

(a) *Project implementation.* It shall be the responsibility of the Board of Public Works to ensure that all projects enumerated and funded in the adopted annual Capital Improvement Budget are designed, bid, purchased and constructed. The Board of Public Works shall be charged with introducing the appropriate resolution to the Common Council each year listing the projects to be addressed in the upcoming year. Individual departments responsible for each project are required to create/submit the applicable resolution to the Common Council to appropriate/release all funds associated with the project.

(b) *Equipment authorization (capital budget)*. Release of capital funds for all new equipment included in the capital budget shall require an authorizing resolution subject to the City's Purchasing Policy.

(c) *Equipment authorization (operating budget)*. Release of operating budget funds for all new equipment included in the operating budget shall be authorized with the passage of the annual budget adoption resolution subject to the City's Purchasing Policy. (Code 1980, § 2.32(F))

Sec. 2-360. Special circumstances relating to the Capital Improvement Budget.

(a) Upfront funds for reimbursable/grant funded projects/equipment. The Common Council may authorize an appropriation for the Reserve Fund to establish an interest bearing revolving fund to pre-fund reimbursable/grant projects/equipment. The amount will be determined by the Common Council and reviewed periodically. Any appropriation from said funds will be returned to the fund upon reimbursement for future reimbursable projects/equipment.

(b) New projects/equipment requiring annual maintenance. Anticipated costs due to new projects/equipment that require annual maintenance must be added to the appropriate department's annual operating budget.

(c) Unanticipated projects/equipment. Any project/equipment item not previously listed in the capital budget requiring immediate funding will require a two-thirds vote by the Common Council to be included in the funding in the current proposed capital budget.

(d) For any given budget year, the Council shall fund in the capital improvement budget the same or greater dollar amount as shown in the stormwater utility's budget line item for water quantity fixes. The failure of the Council to provide such funding in the capital improvement budget releases the stormwater utility from having to fund any such project from its corresponding budget line item. (Code 1980, § 2.32(G))

Secs. 2-361—2-378. Reserved.

ARTICLE VIII. PURCHASING*

Sec. 2-379. Public works contracts.

(a) *Bids dispensed with.*

- (1) The construction of any public work may be done directly by the City without submitting the same to bids.
- (2) Any such work to be so done directly by the City shall be authorized by resolution of the Council directing the Board of Public Works to proceed to purchase the necessary materials, lease or purchase the necessary equipment, and hire labor to execute such work.
- (3) Specific authorization is hereby given to the Board of Public Works to conduct such work in conjunction with any State or Federal agency.

(b) *Minimum wages.*

- (1) The Council shall, by resolution, establish minimum rates of pay for all skilled and unskilled laborers employed on any work done for the City by any contractor or subcontractor, either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever. The payment of the minimum wages so set is hereby made a condition of all contracts, subcontracts, and agreements made, let or entered into by the City and the proper officers of the City shall add a schedule of wage rates so set to all specifications for all work upon which they shall call for bids.
- (2) The provisions of subsection (b)(1) of this section shall apply only to such work as is actually and usually performed on the premises on which said building and works are being erected, constructed, remodeled or repaired.
- (3) The provisions of subsection (b)(1) of this section shall not apply on any public project

***Cross reference**—Charter ordinance vesting supervision of purchasing in Department of Finance/Treasurer, app. A, § 10.

State law reference—Local government purchasing, Wis. Stat. § 66.0131.

where they are in conflict with, or different from, any rule, regulation or requirement of an interested State or Federal agency, in which cases the regulations, rules and requirements of the State or Federal agency shall govern.

(Code 1980, § 2.39)

State law references—Public works contractors, Wis. Stat. § 66.09010; prevailing wage, Wis. Stat. § 55.0903.

Secs. 2-380—2-401. Reserved.

ARTICLE IX. ECONOMIC DEVELOPMENT

Sec. 2-402. Findings of fact, statement of purpose.

(a) *Findings of fact.* The City of La Crosse is essentially landlocked and the future economic prosperity of the City is primarily dependent on redevelopment of existing land uses. Redevelopment of sites, buildings and land typically has a higher up-front cost than "greenfield" suburban development as a result of potential environmental contamination, existing buildings that need to be removed or renovated, and smaller parcels that need to be assembled to create development sites. The Legislature has recognized this and has allowed cities to conduct economic development programs primarily through Tax Incremental Finance Districts (TID), the use of loans, grants, Industrial Revenue Bonds, land write downs, and provision of public infrastructure. A comprehensive program of economic development, including the prudent use of incentives, protects the public health, safety, convenience, general welfare and tax base of the City.

(b) *Purpose and intent.* This article is intended to regulate economic development programs and incentives to:

- (1) Protect life, health, property and general welfare of the City;
- (2) Minimize expenditures of public funds for development and redevelopment projects;
- (3) Minimize business interruptions and other economic disruptions;
- (4) Implement a high profile proactive approach to local economic development through public/private partnerships;

- (5) Provide a range of development incentives, as needed, to retain local employers and to stimulate their expansion;
- (6) Facilitate the redevelopment and revitalization of the downtown and older commercial areas;
- (7) Attract a variety of manufacturing and regional office employers in business sectors with projected growth;
- (8) Provide both existing and new employers with a consistent set of standards for the City's approach to incentive programs for projects located on private and/or publicly owned sites;
- (9) To facilitate the use of Federal and State development incentive programs and grants for local development projects.
- (10) Maximize the effectiveness of the City's limited resources in stimulating job-creating development projects;
- (11) Compete on an equal basis with other communities for an increased share of new development projects;
- (12) Assist the City in implementing its overall economic development goals;
- (13) Enable the City to compete globally by actively creating and retaining an educated work force.

(Code 1980, § 2.23(A))

Sec. 2-403. Economic Development Commission.

(a) *Purpose.* The purpose of the Economic Development Commission is to act as an advisory body to the Common Council by implementing the Comprehensive Plan (primarily the Economic Development Element), the Economic Development Strategic Plan, Tax Increment District Project Plans, and the City Vision 2020 Downtown Master Plan. The Commission shall oversee the administration of the City's business assistance programs and address issues common to the City's economic vitality and viability.

(b) *Appointment and term of office.* There shall be an Economic Development Commission consisting of nine members, each for a term of two years and

shall include the Mayor, four citizens representatives, four Council Members, including the Chair of the Finance and Personnel Committee and the Council President. Officers will be elected at the first meeting and then every two years following. The Common Council Members and the citizen members shall be appointed by the Mayor subject to confirmation by the Common Council. No salary or compensation shall be paid to any member of said Commission for the member's services as Commissioner. Members who attain membership by designation shall require Council confirmation, shall serve for one-year terms, may be a citizen or an elected official, and are full members and are not considered alternates. The two Common Council Members and the four citizen members shall serve staggered terms with three serving a one-year term and three serving two-year terms. All members shall be residents of the City with the exception of the local business person, who may not be a City resident, but must own a business within the City, and consist of:

- (1) The Mayor.
- (2) The Council President.
- (3) The Chair of the Finance and Personnel Committee.
- (4) Two Common Council Members.
- (5) Four City of La Crosse residents; with representatives recommended from these following areas of expertise:
 - a. Banker/loan officer.
 - b. Certified Public Accountant.
 - c. Local business person.
 - d. Manufacturing representative.

(c) *Powers and duties.* The Economic Development Commission shall:

- (1) Be responsible for implementing this economic development article and provide the lead role in facilitating development projects and coordinating efforts with the private sector. As development projects arise, the Commission shall have the authority to negotiate the types and level of development incentives needed in accordance with the provisions of this article. The City Administration, the Commission and the City Council shall maintain the confidentiality of all such nego-

tiations. The City Council shall have the final authority to review and approve all negotiated agreements in accordance with Wisconsin State Statutes.

- (2) Oversee the management of the City's economic development assistance programs as outlined herein, including the Small Business Development Loan Program/Commercial Rehabilitation Loan Program, Upper Floor Renovation Revolving Loan Program, Facade Improvement Programs, Tax Incremental District loans/grants, Industrial Revenue Bonds, LIPCO projects and loans, Industrial Park development and redevelopment, the Architectural and Engineering Analysis Program, and all other forms of economic development assistance using City funds. Final decisions on the City's Upper Floor Renovation Revolving Loan Program will be made at the Economic Development Commission level.
- (3) Oversee the coordination of the preparation, implementation, annual monitoring and management of the City's Tax Incremental Financing Districts, including negotiating, monitoring, management, and implementation of Development Agreements including any amendments, economic assistance such as loans/grants, carrying out the standards for financial assistance and TIF assistance contained in this article.
- (4) Analyze economic development trends, review, develop and recommend economic development policies, ordinances and programs and facilitate activities to improve the economic climate of the City of La Crosse. (Code 1980, § 2.23(B)—(D))

Sec. 2-404. Standards for economic development assistance.

- (a) The standards outlined herein are intended to provide clear direction and understanding to applicants, City staff, the Commission and Common Council for projects and developments needing City assistance, including those within tax increment financing (TIF) districts and projects outside of TIF districts. These standards and requirements have been promulgated to protect the public's trust and resources

and to ensure that City government treats all applicants fairly and equitably. Notwithstanding compliance with any or all of the standards herein, the provision of assistance is a policy choice to be evaluated on a case-by-case basis by the Common Council. The burden of establishing the public value of assistance shall be placed upon the applicant and the application must substantially meet the criteria contained herein. The Commission reserves the right to bring any incentive proposal forward for Council consideration. Meeting statutory requirements, standards or other criteria listed herein does not guarantee the provision of TIF financial assistance nor does the approval or denial of one project set precedent for approval or denial of another project.

(b) If the applicant is looking for funding from the City's established economic development loan programs: Small Business Development Loan Program/ Commercial Rehabilitation Loan Program, Upper Floor Renovation Revolving Loan Program, Facade Improvement Programs, or the Architectural and Engineering Analysis Program, the applicant should follow the specific loan application process, and should expect a 60-day turnaround from the City. If, however, the applicant is looking for assistance through Tax Incremental District loans/grants or other forms of assistance, the applicant should expect a four- to six-month turnaround from the City, depending on the scope of the project and type of assistance requested.

(c) The City will consider using financial assistance to assist private development in those circumstances where the proposed private project shows a demonstrated financial gap and that the financial assistance request is the minimum necessary to make the project feasible. It is the Commission's discretion whether to require the developer to have exhausted every other financial alternative(s) prior to requesting the use of financial assistance, including equity participation, other Federal and State funds, bonds, tax credits, loans, etc. It is the intent of the City to provide the minimum amount of assistance to make the project viable and not solely to increase a developer's profit margin on the project. As part of a formal request for assistance through a completed application, the City will undertake, at the requestor's cost, an independent analysis of the project to ensure the request for assistance is necessary and valid.

(d) Each project is unique and therefore every proposal shall be evaluated on its individual merit, including its potential impact on City service levels, its overall contribution to the economy and its consistency with the Comprehensive Plan or other planning documents. Each project must demonstrate probability of financial success. The developer must demonstrate that there will be a substantial and significant public benefit to the community by achieving as many of the following public benefits as possible:

- (1) Stimulating revitalization of the City, its older neighborhoods, industrial areas, commercial districts and Historic Downtown La Crosse by:
 - a. Improving infrastructure;
 - b. Job creation meeting the City's Living Wage Resolution as amended or superseded;
 - c. Retention of existing jobs;
 - d. Creating a variety of mixed-use commercial/housing opportunities to increase the number of downtown residents;
 - e. Attracting desirable businesses and retaining existing businesses;
 - f. Encouraging development projects that enhance the streetscape and pedestrian experience and improve the vitality of the downtown area by adding interest and activity on the first floor of mixed-use buildings;
 - g. Promote use of Mass Transit by actively promoting and participating in the MTU Works pass program for employees.
- (2) Promote efficient usage of land through elimination of blight and redevelopment of underutilized properties.
- (3) Strengthen the economic and employment base of the City and support Economic Development.
- (4) Stabilize and upgrade targeted neighborhoods.
- (5) Increase property values, tax base and tax revenues.

- (6) Leveraging the maximum amount of non-City funds into a development and back into the community.
 - (7) Supporting an educated workforce.
 - (8) Contribute to other unique projects or programs not listed that provide public benefits.
- (e) The following standards shall be met in order for the applicant requesting public funding to demonstrate the financial need for public assistance:
- (1) "But for" standard (i.e., demonstration of need for the public assistance). The fundamental principle and that which the City must determine through information provided by the developer is that the project would not occur "but for" the assistance provided through City financial assistance. The burden is on the developer to make its case to the City. City financial assistance will be provided solely to fill an identified financial "gap" and the City's assistance will be restricted to the minimum amount necessary to make a project financially feasible. It is at the Commission's discretion to define the amount and form of financial assistance.
 - (2) Every other financial alternative is expected to be explored prior to the request for City assistance, including obtaining primary financing through conventional lenders, seeking additional investment and/or partners, and seeking other Federal and State funds, bonds, tax credits, loans, etc. The developer shall provide copies of correspondence from lenders, business partners/investors and copies of applications (Prospect Data Sheet) for State assistance through the Wisconsin Economic Development Corporation or other State or Federal agencies.
 - (3) Demonstration of need can be provided in the form of, but not limited to, personal financial statements, income tax returns, commitment letters, cash flow statements, project pro forma's, feasibility studies, industry data, and market demand studies, etc. Upon request, the City may permit these documents to be provided directly to the City's financial advisor or developer's financial advisor to protect proprietary or confidential information.
- (4) To meet the public purpose doctrine, job creation and retention will be a requirement for economic assistance (with the exception of Upper Floor Loans or facade loans or other forms of financial assistance that are not expected to create jobs) and the City may require job records and retention of jobs for a period of time. If the promised jobs are not created and retained for the agreed to period of time, then the City's financial assistance may become due and payable immediately. The City will not provide financial incentives for job creation on a per job basis and will work with the applicant to obtain State of Wisconsin and other job creation tax credits for which these programs are intended.
 - (5) Eligible projects. In order for the project to receive financial assistance, the project shall consist of the following types of development projects:
 - a. Business development (attraction, retention, expansion) for basic industries (businesses that export products), assistance will be evaluated on its impact on existing local markets.
 - b. Mixed-use developments that creatively integrate commercial and retail projects into a residential development.
 - c. Revitalization of historically designated, significant or deteriorated buildings.
 - d. Projects that promote downtown office and retail development.
 - e. Projects that promote neighborhood stabilization or revitalization.
 - f. Projects that promote industrial development for export-based industries.
 - g. Projects consistent with approved TIF Project Plans.
 - h. Projects that involve environmental clean-up, removal of slum and blighting conditions.

- i. Projects that contribute to the implementation of other public policies, as adopted by the City in its strategic plans such as affordable housing/workforce housing, mass transit, promotion of high quality architectural design, energy conservation (i.e. infrastructure, etc.
 - j. Projects that provide retail, housing and mixed uses in existing commercial nodes (e.g., Caledonia Street, I-90/Exit 3).
- (6) Ineligible projects. The following types of development projects are ineligible for City assistance, including TIF:
- a. Speculative office and retail development defined as projects that have not secured anchor tenants for at least the same percentage of pre-leased space as required by the developer's construction lender by a date set forth by the Common Council.
 - b. Any development where a market study shows a demand for the project/product and/or such that there exists a long-term "bankable" lease of ten or more years.
 - c. Relocation (pirating) of tenants from another site within the City or region (offices, retail and/or other commercial uses) for the purpose other than retaining or substantially expanding said business.
 - d. Office or retail development outside of Downtown unless within a redevelopment project that is targeting mixed-use commercial/office and residential such as Caledonia Street and the I-90/Exit 3 commercial nodes.
 - e. Standalone big box commercial.
 - f. Standalone residential development projects unless limited by site and environmental conditions beyond which make the project financially infeasible, including luxury housing or 100 percent market rate housing.
 - g. Standalone student housing.
 - h. Projects not consistent with the Comprehensive Plan.
- (f) Structure for financing assistance. The following parameters are established for providing financial assistance.
- (1) Financial assistance may be provided by the City in a form and method acceptable to the City. Requests for up-front financing may be considered on a case-by-case basis if increment generation is sufficient to meet initial financing and debt service costs and are not the first dollars spent on a project.
 - (2) For "pay-go" and reverse cash grant structured projects, the project owner shall agree to pay all other outstanding City of La Crosse property tax bills and special assessments prior to disbursement of any payments by the City.
 - (3) No mortgage guarantees. The City will not provide mortgage guarantees.
 - (4) Personal guarantees. The City will require personal guarantees from the investor, borrower and members for receiving financial assistance. Amount and form shall be acceptable to the City.
 - (5) The City will retain an administrative fee of not less than 15 percent of any tax increment received from the project to reimburse for administrative costs. Until such time as the project generates positive tax increment, the City will charge an administrative fee directly to the developer to partially offset administrative and professional costs.
 - (6) When the project is intended as a for-sale development (i.e., office, mixed use retail/residential), the developer must retain ownership of the overall project until final completion; provided, however, that individual condominium units may be sold as they are completed. For all other projects, the developer must retain ownership of the project at least long enough to complete it, to stabilize its occupancy, to establish the project management and to initiate payment of taxes based on the increased project value. Transfer of ownership or the addition of owners/

members or changes to ownership/member percentages shall first be approved as an amendment to the developer's agreement.

- (7) Projects receiving assistance will be subject to a "look back" provision. The look back mandates a developer to provide the City or its financial advisor with evidence of its annualized cumulative internal rate of return on the investment (IRRI) at specified periods of time after project completion. The IRRI shall be calculated with equity, revenues, and expenses in accordance with generally accepted accounting principles.
- a. When the developer owns the subject property and rents space to tenants, supporting documentation shall include certified records of project costs and revenues, including lease agreements and sales on a per square foot basis at no cost to the City. If the records indicate that the developer has received a higher return on equity, a higher return on cost, or a higher internal rate of return than originally proposed to the City at the time of the development agreement, the developer and the City shall split, on a 50/50 basis, the increase above the originally projected rates of return.
 - b. When the subject property is a for-sale development and the IRRI cannot be completed, the developer is to provide financial data after the project is completed at no cost to the City. This shall include a calculation of profit on total development costs minus the financial assistance. If the financial records indicate that the developer has received a higher return on equity, a higher return on cost, or a higher internal rate of return than originally contemplated at the time of development agreement approval, the developer and the City shall split, on a 50/50 basis, any increase at or above original projected rates of return.
- (8) Loans using Federal or City funds, including State Trust Funds, shall generally follow the

same underwriting standards and procedures as grants or other financing mechanisms contained herein. The City shall use its standard loan documents used for the Small Business Development Loan/Commercial Rehabilitation Loans for all development loans.

(g) All of the following financial criteria must be met in order to be considered for economic assistance.

- (1) *Equity requirement.* Developers must provide a minimum 15 percent equity of total project costs. Projects that exceed the 15 percent equity requirement will be looked upon favorably by the City. Equity is defined as cash or un-leveraged value in land or prepaid costs attributable to the project. City assistance shall not exceed the amount of equity provided by the developer. Donated developer or construction management fees shall not be considered as equity investment.
- (2) *Payback period.* 20-year maximum payback period. Preference will be given to projects with payback periods of 12 years or less.
- (3) *TIF cap.* The total amount of TIF assistance should not exceed ten percent of total project costs. This limitation may be waived if the project involves redevelopment of existing structures or the assembly and clearance of land upon which existing structures are located.
- (4) *Land assembly cap.* Assistance for land/property assembly costs will not be provided in an amount exceeding ten percent of the fair market value of the land. The fair market value will be determined by an independent appraiser contracted by the City with the cost of appraisal paid for by developer.
- (5) *Sale of City-owned land.* For projects involving the sale of City-owned land, the property must first be declared "surplus" by the Board, Committee, or Commission overseeing such land and the Common Council and shall be advertised for sale via public bidding through sealed bids, request for proposals or public auction. The sales price for the sale of City-

owned land shall be determined using the "residual land value" method. Redevelopment Authority properties are presumed "surplus" and shall be sold in the manner outlined herein.

- (6) *Internal rate of return.* The amount of assistance provided to a developer will be limited to the amount necessary to provide the developer a reasonable rate of return on investment in the project and the subject site. A developer's return on equity, return on cost or internal rate of return will be based on current market conditions as determined by the City or City's financial advisor. In no case shall the internal rate of return exceed 30 percent.
- (7) *Taxable increase.* The project should result in an increase in taxable valuation of at least 20 percent upon project completion.
- (8) *Living wage requirements.* The City has adopted, by resolution, a policy that developments that are provided City assistance must pay their employees a "living wage." Any agreement for financial assistance shall include provisions that ensure the publicly assisted projects pay a living wage to their employees.
- (9) *PILOT payment.* In the event that some or all of the property, developments, improvements, personal property, or real estate becomes exempt from general property taxes the developer shall make a payment to the City in lieu of taxes (the "PILOT").
- (h) Eligible costs. The following are typical eligible costs:
- (1) Capital costs, including actual costs of:
 - a. Construction of public works or improvements;
 - b. Construction new buildings, structures, and fixtures;
 - c. Demolition, alteration, rehabilitation, repair or reconstruction of existing buildings, structures and fixtures, other than historic buildings and structures;
 - d. Acquisition of equipment to service the district;
 - e. Restoration of soil or groundwater affected by, environmental pollution; and
 - f. Clearing and grading of land.
- (2) Real property assembly costs.
 - (3) Professional service costs (planning, architectural, engineering, and legal).
 - (4) Relocation costs.
 - (5) Environmental remediation.
 - (6) Organizational costs (environmental and other studies, publication and notification costs).
 - (i) Special consideration. Special or additional consideration, and/or better terms may be considered for projects that exceed certain standards such as:
 - (1) Use of higher quality building materials;
 - (2) Demonstration of a higher standard of urban design (e.g., mixed use, add vitality to commercial districts by adding interest and activity on the first floor of mixed use buildings, etc.);
 - (3) Promotion of sustainable practices in their construction and operation such as meeting LEED certification requirements;
 - (4) Providing environmental sensitivity or protection of natural resources;
 - (5) Any additional performance standards which enhances the overall quality of life;
 - (6) Demonstrable efforts to increase the percentage of newly hired and retained employees who reside within the City limits of the City of La Crosse;
 - (7) Support an educated workforce;
 - (8) Projects that have a payback in fewer than ten years.
 - (j) Pay its way. Each for-profit project demonstrating a need for TIF assistance must generate sufficient tax increment to cover or repay both the TIF contribution to the project, administrative and profes-

sional costs and a portion of the planned public infrastructure costs within the tax incremental district.

- (1) The City will expend an appropriate amount for public infrastructure and improvements that will be paid back through the TIF. These improvements include, but are not limited to, streetscaping, pedestrian enhancements, etc.
- (2) No increment from other private development projects within the district may be used to supplement another project's inability to generate sufficient tax increment to cover project costs.

(k) Payback. If the developer does not meet the minimum standards or requirements contained within the developer's agreement, then the City's financial assistance will become immediately due and payable.

(l) Application and review procedure.

- (1) The following information is required of all applicants for any type of incentive. Application for financial assistance shall include a cover letter and shall be made on the forms provided by the City and include all of the information requested on the form. An initial nonrefundable fee of one percent of the requested assistance or \$10,000.00, whichever is greater, shall accompany any financial assistance request involving a grant. For loan requests, the fee shall be one percent of the requested amount. This fee shall be used to partially cover the City's legal, professional, administrative, and planning costs. Outside consultants hired by the City to analyze funding requests including evaluating the gap and/or determination of financial need and the project's return on investment (ROI) shall be paid for by the applicant and will not be considered part of the fee. If an additional amount of money is required to reimburse the City of its reasonable costs, the applicant shall be responsible for those costs. If the application is made and the project does not move forward, the application fee, minus documented City expendi-

tures for the project, will be refunded to the applicant. The applicant shall, at a minimum, provide the following information:

- a. A detailed project plan, timetable including plans and/or drawings for the project, architectural analysis, phase I environmental assessment, appraisals, and evidence of site control.
- b. A business plan created in conjunction with the UW-La Crosse Small Business Development Center or reviewed by an entity determined by the City. If the business is not following traditional business planning models, initial planning document acceptable to the City will be submitted. A business plan will be submitted to the City within one year of business start-up.
- c. Background information on the developer, complete listing (name and address) of all investors in the project and specify each individual's ownership interest.
- d. The articles of incorporation for the business, borrowing resolutions, operating agreements, and other applicable documents verifying that the entity is in good standing.
- e. A current balance sheet.
- f. The operating (profit/loss) statements for the last three years.
- g. The five-year projected cash flow statement for expansion of existing businesses. If the business is a start-up, two-year projected cash flow statements will be required.
- h. The previous year's personal and the business federal income tax return.
- i. The developer shall submit audited financial statements for the last three years. If the audited statements are comparative, only two years are needed. If audited statements are not available, the developer shall provide three years of annual financial statements and summary schedules for other projects completed or started within the three-year

timeframe covered by the financial statement for the current year. Upon request, the City may permit these documents to be provided directly to the City's financial advisor or developer's financial advisor to protect proprietary or confidential information.

- j. Personal financial statements of the officers (to be provided only to Director of Finance/Treasurer or financial consultant for review).
 - k. A preliminary financial commitment from a financial institution.
 - l. A list of current employees, their job titles and benefits and a list of titles and descriptions, with benefit package of projected jobs.
 - m. A detailed pro forma showing income and expenses for the project including a feasibility analysis justifying why assistance is necessary.
 - n. Market studies, signed letters of intent from prospective tenants, any market or feasibility analysis, appraisals, and all information provided to private lenders for the project as well as any other information or data which the City, or its financial consultants may require in order to review the need for financing assistance.
- (2) Once an application is deemed complete and the City staff conducts its due diligence, the applicant shall meet with the Economic Development Commission or its staff to develop the appropriate term sheet and/or development agreement.
 - (3) The Economic Development Commission shall issue a report and recommendation to the Common Council, including a draft term sheet or development agreement for action.
 - (4) Criteria for funding. Project applications will be scored based on criteria found in this article and the results of the scoring will be presented to the Commission and used as part of the deliberation and due diligence process. The Commission shall develop a point system for the evaluation of develop-

ment projects to include section 2-402(b), purpose and intent, and this section, standards for economic development assistance.

- (5) The City reserves the right to accept or reject any application for economic assistance as determined in its sole discretion.

(Code 1980, § 2.23(E))

Secs. 2-405—2-421. Reserved.

ARTICLE X. BOARDS, COMMISSIONS AND AUTHORITIES*

DIVISION 1. GENERALLY

Sec. 2-422. Residency requirements, boards, commissions, committees.

(a) Except as otherwise provided herein, no person shall be appointed or elected to a City board, commission, committee or governing body unless such person is a resident of the City of La Crosse. Any such person so appointed or elected shall cease being a member of such board, commission, committee or governing body when such person is no longer a City resident.

(b) Except as otherwise provided herein, in no event shall nonresidents of the City of La Crosse constitute:

- (1) More than one-third of the members of any such board, commission, committee or governing body; or
- (2) 50 percent or more of the quorum.

(c) Subsection (a) of this section shall not apply to the following boards, commissions, committees and governing bodies:

- (1) La Crosse Transit Utility Board in accordance with division 5 of this article.

***Cross references**—Administrative Appeals Board, § 2-4; Board of Ethics, § 2-129; Aviation Board, ch. 8, art. II; Heritage Preservation Commission, ch. 20, art. II, div. 2; Equal Opportunities Commission, § 22-23; Plan Commission, ch. 101, art. II; Board of Building and Housing Appeals, § 103-36; Board of Electrical Examiners, § 103-136; Board of Gas Examiners, § 103-195(e); Zoning Board of Appeals, ch. 115, art. II, div. 2.

- (2) International Committee in accordance with division 9 of this article.
- (3) Those boards, commissions, committees and governing bodies that permit non-City residents by Federal or State law.
- (4) Navy Reserve Center Memorial Oversight Committee in accordance with Resolutions No. 2006-07-024 and 2007-06-017.
- (5) Aviation Board in accordance with chapter 8, article II.

(d) Notwithstanding the provisions contained herein, up to four members of the City of La Crosse Arts Board may be nonresidents. In the event the member from the La Crosse County Board of Supervisors lives outside the City limits, such member shall constitute one of the four nonresident members.

(e) Notwithstanding the provisions contained herein, the Animal Control Governing Board may consist of up to four nonresident members in compliance with the Animal Control Agreement dated August 9, 2007, which expires on December 31, 2011, unless renewed at the Humane Society's option for an additional five years to then expire on December 31, 2016.
(Code 1980, § 22.11)

Sec. 2-423. Filing of proceedings of boards and commissions.

The original or true copy of all of the minutes and official acts of all Boards and Commissions of the City shall be filed with the City Clerk, and the City Clerk shall receive such records and provide proper filing and indexing therefor. If a copy shall be filed in lieu of the original, such copy shall be certified by the Secretary of the Board of Commission.
(Code 1980, § 2.41)

Secs. 2-424—2-444. Reserved.

DIVISION 2. BOARD OF PARK COMMISSIONERS*

Sec. 2-445. Created; membership.

(a) *Generally.* There shall be a Board of Park Commissioners consisting of seven citizens and two Council Members who shall be appointed by the

***Cross references**—Charter ordinance relative to powers of Board Park Commissioners, app. A, § 15; parks, recreation, boulevards and other public places, ch. 34.

Mayor subject to approval by the majority of the members of the Council. No salary or compensation shall be paid to any member of said Board for such member's services as Park Commissioner.

(b) *Appointment and term of office.* At the regular meeting of the Council in April of each year, the Mayor shall appoint a citizen Park Commissioner who shall hold office for the term of five years. In the case of vacancy, the Mayor shall appoint a Commissioner who shall serve for the unexpired term. In addition, the Mayor shall appoint the two Council Member Commissioners at the organizational meeting of the Council on the third Tuesday in April every odd-numbered year, who shall hold office for the term of two years each. In case of a vacancy, the Mayor shall appoint another Council Member who shall serve for the unexpired term. Every Park Commissioner, before entering upon the duties of office, shall take and prescribe an oath that such Commissioner will well and truly discharge such Commissioner's duties, which oath shall be filed in the office of the City Clerk.

(Code 1980, § 2.07(A), (B))

Sec. 2-446. Annual meetings.

The Board of Park Commissioners shall hold an annual meeting on the third Thursday of June in each year. A President, Vice-President and a Secretary shall be elected at each annual meeting and each shall serve for a term of one year and until such President, Vice-President and Secretary's successor shall be elected and qualified.

(Code 1980, § 2.07(C))

Sec. 2-447. Control of parks by Board.

All lands owned by the City for parks, boulevards, pleasure drives, and swimming pools, or that shall hereafter be acquired or designated by the Council for such purposes, within or without the City limits, shall be controlled by the Board of Park Commissioners and shall be free to all persons, except that a charge may be made by the Board for the use of all facilities subject to such necessary and reasonable rules and regulations as shall from time to time be adopted by said Board.

(Code 1980, § 2.07(D))

Sec. 2-448. Purchase and lease of lands.

The Board of Park Commissioners may contract in the name of and for and on behalf of the City of La Crosse for the purchase of lands within the limits of La Crosse County for park or boulevard purposes. The Board of Park Commissioners may likewise lease lands for such purpose and take options to purchase same. The Board of Park Commissioners may likewise lease lands under its jurisdiction to others provided, however, no lease or purchase of land for park purposes shall be binding on the City until same shall have been approved by Council by resolution and provided further that no lease of City lands by the Board of Park Commissioners to other persons for more than one year shall be authorized without the approval of the Council. The Board of Park Commissioners shall make a report to the Council, shall furnish all necessary details to the Council specifying descriptions of lands to be purchased or leased, lease terms, purchase price and all other terms and conditions related thereto.
(Code 1980, § 2.07(F))

Sec. 2-449. Finances.

All moneys received or raised by the Board of Park Commissioners, including any that may be received by subscription or gift for parks, boulevards, pleasure drives, and swimming pools, excepting when otherwise stipulated by the donors, shall be paid over to the Director of Finance/Treasurer and disbursed pursuant to resolution of said Board authorizing the payment of bills and accounts, after the same have been audited by the Board, and directing orders to be issued therefor which orders shall be signed by the President and Secretary of said Board. But before the City pays any such orders, the resolution of the Board and the accounts and bills shall be presented to the Director of Finance/Treasurer and audited by such Director, and thereupon the orders shall be countersigned by such Director and laid before the Council at its next meeting thereafter, and when approved by the Council shall be paid. It shall be unlawful for the Board of Park Commissioners to contract any liability on the part of the City in excess of the amount remaining unappropriated in the park fund for park purposes, except as expressly authorized by the Council, and the City shall not be liable for any such contract.
(Code 1980, § 2.07(G))

Secs. 2-450—2-466. Reserved.

DIVISION 3. BOARD OF PUBLIC WORKS*

Sec. 2-467. Duties generally.

In addition to the powers and duties enumerated in this division, the Board of Public Works shall exercise all of the powers and duties prescribed by the Wisconsin Statutes.
(Code 1980, § 2.08(B))

Sec. 2-468. Management of City-owned buildings.

The supervision, management and control of all properties and buildings owned by the City not specified within the jurisdiction of any other department of the City are hereby vested in the Board of Public Works. Such Board shall be charged with the care and maintenance of such buildings and is empowered to lease land and buildings for periods not longer than one year upon such terms and conditions as it shall deem reasonable.
(Code 1980, § 2.08(D))

Sec. 2-469. Waterfront property.

The management and control of all riparian rights of the City resulting from the ownership of land abutting upon navigable water is hereby vested in the Board of Public Works and the said Board shall have full power to lease docking and boathouse privileges upon the adjoining shore upon such terms and conditions as it shall deem reasonable. No such lease shall be longer than one year in extent and shall be terminable upon 30 days' notice on the part of the City. In all cases where the jurisdiction of the water front might be in some other department of the City, such other department together with the Board of Public Works shall determine which shall exercise the control thereof.
(Code 1980, § 2.08(E))

Cross reference—Waterways, ch. 48.

***Cross references**—Charter ordinance relative to compensation of members of Board of Public Works, app. A, § 15; parks, recreation, boulevards and other public places, ch. 34; solid waste, ch. 36; streets and sidewalks, ch. 40; utilities, ch. 46.

State law reference—Board of public works, Wis. Stat. § 62.14.

Sec. 2-470. Standard plans and specifications.

The City Engineer and the Board of Public Works shall prepare standard plans and specifications for the various types of public works such as sidewalks, curbs, gutters, roadways, sewers, and water mains and after the same have been approved by the Council, copies shall be kept on file in the offices of the Board, open for inspection, and it shall be unlawful to build or construct any such work except in conformity with such plans and specifications. (Code 1980, § 2.08(f))

Sec. 2-471. Sanitary sewer utility.

The Board of Public Works shall operate as a sanitary sewer utility under Wis. Stat. §§ 66.0805, 66.0809, 66.0811, 66.0813 and 66.0821 to manage, supervise and operate the sanitary sewer system which shall be operated according to the specifications, guidelines, standards and principles of the Wisconsin Public Service Commission and governmental, auditing and financial reporting. It shall have such powers and duties prescribed by statute relating to public utilities under Wis. Stat. §§ 66.0809, 66.0811, and 66.0813; provided, however the rates charged shall be subject to Council approval. (Code 1980, § 2.15)

Cross reference—Sanitary sewers, ch. 46, art. III.

Secs. 2-472—2-495. Reserved.

DIVISION 4. MUNICIPAL PARKING UTILITY BOARD*

Sec. 2-496. Created; membership.

There shall be a Municipal Parking Utility Board consisting of 11 members who shall be appointed by the Mayor subject to approval by the Council. No salary or compensation shall be paid to any member of said Board for services as Board Member. Each member shall have a two-year term. Members shall consist of the following with no more than two non-residents on said Board. The two nonresident members must be owners, agents or lessees of properties whom pay taxes to the City of La Crosse:

- (1) Two representatives from the Common Council.

***Cross reference**—Parking lots, § 44-113.

- (2) One representative from the Board of Public Works.
 - (3) Two representatives with downtown business interest.
 - (4) One representative from the La Crosse Police Department.
 - (5) One representative from north La Crosse business interests.
 - (6) One representative from the School District of La Crosse.
 - (7) Two representatives; one from one of the medical institutions and one from one of the higher educational institutions.
 - (8) One citizen member.
- (Code 1980, § 2.16(B))

Sec. 2-497. Functions.

The purpose of the Municipal Parking Utility Board is to manage the City's Municipal Parking Ramps, Municipal Parking lots, on-street parking in commercial areas of the City, on-street parking issues adjacent to institutional uses such as hospitals, clinics, high schools, and post-secondary educational institutions, coordinate with other City Committees and Commissions, business interests, and the Municipal Transit Utility in the provision of a comprehensive parking program for the City of La Crosse. The Municipal Parking Utility Board will manage all aspects of the Parking Utility function as permitted by law.

(Code 1980, § 2.16(A))

Sec. 2-498. Powers and duties.

The Municipal Parking Utility Board shall have the powers and duties prescribed by Wis. Stat. ch. 66 and Wis. Stat. §§ 66.0805 and 66.0829 relating to the acquisition, management and operation of a Municipal Parking Utility System and shall have jurisdiction, powers and duties extending to any comprehensive municipal parking system within the corporate limits of the City. The operation of the parking system shall be deemed a public utility pursuant to the provisions of the Wisconsin Constitution and the laws of the State of Wisconsin.

(Code 1980, § 2.16(C))

Secs. 2-499—2-519. Reserved.

DIVISION 5. MUNICIPAL TRANSIT UTILITY BOARD*

Sec. 2-520. Membership.

The Municipal Transit Utility Board shall consist of the following members:

- (1) The Board of Public Works, as defined in division 3 of this article, as amended or superseded;
- (2) Two unpaid citizen residents of the City, preferably persons who regularly utilize or ride the Municipal Transit Utility buses, who shall be appointed by the Mayor and confirmed by the Council for a term of two years.
- (3) One resident or nonresident La Crosse County Board Supervisor, who shall be appointed by the Mayor and confirmed by the Council for a term of two years or until the end of an elected term on the County Board, whichever is earlier.
- (4) An unpaid student representative from each of the City's institutions of higher education, which currently consist of three institutions, said student representatives shall serve for terms of one year each beginning on June 1 of each year. The Mayor shall appoint the student representative subject to confirmation by the Council. The student government of each institution shall submit its recommendation of a single candidate for appointment, if any, to the City no later than May 1 immediately preceding the commencement of the student representative's term for review by the Council prior to final confirmation.
- (5) The Mayors of the cities of Onalaska, Wisconsin, and La Crescent, Minnesota, and the Chairperson of the Town of Campbell, Wisconsin, as voting members; provided, such communities continue to have fixed

*State law reference—Authority to establish board to manage public utility, Wis. Stat. § 66.0805.

route service. Said members in this subsection need not be residents of the City of La Crosse.

- (6) Other communities or municipalities that have a contract with the La Crosse Municipal Transit Utility and receive service from the Transit Utility may appoint an unpaid additional non-voting member to the Municipal Transit Utility Board who may be a member of the governing body of such other community or a citizen of such other community. The term of such other community nonvoting member shall be for two years unless such other community service contract with the La Crosse Municipal Transit Utility terminates and is not renewed within any two-year term.

(Code 1980, § 2.18(A))

Sec. 2-521. Powers and duties.

The Municipal Transit Utility Board shall have powers and duties prescribed by statute relating to the acquisition, management and operation of a transit system and shall have jurisdiction, powers and duties extending to any comprehensive local transportation system whether within or without the corporate limits of the City. The operation of any transit system shall be deemed a public utility pursuant to the provisions of the Wisconsin Constitution and the laws of the State of Wisconsin.

(Code 1980, § 2.18(B))

Secs. 2-522—2-550. Reserved.

DIVISION 6. NEIGHBORHOOD REVITALIZATION COMMISSION

Sec. 2-551. Creation and membership.

There shall be a Neighborhood Revitalization Commission consisting of five neighborhood representatives and three at-large representatives for a term of two years and that the neighborhood association representatives be "officers" of the organization, three Council Members, one County Board Supervisor, and one representative from the Apartment Association of the La Crosse Area who shall be appointed by the Mayor subject to approval by the Council. No salary or compensation shall be paid to any member

of said Commission for such member's services as Commissioner. All members shall be residents of the City and consist of:

- (1) One representative from each of the five Neighborhood Associations that have a Neighborhood Plan adopted by the Common Council as well as adopted by-laws, Chair, Vice-Chair, regularly scheduled meetings that meet not less than quarterly and an annual action plan.
- (2) Three at-large representatives.
- (3) Three Council Members, one from a district outside of the five Neighborhood Associations and one from a district representing the five Neighborhood Associations.
- (4) In the event that a Neighborhood Association does not qualify under this section to have representation appointed to this Commission, this vacancy shall be filled by a representative appointed at large.
- (5) One representative who is a County Board Supervisor and who represents an area of one of the five Neighborhood Associations.
- (6) One representative from the Apartment Association of the La Crosse Area.

(Code 1980, § 2.24(B))

Sec. 2-552. Purpose.

The purpose of the Neighborhood Revitalization Commission is to act as an advisory body to the Common Council in implementing the Comprehensive Plan (primarily the Neighborhoods and Housing Element), the RENEW Plan, the City and County of La Crosse Housing Task Force Report titled "La Crosse Housing: A Plan to Reinvest in the City's Housing Market and Specific Neighborhood Plans," as well as addressing issues common to all the City's neighborhoods.

(Code 1980, § 2.24(A))

Sec. 2-553. Powers and duties.

The Neighborhood Revitalization Commission shall:

- (1) Advise the Common Council on updating, maintaining, and implementing the RENEW Plan, the City and County of La Crosse

Housing Task Force Report titled "La Crosse Housing: A Plan to Reinvest in the City's Housing Market," the five Neighborhood Plans adopted by the Common Council and the Neighborhood and Housing Element of the Comprehensive Plan.

- (2) Advise residents to help solve their own neighborhood problems to prevent the decline and deterioration of neighborhoods.
- (3) Review and advise zoning proposals, Conditional Use Permits, ordinance amendments and resolutions affecting neighborhoods, as needed.
- (4) Make recommendations to the City with regard to the capital and operating budget to identify neighborhood needs, services, rehabilitation efforts, development or capital improvements.
- (5) Advise the Council on methods to utilize available resources to meet neighborhood needs through collaboration with community groups, agencies and other cities and organizations (e.g., neighborhood clean-up programs, Neighbor Day).
- (6) Explore and advise of projects affecting neighborhoods focused on housing, rehabilitation, preservation, economic development, renovation, environment, transportation, schools, libraries, parks, and community projects.
- (7) Recommend strategies to neighborhoods and provide staff with input on a variety of community projects and programs, including, without limitation:
 - a. Gang and Drug Prevention Strategies.
 - b. Criminal Abatement Strategies.
 - c. Code Enforcement and Maintenance Strategies.
 - d. Creation of Block Watch Programs.
 - e. Publication and distribution of educational materials, such as pamphlets or locally-produced PEG channel programming, including without limitation, remodeling or updating a home, landscaping and community resources.

- f. Graffiti Prevention and Elimination Strategies.
 - g. Neighborhood organizing, board development and volunteer recruitment.
- (Code 1980, § 2.24(C))

Secs. 2-554—2-584. Reserved.

DIVISION 7. BOARD OF REVIEW*

Sec. 2-585. Membership.

The membership and appointment of members to the Board of Review shall be as follows:

- (1) The Board of Review shall consist of five residents of the City, none of whom shall occupy any public office or be publicly employed. Members of the Board of Review shall be appointed by the Mayor with the confirmation of the Common Council and, except as otherwise herein provided, shall hold office for a term of five years and until their successors are appointed and qualified.
 - (2) Members of the Board of Review shall serve without compensation.
- (Code 1980, § 2.25)

Secs. 2-586—2-603. Reserved.

DIVISION 8. LA CROSSE CENTER BOARD†

Sec. 2-604. Membership and organization.

The La Crosse Center Board shall consist of eight members who shall be qualified electors or residents of the City, except that if the Mayor appoints a representative of the La Crosse Area Convention and Visitors Bureau or a representative of the La Crosse Lodging Association to the La Crosse Center Board, those appointees need not be residents of the City of La Crosse. One member shall be a Council Member. All members of the Board shall be appointed by the Mayor without confirmation by the Common Council. Board members shall be ap-

*Cross reference—Taxation ch. 42.

State law reference—Board of review, Wis. Stat. § 70.46.

†Cross reference—La Crosse Center, ch. 34, art. II.

pointed for terms of three year terms, except the Council Member which shall be for a two-year term. All members shall be appointed by the Mayor at the regular June Common Council meeting.

(Code 1980, § 2.28(A))

Sec. 2-605. Restrictions on Board members.

No member of the La Crosse Center Board shall engage in paid employment for any business enterprise wherein either the member's employment capacity for such enterprise or the business of the enterprise is the booking, advertising, promoting or managing of events in the La Crosse Center. This rule is not, however, intended to prevent a member of the Board from aiding any local, charitable, civic, community, educational, service or veterans' organization, of which the member may be a member, to promote for worthwhile purposes a benefit in the La Crosse Center.

(Code 1980, § 2.28(E))

Sec. 2-606. Meetings.

The Board shall hold a regular meeting once a month at such time and at such place as the Board shall fix and such regular meetings shall be open to the public. The Board shall choose a Chair, a Secretary and such other officers as it deems appropriate. Special meetings may be held under call of the Chair of the Board or, if requested in writing, by four members of the Board filed with the City Clerk, in which event the City Clerk shall notify all members of the coming meeting. The Secretary of said Board, or the City Clerk, as the case may be, shall give written notice of each meeting to the Mayor and to all members of the La Crosse Center Board. Four members shall constitute a quorum.

(Code 1980, § 2.28(B))

Sec. 2-607. Powers.

The Board shall have control of the promotion, management and maintenance of the La Crosse Center and insofar as possible, to operate the same without cost to the taxpayers. The La Crosse Center Manager shall be appointed by the La Crosse Center Board for an indeterminate term from a list of qualified applicants. The Board shall be subject to the same budgetary requirements as any other department of the City. The Board shall not lease conces-

sion stands without obtaining approval from the Council. No complimentary tickets of any nature or kind shall be issued by the Board or anyone else in connection with the management of the La Crosse Center, except that each member of the Board may attend any function held in the La Crosse Center in official capacity, press tickets, however, excepted. (Code 1980, § 2.28(C))

Sec. 2-608. Reports.

The La Crosse Center Board shall file once a month a report of its activities and submit said report to the Mayor and Council. Annual financial reports are to be filed with the Council at the regular budget hearings, with such other financial reports to be made at such time as may be indicated by the Council. (Code 1980, § 2.28(D))

Secs. 2-609—2-634. Reserved.

DIVISION 9. INTERNATIONAL COMMITTEE

Sec. 2-635. Generally.

It is hereby declared a matter of public policy that in order to develop an awareness of the cultural, educational and business opportunities and scenic attractions in the City of La Crosse and the La Crosse Area for visitors from foreign countries, as well as to expand community awareness of the benefits of participation in such matters that it is in the interest of the City of La Crosse to establish an International Committee. This Committee shall serve as a voluntary facilitator to promote the sharing of information between various international groups and to assist the Mayor in areas set forth in this section. This Committee shall not control, or take responsibility for any particular community international project, as the responsibility for such a group's organization, program or fund raising rests solely with that particular group. The Committee shall have the following responsibilities:

- (1) Assisting with protocol matters;
- (2) Acting as a voluntary clearinghouse for information concerning international activity that may involve La Crosse;

- (3) Serving as a voluntary liaison among groups involved in international projects and keeping the Mayor informed in general of the various activities taking place in La Crosse of an international nature;
- (4) Advising the Mayor and/or City Council on international matters that may actually come before the Council;
- (5) Assisting the Mayor with various requests concerning proposed projects that the Mayor may not wish to deal with directly or that the Mayor may want to have reviewed before making any decision;
- (6) Offering the La Crosse community opportunities to learn about and meet international visitors and offering international visitors opportunities to learn about the La Crosse Area. (Code 1980, § 2.29(A))

Sec. 2-636. Membership and organization.

(a) Committee members shall be appointed by the Mayor for a term of three years and shall consist of no more than 15 members. Appointment to the Committee shall be upon recommendation of the Committee and approval of the Common Council. At least one member shall be a member of the Common Council. Notwithstanding the residency requirements of section 2-422, members of the International Committee need not be residents of the City of La Crosse. No salary or compensation shall be paid to any member of said Committee for services. No member of the Committee may serve more than two consecutive terms; provided, however, any member that has served two consecutive terms may be reappointed after not serving on the Committee for at least one year.

(b) The Committee shall meet on such dates and times as designated by the Committee Chair. The City Clerk or Mayor's Office shall provide appropriate notice of the meeting prior to such meeting in accordance with Wisconsin's Open Meetings Law.

(c) The Committee shall elect a Chair, Vice-Chair, Secretary and Treasurer in September of each year who shall serve one-year terms. The Chair and Vice-Chair shall serve no more than two consecutive terms. The Chair shall preside at meetings and pro-

mote the purpose, goals and by-laws of the Committee. The Vice-Chair shall serve in the absence of the Chair. The Secretary shall keep minutes of the Committee and be responsible for all correspondence, papers and records of the Committee. The Treasurer shall be responsible for the records, collection and disbursement of Committee funds under the supervision and direction of the Department of Finance/Treasurer.

(d) The Committee may provide for by-laws and procedure not inconsistent herewith and subcommittees deemed necessary by the Committee to fill the needs of the committee.

(e) In order to have a quorum for a Committee meeting, there shall be present at least a simple majority of Committee members.
(Code 1980, § 2.29(B))

Sec. 2-637. Duties and annual report.

The duties of the Committee shall be to promote the goals and purposes provided for in section 2-635, including, but not limited to, assisting the Mayor's Office with international visitors, promoting awareness of the cultural, educational and business opportunities and scenic attractions in the La Crosse Area for foreign visitors, and expanding community awareness of the benefits of participation in programs of international value. The Committee shall make an annual written report to the Common Council, through the Mayor, with respect to its activities for the preceding year. Such annual report shall be filed with the City Clerk on October 1 of each year.
(Code 1980, § 2.29(C))

Secs. 2-638—2-662. Reserved.

DIVISION 10. SUSTAINABLE LA CROSSE COMMISSION

Sec. 2-663. Members.

(a) *Membership.* The Sustainable La Crosse Commission shall be composed of the following members:

- (1) La Crosse County Board Chair, who shall be a County Board Supervisor;

- (2) La Crosse County Board Supervisor, appointed by the County Board Chair, subject to County Board approval;
- (3) Mayor of the City of La Crosse, who shall be a City of La Crosse Common Council Member;
- (4) City of La Crosse Common Council Member who is appointed by the Mayor, subject to Common Council approval;
- (5) Mayor of the City of Onalaska, who shall be a City of Onalaska Common Council Member;
- (6) Four citizen members selected by an application process by the members listed in subsections (a)(1) through (5) of this section consisting of one citizen member from each of the following categories: community groups, business, higher education, and health care.

(b) *Terms.* The Members' term shall be two years.
(Code 1980, § 2.50(A), (B))

Sec. 2-664. Duties and powers.

The duties and powers of the Sustainable La Crosse Commission are as follows:

- (1) Regularly review progress of implementing City and County of La Crosse Strategic Plan for Sustainability.
- (2) Coordinate Sustainability Plan review and revision on a two- to five-year cycle (setting new goals and developing new action plans).
- (3) Make recommendations on funding related to sustainability initiatives during the annual budget process.
- (4) Make policy recommendations and provide general support for sustainability efforts.
- (5) Network with community members - businesses, private citizens, governmental entities, nonprofits, etc.
- (6) Coordinate educational opportunities for the community at large.

- (7) Contribute to expansion, enhancement and public awareness and utilization of the sustainability website.
- (Code 1980, § 2.50(C))

Chapter 3

RESERVED

Chapter 4

ALCOHOL BEVERAGES*

Article I. In General

- Sec. 4-1. Penalty, enforcement officers and citations.
- Sec. 4-2. Entry powers and inspections.
- Sec. 4-3. Interference with enforcement.
- Sec. 4-4. Posting of licenses.
- Sec. 4-5. Advertisements.
- Sec. 4-6. Sales to underage persons.
- Sec. 4-7. Presence of underage person in places selling alcohol beverages.
- Sec. 4-8. Underage person purchasing or attempting to purchase alcohol beverage.
- Sec. 4-9. Underage person possessing or consuming alcohol beverage.
- Sec. 4-10. Underage person entering or attempting to enter place that sells alcohol beverage.
- Sec. 4-11. Underage person misrepresenting age in order to obtain alcohol beverage.
- Sec. 4-12. Underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age possessing or consuming alcohol.
- Sec. 4-13. Employment of underage persons.
- Sec. 4-14. Consumption of alcohol beverage while serving alcohol beverage.
- Sec. 4-15. Intoxicated person not to serve alcohol beverages.
- Sec. 4-16. Lewd or obscene conduct.
- Sec. 4-17. Litter control.
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Article II. Intoxicating Liquor

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- Sec. 4-43. Commencing operations.
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***Cross references**—Businesses, ch. 10; beer gardens, ch. 10, art. III; consumption of alcohol beverages on streets, § 32-106; alcohol beverages in City parks and recreational facilities, § 34-66.

State law references—Alcohol beverages, Wis. Stat. ch. 125; local regulations of alcohol beverages, Wis. Stat. § 125.10.

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- Sec. 4-80. Allowing use by others.
- Sec. 4-81. Transfer of licenses.
- Sec. 4-82. Revocation and suspension of licenses.
- Secs. 4-83—4-107. Reserved.

Article III. Fermented Malt Beverages

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- Sec. 4-108. Commencing operations.
- Sec. 4-109. Expansion of licensed premises.
- Sec. 4-110. Operator's license.
- Sec. 4-111. Keg registration.
- Sec. 4-112. Keg dealer reports.
- Sec. 4-113. Hours of sale.
- Sec. 4-114. Picnics or gatherings.
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Division 2. Retail Licenses

- Sec. 4-142. License required.
- Sec. 4-143. License classifications and fees.
- Sec. 4-144. License eligibility generally.
- Sec. 4-145. Class "B" licenses.
- Sec. 4-146. Temporary Class "B" licenses.
- Sec. 4-147. Inspection of applicant and premises.
- Sec. 4-148. Granting license.
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- Sec. 4-150. Allowing use by others.
- Sec. 4-151. Transfer of licenses.
- Sec. 4-152. Revocation and suspension of licenses.

ARTICLE I. IN GENERAL

Sec. 4-1. Penalty, enforcement officers and citations.

(a) Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties:

- (1) A Class C forfeiture as provided in section 1-7.
- (2) The forfeiture for the licensee of licensed premises where a server of alcohol beverages is in violation of section 4-14 or 4-15 relating to the consumption of alcohol beverages while serving alcohol beverages or serving alcohol beverages while intoxicated shall be subject to a forfeiture of not less than \$75.00, as well as the person who serves the alcohol beverages contrary to said sections who shall be subject to a forfeiture of \$75.00.

(b) Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials. This provision shall apply to all licenses and permits provided for in this chapter, except as otherwise expressly provided for by State, Federal or local ordinances.

(c) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Polices.
- (2) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 20.35(B), (C))

State law reference—Penalties imposable of juveniles for certain violations, Wis. Stat. §§ 125.10, 938.44.

Sec. 4-2. Entry powers and inspections.

It shall be a condition of any license issued under this chapter that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

(Code 1980, §§ 20.01(G)(8), 20.02(G)(8))

Sec. 4-3. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties under this chapter.

(Code 1980, § 20.35(A))

Sec. 4-4. Posting of licenses.

Licenses or permits issued under this chapter shall be posted and displayed as provided in Wis. Stat. § 125.04(10) and any licensee or permittee who shall fail to post such licensee or permittee's license or permit as therein required shall be presumed to be operating without a license.

(Code 1980, §§ 20.01(G)(9), 20.02(G)(9))

Sec. 4-5. Advertisements.

No licensee under this chapter shall make, publish, disseminate, circulate or place before the public in this City in a newspaper or other publication or in the form of a notice, handbill, poster, bill, circular, letter, sign, placard, label or over any radio or television station or in any other way similar to the foregoing, an advertisement of any kind to the public relating to the sale, use or transfer of a license granted pursuant to this chapter.

(Code 1980, §§ 20.01(G)(15))

Sec. 4-6. Sales to underage persons.

The provisions of Wis. Stat. § 125.07(1) are adopted by reference. This section is subject to any exemptions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the statute

adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B), 20.02(B))

Sec. 4-7. Presence of underage person in places selling alcohol beverages.

The provisions of Wis. Stat. § 125.07(3) are adopted by reference. This section is subject to any exemptions or exclusions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the statute adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B), (K), 20.02(B), (G)(6))

Sec. 4-8. Underage person purchasing or attempting to purchase alcohol beverage.

The provisions of Wis. Stat. § 125.07(4)(a)1 are adopted by reference. This section is subject to any exemptions or exclusions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the statute adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B), 20.02(B))

Sec. 4-9. Underage person possessing or consuming alcohol beverage.

The provisions of Wis. Stat. § 125.07(4)(a)2 are adopted by reference. This section is subject to any exemptions or exclusions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the statute adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B), 20.02(B))

Sec. 4-10. Underage person entering or attempting to enter place that sells alcohol beverage.

The provisions of Wis. Stat. § 125.07(4)(a)3 are adopted by reference. This section is subject to any exemptions or exclusions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the

statute adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B) 20.02(B))

Sec. 4-11. Underage person misrepresenting age in order to obtain alcohol beverage.

The provisions of Wis. Stat. § 125.07(4)(a)4 are adopted by reference. This section is subject to any exemptions or exclusions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the statute adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B), 20.02(B))

Sec. 4-12. Underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age possessing or consuming alcohol.

The provisions of Wis. Stat. § 125.07(4)(b) and (4)(bm) are adopted by reference. This section is subject to any exemptions or exclusions from such statute provided in Wis. Stat. § 125.07. The penalty for violation of the statute adopted in this section shall be as provided in Wis. Stat. § 125.07, except that there shall be no imprisonment.
(Code 1980, §§ 20.01(B), 20.02(B))

Sec. 4-13. Employment of underage persons.

No retail "Class B" or Class "B" licensee shall employ any person under 18 years of age to serve, sell, dispense or give away any alcohol beverage. All persons 18 years of age or older serving, selling, dispensing or giving away any alcohol beverage for retail "Class B" or Class "B" licensee shall be an employee of such licensee or the licensee, a member of the licensee's immediate family who is 18 years of age or older, a licensed operator licensed manager, approved agent of said "Class B" or Class "B" licensee, or those persons employed or contracted by an agency hired by wholesale distributors of alcohol beverages for the purpose of promotion of those products.
(Code 1980, §§ 20.01(G)(10), 20.02(G)(11))

Cross reference—Offenses involving underage persons, ch. 32, art. VI.

Sec. 4-14. Consumption of alcohol beverage while serving alcohol beverage.

No person serving alcohol beverages shall drink or consume any alcohol beverage while serving alcohol beverages in a licensed premises while on duty.

(Code 1980, §§ 20.01(G)(25), 20.02(G)(22))

Sec. 4-15. Intoxicated person not to serve alcohol beverages.

It shall further be unlawful for any person to serve alcohol beverages while intoxicated. Intoxication shall mean having a blood alcohol content of 0.08 or more. Law enforcement officials shall be allowed to ask for Preliminary Breath Test with probable cause. The provisions of Wis. Stat. § 125.07(2), regarding the sale of alcohol beverages to intoxicated persons in violation of this article is hereby adopted by reference and made an offense punishable as a violation of this Code.

(Code 1980, § 20.01(L))

Sec. 4-16. Lewd or obscene conduct.

(a) *Conduct prohibited.* No person possessing a "Class B" retailer's intoxicating liquor license or Class "B" fermented malt beverage retailer's license, personally or through such person's agent or employee, shall knowingly permit or engage in the following conduct on licensed premises, and no entertainer or employee shall engage in the following conduct on said premises:

- (1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
- (2) The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, vulva or genitals;
- (3) The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva, or genitals;
- (4) The showing of films or slides depicting any of the acts which are prohibited by the regulations stated in this section.

(b) *Certain performances and costumes prohibited.* No licensee, either personally or through an agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or through an agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:

- (1) That portion of every costume to be worn by dancers, performers or entertainers covered by the provisions of this subsection and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent material.
- (2) The top portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator shall be so conformed, fabricated, and affixed to the body so as to keep the area of the breast at or below the areola thereof completely covered at all times.
- (3) The lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this section.
- (4) The lower portion of the costume worn by a male dancer, performer, or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organ and the cleavage of the buttocks at all times.

(c) *Disorderly conduct by patrons prohibited.* No licensee, either personally or through such licensee's agent or employee, shall knowingly permit any patron to participate in any act, stunt or dance in violation of the provisions of this section. (Code 1980, §§ 20.01(G)(18), 20.02(G)(15))

Cross reference—Offenses involving underage persons, ch. 32, art. VI.

Sec. 4-17. Litter control.

All licensees under this chapter shall be required to comply with the requirements of section 36-23 as a condition of qualifying for an alcohol beverage license and maintaining the same. In addition to the requirements contained in section 36-23, all alcohol beverage licensees who sell alcohol beverages shall maintain the alley adjacent to and in the rear of their premises free from litter as defined in section 36-19. (Code 1980, §§ 20.01(G)(24), 20.02(G)(21))

Sec. 4-18. Processing of late applications.

Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials. (Code 1980, § 25.02)

Secs. 4-19—4-42. Reserved.

ARTICLE II. INTOXICATING LIQUOR*

DIVISION 1. GENERALLY

Sec. 4-43. Commencing operations.

Within 90 days from the granting of a retail "Class A" or "Class B" intoxicating liquor license, the licensee shall be open for business with stock and equipment. In the event of the licensee's failure to do business within such time, such license shall be

***State law references**—Intoxicating liquor, Wis. Stat. § 125.51 et seq.; local regulations of alcohol beverages, Wis. Stat. § 125.10.

subject to revocation by the Common Council after an opportunity for a hearing has been given to such licensee.

(Code 1980, § 20.01(G)(17))

Sec. 4-44. Discontinuing operations.

No retail "Class B" licensee shall discontinue the sale of intoxicating liquor for a period exceeding 90 days during the license year without the express consent of the Common Council.

(Code 1980, § 20.01(G)(14))

Sec. 4-45. Expansion of licensed premises.

All licensees under this article granted approval by the Council to expand the licensed premises shall provide for a rigid snow-type fence enclosing the lands upon which the special event is taking place, as well as payment of a fee established by resolution per event upon requesting such permission. Licensees obtaining permission for expansion of licensed premises shall also be subject to other reasonable rules and regulations as established by the Police Department, Fire Department, Department of Planning and Development and the County Health Officer.

(Code 1980, § 20.01(G)(23))

Sec. 4-46. Operator's license.

(a) Except as otherwise provided under this Code and section 4-15, there shall be upon the premises operated under a "Class A," "Class B" or "Class C" intoxicating liquor license or wine license, at all times, the licensee or some person who shall have an operator's license who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages or intoxicating liquor to customers. No person, including underage members of the licensee's immediate family, other than the licensee or agent may serve fermented malt beverages or intoxicating liquor in any place operated under a "Class A," "Class B" or "Class C" license or permit unless such person has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service. For the purpose of this subsection, any member of the li-

censee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license.

(b) An operator's license may be issued by the Council to qualified persons who have attained the age of 18 years. A written application shall be filed with the City Clerk stating the name, residence, age and date of birth of the applicant, together with such pertinent information as the Clerk may require. Upon the approval of an application by the Council, the City Clerk shall, upon proof of payment of a nonrefundable license fee in the amount established by resolution, per a two-year period, issue to the applicant a license to expire on June 30 within the second year following the issuance thereof. The City Clerk shall verify that the applicant has successfully completed any required training course prior to issuance of the license.

(c) The City Clerk is hereby authorized to issue a provisional operator's license for a period not to exceed 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner, to persons the City Clerk and the Chief of Police determine are qualified under this section and Wisconsin Statutes. Said provisional license shall be for a fee in the amount established by resolution. The City Clerk may revoke the license if the City Clerk discovers that the holder of the license made a false statement on the application or is not otherwise qualified. No provisional license may be issued to any person who has been denied an operator's license by the Common Council nor may more than one provisional license be issued per licensing period.

(d) The City Clerk is hereby authorized to issue a temporary operator's license for a period not to exceed 14 days to persons the City Clerk and/or the Chief of Police determine are qualified in accordance with this section and Wisconsin Statutes. Said temporary operator's license shall be for a fee in the amount established by resolution and may be revoked by the Chief of Police. No person may hold more than one temporary operator's license per calendar year.

(Code 1980, § 20.01(M))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Operator's licenses, Wis. Stat. § 125.17.

Sec. 4-47. Closing hours.

(a) No premises shall be permitted to remain open for sale or consumption of liquor:

- (1) If a retail "Class A" license, between 9:00 p.m. and 8:00 a.m.
- (2) If a retail "Class B" or retail "Class C" license, between 2:00 a.m. and 6:00 a.m., Monday through Friday and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except that on January 1 the premises may remain open. Between 12:00 midnight and 6:00 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(b) Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons and bowling alleys, golf courses and golf clubhouses shall be permitted to remain open for the conduct of their regular business, but shall not be permitted to sell intoxicating liquors during the hours mentioned in subsection (a)(2) of this section.

(c) No premises for which a "Class C" winery license has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.

(Code 1980, § 20.01(G)(13))

Sec. 4-48. Sale of intoxicating liquor in original package or container.

Pursuant to Wis. Stat. § 125.51(3)(b), retail "Class B" licensees are hereby authorized to sell intoxicating liquor in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. This section does not apply to a winery that has been issued a "Class B" license.

(Code 1980, § 20.01(G)(19))

State law reference—Authority to so provide, Wis. Stat. § 125.51(3)(b).

Sec. 4-49. Dancing and live music.

(a) No dancing shall be permitted in any premises licensed under this article unless a dance hall license or a cabaret license shall be held for such

premises, except that this subsection shall not be construed to require any bona fide nonprofit club to procure a cabaret or dance hall license in order to permit dancing unless such cabaret or dance hall license shall be required by some other ordinance or the laws of the State of Wisconsin.

(b) No live music of any nature shall be played or rendered at any time in any premises licensed under this section unless a dance hall license or cabaret license shall be held by such premises and efficient means shall be employed to prevent the sounds of music being heard on adjoining premises or on the public streets.

(Code 1980, § 20.01(G)(11), (12))

Secs. 4-50—4-71. Reserved.

DIVISION 2. RETAIL LICENSE*

Sec. 4-72. License required.

No person shall vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor in any quantity whatever, or cause the same to be done, without having procured a license therefor, nor without complying with all the provisions of this Code, and all statutes, ordinances and regulations applicable thereto. A separate license shall be required for each stand, place, room or enclosure, or for each suite of rooms or enclosures, which are in direct connection or communication with and contiguous to the service room and connected therewith by an archway not less than five feet wide without a door or other obstruction, where intoxicating liquor is kept, sold or offered for sale.

(Code 1980, § 20.01(A))

Sec. 4-73. License classifications and fees.

(a) There shall be the following classes and denominations of licenses which, when issued by the City Clerk under the authority of the Council after the

***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Retail licenses and permits, Wis. Stat. § 125.51.

payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquors as provided in Wis. Stat. § 125.51(2), (3), (3m):

- (1) Retail "Class A" Liquor License; a fee in the amount established by resolution shall be paid for each license period.
- (2) Retail "Class B" Liquor License; a fee in the amount established by resolution shall be paid for each license period.
- (3) Retail "Class C" Wine License; a fee in the amount established by resolution shall be paid for each license period.
- (4) Part-time or semi-annual liquor licenses may be issued pursuant to Wis. Stat. § 125.51(9).

(b) All license fees for the sale of intoxicating liquor shall be paid to the Director of Finance/Treasurer at least 15 days prior to the date the license is to be granted, except for those applicants seeking licenses effective July 1 of any year may make payment of such license fees in cash or by money order if such payment is made and received by the City Clerk's Office on or before June 30 or last business day, whichever is sooner, and such applicant pays an additional charge in the amount established by resolution for each day such license fee is not paid within said 15 days prior to issuance. All license fees shall be paid to the Director of Finance/Treasurer at the time application is made.

(c) The provisions of Wis. Stat. § 125.51(3)(e)2, relating to the initial issuance and \$10,000.00 fee of reserve "Class B" licenses, as defined under Wis. Stat. § 125.51(4)(a)4, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Applicants who are required to pay said \$10,000.00 fee may apply to the City Clerk, which application will be forwarded to the Director of Finance/Treasurer for an economic development grant if the following conditions are met:

- (1) The licensed premises provides documentation along with a signed statement from a certified public accountant that more than 50 percent of the gross sales are from the sale of food and the applicant is in fact a restaurant.
- (2) The applicant has been open for business continuously for not less than three months.

- (3) If application for said economic development grant is not made within 12 months after said "Class B" license has been issued, then applicant shall not be eligible for said grant.
- (4) Upon approval of the grant by the Finance Director, the City Clerk and Director of Finance/Treasurer are authorized to issue the \$10,000.00 economic development grant.

(d) Any person denied a grant by the Director of Finance/Treasurer shall have the right to appeal to the Finance and Personnel Committee and the Common Council.

(Code 1980, § 20.01(C))

Sec. 4-74. Limitation of number of licenses.

Only one "Class B" intoxicating liquor license shall be granted for every 500 inhabitants or fraction thereof in the City; provided, however, that the Council, in its discretion, may continue to grant such licenses in a number not to exceed those authorized pursuant to the provisions of Wis. Stat. § 125.51. After the number of such licenses corresponds to the limitations in this division, the Council shall grant no such licenses, except as follows:

- (1) To any qualified applicant who, at the time of application, is the holder of such a license and is actively engaged in business.
- (2) To any qualified applicant who has procured the surrender and cancellation of any other such license from a license holder who has been actively engaged in business within 30 days of the date of the application.
- (3) To the heirs, executors, or administrators of any licensee who shall die or become incompetent, or to any qualified applicant nominated by such heir, executor or administrator, by sale of, or contract to sell, the licensed business.
- (4) To any otherwise qualified applicant who has obtained Council authorization to file with the City Clerk a "Class B" intoxicating liquor license application.

(Code 1980, § 20.01(E))

Sec. 4-75. License eligibility generally.

In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in this chapter, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

- (1) Additional qualifications.
 - a. No license shall be granted to any person who has not attained the legal drinking age, and is not found of good moral character, who has not been a resident of the State of Wisconsin continuously for 90 days prior to the date of the application, and has not resided within a 25-mile radius of the City of La Crosse continuously for at least 30 days prior to application and at all times thereafter. No license shall be issued to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to Wis. Stat. §§ 111.321, 111.322 and 111.335.
 - b. Corporations and their agents shall meet the requirements of Wis. Stat. ch. 125 and, in addition, the agents of corporate licensees shall have resided within the State of Wisconsin continuously for 90 days prior to the date of application and shall reside within a 25-mile radius of the City at the time of application and at all times such agent shall be the appointed agent for the corporation.
- (2) No license shall be issued for any premises if a license covering such premises has been revoked within 90 days prior to application and such premises are owned by the person who has had their license revoked or the premises have been used in violation of the provisions of Wis. Stat. ch. 125 or this section or the owner of such premises knew, or should have known, of such unlawful use unless such 90-day period is waived by the Council. No license shall be issued to any person who has had a license issued pursuant to this section revoked within 12 months prior to application.

- (3) No license shall be granted for any premises that is not connected with the City water and sewerage facilities unless otherwise waived by the Common Council or that is not properly lighted and ventilated and supplied with separate sanitary toilet and lavatory facilities, equipped with running water, for each sex if the licensed premises consists of 150 net square feet or greater.
- (4) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor in any dwelling house, flat or residential apartment.
- (5) No retail "Class B" license shall be issued to any person who does not have, or to whom is not issued, a Class "B" fermented malt beverage retailer's license as provided in this chapter, unless the "Class B" license is a license issued to a winery.
- (6) No license shall be issued for any premises which do not conform to applicable Federal and State sanitary, safety and health requirements including all ordinances and regulations adopted by the City or County of La Crosse which pertain to sanitation, safety and health requirements.
- (7) Delinquent taxes, assessments, etc.
 - a. *Premises.* No initial or renewal license shall be granted for any premises for which taxes, assessments, forfeitures or other fees of the City are delinquent and unpaid provided that the property for which the taxes are assessed are under the control, use, possession or ownership of the applicant.
 - b. *Persons, partnerships and corporations.* No initial or renewal license shall be granted to any person, partnership or corporation:
 - 1. Delinquent in payment of any taxes, assessments or other fees owed to the City.
 - 2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the City.

(Code 1980, § 20.01(G)(1)—(G)(17))

Sec. 4-76. Winery licenses.

(a) No "Class B" license may be issued to a winery unless the winery has been issued a permit under Wis. Stat. § 125.53 and the winery is capable of producing at least 5,000 gallons of wine per year in no more than two locations.

(b) In accordance with Wis. Stat. § 125.51(3m), a retail "Class C" license for the sale of wine by the glass or in an opened original container for consumption on the premises may be issued to a person qualified under Wis. Stat. § 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a bar room or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a bar-room in which wine is the only intoxicating liquor sold. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.

(Code 1980, § 20.01(G)(20), (G)(22))

Sec. 4-77. Inspection of applicant and premises.

The City Clerk shall notify the Police Department, County Health Officer, Department of Planning and Development, and Fire Chief of all license and permit applications, and these officials shall review or cause to be inspected each original application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Council in writing any reasons why the license or permit should not be issued. No license or permit provided for in this section shall be issued without the approval of a majority of the Council and until such premises is in compliance with applicable regulations, ordinances and laws. The officers referenced in this section may also review or cause to be inspected all renewal applications and any premises being licensed.

(Code 1980, § 20.01(H))

Sec. 4-78. Granting of license.

Opportunity shall be given by the Council to any person to be heard for or against the granting of any license. Upon the approval of the application by the Council, the City Clerk shall, upon payment of the

required license fee to the Director of Finance/Treasurer, issue to the applicant a license. Each license shall be numbered, shall specifically state the premises for which issued, license period, and the name of the licensee. Except as otherwise provided in this section, or unless sooner revoked, all licenses shall remain in force until June 30 next after the granting thereof.

(Code 1980, § 20.01(I))

Sec. 4-79. License year.

The license year shall be from July 1 to June 30 following.

(Code 1980, § 20.01(D))

Sec. 4-80. Allowing use by others.

No licensee may allow another to use the license to sell alcohol beverages. Any licensee who violates this prohibition shall be subject to revocation of such license.

(Code 1980, § 20.01(G)(21))

Sec. 4-81. Transfer of licenses.

For a fee in the amount established by resolution any license may be transferred by the Council from one premises to another, providing such new premises shall comply with all provisions of this article, but no license shall be transferred more than once in any one license year.

(Code 1980, § 20.01(J))

Sec. 4-82. Revocation and suspension of licenses.

(a) Except as hereinafter provided, the provisions of Wis. Stat. § 125.12 shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section.

(b) License suspension or revocation hearings shall be before the Judiciary and Administration Committee of the Council.

(c) Whenever any license or permit under this section shall be revoked or suspended by the Council or action of any court, it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to notify the Chief of Police,

who shall take physical possession of the license wherever it may be found and file it in the Clerk's office.

(d) If any license granted under this section is seized by any local, State or Federal agency pursuant to applicable statutes providing for the seizure of personal property, such seizure will act as an automatic revocation of that license upon notification to the Clerk by the seizing agency that a seizure has been effected.

(Code 1980, § 20.01(N))

Secs. 4-83—4-107. Reserved.

ARTICLE III. FERMENTED MALT BEVERAGES*

DIVISION 1. GENERALLY

Sec. 4-108. Commencing operations.

Within 90 days from the granting of a Class "A" or "B" retail fermented malt beverage license, the licensee shall be open for business with stock and equipment. In the event of the licensee's failure to do business within such time, such license shall be subject to revocation by the Common Council after an opportunity for a hearing has been given to such licensee.

(Code 1980, § 20.02(G)(17))

Sec. 4-109. Expansion of licensed premises.

All licensees granted approval by the Council to expand the licensed premises shall provide for a rigid snow-type fence enclosing the lands upon which the special event is taking place, as well as payment of a fee per event in the amount established by resolution upon requesting such permission. Licensees obtaining permission for expansion of licensed premises shall also be subject to other reasonable rules and regulations as established by the Police Department, Fire Department, Department of Planning and Development and the County Health Officer.

(Code 1980, § 20.02(G)(20))

*State law reference—Fermented malt beverages, Wis. Stat. § 125.25 et seq.

Sec. 4-110. Operator's license.

(a) No person other than the personal holder of a Class "B" license or of an operator's license shall serve fermented malt beverages in any place operated under a Class "B" license unless such person shall be under the immediate supervision of the personal holder of the Class "B" license for said premises, or the holder of an operator's license then present upon said premises.

(b) Except as otherwise provided under this Code, there shall be upon each premises operated under a Class "A" or Class "B" license or permit at all times when opened for business, the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this subsection, any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including underage members of the licensee's immediate family, other than the licensee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless such person has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.

(c) An operator's license may be issued by the Council to qualified persons who have attained the age of 18 years. A written application shall be filed with the City Clerk stating the name, residence, age and date of birth of the applicant, together with such pertinent information as the Clerk may require. Upon the approval of an application by the Council, the City Clerk shall, upon proof of payment of the non-refundable license fee in the amount established by resolution per a two-year period, issue to the applicant a license to expire on June 30 within the second year following the issuance thereof. The City Clerk shall verify that the applicant has successfully completed any required training course prior to issuance of the license.

(d) For the purpose of this subsection, any member of a licensee's immediate family who has attained the age of 18 years, shall be considered as holding an operator's license in the premises covered by such Class "B" license.

(e) The City Clerk is hereby authorized to issue a provisional operator's license for a period not to exceed 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner, to persons the City Clerk and/or the Chief of Police determine are qualified under this section and Wisconsin Statutes. Said provisional license shall be for a fee in the amount established by resolution. The City Clerk may revoke the license if the City Clerk discovers that the holder of the license made a false statement on the application or is not otherwise qualified. No provisional license may be issued to any person who has been denied an operator's license by the Common Council nor may more than one provisional license be issued per licensing period.

(f) The City Clerk is hereby authorized to issue a temporary operator's license for a period not to exceed 14 days to persons the City Clerk and/or the Chief of Police determine are qualified in accordance with this section and Wisconsin Statutes. Said temporary operator's license shall be for a fee in the amount established by resolution and may be revoked by the Chief of Police. No person may hold more than one temporary operator's license per calendar year.

(Code 1980, § 20.02(K), (L))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Operator's licenses, Wis. Stat. § 125.32(2).

Sec. 4-111. Keg registration.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Keg means any container capable of holding four gallons or more of beer, which is designed to dispense fermented malt beverages (beer) directly from the container for purposes of consumption.

Registration-seal means any document, stamped declaration, seal, decal, sticker or device approved by the City Police Department, which is designed to be affixed to kegs, and which displays a registration number and such other information as may be prescribed by the City Police Department.

(b) Registration; seal requirement. No retail licensee of fermented malt beverages may sell fermented malt beverages in a keg without having registered the sale, on a form provided for by the City Police Department, and affixing a registration seal on the keg at the time of the sale.

(c) Registration-declaration. The registration-declaration shall contain the following:

- (1) Require the purchaser of fermented malt beverages to sign a declaration and receipt for the keg or other container in substantially the form provided for in subsection (c)(3) of this section.
- (2) Require the purchaser to provide two pieces of identification.
- (3) Require the purchaser to sign a statement on the declaration that:
 - a. The purchaser is of legal age to purchase, possess, or use fermented malt beverages.
 - b. The purchaser will not allow any person, under the age of 21 years, unless authorized by State law, to consume the beverage.
 - c. The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under this article to be affixed to the container.
- (4) Require the purchaser to provide their name and address.
- (5) Such other information as may be required by the City Police Department.

(d) Keg return—Procedure to be followed by licensee. When a registered keg is returned to the licensee, the registration seal shall be removed or obliterated and note of such action shall be made on the registration records of the licensee.

(e) Seizure or forfeiture of keg. If a person is in possession of a keg used for or containing beer in violation of this article, then the keg and its contents shall be subject to seizure by the City of La Crosse Police Department.

(f) Responsibility to maintain records. All licensees of fermented malt beverages shall maintain a complete and accurate record of all registration forms and other documentation of the sale of kegs at the place of business selling kegs for a period of not less than two years. Such records regarding keg sales shall be open to inspection by the City Police Department at reasonable times.

(g) Limitation on number of kegs and gallons of fermented malt beverages.

- (1) No licensee shall sell to any person or any address where consumed more than the number of kegs that exceed 31 gallons of fermented malt beverages within a 48-hour period, which kegs may contain 15.5 gallons of fermented malt beverages for a total of 31 gallons of fermented malt beverages.
- (2) This prohibition limiting the number of kegs for a total of 31 gallons per address or location shall also apply to each address or location or those addresses that are simultaneously provided for a single event if said addresses are contiguous to each other with respect to the consumption of fermented malt beverages in containers totaling more than 31 gallons. Such occupants or owners of those addresses and locations shall be subject to the penalties for violating this article.

(h) Administration of keg registration. The City Police Department, by its Chief of Police, shall provide for the implementation of this section, which is intended to prevent the misuse of alcohol consumption, as well as provide for orderly, compatible, livable neighborhoods.

(i) A minimum deposit in the amount established by resolution is required for each keg, which will be returned to purchaser upon return of the keg.

(j) Kegs seized by the City of La Crosse Police Department in violation of this section must be registered. Persons possessing unregistered kegs shall be subject to a forfeiture of not less than \$1,000.00 plus penalty and costs.

(Code 1980, § 20.02(N))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Keg identification, Wis. Stat. § 125.32(7).

Sec. 4-112. Keg dealer reports.

All Class "A" retailers of fermented malt beverages in kegs shall provide written notice in a form prescribed by the Police Department of the increased forfeitures for sale of such fermented malt beverages without a license, as well as forfeitures for City noise ordinance violations.
(Code 1980, § 20.02(G)(19))

Sec. 4-113. Hours of sale.

No fermented malt beverage shall be sold or consumed upon licensed premises between the hours of 2:00 a.m. and 6:00 a.m. Monday through Friday and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except that on January 1 the premises may remain open, provided, however, no fermented malt beverage shall be sold, dispensed, given away, or furnished directly or indirectly to any underage person. Between 12:00 midnight and 6:00 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises. Class "A" premises may remain open for the conduct of their regular business, but may not sell fermented malt beverages between 12:00 midnight and 8:00 a.m.
(Code 1980, § 20.02(G)(7))

Sec. 4-114. Picnics or gatherings.*(a) Indoor picnics or gatherings.*

- (1) The structure must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (2) There shall be at least one person properly licensed as an operator under the provisions of section 4-110 on the premises at all times to supervise the service of beverages.
- (3) In case of attendance over 100 persons, the licensee shall provide adequate supervision for the maintenance of order and the checking of identification to ensure that minors are not admitted onto the premises.
- (4) Fermented malt beverages, wine and other refreshments must be served in disposable containers, either paper or plastic.

(b) Outdoor picnics or gatherings.

- (1) All of the provisions set forth in subsection (a) of this section shall apply to outdoor picnics or gatherings.
- (2) The location of outdoor picnics or gatherings with a temporary Class "B" license in City parks shall be limited to Carroll Park, Copeland Park, Riverside Park, Houska Park, Cameron Park, Myrick Park, Veteran's Freedom Park, Pettibone Park except the beach area, and Erickson Fields that have obtained Board of Park Commissioners approval. Permission to obtain a temporary Class "B" license for any park named in this subsection shall be subject to written permission by the Board of Park Commissioners shall be subject to written permission by the Board of Park Commissioners.
- (3) In addition to the restrooms which exist in each park, the licensee shall provide temporary supplemental toilet facilities at the rate specified by the current building code in anticipated attendance. Such temporary facilities and their operation shall be a type approved by the County Health Officer and the Department of Planning and Development. The existing facilities in each of the parks shall be utilized at the rate of one per 100 persons.
- (4) The area in which fermented malt beverages or wine are dispensed or sold shall be fully enclosed with a temporary enclosure with a clearly defined entrance and exit when it is anticipated the picnic or gathering will draw 200 or more persons.
- (5) A permit to use a public park facility must be secured from the Director of Park and Recreation and a copy filed with the City Clerk at the time of application for the license.
- (6) A cash bond in the amount of \$100.00 shall be filed with the City Clerk at the time of application for a license which bond will be used by the Department of Parks and Recreation to repair any damage caused by the picnic or gathering or to clean up the park of any debris associated with the picnic or gathering. If there is no damage to repair or clean

up required, the bond shall be returned. In the event damages are caused on public property or cleanup is required, the cost of either or both shall be itemized and deducted from the bond, and the balance returned.

(Code 1980, § 20.02(F)(3), (F)(4))

Cross reference—Temporary Class "B" licenses, § 4-146.

Secs. 4-115—4-141. Reserved.

DIVISION 2. RETAIL LICENSES*

Sec. 4-142. License required.

No person shall sell, barter, exchange, offer for sale, or have in possession with intent to sell, deal or traffic in fermented malt beverages without first procuring a license so to do. Such license shall be posted in a conspicuous place in the room or place where the licensed beverages are drawn or removed for sale or delivery or service.

(Code 1980, § 20.02(A))

Sec. 4-143. License classifications and fees.

There shall be the following classes and denominations of licenses, which, when issued by the City Clerk under the authority of the Council after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in fermented malt beverages as provided in Wis. Stat. §§ 125.25 and 125.26:

- (1) Class "A" fermented malt beverage retailer's license: a fee in the amount established by resolution shall be paid for each license period.
- (2) Class "B" fermented malt beverage retailer's license: a fee in the amount established by resolution shall be paid for each license period.
- (3) Temporary Class "B" licenses at a picnic or gathering: a fee in the amount established by resolution shall be paid for each license period.
- (4) All license fees for a Class "A" or Class "B" Fermented Malt Beverage Retailer's license

***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

shall be paid to the Director of Finance/Treasurer not later than 15 days prior to the date the license is to be issued, except for those applicants seeking licenses effective July 1 of any year may make payment of such license fees in cash or by money order if such payment is made and received by the City Clerk's Office on or before June 30 or last business day, whichever is sooner, and such applicant pays an additional charge in the amount established by resolution for each day such license fee is not paid within said 15 days prior to issuance. All license fees shall be paid to the Director of Finance/Treasurer at the time of application.

- (5) Class "A" or Class "B" fermented malt beverage licenses issued for part of a licensing year may be pro-rated as to the licensing fee based on the number of months in effect with the fraction of any month counted as one month.

(Code 1980, § 20.02(C))

State law reference—Fermented malt beverage licenses, Wis. Stat. § 125.25 et seq.

Sec. 4-144. License eligibility generally.

In addition to the requirements imposed by the provisions of the Wisconsin Statutes adopted by reference in this chapter, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

- (1) Additional qualifications.
 - a. No license shall be granted to any person who has not attained the legal drinking age, and is not of good moral character, who has not been a resident of the State of Wisconsin continuously for 90 days prior to the date of the application, and has not resided within a 25-mile radius of the City of La Crosse continuously for at least 30 days prior to application and at all times thereafter. No license shall be issued to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned, subject to Wis. Stat. §§ 111.321, 111.322 and 111.335.

- b. Corporations and limited liability companies and their agents shall meet the requirements of Wis. Stat. ch. 125 and, in addition, the agents of such licensees shall have resided within the State of Wisconsin continuously for 90 days prior to the date of application and shall reside within a 25-mile radius of the City at the time of application and at all times such agent shall be the appointed agent for the entity.
- (2) No license shall be issued to any person acting as an agent for or in the employ of another, except that this restriction shall not apply to Class "B" licenses, to a hotel or restaurant, or a bona fide club, society, or lodge, in existence more than six months prior to date of application. Such licenses for a hotel, restaurant club, society or lodge may be taken in the name of an officer or manager, who shall personally be responsible for compliance with the provisions of this Code.
- (3) No Class "B" license shall be granted for any premises where any other business shall be conducted in connection with said licensed premises, except as provided for in Wis. Stat. § 125.32(3m).
- (4) No Class "B" license shall be issued for any premises which include any dwelling house, flat or apartment.
- (5) No license shall be issued for any premises which do not conform to applicable Federal and State sanitary, safety and health requirements, including all ordinances and regulations adopted by the City or La Crosse County Health Department which pertain to sanitation, safety and health requirements.
- (6) Delinquent taxes, assessments, etc.
- a. *Premises.* No initial or renewal license shall be granted for any premises for which taxes, assessments, forfeitures or other fees of the City are delinquent and unpaid.
- b. *Persons, partnerships and corporations.* No initial or renewal license shall be granted to any person, partnership or corporation:
1. Delinquent in payment of any taxes, assessments or other fees owed to the City.

2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the City.
(Code 1980, § 20.02(G)(1)—(G)(5), (G)(10))

Sec. 4-145. Class "B" licenses.

(a) No Class "B" license shall be granted for any premises that do not have a "Class B" intoxicating liquor license, provided, however, Class "B" licenses may be granted for golf courses, or baseball stadiums on City-owned land operated under a valid contract, or any premises licensed as a restaurant pursuant to State and local law when such restaurant's gross sales from food and food products exceeds 50 percent of its gross dollar volume.

(b) No original application or transfer of a Class "B" fermented malt beverage license to a new location shall be granted for premises located within 100 feet of land zoned residential or multiple dwelling without first giving written notification to the owners of land within 100 feet of the premises requested to be licensed, who shall be given an opportunity to be heard prior to granting of the license by the Common Council.

(Code 1980, § 20.02(G)(12), (G)(16))

State law reference—Class "B" licenses, Wis. Stat. § 125.26.

Sec. 4-146. Temporary Class "B" licenses.

Application for a Temporary Class "B" License shall be made in writing on the form prescribed by law and filed with the City Clerk who may grant the same after appropriate review by the La Crosse County Health Department, Police Department, Fire Department and Department of Planning and Development. Said application shall be filed with the City Clerk not less than 15 days prior to the event. A fee in the amount established by resolution shall accompany each application.

(Code 1980, § 20.02(F)(2))

Cross reference—Picnics or gatherings, § 4-114.

State law reference—Class "B" licenses, Wis. Stat. § 125.26.

Sec. 4-147. Inspection of applicant and premises.

The City Clerk shall notify the Police Department, County Health Officer, Department of Planning and Development and Fire Chief of all license and permit applications, and these officials shall review or cause

to be inspected each original application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the Council in writing any reasons why the license or permit should not be issued. No license or permit provided for in this section shall be issued without the approval of a majority of the Council and until such premises is in compliance with applicable regulations, ordinances and laws. The officers referenced in this section may also review or cause to be inspected all renewal applications and any premises being licensed.
(Code 1980, § 20.02(H))

Sec. 4-148. Granting license.

(a) Whenever any applicant for a license hereunder shall have complied with all the conditions and regulations herein contained relative to the filing of an application, it shall be the duty of the City Clerk to refer said application to the Council. Such license shall be ordered granted or rejected by the Council by a majority vote of the members present. No license shall be issued by the City Clerk until favorable action upon the application therefore is first had by the Council and the full amount of the fee has been paid.

(b) Each license shall be issued for a period not exceeding one year and shall expire on June 30, except a Class "B" license may be issued at any time for a period of six months in the calendar year, for which 50 percent of the license fee shall be paid. Such six-month licenses are not renewable during the calendar year in which issued.
(Code 1980, § 20.02(I))

Sec. 4-149. License year.

The license year shall be from July 1 to June 30 following.
(Code 1980, § 20.02(D))

Sec. 4-150. Allowing use by others.

No licensee under this article may allow another to use the license to sell Class "A" or "B" retail fermented malt beverages. Any licensee who violates this prohibition shall be subject to revocation of such license.
(Code 1980, § 20.02(G)(18))

Sec. 4-151. Transfer of licenses.

For a fee in the amount established by resolution, any license may be transferred by the Council from one premises to another providing such new premises shall comply with all the provisions of this section, but no license shall be transferred more than once in any one license year.
(Code 1980, § 20.02(J))

Sec. 4-152. Revocation and suspension of licenses.

The provisions of section 4-82 shall apply to all licenses issued pursuant to this article.
(Code 1980, § 20.02(L))

Chapter 5

RESERVED

Chapter 6

ANIMALS*

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Altered male means any male animal that has been operated on to prevent it from procreating.

Animal means any living vertebrate, domestic or wild, except a human being.

Animal shelter means any facility operated by a humane society, or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or State law.

Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Cattery means any person, group of persons, or corporation engaged in the keeping of cats, or the business of breeding, buying, selling or boarding cats.

Chicken means the hen or female of any species of animal fowl commonly referred to and known as a chicken. For the purpose of this chapter this definition shall not be construed to include roosters or male animal fowl.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment means any pet show, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.

Confined means restriction of an animal at all times by the owner, or such owner's agent, to an escapeproof building or other enclosure, away from other animals and the public.

Disinfectant means an agent, usually a chemical, that kills growing forms but not necessarily resistant spore forms, of the disease producing microorganisms.

Disinfection means the act of destroying infectious agents.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Has been bitten means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further, includes contact of saliva with any break or abrasion of the skin.

Humane officer means any person designated by the State of Wisconsin, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the State.

Humane society means any organization for the prevention of cruelty to animals incorporated under the laws of the State of Wisconsin.

Kennel means an establishment wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.

Leash means a cord, rope, strap, chain or training lead which shall be securely fastened to a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

Owner means any person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing animal exhibition means any spectacle, display, act or event other than circuses, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility.

Pet shop means any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel or cattery that buys, sells, or boards any species of animals.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;

- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages private or public property; or
- (6) Barks, whines, howls, or makes other sounds common to its species in an excessive, continuous or untimely fashion.

Rabies vaccination certificate means a certificate describing the animal, age and breed, owner, vaccination tag number, dated and signed by a licensed veterinarian, which indicates that the described animal has been immunized against rabies.

Restraint. An animal shall be deemed to be under restraint if confined on the premises of its owner, or if accompanied by a responsible person capable of controlling said animal, and under that person's control via a leash.

Riding school or stable means any place which has available for hire, boarding and/or riding instructions, any horse, pony, donkey, mule or burro.

Spayed female means any female animal which has been operated upon to prevent conception.

Vaccination against rabies means the vaccination of a dog or cat with a rabies vaccine licensed by the U.S. Department of Agriculture.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of disease and injuries of animals.

Vicious animal means any animal that constitutes a physical threat to human beings or other animals.

Wild animal means any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state.

Zoological park means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency.

(Code 1980, § 20.22(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 6-2. Penalty, enforcement officers and citations.

(a) Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of a violation of this chapter.

(b) Upon a conviction of a violation of section 6-67, a forfeiture of not less than \$170.00 nor more than \$500.00 and the costs of prosecution, and in default payment of such forfeiture and the cost of prosecution, shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and cost of prosecution, but not exceeding 90 days for each violation.

(c) Upon conviction of any other offense, a forfeiture of not less than \$100.00 nor more than \$500.00 and cost of prosecution, and in default of payment of such forfeitures and costs of prosecution, shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation.

(d) Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not

apply should there be insufficient time to process the application as determined by the appropriate processing City officials. This provision shall apply to all licenses and permits provided for in this chapter except as otherwise expressly provided for by state, federal or local ordinances.

(e) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.
- (4) Humane Officers appointed under Wis. Stat. § 173.03.

(Code 1980, § 20.35(B), (C))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 6-3. State statutes adopted.

In addition to other provisions contained within this section, the provisions of Wis. Stat. §§ 951.01 through 951.17 are hereby adopted by reference and made a part of this section as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

(Code 1980, § 20.22(A))

Sec. 6-4. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties under this chapter.

(Code 1980, § 20.35(B))

Sec. 6-5. Abatement orders by humane officers.

In accordance with Wis. Stat. § 173.03(2) of the Wisconsin Statutes, the Chief of Police is hereby authorized to modify or withdraw abatement orders issued by Humane Officers designated under Wis. Stat. ch. 173.

(Code 1980, § 20.22(E))

Sec. 6-6. License or permit revocation; inspections.

The Director of Finance/Treasurer may revoke any permit or license if the person holding such permit or license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals being owned, kept or harbored by such person, and no part of the permit or license fee shall be refunded. It shall be a condition of issuance of any permit to any owner of animals that the Humane Officer shall be permitted to inspect all animals and the premises where the animals are kept at any time. The Director of Finance/Treasurer shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(Code 1980, § 20.22(M))

Sec. 6-7. Impoundment of animals.

(a) Unrestrained animals, including dogs and cats, may be taken by the Police, the animal control personnel or the Humane Officer, and impounded in an animal shelter and there confined in a humane manner. Impounded animals shall be kept for not less than seven days. The only exception is if the animal is claimed by the owner. If by a license tag or other means, the owner can be identified, the Shelter Manager shall, within 48 hours, Sundays and holidays excepted, notify the owner by telephone or mail, of the impoundment of the animal.

(b) Animals not claimed by their owners within the seven days, shall be deemed as being surrendered to the Humane Society and may be disposed of by the Humane Society in a humane manner, and the original owner shall have no further claim against such animal.

(c) Animals not claimed by their owners after the seven days, shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time, or those animals deemed as being unsuitable for adoption, shall be humanely euthanized by the Shelter Manager, or by an agency delegated by the Humane Society to exercise that authority.

(d) The owner of any animals which have been impounded as a result of being at large or stray shall pay a reclaiming fee in order to regain possession of their animal. This fee shall be set by the Humane Society, with the approval of the Common Council and shall cover all costs involved in the pick-up and impounding of said animal. The owner may also be proceeded against, at the discretion of the Humane Officer, for violation of this chapter, and such owner's license or permit may be revoked. The owner is responsible for the cost of the animal even if not reclaimed.

(e) Release from impoundment. Any dog or cat which has been impounded as a result of being lost or at large, shall not be released to its owner until the owner can show proof of a current rabies shot and has paid the license fee prescribed in this section along with a fee in the amount established by resolution. For purpose of collecting such fee under this subsection, the County of La Crosse designated animal shelter is hereby designated the collecting official and said prescribed license fee along with the additional \$1.00 shall be collected by the County of La Crosse designated animal shelter. The prescribed license fee shall be submitted to the City Treasurer and the additional \$1.00 shall remain with the animal shelter.

(Code 1980, § 20.22(C)(11), (O))

Sec. 6-8. Animals and species prohibited within the city.

The species named in this section and vicious or wild animals as defined in section 6-1 are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance within the City and may not be kept by any person within the City limits of La Crosse. Species prohibited by this section are: livestock, including all cattle, horses, mules and donkeys, sheep and goats and swine; and also all mink, foxes, skunks, raccoons, chickens, pigeons, geese, ducks, bees, poisonous snakes, alligators, crocodiles and other wild animals as defined in section 6-1. This section does not apply to agricultural zoned districts of the City and animals permitted in connection with lawful uses therein or wild animals as permitted in section 6-9. This section shall further not apply to licensed lofts for the keeping of homing, sporting or show pigeons that were established lofts existing prior to January 1, 2005, and

maintain a license for such loft or lofts under section 6-15. This section does not apply to the keeping of chickens as provided in section 6-16.

(Code 1980, § 20.22(V))

Sec. 6-9. Wild or vicious animals.

(a) No person shall keep or permit to be kept on such person's premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

(b) It shall be unlawful for any person to own or have in such person's possession in the City any animal of a vicious disposition. The animal which unprovoked bites two persons within a 12-month period shall by this action be deemed as being of a vicious disposition,

(Code 1980, § 20.22(J)(7), (K)(3), (K)(8))

State law reference—Possession of live wild animals, Wis. Stat. § 169.04.

Sec. 6-10. Nuisances generally.

(a) No person shall harbor or keep any animal which would be a public nuisance.

(b) The owner, caretaker or custodian of an animal shall maintain in a clean and sanitary condition and free from objectionable odor, all structures, pens, yards and areas adjacent thereto wherein any animal is kept. No animal feces shall be permitted to remain exposed upon private or public property. Such person shall disinfect such pen or enclosure to maintain clean, sanitary and odor free conditions at all times.

(c) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks, cemeteries, or trespassing upon private property, and barking or whining, shall be deemed a nuisance.

(Code 1980, § 20.22(J)(1), (J)(2), (J)(6), (AA))

Sec. 6-11. Pet littering.

No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for

such animal must immediately remove and dispose of all feces so deposited in a sanitary manner and in addition, those persons walking a dog or cat on public or private property other than property they own, shall immediately remove any fecal matter by placing said matter in a closed or sealed container and thereafter, disposing of it by depositing said matter in a trash receptacle, sanitary disposal unit or other closed, sealed container. This additional requirement, however, shall not apply to blind persons accompanied by specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons. The City Clerk shall annually publish in a local newspaper this additional requirement. (Code 1980, § 20.22(Q))

State law reference—Dogs specially trained to provide support for mobility-impaired persons, Wis. Stat. § 174.055.

Sec. 6-12. Prohibited areas for animals.

Any person owning, keeping or in charge of any animal shall not permit such animal to be on an athletic playing field, including fields for kids, golf courses during the golf season, any school grounds, except for school-sponsored and authorized purposes, beaches or cemeteries in the City of La Crosse at any time. The provisions of this section shall not apply to dogs specially trained for visually impaired, hearing-impaired or mobility-impaired persons.

(Code 1980, § 20.22(Z))

Sec. 6-13. Confinement.

The owner, caretaker or custodian of an animal shall keep such animal confined on the person's own premises or under the person's immediate control.

(Code 1980, § 20.22(J)(3))

Sec. 6-14. Livestock running at large.

It shall be unlawful for any person living outside the City limits who is the owner of, or in possession of or charged with having the care of, any cattle, horses, mules, donkeys, sheep, goats, swine or fowl, to allow or permit the same to enter the City or to run at large within the City limits of La Crosse.

(Code 1980, § 20.22(W))

Sec. 6-15. Pigeons; loft license.

(a) *Terms and conditions.* Property owners of the City that have lofts for the keeping of homing, sporting and show pigeons, which lofts were in existence prior to January 1, 2005, may continue to maintain such lofts provided an annual license is granted by the Common Council of the City of La Crosse under the following terms and conditions:

- (1) The applicant for the loft license must be the owner of the loft and if not the property owner, must be applied for as well by the owner of the property upon which the loft existed prior to and as of January 1, 2005. Licenses are issued on an annual basis with the license issued for the calendar year 2005 terminating December 31, 2005, and such licenses are not transferable to other property or person and are only available and valid for the property location that contained the lofts and were owned by the original licensee for the year 2005. All applicants wishing to obtain such license must apply for such license on or before May 10, 2005, or such loft, as well as any pigeons kept therein, will be prohibited effective June 15, 2005.
- (2) All applicants shall fill out a license application form, which shall include, among other pertinent information as may be required, the proposed location of the lofts and size of such lofts, the maximum number of pigeons that will be on the applicant's property at any given time, which number shall in no event exceed 100.
- (3) In the event a complaint has been filed with the City prior to renewal of said license within the calendar year prior to renewal, applicants must receive written approval from not less than 50 percent of the owner-occupied neighboring property owners whose property is within 100 feet of the applicant's property lines exclusive of street right-of-way prior to approval of said license by the Common Council. If no complaint has been received, the license application shall be sent to the Judiciary and Administrative Committee only for consideration.

- (4) All applications shall be on forms supplied by the City Clerk and the application fee per application in the amount established by resolution.
- (5) Renewal of such loft license shall be required for each calendar year and if application for said renewal is not made prior to January 1 of each year, said loft license shall be null and void and any and all pigeons maintained therein shall be in violation of section 6-8, which shall also require the removal of said loft and pigeons; provided, however, if a renewal application is made within ten days after January 1 of each year, the same be considered by the Council by payment of twice the amount of the loft license fee.
- (6) Upon filing an application, the City Clerk shall notify all property owners within 100 feet from the applicant's property at least ten days prior to the Judiciary and Administration Committee meeting and a super majority of three-fourths of the Council shall be required for the granting of said application if two of the property owners within said 100 feet object in writing on forms filed with the City Clerk prior to the granting of such license by the Common Council.
- (7) No loft shall have more than 100 pigeons at any time and there shall be at least one square foot of floor space for each pigeon kept therein.

(b) *Revocation of license.* Sworn complaints for revocation of a loft license may be made in writing any time by residents of the City of La Crosse and filed with the City Clerk to be heard by the Judiciary and Administration Committee of the Common Council with ultimate decision by the Common Council. All sworn complaints must cite the provisions of this Code which apply with the understanding that a pigeon is an animal in the context of sections 6-1 and 6-10, regarding public nuisances, including allowing pigeons to perch or remain on another's property. Any licensee found in the discretion of the Judiciary and Administration Committee and Common Council to have violated one or more of said regulations shall be subject to revocation of said loft license. If said loft license is revoked even though said loft may have

been established and maintained on or before January 1, 2005, then said loft license shall be considered void with no new license being granted to said applicant or for that property. Any licensed lofts as of April 15, 2005, shall be able to keep pigeons within the City.

(Code 1980, § 20.22(FF))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 6-16. Keeping of chickens.

Residents may own, keep or harbor up to five chickens subject to the provisions of this Code.

- (1) *License requirement.*
 - a. Any person who owns, keeps or harbors chickens in the City of La Crosse shall obtain an annual license prior to January 1 of each year, or within 30 days of acquiring the chickens. The term year of a license commences on January 1 and ends the following December 31. Residents deciding to own, keep or harbor chickens for successive years must obtain a new license for each term year they own, keep or harbor such chickens.
 - b. In the event a complaint has been filed with the City prior to renewal of said license within the calendar year prior to renewal, applicants must receive written approval from not less than 50 percent of the owner-occupied neighboring property owners whose property is within 100 feet of the applicant's property lines exclusive of street right-of-way prior to approval of said license by the Common Council. If no complaint has been received, the license application shall be sent to the Judiciary and Administrative Committee only for consideration.
 - c. Applications shall be made to the City Clerk and the fee for the license shall be in the amount established by resolution.
 - d. The Director of Finance/Treasurer or other authorized individual shall collect the fee and shall assess and collect a

- late fee in the amount established by resolution from every owner of chickens, if the owner fails to obtain a license prior to April 1 of each year, or fails to obtain a license within 30 days of acquiring the chickens. All late fees received or collected shall be paid into the local Treasury.
- e. No person shall own, keep or harbor any chickens, or build, erect or maintain and use any chicken coop, house, yard or other building or structure to keep or harbor chickens anywhere within the City without obtaining a license as required by this section.
 - f. The City of La Crosse and its officers may revoke a license if there are three or more violations within any consecutive 12-month period of this or any other section of this Code.
 - g. All applicants must notify the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a permit.
- (2) *Use conditions.* Any owner, occupier, or user of property within the City of La Crosse who chooses to own, keep or harbor chickens and any chicken coop permitted under this section shall be limited to the following conditions:
- a. One property is limited to the keeping or harboring of up to five chickens.
 - b. A person may only own, keep or harbor chickens on property being used as a single-family residential dwelling.
 - c. No person shall keep any rooster.
 - d. No person shall slaughter any chickens.
 - e. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure within the backyard of the property at all times.
 - f. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
- (3) *Public health and safety concerns.*
- a. No person shall keep any chicken or other fowl within the City of La Crosse in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.
 - b. All chicken coops, yards and other buildings shall be kept in a clean, sanitary condition and free from all objectionable odors and shall be subject to the inspection and approval of the City of La Crosse and the La Crosse County Public Health Department or their agents.
 - c. The La Crosse County Public Health Department, City of La Crosse and their agents shall have jurisdiction to inspect the premises upon which chickens are kept and ascertain and determine whether the conditions are unsanitary or if for any reason a nuisance is caused thereby.
 - d. A complaint against any person owning, keeping or harboring chickens in accordance with this section may be filed with the City or the La Crosse County Department of Public Health. If filed with the City, the City shall then be required to forward the complaint to the La Crosse County Department of Public Health. If the La Crosse County Public Health Department, the City of La Crosse or their agents determines that conditions are unsanitary, or if for any reason a nuisance exists, they shall have authority to order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such chickens on the premises.
 - e. If an investigation from the City reveals that the use of chickens is in violation of this section or any other section of this Code the City shall have authority to require the owner or user of the property to fix, abate, or alleviate the problem. If the problem is not satisfac-

torily abated or alleviated the City of La Crosse shall have authority to revoke the license.

- (4) *Bird noise.* In accordance with this section, it shall be unlawful for any person, firm, corporation, or other entity operating, having charge of, or occupying any building to own, keep, harbor or allow to be kept any chicken which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.
- (5) *Rat harborage to be prevented.* All chicken yards, coops, pens or houses shall be constructed or repaired as to prevent rats from being harbored underneath the same or within the walls thereof, and all food products or other products, goods or wares likely to attract or to become infested with or infected by rats shall be protected as to prevent rats from gaining access thereto or coming in contact therewith.

(Code 1980, § 20.22(GG))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 6-17. Processing of late applications.

Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(Code 1980, § 25.02)

Secs. 6-18—6-35. Reserved.

ARTICLE II. DOGS AND CATS*

DIVISION 1. GENERALLY

Sec. 6-36. License or permit tags.

The Director of Finance/Treasurer upon issuing a permit or license to keep any dog or cat, shall issue to the owner a durable tag, stamped with an identi-

*State law reference—Dogs, Wis. Stat. ch. 174.

fying number and the year of issuance. Tags should be so designed that they may conveniently be fastened to the animal's collar or harness. These tags should vary in shape or color from year to year for easy identification to animal control personnel. Dogs and cats must wear the license tags at all times, except under any organized show or training situation. The Director of Finance/Treasurer shall maintain a record of the identifying number and shall make the record available to the public.

(Code 1980, § 20.22(N))

Sec. 6-37. Limitation on number of household dogs and cats.

(a) It shall be unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more than in the aggregate four licensable dogs and/or four licensable cats over the age of five months upon any property in the City, excluding properly licensed animal shelters; animal hospitals and veterinary clinics; grooming parlors; animal training schools; boarding kennel, or catteries; pet shops and the humane society shelter.

(b) Any complaints of excessive noise or odor or other complaints of violation of this chapter may result in the loss of the animal's license.

(c) All animals not housed indoors must be adequately housed in accordance with this chapter.

(d) Care of all animals shall be in accordance with this chapter.

(Code 1980, § 20.22(E))

Sec. 6-38. Dogs and cats at large; restraint.

(a) All dogs and cats shall be kept under restraint. No person shall permit such person's dog or cat to run at large in the City. Each owner of any such animal shall confine the same within the limits of such person's premises. For the purposes of this section, the phrase "running at large" embraces all other places within the City except the owner's premises. This includes all streets, alleys, sidewalks, or other public or private property which may be about the owner's premises.

(b) Any person owning or having charge, custody, care or control of any dog or cat shall keep such animal exclusively upon such person's own premises, which shall include such person's automobile,

either by personal and direct supervision, such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than six feet in length or in enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. However, public access to one entrance of the owner's house must be provided without interference from such animal. Also, such dog or cat may be off such premises if it is restrained by an appropriate leash or chain not exceeding six feet in length, and in the hands of said person indirectly controlling the movement of such animal, and provided that such leash or chain is in the hands of a person of sufficient strength to physically control such animal.

(Code 1980, § 20.22(X), (Y))

Sec. 6-39. Confinement.

(a) No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the City of La Crosse, or in such a manner that the animal has access to any portion of any street, alley, sidewalk or other public or private property.

(b) Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding, provided, however, such dog or cat may be kept on a leash when under the supervision of a responsible person.

(Code 1980, § 20.22(J)(4), (J)(5))

Secs. 6-40—6-66. Reserved.

DIVISION 2. LICENSE*

Sec. 6-67. Required.

A person, owning, keeping, harboring, or having custody of any dog or cat over five months of age must obtain a license as herein provided. No license or permit shall be required of any humane society, municipal animal control facility, licensed veterinary clinic or a person who owns dogs that are kept only for educational or scientific purposes.

(Code 1980, § 20.22(C)(1), (C)(2))

***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Dog licenses, Wis. Stat. § 174.05.

Sec. 6-68. Application.

Application for licenses shall be made to the Director of Finance/Treasurer and shall include name and address of applicant, description of the animal, the appropriate fee, information whether the animal is sexed or neutered, and a rabies certificate issued by a licensed veterinarian or anti-rabies clinic, illustrating that the animal for which the license is sought has received current immunization for rabies or, for a cat, a certificate issued by a licensed veterinarian that an immunization for rabies would pose a serious risk to the life of the cat. (Written proof is required from a licensed veterinarian that the animal being licensed has been neutered.) Application for a license must be made within 30 days after obtaining a dog or cat over five months, except that this requirement will not apply to a nonresident keeping a dog or cat within the City for no longer than 30 days.

(Code 1980, § 20.22(C)(3))

Sec. 6-69. Fees and duplicate licenses.

(a) *Required.* A license shall be issued after payment of the applicable fee in the amount established by resolution.

(b) *Exemption.* License fees shall not be required for dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons or governmental police dogs; licenses for the dogs reference in this subsection shall be issued without charge.

(c) *Duplicate licenses.* A duplicate license may be obtained upon payment of a replacement fee in the amount established by resolution.

(d) *Disbursement.* All dog license tax revenues shall be disbursed by the Director of Finance/Treasurer in accordance with the provisions of Wis. Stat. ch. 174.

(Code 1980, § 20.22(C)(4)—(C)(7))

Sec. 6-70. Issuance.

Upon acceptance of the license application and fee, the Director of Finance/Treasurer shall issue a durable tag, stamped with an identifying number and the year of issuance.

- (1) Dogs and cats must wear identification tags at all times, except under any organized show or training situation.

- (2) No person shall use any license receipt or license tag issued for one animal on another animal.
- (3) The Director of Finance/Treasurer shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

(Code 1980, § 20.22(C)(8))

Sec. 6-71. Term.

All licenses shall be issued for a term of one year commencing with January 1 of each year, and terminating as of midnight on the last day of the licensing period. Application for licenses may be made from January 1 to April 1 of each year without penalty. Any license issued after April 1 of each year shall subject to an additional fee in the amount established by resolution, unless the owner can conclusively illustrate that the owner acquired the animal within the last 30 days prior to application for a license, or that applicant has established City residency within the last 30 days prior to application.

(Code 1980, § 20.22(C)(9))

Sec. 6-72. Census.

The City of La Crosse may, at such intervals, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners then and there to procure their rabies shots and licenses. The City of La Crosse shall impose an additional charge in the amount established by resolution for each license issued in the course of such census. Every person shall answer frankly and fully all questions asked by the Department of Finance/Treasurer relative to the ownership or keeping of dogs or cats within the City.

(Code 1980, § 20.22(C)(10), (C)(12))

State law reference—Dog census, Wis. Stat. § 174.06.

Secs. 6-73—6-102. Reserved.

ARTICLE III. COMMERCIAL ANIMAL ESTABLISHMENTS*

Sec. 6-103. Permits.

(a) *Required.* No person, firm or corporation shall operate a commercial establishment without first obtaining a permit in compliance with this section. No

***Cross reference**—Businesses, ch. 10.

permit shall be required of any humane society, municipal animal control facility, or licensed veterinary clinic.

(b) *Regulations.* The Common Council, the Health Department, the Humane Society and the Humane Officer shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this article and other applicable laws. The Common Council may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(c) *Issuance.* Upon a showing by an applicant for a permit that such applicant is willing and able to comply with said regulations, a permit shall be issued upon payment of the applicable fee as set forth herein.

(d) *Term.* The permit period shall begin with each calendar year and shall run for one year. Renewal applications for permits shall be made 30 days prior to, and up to 60 days after, the start of the calendar year. Application for permit to establish a new commercial animal establishment under the provisions of this article may be made at this time.

(e) *Change in ownership.* If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to such owner's name upon payment of a transfer fee in the amount established by resolution. Every facility regulated by this article shall be considered a separate enterprise and requires an individual permit.

(f) *Exception to fee.* No fee may be required of any animal shelter, government operated zoological park or licensed veterinary clinic.

(g) *Change in type of permit.* Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made. Permits shall be issued upon payment of the applicable fee and completion of a satisfactory inspection by the Humane Officer.

(Code 1980, § 20.22(C)(1), (D))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 6-104. Pet shops.

Each pet shop permit holder shall comply with the following:

- (1) Pay a permit fee in the amount established by resolution.
- (2) Keep accurate records of each dog, cat, bird or nonhuman primate sale for a minimum period of 12 months after date of sale or transfer of animal, and shall include the source of animal, date of sale, description, approximate age and sex of animal sold, and the name and address of purchaser, records of sales of small mammals, and fish are not required.
- (3) If record of prophylactic medication and immunization is used in advertisement or is furnished, the purchaser or person acquiring an animal, specific information regarding type, amount and date of prophylactic medication and immunization shall be kept by the permit holder and shall become a part of the retail sales record.
- (4) Take reasonable care to release for sale, trade or adoption only those animals which are free of disease, injuries, or abnormalities. A health certificate issued by a licensed veterinarian for any such animal within 30 days before such sale, trade or adoption is prima facie evidence that the permit holder has taken reasonable care, as required by this article.
- (5) Animal unfit for sale or release. The following shall be deemed an animal unfit for sale or release:
 - a. Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies or other similar diseases.
 - b. Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
 - c. Obvious signs of severe parasitism, extreme enough to be influencing general health.
- d. Obvious fractures or congenital abnormalities affecting general health of animal.
- (6) The Humane Officer or Health Department may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a veterinarian may be requested at the expense of the enforcement agency.
- (7) Inspection. Inspection of the premises of a permit holder to determine compliance with this chapter may be made by the Humane Officer or Health Department or authorized agents.
- (8) Written statement required for purchase. The permit holder shall furnish the purchaser a written statement at the time of sale. The statement shall show:
 - a. Date of sale;
 - b. Name, address and telephone number of both permit holder and purchaser;
 - c. Breed, description and approximate age of dog, cat or nonhuman primate;
 - d. Prophylactic medication and immunizations and dates administered;
 - e. Internal parasite medication(s) and date(s) administered; and
 - f. Guarantee, if offered. If none, so state.
- (9) Standards. All pet shops, as defined herein, and stores selling animals, birds and fish as pets shall, in addition to the other requirements of this chapter, comply with the following standards. Failure to meet these standards shall be grounds for denial or a permit or revocation of a permit.
 - a. All animals, birds or fish shall be displayed in a healthy condition or, if ill, removed from display and shall be given appropriate treatment immediately.
 - b. All the animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

- c. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- d. There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
- e. Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance and stored in tightly covered containers until final disposal.
- f. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length.
- g. The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
- h. The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodentproof containers.
- i. Water. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over and be removable for cleaning.
- j. Feeding. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over and be removable for cleaning.
- k. All animals must be fed and watered according to the accepted procedure for that species, and cages cleaned every day, including Sundays and holidays.
- l. Fish. The water temperature shall be maintained at a temperature that is healthful.
- m. Shade required. Shade from the direct rays of the sun shall be provided for all animals.
- n. Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
- o. No pet shop shall engage in the purchase, keeping or sale of any species of nonhuman primates, bats, foxes, raccoons, skunks, turtle eggs, poisonous snakes, or any species of animal considered endangered or considered a public health hazard by the U.S.D.A. or the Food and Drug Administration.
- p. It shall be unlawful for any person, firm or corporation to sell or offer for sale, barter, or give away, baby chicks, ducklings, or other fowl as pets or novelties whether or not dyed, colored, or otherwise artificially treated. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display, living chicks, ducklings or other fowl or rabbits that have been dyed or otherwise colored artificially. In the case of any violation of this section, it shall be the duty of the duly authorized Humane or Peace Officer to seize such fowl or pets and provide the necessary care and attention, and such fowl or pets shall not be

returned until all expenses for such care and attention shall have been paid.
(Code 1980, § 20.22(F))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 6-105. Grooming shops.

(a) Each grooming shop permit holder shall comply with all provisions of this article and in addition thereto, any specific regulations relating to grooming care. A permit fee in the amount established by resolution shall be paid.

(b) Each permit holder shall maintain its premises in a clean and sanitary condition and must provide cages for each animal on the premises.
(Code 1980, § 20.22(G))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 6-106. Kennels or catteries.

(a) Each kennel or cattery permit holder shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. A permit fee or license fee shall be paid for each license year in the amount established by resolution.

(b) Standards.

- (1) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
- (2) Building temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control.
- (3) Each animal shall have sufficient space to stand up, lie down and turnaround without touching the sides or top of the cage or enclosure.
- (4) Cages are to be of material and construction that permits cleaning and sanitizing (stainless steel or fiberglass preferred).
- (5) Runs shall provide an adequate exercise area and protection from the weather. Runs

and side walls to a height of four feet shall have an impervious surface to allow for cleaning, disinfecting and odor control.

- (6) All animals must be quartered and all animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (7) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of animal.
- (8) All animals shall have potable water available at all times.
- (9) Every dog or cat owned or kept in the City that is five months of age or older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within 30 days after they have reached the age of five months. Unvaccinated dogs and cats acquired or moved into the City must be vaccinated within 30 days after arrival, unless under five months of age as specified in this section. Every dog and cat shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used.

(c) No dog or cat shall be accepted for boarding, grooming or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the kennel operator (exemption to distemper or rabies vaccination requirement upon written recommendation from the owner's veterinarian). Any dog or cat accepted must be in compliance with the rabies vaccination requirements of this chapter.

(d) Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.

(e) In the event an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:

- (1) The body preserved by refrigeration or freezing until examined or returned to the owner.

The body is to be held for at least one week after the time the owners are scheduled to return, after which the body may be disposed of in compliance with this chapter.

- (2) Bodies submitted to a licensed veterinarian and a necropsy performed at the kennel operator's expense, unless prior agreement for payment of such services by the owner. A copy of the necropsy report is to be given to the owner.

(f) Animals shall not be group-housed at any time, unless they are owned by the same person and are compatible.

(g) If the owners of animals do not appear or contact the kennel or cattery operator within seven days of their stated return time, the operator has the right to dispose of the animal.

(Code 1980, § 20.22(H))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 6-107. Animal training schools.

Each animal training school permit holder shall comply with the following regulations in addition to the standards for kennels listed in section 6-106, and pay permit fees in the amount established by resolution.

- (1) Records shall be maintained for a period of 12 months after the training is completed. The record shall state the owner's name, address and telephone number, expected duration of the stay, service to be provided, and owner's agent for emergency contacts.
- (2) Nonprofit organizations as defined by Wisconsin Statutes operating animal training schools shall be exempt from paying a fee for the permit, but shall be issued a permit and shall comply with all appropriate sections of this chapter.

(Code 1980, § 20.22(I))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Secs. 6-108—6-127. Reserved.

ARTICLE IV. RABIES CONTROL

Sec. 6-128. Rabies vaccination required.

The owner of a dog or cat shall have such dog or cat vaccinated against rabies at no later than five months of age and revaccinated within one year after the initial vaccination. Unvaccinated dogs and cats acquired or moved into the City must be vaccinated within 30 days after arrival, unless under five months of age, as specified in section 6-106. A cat may be kept in the City without being vaccinated against rabies if a veterinarian certifies in writing to the Director of Finance/Treasurer that such a vaccination would pose a serious risk to the life of the cat. Every dog and cat shall be revaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall specify the expected duration of the immunity of the vaccine used. The administering veterinarian shall issue a tag upon completion of the rabies vaccination, and that tag must be attached to the dog's or cat's collar.

(Code 1980, § 20.22(L))

Sec. 6-129. Animal bites.

(a) The owner of any dog, cat or other animal which has bitten any person shall, upon demand of the Humane Officer, Police Department or Health Department, produce and surrender up such dog, cat or other animal to such Department to be held in quarantine for a minimum of ten days. During quarantine, the animal shall be securely confined and kept from contact with any other animal.

(b) The animal which does not have a current anti-rabies vaccination must be quarantined at the Animal Shelter or at a veterinary hospital of the owner's choice for a period of ten days. Charges for boarding of such animal during the quarantine period shall be assumed by the owner of such animal.

(c) The animal which has a current anti-rabies vaccination may, at the discretion of the Humane Officer, Police Department or Health Department, be held in quarantine on the premises of the owner for a period of ten days. Failure on the part of the owner to obey all conditions and directions of the Humane Officer, Police or Health Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in a veterinary hospital

for the remainder of the quarantine period. Charges for boarding such animal shall be paid by the owner prior to the animal's release.

(d) No person shall fail to produce and surrender up any animal pursuant to this section.
(Code 1980, § 20.22(K)(intro.), (K)(1), (K)(2), (K)(6))

Sec. 6-130. Rabid animals.

(a) The owner of any dog, cat or other animal which has contracted rabies, or which has been subjected to same, or which is suspected of having rabies, shall immediately notify the Humane Officer, Police or Health Department. The owner shall produce and surrender up such animal to said Department, to be held in quarantine at a veterinary hospital for a period needed by the veterinarian to determine if it is rabid or not. The owner shall assume the charge for boarding such animal during the quarantine period.

(b) No person shall knowingly harbor or keep any animal infected with rabies, or any animal known to have been bitten by a rabid animal, or fail to report to the Humane Officer, Police or Health Department the existence of an animal which they know to be so infected.

(c) No person, other than the Humane Officer or a Police Officer, shall kill or cause to be killed, any animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.
(Code 1980, § 20.22(K)(4), (K)(5), (K)(7))

Secs. 6-131—6-158. Reserved.

ARTICLE V. ANIMAL CARE, TREATMENT AND CRUELTY

Sec. 6-159. Cruelty to animals.

(a) No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard to said animals,

such act shall be deemed cruelty to animals and such animals may be impounded by the Humane Officer or such Officer's agent.

(b) No owner shall fail to provide such owner's animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(c) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal.

(d) No person shall cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

(e) No owner of an animal shall abandon such animal.

(f) No theatrical exhibit or act shall be held in which animals are forced or encouraged to perform through the use of chemical, electrical or mechanical devices.

(Code 1980, § 20.22(P))

State law reference—Cruelty to animals. Wis. Stat. ch. 951.

Sec. 6-160. Disturbing birds and squirrels.

It shall be unlawful for a person to injure, to destroy or attempt to injure or destroy, any kind of wild birds or squirrels within the City limits, with the exception of controlled programs under the direction of the Humane Office, Health or Police Department initiated to eliminate a public nuisance as defined in this chapter.

(Code 1980, § 20.22(R))

Sec. 6-161. Use of animals and birds as prizes forbidden.

It shall be unlawful to offer as a prize, or give away any bird or animal in any contest, raffle, or lottery or as an enticement to enter any place of business.

(Code 1980, § 20.22(S))

Sec. 6-162. Shelter required.

Every person in charge of, or control of, any animal which is kept outdoors or in an unheated enclosure shall provide such animal with shelter and bedding as prescribed in this section as a minimum. This shelter shall be as follows:

(1) A moistureproof structure.

- (2) Made of durable material.
- (3) Suitable in size to accommodate the dog or cat and allow for the retention of body heat.
- (4) A solid floor raised at least two inches off the ground.
- (5) The entrance covered by a self-closing swinging covering, or an "L" shaped entrance to prevent the wind from blowing directly in the house.
- (6) A sufficient quantity of suitable bedding material, to provide insulation and protection against cold and dampness and promote the retention of body heat.
- (7) Subsections (5) and (6) of this section may be suspended during the months of May through September, inclusive.

(Code 1980, § 20.22(T))

Sec. 6-163. Shade required.

Shade from the direct rays of the sun during the months of June to September, inclusive, shall be provided for all animals kept outside, and all animals placed outside and restrained via leash or chain or confined in a pen. No animal can be put outside without shelter for more than one-half hour at a time during inclement weather.

(Code 1980, § 20.22(U))

Sec. 6-164. Transportation of animals.

No person may keep or transport any animal in or upon any vehicle in a cruel manner. No person shall lead any animal upon any street or alley from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

(Code 1980, § 20.22(BB))

Sec. 6-165. Motorist hitting domestic animal to stop and report.

Any person who, while operating a motor vehicle, strikes or causes injury to cats, dogs, horses, cattle or other domestic animals shall stop at once, ascertain the extent of injury and as soon as possible notify the animal's owner or an appropriate law enforcement officer of such striking or injury and the location of the animal.

(Code 1980, § 20.22(CC))

Chapter 7

RESERVED

Chapter 8

AVIATION*

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- Sec. 8-1. Penalty, enforcement officers and citations.
- Secs. 8-2—8-20. Reserved.

Article II. Aviation Board

- Sec. 8-21. Creation and membership.
- Sec. 8-22. Jurisdiction.
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Article III. La Crosse Regional Airport

- Sec. 8-51. Airport Manager.
- Sec. 8-52. Restrictions on use of airport property.
- Sec. 8-53. Landing fees and space rental.
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*Cross reference—Ultralight aircraft in City parks and recreational facilities, § 34-69.

State law reference—Aeronautics, Wis. Stat. ch. 114.

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Division 3. Airport Overlay Zoning Districts

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- Sec. 8-141. Scope.
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ARTICLE I. IN GENERAL

Sec. 8-1. Penalty, enforcement officers and citations.

Except as otherwise provided in this chapter, violations of this chapter are a Class C offense as provided in section 1-7. The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
 - (2) The Airport Manager.
 - (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.
- (Code 1980, § 13.06)

Secs. 8-2—8-20. Reserved.

ARTICLE II. AVIATION BOARD*

Sec. 8-21. Creation and membership.

There shall be an Aviation Board consisting of seven members. Board members shall be appointed by the Mayor for a term of five years. The members of the Council who are appointed shall hold office until the expiration of the term for which they were appointed; provided, however, should they cease to be members of the Aviation Board, the Mayor shall appoint successors for the balance of the term. The Mayor's appointment shall be subject to the confirmation of the Council. Two members shall be members of the Common Council. The La Crosse County Board Chairperson may also recommend the appointment of one additional member to the Aviation Board who may be a member of the County Board for a term not to exceed five years as determined by the County Board. All members shall be residents of the City, except the member recommended by the La Crosse County Board and one citizen representative. (Code 1980, § 2.22(A))

*Cross reference—Boards and commissioners generally, ch. 2, art. X.

Sec. 8-22. Jurisdiction.

The construction, improvement, equipment, maintenance and operation of all Airport facilities for the City are vested in the Aviation Board. (Code 1980, § 2.22(B))

Sec. 8-23. Powers and duties.

The powers, duties, and procedure of the Board shall be as follows:

- (1) It shall have control of the operations and maintenance, including the equipment used therein, of the La Crosse Regional Airport, subject, however, to the direction and approval of the Council.
 - (2) The Board may contract with private parties, for a term not to exceed five years, for the operation of the La Crosse Regional Airport, including all necessary arrangements for the improvement, equipment, and successful operation thereof, provided that such contract shall be subject to the approval of the Council, and in no case shall the public be deprived of an equal and uniform use of the airport, and no act, contract, or lease, or any activity of the Board shall be or become a binding contract of the City unless expressly authorized by the Council.
- (Code 1980, § 2.22(C)(2), (C)(3))

Secs. 8-24—8-50. Reserved.

ARTICLE III. LA CROSSE REGIONAL AIRPORT

Sec. 8-51. Airport Manager.

The Airport Manager shall be responsible for the management and supervision of the La Crosse Regional Airport and the functions under the jurisdiction of the Aviation Board. The Airport Manager shall appoint such employees as such Manager deems necessary to discharge said Manager's function; however, such appointment shall be within the Table of Organization prescribed by Council resolutions. (Code 1980, § 2.22(C)(1))

Cross reference—Charter ordinance as to appointment and term of Airport Manager, app. A, § 6.

Sec. 8-52. Restrictions on use of airport property.

(a) *Use of airport grounds.* No person shall operate any two-, three- or four-wheeled motor vehicle or other conveyance upon any part of the airport except on Airport Road. Nothing herein contained shall be construed to prevent vehicles of governmental agencies from operating on runways or in and about the airport grounds, providing permission for such operation is obtained from the Airport Manager.

(b) *Trespass prohibited.* No person shall go upon the lands described as being all of that portion of the airport situated to the runway side of any boundary road and enclosed by fences, unless written permission is first obtained from the Airport Manager. Groups or organizations who have made application to the Airport Manager and secured written permission from said Manager and who furnish liability insurance holding the City harmless from any liability arising out of their activities while using the facilities of the airport, such insurance being in such amounts as are approved by the Aviation Board, may use the facilities of the airport for such group activities.

(c) *Parking.* No persons shall park a wheeled motor vehicle at any location in or upon the Airport grounds or the roadways adjacent, thereto, unless the area has been designated and marked for the parking of such motor vehicles.

(d) *Fisherman's Road area.* No person shall operate or park a motor vehicle on Fisherman's Road from the point where it precedes northerly adjacent to the southeast corner of the Airport property to the point where the roadway ends, including any roadways branching off from the same during the hours set by the Aviation Board of the City of La Crosse. Signs prohibiting use of Fisherman's Road pursuant to this subsection shall be installed by the La Crosse Regional Airport. Nothing herein contained shall be construed to prevent vehicles of governmental agencies or vehicles authorized by the Airport from operating on said roadway to perform their official duties.

(e) *Destruction of property.* No person shall in any manner deface or injure any building, tree, shrub, plant or other property or trespass through shrubbery borders or other plantations or upon premises under the control of the Airport Board.

(f) *Vehicle operations.* No person shall permit or operate any vehicle except upon established roads and ways. No person shall operate a motorized vehicle in other than an established roadway or improved area. Established roads and ways and improved area will be defined as minimally having a gravel base for the operation of vehicles.
(Code 1980, § 13.02)

Cross reference—Vehicular traffic at Airport, § 44-3.

Sec. 8-53. Landing fees and space rental.

(a) *Statement of policy.* It is declared to be the policy of the City of La Crosse to establish rates and charges at periodic intervals whereby the La Crosse Regional Airport will remain a self-sufficient entity. To accomplish the objective, the City will use a City Cost Recovery Rate. The term "City Cost Recovery Rate" is defined as the development of rates and charges designed to recover from each user its proportionate share of the cost of providing, maintaining, operating and administering the facilities it uses. To this extent, the City of La Crosse has developed landing fees and space rental rates between the estimated City Cost Recovery Rate and the currently existing rate. Adjustments in such rates shall be made periodically as determined by the Aviation Board.

(b) *Airport businesses.* No person, organization, partnership, corporation, firm or like organization shall conduct an aeronautical business or a non-aeronautical business on the airport without an agreement or consent by the City of La Crosse.
(Code 1980, § 13.03)

Sec. 8-54. Passenger facility charge.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Airport means the 1,380 acre area of La Crosse Regional Airport.

Charge effective date means the date on which the passenger facility charge is effective as provided in subsection (c)(1) of this section.

Enplaned passenger means a domestic, territorial or international revenue passenger enplaned at the Airport in a scheduled or nonscheduled aircraft in

interstate, intrastate, or foreign commerce, provided that enplaned passenger shall not include a passenger enplaning to a destination receiving essential air service compensation as provided by 14 CFR 158.9 or a passenger both enplaning and deplaning at the Airport.

FAA means the Federal Aviation Administration, Department of Transportation, United States of America.

Manager means the Airport Manager for the City of La Crosse.

Passenger facility charge means the charge imposed on enplaned passengers pursuant to subsection (c)(1) of this section.

(b) *Findings and purpose.*

(1) The City finds that:

- a. The City owns and controls that certain Airport and air navigation facility located in La Crosse County, State of Wisconsin, and known as La Crosse Regional Airport ("Airport").
- b. The Airport promotes a strong economic base for the community, assists and encourages world trade opportunities, and is of vital importance to the health, safety and welfare of the State of Wisconsin.
- c. The Airport is a commercial service airport as that phrase is defined in 14 Code of Federal Regulations Part 158, as adopted by the FAA, being a public airport enplaning 2,500 or more scheduled air passengers per year.
- d. The deregulation of the airline industry, the restructuring of airline ownerships and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the City.
- e. The operation of the Airport as a public facility attracting scheduled airline passenger service by airline carriers at the Airport imposes financial responsibility on the City for airport facilities and operations.

- f. The City will require substantial expenditure for capital investment, operation, maintenance and development of the Airport facilities to meet the future demand for passenger air travel.
 - g. The Congress of the United States has authorized the adoption of a passenger facility charge program by local airports pursuant to the Aviation Safety and Capacity Expansion Act of 1990 (pub. L. 101-508, Title IX Subtitle B, November 5, 1990) (hereinafter the "Act").
 - h. It is in the City's best economic interest to adopt and in the interest of airline passengers that the City adopt a passenger facility charge program as identified in this article to maintain and further expand the transportation facilities of the City.
 - i. In establishing and implementing the passenger facility charge program, the passengers using the Airport should contribute to a greater degree toward the development of Airport Facilities used by passengers and continued development thereof.
 - j. The fees implemented by this section are reasonable for the use of the Airport and aviation facilities by the general public.
- (2) The purpose of this section is to enact a passenger facility charge program consistent with the findings referenced in this section and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed.
- (c) *Passenger facility charge.*
- (1) Commencing not later than the first day of the second month 30 days after the approval by the FAA of the City's passenger facility charge program authorized by this section, or on such date thereafter as the passenger facility charge can be collected as determined by the Manager ("Charge Effective Date"), thereafter shall be imposed at the Airport, a passenger facility charge at the

level as authorized in accordance with the regulations of the Federal Aviation Administration. (passenger facility charge)

- (2) The passenger facility charge authorized by this section shall expire on the date determined pursuant to regulations adopted by FAA.
- (3) The Airport Manager is authorized to execute the FAA application for authorization of the City's Passenger Facility Charge program, including the assurances contained therein and other documents necessary for implementation of the PFC program on behalf of the City.

(d) *Eligible projects.* The passenger facility charge collected pursuant to this program shall be expended for projects approved by resolution of the City of La Crosse City Council and determined by the FAA to be eligible under the Act and rules and regulations adopted by FAA pursuant to such statute.

(e) *Compliance with FAA requirements.* The passenger facility charge authorized by this section shall be collected and distributed pursuant to the rules and regulations adopted by the FAA pursuant to such statute.

(f) *Violations.* In the event any airline violates any term or condition of this section, the City may exercise any rights or remedies allowed by law or equity. (Code 1980, § 13.05)

Secs. 8-55—8-81. Reserved.

ARTICLE IV. AIRPORT ZONING*

DIVISION 1. GENERALLY

Sec. 8-82. Title.

The article shall be known as the "Airport Overlay Zoning District Ordinance for the City of La Crosse, Wisconsin."
(Code 1980, § 13.01(A)(4))

***Cross reference**—Zoning, ch. 115.

State law reference—Airport zoning, Wis. Stat. § 114.135 et seq.

Sec. 8-83. Definitions.

For the purpose of this article, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the term "herein" means "in these regulations." The term "regulations" means "these regulations." A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land building shall be construed to include the terms "intended, arranged, or designed to be used or occupied."

Accessory structure or use means a detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use.

Air traffic (FAA FAR § 1.1) means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Airport (FAA FAR § 152.3) means the La Crosse Regional Airport owned by the City of La Crosse. Any area of land or water that is used or intended to be used for the landing and takeoff of aircraft. Any appurtenant areas that are used or intended for use for airport buildings, other airport facilities, or rights-of-way; and all airport buildings located on the areas specified in this definition.

Airport elevation means the highest point on the usable landing area of an airport that is measured in feet from mean sea level (MSL).

Airport environs means the land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.

Airport hazard (FAA FAR § 152.3) means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required or is otherwise hazardous for the flight of aircraft landing or taking off at the airport.

Airport Layout Plan (ALP) (FAA FAR § 152.3) means the plan of an airport that shows the layout of existing and proposed airport facilities.

Airport Master Plan means the La Crosse Regional Airport Master Plan Report.

Airport overlay zone means a zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR part 77 surfaces and runway protection zones (RPZs) have been convened to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around the Airport.

- (1) Zone A is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
- (2) Zone B1, B2, and B3 reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, nonprecision, or precision) that a specific runway has the type/size of aircraft that utilize the runway.
- (3) Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface.
- (4) Zone D encompasses the horizontal surface (innermost area) the conical surface (outermost area), which make up the three-mile jurisdictional boundary delineated at the La Crosse Regional Airport.

Airport Reference Code (ARC) (FAA Web site www.faa.gov) means the ARC is an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate the airport.

Airport Reference Point (ARP) means the latitude and longitude of the approximate center of the airport.

Airport zoning permit means a zoning/building site permit that allows new development or alteration or expansion of a permit required use.

Airside (FAA Web site www.faa.gov) means the portion of an airport facility that includes aircraft movements, airline operations, and areas that directly serves the aircraft, such as taxiway, runway, maintenance, and fueling areas.

Airspace (FAA Web site www.faa.gov) means the space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

Alteration means any construction which would result in a change in height or lateral dimensions of an existing structure or object.

Applicant means the owner of the land or such applicant's representative.

Approach slopes (FAR part 77) means the ratios of horizontal to vertical distance that indicate the degree of inclination of the approach surface. The various ratios include:

- (1) 20:1 - for all utility and visual runways extended from the primary surface a distance of 5,000 feet.
- (2) 34:1 - for all nonprecision instrument runways extended from the primary surface for a distance of 10,000 feet.
- (3) 50:1/40:1 - for all precision instrument runways extended from the primary surface for a distance of 10,000 feet at an approach slope of 50:1 and an additional 40,000 feet beyond this at a 40:1 approach slope.

Approach surface means a surface that is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth in this article. In plain view, the perimeters of the approach surface and approach zone coincide.

Aviation easement (FAA Web site www.faa.gov) means a grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

Building means any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

Building codes (The Practice of Local Government Planning) means codes, either local or State,

that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed building to comply with zoning requirements before building permits can be issued under the building codes.

Building height means the vertical distance from the top of the building roof to the top of the basement or the foundation, whichever is less.

Commercial uses means land uses or activities that involve the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

Compatibility means the degree to which land uses or types of development can coexist or integrate.

Construction means the erection or alteration of any structure or object of either a permanent or temporary nature.

Density means the number of living units per acre.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of manufactured homes (mobile homes); mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials.

Easement means authorization by a property owner for the use by another and for specified purpose of any designed part of such owner's property.

Existing use means any use of land lawfully in existence on October 21, 2012.

Federal Aviation Administration (FAA) (FAA Web site www.faa.gov) means a Federal agency charged to regulate air commerce in order to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promote the development of national system of airports.

Federal Aviation Regulations (FAR) (FAA FAR) means regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

- (1) FAR part 36. (FAA FAR § 36.1) Establishes noise standards for the civil aviation fleet.
- (2) FAR part 91. (FAA FAR § 91.1) Pertains to air traffic and general operating rules, including operating noise limits.
- (3) FAR part 150. (FAA FAR § 150.1) Pertains to airport noise compatibility planning.
- (4) FAR part 161. (FAA FAR § 161.1) Pertains to notice and approval of airport noise and access restrictions.
- (5) FAR part 77. (FAA FAR § 77.1) Objects Affecting Navigable Airspace - Part 77:
 - a. Establishes standards to determine obstructions in navigable airspace;
 - b. Defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration;
 - c. Provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace;
 - d. Provides for public hearing on the hazardous effect of proposed construction or alteration on air navigation; and
 - e. Provides for establishing antenna farm areas.

General aviation airport means any airport that is not an air carrier airport or a military facility.

Growth means any object of natural growth that includes trees, shrubs, or foliage. Excludes farm crops, which are cut at least once a year.

Height. Height is utilized for the purpose of determining the height limits in all zones set forth in this article and shown on the Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin; height shall be the highest point of structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.

Imaginary surface (FAA FAR part 77.25) means those areas established in relation to the airport and to each runway consistent with FAR part 77, in which any object extending above these imaginary surfaces, by definition, is an obstruction.

- (1) Approach surface - longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface depends on the approach type and varies from 5,000 to 50,000 feet.
- (2) Conical surface - extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.
- (3) Horizontal surface - horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
- (4) Transitional surface - extends outward and upward at right angles to the runway centerline and at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Incompatible land use (FAA FAR § 150.7) means a land use that is typically unable to coexist with aircraft and airport operations.

Industrial, wholesale trade, and storage uses means a use category that includes:

- (1) Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially completed materials may be used. Products may be finished or semi-

finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically ten percent or less of the total gross floor area). Relatively few customers come to the site.

- (2) Industrial, manufacturing, wholesale trade, and warehouse/storage uses and includes those that produce goods from raw or finished materials, distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

Instrument approach procedure (FAA Pilot/Controller Glossary) means a series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority.

Instrument Landing System (ILS) (FAA Pilot/Controller Glossary) means a precision instrument approach system which normally consists of the following electronic components and visual aids: localizer, glidescope, outer marker, middle marker, and approach lights.

Itinerant operation means aircraft takeoff or landing operations that occur from one airport to another and involves a trip of at least 20 miles. Local operations are excluded.

Land use means any nonstructural use made of unimproved or improved real estate. (Also see *Development*.)

Land use compatibility (FAA Web site www.faa.gov) means land uses that can coexist with an airport and airport-related activities.

Lighting and marking of hazards to air navigation means installation of appropriate lighting fixtures, painted markings, or other devices to objects or structures that constitute hazards to air navigation.

Lot means a parcel of land described in a recorded plat or deed.

Mitigation (FAA Web site www.faa.gov) means the avoidance, minimization, reduction, elimination, or compensation for adverse effects of a proposed action.

Navigable airspace means the airspace above minimum altitude for safe flight that includes the airspace needed to ensure safety in landing or take-off aircraft.

Navigation aids (NAVAID) (FAA Web site www.faa.gov) means any facility used by an aircraft for guiding or controlling flight in the air or the landing or take-off of an aircraft.

Noise exposure contours (FAA Web site www.faa.gov) means lines drawn around a noise source that indicates a constant energy level of noise exposure. Day-night sound level (DNL) is the measurement used to describe community exposure to noise.

Noise impact means a condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

Noise sensitive area means an area where noise interferes with normal activities associated with the use of the area.

Nonconforming use means any structure or tree which does not conform to a regulation prescribed in this article or an amendment thereto, as of the effective date of such regulation.

Object means and includes, but is not limited to, above ground structures, NAVAIDS, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

Obstacle Free Zone (OFZ) (FAA 150/5300-13) means the three dimensional area of airspace that provides clearance protection for aircraft during landing or take-off operations and for missed approaches. The area encompasses 100 feet above the established airport elevation and along the runway and extended runway centerline. The OFZ is required to be clear of all objects, except for the frangible visual NAVAIDS, the locations of which are fixed by function.

Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height that is specific to its geographic location relative to the runway/airport.

Off-airport property (FAA Web site www.faa.gov) means property that is beyond the boundary of land owned by the airport sponsor (the City of La Crosse).

On-airport property (FAA Web site www.faa.gov) means property that is within the boundary of land owned by the airport sponsor (the City of La Crosse).

Ordinance means any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Overlay zone (FAA Web site www.faa.gov) means a mapped zone that imposes a set of requirements, in addition to those of the underlying zoning district.

Owner means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

Permit required use means those land uses that shall be permissible following the issuance of a zoning/building site permit. The permit, which may include development and use related conditions, along with a signed affidavit (Applicant's Recorded Affidavit Accepting Mitigations Responsibilities), notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents.

Permitted use means those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft, airport operational areas, or aircraft overflight areas, and are considered reasonably safe for County residents.

Primary runway means the runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways.

Primary surface means a surface longitudinally centered on a runway. When the runway has a spe-

cially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in FAR part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal use means the use of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

Public assembly use means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. The term "public assembly use" does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

Public use airport means a public- or private-owned airport that is open for public use.

Residential and accommodation uses means a use category that includes the following:

- (1) Residential - provide living accommodations, including sleeping, eating, cooking, and sanitary facilities, to one or more persons. Tenancy typically lasts longer than 30 days.
- (2) Accommodation - characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation. The average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

Runway means a portion of the airport having a surface specifically developed and maintained for the landing and taking off of airplanes.

Runway protection zone (RPZ) means an area off the runway end designed to enhance the protection of people and property on the ground.

Runway safety area means a defined surface surrounding the runway that is prepared or suitable to reduce the risk of damage to airplanes in the event of an overshoot or excursion from the runway.

Structural alteration means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Structure means any manmade object with form, shape, and utility that is permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed. Examples include, but are not limited to, roofed and walled buildings, or gas or liquid storage tanks, or television dishes.

Substantial improvement means any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, or other nonstructural components. For purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alterations affect the external dimensions of the structure.

Tree means any object of natural growth that shall not exceed the zoning height restrictions. This does not include shrubs, bushes, or plants which do not grow to a height of more than 20 feet.

Use means that which is customarily or habitually done, may include seasonal uses, and need not extend to the entire tract of land at the time of the adoption of this article. (See also *Land use*.)

Utility runway means a runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds gross weight or less.

Variance means authority granted to the owner to use such owner's property in a manner that is prohibited by this article. A departure from the terms of this article where it is shown that unique physical circumstance that are applied to a land parcel can, has, or will cause a hardship to the owner, and that the condition permitted by the departure will be in fundamental harmony with surrounding uses.

- (1) Area variance means one which does not involve a use that is prohibited by this article. Area variances involve matters such as setback lines, frontage requirements, lot-size restrictions, density, density regulations, and yard requirements. Height limitation variances shall not be granted under this article.
- (2) Use variance means one which permits a use of land other than what is prescribed by this article. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than those prescribed for a permitted use in a manner other than that prescribed by this article. Use variances shall not be granted under this article.

Wetland means those areas where water is at, near, or above the land surface long enough to support aquatic or hydroponic vegetation and which have soils indicative of wet conditions.

Wildlife attractant means any manmade structure, land use practice, or manmade or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the air operations area of an airport. Attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

Wildlife hazards feral or domesticated animals that are associated with aircraft strikes that are ca-

pable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

(Code 1980, § 13.01(L))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 8-84. Penalty.

Any person violating any provision of this article, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, and other materials which are incorporated by reference, shall be subject to the penalties and enforcement set forth in section 115-2(a) and (b).

(Code 1980, § 13.01(K))

Sec. 8-85. Statutory authorization.

This article is adopted pursuant to the authority granted by Wis. Stat. ch. 114 and Wis. Stat. §§ 114.135 and 114.136 as well as Wis. Admin. Code ch. Trans 56.

(Code 1980, § 13.01(A)(2))

Sec. 8-86. Statement of purpose.

(a) The general purpose and intent of this article is to:

- (1) Promote the public health, safety, convenience, and general welfare of the residents surrounding the Airport; and
- (2) Protect the Airport approaches and surrounding airspace from encroachment, as well as, limit the exposure of impacts to persons, property, and facilities in proximity to the Airport, located within the area encompassed by the AOZD.

(b) The specific purpose and intent of this article is to:

- (1) Protect State, Federal, and local investment in the Airport and surrounding facilities;
- (2) Impose land use controls, which are in addition to those underlying zoning classifications, that will maintain a compatible relationship between airport operations and existing and future land uses within the three-mile jurisdictional boundary as defined in section 8-87;

- (3) Regulate and restrict the height of structures and objects of natural growth, concentrations of people (density), visual obstructions (smoke, steam, dust, etc.), electrical navigational interference, noise sensitive land uses, and wildfire and bird attractants;
- (4) Implement recommendations developed in the La Crosse Regional Airport Master Plan, Airport Land Use Plan, and/or Airport Layout Plan;
- (5) Promote compatible land uses while respecting the physical characteristics of the area, the Airport, and surrounding property;
- (6) Promote development in an orderly, planned, cost-effective, and environmentally sound manner;
- (7) Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that are detrimental to airport operations, navigable airspace, and the Airport;
- (8) Provide a uniform basis for the preparation, implementation, and administration of sound airport protection regulations for all areas within the three-mile jurisdictional boundary of the AOZD;
- (9) Provide a quality environment for human habitation and encourage the most appropriate use of land within the three-mile jurisdictional boundary of the AOZD; and
- (10) Control placement of buildings, heights of structures and natural vegetation, and designation of land uses to limit conflicts with airport operations, navigable airspace, and provide for the public health, safety, and welfare of residents located in the vicinity of the Airport.

(Code 1980, § 13.01(A)(3))

Sec. 8-87. Jurisdiction.

(a) The jurisdiction of this article shall extend over all lands and water within the three-mile jurisdictional boundary of the AOZD, as those boundaries now exist and as they are amended in the future.

(b) The regulations of AOZD shall apply:

- (1) To all properties within the three-mile jurisdictional boundary identified by the application of Wis. Stat. § 114.136 measured from the La Crosse Regional Airport property line, regardless of the municipal boundary.
 - (2) To the limits represented by six independent zones which are defined in section 8-88, as well as the height limitations in section 8-88.
- (Code 1980, § 13.01(A)(6))

Sec. 8-88. Areas to be regulated.

(a) *Airport Height Zoning District.*

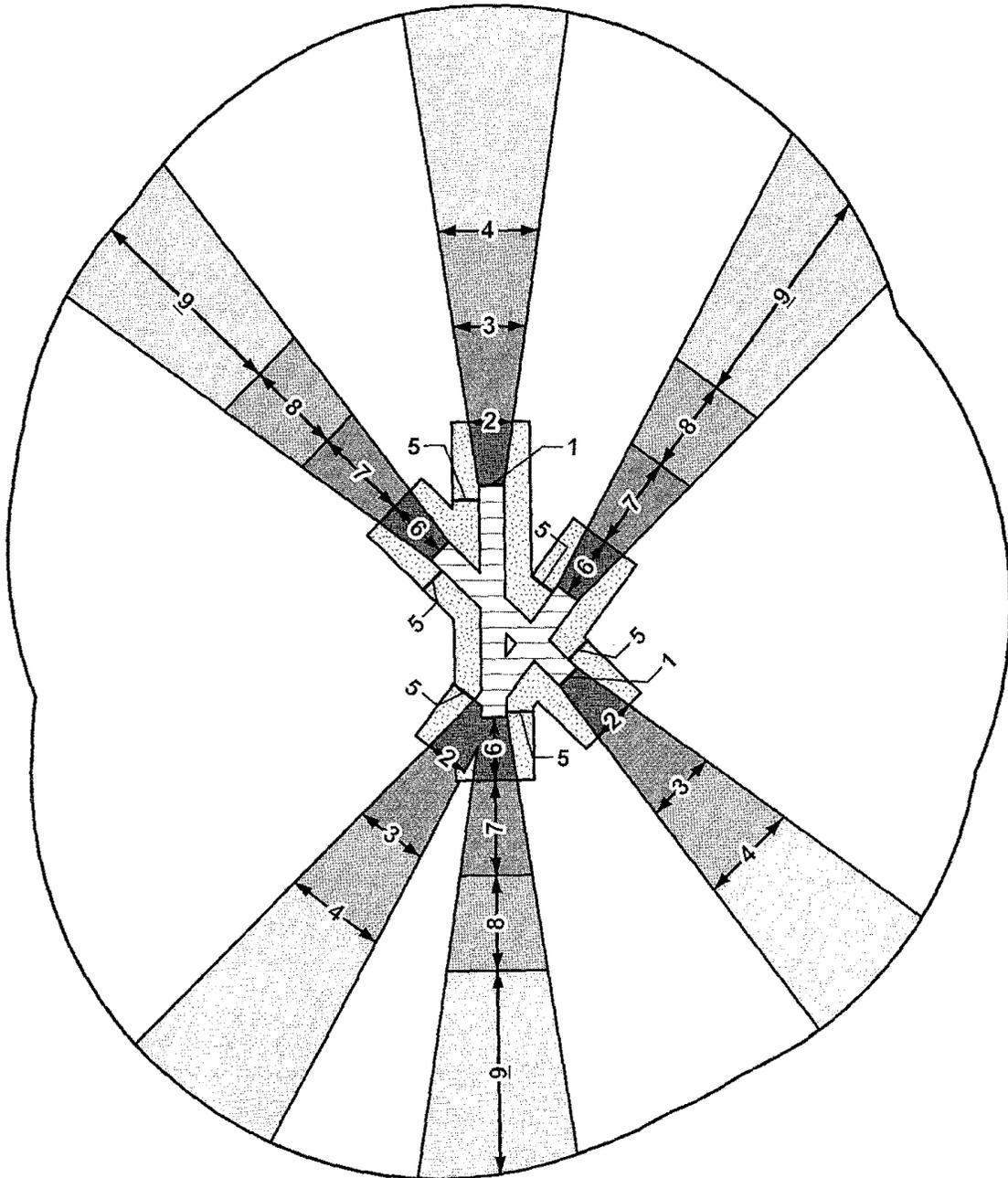
- (1) The boundaries of each district are hereby established as shown on a map dated December 9, 2010, and as it may be amended, titled La Crosse Regional Airport Overlay Zoning District Map, La Crosse, Wisconsin, and the height restrictions are hereby established on a map titled Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin, which accompanies it and is hereby adopted as part of this article. Both the La Crosse Municipal Overlay Zoning District Map and the Height Limitation Zoning Map, La Crosse Wisconsin Airport, La Crosse, Wisconsin, shall bear the signature of the Mayor of the City attested by the City Clerk and shall be on file in the office of the Department of Planning and Development.
- (2) The elevation numbers indicated within each cell are hereby established and are made part of this article. Cell elevation numbers indicated on the Height Limitation Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin, provide the maximum permissible height above mean sea level (MSL), which buildings, structures, objects, or vegetation in that cell shall not exceed. The provisions of the AOZD within this article shall apply to all cell areas indicated in this Map.

(b) *Airport Overlay Zoning District.* All La Crosse Regional Airport Overlay Zones established by this article are shown on the La Crosse Regional Airport Overlay Zoning District Map which shall bear the signature of the Mayor of the City attested by the

City Clerk and shall be on file in the office of the Department of Planning and Development. These six zones encompass a three-mile radius from the La Crosse Regional Airport property line, as authorized by Wisconsin Statutes. No land use shall be allowed nor shall any structure be constructed, altered, located, or permitted which encroaches upon the La Crosse Regional Airport creating hazards for aircraft, airport operational area, and aircraft overflight areas, as well as nearby citizens. For the purpose of this article, the area of La Crosse County under the jurisdiction of this article is hereby divided into the following zones as shown in Figure 1 and Table 1.

Zone D is calculated by intersecting a series of three-mile arcs drawn from the outermost property boundaries of the Airport.

- (1) *Zone A—Runway Protection Zone.* Zone A is a trapezoidal shape which includes the area off the end of each runway which is designed to enhance the protection of people and property on the ground.
- (2) *Zone B—Approach Service.* Zone B is critical overlay zoning surface that reflects the approach and departure areas for each runway at the Airport. The size of Zone B is the combinations of Zone B1, B2, and B3 and is predicted on a 50:1 approach surface.
 - a. *Zone B1—*The length of Zone B1 extends 3,750 feet from the outer edge of Zone A.
 - b. *Zone B2—*Zone B2 extends 3,750 feet beyond the outer edge of Zone B1.
 - c. *Zone B3—*Zone B3 extends from Zone B2 in the 50:1 approach, ending at the three-mile boundary.
- (3) *Zone C—Transitional Surface.* The areas within Zone C are those that extend 1,050 feet outward from the edge of the primary surface, paralleling the runway and extended edge of the primary surface, paralleling the runway and extended runway centerline with Zone B1, to a length equal to the outer edge of Zone A and then squared to meet Zone A.
- (4) *Zone D—Three-Mile Jurisdictional Boundary.* Zone D encompasses the horizontal innermost area, all of which represents the three-mile jurisdictional boundary, as provided for in Wis. Stat. §§ 114.135 and 114.136.



Zone Dimensions

- | | | |
|-----------|-----------|-------------|
| 1 = 1000' | 4 = 4000' | 7 = 3750' |
| 2 = 1750' | 5 = 1050' | 8 = 3750' |
| 3 = 2875' | 6 = 2500' | 9 = Varies* |

Zoning Overlay Districts

- | | | | |
|--------|---------|-----------------|---------|
| Zone A | Zone B1 | Zone B2 | Zone B3 |
| Zone C | Zone D | Primary Surface | |

Table 1. Airport Overlay Zones B1, B2, C, and D Dimensional Requirements

<i>Dimensions in Figure 1</i>	<i>Zone Designation</i>	<i>Runway Dimensional Standards</i>
1	Primary surface width ¹ & Zone A inner width	1,000'
2	Zone A outer width & Zone B1 inner width	1,750'
3	Zone B1 outer width & Zone B2 inner width	2,875'
4	Zone B2 outer width & Zone B3 inner width	4,000'
5	Zone C width from primary surface	1,050'
6	Zone A length	2,000'
7	Zone B1 length	3,750'
8	Zone B2 length	3,750'
9	Zone B3 length	Varies ²
	Zone D	3-mile jurisdictional boundary outside of Zones A—B3

¹Primary surface width measures 1,000 feet across, or 500 feet on either side of the runway centerline.

²The length and outer width of Zone B3 varies based upon the proximity and angle at which Zone B3 intersects Zone D, which is the three-mile jurisdictional boundary from Airport property. Source: Mead & Hunt.

(Code 1980, § 13.01(B)(1))

Sec. 8-89. Compliance.

Any development or use within the areas regulated by this article shall be in compliance with the terms of this article, and other applicable local, State and Federal regulations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this article.

(Code 1980, § 13.01(B)(2), (J))

Sec. 8-90. Municipalities and State agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply

with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies.

(Code 1980, § 13.01(B)(3))

Sec. 8-91. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, or deed restrictions. However, wherever this article imposes greater restrictions, the provisions of this article shall govern.

(Code 1980, § 13.01(B)(4))

Sec. 8-92. Interpretations.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any powers granted to the City by the Wisconsin Statutes.

(Code 1980, § 13.01(B)(5))

Sec. 8-93. Warning and disclaimer of liability.

The degree of protection provided by this article relative to aircraft operation and aircraft overflights is considered reasonable for regulatory purposes. Therefore, this article does not imply that land uses within the vicinity of the La Crosse Regional Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this article create liability on the part of, or a cause of action against, the La Crosse Regional Airport, the County of La Crosse, City of La Crosse, City of Onalaska, Town of Onalaska, Town of Campbell, Town of Medary, Village of Holmen, City of La Crescent, MN, Town of La Crescent, MN, Town of Dresbach, MN, or any officer or employee thereof, for incidents that may result from reliance on this article.

(Code 1980, § 13.01(B)(6))

Secs. 8-94—8-114. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 8-115. Transfer of jurisdictional control to another municipality.

The City hereby designates the authority to administer the provisions of this article to any local munic-

ipality located within the jurisdictional boundary of this article, including the City of Onalaska, Town of Onalaska, Town of Medary, Town of Campbell, Village of Holmen, City of La Crescent, Town of La Crescent, Town of Dresbach, or the County of La Crosse (all of which lie entirely or partially within the three-mile jurisdictional boundary of the AOZD), following implementation of the procedures outlined below:

- (1) The local jurisdiction(s) must pass a resolution acknowledging their desire and intent to implement the actions outlined in this article;
- (2) The local jurisdiction must administer a locally adopted ordinance which codifies the provisions or exceeds the provisions of this article;
- (3) The City must pass a resolution acknowledging the transfer of authority to the local jurisdiction(s) following review of an acceptable and approved locally adopted ordinance;
- (4) In the creation of a locally adopted ordinance, the local jurisdiction(s) will not make any changes to the content of said ordinance, other than to ensure continuity with their specific jurisdictional processes;
- (5) If a local jurisdiction fails to comply with or actively implement the provisions of this article, through their locally adopted ordinance, the City will immediately resume authority over the implementation of the ordinance and the penalties outlined in section 8-84 shall apply. The City may as its option perform an annual audit of all permits issued to ensure compliance;
- (6) The local jurisdiction(s) may implement a fee structure different from that noted in this article to provide for the review of the subject application, based upon their local fee schedule.

(Code 1980, § 13.01(G))

Sec. 8-116. Zoning Administrator.

The City of La Crosse Department of Planning and Development is authorized to administer this article and shall have the following responsibilities and powers:

- (1) Approve or conditionally approve permits that do not exceed required height restrictions;

- (2) Inspect any building site or improvement or use of land as required by this article;
- (3) Maintain record of approvals, denials, conditions of approvals, and inspections made, and maintain a complete public record of all proceedings;
- (4) Review and make recommendations to the Council on all zoning map changes and amendments to the text of the article;
- (5) Oversee the functions of all impacted areas by this article;
- (6) Require complete and accurate information necessary to make reasonable evaluations of applications;
- (7) Delegate the responsibilities of administration and enforcement of this article to the City of Onalaska, Village of Holmen, and County of La Crosse provided this article is adopted by the governing body by reference;
- (8) Hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district;
- (9) Hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure(s), and are compatible with neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Administrator and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this article shall be required; and
- (10) Investigate, prepare reports, and report violations of this article to the City Department of Planning and Development and City Attorney's Office for prosecution.

(Code 1980, § 13.01(F)(1)(a))

Sec. 8-117. Land use permit.

When required by this article, a permit (valid for 18 months) shall be obtained from the Zoning Administrator before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits

of this article shall not be exceeded. The permit (for permit required uses or for future uses when specified), which may include development and use-related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Failure to obtain a permit when required shall be a violation of this article. Application for a permit shall be made to the Zoning Administrator upon furnished application forms and shall include the following data:

- (1) Name and address of the applicant, property owner, and contractor-builder.
- (2) An accurate properly dimensioned map drawn to a scale of not less than one inch equals 200 feet of the property, showing:
 - a. The location, dimensions, elevations, and contours of the site; elevations of all pertinent structures, fill, or storage areas;
 - b. Size, locations, and spatial arrangements of all proposed and existing structures on the site;
 - c. Location and elevations of streets, water supply, and sanitary facilities;
 - d. The relationship of the above to the La Crosse Regional Airport, as well as a particular zone(s) of the AOZD; and
 - e. Any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this article.
- (3) Legal description of the property, the type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved.
- (4) A description of the proposed land use and building materials and landscaping materials.
- (5) The elevation of the highest point of the structure, object, or natural vegetation using National Geodetic and Vertical Datum when locating within the individual zone of the AOZD, including existing ground elevations reporting in Mean Sea Level (MSL), height of the structure or object above ground measured in feet (AGL), and top elevation measured in MSL.
- (6) When the Zoning Administrator or Airport Manager deems necessary, evidence of submission of a Federal Aviation Administration (FAA) Form 7460-1, Notification of Proposed Construction or Alteration, commonly known as an "airspace review." Receipt of final determination letter from the FAA is required prior to final approval or denial of a permit (as required for permit required uses or for future uses when specified). The FAA Form 7460-1 can be found online at <http://forms.faa.gov/forms/faa7460-1.pdf>.
- (7) Applicant's signed AOZD checklist accepting mitigation responsibilities to ensure that any use, construction or alteration of such use is compatible with this article.

(Code 1980, § 13.01(F)(1)(b))

Sec. 8-118. Other permits.

It is the responsibility of the applicant to secure all other necessary permits from all appropriate Federal, State, and local agencies.

(Code 1980, § 13.01(F)(1)(c))

Sec. 8-119. Amendments.

The Council may amend the regulations of this article. Such amendments or changes shall follow according to the procedure set forth in chapter 115, article II, division 3.
(Code 1980, § 13.01(H))

Sec. 8-120. Fees.

(a) At the time of application, the property owner or owner's agent shall pay the fees established by section 115-88.

(b) If a local jurisdiction has been authorized to implement this article within their jurisdiction according to section 8-115, the local jurisdiction may implement a fee structure different from that noted in this article to provide for review of the subject application, based upon their local fee schedule.
(Code 1980, § 13.01(I))

Sec. 8-121. Board of Appeals.

A Board of Appeals is hereby established as set forth in chapter 115, article II, division 2. Powers and procedures are outlined in chapter 115, article II, division 2. All appeals to this article, regardless of administering municipality, will be heard by the Board of Appeals set forth in the City of La Crosse Municipal Code.
(Code 1980, § 13.01(F)(2))

Secs. 8-122—8-140. Reserved.

DIVISION 3. AIRPORT OVERLAY ZONING DISTRICTS

Subdivision I. In General

Sec. 8-141. Scope.

The provisions of this division apply to the Airport Overlay Zoning Districts.

Sec. 8-142. General standards applicable to all permit required uses within the Airport Overlay Zoning District.

The following provisions are applicable to all permit required uses within the Airport Overlay Zoning District:

- (1) Any development which exceeds a height limitation in the AOZD is not authorized.

- (2) At the owner's expense, the technical expertise of a professional surveyor and/or engineer to determine exact locations and elevations may be required. This may be done to confirm the accuracy of information supplied by the applicant.

- (3) Those persons responsible for reviewing a zoning/building site permit (herein referred to as a permit) application in the AOZD shall consider the factors listed below:

- a. Potential to create an undue concentration of people (density);
- b. Potential to cause visual obstructions through the creation of smoke, steam, dust, lighting or other unspecified obstruction that would adversely affect aircraft operational areas and airspace; and specifically the proximity to runway ends, runway surfaces and extended runway centerlines;
- c. Potential for noise sensitivity, and when necessary, ensuring building construction that reduces airport-related noises for proposed uses;
- d. Potential to minimize the number and size of detention/retention ponds to drain within 48 hours;
- e. Potential to create wildlife attractants other than water;
- f. Potential storage of flammable or hazardous materials as defined by the International Building Code.

(Code 1980, § 13.01(C))

Secs. 8-143—8-167. Reserved.

Subdivision II. Use Restrictions

Sec. 8-168. Generally.

Through the use of the La Crosse Regional Airport Height Zoning Map, heights of structures and features, both manmade and natural growth, shall be limited.

(Code 1980, § 13.01(D)(1))

Sec. 8-169. Exceptions.

The restrictions contained in this section shall not apply to temporary cranes, temporary lifts, temporary scaffolding, and other similar temporary equipment used for normal and routine construction, provided that a permit with any conditions has been issued by the Department of Planning and Development after obtaining the approval of the La Crosse Regional Airport Manager and, if required, the Federal Aviation Administration (FAA) as a part of the FAA 7460-1 notification process.

(Code 1980, § 13.01(D)(3))

Sec. 8-170. Specific restrictions.

The following specific use restrictions and regulations shall also apply:

- (1) *Existing uses.* All existing property uses allowed by the current zoning classifications, within the zones defined by this article are allowed to remain, subject to applicable Federal, State, and local requirements, including height limitations set forth in this article. This includes the constructions of ancillary uses, such as garages, subject to existing local requirements. Nothing contained in this article shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence on October 21, 2012, or which commenced prior to October 21, 2012, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to October 21, 2012. It is further provided that the height limits of this article shall in no event be exceeded.

- a. *Partial/complete destruction or reconstruction.* The owner of any existing use, building, or structure which, as a result of fire, flood, explosion, or other casualty is destroyed or is demolished by the owner, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the following requirements are met: The existing use is reviewed and

complies with the La Crosse Regional Airport Height Zoning Map, and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

- b. *Expansion of existing uses.* Any existing use, as described in this article, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:

1. The expansion, alteration, or enlargement meets the requirements of the La Crosse Regional Airport Height Limitation Zoning Map, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

2. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by section 8-172, authorizing such change, replacement, or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation that it was on the effective date of this article, or than it was when the application for permit was made.

- (2) *Future land use.* Any changes in land use, requiring a zoning reclassification are subject to the land use restrictions set forth below and illustrated in Table 3 titled "Future Land Use Compatibility Chart" and are to be evaluated with the criteria set forth in the AOZD checklist which has been made effective January 19, 2010, and is hereby adopted by reference.

- a. Permitted uses are those land uses generally considered compatible within a particular zone of the AOZD. Compatible land uses do not impact or create hazardous conditions for aircraft,

airport operational areas, or aircraft overflight areas, and are considered reasonably safe for nearby residents. Permitted uses, however, shall conform to all Height Restrictions within the AOZD. A permit and AOZD checklist are not required for compliance with this article.

- b. Permit required uses are those land uses that shall be permissible following the issuance of a permit. The permit, which may include development and use-related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents.
- c. Not permitted uses are those land uses generally considered not compatible (incompatible) and/or not permitted within a particular zone of the AOZD.

Incompatible land uses endanger the health, safety, and welfare of nearby residents and aircraft utilizing the La Crosse Regional Airport.

(Code 1980, § 13.01(D)(2))

Sec. 8-171. Hazard marking and lighting.

(a) Any permit may, if such action is deemed advisable by the La Crosse Regional Airport Management, Wisconsin Department of Transportation Bureau of Aeronautics (WI DOT BOA) and/or the FAA, require the owner of a structure or trees, to install, operate, and maintain thereon such markers, light, and navigational aids as may be necessary to indicate to pilots the presence of a hazard, at the owner's expense.

(b) Prohibited uses in the Airport Overlay Zoning District.

- (1) Any use that would exceed the Height Restrictions indicated in the Height Limitation Zoning Map.
- (2) Any use that is not permitted according to Table 3 - Land Use Compatibility Chart.

Table 3 - Land Use Compatibility Chart

P = Permitted Land uses ^{[1][2][3]}	R = Permit Required			N = Not Permitted		
	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
<i>Residential Activities</i>						
Single-family uses (1 unit per lot)	N	R	R	P	N	P
Multifamily uses (Three or more principal dwelling units within a single building on the same parcel) (e.g., apartment, condominium, townhouse-style)						
Low-rise (2 to 3 stories) or Mid-rise (4 to 12 stories)	N	R	R	P	N	P
High-rise (13+ stories)	N	N	R	P	N	P
Group living uses (e.g., assisted living, group care, independent group living, nursing and convalescent home)						
Residential group living units (1 dwelling per lot)	N	R	R	P	N	P
Low-rise (2 to 3 stories) or Mid-rise (4 to 12 stories)	N	R	R	P	N	P

P = Permitted	R = Permit Required			N = Not Permitted		
	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Land uses ^{[1][2][3]}						
High-rise (13+ stories)	N	N	R	P	N	P
Manufactured housing parks	N	N	R	P	N	P
<i>Commercial Activities</i>						
Eating and drinking establishments (e.g., restaurant, cafe, fast food restaurant, bar, night-club)	N	R	R	P	N	P
General office/medical office/dental office uses (e.g., professional, business, financial, governmental)						
Low-rise (2 to 3 stories)	N	R	P	P	R	P
Mid-rise (4 to 12 levels)	N	N	R	P	N	P
High-rise (13+ stories)	N	N	R	P	N	P
Hospitality-oriented (e.g., hotel, motel, convention center, meeting hall, event facility)						
Low-rise (2 to 3 stories)	N	R	P	P	N	P
Mid-rise (4 to 12 stories)	N	N	P	P	N	P
High-rise (13+ stories)	N	N	R	P	N	P
Outdoor storage and display-oriented (e.g., lumber yard, vehicles sale, landscape sales, or farm supply equipment sale)	N	R	P	P	R	P
Personal service-oriented (e.g., retail service, banking facility, laundromat, dry cleaning, beauty salon, funeral home)	N	R	P	P	R	P
Vehicle servicing uses (e.g., full-serve gas station, unattended card key service station, vehicle repair shop, tire sale)	N	R	R	P	N	P
Retail uses (e.g., sale, lease, or rent of new or used products)						
Small sales-oriented (e.g., convenience store, bakery, garden supply, grocery, hardware, or electronics store)	N	R	P	P	R	P
Large sales-oriented (e.g., big box store, mall, strip mall)	N	R	R	P	R	P
Surface passenger services (e.g., passenger terminal for buses, rail service, local taxi, limousine service)	N	R	P	P	R	P
<i>Industrial/Manufacturing Activities</i>						
Industrial service uses (e.g., machine shop, tool repair, towing/vehicle storage, building supply yard, exterminator)	N	R	P	P	R	P
Manufacturing and production uses (e.g., manufacturing, processing, fabrication, packaging or assembly of goods)						
General manufacturing (e.g., manufacturing, assembling or treatment of most articles, materials, or merchandise)	N	R	P	P	R	P

P = Permitted Land uses ^{[1][2][3]}	R = Permit Required			N = Not Permitted		
	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Heavy manufacturing (e.g., concrete/asphalt plant, meat packing plant, wet corn milling, paper mill, ethanol plant, animal feed)	N	N	R	R	N	R
Mining and extraction uses	N	N	N	R	N	R
Salvage operations (e.g., collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, building material)	N	R	R	P	N	P
Self-service storage uses (e.g., mini-warehouse, storage facility)	N	P	P	P	R	P
Warehouse/freight uses (e.g., major wholesale distribution center, freight, storage, railroad switching yard)	N	R	P	P	R	P
Waste-related uses (e.g., recycling center, sanitary landfill, waste transfer station, composting, sanitary or water treatment facility)	N	N	N	R	N	R
Wholesale sales uses (e.g., sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users)	N	R	P	P	R	P
<i>Institutional Activities</i>						
College and universities (e.g., public or private college or university, technical college, seminary)	N	N	R	R	N	R
Community service uses (e.g., public, nonprofit, or charitable nature providing a local service to the people such as a library, museum, transit center, senior/community center, police/fire/station)	N	N	R	R	R	R
Day care uses (e.g., childcare center, adult day care, preschool, after school program)						
Residential day care uses (e.g., in-home adult/child day care facility)	N	R	R	P	N	P
Institutional day care Uses (e.g., childcare center, preschool, after school program, adult day care)	N	N	R	R	N	R
Detention facilities (e.g., prison, jail, probation center, halfway house, juvenile detention home)	N	N	R	R	N	R
Educational facilities						
General educational facilities (e.g., public and private elementary, middle, junior, and senior high school including religious, boarding, military)	N	N	R	R	N	R

P = Permitted Land uses ^{[1][2][3]}	R = Permit Required			N = Not Permitted		
	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Specialized education facilities (e.g., specialized trade, business, or commercial courses, non-degree granting school)	N	N	R	R	R	R
Hospitals (e.g., hospital and medical center)	N	N	R	R	N	R
Religious assembly uses (e.g., church, temple, mosque, synagogue, eagles/ moose/elk lodge)	N	N	R	R	N	R
<i>Infrastructure Activities</i>						
Basic utility uses (e.g., utility substation facility electrical substation, wa- ter and sewer lift station)	N	R	R	P	R	P
Communication transmission facility uses (e.g., broadcast, wireless, point to point, or emergency tower and antennae)	N	N	R	R	N	R
Parking uses (e.g., ground lot, parking structure)	R	P	P	P	P	P
Transportation uses (e.g., local road, county road, highway, interstate)	R	P	P	P	P	P
Utility uses (e.g., wind generator, wind farm, solar power genera- tion equipment, water tower transmission lines)	N	R	R	P	N	R
<i>Agriculture and Open Space Activities</i>						
Agricultural uses (e.g., commercial cultivation of plants, livestock production)						
Animal or plant related (e.g., livestock, dairy, horse farm, crop farming, vegetable, fruit, tree, wholesale plant nursery)	R	P	P	P	P	P
Facility-related (e.g., fuel bulk storage or pumping facility, grain ele- vator, or livestock, seed, grain sales)	N	N	R	P	N	P
Resident-related (e.g., single-family home or mobile home if con- verted to real property and taxed)	N	R	R	P	N	P
Water bodies manmade resources (e.g., mining or extraction pond, wetland mitigation site)	N	R	R	R	N	R
Wildlife preservation areas (e.g., petting zoo, wildlife rehabilitation center, zoo, conservation areas)	N	N	R	R	N	R
<i>Parks and Recreation Activities</i>						
Casino	N	N	R	R	N	R
Commercial recreational uses indoor or outdoor (e.g., physical fitness center, bowling alley, skating rink, indoor theater, campground, tennis/swimming facility, drive-in theater, skating rink, amphitheater)	N	R	R	R	N	R

P = Permitted Land uses ^{[1][2][3]}	R = Permit Required			N = Not Permitted		
	Zone A	Zone B1	Zone B2	Zone B3	Zone C	Zone D
Parks (e.g., aquatic, mini, private, sports, neighborhood, school, community)	N	R	R	R	N	R
Specialty uses (e.g., amusement or theme park, fairground, race-track, sports arena)	N	N	R	R	N	R

¹ The following information is not an all-inclusive list; however it provides a sample of the types of land uses under each individual land use classification.

² Height limitations set forth in the La Crosse Municipal Code supersede any land use criteria and must be followed first when determining compatibility of development.

³ Any future residential development within Zone A or Zone C is allowed, but is limited to those lots currently zoned for residential use.

- (3) Any use, temporary or permanent, which is determined to create a safety concern for aircraft operations, as defined by the WI BOA, the FAA, or the City of La Crosse, as owners of the Airport.

(Code 1980, § 13.01(D)(4), Table 3)

Sec. 8-172. Permit submittal requirements.

For all permit required uses, the AOZD checklist shall be utilized to notify the applicant of their responsibilities as a property owner and will be used by the Zoning Administrator to evaluate the proposed development and determine if a permit will be issued. Each applicant shall be responsible to mitigate any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Failure of applicant to mitigate potential hazardous impacts shall be a violation of the terms and requirements of this article. Applicant (and property owner(s), if different) shall acknowledge by signature their understanding of the mitigation criteria utilizing the AOZD checklist provided by the City or its representative according to section 8-115.

(Code 1980, § 13.01(E))

Chapter 9

RESERVED

Chapter 10

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ARTICLE I. IN GENERAL

Sec. 10-1. Penalty, enforcement officers and citations.

(a) Except as otherwise provided in this chapter, any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties:

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (4) A Class C forfeiture as provided in section 1-7, except that upon a conviction of article IX of this chapter, shall forfeit not less than \$1,000.00 for the first offense and not less than \$2,500.00 for the second and subsequent offenses, plus the costs of prosecution, and in default payment of such forfeiture and the cost of prosecution, shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and cost of prosecution, but not exceeding 90 days for each violation.

(b) Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(c) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 20.35(B), (C))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 10-2. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties under this chapter.

Code 1980, § 20.35(A))

Sec. 10-3. Outdoor vending machines.

(a) All outdoor vending machines shall be prohibited in all residential districts, traditional neighborhood districts and planned development districts.

(b) The term "vending machine," as used in this section, means any self-service, retail business device which upon deposit of coins, tokens or currency, or insertion of a credit card, debit card or other item of value, that mechanically, electronically, or manually dispenses goods or services. Such goods and services include, but are not limited to, food products as defined in Wis. Stat. § 77.54(20n)(a), tobacco products, alcohol beverages, and soda water beverages, as defined in Wis. Stat. § 97.29(l)(i).

(c) Purpose and intent. The Common Council finds that the operation of outdoor vending machines located outdoors in residential districts, traditional neighborhood districts and planned development districts creates health and safety issues to property and persons within the City. Outdoor vending machines promote and increase litter, are a visual nuisance that detracts the aesthetic and monetary value of residential property and promotes blighting influences. This section is created in order to protect the general health, safety, comfort, morals, prosperity and welfare of the public by prohibiting outdoor vending machines in all residential districts.

(d) Violations of this section are a Class B offense as provided in section 1-7. (Code 1980, §§ 7.06(D), 7.09(A))

Cross references—Class B forfeitures, § 1-7; boulevards, ch. 34, art. IV; streets and sidewalks, ch. 40.

Sec. 10-4. Processing of late applications.

Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials. This section does not apply to article II of this chapter. (Code 1980, § 25.02)

Secs. 10-5—10-24. Reserved.

ARTICLE II. ADULT-ORIENTED ESTABLISHMENTS

Sec. 10-25. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment, for observation by patrons therein.

Adult entertainment means any exhibition of any videotape, film or motion picture of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities or specified anatomical areas.

Adult motion picture theater means an enclosed building used for presenting materials having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Adult-oriented establishment means, but is not limited to, adult bookstores, adult motion picture theaters and any other premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented videotapes, films, motion pictures, or other offered adult entertainment, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

Door, curtain or portal partition means a nontransparent closure device which prevents activity taking place within a booth, room or cubicle from being seen or viewed.

Operator means any person operating, conducting, maintaining or owning any adult-oriented establishment.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified sexual activities means simulated or actual:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
- (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(Code 1980, § 7.01(T)(2))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-26. Penalty.

(a) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct. In such event, the operator shall be punishable under subsection (b) of this section for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any person who violates, or knowingly allows or permits any violation of, any provision of this article, shall forfeit an amount not exceeding \$1,000.00 for each offense. Each day, or portion thereof, that a violation of this article exists or continues to exist shall constitute a separate offense.

(Code 1980, § 7.01(T)(5))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 10-27. Purpose and intent.

The Common Council finds that adult-oriented establishments exist within the City of La Crosse and that their nature, design and intended use is conducive to high-risk sexual behavior. Such high-risk sexual behavior has the potential of exposing persons to, among other things, the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). AIDS is currently determined to be irreversible and uniformly fatal. This article is created to provide minimum standards for such adult-oriented establishments in order to protect the general health, safety and welfare of the public, by regulating those features of adult-oriented establishments which tend to facilitate and promote high-risk behavior and by providing regulations which aid in the surveillance and detection of unlawful activities within such premises.

(Code 1980, § 7.01(T)(5))

Sec. 10-28. Inspection and enforcement.

(a) The Department of Planning and Development shall periodically inspect the adult-oriented establishments within the City to determine compliance with the provisions of this article.

(b) The City Police Department and La Crosse County Health Department shall assist the Planning and Development in the enforcement of the article. (Code 1980, § 7.01(T)(4))

Sec. 10-29. Regulation of adult-oriented establishments.

Any adult-oriented establishment having available for customers, patrons or members any booth, room, or cubicle for the private viewing of any adult entertainment shall comply with all of the following requirements:

- (1) Each such booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment, and shall be unobstructed, in total or in part, by any door, curtain or portal partition.
- (2) Each such booth, room or cubicle shall:
 - a. Be separated from all adjacent booths, rooms and cubicles and any nonpublic areas by a partition. All partitions shall be solid and without any openings, and shall extend from the floor to a height of not less than six feet. All partitions shall be light colored, non-absorbent, smooth textured and easily cleanable.
 - b. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying such booth, room or cubicle.
 - c. Have a floor which is light colored, non-absorbent, smooth textured and easily cleanable.
 - d. Be lighted in such a manner that a person in the booth, room or cubicle is reasonably visible from the adjacent public rooms or areas, but such lighting shall not be of such intensity as to prevent the viewing of videotapes, motion pictures or other offered entertainment.
- (3) No more than one person shall occupy any such booth, room or cubicle at any time. No occupant of any such booth, room or cubicle shall engage in any sexual activity, or cause

any bodily discharge, or litter while in the booth, room or cubicle. No person shall alter, damage or deface any portion of any such booth, room or cubicle in such a manner that it no longer complies with the provisions of this article.

- (4) The premises of the adult-oriented establishment shall be maintained in a clean and sanitary manner at all times.

(Code 1980, § 7.01(T)(3))

Secs. 10-30—10-46. Reserved.

ARTICLE III. BEER GARDENS*

DIVISION 1. GENERALLY

Sec. 10-47. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beer garden means an open air, roofed or un-roofed area adjacent or accessory to a "Class B" intoxicating liquor and/or fermented malt beverage licensed premises, where beer and other alcohol beverages are served or consumed. The following are excluded from this definition if such are included within the licensed premises:

- (1) "Class B" alcohol beverage licensed hotels as defined in Wis. Stat. § 125.51(3) which have a restaurant;
- (2) Recreational facilities which include a golf course;
- (3) Other recreational facilities on lands owned by the City such as a recreational boat club, a public campground or a baseball stadium; and
- (4) Any courtyard located between a banquet hall, bar and dining facilities, which are within a single building with the owner and operator of the business being the same.

*Cross reference—Alcohol beverages, ch. 4.

Courtyard means an open or partially covered space bounded on three sides by exterior building walls of the same building and by another enclosing device to ensure controlled access on the fourth side.

(Code 1980, § 20.27(B))

Sec. 10-48. Penalties.

Any violations of this article may result in the suspension or revocation of any "Class B" intoxicating liquor and/or fermented malt beverage license for such premises and the penalties provided for in article I of this chapter.

(Code 1980, § 20.27(J))

Sec. 10-49. Regulations.

No beer garden shall be permitted, maintained, or operated except in conformity with the following regulations:

- (1) The beer garden area shall be particularly described and included within the application for "Class B" intoxicating liquor and/or fermented malt beverage licensed premises.
- (2) The construction of the beer garden shall comply with all applicable safety and building codes and shall be as follows:
 - a. The surface area of the beer garden shall be of a fire-resistant material.
 - b. A fence shall be maintained and constructed surrounding the beer garden area. The fence shall be constructed out of solid wood, wrought iron, composite or vinyl. Fence height shall be measured from the surface of the beer garden. The fence shall comply with all regulations regarding vision clearance along with required distance from the corner(s) and section 115-398. The fence shall be of the following height and the specified exits shall be provided:
 - 1. For a beer garden located at street level and except as provided in subsection (2)b.3 of this section, the height of the fence shall be no less than six feet and shall not

exceed eight feet. The fence shall contain the required fire exit(s). The gate(s) or exit(s) shall be of the same height as that required of the beer garden fence, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks.

2. For a beer garden located at any level other than street level, the height of the fence shall be no less than 3½ feet. The beer garden area shall have at least two exits and be accessible by emergency service units and personnel.
3. For a beer garden located at street level and with a Class "B" or Class "D" beer garden license, the height of the fence shall be 3½ feet. The fence shall contain the required fire exit(s). The gate(s) or exit(s) shall be of the same height as that required of the beer garden fence, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks.
- (3) All electrical wiring shall comply with national, State, and City electrical codes.
- (4) All combustible rubbish shall be stored in noncombustible covered containers.
- (5) Any noise emanating from the beer garden shall not violate the regulations of this Code pertaining to noise.
- (6) All beer garden areas shall comply with the 2009 International Building Code and Wis. Admin. Code chs. SPS 362—366 and 381 and 382, relative to the required number of toilets, exit lights, and other relevant regulations contained therein.
- (7) The "Class B" intoxicating liquor and/or fermented malt beverage licensee and/or the agent shall be responsible for all violations of this Section and subject to compliance with any and all Health Department, Depart-

ment of Planning and Development, Fire Department and Police Department regulations pertaining to the beer garden, including any and all State and local regulations.

- (8) Until December 12, 2014, for Class "A," Class "B," and "Class C" licenses, the beer garden shall be restricted to the hours of 10:00 a.m. to 10:00 p.m.; for Class "D" licenses, the beer garden shall be restricted to the hours of 10:00 a.m. to 12:00 midnight. Commencing on December 12, 2014, for Class "A," Class "B," and "Class C" licenses, the beer garden shall be restricted to the hours of 10:00 a.m. to 10:00 p.m.; for Class "D" licenses, the beer garden shall be restricted to the hours of 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 12:00 midnight on Friday and Saturday and 10:00 a.m. to 12:00 midnight Friday through Sunday during the holiday weekends of Memorial Day and Labor Day.
 - (9) No individual shall consume alcohol beverages and no license holder shall allow the consumption of alcohol beverages within the area designated as a licensed beer garden, outside of the restricted hours.
- (Code 1980, § 20.27(I))

Secs. 10-50—10-71. Reserved.

DIVISION 2. LICENSE*

Sec. 10-72. License required.

No person shall hereafter keep, maintain, conduct or operate any beer garden as defined in section 10-47 without first obtaining a license therefor.
(Code 1980, § 20.27(A))

Sec. 10-73. Application.

Application for a beer garden license shall be made in writing to the City Clerk not less than 15 days prior to granting thereof, and must include a plan or

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

diagram that particularly describes the beer garden area. Each applicant shall pay the required license fee at the time of filing the application. (Code 1980, § 20.27(E))

Sec. 10-74. License types and requirements.

(a) Class "A" Beer Garden which will have a capacity of one person for each ten net square feet or a predetermined number set by the Common Council and be posted within the beer garden.

(b) Class "B" Beer Garden which will have a capacity of one person for each seven net square feet or a predetermined number set by the Common Council. Capacity shall be posted within the restaurant. This license shall be available only to businesses whose gross sales from food and food products exceed 50 percent. Additionally, these areas must have tables in place to allow for seating of 80 percent of their capacity.

(c) Class "C" Beer Garden shall be for recreational use only and issued in addition to a Class "A" or "B" Beer Garden license.

(d) Class "D" Beer Garden which will have a capacity of one person for each seven net square feet or a predetermined number set by the Common Council. Capacity shall be posted within the restaurant. This license shall be available only to businesses whose gross sales from food and food products exceed 50 percent and whose food service and kitchen are open and in operation during all hours that the beer garden area is open. Additionally, these areas must have tables in place to allow for seating of 80 percent of their capacity. This license shall be available only to businesses not located within 200 feet, including the public right-of-way, of a residential zoning district. An applicant for a Class "D" Beer Garden license must have been open for business continuously for not less than three months prior to applying for said license. Said applicant must provide documentation with the application along with a signed statement from a certified public accountant that more than 50 percent of the gross sales are from the sale of food and that the applicant is a restaurant. (Code 1980, § 20.27(D))

Sec. 10-75. License fee.

The annual fee for a beer garden license shall be in the amount established by resolution for Classes

"A," "B," "C" and "D." The fee is nonprorated and nonrefundable. Every license shall terminate on June 30 next following the issuance of the same. (Code 1980, § 20.27(C))

Sec. 10-76. Investigation.

The City Clerk shall submit all applications for beer garden licenses to the Police, Fire, Planning and Development, and County Health Departments for investigation. These Departments shall furnish to the Council in writing a recommendation as to whether the license should be granted. (Code 1980, § 20.27(F))

Sec. 10-77. Granting license.

(a) A license shall be granted to each applicant who shall be approved by a majority vote of the Council, except where otherwise provided in this Code, and shall be issued by the City Clerk and contain with particularity a description of the premises licensed and the name and address of the licensee. The license shall be numbered, and such license shall be posted conspicuously in the premises licensed at all times.

(b) All property owners within 200 feet of the proposed premises for a Beer Garden License shall receive notice of the original application. A license shall only be granted following approval by a two-thirds vote of the Common Council. (Code 1980, § 20.27(G))

Sec. 10-78. Discretion.

The Council shall have discretion to refuse the granting of any license or transfer thereof if, in its judgment, the granting or transfer of such license shall be against the public interests, either because of the unsuitability of the location, surrounding land use, lot and building size, availability of off-street parking, undesirability or unreliability of the applicant or manager, or because of the failure of such applicant or manager to observe the provisions of this Code in the prior conduct of a beer garden, tavern or other similar place. (Code 1980, § 20.27(H))

Secs. 10-79—10-99. Reserved.

ARTICLE IV. CABARETS**DIVISION 1. GENERALLY****Sec. 10-100. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Indoor cabaret means a place to which the general public is admitted and where dancing or live entertainment is permitted or furnished to patrons by the management with or without special charge therefor, and where liquid refreshment or foods are sold; provided that, if dancing is permitted, not less than 50 percent of the floor area of the room or rooms in which the dancing is permitted or furnished shall be occupied by tables and chairs for the use of patrons.

Outdoor cabaret means an outdoor area to which the general public is admitted and where dancing or live entertainment is permitted or furnished to patrons by the management with or without special charge therefor, and where liquid refreshment or foods are sold.

(Code 1980, § 20.04(B))

Sec. 10-101. Violation by agent or employee.

A violation of this article by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee. Violations of the provisions of Wis. Stat. ch. 125 shall be grounds for immediate revocation of the cabaret license by the Common Council.

(Code 1980, § 20.04(K))

Sec. 10-102. Restrictions.

No cabaret shall be licensed, maintained, or operated except in conformity with the following regulations:

- (1) Unless otherwise provided in this Code, any noise emanating from within the licensed area shall not violate the regulations of this Code pertaining to noise.

- (2) All cabarets shall be sufficiently lighted to ensure the safety of patrons at all times when any patrons shall be therein, and at all times when the same is open to the public.
- (3) Any lighting of the outdoor area of an outdoor cabaret must be shielded so as not to shine directly onto adjoining property or create glare, which is distracting to adjoining property owners or occupiers.
- (4) Indoor cabarets shall be closed to the public and no patron shall be permitted therein between 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except on January 1, the cabaret may remain open.
- (5) No licensee of an outdoor cabaret shall be permitted to provide music, dancing or singing from 10:00 p.m. to 10:00 a.m., except the Common Council shall establish the time restrictions for a special event outdoor cabaret.
- (6) No person under the legal drinking age shall be permitted in any cabaret when such presence is contrary to any State or local regulations.
- (7) Every cabaret shall comply with all applicable State and local regulations.
- (8) The sale, service or consumption of commodities for which licenses are otherwise required shall not be permitted in any cabaret unless the proper license or licenses therefor are obtained for said premises, in the name of the owner or manager of such cabaret.
- (9) No entertainment or dancing shall be permitted which is in violation of section 4-16.
- (10) Prior to the issuance of the special event outdoor cabaret license by the Clerk, the applicant shall furnish evidence of insurance as provided in section 2-2.
- (11) Outdoor cabaret licensees must provide sufficient sanitation facilities to accommodate the anticipated capacity.

(Code 1980, § 20.04(J))

Sec. 10-103. Violation by agent or employee.

A violation of this subsection by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee. Violations of the provisions of Wis. Stat. ch. 125 shall be grounds for immediate revocation of the cabaret license by the Common Council.

(Code 1980, § 20.04(K))

Secs. 10-104—10-134. Reserved.

DIVISION 2. LICENSE*

Sec. 10-135. License required.

No person shall hereafter keep, maintain, conduct or operate any cabaret as defined in section 10-100 without first obtaining a license therefor.

(Code 1980, § 20.04(A))

Sec. 10-136. Exemptions.

A license under this article is not required under the following circumstances and conditions:

- (1) Musical entertainment, provided by non-profit organizations, at events for a period of not more than 14 days, such as events being held at the City's parks or Oktoberfest grounds.
- (2) Those entities that meet the qualifications to hold a temporary beer and/or wine license under Wis. Stat. ch. 125.

(Code 1980, § 20.04(C))

Sec. 10-137. Applications.

Any person desiring a cabaret license shall pay the license fee and present to the City Clerk an application in writing, on forms created by the City Clerk, giving the location of the premises to be licensed by street address, premises description, the name of the owner of such premises, the name of the lessee therefor, if any, the name of the person proposing to operate such cabaret, the name of the manager to be in charge of such cabaret, a description of other business to be conducted upon the licensed premises, and a statement of the nature of

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

the entertainment to be furnished. No applicant or manager for such license shall have an arrest or conviction record which substantially relates to the licensed activity.

(Code 1980, § 20.04(E))

Sec. 10-138. Classes of licenses and fees.

(a) License fees shall be in the amount established by resolution. There shall be three classes of cabaret licenses designated as:

- (1) *Indoor cabaret.* Indoor cabaret licensees shall be permitted to conduct an indoor cabaret as defined in section 10-100.
- (2) *Outdoor cabaret.* Outdoor cabaret licensees shall be permitted to conduct an outdoor cabaret as defined in section 10-100.
- (3) *Special event outdoor cabaret.* Special event outdoor cabaret licensees shall be permitted to conduct an outdoor cabaret as defined in section 10-100; however, such license shall be for a period not exceeding one day, and may exceed the noise levels established in this Code, provided the sounds emanating from the outdoor cabaret are reasonable under the circumstances, subject to Common Council approval.

(b) Except for the special event outdoor cabaret license, each license shall terminate on June 30 next following its issuance.

(Code 1980, § 20.04(D))

Sec. 10-139. Investigation.

Each application submitted in accordance with this division shall immediately be transmitted by the City Clerk to the Police Department, Fire Department, Department of Planning and Development and the County Health Officer for investigation, and said officers shall report in writing to the Chair of the Judiciary and Administration Committee of the Council the result of their investigations and their recommendations on such application; and therefore said application shall be presented for action by the Council at the next or any subsequent meeting thereof upon report of the Judiciary and Administration Committee thereof.

(Code 1980, § 20.04(F))

Sec. 10-140. Granting license.

(a) A license shall be granted to each applicant who shall be approved by a majority vote of the Council, except where otherwise provided in this Code, and shall be issued by the City Clerk and contain with particularity a description of the premises licensed and the name and address of the licensee. The licenses shall be numbered, and such license shall be posted conspicuously in the premises licensed at all times when the cabaret shall be in use.

(b) All persons holding a cabaret license as of January 18, 2004, may continue to operate a cabaret until June 30, 2004. Thereafter, on an annual basis such persons may renew the cabaret license in accordance with the provisions of subsection (a) of this section, except if the business ownership or the licensee changes at any time after January 18, 2004, this would necessitate the filing of an original application pursuant to subsection (c) of this section.

(c) All the owners of property zoned conservancy, residential or multiple dwelling within 100 feet of the indoor cabaret premises shall receive notice of the original application, and a license shall only be granted following approval by a two-thirds vote of the Common Council.

(d) All property owners within 200 feet of the proposed licensed premises for an outdoor cabaret license shall receive notice of the original application. A license shall only be granted following approval by a two-thirds vote of the Common Council.

(e) All property owners within 1,000 feet of the proposed licensed premises for a special event outdoor cabaret license shall receive notice of the application. A license shall only be granted following approval by a two-thirds vote of the Common Council.

(Code 1980, § 20.04(G))

Sec. 10-141. Transfer of license.

No cabaret license shall be transferable as to location but may be transferred as to ownership by the Council, upon approval of the new owner's application for such transfer and payment of the license fee.

(Code 1980, § 20.04(H))

Sec. 10-142. Discretion.

The Council shall have discretion to refuse the granting of any license or transfer thereof if in its judgment the granting or transfer of such license shall be against the public interests, either because of the unsuitability of the location, undesirability or unreliability of the applicant or manager, or because of the failure of such applicant or manager to observe the provisions of this Code in the prior conduct of a cabaret, dance hall, tavern, or other similar place.

(Code 1980, § 20.04(I))

Sec. 10-143. Revocation, suspension, refusal to issue or renew.

(a) Any resident of the City may file a sworn written complaint with the City Clerk alleging that a person holding a license issued under this division has violated this division or any other State or local regulation. Said complaint shall set forth the offense allegedly committed, the date, time and place of said offense, and the facts constituting said alleged offense. Upon the filing of the complaint, the Judiciary and Administration Committee shall issue a summons, signed by the Chair of the Judiciary and Administration Committee and directed to be served by any police officer in the City. The summons shall command the licensee complained of to appear before the Judiciary and Administration Committee on a day and place named in the summons, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least five days before the time at which the licensee is commanded to appear.

(b) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the Judiciary and Administration Committee and Common Council find the allegations sufficient, the license shall be revoked or suspended. The City Clerk shall give notice of the revocation or suspension to the person whose license is revoked or suspended.

(c) If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee may be provided a written transcript

of the hearing at the licensee's expense. If, upon a hearing, the Judiciary and Administration Committee finds and the Common Council approves such finding that the complaint is true, the license shall either be suspended or revoked. The City Clerk shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the Judiciary and Administration Committee finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. If the Judiciary and Administration Committee finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Judiciary and Administration Committee may require the complainant to provide security for such costs before issuing the summons under subsection (a) of this section. (Code 1980, § 20.04(L))

Secs. 10-144—10-169. Reserved.

ARTICLE V. RETAIL CIGARETTE AND TOBACCO DEALERS

Sec. 10-170. Penalties.

Any person violating the provisions of this article may be subject to a forfeiture of not more than \$100.00 nor less than \$25.00 for the first offense and not more than \$200.00 nor less than \$25.00 for the second or subsequent offense. If, upon such second or subsequent violation, the person so violating this article was personally guilty of failure to exercise due care to prevent violation thereof, the person shall be subject to a forfeiture of not more than \$300.00 nor less than \$25.00 plus costs and disbursements. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and the person shall not be entitled to another license under this article for a period of five years thereafter, nor shall the person in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license.

(Code 1980, § 20.05(E))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 10-171. License.

(a) *Required.* Pursuant to the Wis. Stat. § 134.65, no persons shall in any manner, or upon any pretense or by any device, directly or indirectly sell,

expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person without first obtaining a retail license from the City Clerk, as hereinafter provided.

(b) *Applications.* A written application shall be filed with the City Clerk on forms as provided by the City Clerk's Office. Each application shall include the name of the proposed licensee, a specific description of the premises where such business is to be conducted, and whether the licensee will sell, exchange, barter, dispose of, or give away the cigarette or tobacco products over the counter or in a vending machine, or both.

(c) *Year and fee.* Each license shall be for the period of July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked. The fee for the license shall be in the amount established by resolution, which shall be paid to the Director of Finance/Treasurer before the license is issued. Twenty-five dollars of said fee shall be provided to the County of La Crosse Health Department for education and other health needs relating to tobacco products.

(d) *Issuance of license.* The City Clerk may issue the license or exercise discretion to not issue the license in accordance with Wis. Stat. § 134.65. (Code 1980, § 20.05(A)—(D))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 10-172. Records.

Every licensed retailer under this article shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. Such records shall be preserved on the licensed premises for two years in such a manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized State and local law enforcement officials. (Code 1980, § 20.05(E))

Secs. 10-173—10-197. Reserved.

ARTICLE VI. DANCE HALLS

DIVISION 1. GENERALLY

Sec. 10-198. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public dance means one which is or may be attended or patronized by the public generally, either with or without tickets or charge of admission thereto.

Public dance hall means any room, place or space in which a public dance or public ball may be held or instruction in dancing given for hire to the public generally.

(Code 1980, § 20.06(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-199. Notice of dances.

Any person who shall conduct a regular or special series of dances to which the public generally is invited shall keep on file in the office of the Chief of Police, a calendar or list of the dances and hours during which and the place at which said dances are proposed to be given. Any person who shall give a single dance shall apply to the Chief of Police for permission so to do, setting forth the date when and hours during which and the place at which it is proposed to give such dance. In all cases, the name or names of the persons proposing to give the dance or dances, and the name of the manager in charge of such dance or dances shall be given. If the Chief of Police shall be of the opinion that the giving of such dance or dances would result in disorder, or that persons in charge thereof would not make proper efforts to observe the provisions of this Code, the Chief may order that such dances are not held, either as to specific dances, specific places of specific sponsors, and the holding of such dance after written notice of such order has been served upon the sponsors or owners of the dance hall by the Chief of Police or subordinates shall subject the violators to the penalties provided in this article.

(Code 1980, § 20.06(J))

Sec. 10-200. Closing hours.

No public dance shall continue or be held or conducted by anyone between the hours of 2:00 a.m. and 6:00 a.m. Monday through Friday and 2:30 a.m. and 6:00 a.m. on Saturday and Sunday, except on January 1, the premises may remain open.
(Code 1980, § 20.06(H))

Sec. 10-201. Regulations regarding minors.

It shall be unlawful between 12:00 midnight and 6:00 a.m. to permit any person who has not reached the age of 18 years to attend or take part in any public dance unless such person is accompanied by a parent, guardian or some person of lawful age having legal custody of such minor. Every licensee shall post in two or more conspicuous places in such licensee's dance hall a printed notice specifically setting forth in large type the restrictions herein established.

(Code 1980, § 20.06(I))

Secs. 10-202—10-225. Reserved.

DIVISION 2. LICENSE*

Sec. 10-226. License required.

No person shall keep, maintain, conduct or operate any public dance hall or place for holding public dances without first securing a license therefor except that this section shall not apply to any cabaret duly licensed under this Code.

(Code 1980, § 20.06(A))

Sec. 10-227. Application.

Application for a dance hall license shall be made to the City Clerk and each applicant shall pay to the Director of Finance/Treasurer the required license fee and present a receipt from the Director of Finance/Treasurer for the same with the application.

(Code 1980, § 20.06(D))

***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 10-228. License fee.

The annual fee for a dance hall licensee shall be in the amount established by resolution and every license shall terminate on June 30 next following the issuance of the same.

(Code 1980, § 20.06(C))

Sec. 10-229. Restrictions.

No license for a public dance hall shall be issued until it shall be found that such hall complies with and conforms to all ordinances and health and fire regulations of the City, that it is properly ventilated and supplied with sufficient toilet conveniences, and is a safe and proper place for the purpose for which it is intended to be used.

(Code 1980, § 20.06(E))

Sec. 10-230. Investigation.

The City Clerk shall refer all applications for dance hall licenses to the Police Department, the Fire Chief, the Department of Planning and Development and the County Health Officer for investigation to determine whether the dance hall sought to be licensed complies with the regulations, ordinances, and laws applicable thereto. These officials shall furnish to the Council in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed except after a reinspection of the premises as provided herein.

(Code 1980, § 20.06(F))

Sec. 10-231. Granting license.

Upon receiving the recommendation provided for in section 10-230, the Council shall consider each application, and upon approval thereof, the City Clerk shall issue a license authorizing the holder to keep, maintain, conduct, and operate a public dance hall or place for holding public dances at the place to be specified in the said license. Such license shall be posted and kept posted at all times by the licensee therein named in a conspicuous place in the dance hall or place for holding public dances specified in such license.

(Code 1980, § 20.06(G))

Secs. 10-232—10-255. Reserved.

ARTICLE VII. ROLLER RINKS, THEATERS, VAUDEVILLE MOVING PICTURES OR OTHER ENTERTAINMENT

Sec. 10-256. License.

(a) *Required.* No person shall operate any roller rink, theater, vaudeville moving picture or other entertainment without having first obtained a license therefor. This section shall not apply to lectures, concerts, or other entertainments or amusements given by any religious, educational, charitable, or benevolent association.

(b) *Fees.* The license fee to be paid for the license required by the preceding subsection shall be paid in the amount established by resolution.

(c) *Year.* The license year shall be from July 1 to June 30 following.

(d) *Application.* Application for the license required by subsection (a) of this section shall be made in writing to the City Clerk and shall be accompanied by a receipt of the Director of Finance/Treasurer showing that the license fee has been paid and shall designate the premises for which such license is desired. The City Clerk shall submit the application to the Council for approval.

(e) *Investigation.* The Chief of Police, Fire Chief, Department of Planning and Development and Health Officer shall conduct a thorough investigation of the applicant and the premises proposed to be licensed. They shall ensure that the premises proposed to be licensed conform to the sanitary, safety and health requirements of the State Industrial Commission and the State Board of Health, and all ordinances and regulations of the City. They shall report their findings to the Council prior to the granting of any license by the Council.

(Code 1980, § 20.07(E))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Secs. 10-257—10-275. Reserved.

ARTICLE VIII. CIRCUSES, CARNIVALS AND MENAGERIES

DIVISION 1. GENERALLY

Secs. 10-276—10-298. Reserved.

DIVISION 2. LICENSE*

Sec. 10-299. License required.

No showman, itinerant person or company or other person shall exhibit any circus, carnival, caravan, menagerie, or circus of any kind to which admission is gained by payment of money, without first having obtained a license therefor; provided, however, such a license shall not be required for such an event held within the confines of the La Crosse Center under contract with the La Crosse Center and the City of La Crosse.

(Code 1980, § 20.08(A))

Sec. 10-300. License fees.

(a) The fees for the licenses required for circuses and menageries shall be in the amount established by resolution.

(b) The fees for carnivals and other travelling exhibitions shall be in the amount established by resolution.

(Code 1980, § 20.08(B))

Sec. 10-301. Bond required.

In addition to the license fee prescribed herein, each licensee shall deposit at the time of payment of the license fee the sum of \$250.00 to guarantee clean up and proper disposal of all rubbish, trash, and every other type of material deposited on the streets of the City or upon the grounds where the exhibition is held. The Health Officer shall certify to the City Clerk the adequacy of the cleanup and, if satisfactory, the Clerk shall refund the bond. If the cleanup shall be unsatisfactory to the Health Officer, the Health Officer shall request the Board of Public Works to clean up and charge the cost thereof against the bond, and the City Clerk shall withhold said amount from the bond, refunding the balance, if any, to the licensee.

(Code 1980, § 20.08(C))

Sec. 10-302. Issuance of license.

Application for a license shall be made to the City Clerk on forms provided therefor, and upon payment of the required fee, the City Clerk shall transmit said

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

application to the Health Officer, Chief of Police and the Fire Chief, who shall conduct such investigation as they may deem necessary of the applicant and its operation, and shall endorse and approve or disapprove such application. Upon receipt of approval by the Health Officer, Chief of Police and Fire Chief, the City Clerk, with the approval of the Mayor, shall issue a license for such circus, carnival, menagerie or other travelling exhibition. Application shall be made at least five days prior to the event to be licensed and may be revoked by the City Clerk upon the advice of the Health Officer, Chief of Police or Fire Chief that any State or local law has been violated by the holder of said license or its agents or servants.

(Code 1980, § 20.08(D))

Sec. 10-303. Street damage.

Nothing herein shall relieve any licensee from damages done to any City street or other public ground.

(Code 1980, § 20.08(E))

Sec. 10-304. Insurance requirements.

Every circus, carnival or menagerie shall have insurance as provided in section 2-3.

(Code 1980, § 20.08(F))

Secs. 10-305—10-326. Reserved.**ARTICLE IX. ESCORT SERVICES**

DIVISION 1. GENERALLY

Sec. 10-327. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Escort means and includes any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration accompanies or offers to accompany another person to or about social affairs, entertainments or places of amusement or consorts with another person about any place of public resort or within any private quarters.

Escort service means and includes service provided by any person who, for a fee, commission, salary, hire, profit, payment or other monetary consideration, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Operator means any person, sole proprietorship, partnership, corporation or association or other organization operating, conducting, maintaining or owning any escort service.

(Code 1980, § 20.09(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-328. Responsibilities of licensee.

(a) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the escort service operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Every act or omission by an escort, regardless of whether the escorts are employees, agents or independent contractors, shall be deemed the act or omission of the escort service operator, if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the escort's conduct. The operator shall be punished for such act or omission in the same manner as if the operator caused such act or omission.

(c) No escort service operator may allow or permit any person to work as an escort for such escort service unless the person so employed has a valid escort license issued by the City.

(d) No escort may work at any escort service operator unless the escort service operator has a valid escort service license issued by the City.

(e) No escort service may conduct any business without maintaining on its premises a daily register containing the name of each escort currently employed or otherwise working for the escort service on the date in question, a duplicate of the escort license certificate required under this article and the actual hours of employment of each escort for each day. The daily register shall be available during all business hours for inspection by law enforcement personnel.

(f) No person licensed as an escort or escort service may in any manner advertise its services as licensed by the City.

(Code 1980, § 20.09(H))

Secs. 10-329—10-359. Reserved.

DIVISION 2. LICENSE*

Sec. 10-360. License required.

(a) No person may engage in, conduct or carry on the operation or maintenance of an escort service or act as an escort without first obtaining a valid license issued under this division.

(b) A license may be issued only for one escort service located at a fixed and certain place. Any person desiring to operate more than one escort service office or location must have a license for each escort service office or location.

(c) Exemptions. This section does not apply to businesses, agencies and persons licensed by the State or the City pursuant to a specific statute or ordinance, and employees employed by a business so licensed, and which perform an escort or an escort service function as a service merely incidental to the primary function of such profession, employment or business and which do not hold themselves out to the public as an escort or an escort service.

(Code 1980, § 20.09(B))

Sec. 10-361. License application.

(a) Any person desiring an escort or escort service license shall file a written application on a form provided by the Clerk's Office and pay the applica-

***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

tion fee in the amount established by resolution to defray the cost of investigation and administration to the City Clerk. The information provided to the Clerk shall be provided under oath. An application will not be processed until the application fee is paid.

(b) Required application information.

(1) *Escort services.*

- a. Corporations. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its Articles of Incorporation, together with the date and state of incorporation, the name and residence address of each of its officers, directors and each stockholder holding five percent or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation.
- b. Partnership. If the applicant is a partnership, the application shall set forth the name of the partnership and the name and residence address of each of the partners, including limited partners, and shall be verified by each partner, if one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.
- c. Others. If the applicant is neither a corporation nor a partnership, the application shall set forth the true full name and residence address of the applicant and shall be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous five years.
- d. The application shall also set forth the proposed place of business of the escort service by physical address, including suite number, and mailing address, if different. The application shall contain a description of the nature and scope of the proposed business operation.

e. The following information shall be furnished concerning the applicant, if an individual; concerning each officer and director and all stockholders who own five percent or more of the stock or beneficial ownership, if the applicant is a corporation; concerning each partner, including limited partners, if the applicant is a partnership:

1. The previous residence address, if any, for a period of three years immediately prior to the date of application and the dates of such residence.
2. Written proof that the individual is at least 18 years of age.
3. A complete set of fingerprints.
4. The business, occupation or employment history for three years immediately preceding the date of application, including but not limited to, whether such person previously operated under any permit or license in another city in this or another state and whether any such permit or license had ever been suspended or revoked.
5. All convictions in any state or Federal court within the past five years, including municipal ordinance violations, exclusive of traffic convictions, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.
6. All pending criminal charges in any state or Federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.
7. The names of persons who will have custody of the business records at the business location.
8. The name and address of the person who will be the agent for service of process.

- (2) *Escorts.* Applicants for an escort license shall provide the applicable information in subsection (b)(1) of this section, as well as the applicant's height, weight, color of eyes and color of hair. The applicant shall provide two passport-size color photographs at least one inch by one inch taken within three months of the date of the application. In addition, the applicant shall identify by name and address the escort service at which the applicant is currently working, if any, or at which the applicant expects to be employed.

(Code 1980, § 20.09(C))

Sec. 10-362. Application review process.

(a) The City Clerk shall notify the Chief of Police, the Chief of the Fire Department and the Chief Inspector of any escort service license application and these officials shall inspect or cause to be inspected each such application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Clerk, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the departments for whom the officer is certifying within ten days of receipt of notice from the City Clerk. No license shall be renewed without a re-inspection of the premises. Applications for an escort license shall be referred to the Chief of Police only.

(b) Within 30 days of receiving an application for a license, the Common Council shall grant or deny a license to the applicant upon a recommendation of the Clerk. The City Clerk shall notify the applicant whether the application is granted or denied. The City Clerk shall issue the license if granted. An escort license shall contain the applicant's true first name, surname and middle initial, if any, the picture of the applicant and the license number and the expiration date of the license. The license shall be in such form as to avoid alteration.

(c) Whenever an application is denied, the City Clerk shall advise the applicant, in writing, of the reasons for such action. If the applicant requests a hearing in writing within ten days of receipt of noti-

fication of denial, a public hearing shall be held within ten days thereafter before the Judiciary and Administration Committee.

(Code 1980, § 20.09(D))

Sec. 10-363. Licensing standards.

(a) The Council shall issue an escort or escort service license if, upon recommendation by the Clerk, it finds:

- (1) The required fee has been paid;
- (2) The applicant conforms in all respects to this section;
- (3) The applicant has not knowingly made a material misstatement in the application;
- (4) The applicant has fully cooperated in the investigation of the application;
- (5) The applicant would comply with all applicable laws, including, but not limited to, the City's building and zoning codes;
- (6) The applicant has not had an escort or escort service license or permit or other similar license or permit revoked or suspended in the State or any other state within three years prior to the date of application;
- (7) The applicant, if an individual, any of the stockholders holding five percent or more of the stock or beneficial ownership of the corporation; and any officers, agents or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for, or within five years prior to the date of application has not been convicted of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person or another, or sexual immorality under Wis. Stat. ch. 944, or other offenses subject to Wis. Stat. § 111.335;
- (8) The applicant, if a corporation, is licensed to do business and is in good standing in the State;
- (9) All individual applicants, all stockholders holding five percent or more of the stock or beneficial ownership, directors and officers,

if the applicant is a corporation and all partners, including limited partners, if the applicant is a partnership, are at least 18 years of age.

(b) Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding the application or refusal to submit to or cooperate with regard to any information required by the section shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial.

(Code 1980, § 20.09(E))

Sec. 10-364. Display of license.

The escort service license shall be displayed in a conspicuous public place in the escort service's place of business. Escort licenses shall be carried on the person of the escort and shall be exhibited to any person, including law enforcement personnel, requesting to see it at any time while the person is engaged in acting as an escort.

(Code 1980, § 20.09(F))

Sec. 10-365. Changes regarding ownership of escort service.

(a) Any corporation holding an escort service license under this section shall report to the City Clerk in writing within 15 days of the date described herein, any of the following:

- (1) Any change of officers of the corporation;
- (2) Any change in the membership of the board of directors of the corporation.

(b) Sale or transfer of interest in escort service. Upon the sale or transfer of any interest in an escort service, the license shall be void. Any person desiring to continue to operate an escort service following sale or transfer shall apply for a license.

(Code 1980, § 20.09(G))

Sec. 10-366. License renewal.

(a) Every license issued pursuant to this section shall terminate at the expiration of one year from date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. All applications for the renewal of escort ser-

vice and escort licenses issued by the City shall be filed with the City Clerk's Office on a form to be provided by the Clerk no later than 60 days prior to the expiration of the license. The renewal application shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. Applications to renew licenses shall be processed by the City in the same fashion as new applications.

(b) Renewal applications shall be accompanied by a renewal fee in the amount established by resolution. In addition to the renewal fee, a late penalty fee in the amount established by resolution shall be assessed against any applicant who files or renews less than 60 days before the license expires. Renewal applications will not be processed until the fee is paid.

(Code 1980, § 20.09(I))

Sec. 10-367. Suspension or revocation of license.

(a) Any escort service or escort license may be suspended for not more than 90 days or revoked by the Council for any of the following reasons:

- (1) Any of the grounds that would warrant the denial of the original application for license.
- (2) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
- (3) The operator or any employee of the operator or any escort employed by the operator violated any provision of this section or any rules or regulations adopted by the Council pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or escort, the penalty shall not exceed a suspension of 30 days if the Council finds that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.
- (4) The licensee becomes ineligible to obtain a license or permit.

(b) An escort service or escort license may be suspended or revoked after notice and hearing before the Judiciary and Administration Committee to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and sent by certified mail addressed to the licensee at the current address of the licensee on file with the City Clerk's Office. The notice shall be served at least ten days prior to the date of hearing. The notice shall state the grounds of the complaint against the licensee and shall designate the time and place where the hearing will be held.

(c) Any licensee whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an escort service for six months after the date of revocation of license.
(Code 1980, § 20.09(J))

Secs. 10-368—10-392. Reserved.

ARTICLE X. OUTDOOR FOOD STANDS AND MOBILE FOOD UNITS*

DIVISION 1. GENERALLY

Sec. 10-393. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food unit means a vehicle or conveyance on wheels, either motorized or nonmotorized, used to conduct a food business.

Outdoor food stand means a stationary, nonmobile unit, either enclosed or not enclosed, with or without a roof, used to conduct a food business.

Person means any natural person, firm, corporation, association, club, partnership, society, or any other organization of every nature whatsoever.

***Cross references**—Sales of food, beverages and merchandise on premises on public property near La Crosse Center, § 34-23; boulevards, ch. 34, art. IV; streets and sidewalks, ch. 40.

Transient vendor means any person without a permanent place of business in the County of La Crosse who engages in the temporary business of selling or delivering goods from or near such person's vehicle for a period of time not exceeding 90 days.

(Code 1980, § 20.10(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-394. Exemptions.

The provisions of this article shall not apply to the following:

- (1) Those transacting business entirely inside a store building;
- (2) Those who operate a permanent business establishment that place items sold at such operator's business establishment outside of their business;
- (3) Those who operate home delivery conveyance of grocery stores, restaurants, dairies and/or bakeries;
- (4) Any person selling agricultural food products which such person has grown so long as there is no onsite food preparation and said person is licensed with the appropriate State or local agency;
- (5) Any person selling goods at a farmer's market/ flea market, on premises under the control of the farmer's market/flea market organizers, so long as said person is licensed with the La Crosse County Health Department;
- (6) A transient vendor selling a food product from a conveyance for a limited time and possessing a direct seller permit;
- (7) Any person with a food stand/unit at a festival, with permission from festival organizers, on premises under the control of festival organizers;
- (8) Any nonprofit organization that conducts such business only at occasional times.

(Code 1980, § 20.10(C))

Sec. 10-395. Enforcement.

The enforcement of this article shall be under the jurisdiction of the Department of Public Works, De-

partment of Planning and Development and Police Department, who shall have the power to inspect to determine compliance with this article.
(Code 1980, § 20.10(J))

Sec. 10-396. Location restrictions.

Licensed food stands or food units shall not operate upon or in any alley, sidewalk, public grounds or land dedicated to public use or in any part thereof. Where mobile food units are being operated in any street, all traffic and parking regulations shall be observed and no unit shall impede the free use of such street. No person shall operate an outdoor food stand or food unit within a public park of the City unless authorized to do so or within 500 feet of any public park in which there is present a holder of a food vendor's license from the Board of Park Commissioners of the City or a concession agreement with the City.
(Code 1980, § 20.10(D))

Sec. 10-397. Prohibited and required acts.

- (a) A vendor shall:
- (1) Obtain any other license(s) necessary, including, but not limited to, a Wisconsin seller's permit and food-related license issued by the La Crosse County Health Department prior to applying for the City license and adhere to the requirements of any such other license.
 - (2) Provide a trash receptacle of at least 32 gallons for customer use; the use of City refuse containers is prohibited.
 - (3) Clean-up the area within one-half block of stand/unit each day by removing any and all food waste, garbage, trash and debris (all to be disposed of in the vendor's trash receptacle) and sweep or rake area to remove all spillage.
 - (4) Display the City license and any other required licenses during operating hours or have available for display upon request of any enforcer or any person upon request.
- (b) A vendor shall not:
- (1) Block or restrict an individual's access to a business or residential doorway.

- (2) Sell or be in operation between the hours of 3:00 a.m. and 6:00 a.m.
 - (3) Block or restrict pedestrians on the public way.
 - (4) Use audio or video equipment, such as speakers, amplifying device and video display monitors.
 - (5) Sell food or beverages in glass containers or glassware.
 - (6) Dispose of food waste or water used in food preparation or cleaning into storm drains, catch basins, manholes, sidewalks or streets.
 - (7) Use extension cords to supply power to the stand/unit.
- (Code 1980, § 20.10(E))

Secs. 10-398—10-422. Reserved.

DIVISION 2. LICENSE*

Sec. 10-423. License required.

No person shall operate an outdoor food stand or mobile food unit without first obtaining a license in compliance with the provisions of this division. A separate license is required for each stand/unit.
(Code 1980, § 20.10(A))

Sec. 10-424. Application.

A license shall only be granted where the following requirements are satisfied:

- (1) Any person requiring a license under this division shall make a sworn application in writing on a form furnished by the City Clerk which shall require the following information:
 - a. Name, address and telephone number of applicant.
 - b. Name, address and telephone number of the person, firm, association or corporation that said applicant represents or is employed by, or whose food is being sold.
 - c. A description of the food being offered.

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

- d. The location from which the business will be conducted, including written authorization of the property owner where the cart/unit will be located.
- e. The size and/or dimensions of outdoor food stand/mobile food unit and construction materials.
- f. Make, model and license number of any vehicle to be used by the applicant in the conduct of the applicant's business.
- g. Last cities, villages, towns, not to exceed five, where the applicant conducted similar business.
- h. Statement as to whether the applicant has been convicted of any crime or ordinance violation related to applicant's business or solicitation within the last five years, and the nature of the offense and the place of conviction;

(2) Applicants shall present to the City Clerk for examination and/or to be photocopied:

- a. A driver's license or some other proof of identity as may be reasonably required.
- b. Wisconsin seller's permit.
- c. Food-related permit issued by the La Crosse County Health Department.
- d. Vehicle certificate of registration/licensing, if applicable.

(3) The application must be received at least 15 days in advance of any license being issued.

(4) Insurance. The applicant shall procure insurance as provided in section 2-2.

(Code 1980, § 20.10(F))

Sec. 10-425. Licensing fee/duration.

(a) *Fee.* At the time of the application, a non-refundable fee in the amount established by resolution shall be paid to the Director of Finance/Treasurer to cover the costs of investigation and processing such application.

(b) *Duration.* License shall have a term of one year commencing on January 1 and ending on December 31.
(Code 1980, § 20.10(G))

Sec. 10-426. Investigation.

(a) Upon receipt of each application from the City Clerk, the La Crosse Police Department shall conduct an investigation of the statements made on such application.

(b) The City Clerk shall refuse to license the applicant if it is determined, pursuant to the investigation referenced in subsection (a) of this section, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory ordinance or ordinance violation the nature of which is directly related to the applicant's fitness to engage in the conduct for which the license is requested; the applicant failed to comply with any applicable provision of section 10-424; or the applicant failed to pay the fees required for the license.
(Code 1980, § 20.10(H))

Sec. 10-427. Renewal.

The license holder shall, on an annual basis, file a City-authorized renewal application form prior to the expiration of the license, in the same manner as the initial application.
(Code 1980, § 20.10(I))

Sec. 10-428. Revocation or suspension.

The issuance of an outdoor food cart/mobile food unit is conditional at all times. A license may be revoked or suspended by the Police Department, Department of Planning and Development and/or Department of Public Works when necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, in emergency situations, or due to noncompliance of this section, this Code or applicable State or Federal laws.
(Code 1980, § 20.10(K))

Sec. 10-429. Appeal.

A revocation, suspension or denial of a license may be appealed to the Judiciary and Administration Committee, which shall make a recommendation to the entire Council after providing the applicant with an opportunity for a hearing.
(Code 1980, § 20.10(L))

Secs. 10-430—10-456. Reserved.**ARTICLE XI. JUNK DEALERS*****DIVISION 1. GENERALLY****Sec. 10-457. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business premises or *premises* means the area of a junkyard as described in a junk dealer's license or application for license, as provided for in this article.

Itinerant junk dealer means any person who buys, sells, collects, or delivers junk within the City as a business or employment within the City, but who is not an operator of a junkyard within the City or an employee of such an operator.

Junk means old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but the term "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of such person's own business or materials or objects held and used by a manufacturer as an integral part of the manufacturer's own manufacturing processes.

Junk dealer means a person who operates a junkyard, as defined in this section, within the City.

***State law reference**—Pawnbrokers and secondhand article and jewelry dealers, Wis. Stat. § 134.71.

Junkyard means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined in this section, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.
(Code 1980, § 20.12(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-458. Health regulations.

The County Health Officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.
(Code 1980, § 20.12(O))

Sec. 10-459. Permits to move.

No licensee shall move their place of business from the place designated in the license until a written permit so to do has been secured from the City and the same shall have been endorsed upon the license. All signs required by section 10-462 shall be altered to show the new address.
(Code 1980, § 20.12(L))

Sec. 10-460. Limitation of location.

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.
(Code 1980, § 20.12(G))

State law reference—Junkyards near highways, Wis. Stat. § 84.31.

Sec. 10-461. Physical requirements.

Any premises and all structures thereon used for the purposes set forth in section 10-482 shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building or police authorities. The premises of a junk dealer shall be enclosed by a

proper fence, or other structure not less than six nor more than eight feet in height, constructed so that none of the material stored within said fence may pass through. Such enclosure shall be maintained in good condition at all times. Articles may be piled above the height of said fence provided there is no dust or dirt emanating from said materials and being deposited beyond the fence and further provided that there is no safety hazard to passersby. Premises not enclosed by fence prior to January 20, 1961, shall not be required to install such a fence.
(Code 1980, § 20.12(F))

Sec. 10-462. Marking vehicles.

Each vehicle kept or used by a junk dealer in the exercise of such dealer's business shall be marked on both sides with the words "Junk Dealer" and "La Crosse, Wisconsin" and the number corresponding to the number of such dealer's license in plain letters and figures at least two inches high and of such color as to be plainly read at a distance of 60 feet.
(Code 1980, § 20.12(M))

Sec. 10-463. Miscellaneous restrictions.

(a) No junk dealer shall carry on business at or from any place other than the one designated in the license, nor shall said business be carried on after such license has been revoked or has expired.

(b) No junk dealer shall make any purchase from any person or receive any articles between 10:00 p.m. and 6:00 a.m.

(c) No junk dealer shall purchase or acquire from any person under the age of 18 years any junk, other than old rags or paper, without the written consent of a parent or guardian.

(d) No junk dealer shall purchase or acquire any item from an intoxicated person.

(e) The contents of the premises of any junk dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer shall be subject to inspection by the proper municipal authorities at any time.

(f) In the case of motor vehicles, the junk dealer shall keep a record of the purchase, which shall include the trade name, the motor and serial numbers, the style of body, model, color, and the license number, if any.

(g) Any junk dealer or itinerant junk dealer who shall have or receive any goods, articles, or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer.
(Code 1980, § 20.12(N))

Sec. 10-464. Burning operations.

Burning of wrecked or destroyed automobiles or any parts thereof, or junk, or any waste material shall be done in approved incinerator enclosures approved for burning purposes by the Fire Chief, or truly appointed representative. The Fire Chief may, in appropriate cases, permit burning without incinerators in specific open places designated by such Chief.
(Code 1980, § 20.12(P))

Secs. 10-465—10-481. Reserved.

DIVISION 2. LICENSE*

Sec. 10-482. License required.

No person shall keep, conduct or maintain any building, structure, yard, or place for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly or continually, any old cloth, rags, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, motor vehicles or parts thereof, or other articles which from their worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk, whether with a fixed place of business or as an itinerant buyer, without first having obtained a license therefor. One carrying on the aforesaid business shall be referred to herein as a junk dealer; provided, however, that no person shall be required to be licensed under this section if it is engaged in the business of storing, piling or shipping processed metal, and provided further that this storing, piling, or shipping of

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

processed metal is not conducted in an area that is contiguous to or adjacent to an operation which is subject to licensing hereunder.
(Code 1980, § 20.12(B))

Sec. 10-483. Application.

Anyone desirous of obtaining a license to engage in the business of junk dealer shall file with the City Clerk a receipt of the Director of Finance/Treasurer showing the payment of the license fee and a written application upon a form prepared and provided by the City, signed by the applicant or applicants, which shall contain an agreement that the applicant will accept the license, if granted, upon the condition that it may be suspended for cause at any time by the Council. Such application shall state:

- (1) The names and residences of the applicant if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.
- (2) The length of time such applicant, if an individual, partnership, or the manager or person in charge, if the applicant is a firm or corporation, has resided in the City, the applicant's places of previous employment, whether the applicant, and, if so, what offense, when, and in what court.
- (3) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.
- (4) The premises where such business is to be located or carried on.

(Code 1980, § 20.12(D))

Sec. 10-484. License fee.

(a) Every person who conducts business as a junk dealer shall pay an annual license fee in the amount established by resolution.

(b) Any itinerant junk dealer shall pay an annual license fee in the amount established by resolution.
(Code 1980, § 20.12(C))

Sec. 10-485. Inspection.

The City Clerk shall report every application made pursuant to the preceding subsection to the Chief of Police, Department of Planning and Development, Fire Chief and County Health Officer, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules, and regulations. The reports of the Chief of Police, Department of Planning and Development, Fire Chief and County Health Officer shall be in writing and shall be delivered to the Council prior to that time that such applications are considered.

(Code 1980, § 20.12(E))

Sec. 10-486. Issuing license.

Upon the filing of an application as provided in section 10-483, the Council may, upon its approval of such application, after the investigation provided for in section 10-485 has been made, order the issuance of a license to engage in the businesses described in section 10-482. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the junk business, the date of issuance and expiration of the license, and the name and address of the licensee. All applications for license shall be filed no less than 15 days prior to the meeting of the proper Council Committee and shall only be acted upon after the inspection and report as provided for in section 10-485. All licenses shall be issued for a one year period and expire June 30 of each year, unless revoked or suspended.

(Code 1980, § 20.12(H))

Sec. 10-487. Second application.

No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection, unless such applicant can show that the reason for such rejection no longer exists.

(Code 1980, § 20.12(I))

Sec. 10-488. Posting license.

Every holder of junk dealer's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for such license. It shall be unlawful for any person to post such license or to permit it to be

posted upon the premises other than those mentioned in the application, or knowingly deface or destroy any such license.
(Code 1980, § 20.12(J))

Sec. 10-489. Duplicate license.

Whenever a license shall be lost or destroyed, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon the filing of an affidavit setting forth the circumstances of the loss or destruction.
(Code 1980, § 20.12(K))

Secs. 10-490—10-516. Reserved.

ARTICLE XII. RECYCLERS*

DIVISION 1. GENERALLY

Sec. 10-517. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business premises or *premises* means the area of a recycling facility as described in the recycler's license or application for license, as provided for in this article.

Recyclable materials means aluminum containers, corrugated paper or boxes, glass containers, newspapers, office paper, plastic packages, steel containers, magazines or other materials or items such as, but not limited to, batteries, yard waste, appliances or items suitable for recycling if listed in the license application and approved by the Common Council.

Recycler means any person who as a business or for commercial purposes maintains or operates a recycling facility which purchases and processes recyclable materials in order to regain such materials for commercial uses.

***Cross references**—Solid waste, ch. 36; license for solid waste/recycling transfer station, § 36-80.

State law reference—Recycling, Wis. Stat. ch. 287.

Recycling facility means any of the following:

- (1) *Reverse vending machine* is a mechanical device that accepts one or more types of aluminum containers and issues a cash refund. Reverse vending machines include single-fed and bulk-fed. Single-fed machines which resemble soda vending machines in size and appearance will be considered accessory to commercial or industrial uses in administration of this Code. Bulk reverse vending machines are those which accept several containers at once. Because of their size, location requirements and noise concerns, bulk type machines will be treated as recycling pick-up stations for the purpose of this Code.
- (2) *Recycling pick-up stations* means mobile self-contained collection sites. Such facilities shall provide limited day-to-day storage of material in enclosed trucks or trailers. No structures or building with the exception of required screening or bulk-fed reverse vending machines will be allowed. These facilities are typically an accessory use on site and will require a license as provided in this article.
- (3) *Recycling center*. Such facilities include buying or accepting recyclable material from the public, moving it to a shipping container and storing it until shipment. Such recyclable material shall be stored within closed containers or buildings. Such facilities are the principle use of the site. Processing may be allowed subject to noise controls and screening along with express permission by the Council when any license is granted.
- (4) *Recycling processing facility*. A building, business premises or premises used for the collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

(Code 1980, § 20.121(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-518. Health regulations.

The County Health Officer may formulate reasonable rules and regulations relating to the conduct of the business of a recycling business which shall protect the health of the community. No recycler shall violate any such rule or regulations.

Code 1980, § 20.121(N))

Sec. 10-519. Permits to move.

No licensee shall move their place of business from the place designated in the license until a written permit so to do has been secured from the Common Council and the same shall have been endorsed upon the license. All signs required by section 10-521 shall be altered to show the new address.

(Code 1980, § 20.121(K))

Sec. 10-520. Premises requirements.

Any premises and all structures thereon used for the purposes set forth in section 10-555 shall be so situated and constructed that the business of recycling shall be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building or police authorities.

(Code 1980, § 20.121(F))

Sec. 10-521. Marking vehicles.

Each vehicle kept or used by a recycler in the exercise of this business shall be marked on both sides with the name of the business as designated on the license application and "La Crosse, Wisconsin" in plain letters at least two inches high and of such color as to be plainly read at a distance of 60 feet.

(Code 1980, § 20.121(L))

Sec. 10-522. Location and use limitations for recycling facilities.

The following provisions shall apply in the location and use of the various types of recycling facilities:

- (1) *Recycling pick-up station.* A recycling pick-up station may be sited in commercial, local

business, light industrial and heavy industrial districts provided they comply with the following conditions:

- a. Shall be established in conjunction with an existing commercial or industrial use or community service facility which is allowed within the district;
- b. Shall occupy no more than three parking spaces or 500 square feet, not including space that will be periodically needed for removal of materials or exchange of containers;
- c. Shall be set back at least 40 feet from any street right-of-way unless such set back restriction is waived by the Council and shall not obstruct pedestrian or vehicular circulation;
- d. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the local Public Health Official and Fire Department;
- e. Shall use no power-driven processing equipment except for bulk reverse vending machines unless expressly permitted by the Council;
- f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and will be of a capacity sufficient to accommodate materials collected during the collection schedule;
- g. Shall store all recyclable material in containers and shall not leave materials outside of containers when attendant is not present;
- h. Shall be maintained free of litter and any other undesirable materials which are removed at the end of each collection day;
- i. Shall not exceed noise levels of 60 dBA as measured at the property line;
- j. Attended facilities located within 100 feet of a property zoned or occupied

for residential use will operate only during the hours between 8:00 a.m. and 7:00 p.m.;

- k. Containers for the 24-hour donation of materials shall be at least 100 feet from any property zoned or occupied for residential use unless there is an acoustical shielding between the containers and the residential use or unless this restriction is waived by the Common Council and such recycling pick-up station is maintained by a governmental entity;
 - l. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no materials will be left outside the recycling enclosure or containers;
 - m. Recycling facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is more restrictive, for each side of the facility which faces a street or parking area. Directional signs, bearing no advertising message may be installed with the approval of Department of Planning and Development if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;
- (2) *Recycling center.* A recycling center may be permitted on property not accessory to a principle use, and which may have a permanent building. Such facility may be a permitted use in industrial districts and in local business and commercial districts with a conditional use permit; provided the facility meets the following standards:
- a. The facility does not abut a property zoned or planned for residential use;
 - b. The facility shall be screened from the public right-of-way by operating in an enclosed building; or:
 - 1. In an area enclosed by an opaque fence at least six feet in height with landscaping;

- 2. At least 150 feet from property zoned or planned for residential use except as otherwise approved by the City Council; and
- 3. Meets all applicable noise standards in this subsection;

- c. Setbacks shall be those provided for the zoning district in which the facility is located;
 - d. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire Department. No storage shall be visible above the height of the fencing;
 - e. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;
 - f. Stacking space shall be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials;
 - g. One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements for employees will be provided as required by section 115-393;
 - h. Noise levels shall not exceed 60 dBA as measured at the property line of any nearby residentially zoned property;
 - i. If the facility is located within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m., unless approved by the Council;
- (3) *Recycling processing facilities.* A processing facility is permitted in heavy industrial districts with site plan approval. A processing facility shall meet the following conditions:
- a. The facility does not abut a property zoned or planned for residential use;

- b. Shall be enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages unless such requirement is waived by the Common Council at the time of application;
 - c. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
 - d. All exterior storage of material shall be in sturdy containers or fenced enclosures which are secured and maintained in good condition unless otherwise waived by the Common Council provided such exterior storage is neat and sanitary. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire Department. No storage shall be visible above the height of any required fencing;
 - e. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;
 - f. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten customers or the peak load, whichever is higher;
 - g. One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as provided as stated in section 115-393;
 - h. Noise levels shall not exceed 60 dBA as measured at the property line of nearby residentially zoned or occupied property;
 - i. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
- (4) *Reverse vending machine.* A reverse vending machine may be permitted in the local business, commercial, commercial business, light industrial and heavy industrial districts. (Code 1980, § 20.121(O))
- Sec. 10-523. Miscellaneous.**
- (a) No recycler shall carry on business at or from any place other than the one designated in the license, nor shall said business be carried on after such license has been revoked or has expired.
- (b) No recycler shall make any purchase from any person or receive any articles between 10:00 p.m., and 6:00 a.m. except through reverse vending machine.
- (c) The contents of the premises of any recycler shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every recycler shall be subject to inspection by the proper municipal authorities at any time.
- (d) Any recycler who shall have or receive any goods, articles, or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer. Code 1980, § 20.121(M))
- Secs. 10-524—10-554. Reserved.**
- DIVISION 2. LICENSE*
- Sec. 10-555. License required.**
- No person shall keep, conduct or maintain any building, business premises, premises or structures for keeping, storing or piling in commercial quantities recyclable materials without first obtaining a recycling license. (Code 1980, § 20.121(B))
- ***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 10-556. Application.

Anyone desiring of obtaining a license to engage in the business of recycling shall file with the City Clerk a receipt of the Director of Finance/Treasurer showing the payment of the license fee and a written application upon a form prepared and provided by the City, signed by the applicant or applicants, which shall contain an agreement that the applicant will accept the license, if granted, upon the condition that it may be suspended for cause at any time by the Council. Such application shall state:

- (1) The names and addresses of the applicant and the names of the principal officers and their residences, if the applicant is a corporation.
- (2) The name of the manager or person in charge, if the applicant is a firm, or corporation, or individual that does not reside in La Crosse County.
- (3) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.
- (4) The premises where such business is to be located or carried on.
- (5) List of all violations of state or local laws, ordinances or regulations within the last five years.

(Code 1980, § 20.121(D))

Sec. 10-557. License fee.

Recycling facilities shall be subject to annual license fees in the amount established by resolution. (Code 1980, § 20.121(C))

Sec. 10-558. Inspection.

The City Clerk shall report every application made pursuant to the preceding subsection to the Chief of Police, Department of Planning and Development, Fire Chief and County Health Officer, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules, and regulations. The reports of the Chief of Police, Department of Planning and Development, Fire Chief and County Health Officer shall

be in writing and shall be delivered to the Council prior to that time that such applications are considered.

(Code 1980, § 20.121(E))

Sec. 10-559. Issuing license.

Upon the filing of an application as provided in section 10-556, the Council may, upon its approval of such application, after the investigation provided for in section 10-558 has been made, order the issuance of a license to engage in the business described in sections 10-517 and 10-555. All licenses shall state clearly the location of the recycling business, the date of issuance and expiration of the license, and the name and address of the licensee. All applicants for license shall be filed no less than 15 days prior to the meeting of the proper Council Committee and shall only be acted upon after the inspection and report as provided in section 10-558. All licenses shall be issued for a one-year period and expire on June 30 of each year.

(Code 1980, § 20.121(G))

Sec. 10-560. Second application.

No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection, unless the applicant can show that the reason for such rejection no longer exists.

(Code 1980, § 20.121(H))

Sec. 10-561. Posting license.

Every holder of a recycler's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for such license. It shall be unlawful for any person to post such license or to permit it to be posted upon the premises other than those mentioned in the application, or knowingly deface or destroy any such license.

(Code 1980, § 20.121(I))

Sec. 10-562. Duplicate license.

Whenever a license shall be lost or destroyed, a duplicate license in lieu thereof under the original

application shall be issued by the City Clerk upon the filing of an affidavit setting forth the circumstances of the loss or destruction.
Code 1980, § 20.121(J))

Secs. 10-563—10-587. Reserved.

ARTICLE XIII. PUBLIC VEHICLES FOR HIRE*

DIVISION 1. GENERALLY

Sec. 10-588. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driver means a person who holds a valid operator's license to drive a public passenger vehicle as authorized by this article.

Limousine means a large, luxurious chauffeur-driven automobile used to transport passengers on a prereserved basis with a partition between the driver and passengers.

Meter taxicab means a public vehicle so designated under section 10-591(a)(1) and equipped with a taximeter for the purpose of registering the fare charged upon the basis of the time and distance traveled.

Operator's license means a license issued by the City in accordance with the provisions of this article to operate a public passenger vehicle.

Pedal-cab means a multiwheeled, hooded or unhooded, vehicle that is propelled by human power and is used to convey passengers and is available for hire in the public way.

Public passenger vehicle means any motor vehicle or pedal-cab that is used for the conveyance of passengers for hire.

Public way means any public street, road, boulevard, alley, lane, highway, or sidewalk; and including

***Cross references**—Parks, recreation, boulevards and other public places, ch. 34; streets and sidewalks, ch. 40; traffic and vehicles, ch. 44.

State law reference—Authority relative to taxicabs, Wis. Stat. § 349.24.

those portions of any public place under the control of the public or County which have been designated for use by motor vehicles.

Rest period means a continuous uninterrupted period of time, lasting at least eight hours, during which the driver does not drive a public passenger vehicle.

Scanner means an FM radio receiving device capable of operating in public taxicab radio bands.

Taximeter means a mechanical or electrical device which accurately records and indicates a charge or fare calculated according to distance traveled, waiting time, traffic delay, initial charge, and other charges authorized by this article or by rule, or any combination of any of the foregoing, and which records other data.

Zone taxicab means a public passenger vehicle, so designated on the permit, that operates on the zone system of charges established in accordance with the provisions of section 10-591(a)(2).
(Code 1980, § 20.16(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-589. Condition of vehicles for public conveyance.

(a) Each motored public passenger vehicle shall be kept and maintained in a safe and reliable condition and the following mechanical devices intact and in sound working condition:

- (1) All headlamps, tail lights, emergency blinkers and turn signals shall be operable and in good working condition.
- (2) Each vehicle shall be equipped with a dome light mounted above the top line of the windshield.
- (3) Each motor vehicle shall have a heater, defroster and permanently installed air conditioning system that is in good working condition.
- (4) All hood, trunk and door latches shall be in proper working order.
- (5) All windows shall be in proper working order and free of unsafe chips and cracks. There shall be no obstructions to normal vision by the driver.

- (6) Operable and easily accessible safety belts for use by each person in the motor vehicle.
- (7) The windshield wipers shall be in proper working order and the blades shall be free of defects.
- (8) The horn shall be in sound working condition and be of the standard type for each motor vehicle.
- (9) Door handles, arm rests and window handles must be clean and intact.
- (10) The muffler, tailpipe and crossover pipe shall be securely connected and free of holes and punctures.
- (11) Each motor vehicle shall be properly equipped with both a front and rear bumper and fenders.
- (12) The tire-tread depth shall not be less than $\frac{2}{32}$ of an inch and each tire shall be free of cuts or breaks in the sidewall. Each tire shall be of the type approved for use as original equipment. No tire shall extend beyond the outer fender wall.

(b) To ensure the safe condition of all motor vehicles, the applicant must present to the City Clerk a certificate of inspection as to the mechanical condition of the automobile signed by an Automotive Service Excellence (A.S.E.) Certified Technician (other than vehicle owner). Such vehicles shall also be subject to further inspection by the Wisconsin Department of Motor Vehicles, as may be required by the Police Department, in order to determine whether there are any violations of Wisconsin motor vehicle equipment regulations or statute. If any public passenger vehicle fails to pass a regular or special inspection, it shall be removed from service until such time as it has passed inspection.

(c) Each pedal cab shall be kept and maintained in a safe and reliable condition and be equipped with the following devices in sound working order:

- (1) Head light, tail light and reflectors.
- (2) Strong wheels with rims being sound and secure and no excessive wear on tires.
- (3) Front and rear brakes.
- (4) Horn or bell for auto signaling.

(d) Pedal cabs shall be inspected daily for wear and tear and any adjustments/repairs to pedal cabs must be made before transporting passengers.

(e) Each public passenger vehicle shall be kept and maintained in sanitary condition and well painted to match the rest of the vehicle. The interior of vehicles shall be free of trash and refuse and free of odor. Seats shall be kept clean and free of stains; tears and holes shall be repaired. The trunk shall be clean and free of any grease, trash or refuse.

(f) The licensee shall maintain maintenance records for all public passenger vehicles under the licensee's operation or control, including, but not limited to, records of all tests of brakes, tires, steering wheels, mechanical parts, and lighting equipment and shall make said records available to the City upon request.

(g) Any police officer of this City, County, or State, may, at all reasonable times, inspect any public passenger vehicle licensed under this article and may prohibit the use of any vehicle which is unsafe, not in proper repair or not in compliance with this or other relevant ordinances or State law.

(h) Licensee shall promptly notify the City Clerk within five business days of any accident involving a licensed motor vehicle. If such vehicle sustains body or mechanical damage, said vehicle is subject to a re-inspection by an A.S.E. certified technician and a new certificate shall be filed with the City Clerk's Office.

(Code 1980, § 20.16(F))

Sec. 10-590. Insurance coverage required.

It shall be unlawful to operate a vehicle for conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant files with the City evidence that insurance has been obtained in accordance with section 2-2.

(Code 1980, § 20.16(G))

State law reference—Insurance, Wis. Stat. § 194.41.

Sec. 10-591. Rates.

(a) No license granted under this article shall have any force or effect unless the licensee files with the City Clerk, at the time of application, a schedule

of rates to be charged during the license year using any of the following manners of rate setting under the regulations set forth herein:

- (1) *Metered rates.* A public passenger vehicle may use a taximeter to determine the cost of service, subject to the following regulations:
 - a. The taximeter shall be fastened in front of the passengers, readily visible at all times, day and night.
 - b. The taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism.
 - c. The taximeters shall be sealed at all points and connections to prevent manipulation which would affect their correct reading and recording.
 - d. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the flag of such taximeter into a nonrecording position at the termination of each trip.
 - e. Said taximeters shall be subject to inspection from time to time by the Police Department. Any police officer is hereby authorized, with or without complaint, to inspect any meter. Upon discovering any inaccuracy, operation of that vehicle shall cease until the taximeter is repaired and in the required working condition.
 - f. Metered vehicles must take the shortest, most direct route to a certain destination, unless the passenger approves a different route.
 - g. Any patron who first engaged service in a meter vehicle shall receive individual service unless the passenger requests or agrees that one or more additional passengers be carried.
- (2) *Zone rates.* A public passenger vehicle may use zone rates to determine the cost of

service. The licensee shall establish said zones and submit a map to the City Clerk at the time of application. The operator shall state the rate to the customer prior to commencement of service and shall make available to the passenger prior to hire, the amount of all such charges, including charges for additional stops and other potential costs.

- (3) *Vehicle rental rate.* A public passenger vehicle may be rented on an hourly, daily, or weekly rate or on a per ride basis pursuant to a written contract, which shall contain the time of commencement and termination of rental, a schedule of rates, and an estimate of total charge.

(b) The Common Council may approve or disapprove the proposed rates or may substitute in its discretion a rate or rates, which shall be reasonable under the circumstances. A copy of the rates shall be on file with the City Clerk at all times and no changes may be made without prior Common Council approval.

(c) Each vehicle operated under a license required by this article shall have displayed in a prominent place, visible to passengers, the approved schedule of rates, including charges for additional stops, waiting periods, and other potential charges. It shall be unlawful for any owner or operator to charge or permit to be charged any other or different rates of fares than those listed on such schedule.
(Code 1980, § 20.16(H))

Sec. 10-592. Vehicle markings.

All public passenger vehicles shall be appropriately marked as required herein. Vehicles not in compliance with these requirements shall not be used for conveying passengers.

- (1) *Interior marking.* Each vehicle shall be marked on the interior with the name or trade name of owner, vehicle license number, vehicle permit number and type of permit, and current rate of fares.
- (2) *Exterior marking.* Each meter or zone taxicab shall be conspicuously and permanently marked on the right and left exterior sides with the name or trade name of owner. Such

letters and numbers not to be less than 1½ inches in height and of contrasting color from the background paint.

- (3) *License identification decal.* All public passenger vehicles to be operated under this article shall bear a license identification decal designed and furnished by the City Clerk. The license decal shall be displayed upon the vehicle at all times on the left side rear bumper of the vehicle so as to be plainly visible at all times. If a license decal is lost or destroyed, the licensee shall secure a duplicate thereof by applying to the City Clerk and paying a duplicate decal fee in the amount established by resolution.

(Code 1980, § 20.16(J))

Sec. 10-593. Operator's license.

(a) No person shall operate any vehicle requiring a license under this article without having first obtained an operator's license. Application for such operator's license shall be made to the City Clerk. The application shall contain the following information from the applicant:

- (1) Full name, address, and phone number;
- (2) Age, date of birth, and place of birth;
- (3) Height, weight, and color of eyes and hair;
- (4) Company employed by;
- (5) Driver's license number; and
- (6) Statement as to whether applicant has been convicted of any crime or ordinance violation, the nature of the offense, and the place of conviction.

(b) Any such persons must be at least 18 years of age, have a valid driver's license issued by the state in which they reside, and be eligible to drive in Wisconsin.

(c) Any such person shall be clean in dress and person and be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, tuberculosis or any other infirmity of body or mind which might render such person unfit for the safe operation of the vehicle.

(d) Such license shall be valid until January 1 of the second year subsequent to the issuance thereof.

(e) At the time of such application for said license, the applicant shall pay a nonrefundable license fee in the amount established by resolution. If an operator's license is lost, the licensee shall secure a duplicate thereof by applying to the City Clerk and paying a duplicate license fee in the amount established by resolution.

(f) An operator shall be deemed to be operating a vehicle within the terms of this article whenever the operator is in charge of a vehicle and holding the operator in readiness to convey passengers. Such operator shall have and keep their operator's license displayed within clear view of all passengers.

(g) No operator's license shall be issued unless the Chief of Police has certified that the Chief has examined the applicant as to qualifications as a driver of an automobile for hire in the City and finds that the applicant meets the necessary qualifications for such.

(h) The Chief of Police may revoke any operator's license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the driver's character, reputation, or moral standing.

(i) Upon denial or revocation, notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary and Administration Committee. The Judiciary and Administration Committee shall make findings and a recommendation to the Common Council.

(j) The provisions of subsection (i) of this section shall not apply to summary suspensions. A licensee may appeal a summary suspension to the Judiciary and Administration Committee, and the decision of the Judiciary and Administration Committee shall be final.

(Code 1980, § 20.16(N))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 10-594. Miscellaneous requirements.

(a) Failure to provide the service proposed to be performed, or failure to comply with any of the provisions of this article, shall subject the licensee to the penalties provided by section 10-659.

(b) No person engaged in the business of carrying passengers for hire or reward shall unreasonably or unlawfully refuse to carry passengers to or from any part of the City with reasonable promptness and at the rates fixed in the license to operate.

(c) Upon demand, the operator shall provide the person paying for the hiring of the public vehicle a receipt at the time of payment in legible type or writing containing the business name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment.

(d) No licensee or person driving a public vehicle shall carry or permit to be carried in any such vehicle more than the number of persons specified in the license applicable to such vehicle.

(e) Every driver of a public passenger vehicle shall have at least one rest period, as defined in section 10-588, in every 24-hour period. No licensee may permit its drivers, whether employees or contractors, to violate this provision.

(f) It shall be unlawful for any driver of a taxicab to use or operate a scanner or other device in said vehicle to monitor the calls of another company for the purpose of taking the other company's calls.

(g) Open intoxicants are prohibited. No bottle or receptacle containing alcohol beverages shall be kept in the passenger compartment of the vehicle if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed. A utility compartment or glove compartment is considered to be within the passenger compartment. This subsection does not apply to passengers in a limousine or motor bus if the vehicle is operated by a chauffeur holding a valid license in accordance with Wis. Stat. § 346.935(4)(b).

(h) Repair and maintenance of public vehicles in residential areas is prohibited.
(Code 1980, § 20.16(I))

Secs. 10-595—10-621. Reserved.

DIVISION 2. VEHICLE LICENSE*

Sec. 10-622. License required.

(a) No person shall operate a public vehicle for the conveyance of passengers for hire or reward without having first obtained a license for such vehicle therefor from the City.

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

(b) Exemptions. The following vehicles shall be exempt from the regulations of this article:

- (1) Vehicles that operate over a regular route or between fixed termini, including inter-city bus transportation or school bus transportation whether by fixed route or by charter service;
- (2) Municipally owned vehicles or vehicles operated under the authority or contract of any governmental agency;
- (3) Vehicles that are rented to be driven by the renter or the renter's agent, commonly known as rent-a-cars;
- (4) Vehicles operating solely as funeral cars or ambulances;
- (5) Vehicles used for courtesy rides to customers;
- (6) Vehicles with passenger-carrying capacities of 16 or greater (including driver) that have both a valid USDOT and MC number cars or ambulances.

(c) No person licensed under this article shall allow any person to drive any vehicle licensed in the name of said person unless said driver has first obtained an operator's license as hereinafter provided in section 10-593.

(Code 1980, § 20.16(A))

Sec. 10-623. Application.

(a) Any person wishing to obtain a license to engage in the business of conveying passengers for hire or reward in the City shall present to the City Clerk a written application accompanied by the license fee established in section 10-624(a) and proof of liability insurance coverage as required in section 10-590.

(b) The application shall contain the following information:

- (1) Name, address, and phone number of business;
- (2) Full name, address, phone number, and date of birth of owner;
- (3) Statement as to whether applicant has been convicted of any crime or ordinance violation, the nature of the offense, and the place of conviction;

- (4) The method of charging and schedule of rates;
- (5) The number of vehicles to be licensed;
- (6) A description of each vehicle by factory number, year, make, and model; as well as provide a photocopy of the title (or application for title transfer) and registration for each vehicle which shall be in the name of the business/owner;
- (7) Number of persons the vehicle is designed to carry;
- (8) Number of the state license under which the vehicle is operated;
- (9) Name of the insurance carrier, policy number, and amount of insurance carried;
- (10) Zoning district of the location where the business, public vehicle storage and maintenance will be located.

(Code 1980, § 20.16(D))

Sec. 10-624. Fee and miscellaneous restrictions.

(a) Every person required to be licensed by section 10-622 shall pay an annual license fee in the amount established by resolution per vehicle so operated. The fee to be paid for a duplicate license shall be as established by resolution.

(b) The license for any public passenger vehicle shall annually expire on December 31 unless sooner revoked or suspended.

(c) No new public passenger vehicle permit shall be issued to any vehicle of model years greater than ten years old at the time of application.

(d) Any vehicle which has ever been issued the title class of "salvage," "rebuilt," "junk," "total loss" or an equivalent classification is not eligible for operation as a vehicle for hire.

(Code 1980, § 20.16(C))

Sec. 10-625. Granting and issuing license.

(a) Upon the filing of such application with the City Clerk and determination by the Chief of Police that said applicant qualifies for a license under this section, the Common Council shall either grant or deny such license, whichever shall in its judgment appear in the interests of the public. If the Common

Council approves the granting of the license, the applicant shall, upon complying with all of the provisions of this article, be entitled to and shall receive from the City Clerk a written license authorizing such person to carry on the business of conveying passengers for hire. The City Clerk may license additional public passenger vehicles of the licensee hereunder upon compliance with sections 10-589 and 10-623.

(b) No vehicle license shall be transferable from the vehicle described in the original application to another vehicle. If at any time during the course of the license year, a licensed vehicle is removed from the fleet and is replaced with a new vehicle, said new vehicle shall be subject to compliance of sections 10-589, 10-623 and 10-624.

(Code 1980, § 20.16(E))

Sec. 10-626. Revision of license.

The Common Council may, after due hearing thereon and pursuant to notice to all interested parties, while any license required by this article is in full force and effect, change such license or licenses by inserting therein additional terms or conditions or schedules of changes in the rates as may, to the Common Council, appear to be for the public good.

(Code 1980, § 20.16(K))

Sec. 10-627. Denial, suspension, or revocation of license.

(a) The Common Council may deny, revoke, or suspend any license for reasons which it deems to be for the best interest of the City or if the licensee lacks the necessary qualifications for the license. In addition, it may suspend or revoke any license because of the conduct of any licensee, their employee or agent, or any driver who threatens the public safety or welfare, provokes or tends to provoke violence, defrauds or attempts to defraud, attempts to default or overcharge any person or passenger, fails to furnish adequate and timely service, or determines that the licensee has violated a State statute or City ordinance.

(b) The Chief of Police may revoke any license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the applicant's necessary qualifications.

(c) Notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary and Administration Committee. The Judiciary and Administration Committee shall make findings and a recommendation to the Common Council.

(d) The provisions of subsection (c) of this section shall not apply to summary suspensions for failure to provide proof of insurance, mechanical defect in a vehicle that renders it unsafe, or failure to submit a vehicle to an inspection. A licensee may appeal a summary suspension to the Judiciary and Administration Committee, and the decision of the Judiciary and Administration Committee shall be final.

(Code 1980, § 20.16(L))

Secs. 10-628—10-657. Reserved.

ARTICLE XIV. HORSE-DRAWN VEHICLES*

DIVISION 1. GENERALLY

Sec. 10-658. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Horse-drawn vehicle means any surrey, carriage, wagon, cart or similar device which is pulled by one or more horses, for any purpose, which is operated upon any public property or right-of-way.

Operator means a person who is at least 18 years of age and holds a valid driver's license.

Person means a natural person, firm, partnership, corporation, association, company, or any group of individuals acting together for a common purpose.

Public right-of-way means any public street, road, boulevard, alley, lane, highway, or sidewalk, and in-

***Cross references**—Parks, recreation, boulevards and other public places, ch. 34; streets and sidewalks, ch. 40; traffic and vehicles, ch. 44.

cluding those portions of any public place under the control of the public or County which have been designated for use by motor vehicles.

(Code 1980, § 20.23(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-659. Penalties.

Any person, firm, or corporation violating any provision of this article shall be subject to a forfeiture of not less than \$25.00 and not more than \$100.00, together with the costs of prosecution, for each and every offense. In addition to the forfeiture and costs authorized by this article for violations thereof, any licensee shall be subject to the suspension or revocation of a license by the court upon conviction for any violation of this article.

(Code 1980, § 20.23(L))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 10-660. Condition of vehicles.

(a) Licensees under this article shall keep all permitted vehicles in a clean and sanitary condition at all times and shall keep the vehicle in proper repair and maintenance. Said licensee shall ensure that all horse-drawn vehicles be equipped to ensure that the vehicles and horses shall at all times be under the control of the licensee, with safety measures taken so that any key parts to the vehicle will not accidentally loosen, nor will the horse break away.

(b) Vehicles shall be in compliance with Wis. Stat. ch. 347 with respect to lamps, identification emblems, and slow-moving vehicle signs.

(c) Any police officer of this City, County, or State, may, at all reasonable times, inspect any horse-drawn vehicle licensed under this article and may prohibit the use of any vehicle which is unsafe, not in proper repair or not in compliance with this article or other relevant ordinances or State law.

(Code 1980, § 20.23(F))

Sec. 10-661. Rates.

No license granted under this article shall have any force or effect unless the licensee files with the City Clerk, at the time of application, a schedule of rates to be charged during the license year.

(Code 1980, § 20.23(H))

Sec. 10-662. Rules for operation.

(a) An operator of any horse-drawn vehicle shall not permit more than one passenger to sit alongside the operator while the operator is engaged in the operation of the horse-drawn vehicle service. Only the licensee and/or an employee of the licensee shall be permitted to drive a horse-drawn vehicle.

(b) The horse and/or vehicle shall be equipped with a sanitation device to ensure no fecal matter of the animal falls to the street. Should any fecal matter fall to the street, the operator shall take immediate steps to remove the same.

(c) For each horse that will be pulling a permitted vehicle, the licensee shall provide to the City Clerk a current veterinary certification that the animal is in good health, free from infectious disease, and is fit for horse-drawn vehicle service. No animal shall be used to draw a horse-drawn vehicle without such a certificate of soundness, certified and dated within any preceding six-month period.

(d) Licensee shall ensure adequate rest periods, feeding schedules, health and related animal performance and well-being for each horse under the licensee's ownership, care, or control. This responsibility shall include vehicle load limits, hours of operation, and daily hours of animal usage, except that no animal shall be required to work more than ten hours in any 24-hour day.

(e) No animal shall be left unattended while in service.

(f) No operator shall operate a permitted vehicle in such a manner as to unduly obstruct traffic or to constitute a nuisance to other vehicles and pedestrians.

(g) Operators shall obey the rules of the road for motor vehicles with respect to the operation and parking of motor vehicles.

(Code 1980, § 20.23(l))

Secs. 10-663—10-682. Reserved.

DIVISION 2. VEHICLE LICENSES AND PERMITS*

Sec. 10-683. License required.

No person shall operate a horse-drawn vehicle for the conveyance of passengers for hire or ceremonial

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

processions (except for participation in a licensed parade and funeral processions) without having first obtained a license for such vehicle from the City. (Code 1980, § 20.23(A))

Sec. 10-684. Application.

(a) Any person wishing to obtain a license to operate a horse-drawn vehicle in the City shall present to the City Clerk a written application accompanied by the license fee established in section 10-686 and proof of liability insurance coverage as required in section 10-687.

(b) The application shall contain the following information:

- (1) Name, address, phone number, and date of birth of owner;
- (2) Statement as to whether applicant has been convicted of any crime or ordinance violation;
- (3) Number and type of vehicles to be licensed;
- (4) Number of persons the vehicle is designed to carry;
- (5) Procedures to be taken for ensuring that public right-of-way will be kept clean of fecal matter;
- (6) Lights and safety equipment which will be used;
- (7) Method of charging and schedule of rates;
- (8) Name of the insurance carrier, policy number and amount of insurance carried.

(Code 1980, § 20.23(D))

Sec. 10-685. Granting and issuing.

(a) *Annual license.* Upon the filing of such application, the City Clerk shall submit a copy of the application to the Director of Public Works, Traffic Engineer, and Chief of Police for report and recommendation. The Common Council shall either grant or deny such license, whichever shall in its judgment appear in the interests of the public. If the Common Council approves the granting of the license, the applicant shall, upon complying with all of the provisions of this article, be entitled to and shall receive from the City Clerk a written license authorizing such person to carry on the business of operating a horse-

drawn vehicle. The City Clerk may license additional vehicles of the licensee hereunder upon compliance with the provisions of this article.

(b) *Daily permits.* Applications for a Daily Permit shall be made in writing and be filed with the City Clerk who may issue the same after appropriate review by the Director of Public Works, Traffic Engineer, and Chief of Police. Said application shall be filed with the City Clerk not less than five days prior to the issuance of said license. The City Clerk may revoke the license if the City Clerk discovers that the holder of the license made a false statement on the application or is not otherwise qualified.
(Code 1980, § 20.23(E))

Sec. 10-686. Fee, term and daily permits.

(a) Every person required to be licensed by section 10-683 shall pay an annual license fee in the amount established by resolution for up to three vehicles.

(b) The license for any horse-drawn vehicle shall annually expire on December 31 unless sooner revoked or suspended.

(c) *Daily permit.* Daily, nonrefundable permits shall be issued by the City Clerk to eligible applicants who make proper application to the City Clerk, provide adequate proof of insurance, and tender the full application fee.

- (1) *Term.* The permit shall be for one calendar day, as designated.
- (2) *Fee.* The permit fee shall be in the amount established by resolution.
- (3) *Vehicle.* Each vehicle shall require a separate permit.

(Code 1980, § 20.23(C))

Sec. 10-687. Insurance coverage required.

No license shall be issued under this section until the applicant furnishes evidence of insurance in accordance with section 2-2.
(Code 1980, § 20.23(G))

Sec. 10-688. Revision of license.

The Common Council may, after due hearing thereon and pursuant to notice to all interested parties, while any license required by this article is in full

force and effect, change such license or licenses by inserting therein additional terms or conditions as may, to the Common Council, appear to be for the public good.
(Code 1980, § 20.23(J))

Sec. 10-689. Denial, suspension, or revocation of license.

(a) The Common Council may deny, revoke, or suspend any license for reasons which it deems to be for the best interest of the City or if the licensee lacks the necessary qualifications for the license. In addition, it may suspend or revoke any license because of the conduct of the licensee, their employee or agent, or any operator who threatens the public safety or welfare, provokes or tends to provoke violence, defrauds or attempts to defraud, attempts to default or overcharge any person or passenger, fails to furnish adequate and timely service, or determines that the licensee has violated State statute or City ordinance.

(b) The Chief of Police may revoke any license for repeated violations of traffic laws or ordinances or of any ordinance or law that might reflect adversely on the applicant's necessary qualifications.

(c) Notice shall be given to the licensee who shall be afforded an opportunity to have the matter heard before the Judiciary and Administration Committee. The Judiciary and Administration Committee shall make findings and a recommendation to the Common Council.

(d) The provisions of this section shall not apply to summary suspensions for failure to provide proof of insurance, mechanical defect in a vehicle that renders it unsafe, or failure to subject a vehicle to an inspection. In the event of a summary suspension, a licensee may appeal said suspension to the Judiciary and Administration Committee and any decision of the Judiciary and Administration Committee shall be final.

(Code 1980, § 20.23(J))

Secs. 10-690—10-706. Reserved.

ARTICLE XV. CLOSE-OUT SALES**DIVISION 2. LICENSE*****DIVISION 1. GENERALLY****Sec. 10-707. Penalty.**

The penalty for violating the provisions of this article shall not be less than \$100.00 plus the cost of prosecution, including any State-imposed assessment.

(Code 1980, § 20.20(I))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 10-708. Duties of licensee.

A license hereunder shall:

- (1) Adhere to inventory; make no additions whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.
- (2) Advertise properly; refrain from employing any untrue, deceptive or misleading advertising.
- (3) Adhere to advertising; conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.
- (4) Keep duplicate inventory; keep available at the place of sale a duplicate-copy of the inventory submitted with the application and present such duplicate to inspecting officials upon request.
- (5) Segregate non-inventoried goods; keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale appraising the public of the status of all such goods.
- (6) Refrain from advertising by any means comparative prices of goods offered for sale, or percentages of any discounts offered on sale goods.

(Code 1980, § 20.20(G))

Secs. 10-709—10-729. Reserved.**Sec. 10-730. License required.**

It shall be unlawful for any person to advertise, offer to sell to the public or conduct any sale to the public of goods, wares, or merchandise on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location, or that the sale is being held other than in the ordinary course of business. Without limiting the generality of the above, close-out sales shall include any sale advertised either specifically or in substance to be a "fire sale"; "smoke and water damage sale"; "adjustment sale"; "creditor's sale"; "trustee's sale"; "bankrupt sale"; "save us from bankruptcy sale"; "insolvent sale"; "insurance salvage sale"; "mortgage sale"; "assignee's sale"; "adjuster's sale"; "must vacate sale"; "quitting business sale"; "receiver's sale"; "loss of lease sale"; "forced out of business sale"; "creditor's committee sale"; "wholesalers close-out sale"; "liquidation sale"; or "removal sale"; without first securing from the City Clerk a license so to do. Such license shall be known as a "close-out sale license." The provisions of this article shall not be applicable to trustees in bankruptcy, executors, administrators, receivers or public officers acting under judicial process.

(Code 1980, § 20.20(A))

Sec. 10-731. Application for license.

Any person desiring to conduct a close-out sale shall make written application to the City Clerk at least 15 days prior to the date on which said sale is to commence, on blanks furnished by the City Clerk and verified by the applicant before a person authorized to administer oaths. Each application shall contain the following information and such other information as the City Clerk may deem necessary:

- (1) The name and address of the owner of the goods, wares or merchandise to be the object of the sale and if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale.
- (2) A description of the place where such sale is to be held.

***Cross reference**—Persons indebted to City not to be issued permit, license or lease, § 2-292.

- (3) The nature of the occupancy of the place where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.
- (4) A full and complete statement of the facts regarding the closeout merchandise sale, including the reason why such sale is being conducted, the manner in which such sale will be conducted and the commencement and termination date of such sale.
- (5) The means to be employed in advertising such sale, together with the content of any proposed advertisement.
- (6) A complete and detailed inventory of the goods, wares and merchandise to be offered for sale as disclosed by the applicant's records. Said inventory shall be attached to and become a part of the required application.
- (7) The place where such stock was purchased or acquired and the terms and conditions of such acquisition; and in the case of stock placed upon the premises within 90 days prior to such sale, the time of acquisition of such stock.
- (8) A statement that all goods included in such inventory were purchased by the applicant for resale on bona fide orders without cancellation privileges and not goods purchased on consignment, or goods ordered in contemplation of conducting a close-out sale as defined herein. Any unusual purchases, or additions to the stock of goods of the business hereby affected within 90 days before the filing of an application shall be deemed to be of such character.

(Code 1980, § 20.20(D))

Sec. 10-732. Restrictions on issuance.

(a) No person who has held a sale as regulated hereunder at a given location shall, within two years last past from the date of such sale be entitled to another license. For purposes of this subsection, a person, members of such person's immediate family, any corporation in which such person or such person's immediate family has a majority interest, or two corporations in which the same person, or mem-

bers of the same immediate family have a majority interest, shall be considered to be the same person.

(b) Any person conducting a sale under the provisions of this article at the conclusion of which sale the business will not cease and be discontinued, shall be required to publish this fact or the qualified nature of the sale with equal prominence with such advertisement of such sale. The fact that the business shall be continued at the same location at the conclusion of the sale shall not exempt the person conducting such sale from the provisions of this article.

(c) A license shall not be granted to any person who has not been the owner of the business identified or described in the application hereunder for a period of at least 12 months prior to the date of the proposed sale.

(d) When a person applying for a license whereunder operates more than one place of business, whether within the City or not, the license issued shall apply only to the one store or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale; nor shall the store or branch transfer merchandise or articles to the store conducting such licensed sale; nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

(e) It shall be unlawful for any person issued a license hereunder to conduct an auction sale in connection with a close-out sale of merchandise as licensed hereunder, except on the last day of such sale.

(Code 1980, § 20.20(C))

Sec. 10-733. Investigation of application; grounds for denial of license.

Upon receipt of the application, the City Clerk shall cause an investigation to be made by the Chief of Police of all the facts contained therein. No license shall be issued if any one or more of the following facts or circumstances are found to exist:

- (1) That the inventory contains goods, wares or merchandise not purchased by the applicant for resale on bona fide orders without cancellation privileges.

- (2) That the inventory contains goods, wares or merchandise acquired by the applicant on consignment.
- (3) That the applicant either directly or indirectly and with two years prior to the date of the filing of the application, conducted a sale in connection with which such applicant advertised or represented that the entire business conducted at the location designated in the application was to be closed out or terminated.
- (4) That the applicant was granted a license hereunder within two years preceding the date of the filing of the application.
- (5) That the applicant has heretofore been convicted of a violation of this article or has had a license issued pursuant to this article revoked within a five-year period immediately preceding the date of the present application for license.
- (6) That the goods, wares or merchandise described in the inventory were transferred or assigned to the applicant for less than an adequate consideration.
- (7) That the inventory contains goods, wares or merchandise purchased by the applicant or added to such applicant's stock in contemplation of such sale and for the purpose of selling the same at such sale. For the purpose of this subsection, any unusual addition to the stock of such goods, wares or merchandise made within 90 days prior to the filing of such application shall be prima facie evidence that such addition was made in contemplation of such sale and for the purpose of selling the same at such sale.
- (8) That the applicant has not been in business at the location described in the application for at least one year prior to the date of the filing of the application.
- (9) That any representation made in said application is not true or any advertisement proposed to be used in connection with said sale is misleading.

(Code 1980, § 20.20(E))

Sec. 10-734. Issuance of license; conditions thereof.

When it appears that all the statements in the application are true and that the proposed sale is of the character represented therein, that the application is in full compliance with the terms and conditions of this article, and that the required license fee has been paid, the City Clerk shall issue a license to the applicant authorizing said applicant to advertise and conduct the sale as described in the application. (Code 1980, § 20.20(F))

Sec. 10-735. License fee.

The fee for the license required by this article shall be as follows: For a period not exceeding 60 calendar days, including Sundays and holidays, the fee shall be in the amount established by resolution. There shall be no extensions or renewals of the 60 calendar day period provided herein. (Code 1980, § 20.20(B))

Sec. 10-736. Revocation of license.

The City Clerk shall revoke any license issued pursuant to the provisions of this article if the Clerk shall find that the licensee has violated any provision of this article, has made any material misstatement in the application, has failed to include in the inventory required by the provisions of this article all of the goods, wares and merchandise being offered for sale, has added or permitted to be added to said sale any goods, wares, or merchandise not described in the original application, or has failed to keep suitable records of said sale. Revocation shall be in addition to other penalties prescribed by this article. (Code 1980, § 20.20(H))

Secs. 10-737—10-755. Reserved.

ARTICLE XVI. DIRECT SELLERS AND TRADE SHOWS

DIVISION 1. GENERALLY

Sec. 10-756. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contribution means a monetary gift (as of money or service) made to some cause; a donation, offering or benefaction.

Direct seller means any person who sells goods and/or services at any location other than a permanent place of business in the City of La Crosse or takes sale orders for the later delivery of goods and shall include, but not be limited to canvassers, peddlers, solicitors and transient merchants.

Goods means and includes personal property of any kind and shall include goods provided incidental to services offered or sold.

Permanent merchant means a person who, for at least six months prior to the consideration of the application of this article to said merchant:

- (1) Has continuously operated an established place of business in the County of La Crosse; or
- (2) Has continuously resided in the County of La Crosse and now does business from the person's residence.

Services means and includes, but not be limited to, any act, work, assistance, advice or consultations provided for another for pay or other consideration.

Solicitor means any person who solicits or asks for contributions for any purpose or engages in an activity to solicit or ask for contributions for any purpose.

Trade show means a gathering of two or more persons operating as direct sellers upon one prem-

ises, location or area, for a period not to exceed seven consecutive days, and that meets all of the following conditions:

- (1) Each merchant occupies a separate sales location and identifies said merchant to the public as a separate merchant;
- (2) The trade show is operated under one name and at one address, and is under the control of the trade show license holder; and
- (3) The trade show license holder collects the information identified in section 10-788(1)(a), (b), (c), (h), (i), and (k) for each direct seller operating under the license.

(Code 1980, § 20.21(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 10-757. Exemptions.

Except as otherwise provided, the following shall be exempt from the provisions of this article:

- (1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (2) Any person selling goods at wholesale to dealers in such goods;
- (3) Any person selling agricultural products which such person has grown so long as said person is licensed with the appropriate State or local agency;
- (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within the City of La Crosse and who delivers such goods in their regular course of business;
- (5) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
- (6) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, on other than a one-time basis, with the prospective customer;

- (7) Any person selling creations of art or craft, whether paintings, drawings, photographs, pottery, other goods or similar works of art, provided that such creations may be sold only by the creating artist and only in locations not otherwise prohibited under this Code. This exemption does not apply to artists selling their crafts during or for purposes of a parade;
- (8) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (9) Any City resident under the age of 19 years selling a product, service, or ticket promoted and sponsored by a school or youth service, religious, nonprofit, or charitable organization located with the County of La Crosse having an individual item cost of \$25.00 or less;
- (10) Any charitable organization registered under Wis. Stat. § 440.42. Any charitable organization not registered under Wis. Stat. § 440.42 shall be required to obtain a license under this section; provided, however, all persons exempt under this subsection shall be required to comply with applicable regulations;
- (11) Any person or member of a trade show, flea market, or convention being held at the La Crosse Center or upon premises for which a trade show license has been issued;
- (12) Any person engaged in political or fundraising activities for a campaign, campaign committee, or political organization duly registered with a Federal, state, county, or city election board;
- (13) Any person selling Christmas trees, wreaths or other fresh greenery associated with the Christmas season;
- (14) Any person licensed as a second-hand article dealer or second-hand jewelry dealer, while dealing in second-hand goods;
- (15) Any person selling goods at a convention for persons of the same profession or related trade or business, not open to the general public, that is substantially informational and educational in nature, and where said seller has been given explicit permission or invitation to sell goods at the convention. Factors that may be considered in determining whether the convention is substantially informational or educational in nature may include, but not be limited to, whether a fee has been charged to attend the event; time and/or space devoted to informational or educational activities; time and/or space devoted to all sales activities; and actual or estimated gross income from all sales activities;
- (16) Any person selling goods at a seminar where such goods are directly related to the content or purpose of the seminar, (i.e., books, tapes, etc.), and that are sold by the person giving the seminar;
- (17) Any person selling goods at a festival, with permission from festival organizers, on premises under the control of festival organizers. The term "festival" includes all community events that are held substantially and primarily for purposes of celebration, entertainment and strengthening of the community. Examples of such events are the events commonly known as Oktoberfest, Riverfest, and Airfest;
- (18) Any person operating an occasional garage or yard sale;
- (19) Any person selling goods at a farmer's market/ flea market, on premises under the control of the farmer's market/flea market organizers, so long as said person is licensed with the La Crosse County Health Department;
- (20) Any City resident offering occasional handyman help, lawn care, or snow removal;
- (21) Solicitation of food or candy with a value of \$30.00 or less during official trick-or-treat hours at Halloween;
- (22) Any person licensed as an Outdoor Food Stand/Mobile Food Unit.

(Code 1980, § 20.21(C))

Sec. 10-758. Regulations and restrictions.

(a) *Hours restricted.* No direct seller/solicitor as herein defined shall go in or upon any prior residence, business establishment or office in the City for the purpose of soliciting orders for goods, wares, merchandise, and/or services, or peddling or hawking the same, or solicit subscriptions for magazines or other periodicals between the hours of 8:00 p.m. and 9:00 a.m. daily, nor at any time on Sunday or holidays, except by appointment. Nor shall any licensee call at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning, call at the rear door of any dwelling place (unless directed to do so), nor shall any licensee remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(b) *Display of license.* Persons licensed under this section shall carry their licenses with them while engaged in licensed activities and shall display such licenses to any police officer or citizen upon request.

(c) *Misrepresentation prohibited.* No licensee shall misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of the visit, the licensee's identity, or the identity or the organization the licensee represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

(d) *Loud noises and speaking devices.* No licensee shall make any loud noises nor use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

(e) *Use of streets and sidewalks.* No licensee shall impede the free use of sidewalks and streets by pedestrians and vehicles. No licensee shall have any exclusive right to any location in the public way, nor shall he be permitted a stationary location thereon. Where sales are made from vehicles, all traffic and parking regulations shall be observed. No licensee shall be upon any street used as a parade route

between the time one-half hour immediately preceding the commencement of any scheduled parade until after the conclusion of any scheduled parade.

(f) *Litter.* No licensee shall allow rubbish or litter to accumulate in or around the area in which the licensee is conducting business.

(g) *Projectiles.* Sales of any type of device that expels a projectile, such as, but not limited to, silly string, marshmallows, or other type of projectiles are prohibited.
(Code 1980, § 20.21(I))

Sec. 10-759. Disclosure requirements and right to cancel.

(a) After the initial greeting and before any other statement is made to a prospective customer, a licensee shall expressly disclose their name, the name of the company or organization the licensee is affiliated with, if any, and the identity of goods or services the licensee offers to sell.

(b) If any sale of goods and/or service is made by a licensee, or any sales orders for the later delivery of goods is taken by the licensee, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in Wis. Stat. § 423.203; the licensee shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stat. § 423.203(1)(a), (b) and (c), (2) and (3).

(c) If a licensee takes a sales order for the later delivery of goods, such licensee shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
(Code 1980, § 20.21(J))

Secs. 10-760—10-786. Reserved.

DIVISION 2. LICENSE*

Sec. 10-787. License required.

No person shall engage in the business of direct seller or solicitor going door-to-door within the City of La Crosse without first obtaining a license in compliance with the provisions of this division. (Code 1980, § 20.21(A))

Sec. 10-788. Application and permits.

(a) Any person requiring a license under this division shall make an application in writing upon forms furnished by the City Clerk which shall require the following information:

- (1) Name, permanent address and telephone number and temporary address, if any;
- (2) Date of birth, height, weight, color of hair and eyes;
- (3) Name, address and telephone number of the person, firm, association or corporation that said person represents or is employed by, or whose merchandise, services or donations are being taken for;
- (4) Temporary address and telephone number from which business will be conducted, if any;
- (5) Nature of business to be conducted and a brief description of the goods offered or services, if any;
- (6) Proposed method of delivery of goods, if applicable;
- (7) Make, model and license number of any vehicle to be used by the applicant in the conduct of the applicant's business;
- (8) Last cities, villages, towns, not to exceed five, where the applicant conducted similar business;
- (9) Place where the applicant can be contacted for at least six months after leaving the City of La Crosse;
- (10) Statement as to whether the applicant has been convicted of any crime or ordinance

*Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

violation related to the applicant's business or solicitation within the last five years; the nature of the offense and the place of conviction;

- (11) Proof that the person has a Wisconsin seller's permit;
- (12) Dates, time period and places where sale of goods will take place.

(b) Applicants shall present to the City Clerk for examination and/or to be photocopied:

- (1) A driver's license or some other proof of identity as may be reasonably required;
- (2) A local certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State or local authorities;
- (3) Proof that insurance has been obtained in accordance with section 2-2.

(c) The application for any license shall be made to the City Clerk at least ten days prior to the issuance of said license.

(d) At the time of the application for a direct sellers permit, a nonrefundable fee in the amount established by resolution shall be paid to the Director of Finance/Treasurer to cover the costs of investigation and processing such application and necessary identification card(s).

- (1) Any person who obtains a direct seller/solicitor permit may have one or more employees operate under that person's license. All employees shall also be subject to investigation under section 10-789. An individual is an employee if the individual is involved in the material details of how sales activities are to be conducted by the permit holder, are paid by wage, salary or commission by the permit holder and have no personal monetary investment in the sales activity.
- (2) All direct sellers, solicitors, or employees of the permit holder who conduct sales activities by going door-to-door to any business or residence, or are otherwise not operating at a single, fixed location, must obtain an identification card that shall be on their person at all times while conduction sales activities.

Identification cards must be obtained in person at the La Crosse Police Department, by appointment only.

(e) Unless revoked or suspended, a direct sellers permit shall be valid for a period not exceeding 90 days.

(f) The operator of a trade show, as defined herein, may apply for a trade show license that covers all direct sellers participating in the trade show.

(g) At the time of application for a trade show license, a fee in the amount established by resolution shall be paid to the Director of Finance/Treasurer to cover the cost of investigating and processing such application. A trade show license shall be valid for the period from January 1 through December 31, inclusive, of the year in which the license was issued. Licenses issued after January 1 in any year shall expire on December 31 of the year in which issued. License fees for trade show licenses issued after January 1 in any year shall not be pro-rated. (Code 1980, § 20.21(D))

Sec. 10-789. Investigation.

(a) Upon receipt of each application from the City Clerk, the La Crosse Police Department shall conduct an investigation of the statements made on such application.

(b) The City Clerk shall refuse to license the applicant if it is determined, pursuant to the investigation referenced in subsection (a) of this section, that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory ordinance or ordinance violation the nature of which is directly related to the applicant's fitness to engage in the conduct for which the license is requested; the applicant failed to comply with any applicable provision of this section; or the applicant failed to pay the fees required for the license.

(c) The Police Department shall have not less than seven days to complete its investigation. (Code 1980, § 20.21(E))

Sec. 10-790. Appeal.

Any person denied a license may appeal the denial to the Judiciary and Administration Committee, who shall make a recommendation to the entire Council after providing the applicant with an opportunity for a hearing. (Code 1980, § 20.21(F))

Sec. 10-791. Bond.

If the Chief of Police determines from its investigation of said application that the interests of the City or of inhabitants of the City require protection against possible misconduct of the licensee, the Police Chief may require an applicant for a license to file, before licensing, a bond or other surety acceptable to the City Attorney as provided in section 2-3. (Code 1980, § 20.21(G))

Sec. 10-792. Expiration; renewal; transfer.

The City Clerk shall date all licenses issued hereunder and specify thereon the date of expiration. Applications for renewals shall be handled in the same manner as original applications. Licenses issued under this section are personal and may not be transferred. (Code 1980, § 20.21(H))

Sec. 10-793. Suspension or revocation of license.

(a) Licenses issued under the provisions of this division may be revoked or suspended by the Chief of Police for a period not to exceed five days pending hearing by the Common Council if the licensee has made any material omission or materially inaccurate statement in the application for the license, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violating any provision of this Code or was convicted of any crime or ordinance or statutory violation which is directly related to the applicant's fitness to be licensed under this division.

(b) Written notice of the hearing shall be served personally on the applicant or licensee at least 72 hours prior to the time set for the hearing; such notice

shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(Code 1980, § 20.21(K))

Secs. 10-794—10-824. Reserved.

**ARTICLE XVII. PAWNBROKERS AND
SECONDHAND ARTICLES, FLEA MARKETS
AND JEWELRY DEALERS**

Sec. 10-825. State law adopted.

The provisions of Wis. Stat. § 134.71, relating to pawnbrokers, secondhand article and jewelry dealers and secondhand article dealer mall or flea market, exclusive of the license period and application deadline, are hereby adopted and made a part of this article by reference. A violation of any such provision shall be a violation of this article.

(Code 1980, § 20.29(A))

Sec. 10-826. License.

(a) *Required.*

(1) No person, firm or company shall operate as a pawnbroker, secondhand article dealer, secondhand jewelry dealer for secondhand article dealer mall or flea market within the City unless duly licensed to do so by the Common Council.

a. A person who operates as a secondhand article dealer on premises or land owned by a person, firm or company with a secondhand dealer mall or flea market license does not need to obtain a secondhand article dealer's license.

b. Subsection (a)(1)a of this section shall not apply to secondhand article dealers and secondhand jewelry dealers if the dealer is licensed in another municipality within the State of Wisconsin, unless subsection (a)(2) of this section applies.

(2) No person, firm or company shall operate as a secondhand article dealer or secondhand jewelry dealer and have a principal place of business within the City unless duly licensed to do so by the Common Council.

(b) *Application.* Persons, firms or businesses required to be licensed under this article shall make application for the license with the City Clerk's Office on the appropriate form. All applications for a license under this section shall be filed at least 15 days prior to the granting thereof.

(c) *Fee.* The fee to be paid for a license under this section shall be as established by resolution.

(d) *Period.*

(1) Each license for a pawnbroker, secondhand article dealer or secondhand jewelry dealer is valid from July 1 until the following June 30.

(2) Each license for a secondhand article dealer mall or flea market is valid for two years from July 1 until June 30 of the second year following the issuance thereof.

(Code 1980, § 20.29(B)—(D))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Chapter 11

RESERVED

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Chapter 12

ELECTIONS*

- Sec. 12-1. Appointment of election officials.
- Sec. 12-2. Voting places.

***Cross references**—Charter ordinance relative of primary elections, app. A, § 2; Common Council, ch. 2, art. II; election districts, § 2-31; Mayor, ch. 2, art. III; City Clerk, ch. 2, art. IV.

State law reference—Elections, Wis. Stat. chs. 5—12.

Sec. 12-1. Appointment of election officials.

There shall be five inspectors for each polling place at each election. The City Clerk is authorized to select two or more sets of alternate officials to work at different times on Election Day, and may establish different working hours for different officials assigned to the same polling place. Alternate officials shall be appointed at the discretion of the City Clerk in a number sufficient to maintain adequate staffing of polling places. The total number of officials shall be appointed in such a manner that the total number of officials is an odd number.

(Code 1980, § 2.58)

State law reference—Authority to fix number of inspectors, Wis. Stat. § 7.30.

Sec. 12-2. Voting places.

The Council shall provide a place in each Aldermanic district to permit the electorate to vote in the various elections. Each voting place shall open at 7:00 a.m. and close at 8:00 p.m.

(Code 1980, § 2.46)

State law reference—Poll hours, Wis. Stat. § 6.78.

Chapter 13

RESERVED

Chapter 14

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES*

Article I. In General

- Sec. 14-1. Enforcement officers and citations.
- Sec. 14-2. Compliance with emergency orders.
- Sec. 14-3. Charges for vehicle fires.
- Sec. 14-4. Emergency management directors declaration of emergency.
- Secs. 14-5—14-24. Reserved.

Article II. Continuity of Government

- Sec. 14-25. Definitions.
- Sec. 14-26. Policy and purpose.
- Sec. 14-27. Designation, status, qualifications, and term of emergency interim successors.
- Sec. 14-28. Assumption of powers and duties of officer by Emergency Interim Successor.
- Sec. 14-29. Recording and publication.
- Sec. 14-30. Formalities of taking office.
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- Secs. 14-32—14-50. Reserved.

Article III. Burglary and Robbery Alarm Systems

- Sec. 14-51. Definitions.
- Sec. 14-52. Penalty.
- Sec. 14-53. Declaration of purpose.
- Sec. 14-54. Article copies.
- Sec. 14-55. Liability.
- Sec. 14-56. Interference with enforcement.
- Sec. 14-57. Confidential information.
- Sec. 14-58. Licenses and permits generally.
- Sec. 14-59. License and permit qualifications.
- Sec. 14-60. Insurance requirements.
- Sec. 14-61. Required equipment and inspection.
- Sec. 14-62. Notification and testing.
- Sec. 14-63. Miscellaneous restrictions and exemptions.
- Sec. 14-64. Miscellaneous restrictions and exemptions.
- Secs. 14-65—14-87. Reserved.

Article IV. Fire Alarm Systems

- Sec. 14-88. Definitions.
- Sec. 14-89. Penalty.
- Sec. 14-90. Declaration of purpose.
- Sec. 14-91. Liability.
- Sec. 14-92. Interference with enforcement.
- Sec. 14-93. City fire alarm services authorized.
- Sec. 14-94. Permission from fire chief for alarm business, central station system, remote station and answering service.
- Sec. 14-95. Insurance requirements.
- Sec. 14-96. Alarm system standards and regulations.
- Sec. 14-97. Central station system.

*State law reference—Emergency management, Wis. Stat. ch. 323.

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- Sec. 14-98. Answering service.
- Sec. 14-99. Technical requirements.
- Sec. 14-100. Service disruption notifications.
- Sec. 14-101. Testing.
- Sec. 14-102. Alarm answering services.
- Sec. 14-103. False fire alarm system fees.

ARTICLE I. IN GENERAL

Sec. 14-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

Sec. 14-2. Compliance with emergency orders.

(a) *Issuance of proclamation.* Whenever the Mayor, or in the event of his inability to act, the President of the Common Council, after consultation with the Police Department, determines that an emergency exists either: as a result of mob action or other civil disobedience or riot causing danger of injury to or damage to persons or property, or where mob action or other civil disobedience or riot is threatened or attempted which might reasonably be expected to cause danger of injury to or damage to person or property, he shall have power to impose by proclamation any or all of the following regulations to preserve the peace and order of the City:

- (1) To impose a curfew upon all or any portion of the City requiring all persons in such designated curfew area to forthwith remove themselves from the public streets, alleys, parks, or other public places, provided, that physicians, nurses, ambulance operators, utility personnel maintaining essential public services, firemen and authorized law enforcement officers and personnel shall be exempted from such curfew.
- (2) To order the closing of any business establishment anywhere within the City for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, fermented malt beverages, gasoline or firearms.
- (3) To restrict the sale of gasoline or other flammable liquids, firearms and ammunition.

- (4) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.
- (5) To call upon regular and auxiliary law enforcement agencies within or without the City and to appoint special policemen to assist in preserving peace and order within the City.
- (6) To exercise all of the powers conferred upon the governing body under Wis. Stat. §§ 323.14(4)(a) and/or 323.11 that appear necessary and expedient.

(b) *When proclamation effective.* The proclamation of emergency or other proclamation related to an emergency by the Mayor shall become effective upon the filing of the proclamation in the office of the City Clerk. The Co-Directors of Emergency Management Services shall disseminate said proclamation to the public by appropriate available news media.

(c) *Termination.* Any proclamation issued under this section shall terminate in accordance with law.

(d) *Unlawful to fail to comply.* No person shall fail or refuse to comply with the proclamation of the Mayor or the lawful orders of authorized law enforcement officers promulgated pursuant to Wis. Stats. ch. 323, subch. II (Wis. Stats. § 323.10 et seq.). Violations of this section are a Class C offense as provided in section 1-7.

(e) *Penalties.* Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(Code 1980, §§ 2.37, 2.60)

State law reference—Local emergency declarations, Wis. Stat. § 323.11.

Sec. 14-3. Charges for vehicle fires.

Charges for fire protection in response to a vehicle fire or threat of fire shall be charged to the vehicle owner who drove said vehicle or granted permission to another to drive said vehicle. Fees for response to vehicle fires along with any towing or disposal charges incurred by the City shall be as established by resolution.

(Code 1980, § 3.31)

Cross references—Persons indebted to City not to be issued permit, license or lease, § 2-292; fire prevention and protection, ch. 18.

Sec. 14-4. Emergency management directors declaration of emergency.

(a) *City Emergency Management Directors.* The Fire Chief is hereby designated and appointed City of La Crosse Emergency Management Director. The Police Chief is hereby designated and appointed City of La Crosse Deputy Emergency Management Director. Both positions are under the Mayor's supervision and subject to the conditions and provisions set forth in the Wisconsin Statutes and the City's Emergency Operations Plan.

(b) *Declaration of emergency.* The Emergency Management Director shall take action in accordance with the Emergency Operations Plan only after the official declaration of an emergency. The Common Council may declare, by ordinance or resolution, that an emergency exists. If, because of the emergency conditions, the Common Council is unable to meet promptly, then the Mayor, or acting Mayor, shall declare, by proclamation, that an emergency exists. This declaration of emergency shall become effective upon the filing of the declaration in the office of the City Clerk. The Directors shall disseminate the declaration to the public by available news media and through other reasonable means. Such state of emergency will continue until terminated by law.

(c) *Incident Management System.* The City adopts the National Incident Management System (NIMS) as the City's standard for incident management.

Secs. 14-5—14-24. Reserved.

ARTICLE II. CONTINUITY OF GOVERNMENT*

Sec. 14-25. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attack and enemy action means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the United States by sabotage, the use of bombs, missiles, shellfire, or atomic, radiologic, chemical, bacteriologic, or biological means or other weapons or processes.

Duly authorized deputy means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

Emergency interim successor means a person designated pursuant to this article for possible temporary succession to the powers and duties, but not the office, of a City officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

Unavailable means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and the duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

(Code 1980, § 2.35(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 14-26. Policy and purpose.

Because of the existing possibility of an enemy action, disaster, or threat of disaster, and in order, in

***Cross references**—Common Council, ch. 2, art. II; Mayor, ch. 2, art. III; City Clerk, ch. 2, art. IV.

State law references—Continuity of government, Wis. Stat. § 323.50 et seq.; local interim successors, Wis. Stat. § 323.55.

the event of such happening, to ensure the continuation of effective, legally constituted leadership, authority, and responsibilities in the offices of the government of the City, it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the Mayor, Council Members, supervisors, and department heads in the event that the incumbents are killed, missing, disabled, or for some other cause unable to perform the duties and functions of their offices.

(Code 1980, § 2.35(A))

Sec. 14-27. Designation, status, qualifications, and term of emergency interim successors.

(a) *Succession of Mayor.* Succession of the Office of Mayor shall be in the following order: President of the City Council and two emergency interim successors to be named by the Mayor within 30 days after adoption of the ordinance from which this article is derived, and by each Mayor within 30 days of his taking office, and the Mayor shall specify and rank in order of succession after the President of the City Council so that there will be not less than two duly authorized emergency interim successors for the Office of Mayor. Whoever is nominated and whatever succession is designated shall be confirmed by the City Council.

(b) *Succession of Council Members.* Two emergency interim successors are to be named and their order of rank specified by each Council Member within 90 days after adoption of the ordinance from which this article is derived and within 30 days of taking office by each Council Member so that there will be not less than two duly authorized emergency interim successors for each Council Member. The names and designated order of the emergency interim successors shall be confirmed by the City Council.

(c) *Succession of Supervisors.* Two emergency interim successors are to be named and their order of rank specified by each supervisor within 90 days after adoption of the ordinance from which this article is derived and within 30 days of taking office by each supervisor so that there will be not less than two duly authorized emergency interim successors

for each supervisor. The names and order designated for the emergency interim successors shall be confirmed by the Council.

(d) *Department Heads.* Within 30 days after adoption of the ordinance from which this article is derived, each department head shall appoint and specify the order of succession, after the deputy, of two emergency interim successors, so that there will be not less than three successors to the office of each department head. If there is no deputy, three emergency interim successors shall be so appointed instead of two. Emergency interim successors to department heads shall be confirmed by the Mayor.

(e) *Review of designations.* The Mayor, Council Members, supervisors, and department heads shall review and, if necessary, revise and keep current the designations of emergency interim successors to ensure at all times that there is the requisite number of qualified emergency interim successors.

(f) *Qualifications.*

(1) No person shall be designated or serve as an emergency interim successor unless such person may under the constitution of this City, hold the office of the person to whose powers and duties such person is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.

(2) Emergency interim successors shall act only until the Council can meet as a body and appoint and confirm a successor to the Mayor, Council Members and supervisors, if necessary, in accordance with existing statute.

(g) *Status of emergency interim successor.* A person designated as an emergency interim successor holds that designation at the pleasure of the designator, provided that said person must be replaced if removed. The person retains this designation as emergency interim successor until replaced by another appointed by the authorized designator, or until the designator leaves office.

(Code 1980, § 2.35(C))

Sec. 14-28. Assumption of powers and duties of officer by emergency interim successor.

If, in the event of an enemy action, disaster, or threat of disaster, the Mayor, any Council Members, any supervisor, or any department head and any duly authorized Deputy is unavailable, their emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(Code 1980, § 2.35(D))

Sec. 14-29. Recording and publication.

The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors which shall be open to public inspection.

(Code 1980, § 2.35(E))

Sec. 14-30. Formalities of taking office.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

(Code 1980, § 2.35(F))

Sec. 14-31. Emergency meetings of the governing body.

During any emergency:

- (1) Any member of the Council or a legally constituted successor may call a meeting of the

Council by notifying all members of their interim successors so far as practicable and by whatever means available of the time and place of such meeting, with or without the City or State as circumstances dictate.

- (2) The members so meeting shall establish and be governed by its own rules during such emergency.

(Code 1980, § 2.35(G))

Secs. 14-32—14-50. Reserved.

ARTICLE III. BURGLARY AND ROBBERY ALARM SYSTEMS*

Sec. 14-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm agent means any individual who is employed as or in an alarm business whose duties include selling, maintaining, leasing, moving or installing any alarm system.

Alarm business means any individual, partnership, firm or other legal entity the majority of whose gross receipts are derived from the business of selling, either wholesale or retail, leasing, maintaining, moving or installing any alarm system.

Alarm system means any equipment or device which is designed to be used for the detection of a subject or object on or within contact of a structure, building, or grounds, for alerting a mechanism or person of an unlawful act, and which emits either, or in combination of, a visual or audible signal or transmits any type of signal or message when activated, which directly or indirectly notifies police personnel.

Alarm user means an individual, partnership, association, corporation, company or other entity of any kind in possession or control of any structure, building or grounds where an alarm system is either in use or designed to be in use at some time.

*Cross reference—Law enforcement, ch. 24.

Automatic dialing device means any device which automatically sends, over telephone lines, a pre-recorded signal or message which indicates the existence of an activated alarm.

Coordinator means an individual designated by the Chief of Police to issue permits and enforce the provisions of this article.

False alarm means any signal, message or other communication transmitted by an alarm system, person or other device which causes Police Department personnel to be notified of an alarm which is determined not to be of an existing burglary or robbery situation.

Monitoring service means any facility that is manned by mechanisms or operators who receive, monitor, record, validate or report any type of alarm signal or message and either relay such information to any other mechanism or person or in any other manner store or disseminate information about an alarm system's operations, not to include those services defined as a proprietary system only.

Proprietary system means an alarm system which directly terminates on a control center within the protected premises, provided that the control center is manned by and under the supervision of the proprietor or subordinates of the protected premises.

(Code 1980, § 20.14(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 14-52. Penalty.

(a) Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties:

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.

(3) Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

(4) A Class C forfeiture as provided in section 1-7.

(b) Any person not filing or submitting the application for any permit or license provided for under this article in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(Code 1980, § 20.35(B), (C))

Sec. 14-53. Declaration of purpose.

The purpose of this article is to provide regulations applicable to alarm devices used for the detection of unauthorized entry or for the alerting of others of the commission of an unlawful act which, when activated, either produces a visual or audible signal or notifies mechanisms or persons of such activity, which directly or indirectly notifies police personnel.

(Code 1980, § 20.14(A))

Sec. 14-54. Article copies.

The Coordinator will make available copies of this article to all applicants at the time that any such permit is applied for. The permit holders are responsible for keeping themselves apprised of amendments or additions to this article.

(Code 1980, § 20.14(D))

Sec. 14-55. Liability.

It is understood that by a request for application or permit and by the subsequent issuance thereof, the City of La Crosse, its officers and employees, shall be relieved of all liability as a result of any action arising from the installation of, operating of, response to, or lack of response to any alarm system in the City, and further that the Chief of Police and employees of the City of La Crosse shall also be relieved of any liability resulting from the lawful disconnection of any alarm system in the City of La Crosse.

(Code 1980, § 20.14(K))

Sec. 14-56. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties under this article.
(Code 1980, § 20.35(A))

Sec. 14-57. Confidential information.

(a) All information submitted in compliance with this article may be held in the strictest confidence, if the information is requested to be kept confidential.

(b) Subject to the requirements of confidentiality, the Police Department may develop and maintain statistics having the purpose of assisting in alarm system evaluations or related research.
(Code 1980, § 20.14(J))

Sec. 14-58. Licenses and permits generally.

(a) Alarm agent.

- (1) Licenses under this section shall be issued only to adults who are not illegal aliens.
- (2) Agents of an alarm business shall obtain an alarm agent permit by making successful application to the Coordinator on form(s) furnished by the Police Department.
- (3) The permit fee for alarm agent is in the amount established by resolution, which is to be renewed every other year.

(b) Alarm business.

- (1) Licenses under this section shall be issued only to adults who are not illegal aliens.
- (2) Alarm businesses shall obtain an alarm business permit by making successful application to the Coordinator on form(s) furnished by the Police Department.
- (3) The license fee for an alarm business is the amount established by resolution, which is to be renewed every year.

(c) Alarm user.

- (1) An alarm user shall obtain an alarm user permit for each and every alarm system operated within the City of La Crosse, by

making successful application to the Coordinator on form(s) furnished by the Police Department.

- (2) The permit fee for alarm user shall be in the amount established by resolution.
- (3) This section does not require that businesses with an active alarm business permit, monitoring service permit, or proprietary system permit obtain an alarm user permit whether it provides services to other alarm system users or if it has an alarm system to protect its own premises.
- (d) Monitoring service permit.
 - (1) Licenses under this section shall be issued only to adults who are not illegal aliens.
 - (2) Monitoring services shall obtain a monitoring service permit by making successful application to the Coordinator on form(s) furnished by the Police Department.
 - (3) The permit fee for monitoring service shall be in the amount established by resolution and shall be renewed every year.
 - (4) This section does not require that businesses with an active alarm business permit obtain a monitoring service permit.
- (e) Proprietary system permit.
 - (1) Licenses under this section shall be issued only to adults who are not illegal aliens.
 - (2) Proprietary system representatives shall obtain a proprietary system permit by making successful application to the Coordinator on form(s) furnished by the Police Department.
 - (3) The permit fee for the proprietary system shall be in the amount established by resolution and shall be renewed every year.
 - (4) This section does not require that businesses with an active alarm business permit or monitoring service permit obtain a proprietary system permit.
- (f) No person, business or other entity shall engage in conduct or carry on any type of function directly or indirectly related to any operation as described in the definition of alarm agent, alarm busi-

ness, alarm user, monitoring service, or proprietary system without having first applied for and received any and all relevant permits.

(g) All issued permits shall be valid, unless revoked, for the duration of the permit period which shall be from July 1 to June 30.

(h) Any new permits issued, except alarm user permits for residential alarm users over the age of 65, during the permit year will be prorated at a fee established on the percentage of permit year to be in operation based on number of months.

(i) An alarm user which is a governmental agency, supported in whole or at least 75 percent by tax dollars shall be subject to this article; however, no permits or monetary penalties shall be required or imposed.

(j) Permit holders shall notify the Coordinator in writing as soon as possible of any impending or actual changes in the application.
(Code 1980, § 20.14(C))

Sec. 14-59. License and permit qualifications.

No burglary or robbery alarm system license or permit shall be granted to any person or entity that is found not to be of good moral character, who has habitually been a law offender or who has been convicted of a crime, unless the person has been duly pardoned, subject to Wis. Stat. §§ 111.321, 111.322 and 111.335.
(Code 1980, § 20.14(L))

Sec. 14-60. Insurance requirements.

Every authorized alarm business, monitoring service and proprietary system shall carry insurance as provided in section 2-2.
(Code 1980, § 20.14(F))

Sec. 14-61. Required equipment and inspection.

(a) Any alarm system which falls under the provisions of this article shall be required to have as a part of the alarm system the following:

- (1) An automatic audible or visual alarm system cutoff after five minutes of activation for those systems using an audible or visual alarm.

- (2) The use of rechargeable standby batteries in the event of electrical power interruptions and an automatic recharging system for such batteries.

- (3) Compliance with all other Federal, State, and local codes relevant to any aspect of alarm or electrical operations.

(b) Alarm systems shall be made available for inspection by the Police Department, or other City officials and employees.

(c) Any person not filing or submitting the application for any permit or license provided for under this article in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.
(Code 1980, §§ 20.14(E), 25.02)

Sec. 14-62. Notification and testing.

(a) When an alarm business or monitoring service's service to its clients or for subscribers is disrupted for any reason, it shall promptly notify its clients or subscribers affected by the disruption by telephone or other immediate means that service or protection is no longer available or provided.

(b) No alarm system shall be tested or demonstrated without first notifying the Police Department and La Crosse Emergency Dispatch Center, when such testing or demonstration may cause alarm notification to be made to one of the agencies referenced in this section.

(c) No alarm system shall be tested to determine Police response times.
(Code 1980, § 20.14(H))

Sec. 14-63. Miscellaneous restrictions and exemptions.

(a) The Chief of Police may prescribe minimum standards and regulations for the installation and maintenance of all alarm systems installed within the City.

(b) No person shall connect by any means any automatic dialing device to any Police Department telephone trunkline.

(c) Alarm systems connected and tied into annunciator panels monitored by the City of La Crosse Police Department or La Crosse Emergency Dispatch Center: Such connection or tie-in, if made, shall be at no cost or liability to the City and such systems shall be maintained in good working order at all times. In the event that such systems are not maintained in good working order, the Chief of Police shall have full authority to have the system disconnected, at no expense to the City, until it is in proper working order.

(d) The Chief of Police or authorized subordinate or La Crosse Emergency Dispatch Center Personnel shall have the authority to establish priorities for alarm service response.

(e) Alarm systems with only an audible or visual device capable of being heard or seen only within the protected premises are exempt from all provisions of this article provided that such devices do not alert or notify any mechanism or person not located on the protected premises.

(f) The provisions of this article are not applicable to audible or visual alarms affixed to movable property, excluding mobile homes, unless the alarm of such property is by any means able to alert or notify any mechanisms or person not in, on or around such property by emitting a signal or message.
(Code 1980, § 20.14(G))

Sec. 14-64. Miscellaneous restrictions and exemptions.

(a) The Chief of Police may prescribe minimum standards and regulations for the installation and maintenance of all alarm systems installed within the City.

(b) No person shall connect by any means any automatic dialing device to any Police Department telephone trunkline.

(c) Alarm systems connected and tied into annunciator panels monitored by the City of La Crosse Police Department or La Crosse Emergency Dispatch Center: Such connection or tie-in, if made, shall be at no cost or liability to the City and such

systems shall be maintained in good working order at all times. In the event that such systems are not maintained in good working order, the Chief of Police shall have full authority to have the system disconnected, at no expense to the City, until it is in proper working order.

(d) The Chief of Police or authorized subordinate or La Crosse Emergency Dispatch Center Personnel shall have the authority to establish priorities for alarm service response.

(e) Alarm systems with only an audible or visual device capable of being heard or seen only within the protected premises are exempt from all provisions of this article, provided that such devices do not alert or notify any mechanism or person not located on the protected premises.

(f) The provisions of this article are not applicable to audible or visual alarms affixed to movable property, excluding mobile homes, unless the alarm of such property is by any means able to alert or notify any mechanisms or person not in, on or around such property by emitting a signal or message.
(Code 1980, § 20.14(G))

Secs. 14-65—14-87. Reserved.

ARTICLE IV. FIRE ALARM SYSTEMS*

Sec. 14-88. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm agent means any person who is employed as an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, removing, or installing in or on any building, structure or facility, any alarm system.

Alarm business means the occupation by any individual partnership, corporation or other entity of: selling, leasing, maintaining, servicing, repairing, altering, replacing, removing or installing any alarm system or causing to be sold, leased, maintained,

***Cross references**—Fire prevention and protection, ch. 18; licensing of electricians and fire alarm installers, § 103-137.

serviced, repaired, altered, replaced, removed or installed any alarm system in or on any building, structure or facility. The provisions of this definition do not include a business which engages in the manufacture or sale of an alarm system unless such business services, installs, monitors or responds to alarm systems.

Alarm system means any mechanical or electrical device which is designed or used for the detection of fire, smoke, heat or water flow within a building, structure or facility or for alerting others within a building, structure or facility, or both; and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices and audible alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone systems which might be damaged or disrupted by the use of an alarm system. An alarm system includes all of the necessary equipment designed and installed for the detection of fire, smoke, heat or water flow within a single building, structure or facility.

Alarm user or subscriber means any person who purchases, leases, contracts for or otherwise obtains an alarm system or contracts for the servicing or maintaining of an alarm system from an alarm business.

Answering service means a telephone answering service.

Automatic dialing device means an alarm system which automatically sends, over telephone lines, a pre-recorded voice message or signal indicating the existence of the emergency situation.

Central station system means any facility operated by a business that owns or leases a system of fire alarm devices, which facility has operators who receive, record or validate alarm signals and relay information to the City Fire Department or 9-1-1 La Crosse County Emergency Dispatch Center.

False alarm means activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system, or employees or agents. In

addition, the use of an alarm to summon Fire Department personnel for reasons other than those listed on alarm system permits will also be considered a false alarm. False alarms shall not include alarms caused by electrical interruptions, floods or other natural disasters.

LEDC means the 9-1-1 La Crosse County Emergency Dispatch Center.

N.F.P.A. means National Fire Protection Association Code.

Proprietary system or alarm means an alarm which is not serviced by an alarm business or an alarm system sounding or recording alarms and supervisory signals at a control center located within the protected premises and under the supervision of the proprietor of the protected premises.

Remote station protective signaling system means an installation using supervised dedicated circuits, installed in accordance with the N.F.P.A. 72, National Fire Alarm and Signaling Code (2010), to transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.
(Code 1980, § 20.15(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 14-89. Penalty.

(a) Any person violating any provision of this article, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties:

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this article shall be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

- (4) A Class C forfeiture as provided in section 1-7.

(b) Any person not filing or submitting the application for any permit or license provided for under this article in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(Code 1980, § 20.35(B), (C))

Sec. 14-90. Declaration of purpose.

The purpose of this article is to set forth regulations governing alarm devices for the detection of a fire, smoke, heat, water flow or sprinkler systems for fire suppression.

(Code 1980, § 20.15(A))

Sec. 14-91. Liability.

It is understood that by a request for permission and by the subsequent issuance thereof, the City of La Crosse shall be relieved of all liability as a result of any action arising from the installation of, operation of, or response to any alarm system in the City, and further that the Fire Chief of the City of La Crosse shall also be relieved of any liability resulting from the lawful disconnection of any alarm system in the City of La Crosse.

(Code 1980, § 20.15(M))

Sec. 14-92. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties under this article.

(Code 1980, § 20.35(A))

Sec. 14-93. City fire alarm services authorized.

The Fire Chief is authorized to establish the capability to receive and monitor fire alarm signals at the Fire Communications Center at 9-1-1 LEDC and provide this service to authorized alarm businesses that have received permission from the Fire Chief under this article.

(Code 1980, § 20.15(C))

Sec. 14-94. Permission from fire chief for alarm business, central station system, remote station and answering service.

No person shall engage in, conduct or carry on any alarm business, central station system, remote station and answering service without first applying for and receiving permission from the Fire Chief.

(Code 1980, § 20.15(I))

Sec. 14-95. Insurance requirements.

Every authorized alarm business, central station system and alarm answering service shall have insurance as provided in section 2-2.

(Code 1980, § 20.15(G))

Sec. 14-96. Alarm system standards and regulations.

(a) The Fire Chief may prescribe minimum standards and regulations for the installation and maintenance of a fire, smoke, heat or water flow alarm systems installed within the City. These standards and regulations shall become effective upon adoption thereof by resolution of the Common Council.

(b) Automatic dialing devices. No person shall interconnect any automatic dialing device to 9-1-1 LEDC. Such devices may be interconnected to a modified central station or remote station or an answering service.

(c) Each fire alarm user shall agree to the following:

- (1) No cost or liability will be assumed by the City of La Crosse Fire Department.
- (2) All alarm answering services, answering services, remote station protective signaling systems, central station signaling systems receiving alarms from alarm users located within the City of La Crosse and transmitting alarms to the 9-1-1 dispatch center shall first have permission from the Fire Chief for each alarm user, to transmit alarms to the 9-1-1 dispatch center.

(d) The provisions of the N.F.P.A. 72, National Fire Alarm and Signaling Code (2010) are hereby adopted by reference and the Rules and Regulations contained therein are made a part of this article as

though they were fully set forth herein. A current copy of the National Fire Protection Code containing the sections herein enumerated and all amendments hereto, shall be kept on file in the office of the Fire Chief.

(Code 1980, § 20.15(D))

Sec. 14-97. Central station system.

The establishment of a central station system shall not be permitted unless authorized by the Common Council.

(Code 1980, § 20.15(E))

Sec. 14-98. Answering service.

The Fire Chief may authorize a permit to operate an answering service for fire alarm systems under the following:

- (1) Each person engaged in alarm system answering service shall keep on the premises the permit where the business is located. Such permits will be kept on public display at all times.
- (2) The alarm answering service shall have at least two trained operators.
- (3) An alarm answering service shall provide the Fire Department the names and telephone numbers of at least two persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by the automatic alarm service.

(Code 1980, § 20.15(F))

Sec. 14-99. Technical requirements.

All wiring required to supply line voltage 120/240 A.C. for any alarm system shall comply with section 103-141.

(Code 1980, § 20.15(H))

Sec. 14-100. Service disruption notifications.

When fire alarm business' service to its subscribers is disrupted for any reason by the fire alarm business, or the fire alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided.

(Code 1980, § 20.15(K))

Sec. 14-101. Testing.

(a) No alarm system relayed through intermediate services to the 9-1-1 LEDC will be tested to determine fire response without prior permission from the Fire Chief.

(b) All alarm systems shall be tested once a month and a record of such tests shall be kept.

(Code 1980, § 20.15(L))

Sec. 14-102. Alarm answering services.

(a) Alarm answering services or answering services, remote stations and central stations receiving alarms from alarm users located within the City of La Crosse and transmitting alarms to 9-1-1 LEDC, shall first have permission from the Fire Department to transmit alarms to the 9-1-1 LEDC.

(b) If permission is granted they shall comply with the Emergency Fire Alarm Standards and Regulations set forth in this article and N.F.P.A. 72, National Fire Alarm and Signaling Code (2010).

(Code 1980, § 20.15(N))

Sec. 14-103. False fire alarm system fees.

(a) Purpose. The primary purpose of this section is to reduce the incidence of false alarms by eliminating those that are preventable or avoidable. It is also meant to encourage the installation of reliable alarm systems in structures within the City of La Crosse to provide additional protection to persons and property.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm site means a single premises or location served by a fire alarm system. Each tenancy if served by a separate fire alarm system in a multitenant building or complex shall be considered a separate alarm site.

False alarm means the activation of a fire alarm system, not by fire or hazard, but through careless use, technical failure, equipment malfunction, mechanical failure, electrical failure, improper installation, improper operation or use, or negligence of the owner or lessee of any fire alarm system, or by such

person's employees or agents. An alarm shall be presumed to be false if the responding Fire Department does not locate evidence of a fire or emergency on the premises that might have caused the alarm to sound. False alarm does not include an activation of a fire alarm system as a result of a natural condition such as a major thunderstorm, power outage, earthquake, tornado or other act out of the control of the alarm user.

Fire alarm system means an alarm system designed to detect heat, smoke, operation of manual fire pull station or alarm, operation of an automatic sprinkler system, operation of a hood suppression system, or other condition indicating danger or risk of fire.

Fire alarm user means any person, firm, partnership, corporation, association, organization, company, or other entity in control of an alarm site where a fire alarm system is located, excluding the City of La Crosse.

(c) False fire alarms prohibited.

- (1) No person shall maintain a fire alarm system that produces a false alarm to which Fire Department personnel are expected to respond.
- (2) No person shall activate a fire alarm system for the purpose of summoning the Fire Department except if such person knows or suspects that there is an actual fire or related emergency on the premises.
- (3) Any alarm user who has any false alarms within a 12-consecutive-month period at a single alarm site will be assessed user fees in the amount established by resolution.

(d) The Fire Chief shall notify the fire alarm user in writing of each instance where the Fire Department has recorded a false alarm. The fire alarm user shall have the opportunity within 15 days from the date of mailing or personal delivery to submit a report to the Fire Chief or request to meet with the Fire Chief for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Fire Chief shall review the fire alarm user's report or meet with the fire alarm user and issue a written finding to the fire alarm user as to whether or not the false alarm recordation will be voided. The finding of the Fire Chief shall be final.

(e) All user fees are due and payable to the City of La Crosse upon notice to the fire alarm user. If the fire alarm user has submitted a report or requested a meeting in accordance with subsection (b) of this section and the Fire Chief finds no cause for voiding the false alarm, the user fees are due and payable to the City of La Crosse within seven days from the date of the Fire Chief's written findings on the false alarm. (Code 1980, § 20.30)

Chapter 15

RESERVED

Chapter 16

ENVIRONMENT AND NATURAL RESOURCES*

- Sec. 16-1. Enforcement officers and citations.
- Sec. 16-2. Private on-site wastewater treatment systems and waste haulers.

***Cross references**—Nuisances, ch. 30; trees on public property, ch. 34, art. V; solid waste, ch. 36; sewers and sewage disposal, ch. 46, art. II; shoreland-wetland zoning, ch. 109.

Sec. 16-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Public Works.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

Sec. 16-2. Private on-site wastewater treatment systems and waste haulers.

(a) *Private on-site wastewater treatment systems.* Installation of private wastewater treatment systems within the City limits shall be subject to current State and local regulatory requirements.

(b) *Waste haulers.*

(1) *License and bond.*

- a. Before applying for any license hereunder, any person engaging in the business of waste hauling must be licensed by the Wisconsin Department of Natural Resources, as required by State statute. Where no license is required by State statute, applicants may qualify for a City license with written verification from the State.
- b. Applications for a waste hauler's license shall be made to the City Clerk on forms provided therefor and such application shall include a copy of the current license issued by the Department of Natural Resources or written verification from the Department of Natural Resources that a license from the State is not required as well as a bond as specified in section 2-3. A permit fee in the amount established by resolution shall be paid. The City Clerk shall, upon compliance with all of the terms and conditions of this chapter, issue a license to the applicant. Such license shall expire June 30 of each year.

(2) *Regulations.*

- a. The regulations of the Department of Natural Resources regarding equipment, procedures and activities of waste haulers are hereby adopted by reference.
- b. Disposal of the collected waste material into the City of La Crosse Sanitary Sewer System shall be permitted only at the wastewater treatment plant at the location designated by the Superintendent of the wastewater treatment plant. Disposal shall be permitted only during normal business hours.
- c. No vehicle or container loaded with waste materials shall stand overnight. Such an action is hereby declared a nuisance.
- d. Materials shall comply with the current provisions of chapter 46, article III.
- e. Charges for disposal of hauled wastes shall correspond to the latest schedule of charges as approved by the Common Council.
- f. The license holder shall complete in detail any and all forms giving such information as shall be requested by the Superintendent of the wastewater treatment plant. Waste haulers may also be required to submit lab test results from representative waste samples.

(c) *Charges, fees for dumping non-City wastes.* Charges for disposal of non-City, hauled wastes shall correspond to the latest schedule of charges as approved by the Common Council, plus an additional 25 percent surcharge.

(d) *Penalty.*

- (1) Any person violating any provision of this section, including those provisions of the Wisconsin Statutes or other materials which are incorporated by reference, shall suffer one or all of the following penalties:
 - a. Any permit issued pursuant to this section may be suspended or revoked by the Board of Public Works or Common

Council, after a hearing on notice. Such a permit may be suspended or revoked by a court of competent jurisdiction upon conviction of a violation of this section.

- b. A Class B forfeiture as provided in section 1-7.
- (2) Any person violating any State statute, State regulation or the order of a State agency, which statute, regulation or order pertains to health or safety, even though not incorporated herein by reference, shall suffer suspension or revocation of any license or permit issued pursuant to this section or pursuant to chapter 2, as provided immediately above in subsection (d)(1) of this section; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.
 - (3) Failure to renew. Any licensee required to renew a license under this section who fails to renew such license by July 1 shall pay a late license fee in the amount established by resolution.

(Code 1980, §§ 8.04(A), (B)(2), (C), 8.10(D)(1)(a), (D)(1)(b))

Cross references—Persons indebted to City not to be issued permit, license or lease, § 2-292; businesses, ch. 10; sanitary and storm sewers, ch. 46, art. III.

Chapter 17

RESERVED

Chapter 18

FIRE PREVENTION AND PROTECTION*

Article I. In General

- Sec. 18-1. Enforcement officers and citations.
- Sec. 18-2. Explosives.
- Secs. 18-3—18-22. Reserved.

Article II. Fire Department

- Sec. 18-23. Fire Department.
- Sec. 18-24. Duties of the Fire Chief.
- Sec. 18-25. Powers of Fire Chief.
- Sec. 18-26. Fire Chief to be Fire Marshal, Fire Inspector; to appoint deputies
- Sec. 18-27. Fire Marshal and Inspectors.
- Sec. 18-28. Emergency service.
- Secs. 18-29—18-59. Reserved.

Article III. Fire Prevention and Fire Safety

- Sec. 18-60. Penalties.
- Sec. 18-61. Application of new and existing conditions.
- Sec. 18-62. Fire safety certificate required.
- Sec. 18-63. Storing combustible material in fire limits.
- Sec. 18-64. Adoption of regulations of Wisconsin Administrative Code and National Fire Protection Association Fire Prevention Code.
- Sec. 18-65. Smoke detector requirements.
- Sec. 18-66. Depositing ashes.
- Sec. 18-67. Bulk flammable or combustible liquid storage facilities.
- Sec. 18-68. Use of certain cooking equipment on or below wooden decks in multifamily dwellings, hotels and motels.
- Sec. 18-69. Permit fee for petroleum/chemical tank removals.
- Sec. 18-70. Installation of key box systems with certain structures.
- Sec. 18-71. Firefighting or fire protection equipment.
- Secs. 18-72—18-100. Reserved.

Article IV. Fireworks and Miscellaneous Restrictions on Burning

- Sec. 18-101. Penalties.
- Sec. 18-102. Fireworks regulations; regulated and permit fee required.
- Sec. 18-103. Burning of trash, grass and refuse restricted.
- Sec. 18-104. Causing fires by tobacco smoking.
- Sec. 18-105. Negligent handling of burning material.

***Cross references**—Fee for response to vehicle fires, § 14-3; fire alarm systems, ch. 14, art. IV; buildings and building regulations, ch. 103.

State law reference—Fire safety generally, Wis. Stat. ch. 101.

ARTICLE I. IN GENERAL

Sec. 18-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Fire Chief.
- (2) The Chief of Police.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities in this chapter.

Sec. 18-2. Explosives.

(a) Permit required. No person shall set off, explode or use any blasting powder, dynamite, nitroglycerin or any other explosive substance or material for construction purposes or otherwise or for any purpose whatsoever, without first having obtained from the Mayor of said City a written permit so to do.

(b) Issuance of permit. The Mayor, subject to the provisions of the next subsection, is authorized to issue the permission of the City for the use of explosives only upon written application of the person wishing to use the same, which shall set forth the place where the same shall be used, the manner of use, the size of charges to be used, the time of use, and the distance from buildings or other structures of any kind. The Mayor shall have the discretion to refuse permission such if the Mayor shall determine that the use proposed shall be dangerous to life, person or property of others. The granting of permission shall be in accordance with Wis. Admin. Code § SPS 314.01(7)(a) and N.F.P.A. No. 1, § 1.12.7(a).

(c) No permit required by this section shall be paid until the person applying for same shall have paid to the City the fee established by resolution.

(d) Bond required. No permit required by this section shall be issued until the person applying for the same shall have filed with the City Clerk a bond as provided in section 2-3.

(e) Compliance with permit. No person to whom a permit to use explosives has been issued under this section shall use said explosives so permitted to be used in any manner other than set forth in the permit therefor at any other times or in any larger or

greater quantities or charges or at any other places, than in said permit specified, nor shall such person use any other kind or quality of explosives than is specified in said permit.

(f) Interference with enforcement. No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties under this section.

(g) Any person violating any provision of this section, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties:

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this section may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this section may be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this section may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
- (4) A Class C forfeiture as provided in section 1-7.

(h) Late fees. Any person not filing or submitting the application for any permit or license provided for under this section in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.
(Code 1980, §§ 20.19, 20.35)

Secs. 18-3—18-22. Reserved.

ARTICLE II. FIRE DEPARTMENT*

Sec. 18-23. Fire Department.

The City shall have a career Fire Department.
(Code 1980, § 3.11)

Sec. 18-24. Duties of the Fire Chief.

The Fire Chief shall have command over all the officers and members of the Fire Department of the City under the direction of the Mayor. The Chief shall obey all lawful written orders of the Mayor or Common Council. The Chief shall have control of all fire stations and of all engines and apparatus belonging to the Fire Department and shall cause all engines and apparatus to be kept in good order and in readiness for immediate use, and shall cause all necessary repairs to be made. The Chief shall use utmost endeavors to prevent and subdue fires and to command and direct the firefighters at such location. The Chief shall be responsible for the discipline, good order and proper conduct of the whole Fire Department, and for the care and condition of the fire stations, firefighting apparatus and equipment, and all other property or possessions under the jurisdiction of the Fire Department. The Chief shall devote the Chief's entire time and attention to the duties of office and the improvement of the Fire Department. The Chief shall keep correct rolls of all members of the department with the date of admission and discharge of each and the rate of pay and amounts due each. The Chief shall also report to the Council within six months of the preceding year an accurate list of all fires that have taken place within the City during the preceding year, with the causes thereof, if known, the number and description of all buildings destroyed or damaged, and the amount of loss and the amount of insurance. The Chief shall certify all payrolls and all bills against the City incurred for the Fire Department, the number of firefighters employed, the fire alarms given, the number and quality of all firefighting apparatus, and all other property of every kind and description for use in the Fire Department of the City, and any other facts and circumstances showing a working of the same. The Chief shall, whenever the Chief deems it necessary, also

***Cross references**—Police department, ch. 24, art. II; offenses involving governmental operations, ch. 32, art. VII.

State law reference—Fire departments, § 62.13.

make suggestions or recommendations as to the improvement of the Fire Department. The Fire Chief also enforces the Building Code.
(Code 1980, § 3.14)

Sec. 18-25. Powers of Fire Chief.

During the progress of any fire, whenever in the Chief's judgment it becomes necessary to check or control the same, the Fire Chief shall have power to order any fence, building or erection of any kind to be cut down and removed. The Chief shall also have the power to tear down any portion of any building that may be standing after a fire, which in the Chief's judgment may be dangerous to persons or property, or which has been damaged by the fire to the extent of more than 50 percent of its value.
(Code 1980, § 3.15)

Sec. 18-26. Fire Chief to be Fire Marshal, Fire Inspector; to appoint deputies.

The Fire Chief shall be Fire Marshal and Fire Inspector and shall have the power to appoint one or more deputies, and they shall perform all duties required by law.
(Code 1980, § 3.12)

Sec. 18-27. Fire Marshal and Inspectors.

(a) *Duties.* It shall be the duty of the Fire Marshal to inspect or cause to be inspected by the Fire Department officers or members, all buildings and premises, except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violations of the provisions or intent of this Code and of any other ordinance affecting the fire hazard, and to ensure compliance in all places of assembly with all laws, regulations and orders dealing with over-crowding, use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems and appliances.

- (1) An annual fire prevention inspection fee shall be charged to the property owner for the required inspection of each building, structure and premises in the City of La Crosse.

The fee shall apply to taxable property and tax exempt property alike and shall be charged as established by resolution.

- (2) The annual fire prevention inspection fee shall constitute a special charge against the property and shall be invoiced to property owners in January of each year. Any fees remaining unpaid as of May of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative fee as established by resolution. All proceedings related to the collection of real estate taxes shall apply.
- (3) All buildings, structures and premises owned by the City shall be exempt from the annual prevention inspection fee.

(b) *Orders.* Whenever officers or inspectors of the Fire Department shall find in any building or upon any premises dangerous or hazardous conditions, the officers or inspectors shall order such dangerous conditions or materials removed or remedied in a manner specified by the Fire Marshal. These dangerous or hazardous conditions are enumerated, but not limited to, as follows:

- (1) Dangerous or unlawful amount of combustible or explosive matter.
- (2) Hazardous conditions arising from defective or improperly installed equipment or handling or using combustible or explosive matter.
- (3) Dangerous accumulations of rubbish, dust, waste paper, boxes, shavings or other highly inflammable materials.
- (4) Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen exhaust ducts.
- (5) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- (6) Any building or other structure which for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguish-

ing equipment, or by reason of age or dilapidated condition or from any other cause, creates a fire hazard.

(c) *Authority to enter premises.* The Fire Marshal or any Inspector may, at all reasonable times, enter any building or premises within the Marshal's jurisdiction for the purpose of making any inspection, or investigation, which, under the provisions of this Code, the Marshal or Inspector may deem necessary to be made.

(Code 1980, § 3.13(A), (B), (D))

Sec. 18-28. Emergency service.

All members of the Fire Department may be called for service at any time in cases of great conflagration or unusual fire or fires, or other emergencies, and in such cases the Fire Chief may require each and every member thereof, whether on or off duty, to assist in the protection of life and property at any time.

(Code 1980, § 3.17)

Secs. 18-29—18-59. Reserved.

ARTICLE III. FIRE PREVENTION AND FIRE SAFETY

Sec. 18-60. Penalties.

Violations of this article, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or other materials which are incorporated by reference, are a Class B offense as provided in section 1-7.

(Code 1980, § 3.40)

Cross reference—Class B forfeitures, § 1-7.

Sec. 18-61. Application of new and existing conditions.

The provisions of this article shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Code shall be permitted to continue where the exceptions do not constitute a distinct hazard to adjoining property.

(Code 1980, § 3.13(C))

Sec. 18-62. Fire safety certificate required.

No owner shall use or permit the use of any building hereinafter constructed, changed, converted, remodeled, altered, repaired, enlarged or moved, until a fire safety certificate of occupancy shall have been issued by the Fire Chief or designated representative. Such certificate of occupancy shall be required in all cases where compliance is required under section 18-64.

(Code 1980, § 3.13(G))

Sec. 18-63. Storing combustible material in fire limits.

It shall be unlawful for any person to pile slabs, fire wood, lumber or any other combustible material in any quantity on any one lot or piece of ground owned by any one person, or upon any street or alley within the fire limits of the City unless permission so to do is secured from the Fire Marshal upon such conditions as the Marshal shall deem necessary.

(Code 1980, § 3.19)

Cross reference—Fire limits, § 103-2.

Sec. 18-64. Adoption of regulations of Wisconsin Administrative Code and National Fire Protection Association Fire Prevention Code.

(a) The provisions of Wis. Admin. Code chs. SPS 307, 308, 310, 314, 316, 318, 328, 340, 361—365 and 375—379 are hereby adopted by reference and the Rules and Regulations contained therein are hereby made a part of this article as though they were fully set forth herein.

(b) The provisions of NFPA 1, Fire Code, 2012 Edition, and the referenced publications of Chapter 2 of NFPA 1, 2012 Edition, contained in the National Fire Protection Association Fire Code and all amendments thereto are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this article as though they were fully set forth herein with the following amendments:

- (1) NFPA 1:1.10 shall not be included as part of this adoption;
- (2) NFPA 1:1.12.8 substitute permits required by Municipal Code;

- (3) NFPA 1:3.3.127 shall be substituted by the State of Wisconsin definition of fireworks as stated in § 167.01(1);
- (4) NFPA 1:3.3127.1 shall be substituted by the State of Wisconsin § 167.10;
- (5) NFPA 1:3.3.127.2 shall be substituted by the State of Wisconsin § 127.10;
- (6) NFPA 1: Chapter 6 shall be substituted by the International Building Code 2009 Edition Chapter 3 "Use and Occupancy Classification";
- (7) NFPA 1:10.11.4 shall be substituted by Municipal Code section 18-103;
- (8) NFPA 1:10.16 addition of Municipal Code section 103-336(e)(4)e and (e)(4)i;
- (9) NFPA 1:11.3.6 through 11.3.6.5.1.7 shall not be included as part of this adoption;
- (10) NFPA 1:13.3.2.10.1 shall not be included as part of this adoption;
- (11) NFPA 1:13.3.2.20 through 13.3.2.20.2 shall not be included in this adoption;
- (12) NFPA 1:13.7.1.5 shall be replaced with Wis. Admin. Code § SPF 328.04; and
- (13) NFPA 1:20.11 through 20.11.5 shall not be included in this adoption.

(c) Conflicting language. If there is conflicting language between this Code and any other Code, the more restrictive language shall apply.
(Code 1980, § 3.13(E))

Sec. 18-65. Smoke detector requirements.

All residents or rental dwelling units within the City, regardless of single-family dwellings, two-family dwellings or multiple-unit buildings, shall be installed with smoke detection devices in accordance with the following requirements.

- (1) *Installation.*
 - a. Smoke detector systems shall be installed in accordance with the provisions of NFPA 72E, 2012 Edition or NFPA 74, 2013 Edition and in accordance with the manufacturer's directions and specifications.

- b. All smoke detectors interconnected with each other or with the manual fire alarm system shall be installed in accordance with the provisions of NFPA 72, 2010 Edition. Where smoke detectors are interconnected with the manual fire alarm system, the smoke detectors shall be wired in accordance with the provisions specified in NFPA 72, 2010.
- (2) *Maintenance.* Smoke detectors shall be maintained as follows:
- a. All smoke detectors and smoke detection equipment whether required by the code or not must be maintained in an operable condition. In lieu of maintaining smoke detectors or smoke detection equipment, this equipment may be removed if the detection equipment is not required by code. Local fire officials should be contacted prior to removal and their permission obtained.
 - b. The owner shall be responsible for maintaining the smoke detectors and the smoke detection system in good working order.
 - c. Tenants shall be responsible for informing the owner, in writing, of any smoke detector malfunction, including the need for a new battery.
 - d. The owner shall have five days upon receipt of notice from the tenant to repair or replace the smoke detector or replace the battery.
 - e. The owner shall furnish to the tenant written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detector maintenance.
 - f. Tenants shall acknowledge to the landlord in writing that smoke detectors in the rental property are in working order at the time of occupancy and annually thereafter.
 - g. No owner, tenant or other person shall disconnect, disable or otherwise ren-

der inoperative a functioning smoke detector installed pursuant to the provisions of this section.

(Code 1980, § 3.13(H))

Sec. 18-66. Depositing ashes.

No person shall keep or deposit or allow to be kept or deposited any ashes in any wooden vessel, or shall throw or deposit any ashes, or allow them to be deposited on any premises except in secure noncombustible containers with noncombustible lids.

(Code 1980, § 3.25)

Sec. 18-67. Bulk flammable or combustible liquid storage facilities.

(a) *Definition.* Bulk flammable or combustible liquid storage facility shall mean that portion of a property where flammable or combustible liquids are received by tank vessel, pipeline, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

(b) *Requirements.* In addition to all other regulations and requirements of this Code, each owner of a bulk flammable or combustible liquid storage facility shall reimburse the City for the costs of all special agents provided by the City in connection with controlling fires at such facility.

(Code 1980, § 3.26)

Sec. 18-68. Use of certain cooking equipment on or below wooden decks in multifamily dwellings, hotels and motels.

The use of charcoal burning or other fuel burning cooking equipment on or below wooden decks outside of any multifamily dwelling, hotel or motel shall be prohibited. The provisions of this section shall not apply to townhouses, row houses, hotels, motels or other multifamily dwellings where all dwelling units or lodging rooms are side by side and none are superimposed above another. Natural gas grills that are tested and listed for installation and use by a nationally recognized testing laboratory and which are hard-piped from the building's natural gas piping system and rare installed in accordance with the terms of their listing may be permitted on exterior decks of a multifamily dwelling when such decks are

constructed of noncombustible materials and completely protected by an automatic building fire sprinkler system.
(Code 1980, § 3.27)

Sec. 18-69. Permit fee for petroleum/chemical tank removals.

The permit fee for removal of above ground or underground petroleum/chemical tanks charged by the Fire Department shall be Code as established by resolution.
(Code 1980, § 3.28)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 18-70. Installation of key box systems with certain structures.

All mercantile, commercial, business occupied buildings in excess of 5,000 square feet, places of assembly, high hazard occupancy buildings or multi-family residential structures of more than four units that have restricted access through locked doors and have a common corridor for access to living units constructed or where the total structural repairs or alterations exceed 50 percent of the assessed value of such buildings after July 31, 1997, shall be equipped with a key box that is UL listed and approved by the Fire Department. The key box shall be installed in a location that is approved by the Fire Department and shall be installed prior to the issuance of any occupancy permit by the Department of Planning and Development.
(Code 1980, § 3.29)

Sec. 18-71. Firefighting or fire protection equipment.

(a) *Interfering, tampering or removal of any firefighting or fire protection equipment.* No person shall interfere with, tamper with or remove any fire alarm system, fire sprinkler system, smoke detection system, fire suppression system, emergency lighting system, fire hydrant or any other firefighting equipment without obtaining written authorization from the Fire Chief. This article shall not apply to one- or two-family dwellings.

(b) *Inspection, testing, maintenance, interference, tampering or removal of all fire protection equipment.*

(1) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fire protection system means all approved devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire or any combination thereof.

- (2) Owners or operators shall be responsible for the condition of all their fire protection systems and any other firefighting equipment.
- (3) Owners or operators of all fire protection systems and any other firefighting equipment shall maintain the systems in good operating condition.
- (4) All fire protection systems and any other firefighting equipment shall be inspected, tested and maintained in accordance with the adopted standards and good engineering practices.
- (5) The Fire Department shall be notified whenever any fire protection system or any other firefighting equipment is shut down or impaired and when it is placed back in service. The owner shall arrange for immediate and continual servicing or repair of the impaired fire protection system or firefighting equipment until it is placed back in operation.
- (6) No person shall interfere with, tamper with or remove all fire protection system, emergency lighting system, fire hydrant or any other firefighting equipment without first obtaining a written approval from the Fire Chief.

(Code 1980, § 3.30)

Secs. 18-72—18-100. Reserved.

ARTICLE IV. FIREWORKS AND MISCELLANEOUS RESTRICTIONS ON BURNING

Sec. 18-101. Penalties.

Violations of this article, including those provisions of the Wisconsin Statutes, Wisconsin Admin-

istrative Code, or other materials which are incorporated by reference, are a Class B offense as provided in section 1-7.

(Code 1980, § 7.09(A))

Sec. 18-102. Fireworks regulations; regulated and permit fee required.

(a) Any sale or display of legal fireworks or possession of fireworks with intent to sell, in the City of La Crosse shall require a permit to do so. The term "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (1) Fuel or a lubricant.
- (2) A firearm cartridge or shotgun shell.
- (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (5) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (6) A toy snake which contains no mercury.
- (7) A model rocket engine.
- (8) Tobacco and a tobacco product.
- (9) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (11) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (12) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a

controlled rate, and that produces audible or visible effects, or audible and visible effects.

- (13) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

- (14) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(b) The provisions of Wis. Stat. § 167.10 relating to the regulation of fireworks are hereby adopted by reference. Any person or business that sells or displays fireworks or possesses fireworks with intent to sell, must comply with all of the local building and fire codes, in addition to the State statutes.

(c) A permit is required for anyone who sells fireworks or possesses fireworks with intent to sell, whether it is in a permanent structure or a temporary tent. All persons requesting a user's permit from the Mayor shall include with the permit application an annual fee in the amount established by resolution and a certificate of insurance that complies with section 2-2. Said permit shall be effective for one calendar year.

(Code 1980, § 7.01(G))

State law reference—Fireworks, Wis. Stat. § 167.10.

Sec. 18-103. Burning of trash, grass and refuse restricted.

(a) No person shall kindle or maintain a grass fire, bonfire, or rubbish fire or authorize any such fire to be kindled or maintained within the City without a permit from the City Fire Department or other proper authorization. A permit fee in the amount established by resolution shall be paid.

(b) No person shall burn any refuse in streets or alleys. No garbage shall be burned. No cans, cartons or any other substance which would create offensive, obnoxious fumes and/or odors shall be burned.

(c) A recreational fire, such as any small fire contained in a self-enclosing portable device or noncombustible structure located at a residence for the purposes of recreation and personal enjoyment, shall comply with the following requirements:

- (1) Recreational fire devices shall be at ground level and shall be no closer than ten feet from any structure or any other combustible material.

- (2) Fires shall be contained in a portable device that is placed upon a secured noncombustible surface, or constructed of a noncombustible material and placed on a noncombustible surface. No person shall maintain a recreational fire in an approved portable device or noncombustible structure so that the flames extend beyond the fire chamber.
- (3) Only portable devices or noncombustible structures with lids and ember arresting screens shall be used and remain intact during use for any such recreational fire.
- (4) Fires shall not be started at a time or maintained when the wind speeds exceed 15 miles per hour and smoke from recreational fires shall not create a nuisance for the neighboring property owners. No recreational fires shall be started when the wind will cause smoke, combustibles or other materials to be carried by the wind toward any building or other combustible or flammable materials.
- (5) Materials for recreational fires shall not include rubbish, garbage, recyclable items, trash, yard waste or any materials made of or coated with rubber, plastic, leather or petroleum based materials made of or coated with rubber, plastic, leather or petroleum based materials and shall not contain any combustible or flammable liquids. No construction materials.
- (6) Adequate fire suppression equipment, such as shovels, fire extinguishers or water hoses or containers shall be present to extinguish or control fires at all times.
- (7) Fires shall be attended at all times by at least one responsible person of age 18 or older.
- (8) It is the duty of any renter or lessee at a dwelling to notify and obtain written permission from the property owner prior to initiating any recreational fire.
- (9) Citations may be issued for failure to comply with the above regulations and the property owner, renter or lessee shall be held liable for any damage caused by any recreational fire, including the cost of citations. The property owner and/or person who has started

any recreational fire shall hold the city harmless from any and all such liability for any damages caused by a recreational fire.

- (10) Only clean and untreated wood may be burned. Recreational fires shall not be permitted from 12:00 a.m. to 7:00 a.m. nor shall a person maintain a fire for more than five continuous hours per day.
- (11) Authorized campgrounds and City parks shall be exempt from the provisions of this subsection. However, the same shall be subject to any applicable regulations or permit requirements.

(Code 1980, § 7.01(D))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Authority to regulate smoke emissions, Wis. Stat. § 254.57.

Sec. 18-104. Causing fires by tobacco smoking.

The provisions of Wis. Stat. § 254.76 relating to causing fires by tobacco smoking are hereby adopted by reference.

(Code 1980, § 7.01(E))

Sec. 18-105. Negligent handling of burning material.

The provisions of Wis. Stat. § 941.10 relating to the negligent handling of burning material are hereby adopted by reference except the penalty provision contained therein.

(Code 1980, § 7.01(W))

Chapter 19

RESERVED

Chapter 20

HISTORIC PRESERVATION AND ARCHEOLOGY*

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Article IV. Historic Shipwrecks

- Sec. 20-139. Penalties.
- Sec. 20-140. Purpose.
- Sec. 20-141. Permit.

*Cross references—Buildings and building regulations, ch. 103; zoning, ch. 115.

ARTICLE I. IN GENERAL

Sec. 20-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

Secs. 20-2—20-20. Reserved.

ARTICLE II. HISTORIC PRESERVATION*

DIVISION 1. GENERALLY

Sec. 20-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means the certificate issued by the Commission approving an alteration, construction or reconstruction of any property or improvement within a Historic Zoning Overlay District.

Certificate of appropriateness for demolition means the certificate issued by the Commission approving the demolition of a historic structure, historic site or demolition of any structure or improvement in a Historic District.

Certificate of recommendation means the certificate issued by the Commission approving or disapproving a proposed alteration, construction or reconstruction of a historic structure or historic site. The certificate of recommendation shall be a nonbinding recommendation only.

Commission means the Heritage Preservation Commission created under this article.

*State law reference—Historic preservation, Wis. Stat. § 44.30 et seq.

Contributing and noncontributing building. A "contributing building" means a building or structure that contributes to the distinctive architectural or special historic character of a historic district as a whole and, therefore, should be preserved for the benefit of the people of the City and the State, as opposed to a "noncontributing building" which is a building or structure that does not so contribute.

Historic District or Historic Zoning Overlay District is an area designated by the Common Council on recommendation of the Commission composed of one or more improvements or sites that is of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State or nation and which has been designated as a Historic District pursuant to the provisions of this Code.

Historic site means any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State or nation and which has been designated as a historic structure pursuant to the provisions of this article.

Improvement means any building, structure, or place constituting a physical betterment of real property, or any part of such betterment which has historic significance, exclusive of interior renovation or remodeling.

Improvement parcel means the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes; provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

(Code 1980, § 2.27(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 20-22. Penalties for violations.

Any person violating any provision of this article shall be subject to a forfeiture of not less than \$20.00 nor more than \$1,000.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. In addition to other remedies, the proper authorities of the City may institute appropriate action or proceedings to prevent a violation of this article, including injunctive relief.

(Code 1980, § 2.27(I))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 20-23. Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this article is to:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such improvements which represent or reflect elements of the City's cultural, social, economic, political, engineering and architectural history.
- (2) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites and objects.
- (3) Stabilize and improve property values.
- (4) Foster civic pride in the beauty and noble accomplishments of the past.
- (5) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (6) Strengthen the economy of the City.
- (7) Promote the use of historic structures, sites and objects for the education, pleasure and welfare of the people of the City.

(Code 1980, § 2.27(A))

Sec. 20-24. Conditions dangerous to life, health or property.

Nothing contained in this article shall prohibit the demolition of any historic structure, or any improvement on a historic site pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be required.

(Code 1980, § 2.27(H))

Secs. 20-25—20-51. Reserved.

DIVISION 2. HERITAGE PRESERVATION COMMISSION*

Sec. 20-52. Creation; membership; officers.

(a) A Heritage Preservation Commission is hereby created, consisting of seven members, all of whom shall be residents of the City. Of the membership, one shall be a Council Member and the remaining members shall be citizens of the City. The Mayor shall appoint the Commissioners subject to confirmation by the Common Council. The Commission may recommend to the Mayor members to be appointed to the Commission. To the extent available in the City, the local government shall appoint a professional member from the disciplines of history, architectural history, architecture, archeology, planning or other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography or cultural anthropology. Membership on the Commission shall be for a term of two years. However, the Common Council may remove a member from appointment if a member has accumulated three or more unexcused absences within one year and the Commission recommends removal. No salary or compensation shall be paid to any member of said Commission for services.

(b) The Commission shall meet at such times and frequency as may be necessary at a place designated by the Commission Chair. The City Clerk shall provide appropriate notice of the meeting prior to such meeting.

***Cross reference**—Boards and commissioners generally, ch. 2, art. X.

(c) The Commission shall elect four officers, each to serve the full duration of a term of appointment to the Commission; a Chair, a Vice-Chair, a Secretary, and a Treasurer. The last two offices may be combined into one office as Secretary-Treasurer, served by one person, at the discretion of the Chair and subject to approval of the entire Commission membership. The duties of the Chair shall be to preside at meetings, to assign projects to members, to call special meetings, to issue public statements for the Commission, and in general to assume the duties of directing the activities of the Commission. The duties of the Vice-Chair shall be to act in the place of the Chair in event of the latter's absence or inability to act. The duties of the Secretary shall be to keep complete and accurate minutes of each meeting. The Secretary shall arrange for a suitable place for each meeting upon instruction from the Vice-Chair. The duties of the Treasurer shall be to keep complete and accurate records and accounting of all funds—income and expenditures of every nature of the Commission. The Treasurer shall also prepare a written statement of recommended expenditures and reasons therefor, to be submitted to the Common Council for approval, such statement to be subject to approval of the Commission's Chair and the Commission membership.

(Code 1980, § 2.27(C))

Sec. 20-53. Powers and duties generally.

The Commission shall have the power, subject to sections 20-54, 20-58, 20-91 and chapter 15, article V, division 3, to designate historic structures and historic sites and to recommend designation of historic districts within the City limits. Such designations shall be made based on the criteria in section 20-90 and chapter 15, article V, division 3. Historic districts shall be approved by the Common Council. Once designated, the owner of such historic structure, site, and improvement shall notify any purchasers of such designation and such historic structures, sites, improvements and districts shall be subject to all the provisions of this Code.

(Code 1980, § 2.27(F)(1))

Sec. 20-54. Procedures.

In carrying out its duties under this article, the Commission must provide notice and hold public hearing. Prior to designating property as a historic

structure or site, the Commission shall notify, in writing, the owners of record, as listed in the City Assessor's Office, of the proposed designation. Such notice shall be by personal delivery or certified mail at least 20 days prior to the public hearing considering the matter. Notice of such hearing shall also be published as a Class 1 Notice under Wisconsin Statutes. These owners shall have the right to confer with the Commission prior to final action by the Commission. Prior to any hearing considering a matter provided for in this article, the Commission shall notify the following: Mayor, Director of Public Works, Redevelopment Authority, Department of Parks and Recreation, Department of Planning and Development and Council Member in whose district the property is located. Each such department may respond to the Commission within ten days of notification with its comments on the proposed request for action. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed request for action. Notification of the decision of the Commission to designate or rescind a designation of a historic structure or historic site or to issue any certificate under this article shall be sent to the property owner. Notification shall also be given to the City Clerk, Planning and Development Department and City Assessor.

(Code 1980, § 2.27(G)(1))

Sec. 20-55. Recognition of historic structures, sites and districts.

At such time as a historic structure, site or district has been properly designated, the Commission may cause to be prepared and erected on such property or within such district at City expense, a suitable plaque declaring that such property is a historic structure, site or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the name of the historic property, the date of its construction of significance, and other information deemed proper by the Commission.

(Code 1980, § 2.27(F)(4))

Sec. 20-56. Annual report.

The Commission shall make an annual written report to the Common Council, through the Mayor,

with respect to its activities for the preceding year. Such annual report shall be filed with the Council on October 1 of each year.
(Code 1980, § 2.27(D))

Sec. 20-57. Other duties.

In addition to those duties already specified in this article, the Commission shall:

- (1) Work for the continuing education of the citizens about the historical heritage of this City and the historic properties designated under the provision of this section.
- (2) Cooperate with the State of Wisconsin Historic Preservation Officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as historic structures or historic sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
- (3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the City. Such funds shall be placed in a special City account for such purpose.

(Code 1980, § 2.27(F)(5))

Sec. 20-58. Appeals.

An appeal from any decision of the Commission of any kind, including designation of historical structures, improvements and sites or the refusal to rescind any designation of historical structures or sites may be taken to the Common Council. Such appeal may be initiated by filing a petition to appeal specifying the grounds therefor, with the City Clerk within 30 days of the date of the decision of the Commission which is being appealed. The City Clerk shall file the petition to appeal with the Common Council. The Common Council shall hold a public hearing on the appeal and may by majority vote of its members reverse or modify any decision of the Commission.
(Code 1980, § 2.27(G)(3))

Secs. 20-59—20-89. Reserved.

DIVISION 3. HISTORIC STRUCTURES AND SITES

Sec. 20-90. Historic structures and sites designation criteria.

(a) For purposes of this article, a historic structure or historic site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of La Crosse such as historic structures or sites which:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, State or community;
- (2) Are identified with historic personages or with important events in national, State or local history;
- (3) Embody the distinguishing characteristics of an architectural type or specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
- (4) Are representative of the notable work of a master builder, designer or architect whose individual genius influenced such master's age.

(b) The Commission may adopt specific operating guidelines for landmark sites designation providing such are in conformance with the provisions of this article.

(c) A fee in the amount established by resolution shall be paid by the owner of said property to the City of La Crosse in connection with said historic designation.
(Code 1980, § 2.27(E))

Sec. 20-91. Voluntary restrictive covenants.

The owner of any historic structure or site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in

the County Register of Deeds Office, and shall notify the City Assessor of such covenant and the conditions thereof.

(Code 1980, § 2.27(G)(2))

Sec. 20-92. Regulation of construction, reconstruction or alteration.

(a) Prior to applying for a permit from the Department of Planning and Development involving the exterior of a designated historic site or historic structure, an application for a certificate of recommendation shall be filed with the Commission, in the Department of Planning and Development.

(b) The applicant shall submit a detailed description of the proposed construction, reconstruction or alteration together with any architectural drawings, if those services have been utilized by the applicant, and a sufficient description of the construction or alteration and use to enable the Commission to determine what the final appearance of the structure will be.

(c) No owner or person in charge of a historic site or historic structure shall construct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property until a certificate of recommendation has been issued by the Commission. The request for a certificate of recommendation for such sites shall be accompanied by the payment of a fee in the amount established by resolution. Until such certificate of recommendation has been issued by the Commission, the Director of Planning and Development shall not issue a permit for any such work.

(d) Upon filing of any application with the Commission, the Commission shall within 45 days of receipt of the application consider and may give weight, in issuing its certificate of recommendation, to any or all of the following:

- (1) Whether the property will be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) Whether the historic character of the property shall be retained and preserved. The

removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall be discouraged.
 - (4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
 - (5) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture and other visual qualities and, where possible, materials.
 - (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of historic structures shall be undertaken using the methods promulgated by Department of Safety and Professional Services pursuant to Wis. Stat. § 101.1215.
 - (7) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - (8) New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - (9) The "Secretary of the Interior's Standards for Rehabilitation" (36 CFR 67 and 68 as amended).
- (e) The Commission shall issue the certificate of recommendation within 45 days of the filing of the application. The certificate of recommendation shall

serve as a nonbinding recommendation only. During such period of review, the Commission shall work with the applicant to preserve the historical attributes of any structure or building.

(f) The issuance of a certificate of recommendation shall not relieve the applicant from obtaining other permits and approvals required by applicable Federal, State or local code. Insofar as they are applicable to a historic site or historic structure designated under this section, any provision of the plumbing code, electrical code, or building or housing code of the City shall apply, unless waived by the appropriate State or City officials. The Commission may support or propose such waivers before the appropriate State or City appeals body.

(g) Ordinary maintenance and repairs may be undertaken without a certificate of recommendation provided that the work involves repairs to existing features of a historic structure or historic site or the replacement of elements of a structure with materials similar in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(Code 1980, § 2.27(F)(2))

Sec. 20-93. Regulation of demolition.

(a) Prior to applying for a permit from the Department of Planning and Development to demolish all or part of the exterior of a historic structure, historic site, or structure or contributing building in a historic district, an application for a certificate of appropriateness for demolition along with a fee as established by resolution shall be filed with the Commission, in the Department of Planning and Development.

(b) The Commission may decide to grant the certificate of appropriateness for demolition or refuse to grant such Certificate. If the Commission fails to act on the application for the certificate of appropriateness for demolition within 45 days of the application date, it will be deemed an issuance of a certificate of appropriateness for demolition. During such period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property.

(c) In determining whether to issue a certificate of appropriateness for demolition, the Commission shall consider and may give weight to any or all of the following:

- (1) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the City and the State;
- (2) Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of the district as a whole and therefore should be preserved for the benefit of the City and State;
- (3) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- (4) Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it; provided, however, any hardship or difficulty claimed by the owner which is self-created or which is the result of inexcusable neglect to maintain the property in good repair shall not qualify as a basis for the issuance of a certificate of appropriateness;
- (5) Whether the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property.

(Code 1980, § 2.27(F)(3))

Secs. 20-94—20-114. Reserved.

ARTICLE III. ARCHAEOLOGICAL SITES

Sec. 20-115. Purpose and definitions.

(a) The purpose of this article is to preserve the archaeological resources within the City of La Crosse and to ensure that such resources will be properly considered during development and construction activities occurring within districts or areas considered to be archaeologically significant.

(b) Archaeological significant resources are defined as follows:

- (1) Association with events that have made a significant contribution to the broad patterns of history.
- (2) Association with the lives of persons significant in the past.
- (3) Embodiment of the distinctive characteristics of a type, period, or method of construction or that represent the work of a master or that possess high artistic values.
- (4) Representation of a significant and distinguishable entity whose components may lack individual distinction.
- (5) Yielding, or likely to yield, information important in history or pre-history.

(Code 1980, § 7.07(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 20-116. Penalties.

Violations of this article, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or other materials which are incorporated by reference, are a Class B offense as provided in section 1-7.

(Code 1980, § 7.09(A))

Sec. 20-117. Archaeological district boundaries.

The boundaries of an archaeological district are as defined by the Common Council or as how they are described in the latest determination of eligibility form for nomination to the National Register of Historic Places. Copies of a map of the boundaries of Archaeological Districts are on file with the Wisconsin State Historical Society, and the Department of Planning and Development.

(Code 1980, § 7.07(B))

Sec. 20-118. Regional qualified archaeologist.

(a) The Regional Qualified Archaeologist shall mean any individual who meets all of the following requirements:

- (1) Has a graduate degree in archaeology, anthropology, or a close related field.

- (2) Has at least one year of full-time professional experience or equivalent specialized training in archaeological or physical anthropological research, administration or management.

- (3) Has at least four months of supervised field and analytic experience in the region.

(b) The Mississippi Valley Archaeological Center may provide a regional qualified archaeologist, at no cost, subject to discretion of the landowner.

(Code 1980, § 7.07(C))

Sec. 20-119. Demolition, excavating, building and development.

Any person performing demolition, excavating, building, or development requiring a permit from the City of La Crosse within an Archaeological District shall notify the City of La Crosse Department of Planning and Development not less than two full working days prior to commencing activities disturbing more than 20 square feet of soil to a depth of two feet or greater except in the case of emergency excavations as approved by the Director of Public Works or the Department of Planning and Development. Such notice shall be in writing and shall include a description and location of the proposed work, the depth and area of the proposed soil disruption, and the proposed date and time of commencement of such work.

(Code 1980, § 7.07(D))

Sec. 20-120. Regulations.

Any person, persons or entity receiving a permit for demolition, excavating, building or development to be done in an Archaeological District that includes soil disturbance of more than 20 square feet to a depth of two feet or greater shall as a condition of such permit:

- (1) Provide an archaeological survey by a regional qualified archaeologist of the site affected by the permit or provide unlimited and uninhibited access by the regional qualified archaeologist to the site of any such demolition, excavating, building or development that includes disturbing more than 20 square feet of soil to a depth of two feet or greater during any period when excavation or soil

disruption is taking place, and after archaeological artifacts are found, subject to reasonable safety requirements.

- (2) The permittee and any agents of the permittee shall stop work immediately and notify the Department of Planning and Development or the regional qualified archaeologist if any artifacts, human remains, or other clear evidence of historic or prehistoric activity are discovered during excavation or earthwork activities. The regional qualified archaeologist shall evaluate the site by the end of the next week day, excluding holidays, following such notification. If significant archaeological resources are found, the regional qualified archaeologist shall have up to three additional consecutive week days, excluding holidays, after the initial notification as described above to continue investigation of the site. No additional work may be done by the permittee or permittee's agents during this period that would interfere with the archaeological investigation. If no significant archaeological resources are found by the regional archaeologist, work on demolition, excavating, building or development that includes disturbing more than 20 square feet of soil to a depth of two feet or greater may resume immediately and the parcel may be removed from the boundaries of the archaeological district, if such removal is approved by the Heritage Preservation Commission. If the regional archaeologist does not investigate the site by the end of the next week day, excluding holidays, following notification of the Department of Planning and Development of the presence of archaeological artifacts, human remains, or other clear evidence of historic or prehistoric activity, work may be resumed on the second day following such notification. If an archaeological survey performed by a regional qualified archaeologist finds no archaeological significant remains the parcel may be removed from the boundaries of the archaeological district upon approval of the Heritage Preservation Commission.
- (3) The permittee and any agents of the permittee shall agree that any archaeological arti-

facts discovered will remain the property of the land owner upon whose land the artifacts were found. No artifacts may be removed from the property of the land owner without the landowner's written permission unless an itemized inventory report of all artifacts removed is provided to the land owner signed by the regional qualified archaeologist. Such artifacts may be held by the regional archaeologist for a reasonable period, not to exceed 12 months, for study and identification, but shall be returned to the land owner at the end of such period. Any human remains discovered shall be dealt with in accordance with applicable State and Federal law.

- (4) The requirements listed for permittees in an Archaeological District in subsections (1), (2) and (3) of this section shall also apply to all City of La Crosse departments, utilities, contractors, and agents regardless of whether a permit is required for any proposed work in an Archaeological District, if the work will result in disrupting more than 20 square feet of soil to a depth of two feet or greater.

(Code 1980, § 7.07(E))

Secs. 20-121—20-138. Reserved.

ARTICLE IV. HISTORIC SHIPWRECKS*

Sec. 20-139. Penalties.

Violations of this article are a Class B offense as provided in section 1-7.

(Code 1980, § 7.09(A))

Sec. 20-140. Purpose.

It is hereby declared a matter of public policy that historic shipwrecks, which means a vessel or wreck, its cargo and other contents that have been deserted and to which the owner has relinquished ownership rights with no retention, shall be protected to the

*Cross reference—Waterways, ch. 48.

extent consistent with the provisions of Public Law 100-298, known as the "Abandoned Shipwreck Act of 1987," in order to:

- (1) Maximize the enhancement of cultural resources.
- (2) Foster a partnership among sport divers, fishermen, archeologists, salvagers and other interests to manage shipwreck resources of the City of La Crosse, State of Wisconsin and the United States.
- (3) Allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

(Code 1980, § 7.04(V)(1))

Sec. 20-141. Permit.

(a) *Permit required.* It shall be unlawful for any firm, person or corporation to salvage or otherwise remove any vessel or wreck, its cargo, or other contents of a shipwreck which is listed on the National Register of Historic Places or eligible for such registration which lies in the waters within the corporate limits of the City of La Crosse which has been deserted, and, to which the owner has relinquished ownership rights with no retention, unless a permit has been secured as provided for in this section.

(b) *Application for permit.* Application for a permit to salvage or remove artifacts from any abandoned shipwreck defined herein shall be made by addressing a letter to the City Clerk, City Hall, La Crosse, Wisconsin. The letter shall indicate the name of the person or group of persons and/or the name of an organization which desires to secure a permit hereunder. The addresses and telephone numbers of each interested person shall be furnished along with a nonrefundable fee in the amount established by resolution. The application shall state the location of the proposed salvage and contain a statement, if applicable, from the riparian land owner authorizing the applicant to go upon their land or to utilize their riparian rights to carry on the salvage operation. The applicant shall furnish evidence of insurance as provided in section 2-2. The City of La Crosse and the riparian owner shall be named as additional insureds on such policy. While it is intended to permit diving and salvage operations on historic abandoned ships,

it is likewise intended by this article that any artifacts salvaged from such ships shall be given to the City of La Crosse or any public agency designated by the City of La Crosse for the purpose of preserving any such salvaged artifacts.

(c) *Granting of permit.* The Common Council may grant a permit to any firm, person or corporation who makes the proper application therefor under the terms of this article. Such permit shall state the time, place and terms and conditions under which such salvage operations may be conducted.

(Code 1980, § 7.04(V)(2)—(4))

Chapter 21

RESERVED

Chapter 22

HUMAN RIGHTS

Article I. In General

Secs. 22-1—22-18. Reserved.

Article II. Discrimination in Housing, Use of City Facilities and Public Accommodations

- Sec. 22-19. Title.
- Sec. 22-20. Definitions.
- Sec. 22-21. Penalty, enforcement officers and citations.
- Sec. 22-22. Declaration of policy.
- Sec. 22-23. City of La Crosse Equal Opportunities Commission.
- Sec. 22-24. Enforcement procedure.
- Sec. 22-25. Housing discrimination prohibited.
- Sec. 22-26. Public place of accommodation or amusement.
- Sec. 22-27. City facilities.

ARTICLE I. IN GENERAL

Secs. 22-1—22-18. Reserved.

ARTICLE II. DISCRIMINATION IN HOUSING, USE OF CITY FACILITIES AND PUBLIC ACCOMMODATIONS*

Sec. 22-19. Title.

This article shall be known as the City of La Crosse Equal Opportunities Ordinance.
(Code 1980, § 7.03(J)(8))

Sec. 22-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City or City of La Crosse facilities means all those facilities wholly or partially within the corporate limits of the City of La Crosse, Wisconsin which are owned by, leased to, operated by or within the control of the City of La Crosse, Wisconsin.

Commission means the City of La Crosse Equal Opportunities Commission, and the term "Commissioner" shall mean a member thereof.

Complainant means any person who files a complaint with the Commission under this article.

Disability means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. The term "disability" does not include the current illegal use of a controlled substance, as defined in Wis. Stat. § 961.01(4), or a controlled substance analog, as defined in Wis. Stat. § 961.01(4m) in a supervised drug rehabilitation program.

Discriminate or discrimination means to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, disability, sexual orientation, religion, national origin or marital status of the person maintaining a household, familial status, lawful source of income, age or

*State law references—Local fair housing ordinances, Wis. Stat. § 66.1011; open housing, Wis. Stat. § 160.50.

ancestry, domestic partners, political activities or student status. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.

Domestic partners or domestic partnership means individuals who:

- (1) Are responsible for each other's common welfare.
- (2) Are not married to anyone.
- (3) Are at least 18 years of age.
- (4) Are not related by blood to a degree that would bar marriage in the State of Wisconsin.
- (5) Meet the following conditions within their relationship:
 - a. The relationship has been in existence for a period of at least 12 consecutive months.
 - b. The individuals have at least two of the following, and can provide documentation if requested:
 1. Domestic partnership agreement.
 2. Joint mortgage, lease, or title.
 3. Designation of domestic partner as beneficiary for life insurance or retirement contract.
 4. Durable property or health care powers of attorney.
 5. Joint ownership of motor vehicle, joint checking account, or joint credit account.

Hearing means a hearing under the jurisdiction of the Commission, except where otherwise indicated.

Housing means any improved property, including any mobile home as defined in Wis. Stat. § 66.0435 which is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence.

Owner-occupied dwelling means a building used for human habitation in which the owner thereof maintains the owner's permanent living quarters.

Person means and includes any individual, partnership, labor or other association, corporation, legal

representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.

Physical appearance means the outward appearance of any person, irrespective of sex, with regard to hair style, beards, manner of dress, weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a place of public accommodation or amusement for a reasonable business purpose.

Political activity means conduct which is generally protected by the First Amendment to the United States Constitution relating to government, the conduct of government, or concerned with the making of governmental policy and which is not preempted by State or Federal law.

Probable cause means reasonable grounds to believe that a violation of this article may have occurred or may be occurring.

Public place of accommodation or amusement means and includes those accommodations, facilities and services which a person holds out to be open to the common and general use, participation, and enjoyment of the public for any purpose. The term "public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods or services are available either free or for a consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin or the United States.

Respondent means any person who, according to the allegations contained in any complaint filed with the Commission, has allegedly violated any discriminatory practice prohibited by this article and has been named in the complaint as a respondent.

Source of income means and includes, but is not limited to, monies received from public assistance,

pension and supplementary security income. Source of income shall be limited to legally derived income.

Student means a person who is enrolled in a college, university, technical college, accredited trade school, or apprenticeship program.

Unimproved residential lot means any residential lot upon which no permanent building or structure containing living quarters has been constructed. (Code 1980, § 7.03(J)(2))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 22-21. Penalty, enforcement officers and citations.

(a) Any person violating any of the provisions of section 22-26 or 22-27, shall upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$500.00.

(b) Any person violating any of the provisions of section 22-25 shall be subject to forfeiture as provided in Wis. Stat. § 106.50 (6)(h); any such person who fails to comply with any lawful order of the Commission issued pursuant to section 22-25 shall be deemed guilty of a violation of section 22-25, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense.

(c) The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:

- (1) The Chief of Police.
- (2) Such other City officers or City employees who are assigned enforcement responsibilities for this article.

(Code 1980, § 7.03(J)(10))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 22-22. Declaration of policy.

The practice of providing equal opportunities in housing, places of public accommodations and amusement, and City facilities without regard to sex, race, religion, color, national origin or ancestry, age, disability, marital status, lawful source of income, physical appearance, sexual orientation, political activity, familial status, or the fact that such person is a student as defined herein is a desirable goal of the

City of La Crosse and a matter of legitimate concern to its government. Discrimination against any of La Crosse's citizens or visitors endangers the rights and privileges of all. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled. Denial of equal opportunity in public accommodations subjects those discriminated against to embarrassment and creates distress and unrest within the community. Provision for adequate safeguards against such discrimination is a proper and necessary function of City government. In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of La Crosse to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to housing, the use of City facilities and places of public accommodations and amusement without regard to sex, race, religion, color, national origin or ancestry, age, disability, marital status, lawful source of income, physical appearance, sexual orientation, political activity, familial status, or the fact that such person is a student as defined herein.
(Code 1980, § 7.03(J)(1))

Sec. 22-23. City of La Crosse Equal Opportunities Commission.

The Mayor, subject to confirmation by the Common Council, shall appoint a City of La Crosse Equal Opportunities Commission, consisting of seven members, one of whom shall be designated President by the members of the Commission. Members shall be appointed from among the residents of the entire City, and shall be committed to the principle of equal opportunities. They shall receive no compensation for their services.

- (1) The Commission members shall be appointed for terms of three years and their terms shall run until their successors are appointed and confirmed. Terms shall expire on March 1.
- (2) The Commission shall have the following powers and duties:
 - a. To adopt, amend, publish and rescind rules for governing its meetings and hearings;

- b. To adopt, amend, publish and rescind regulations consistent with, and for the enforcement of this article;
- c. To request assistance from other City employees and staff as are necessary to promote the purposes of this article, and to prescribe their duties;
- d. To receive, initiate and investigate all complaints alleging discriminatory practice with respect to any discriminatory practice prohibited by this article;
- e. To appoint mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences;
- f. If necessary, to hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; to administer oaths and take testimony; to compel the production of books, papers and any other documents relating to any matters involved in the complaint; and to subpoena witnesses and compel their attendance. If a witness either fails or refuses to obey a subpoena issued by the Commission, the Commission may order attendance. At any time after it has issued such an order, the Commission may petition a court of competent jurisdiction for its enforcement;
- g. To issue, after hearing, such final orders as are necessary to promote the purposes of this article;
- h. Subject to hearing and due process and except as to the City, its officers, employees, boards, commissions and committees, to issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action which would tend to render ineffectual or unenforceable any order which the Commission might issue;
- i. To refer orders, under this article, to the City Attorney to be enforced by the City Attorney in the name of the City of La Crosse;

- j. To make available to the public, in writing, copies of:
 - 1. Minutes of all of its proceedings except initial settlement efforts by its mediators;
 - 2. All temporary and final orders; and
 - 3. All decisions and opinions rendered;
- k. To require a written report of the manner of compliance with any final order it may issue;
- l. To recommend to the Mayor and the Common Council any legislation necessary to further promote the purposes of this article, and to file annual written reports of its work to the Mayor and the Common Council on or before June 30 of each year;
- m. To enter into cooperative agreements with the Wisconsin Department of Workforce Development, Equal Rights Division which agreements shall provide that the City of La Crosse Equal Opportunities Commission shall refer those complaints which are covered under Wisconsin Housing or Public Accommodation laws which would require significant investigation and which would exceed the annual budget of the Commission;
- n. To educate the people of La Crosse regarding all types of discrimination;
- o. To the extent permitted by law, the Commission shall keep confidential the complaint, the investigation, inquiry and proceedings relative to complaints filed with the Commission.

(Code 1980, § 7.03(J)(6))

Cross reference—Boards, commissions and authorities, ch. 2, art. X.

Sec. 22-24. Enforcement procedure.

- (a) Complaint.
 - (1) Except as otherwise provided in this article, any complaint alleging discrimination prohibited by this article shall be in writing. Such complaints may be initiated by:
 - a. The complainant;
 - b. Any agent of the complainant; or
 - c. Any member of the Commission on such member's own initiative.
 - (2) All complaints shall contain the following:
 - a. The name and address of the complainant;
 - b. The name and address of the respondent or respondents;
 - c. A statement setting forth the particulars of the alleged discrimination or discriminatory practice; and
 - d. The date or dates of the alleged discrimination or discriminatory practice.
- (b) *Where filed.* Complaints shall be filed with the City of La Crosse Equal Opportunities Commission in the Office of the La Crosse City Clerk, and may be filed in person or by mail.
- (c) *When filed.* Complaints alleging discrimination prohibited by this article shall be filed no later than 120 days after the complainant knew or should reasonably have known that the alleged act or acts occurred.
- (d) *Notice to respondent.* Upon the filing of a complaint, the Commission shall serve a copy thereof upon the respondent within 20 days of said filing.
- (e) *Amendment and withdrawal.* A complaint may be amended or withdrawn at any time with and subject to the approval of the Commission or its designated agent and under such terms as the Commissioner or agent shall direct.
- (f) *Investigations, hearing, determinations, appeal.*
 - (1) An independent fact finder, not a member of the Commission, designated by the Commission shall promptly investigate all duly filed complaints. Within 45 days of the filing of

each complaint, said fact finder should issue to the complainant, respondent and the Commission an initial determination in writing of whether probable cause, as defined in this article, exists, and setting forth the basis of the determination. The Commission may extend the time frames provided in this article other than the time to appeal upon a showing of good cause.

- (2) Should a determination be made that there is no probable cause to believe discrimination in violation of this article has been, or is being, committed, the complainant shall be afforded an opportunity to appeal such decision to the full Commission. Such appeal shall be in writing and served upon the Commission through the City Clerk of the City of La Crosse within 45 days of service of the Commission's determination of no probable cause. Should the Commission then decide that there is no probable cause, the complainant may appeal to the Circuit Court of La Crosse County. Such appeal shall be made within 45 days of the complainant's receipt of such final determination of the Commission.
- (3) Should a determination be made that there is probable cause to believe discrimination in violation of this article has been or is being committed, an outside mediator designated by the Commission shall endeavor by means of mandatory mediation to eliminate the alleged discriminatory practice. Both parties shall have a good faith obligation to participate in mediation.
- (4) In any case where efforts at settlement by means of mediation have failed to eliminate the discriminatory practice alleged by the complaint, the Commission shall promptly cause to be issued a notice of hearing before the Commission to determine the merits of the complaint. Upon receipt of said notice, the respondent shall have 20 calendar days to file and serve a written response. Such written response shall be served upon the complainant and the City Clerk.
- (5) If, after a hearing before the Commission, and on the basis of the official record made

therein, the Commission finds that the respondent has engaged in or is engaging in any discrimination, the Commission shall issue written findings of fact and conclusions thereon and shall order such action to be taken by the respondent and, where necessary, by the complainant, as will accomplish the purposes of this article by eliminating the discrimination found.

- a. A certified copy of such recommended findings, conclusions, and orders, together with a summary of the findings of fact shall be mailed to the last known addresses of the complainant and respondent.
- b. If within 30 days following the mailing of the examiner's decision the Commission does not receive notice of appeal, the findings, conclusions and orders of the examiner shall be the findings, conclusions and orders of the full Commission.
- c. Within 30 days following the mailing of the Commission's decision, the complainant or respondent may appeal by certiorari to the Circuit Court of La Crosse County.

(g) Transfer of proceedings. At any time after a finding of probable cause the Commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself.

(h) Disqualification of Commissioners. No Commissioner who has filed a complaint on such Commissioner's own initiative under this article shall participate in any subsequent hearing or proceeding except as a witness, nor shall such Commissioner participate in the deliberations of the Commission in such case.

(i) Judicial enforcement. Whenever in the judgment of the Commission, judicial enforcement of a Commission order is necessary, the Commission shall in writing request the City Attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the City of La Crosse. Upon receipt of any such request, the

City Attorney shall have the duty to seek enforcement of such orders in a court of competent jurisdiction.

(j) The Commission shall use the following procedures in acting on all complaints alleging discrimination or substandard wages by the City of La Crosse:

- (1) Upon receipt of a written complaint by the City Clerk naming the City of La Crosse as a respondent, a copy of such complaint shall be served on the City Attorney, the Mayor and the Commission.
- (2) All discrimination complaints involving the City shall be referred to the Equal Rights Division (ERD) of the Wisconsin Department of Workforce Development or the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Housing and Urban Development (HUD), whichever may have jurisdiction over the complaint and the Commission shall take no action, but shall promptly refer the complaint to the ERD, EEOC or HUD for appropriate action as provided by law. The Complainant and respondent shall be informed of all such referrals.

(Code 1980, § 7.03(J)(7))

Sec. 22-25. Housing discrimination prohibited.

(a) Except in the individual home wherein the renter or lessee would share common living areas with the owner, lessor, manager or agent, it is unlawful for any person to discriminate:

- (1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.
- (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
- (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
- (4) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with

the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.

- (5) For a person in the business of insuring against hazards, by refusing to enter into, or be exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
 - (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
 - (7) In providing the privileges, services or facilities that are available in connection with housing.
 - (8) By falsely representing that housing is unavailable for inspection, rental or sale.
 - (9) By denying access to, or membership or participation in, a multiple listing service or other real estate service.
 - (10) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of such person having exercised or enjoyed, a right granted or protected under this article, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this article.
 - (11) By otherwise making unavailable or denying housing.
- (b) Exceptions.
- (1) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.
 - (2) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.
 - (3) Nothing in this section shall prohibit the development of housing designed specifically

for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

- (4) Nothing in this section shall prevent any person from renting or leasing housing, or any part thereof, to solely male or female persons if such housing or part thereof is rented with the understanding that toilet and bath facilities must be shared with the lessor or with other tenants.
- (5) Requiring references. Nothing in this section prohibits an owner or agent, from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status but not concerning race, color, physical condition, developmental disability as defined in Wis. Stat. § 51.01(5), sexual orientation, political beliefs or creed.
- (6) It is not discrimination based on family status to comply with any Federal, State or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(c) Representations designed to induce panic sales. No person may induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation, political beliefs, student status, or economic status, or by representations to the effect that such present or prospective entry will or may result in:

- (1) The lowering of real estate values in the area concerned;
- (2) A deterioration in the character of the area concerned;
- (3) An increase in criminal or antisocial behavior in the area concerned; or
- (4) A decline in the quality of the schools or other public facilities serving the area.

(Code 1980, § 7.03(J)(3))

Sec. 22-26. Public place of accommodation or amusement.

It shall be an unfair discrimination practice and unlawful and hereby prohibited:

- (1) For any person to deny to another, or charge another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of the person's sex, race, religion, color, national origin or ancestry, age, disability, marital status, domestic partnership status, lawful source of income, physical appearance, sexual orientation, political activity, familial status or the fact that such person is a student as defined herein.
- (2) For any person to directly or indirectly publish, circulate, display, or mail any written communication which the person knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of such person's sex, race, religion, color, national origin or ancestry, age, disability, marital status, domestic partnership status, lawful source of income, physical appearance, sexual orientation, political activity, familial status or the fact that such person is a student as defined herein, or that the patronage of a person is unwelcome, objectionable or unacceptable for any of these reasons.
- (3) For any owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation or amusement to refuse to permit an eyesight-impaired, hearing-impaired, or mobility-impaired person to enter or use any such accommodations as are available, for the reason that the person is being assisted by an animal specially trained to assist such person if:
 - a. Such animal is wearing a harness or appropriate collar with identification; and
 - b. The person has presented, for inspection, credentials issued by a bona fide school for training such animals.

- (4) Section 22-27 does not prohibit special services, rates or benefits provided to any person because the person is 50 years old or older.

(Code 1980, § 7.03(J)(4))

Sec. 22-27. City facilities.

It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission or committee of the City of La Crosse to deny any person the use of City facilities or otherwise discriminate against any person in the use of City facilities because of sex, race, religion, color, national origin or ancestry, age, disability, marital status, lawful source of income, physical appearance, sexual orientation, political activity, familial status or the fact that such person is a student as defined herein.

(Code 1980, § 7.03(J)(5))

Chapter 23

RESERVED

Chapter 24

LAW ENFORCEMENT*

Article I. In General

Secs. 24-1—24-18. Reserved.

Article II. Police Department

Sec. 24-19. Special Police Officers.

***Cross references**—Burglary and robbery alarm systems, ch. 14, art. III; nuisances, ch. 30; offenses and miscellaneous provisions, ch. 32; traffic, ch. 44.

ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. POLICE DEPARTMENT***Sec. 24-19. Special Police Officers.**

With the consent of the Mayor, the Chief of Police may, when emergency requires, appoint such necessary special Police Officers as the protection of the public or property may demand, and reasonable sums for the services of such special Police Officers shall be paid by the City. Such special Police Officers shall in no case be employed upon the regular police force, nor shall their term of service extend beyond the existence of the emergency which required their appointment.

(Code 1980, § 3.08)

***Cross references**—Fire Department, ch. 18, art. II; offenses involving governmental operations, ch. 32, art. VII.

State law references—Police departments, Wis. Stat. § 162.13; law enforcement agency policies on use of force and citizen complaint procedures, Wis. Stat. § 66.0511; police pay when acting outside of city, Wis. Stat. § 66.0513.

Chapter 25

RESERVED

Chapter 26

LIBRARY*

Article I. In General

- Sec. 26-1. Establishment; powers.
- Secs. 26-2—26-20. Reserved.

Article II. Library Materials

- Sec. 26-21. Penalty.
- Sec. 26-22. Failure to return materials.
- Sec. 26-23. Property damage.
- Sec. 26-24. Theft of library materials.

*State law reference—Libraries, ch. 43.

ARTICLE I. IN GENERAL

Sec. 26-1. Establishment; powers.

A municipal library is hereby established pursuant to Wis. Stat. § 43.52 to consist of the present La Crosse Public Library. The La Crosse Public Library shall have all powers and duties prescribed by statute relating to a municipal library.

(Code 1980, § 2.20(A))

State law reference—Library board, Wis. Stat. § 43.54.

Secs. 26-2—26-20. Reserved.

ARTICLE II. LIBRARY MATERIALS

Sec. 26-21. Penalty.

(a) Any person convicted of a violation of the provisions of this article shall forfeit not less than \$20.00 and no more than \$500.00 and the costs of prosecution, and, in default of payment of such forfeiture and the costs of prosecution, shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and costs of prosecution are paid, but not for more than 90 days. Where there is more than one book, periodical, pamphlet, picture or other article or property involved in any violation, each such item shall constitute a separate offense. The Municipal Judge is hereby empowered to suspend payment of all or any portion of the forfeiture imposed if the person convicted of such offense makes restitution in full to the Library Board for any damage or mutilation or returns such item or items to the Library Board within 15 days of conviction thereof.

(b) The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:

- (1) The Chief of Police.
- (2) The Library Director.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this article.

(Code 1980, § 7.04(N)(4))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 26-22. Failure to return materials.

No person shall fail, on demand, to return any book, periodical, pamphlet, picture or other article or property belonging to or in the charge of the La Crosse Public Library, also known as La Crosse Public Library, Inc., (hereinafter Library), or any of its branches, according to the rules and regulations duly made and adopted by the Library Board, and no person shall remove from the Library or any of its branches any book, periodical, pamphlet, picture or other article or property without first having it charged as provided by such rules and regulations.

(Code 1980, § 7.04(N)(1))

Sec. 26-23. Property damage.

No person shall mar, deface, or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in the charge of the Library, or any of its branches.

(Code 1980, § 7.04(N)(2))

Sec. 26-24. Theft of library materials.

The provisions of Wis. Stat. § 943.61 relating to theft of library material, exclusive of the penalties provided therein, is hereby adopted by reference.

(Code 1980, § 7.04(N)(3))

Chapter 27

RESERVED

Chapter 28

MUNICIPAL COURT*

- Sec. 28-1. Creation.
- Sec. 28-2. Municipal Judge.
- Sec. 28-3. Procedure.
- Sec. 28-4. Orders and fees.

***Cross reference**—General penalties for ordinance violations, § 1-7.

State law reference—Municipal courts, Wis. Stat. ch. 755.

Sec. 28-1. Creation.

Pursuant to Wis. Stat. ch. 755, a Municipal Court is hereby recreated and re-established for the City of La Crosse.

(Code 1980, § 2.04(A))

Sec. 28-2. Municipal Judge.*(a) Salary, fringe benefits and personnel.*

(1) The salary for the office of Municipal Judge, commencing with the person elected at the regular spring election in 2014, is hereby established as \$37,264.50 on an annual basis. The fringe benefits for this part-time position (16—20 hours per week) shall include:

- a. Voluntary Dental under the same plan provided to other nonrepresented employees;
- b. Deferred Compensation under the same plan provided to other nonrepresented employees; and
- c. Section 125 Flex Spending under the same plan provided to other nonrepresented employees.

(2) Per Wis. Stat. § 40.22, defining Wisconsin Retirement System eligibility, the part-time position may be eligible for:

- a. Wisconsin Retirement System contributions at one-half of the total actuarially required contribution for elected officials;
- b. Life insurance under the same plan provided to other nonrepresented employees; and
- c. Income continuation insurance under the same plan made available to other nonrepresented employees.

(3) No salary shall be paid to the Judge for any time during the term for which the Judge has not executed and filed an official bond and oath as required by subsection (b) of this section.

(4) The authorized number of personnel the Municipal Judge may maintain shall be as prescribed by the Common Council.

(b) Bond; oath.

(1) The Municipal Judge shall, after election, take and file the official oath as prescribed in Wis. Stat. § 757.02(1) and at the same time execute and file an official bond in the amount of \$2,000.00. The governing body shall pay the costs of the bond. No judge may act as such until he has complied with the requirements of subsection (b)(2) of this section.

(2) Within ten days after the Municipal Judge takes the oath, the Judge shall file the oath and bond with the City Clerk. The Judge shall file a certified copy of the oath with the office of Director of State Courts within the ten-day time period after the Judge takes the oath.

(Code 1980, § 2.04(C), (D))

Cross reference—Officers, employees and departments, ch. 2, art. V.

State law reference—Municipal judges, Wis. Stat. § 755.02 et seq.

Sec. 28-3. Procedure.

(a) Court shall be held in the City Hall.

(b) The Municipal Judge shall collect all forfeitures and taxable costs in any action or proceeding before such Judge and shall pay over such monies to the Director of Finance/Treasurer the business day such Judge receives the same.

(Code 1980, § 2.04(F))

Sec. 28-4. Orders and fees.

The Municipal Judge is hereby authorized to issue orders upon the City Clerk to all witnesses and interpreters for their proper fees for required attendance upon the trial of cases in the Municipal Court, and upon delivery of such orders, the City Clerk shall cause warrants to be issued to pay such fees.

(Code 1980, § 2.04(G))

Chapter 29

RESERVED

Chapter 30

NUISANCES*

Article I. In General

- Sec. 30-1. Enforcement officers and citations.
- Sec. 30-2. Storage of personalty.
- Sec. 30-3. Abatement of drug and gang houses.
- Sec. 30-4. Destruction of noxious weeds and cutting of grass.
- Secs. 30-5—30-26. Reserved.

Article II. Chronic Nuisance Premises

- Sec. 30-27. Definitions.
- Sec. 30-28. Notice.
- Sec. 30-29. Abatement plan.
- Sec. 30-30. Additional nuisance activity.
- Sec. 30-31. Appeal.

***Cross references**—Environment and natural resources, ch. 16; law enforcement, ch. 24; abandoned vehicles, ch. 44, art. V; housing and property maintenance, ch. 103, art. VI.

State law reference—Nuisances generally, Wis. Stat. ch. 823.

ARTICLE I. IN GENERAL

Sec. 30-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

Sec. 30-2. Storage of personalty.

(a) *Nuisance.* Storage out of doors on the ground, trailers, containers, shelving, racking or in any manner of unused stripped, junked, unlicensed, and other automobiles not in condition for normal use or in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer usable or being used for the purpose for which it was manufactured, which hereinafter are collectively described as "said personalty," for a period of five days or more (except in licensed junkyards) is hereby declared to be a nuisance and dangerous to the public safety. No more than two empty trailers may be stored out of doors on a residential property at any given time. The applicable provisions of Wis. Stat. § 175.25 entitled "Storage of junked automobiles", including any revisions or amendments thereto, are hereby adopted by reference. The term "junked automobile" shall mean any automobile or motor vehicle which is incapable of operation or use upon a highway or which has been dismantled for parts or scrap.

(b) *Abatement by owner.* The owner, owners, tenants, lessees, and/or occupants of any lot within the City upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom will hereinafter be referred to collectively as owners), shall jointly and severally abate said nuisance by the prompt removal of said personalty to completely enclosed buildings authorized to be used for such storage purposes, or otherwise to remove it to a location without the corporate limits of the City and it shall be

unlawful if said owners allow said nuisance to exist or fail to abate said nuisance. If said person responsible for abatement of nuisance does not abate the same within five days as provided in subsection (a) of this section, the Board of Public Works may cause said nuisance to be abated after providing 14 days' notice with the cost of the same to be charged or assessed as a special charge under Wis. Stat. § 66.0703.

(c) *Penalty.* A violation of this section is a Class B offense as provided in section 1-7. (Code 1980, §§ 7.01(I), (V), 7.09(A))

Sec. 30-3. Abatement of drug and gang houses.

(a) The provisions of Wis. Stat. § 823.113 is hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited in this Code.

(b) Any building, structure or dwelling unit or portion of any building that is used to facilitate the delivery, distribution or manufacture of controlled substances as prohibited by State statute and as further defined in Wis. Stat. § 823.113 or any building, structure or portion thereof that is used as a meeting place of a criminal gang or that is used to facilitate the activities of a criminal gang in accordance with this chapter is hereby declared a public nuisance and may be proceeded against under this section.

(c) If it is determined that a public nuisance, as defined in this section, exists on any premises, an order may be issued reciting the existence of such public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be served personally on the owner of the building or property, as well as the occupant, if different, from the owner, or, at the option of the issuing officer, the order may be mailed to the last known address of the person to be served, by registered mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a Class 3 notice under Wis. Stat. ch. 985. The time limit specified in the order runs from the date of service or publication.

(d) Authority to assess costs. The cost of the abatement or removal of a nuisance under this section shall be collected from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance, if applicable, has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(e) After notice, as provided herein, having been given, it shall be unlawful to continue, maintain or permit a nuisance as hereinbefore defined in this section. No person shall be charged with the violation of this section if such person has instituted eviction proceedings against a tenant whose suspected criminal activities would otherwise give rise to potential liability under this chapter. The owner is required, however, to move forward expeditiously with any such eviction proceedings.

(f) The Chief of Police is hereby authorized to enforce or cause the enforcement of all of the provisions of this section.

(g) The term "owner" is defined as any person who, alone, or jointly or severally with others have legal or equitable title to any building, structure or part thereof.

(h) The owners of all residential rental property are encouraged to provide their tenants with a copy of this chapter when entering into a rental agreement.

(i) Any person violating any provision of this section, including those provisions of the Wisconsin Statutes or other materials which are incorporated by reference, shall be subject to a forfeiture of not less than \$175.00 and no more than \$2,000.00 plus the costs of prosecution and other costs or penalties permitted by law and upon default of such payment of any forfeiture may be imprisoned in the County jail, unless otherwise authorized by law, until payment of same is made. Each day a violation exists shall constitute a separate offense.

(j) Nothing in this section constitutes a condition precedent or prohibition to any other enforcement mechanism allowed at law, including, without limitation, any enforcement under Wis. Stat. ch. 823. (Code 1980, § 7.06(C))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 30-4. Destruction of noxious weeds and cutting of grass.

(a) It shall be the duty of every owner, possessor or occupier of land within the City, or of every person having charge of any such lands, to cut or cause to be cut or otherwise destroy all noxious weeds, grass or other growth detrimental to the health and safety of the citizens of the community growing thereon, as often as may be necessary to prevent such grass or other detrimental growth from blooming or before they grow to a height of more than ten inches.

(b) In case the owner, possessor or occupier of land, or the person in charge thereof, shall refuse or neglect to comply with the provisions of this section within the time limited herein, the Weed Commissioner shall serve personally or by mail a copy of this section, together with a notice, to said owner, possessor or occupier of land to cut or cause to be cut or destroyed all said noxious weeds or other growths herein enumerated, within a period of five days from and after service of such notice.

(c) In case such owner, possessor or occupier shall fail to conform with the provisions of this section within the time limited therefor in said notice, served as aforesaid, it shall be the duty of the Weed Commissioner to cause all of the said noxious weeds or growths to be cut down, charging the cost thereof to each piece of land, describing the same, and upon nonpayment of such charges, the amounts due shall be filed with the City Clerk, who shall enter the amount chargeable to each tract of land in the next tax roll as tax on the lands upon which such weeds were destroyed, and shall be collected as all other taxes.

(d) Any person violating any provision of this section shall upon conviction thereof forfeit not less than \$50.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for violation, provided, however, that in no case shall the

forfeiture imposed for a violation of any provisions of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin. (Code 1980, §§ 7.04(M), 7.09(A))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Noxious weeds, Wis. Stat. §§ 66.0407, 66.0517.

Secs. 30-5—30-26. Reserved.

ARTICLE II. CHRONIC NUISANCE PREMISES

Sec. 30-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief means the Chief of Police.

Enforcement action means arrest, the issuance of a citation, or the issuance of a written warning, or the issuance of an Order to Correct.

Nuisance activity means any of the following activities, behaviors or conduct occurring on the premises:

- (1) Police nuisance activity:
 - a. An act of harassment as defined in Wis. Stat. § 947.013.
 - b. Disorderly conduct as defined in Wis. Stat. § 947.01 and section 32-102.
 - c. Battery, substantial battery or aggravated battery, as defined in Wis. Stat. § 940.19.
 - d. Lewd and lascivious behavior as defined in Wis. Stat. § 944.20
 - e. Prostitution as defined in Wis. Stat. § 944.30
 - f. Theft, as defined in Wis. Stat. § 943.20
 - g. Receiving stolen property as defined in Wis. Stat. § 943.34.
 - h. Arson as defined in Wis. Stat. § 943.02.
 - i. Gambling as defined in Wis. Stat. § 945.02 or section 32-161.

- j. Trespassing as defined in Wis. Stat. §§ 943.13 and 943.14.
- k. Obstructing or resisting an officer as defined in section 32-219.
- l. Consumption or possession of alcohol in a public way as defined in section 32-106.
- m. Indecent exposure and/or public urination as defined in section 32-162.
- n. Drug houses and criminal gang houses, prostitution houses and gambling houses as defined in sections 30-3, 32-160 and 32-161.
- o. Disturbing the peace and noise violations as defined in sections 32-134 and 32-135.
- p. Curfew violations as defined in section 32-182.
- q. Truancy, contributing to truancy as defined in sections 32-188 and 32-190.
- r. Purchase or possession of cigarette or tobacco products by children as defined in sections 32-186 and 32-187.
- s. Property offenses as defined in chapter 32.
- t. Weapon offenses as defined in section 32-76.
- u. Firearms offense as defined in section 32-75.
- v. Animal violations of any kind as defined in section 32-164 and chapter 6.
- w. Fireworks as defined in section 18-102.
- x. Underage alcohol activities as defined in chapter 4.
- y. Adult contributing, allowing, providing alcohol to underage person's activities as defined in chapter 4.

- (2) Code nuisance activity:
 - a. Housing code violations as defined in chapter 103.
 - b. Abandoned, unlicensed or non-operable vehicle as defined section 30-2.

- c. Nuisance violations as defined in sections 10-3 and chapter 6.
- d. Zoning violations provided they are in a residential setting as defined in chapter 115.

Owner means the owner of the premises and agents.

Premises means an individual dwelling unit; any property or premises used for residential purpose whether or not owner occupied; an individual business or commercial property; and associated common areas thereof.

(Code 1980, § 7.10(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 30-28. Notice.

(a) Whenever the Chief determines that four or more police nuisance activities resulting in enforcement action have occurred at a premises on separate days during the consecutive 12-month period, the Police Chief shall notify the owner that the premises are a chronic nuisance premises. Only the Chief may notify the premises owner and tenant in writing. In reaching this determination, the Chief shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Chief may initiate and implement the procedure and enforcement for police nuisance activities under this section.

(b) Whenever the Director of Planning and Development determines that four or more Code Nuisance Activities resulting in enforcement action have occurred at the premises on separate day during a consecutive 12-month period, the Director of Planning and Development shall notify the owner that the premises are a chronic nuisance premises. Only the Director of Planning and Development may notify the premises owner and tenant in writing. In reaching this determination, the Director of Planning and Development shall not count nuisance activities resulting in enforcement actions that were reported by the owner of the premises. Only the Director of Planning and Development may initiate and implement the procedure and enforcement for Code Nuisance Activities under this section.

(c) The Chief and Director of Planning and Development may jointly agree to initiate, implement and enforce this Section in the event that an aggregate of four or more combined Police Nuisance Activities or Code Nuisance Activities, in any combination thereof, resulting in enforcement action have occurred at a premises on separate days during a consecutive 12-month period.

(d) The notice shall contain the street address including unit number if applicable or legal description sufficient to identify the premises, a description of the nuisance activities and enforcement actions that have occurred at the premises; a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

(e) The written notice shall be delivered to the owner of the premises by one of the following methods in descending order of preference: personal service, certified mail, first class mail, posting and/or publication, such other means as provided by law for service of process in a civil action, in that order, as the Chief or Director of Planning and Development, as applicable, may determine appropriate under the particular facts and circumstances.

(Code 1980, § 7.10(B))

Sec. 30-29. Abatement plan.

Any owner receiving such notice shall personally meet with the City Official, Chief or Director of Planning and Development, who issued the notice, within five days of receipt of such notice. The Chief or Director of Planning and Development, as applicable, and owner shall review the problems occurring upon the premises. Within ten days of this meeting, the owner shall submit to the Chief or Director of Planning and Development, as applicable, a detailed written abatement plan designed to forthwith and effectively end all the nuisance activity upon the premises. The plan shall also specify a name, address and telephone number of a person living within 60 miles of the premises who can be contacted in the event of further police, fire or inspection activities and/or contact.

(Code 1980, § 7.10(C))

Sec. 30-30. Additional nuisance activity.

Whenever the Chief or Director of Planning and Development, as applicable, determines:

- (1) Additional nuisance activity and/or enforcement action has occurred upon a premises for which the written notice has been issued under this section;
- (2) This additional nuisance activity and/or enforcement action has occurred more than 15 days after the written notice was delivered; and
- (3) Reasonable effort has not been made by the owner of the premises to abate the nuisance activity;

then the Chief or Director of Planning and Development, as applicable, may calculate all of the costs, fees and expenses arising from and/or pertaining to any and all such police and related City responses and enforcement, including, but not limited to, actual burdened labor, overtime, materials, vehicle use, and related administrative time and efforts for this and any subsequent nuisance activities and enforcement actions upon, for and/or pertaining to the premises. The Chief or Director of Planning and Development, as applicable, shall then cause all such costs, fees and expenses to be charged against the owner of the premises and the premises itself, and if unpaid, charged, assessed, levied and collected by the City as a special charge against the premises.
(Code 1980, § 7.10(D))

Sec. 30-31. Appeal.

(a) Appeal by affected owner. An affected owner of the premises may appeal to the Chief or Director of Planning and Development, as applicable, the determination and invoiced special charges arising from and imposed for the police and related costs, fees and expenses set forth in this article in the manner set forth in this section.

(b) The appeal shall be in writing, filed with the City Clerk, stating with specificity the grounds for the appeal and the relief requested. The appeal shall be filed within 90 days of the invoice from the City.

(c) The appeal shall be considered only if filed prior to the time that any unpaid special charges imposed against the premises/property under this section are turned over by the Director of Finance/Treasurer onto the tax roll.

(d) The provisions of Wis. Stat. ch. 68 shall not apply to such an appeal nor shall any other provision of State law or City ordinance to the contrary. The appellate procedure set forth herein shall govern and be exclusive.

(e) Upon receipt of the written appeal, the Clerk shall set the matter for a public hearing for a regularly scheduled meeting of the Common Council not less than 30 days nor more than 60 days after the filing of the written appeal.

(f) The Clerk shall provide written notice to the appellant and to the Chief or Director of Planning and Development, as applicable, of such Common Council Meeting hearing date, time and place.

(g) The parties may agree to continuances and stipulations as to procedure and substance, but in no event shall the hearing be continued beyond the time set forth in subsection (c) of this section.

(h) The hearing shall be open to the public, recorded by a sound recording device and the recording preserved for seven years by the City Clerk. A party may request a court reporter but the requesting party shall pay all costs of the court reporter in advance regardless of the determination of the appeal.

(i) The appellant and Chief or Director of Planning and Development, as applicable, may each present witnesses who testify upon oath after being duly sworn-in by the City Clerk, the Deputy City Clerk or any other person authorized by law to administer oaths.

(j) After the hearing, the Common Council shall deliberate and then make a determination by recorded motion, second and majority vote.

(k) The Director of Finance/Treasurer shall adjust all invoices, tax and related City records in accord with the Council's determination.
(Code 1980, § 7.10(E))

Chapter 31

RESERVED

Chapter 32

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

- Sec. 32-1. Penalties, enforcement officers and citations.
- Sec. 32-2. Alcohol consumption and littering prohibited on transit vehicles.
- Sec. 32-3. Prohibition of smoking in enclosed and specified places.
- Sec. 32-4. Control of blowing sand and dirt.
- Sec. 32-5. Camping on City-owned property.
- Secs. 32-6—32-28. Reserved.

Article II. Offenses Involving Property Rights

- Sec. 32-29. Theft.
- Sec. 32-30. Attempted theft.
- Sec. 32-31. Retail theft.
- Sec. 32-32. Removal of shopping cart.
- Sec. 32-33. Receiving stolen property.
- Sec. 32-34. Fraud on hotel or restaurant keeper.
- Sec. 32-35. Unauthorized connections to community antenna television systems.
- Sec. 32-36. Offenses relating to computers.
- Sec. 32-37. Trespass to property.
- Sec. 32-38. Unauthorized presence on school property prohibited.
- Sec. 32-39. Posting bills prohibited.
- Sec. 32-40. Disposal of snow on private property.
- Sec. 32-41. Destruction of property prohibited.
- Sec. 32-42. Damage to property by tenants.
- Sec. 32-43. Graffiti.
- Secs. 32-44—32-74. Reserved.

Article III. Offenses Involving Public Safety

- Sec. 32-75. Discharging firearms, slingshots, bows, arrows, and air spring and gas cartridge guns prohibited.
- Sec. 32-76. Carrying dangerous weapons prohibited.
- Sec. 32-77. Weapons restricted in certain buildings and special events.
- Sec. 32-78. Abandonment of enclosed appliance, box or structure.
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Article IV. Offenses Involving Public Peace and Order

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*Cross references—Law enforcement, ch. 24; traffic, ch. 44.

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- Sec. 32-188. Truancy prohibited.
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Article VII. Offenses Involving Government Operations

- Sec. 32-219. Resisting or obstructing officer.
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- Sec. 32-223. Impersonating Peace Officers.
- Sec. 32-224. Harassment of Police animals.
- Sec. 32-225. False alarms prohibited.

ARTICLE I. IN GENERAL

Sec. 32-1. Penalties, enforcement officers and citations.

(a) Except as otherwise provided in this chapter, a violation of this chapter is a Class B offense as provided in section 1-7.

(b) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 7.09(A))

Sec. 32-2. Alcohol consumption and littering prohibited on transit vehicles.

(a) No person shall consume any alcohol beverage of any kind while in or riding upon any vehicle owned or operated by the City acting through its Municipal Transit Utility.

(b) No person shall throw or deposit any type of debris or waste material in or upon any vehicle owned or operated by the City acting through its Municipal Transit Utility while in or riding upon the same.

(Code 1980, § 7.01(F))

Sec. 32-3. Prohibition of smoking in enclosed and specified places.

(a) The provisions of Wis. Stat. § 101.123 are hereby adopted and made part of this Code by reference, including any revisions or amendments thereto. Penalties for violation shall be provided in section 32-1. As prescribed by State statutes, a warning notice shall be issued to the "person in charge" for the first violation.

(b) Smoking is prohibited in the Grand River Station - Transit Center, including the bus waiting area and busway.

(Code 1980, § 7.01(S))

Sec. 32-4. Control of blowing sand and dirt.

No person shall deposit, pile or accumulate sand or dirt by dredging, excavating, bulldozing, digging,

or dumping on private property without taking reasonable precautions to prevent the subsequent blowing of such dirt or sand on and over public streets and lands or private property. If exposure of such dirt or sand to the elements without sodding or covering shall extend for 60 days, during the ensuing 30 days as a "reasonable precaution" it shall be required that by seeding or fencing or some other effective means, blowing of the dirt or sand is prevented.

(Code 1980, § 8.05)

Sec. 32-5. Camping on City-owned property.

(a) It shall be unlawful for any person to camp as defined herein on City-owned property where signs prohibit it. Camping means to establish or maintain, at any time during the day or night, a temporary or permanent place for cooking or sleeping with the intent to remain in that location overnight.

(b) The Board of Public Works of the City of La Crosse may from time to time, in order to ensure the safety or preservation of the City's lands or recreational areas, establish areas of City-owned property upon which camping is prohibited. Such areas shall be designated by "no camping" signs at least 11 inches square and must be placed in at least two conspicuous places of the area prohibiting camping.

(c) No person shall be cited for violating this subsection unless such person shall continue to camp more than one hour after receiving a warning to leave. Such warning shall be given by a police officer or other authorized City officer or employee.

(Code 1980, § 7.04(Y))

Secs. 32-6—32-28. Reserved.

ARTICLE II. OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 32-29. Theft.

The provisions of Wis. Stat. § 943.20(1) and (2) relating to theft are hereby adopted by reference.

(Code 1980, § 7.04(H))

Sec. 32-30. Attempted theft.

(a) No person shall attempt to commit a theft as defined by section 32-29.

(b) An attempt to commit a theft requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such theft and that such actor does acts towards the commission of the theft which demonstrate unequivocally, under all the circumstances, that such actor formed that intent and would commit the theft except for the intervention of another person or some other extraneous factor.

(Code 1980, § 7.04(Q))

Sec. 32-31. Retail theft.

(a) The provisions of Wis. Stat. § 943.50 and any amendments, revisions and modifications of said statute, exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted by reference.

(b) Any person who shall violate this section or amendments or additions thereto shall be required to forfeit not less than \$250.00 nor more than \$1,000.00 together with the cost of prosecution and in default of payment thereof shall be committed to the County Jail, unless otherwise authorized by law, for a period not to exceed 90 days; provided, however, the Municipal Judge may, in the Judge's discretion, reduce the forfeiture to a minimum of \$67.50, including costs.

(Code 1980, § 7.04(K))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 32-32. Removal of shopping cart.

The provisions of Wis. Stat. § 943.55 relating to removal of a shopping cart without authorization are hereby adopted by reference.

(Code 1980, § 7.04(L))

Sec. 32-33. Receiving stolen property.

No person shall intentionally receive or conceal stolen property.

(Code 1980, § 7.04(I))

State law reference—Receiving stolen property, Wis. Stat. § 943.34.

Sec. 32-34. Fraud on hotel or restaurant keeper.

The provisions of Wis. Stat. § 943.21, (subsections (3) and (3m) excepted, relating to fraud on hotel or restaurant keeper are hereby adopted by reference.

(Code 1980, § 7.04(J))

Sec. 32-35. Unauthorized connections to community antenna television systems.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Television services shall include services and programming offered to subscribers for a fee or charge by a television system.

Television system shall include any cable television system, multipoint distribution system (MDS), subscription television system (STV), or any other system for the dissemination of electronic audio, visual, or digital signals to subscribers residing within the City.

Unauthorized connection shall include any connection, whether physical, electrical, or inductive, to any component of a television system, which connection is not authorized by said television system.

(b) It shall be unlawful for any person to make or maintain an unauthorized connection to any television set or any cable, wire, or other component of a television system, in such a manner as to permit interception or reception of any television services carried by a television system, without authorization of said television system.

(c) It shall be unlawful for any person to attach or permit the attachment of any device to any television set or any cable, wire or other component of a television system capable of intercepting or receiving television services carried by a television system, without authorization of said television system.

(d) It shall be unlawful for any person to make or maintain any modification or alteration to any device installed by or with the authorization of a television system, in such a manner as to permit interception or

reception of television services carried by a television system, without the authorization of said television system.

(e) It shall be unlawful for any person knowingly and willfully to assist any other person or persons to commit any act prohibited by this section.

(f) In any prosecution under this section, proof that telecommunications equipment, including, without limitation, any cable television converter, descrambler, or related equipment, has been tampered with or otherwise intentionally prevented from performing its functions of control of service delivery without the consent of the supplier of the service, or that telecommunications equipment, including, without limitation, any cable television converter, descrambler, receiver, or related equipment, has been connected to the equipment of the supplier of the service without the consent of the supplier of the service, shall be prima facie evidence that the resident or person to whom the service which is at the time being furnished by or through such equipment has, with intent to avoid payment by said resident or another person for a prospective or already rendered service, created or caused to be created with reference to such equipment, the condition so existing. A person who tampers with such device or equipment without the consent of the supplier of the service shall be prima facie evidence to do so with intent to avoid, or to enable another to avoid, payment for the service involved.

(Code 1980, § 7.04(R))

State law reference—Theft of telecommunications service, Wis. Stat. § 943.45.

Sec. 32-36. Offenses relating to computers.

The provisions of Wis. Stat. § 943.70, exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted by reference.

(Code 1980, § 7.04(S))

Sec. 32-37. Trespass to property.

(a) No person shall intentionally enter or remain upon the property, premises or within the enclosure of another, without the consent or permission of the owner, agent or possessor.

(b) No person shall intentionally enter or remain upon the property or premises of another after having been notified by the owner, agent or possessor of

the property or premises not to enter or remain on the property or under circumstances tending to create or provoke a breach of the peace.

(c) A person has received notice from the owner or occupant within the meaning of this section if such person has been notified personally, either orally or in writing, or if the property is posted. For property to be posted, a sign at least 11 inches square must be placed in at least two conspicuous places. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the property and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the property or in lawful possession of the property.

(d) "Property" includes real and personal property and includes, but is not limited to, boathouses, houseboats, motor vehicle dealership lots, ships or vessels, any building or dwelling, enclosed railroad cars, motor home or other motorized type of home or a trailer home, whether or not a person is living in such home.

(e) For purpose of this section, entry to a place during the time when it is open to the general public is with consent.

(Code 1980, § 7.04(D))

State law reference—Trespass, Wis. Stat. § 943.13.

Sec. 32-38. Unauthorized presence on school property prohibited.

(a) It shall be unlawful for any student who is under suspension, expulsion, exemption or other discipline excluding such student from attending school under the jurisdiction of the La Crosse Board of Education, or for any person, not a student presently enrolled to attend school under the jurisdiction of the La Crosse Board of Education or not an employee of said La Crosse Board of Education or not a parent or guardian of a student so enrolled or not an otherwise "authorized person" to be present within any school building or upon any school grounds under the jurisdiction of said School Board without having first secured authorization to be there from the principal or other person in charge of said school building or school grounds, except while in direct route to secure said authorization. The term "authorized person" includes any person who is present at

any school building or school grounds for any purpose previously authorized by the Board of Education or its designee.

(b) Any person shall, upon request of the principal or other person in charge of any school building or upon any school grounds under the jurisdiction of said La Crosse School Board, or upon request of any police officer, display any written authorization to be present which such person may have, in their possession or otherwise explain such person's presence or status as such student, employee, parent or guardian, or "authorized person" referred to in subsection (a) of this section.

(c) All entrances to the school buildings referred to in subsection (a) of this section shall be posted with a notice stating, "Entry into School Building by Unauthorized Persons Prohibited." All school grounds referred to in subsection (a) of this section shall be posted with a notice stating, "Entry Upon School Grounds by Unauthorized Persons Prohibited." (Code 1980, § 7.04(W))

Sec. 32-39. Posting bills prohibited.

No bill poster or other person shall post or in any other manner put up any written or printed bill, notice or advertisement upon any building or fence without the consent of the owner or lessee thereof. (Code 1980, § 7.04(C))

Sec. 32-40. Disposal of snow on private property.

No person shall deposit snow or ice upon any private property not owned by them, without the express or implied consent of the owner of such private property, in such quantities so as to obstruct ingress and egress from said private property or to a height and depth of three feet or more. (Code 1980, § 7.04(P))

Sec. 32-41. Destruction of property prohibited.

No person shall willfully, maliciously or wantonly break the glass on any street lamp post or in any window or sky light, or extinguish any lamp or climb upon any post, or destroy, remove, throw down or injure any fence or other enclosure on land belonging to or lawfully occupied by another, or interfere with any gate or bars in any such enclosure, or destroy,

injure or carry away any tree or any plants, shrubs, vegetables or any other growing thing on the premises lawfully occupied by another, or tear down, mutilate, deface or injure any building, signboard, fence or railing, being the property of another; or shall willfully, maliciously or wantonly injure, destroy or remove any useful or ornamental tree or plant of any kind, or any vase, statue, arbor or stand or any other building or any other structure standing or being in any street or public ground, or destroy, mutilate or injure any milestone or board or guidepost; or shall willfully, maliciously or wantonly injure, deface or destroy any property not belonging to such person, whether real or personal, or whether belonging to any private person or to any private or public corporation.

(Code 1980, § 7.04(F))

State law reference—Damage to property, Wis. Stat. § 943.01 et seq.

Sec. 32-42. Damage to property by tenants.

(a) It shall be unlawful for any person leasing, renting or in possession of the property of another, whether real or personal, to intentionally cause or knowingly permit such property to be materially damaged, defaced, or destroyed, without the owner's consent.

(b) Materially damaged, defaced or destroyed means that the property is reduced in value by more than \$250.00. For the purposes of this section, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

(c) In any prosecution under this section, proof that the property has been materially damaged, defaced or destroyed without the owner's consent, shall be prima facie evidence that the tenant, lessee or person in possession of the property of another intentionally caused or knowingly permitted such property to be materially damaged, defaced or destroyed.

(d) Any person who violates this section shall be subject to a forfeiture of not less than \$250.00 nor more than \$1,000.00 together with the costs of prosecution for the first violation and not less than \$500.00 for any subsequent violation or more than \$1,000.00 together with the costs of prosecution; and in default of payment thereof may be committed to the County Jail, unless otherwise authorized by law, for a period

not to exceed 90 days; provided, however, the Municipal Judge may, at such Judge's discretion, provide for a forfeiture of not less than \$125.00 plus the costs of prosecution.

(Code 1980, § 7.04(T))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 32-43. Graffiti.

(a) Graffiti is any unauthorized drawing, figure, inscription, or painting appearing on sidewalks, streets, signs, streetlights, bridges, walls, personal property, real property, building or equipment whether public or private, utility equipment, or any other place whether or not in public view.

(b) Graffiti shall be removed by the property owner or by the City at the property owner's expense. The Department of Planning and Development may order graffiti removed within 24 hours of notification to a property owner. Notification to the property owner may include a door hanger or Order to Correct. If a property owner fails to remove graffiti within the time specified in the Order to Correct, the Department of Planning and Development may cause the graffiti to be removed at the property owner's expense.

(c) Unlawful possession of spray paint container and markers. Absent express permission by the owner or other person having control thereof, it shall be unlawful for any person to possess in or upon any public or private building, facility or property, any non-water-soluble spray or liquid paint container, or any other marking device containing a non-water-soluble fluid which has a point, brush, or other application surface with intent to use these paints, fluids, markers, containers or devices to deface said building, facility or property.

(d) Placing graffiti as defined herein shall be considered trespass to property as defined in section 32-37.

(e) Placing graffiti as defined herein shall be considered destruction of property as defined in section 32-41.

(f) Placing graffiti as defined herein shall be considered injury or removal of street signs as defined in section 44-4.

(g) Any person who violates this section shall be fined \$1,000.00 for the first violation, \$2,000.00 for a subsequent violation and for failure to pay the same may be imprisoned in the county jail, unless otherwise authorized by law, up to 90 days. The court may, in addition, order any such person either to restore or replace any such defaced property; provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin. In addition, any person who violates this section in a City Park will be banned from using all City Parks for one year and subject to a trespassing violation for failure to follow the ban.

(h) There shall be no violation under subsection (b) of this section for the owner of a property that has been vandalized with graffiti.

(Code 1980, § 7.04(X))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Criminal damage to or graffiti on property, Wis. Stat. § 943.012.

Secs. 32-44—32-74. Reserved.

ARTICLE III. OFFENSES INVOLVING PUBLIC SAFETY

Sec. 32-75. Discharging firearms, slingshots, bows, arrows, and air spring and gas cartridge guns prohibited.

(a) No person shall fire or discharge any cannon, rifle, shotgun, pistol, bow, arrow, spear, spring, air gun or any firearms of any description within the City limits. Except as provided in subsection (b) of this section, this section shall be deemed to prohibit hunting within the City.

(b) Exceptions.

- (1) Hunting. A shotgun, muzzle loader, bow, arrow or crossbow or other like weapon or instrument may be discharged for hunting purposes within the areas described for hunting purposes within the areas described below. A map of said hunting areas shall be approved annually by the Board of Park Commissioners after consideration of input from the Department of Natural Resources. The map shall be provided to the City Clerk

for distribution upon request; said map shall be in accordance with the following standards:

- a. Property acquired with the Knowles-Stewardship grants within the boundaries of the areas defined in the agreement between the City of La Crosse and Mississippi Valley Conservancy called the Bluffland Preservation Program.
- b. Areas designated by the Board of Park Commissioners within the City limits that are part of an approved DNR animal management plan. These areas will be designated for a specific period of time for the purpose of controlling animal populations, such as the deer management plan.
- c. Projectiles from such weapons or instruments shall not:
 - 1. Be discharged within 300 feet of a structure.
 - 2. Cross over ground within 300 feet of a structure.
 - 3. Come to rest within 300 feet of a structure.

The term "structure" means any manmade, above-ground object with form, shape and utility that is permanently attached to, placed upon or set into the ground, street bed or lake bed, including, but not limited to roofed and walled buildings, gas or liquid storage tanks, bridges or dams.

- (2) Law enforcement officers of the City, County, State and Federal Government may carry and discharge firearms or instruments as part of their official responsibilities.
- (3) Guns, bows, crossbows and other weapons or instruments as described herein may be discharged within the confines of a gun or bow club or target range that has been authorized and properly zoned by the City and is properly supervised by the owners or operators of such facility.
- (4) State hunting and firearm regulations shall apply where they are more restrictive than those provided herein.

- (5) The Chief of Police may grant written permission, which permission shall limit the time and fix the place of the use of any firearm, weapon or instrument. Said permissions shall be subject to be revoked at any time after it may have been granted.

(c) Penalty. Any person who violates, disobeys or refuses to comply with, or who resists the enforcement of any provisions of, this section shall upon conviction be fined not less than \$100.00 nor more than \$1,000.00 for each such offense, together with the costs prosecution.
(Code 1980, § 7.01(A))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Weapons, Wis. Stat. § 941.20 et seq.

Sec. 32-76. Carrying dangerous weapons prohibited.

It is unlawful for any person to carry a weapon in violation of Wis. Stat. § 941.23 or any other State law.

(Code 1980, § 7.01(B))

Sec. 32-77. Weapons restricted in certain buildings and special events.

(a) Weapons in public buildings. Except as specifically provided otherwise, this section does not apply to firearms. No person shall enter or remain in any part of a building that is owned, occupied, or controlled by the State or any local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a weapon or with that type of weapon. This subsection does not apply to a person who leases residential or business premises in the building, or as provided in subsection (f) of this section.

(b) No person shall go armed with a firearm in any building owned or leased by the State or any political subdivision of the State. This subsection does not apply to any of the following:

- (1) Peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police of any city, village or town, the Chief of the Capitol Police, or the sheriff of any county to possess a firearm in any building mentioned above. Notwithstanding Wis.

Stat. § 939.22(22), for purposes of this subsection, peace officer does not include a commission warden who is not a State-certified commission warden.

- (2) A qualified out-of-state law enforcement officer, as defined in Wis. Stat. § 941.23(1)(g), to whom Wis. Stat. § 941.23(2)(b)1. to 3. applies.
- (3) A former officer, as defined in Wis. Stat. § 941.23(1)(c), to whom Wis. Stat. § 941.23(2)(c)1. to 7. applies.
- (4) A licensee, as defined in Wis. Stat. § 175.60(1)(d), or an out-of-state licensee, as defined in Wis. Stat. § 175.60(1)(g).

(c) Special events. No person shall enter or remain at a special event if the organizers of the special event have notified the person not to enter or remain at the special event while carrying weapon or with that type of firearm or weapon. This subsection does not apply to a person as provided in subsection (f) of this section.

(d) Delegation. The La Crosse Center Board, Aviation Board, Board of Park Commissioners, Board of Public Works, Municipal Transit Utility, Library Board, various utility boards and commissions and such other boards and commissions, whether now existing or later created, shall determine which buildings and special events under their jurisdiction require the notification from subsection (a) or (c) of this section, unless otherwise provided by the City of La Crosse Common Council.

(e) Signs. The Director of Public Works, at the direction of the Common Council and its various boards and commissions and in coordination with the respective department heads, shall cause signs to be erected at all entrances:

- (1) To all special events organized by the City of La Crosse; and
- (2) To all such buildings owned, occupied or under the control of the City of La Crosse;

providing appropriate notice that no person is to enter or remain in any such building or special event while carrying a firearm or weapon. Such signs shall be five inches by seven inches or larger and comply with State law.

(f) Exceptions. Nothing in subsection (a) of this section shall be construed to apply to prohibit any of the following:

- (1) *Peace officer.* A peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm or weapon in any public building or special event. Notwithstanding Wis. Stat. § 939.22(22), for purposes of this subsection, peace officer does not include a commission warden who is not a State-certified commission warden.
- (2) *Municipal Court.* A weapon in a courtroom if a judge who is a licensee as defined in Wis. Stat. § 175.60 is carrying the weapon or if another licensee, whom the judge has permitted in writing to carry the weapon, is carrying the weapon.
- (3) *Parking.* A weapon in a vehicle driven or parked in a parking facility or to any part of a building or special event grounds used as a parking facility.
- (4) *Other law.* Any other exception as required by State or Federal law.
- (5) *Other law.* Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stat. § 941.23 or 941.235.

(g) Penalty. Any person violating this section shall, upon conviction thereof, forfeit not less than \$200.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for violation; provided, however, that in no case shall the forfeiture imposed for such a violation exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(Code 1980, §§ 7.04(Z), 7.09(C))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Carrying firearm in public building, Wis. Stat. § 943.235.

Sec. 32-78. Abandonment of enclosed appliance, box or structure.

It shall be unlawful for any person to abandon or place for pick up by a waste or recycling hauler any appliance, box or structure at any place or grounds or in any place which might be frequented by children and in which such children might be accidentally imprisoned unless the cover, door, hatch, access, entry and closing system elements have been completely removed prior to such abandonment or placement.

(Code 1980, § 7.01(J))

State law reference—Abandoned or discarded refrigerators or iceboxes, Wis. Stat. § 167.25.

Sec. 32-79. Unfenced gravel pits, sand pits and quarries.

It shall be unlawful for any person to maintain or operate any gravel pit, sand pit, or quarry upon premises owned or controlled by such person without fencing such gravel pit, sand pit, or quarry with a wire mesh fence at least four feet high; the wire meshing shall be no larger than eight inches in size. (Code 1980, § 7.01(L))

Secs. 32-80—32-101. Reserved.

ARTICLE IV. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

DIVISION 1. GENERALLY

Sec. 32-102. Disorderly conduct.

No person shall in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably lewd, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of, and may not be charged with a violation of, this section for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried.

(Code 1980, § 7.02(D))

Sec. 32-103. Public intoxication.

(a) Declaration of policy. It is the policy of the City of La Crosse to comply with Wis. Stat. ch. 51 as well as provide for the safety, welfare and health of the public while prohibiting certain harmful conduct of intoxicated persons. Nothing within this article is meant to contradict those elements proscribed under Wis. Stat. ch. 51.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Intoxicated person means a person who is presently impaired, mentally or emotionally, as a result of the presence of alcohol in the person's body. Also included is any person presently impaired, mentally or emotionally, as a result of a drug or controlled substance, as that term is defined by the Wisconsin Statutes, in the body or a combination of alcohol and such other drugs or controlled substances. Evidence of an intoxicated person shall include a combination of the following indicators:

- (1) Odor of intoxicants on the breath;
- (2) Bloodshot eyes;
- (3) Dilated pupils;
- (4) Stumbling or staggering;
- (5) Slurred speech;
- (6) Failure of Standard Field Sobriety Test.

Public nuisance means conduct by an individual which includes engaging in obnoxious behavior, being disoriented, falling, vomiting, public urinating, acting lewdly, loudly and/or combatively or being a danger to oneself or others.

Public place means and includes a building or place owned or controlled by the City, a school, a place of public worship, any public street, including public sidewalk, alley, walk, or other publicly owned lands. Public place excludes the premises of a licensed alcohol establishment.

(c) Intoxicated person in public place prohibited. No person in a public place shall conduct said person so as to be:

- (1) A danger to themselves or others; and/or

- (2) A public nuisance; and
- (3) Intoxicated or incapacitated by alcohol or drug or controlled substance as defined in subsection (b) of this section.

(d) No person shall be cited under this section without first having been offered and failed the Standard Field Sobriety Test; however, a person incapable and/or having refused the Standard Field Sobriety Test may still be cited under the criteria set forth in subsection (b) of this section. No individual actively seeking medical treatment for an alcohol or other drug-related overdose will be subject to discipline for the sole violation of using or possessing alcohol. This policy shall extend to another individual seeking help for an intoxicated individual.

(e) Penalties.

- (1) Persons found in violation of this section for the first time shall be provided a written warning with conditions in lieu of a citation. The warning shall be conditioned on such person attending and successfully completing an evidence-based alcohol education program sponsored by the Police Department. The failure to timely complete the alcohol education program shall result in the issuance of a citation and the prosecution of the same in the municipal court by the City. Successful and timely completion of the alcohol education program shall result in no further enforcement of the violation giving rise to the warning.
- (2) The penalty for the first conviction of this section shall be a forfeiture of not less than \$150.00 plus penalty, costs and assessments, including the cost of transporting the individual to an approved treatment facility as provided for in Wis. Stat. § 51.45(11) the individual voluntarily agrees to be transported or is incapacitated so as to require transport. The second and any subsequent offense within a 12-month period shall be not less than \$400.00 plus penalty, costs and assessments, along with the cost of transporting the individual to an approved treatment facility as provided for in Wis. Stat. § 51.45(11).

(Code 1980, § 7.02(S))

Sec. 32-104. Loitering prohibited.

(a) It shall be unlawful for a person to loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of the person or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a police officer, refuses to identify said actor, or manifestly endeavors to conceal themselves or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting such actor to identify said actor and explain the actor's presence and conduct. No person shall be convicted of any offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at the trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

(b) Loitering after being requested to move.

- (1) *Obstructing public ways.* No person shall obstruct any street, bridge, sidewalk or crossing by loitering in or upon the same after being requested to move on by any police officer.
- (2) *In groups or crowds.* No person shall loiter in a group or a crowd upon the public streets or sidewalks, or in adjacent doorways or entrances, or on street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move on by any police officer or by any person in authority at such places.
- (3) *In places of public assembly or use.* No person shall loiter in or about any depot, theater, dance hall, restaurant, store, sidewalk, parking lot, or other place of assembly or public use after being requested to move on by any police officer or by the owner or other person in charge of such place. Upon being requested to move, a person shall comply immediately with such request by leaving the premises or the area.

- (4) *When signs posted.* No person shall loiter on private property posted by means of a sign or signs prohibiting such conduct after being requested to leave by the owner, person in charge, or their agent.

(Code 1980, § 7.03(F))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 32-105. Obstructing streets and sidewalks prohibited.

No person, either individually or in a group or a crowd, shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

(Code 1980, § 7.01(M))

Sec. 32-106. Consumption or possession of alcohol beverages on streets.

(a) No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, alley, sidewalk or other public way, except when such street or public way or portion thereof is included within an area for which the Common Council has granted a street privilege permit and for which the area is part of the licensed premises as approved by the Common Council.

(b) All purchases of alcohol or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets, or sidewalks in the City, except as permitted under subsection (a) of this section.

(c) No person shall be in possession of any open container containing alcohol or fermented malt beverages on any thoroughfare, street, sidewalk or other public way, except as permitted under subsection (a) of this section. No glass containers are allowed outside when a permit is granted under subsection (a) of this section.

(d) Street privilege permits under this section may only be granted by the Common Council during the period of Memorial Day through Labor Day. Said

Street Privilege Permit shall only be granted in accordance with the terms and conditions approved by the Common Council. A permit fee in the amount established by resolution shall be paid.

(Code 1980, § 7.02(E))

Cross references—Alcohol beverages, ch. 6; persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 32-107. Use of certain motor driven cycles and all-terrain vehicles prohibited.

It shall be unlawful for any person to operate a motor bicycle, motorcycle, motor-driven cycle, power driven cycle or all-terrain vehicle as defined in Wis. Stat. § 340.01, whether licensed or not, on all public or private land without the consent of the owner. Nothing herein contained shall prohibit the operation of the above-named cycles or vehicles on public streets, roadways and highways as otherwise authorized by Wisconsin Statute.

(Code 1980, § 7.04(E))

Sec. 32-108. Unlawful interference with radio, television and telephone reception.

(a) It shall be unlawful for any person knowingly or wantonly to operate or cause to be operated, any machine, devise, apparatus or instrument of any kind whatsoever within the City, the operation of which device shall cause reasonably preventable electrical interference with radio, television, wireless and land line telephone made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

(b) It shall be unlawful to operate any citizens band (CB) transmitting equipment with the intent of causing malicious radio frequency interference to Radio, TV, and telephone receiving equipment. The scope of this section shall be as outlined in PL 106-521 and shall follow all guidelines as set forth in the appropriate Federal Communications Commission (FCC) regulations.

- (1) Any CB operator who unintentionally causes radio frequency interference shall, after being formally informed, take any and all necessary action to eliminate the unintentional interference. If such an action cannot be

met, the said operator shall cease to operate such operator's equipment until such time as appropriate action can be taken by the said operator to cure the unintentional interference caused. If said operator continues to operate after this time and still continues to cause interference, such shall be in violation of this section.

- (2) Any CB operator, who after investigation is found to cause intentional, wanton, malicious radio frequency interference as outlined in PL 106-521 and the appropriate FCC law, is in violation of this section.
- (3) Exempted parties are defined as those licensed entities specifically mentioned in Public Law 106-521 and the appropriate FCC regulation(s).

(c) This section shall not be construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any statute or Federal regulation.

(Code 1980, § 7.02(I))

Sec. 32-109. Unlawful use of telephone prohibited.

The provisions of Wis. Stat. § 947.012 titled "Unlawful use of telephone," exclusive of any penalties provided therein, are hereby adopted by reference, including any revisions or amendments thereto.

(Code 1980, § 7.02(P))

Sec. 32-110. Harassment prohibited.

The provisions of Wis. Stat. § 947.013 entitled "Harassment," exclusive of any penalties provided therein, are hereby adopted by reference, including any revisions or amendments thereto.

(Code 1980, § 7.02(Q))

Secs. 32-111—32-133. Reserved.

DIVISION 2. NOISE CONTROL*

Sec. 32-134. General prohibitions.

(a) *Noise prohibited.* It shall be unlawful to make, continue or cause to be made or continued any noise in excess of the noise levels set forth in subsection

*State law reference—Municipal regulation of noise-producing devices, Wis. Stat. § 66.0411.

(b) of this section unless such noise is reasonably necessary to the preservation of life, health, safety or property.

(b) *Measurement of noise.*

- (1) Any activity not expressly exempted by this section which creates or produces sound, regardless of frequency, exceeding the ambient noise levels at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than six decibels above the ambient noise levels as measured on the A-weighted scale of a sound meter and as designated in the following table, at the time and place and for the duration then mentioned, shall be deemed to be a violation of this division, but any enumeration herein shall not be deemed to be exclusive.

- a. All districts, 7:00 a.m. to 6:00 p.m. duration of sound:
 1. Less than ten minutes, 75 dB;
 2. Between ten minutes and two hours, 60 dB;
 3. In excess of two hours, 50 db.
- b. Residential districts, 6:00 a.m. to 10:00 a.m. and all other districts 6:00 a.m. to 7:00 a.m., duration of sound:
 1. Less than ten minutes, 70 dB;
 2. Between ten minutes and two hours, 60 dB;
 3. In excess of two hours, 50 db.
- c. Residential districts, 10:00 a.m. to 7:00 a.m., duration of sound:
 1. Less than ten minutes, 60 dB;
 2. Between ten minutes and two hours, 50 dB;
 3. In excess of two hours, 40 db.

- (2) The districts referred to subsection (b)(1) of this section are the zoning districts of the City of La Crosse as defined in chapter 115.

- (3) In determining whether a particular sound exceeds the maximum permissible sound level in subsection (b)(1) of this section:
- a. Sounds in excess of the residential district are violative of this section whether the sound originates in a residential district or any other district;
 - b. During all hours of Sundays and State and Federal holidays, the maximum allowable decibel levels for residential districts are as set forth in this Code.
 - c. Sounds emanating from the operation of:
 1. Motor vehicles on a public highway;
 2. Aircraft and/or airport; and
 3. Outdoor implements such as power lawn mowers, snow blowers, power hedge clippers, nail guns, and power saws;
 are exempt from the provisions of this section.
- (4) Sounds emanating from lawful and proper activities on school grounds, play grounds, parks or places wherein athletic contests take place are exempt from the provisions of this section. Sounds emanating from activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products, electric or gas sub-stations, fire stations, police stations, post offices, railroad rights-of-way, but not including railroad yards and shops other than for passenger purposes, railroad commuter passenger stations, telephone exchanges, telephone transmission equipment buildings, and microwave-relay towers, water works, reservoirs, pumping stations and filtration plants, accessory radio and television antennas, maintenance and equipment storage buildings owned and operated by the City of La Crosse, are exempt from the provisions of this section and shall be regulated in all respects by the noise provisions of chapter 115, the La Crosse Zoning Code, including, but not limited to, the permissible levels of noise and the boundary or location designation for the measurement of noise.
- (5) Sounds emanating from Oktoberfest and Riverfest are exempt from the provisions of this section but shall be subject to any conditions provided for within the permission to hold such event. A special event outdoor cabaret may be permitted to exceed the noise levels established in this section in accordance with chapter 10, article IV.
- (6) Limited exemption for construction noise. No person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m. of the following day in such a manner as to unreasonably interfere with the peace, comfort, and quality of life of neighboring persons of ordinary sensibilities. The provisions of this limitation shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 p.m. of any day or between 7:00 p.m. and 7:00 a.m. of any day if the Board of Public Works following a public hearing before the Board of Public Works, approves temporary construction work between 7:00 p.m. and 7:00 a.m. Application for this temporary construction exemption may be made upon submitting a nonrefundable application fee in the amount established by resolution on forms provided by the City Clerk. Notification of such exemption shall be provided to the Council Member of the district that such work will take place. A notice of such public hearing shall be at least ten days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property in whole or in part, situated within 300 feet of the boundaries of the properties on which the construction is to take place. Such hour limitations shall not apply to emergencies where immediate action is required. Such construction noise on Saturday and Sunday shall be between 7:00 a.m. and 6:00 p.m. on Saturday and 9:00 a.m. to 5:00 p.m. on Sunday.
- (c) *Specific prohibition.* The operation between 11:00 a.m. and 7:00 a.m. of any device for killing, trapping or repelling insects or other pests is prohib-

ited if such device clearly produces audible sound beyond the property line of the property on which the device is located and such sound is emitted onto property zoned or used for residential or dwelling purposes, including trailer courts.

(Code 1980, § 7.02(G))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 32-135. Loud noises prohibited.

(a) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the City such as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health, or morals of the public.

(b) It shall be unlawful for any person to operate any mechanical device operated by gasoline, or steam, or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device.

(c) The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being public highway, between the hours of 10:30 a.m. and 8:00 a.m. on weekdays and 12:00 midnight on Sundays shall be unlawful.

(d) As used in this section, the word "person" shall extend and be applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals.

(e) The landlord or lessor shall be given notice on at least two occasions of violations of this section by the tenant(s) or occupant(s) and, upon the second and subsequent violation by the tenant, occupant or group of tenants at the same dwelling unit within a one-year period, the landlord or lessor may be cited for permitting or allowing a nuisance. The landlord or lessor shall be notified of all citations issued to their tenants or occupants for noise violations and shall only be subject to a penalty if such tenant(s) or occupant(s) has been convicted of violations of this section occurring within a one-year period nor shall

the landlord or lessor be subject to a penalty if the landlord or lessor shows that all reasonable means have been taken and a sincere effort made to prevent continuous noise violations by their tenants or occupants.

(f) For the purpose of this section, a nuisance is described as allowing continuous loud noises, music or parties, which tend to disrupt the common welfare of a neighborhood or community.

(Code 1980, § 7.02(H))

Sec. 32-136. Hospital zones of quiet.

There is hereby created and established a zone of quiet in all territory embraced within a distance of 250 feet in each direction from every hospital. It shall be unlawful for any person to make, cause or permit to be made any unnecessary noise upon the public streets, avenues or alleys within any such zone of quiet, which disturbs or tends to disturb the peace and quiet of any of the inmates of any hospital located therein.

(Code 1980, § 7.02(F))

Sec. 32-137. Neighborhood quiet zones.

(a) It shall be unlawful for any person to create, assist in creating, permit, continue to permit the continuance of any unreasonably loud, disturbing or unnecessary noise emanating from within residential neighborhood quiet zones, as established by the Common Council, between the hours of 10:30 p.m. and 6:00 a.m., such as produces annoyance, inconvenience, discomfort or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health or morals of the public.

(b) As used in this section, the term "neighborhood quiet zones" means a residential area wherein not less than 51 percent of the residents 18 years of age and over or property owners in a nonbusiness zoned area unless the owners of such businesses included within such quiet zone agree to the same and have successfully petitioned the Common Council to request such status. If a portion of the area requested for a neighborhood quiet zone is zoned other than residential, such portion would qualify if such area is being used for residential purposes and the owner of such property consents to such quiet zone. In arriving at the requisite percentage, each parcel of property or tax parcel shall be counted as

one. The majority of residents 18 years of age and over occupying a parcel must sign the petition in order to constitute one parcel towards the requisite number of residents. Posting of such zones shall be in accordance with the procedures as established by the Common Council. The area shall not be less than one block in length on both sides of the street, unless otherwise approved by the Council in areas of irregular configuration. Smaller residential areas less than one block in length on both sides may be included within an existing contiguous quiet zone. A separate petition shall be filed for each block, or portion thereof. When the petition is filed with the City Clerk, it shall contain the requisite percentage of owners and/or residents and no signatures can be added or subtracted after it is filed with the City Clerk. All signatures on the petition shall be obtained within three months from the date of the first signature or such petition shall be void. The Common Council shall not grant such status to any area less than that as prescribed in this section. Such status shall remain in effect for a period of at least one year after which time utilizing the same guidelines as for the establishment of such status; it may be repealed by petition of the residents or owners subject to approval of the Common Council. Notice of public hearings to establish or repeal any residential neighborhood quiet zone shall be given to all record owners within the zone and any residents that signed any petition. A fee in the amount established by resolution shall accompany each petition. Petition forms shall be provided by the City Clerk's Office. The full fee may be waived upon approval by the Council in areas of irregular configuration, provided, however there shall be a fee of at least the amount established by resolution. (Code 1980, § 7.02(R))

Sec. 32-138. Unnecessary blowing of railroad whistles and horns.

(a) *Burlington Northern mainline track.* No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the City of La Crosse on the mainline track of the Burlington Northern Railroad except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by Federal or State regulation.

(b) *Soo Line mainline track.* No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the City of La Crosse on the mainline track of the Soo Line/Canadian Pacific Railroad except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by Federal or State regulation.

(c) *Penalty.* Violations of this section are a Class C offense as provided in section 1-7. (Code 1980, §§ 12.05, 12.07)

Secs. 32-139—32-159. Reserved.

ARTICLE V. OFFENSES INVOLVING PUBLIC MORALS AND DECENCY*

Sec. 32-160. Prostitution prohibited.

The provisions of Wis. Stat. §§ 944.30 through 944.36 relating to prostitution, exclusive of the penalties provided therein, are hereby adopted by reference. (Code 1980, § 7.03(A))

Sec. 32-161. Gambling and lotteries prohibited.

All forms of gambling or lotteries are hereby prohibited except as otherwise authorized by Wisconsin Statutes. (Code 1980, § 7.03(B))

State law reference—Gambling, Wis. Stat. ch. 945.

Sec. 32-162. Indecent behavior prohibited.

(a) It shall be unlawful for any person to appear in a public place in a state of nudity, or in an indecent or lewd dress, or to make any indecent exposure of their person, or be guilty of lewd or indecent behavior, or to perform any indecent or lewd act or representation.

(b) Defecation and urination in public prohibited. No person shall defecate or urinate upon private property in open view of the public, or upon any

***Cross reference**—Lewd or obscene conduction in establishments selling alcohol beverages, § 4-16.

sidewalk, street, alley, parking lot, playground, cemetery or other public area, except in a sanitary facility designed for that purpose.

(Code 1980, § 7.03(C))

State law reference—Lewd and lascivious behavior, Wis. Stat. § 944.20.

Sec. 32-163. Marijuana and synthetic cannabinoid.

(a) *Marijuana*. Pursuant to the provisions of Wis. Stat. § 66.0107(1)(bm), the possession of seven grams or less of marijuana, as defined in Wis. Stat. § 961.01(14), and subject to the exceptions in the Wis. Stat. § 961.41(3g)(intro), is prohibited and shall be punishable as a violation of this chapter, except that any person charged with possession of more than seven grams of marijuana, or who is previously or currently charged with possession of any amount of marijuana in the State of Wisconsin, shall not be charged under this subsection.

(b) *Drug paraphernalia*. No person shall violate the provisions of Wis. Stat. § 961.573(1) or (2), 961.574(1) or (2), or 961.575(1) or (2).

(c) *Synthetic cannabinoid*. No person shall possess a controlled substances specified in Wis. Stat. § 961.14(4)(tb)—(4)(ty), except that any person who is charged with possession of a controlled substance specified in Wis. Stat. § 961.(4)(tb)—(4)(ty) following a conviction for possession of a controlled substance in this State shall not be prosecuted under this subsection.

(d) *Money collected*. Any money received through enforcement of this section shall be split 50/50 between the General Fund and the DARE Program to educate and deter youth against drug and substance abuse.

(Code 1980, § 7.01(C))

Sec. 32-164. Disturbing bird nests.

It shall be unlawful for any person to molest, rob or attempt to molest or rob in any manner the nest of birds or wild fowl or the natural dwelling place of any wild animal, not to injure or abuse any bird, wild fowl or wild animal without prior authority from the Board of Park Commissioners or a representative thereof. The prohibition herein shall not be construed to interfere with the use and maintenance of private land, trees or shrubbery by the owner or agent of the

owner of said land, nor with the use, maintenance or development for purposes of public good of public land by the City or its agents.

(Code 1980, § 7.03(l)(2))

Cross reference—Animals, ch. 6.

Secs. 32-165—32-181. Reserved.

ARTICLE VI. OFFENSES INVOLVING UNDERAGE PERSONS*

Sec. 32-182. Curfew.

(a) No child between the age of 15 years and 17 years of age, inclusive, shall loiter, idle or remain, and no parent or guardian shall knowingly permit their child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the City between the hours of 11:00 a.m. and 5:00 a.m., Sunday through Thursday and between the hours of 12:30 a.m. and 5:00 a.m., Friday and Saturday; provided, however between June 1 and August 31 in each year, such restrictions shall apply between 12:30 a.m. and 5:00 a.m., Sunday through Saturday, unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.

(b) No child between the age of 12 and 14 years of age shall loiter, idle or remain, and no parent or guardian shall knowingly permit their child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the City between the hours of 10:00 a.m. and 5:00 a.m., Sunday through Thursday and between the hours of 11:00 a.m. and 5:00 a.m. Friday and Saturday; provided, however, between June 1 and August 31 in each year, such restrictions shall apply between 11:00 a.m. and 5:00 a.m., Sunday through Saturday unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.

(c) No child 11 years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit their child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the City between the hours of 10:00

***Cross references**—Sale of alcohol to underage persons, § 4-81; employment of underage person in alcohol beverage establishments, § 4-13.

a.m. and 5:00 a.m., Sunday through Saturday, unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child.

(d) This section shall not be construed to prohibit the following:

- (1) A child from performing an errand or duty if directed by such child's parent or guardian.
- (2) A child from performing an emergency errand.
- (3) A child from pursuing the duties of their employment in an expeditious and orderly manner.
- (4) A child from returning home by the most direct route from places of business, amusement or private homes.
- (5) A child from going directly to or from religious or school activities.
- (6) A child attending or traveling directly to or from an activity involving the exercise of First Amendment rights of speech, assembly, or exercise of religion.
- (7) A child from being in a motor vehicle with parental consent for normal travel.
- (8) As child from being in a motor vehicle for interstate travel through the City.

(Code 1980, § 7.03(G))

Sec. 32-183. Sale of dangerous weapons to minors.

It shall be unlawful for any person to sell or transfer possession of, with or without consideration, any device designed as a weapon and capable of producing death or great bodily harm, such as, but not limited to, a slingshot, bowie or switchblade knife, dirksai, tonfa, three-sectional staff, or other dangerous weapons not prohibited by statute to a minor.

(Code 1980, § 7.01(R))

Sec. 32-184. Tattooing of children.

(a) The provisions of Wis. Stat. § 948.70, exclusive of any penalties provided therein, are hereby adopted by reference, including any revisions or amendments thereto.

(b) Any person who shall violate this section shall be required to forfeit not less than \$200.00 nor more than \$1,000.00 per violation together with the costs of prosecution plus any and all other penalty assessments and fees imposed by the State of Wisconsin. (Code 1980, § 7.01(U))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 32-185. Minors purchasing harmful materials.

Any person under 18 years of age who falsely states, either orally or in writing that such person is not under the age of 18 years, or who presents or offers to any person any evidence of age and identity which is false or not actually their own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material as defined in Wis. Stat. § 948.11, is guilty of an offense.

(Code 1980, § 7.03(E)(6))

Sec. 32-186. Restrictions on the sale or gift of cigarettes or tobacco products.

The provisions of Wis. Stat. § 134.66 relating to restrictions on the sale, gift or location of cigarettes or tobacco products, including any amendments thereto, are hereby adopted by reference.

(Code 1980, § 7.06(A))

Sec. 32-187. Use and possession of cigarettes and tobacco products by children.

The provisions of Wis. Stat. § 254.92 relating to the use and possession of cigarettes and tobacco products, including any amendments thereto, are hereby adopted by reference.

(Code 1980, § 7.06(B))

Sec. 32-188. Truancy prohibited.

(a) It shall be unlawful for any child to be a truant.

(b) In this section, "truant" shall mean a pupil who is absent from school without an acceptable excuse under Wis. Stat. §§ 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(c) If the court finds that a person under the age of 18 years has violated the provisions of this section, the court may enter an order for one or more of the following dispositions:

- (1) An order for the person to attend school.
- (2) A forfeiture of not more than \$50.00 plus costs for the first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(Code 1980, §§ 7.02(M), 7.09(B))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Municipal truancy ordinances, Wis. Stat. § 118.163.

Sec. 32-189. Habitual truancy prohibited.

(a) It shall be unlawful for any child to be a habitual truant.

(b) In this section, the term "habitual truant" means a pupil who is absent from school without acceptable excuse under Wis. Stat. §§ 118.15 and 118.16(4) for part or all of five or more days on which school is held during a school semester.

(c) If the court finds that a person under the age of 18 has violated the provisions of this section, the court may enter an order for one or more of the following dispositions:

- (1) Suspension of the person's operating privilege for not less than 30 days, or more than one year. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the State Department of Transportation a notice stating the reason for and the duration of the suspension.
- (2) Order the person to participate in counseling or a supervised work program or other community service work as described in Wis.

Stat. § 938.34(5g). The costs of any such counseling, supervised work program, or other community service work may be assessed against the person, the parents, or guardian of the person, or both. Pursuant to Wis. Stat. § 118.163(2)(b), any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this subsection acting in good faith has immunity from any civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.

- (3) Order the person to remain at home, except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave their home if the person is accompanied by a parent or guardian.
- (4) Order the person to attend an educational program as described in Wis. Stat. § 938.34(7d).
- (5) Order the Department of Workforce Development to revoke, Wis. Stat. § 103.72, the person's work permit under Wis. Stat. § 103.70.
- (6) Order the person to be placed in a teen program, as described in Wis. Stat. § 938.342(1g)(f).
- (7) Order the person to attend school.
- (8) Order a forfeiture of not more than \$500.00 plus costs, subject to Wis. Stat. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (9) Order any other reasonable conditions or restrictions consistent with this section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

- (10) Order the person placed under formal or informal supervision, as described in Wis. Stat. § 938.34(2), for up to one year.
- (11) Order the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (12) Order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in Wis. Stat. § 938.342(1g)(k).

(d) A juvenile who violates a dispositional order entered under this section shall be subject to those sanctions, which are consistent with the Municipal Ordinances for Truancy and Habitual Truancy, and which are set forth in Wis. Stat. §§ 938.17 and 938.355, which are incorporated herein and are intended to be made a part of this Code.

(Code 1980, § 7.02(N))

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Municipal truancy ordinances, Wis. Stat. § 118.163.

Sec. 32-190. Contributing to truancy prohibited.

The provisions of Wis. Stat. § 948.45 titled "Contributing to truancy," exclusive of any penalties provided therein, are hereby adopted by reference, including any revisions or amendments thereto.

(Code 1980, § 7.02(O))

Secs. 32-191—32-218. Reserved.

ARTICLE VII. OFFENSES INVOLVING GOVERNMENT OPERATIONS*

Sec. 32-219. Resisting or obstructing officer.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Obstructs means and includes, without limitation, knowingly giving false information to an officer or knowingly placing physical evidence with the intent to mislead an officer in the performance of the officer's duty, including the service of any summons or civil process.

Officer means a peace officer or other public officer or public employee having the authority by virtue of the officer's position or employment to take another into custody.

(b) *Prohibition.* No person shall knowingly resist or obstruct an officer while the officer is doing any act in an official capacity and with lawful authority.

(Code 1980, § 7.02(A))

State law reference—Similar provisions, Wis. Stat. § 943.41.

Sec. 32-220. Electrical interference of municipal radio systems prohibited.

(a) It shall be unlawful for any person to operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever, the operation of which shall cause preventable electrical interference with the proper functioning of municipally owned and operated radio communicating systems of the City.

(b) When it appears to the Police Department that any machine, device, apparatus, or instrument is causing interference of the type prohibited herein, the Police Department shall serve written notice upon the person in charge of the machine, device, apparatus or instrument setting forth the basis of the complaint, and thereupon it shall be the duty of said person in charge to cooperate with the Police Department in determining by actual demonstration thereof

***Cross references**—Fire Department, ch. 18, art. II; police department, ch. 24, art. II.

whether such machine, device, apparatus or instrument is in fact causing interference of the type herein prohibited.

(c) If, upon said demonstration, it is found by the Police Department that any machine, device, apparatus or instrument is causing interference of the type herein prohibited, it shall be the duty of said person in charge within 30 days after written notice has been served upon such person to entirely abate and discard the operation of such machine, device, apparatus, or instrument, unless it can be shown that the machine, device, apparatus or instrument can be adequately and practically filtered, shielded or otherwise remodeled so as to permit its operation without violation of this section, in which event it shall be the duty of said person in charge within the said 30 days to properly filter, shield or otherwise remodel such machine, device, apparatus, or instrument so as to reduce said interference to within the limits set forth in this section. In the event such person shall fail to remedy such defects as hereinbefore provided, the person may be prosecuted upon filing proper complaint.

(Code 1980, § 7.02(J))

Sec. 32-221. Interference with Opticom Priority Control Systems at signal controlled intersections.

It shall be unlawful for any person other than City Fire Department or City Police Department personnel to operate or cause to be operated any optical emitter control device that produces and transmits a flashing optical signal so as to preempt, command, control, or interfere with official traffic control signals at highway intersections within the City of La Crosse that have an Opticom Priority Control System unless such person has prior written permission from the Fire Chief or Police Chief of the City of La Crosse.

(Code 1980, § 7.02(L))

Sec. 32-222. Duty to assist police.

It shall be the duty of all persons, when called upon by the Chief of Police or any patrol officer or other peace officer, to promptly aid and assist such Chief, patrol officer or peace officer in the execution

of their duties, and it shall be unlawful for a person when so called upon and to neglect or refuse to give such aid and assistance.

(Code 1980, §§ 3.06, 3.40)

State law reference—Similar provisions, Wis. Stat. § 943.40.

Sec. 32-223. Impersonating Peace Officers.

No person shall impersonate a Peace Officer with intent to mislead others into believing that the person is actually a peace officer.

(Code 1980, § 7.02(C))

State law reference—Impersonation of peace officers, Wis. Stat. § 946.70.

Sec. 32-224. Harassment of Police animals.

The provisions of Wis. Stat. § 951.095 titled "Harassment of police animals" provided therein are hereby adopted by reference, including any revisions or amendments thereto.

(Code 1980, § 7.02(K))

Sec. 32-225. False alarms prohibited.

No person shall intentionally give a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise.

(Code 1980, § 7.01(H))

State law reference—False alarms, Wis. Stat. § 941.13.

Chapter 33

RESERVED

Chapter 34

PARKS, RECREATION, BOULEVARDS AND OTHER PUBLIC PLACES*

Article I. In General

- Sec. 34-1. Penalty, enforcement officers and citations.
- Secs. 34-2—34-20. Reserved.

Article II. La Crosse Center

- Sec. 34-21. Ticket scalping prohibited.
- Sec. 34-22. Food beverages and merchandise on premises.
- Sec. 34-23. Sales of food, beverages and merchandise on premises on public property near La Crosse Center.
- Secs. 34-24—34-49. Reserved.

Article III. Parks, Playgrounds, Boulevards, Pleasure Drives and Swimming Pools

- Sec. 34-50. Applicability.
- Sec. 34-51. Removal of violators.
- Sec. 34-52. Closing of parks.
- Sec. 34-53. Trespassing prohibited.
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- Sec. 34-56. Fences and railings.
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- Sec. 34-60. Disorderly conduct prohibited.
- Sec. 34-61. Littering prohibited.
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- Sec. 34-63. Disturbing animals prohibited.
- Sec. 34-64. Animals in City parks, athletic fields and trails.
- Sec. 34-65. Games and sports restricted.
- Sec. 34-66. Alcohol beverages.
- Sec. 34-67. Use of trucks and snowmobiles restricted.
- Sec. 34-68. Use of off-the-road vehicles, motorcycles, trail bikes or mountain bikes prohibited.
- Sec. 34-69. Ultralight aircraft regulated.
- Sec. 34-70. Vehicular parking and speed.
- Sec. 34-71. Restriction of parking in parking lots or parking areas of City parks.
- Sec. 34-72. Regulations pertaining to proper skating protective equipment at Leuth Park Skateboard Facility.
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- Sec. 34-103. Definition.
- Sec. 34-104. Penalty and enforcement officers.
- Sec. 34-105. Jurisdiction of Board of Park Commissioners and Board of Public Works.
- Sec. 34-106. Jurisdiction of Board of Public Works.
- Sec. 34-107. Provisions for City streetscaping projects.

*Cross references—Board of Park Commissioners, ch. 2, art. X, div. 2; Board of Public Works; streets and sidewalks, ch. 40; waterways, ch. 48; boats and water safety, ch. 48, art. II.

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- Sec. 34-108. Provisions for ADA accessible ramp projects and bus stops.
- Sec. 34-109. Boulevard changes prohibited.
- Sec. 34-110. Exceptions.
- Sec. 34-111. Procedures for approval of further exceptions.
- Sec. 34-112. Required mitigation.
- Sec. 34-113. Grass clippings, leaves and other organic matter.
- Sec. 34-114. Boulevard planting height limit.
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Article V. Trees on Public Property

- Sec. 34-142. Authority of Director of Parks and Recreation.
- Sec. 34-143. Damage to trees.
- Sec. 34-144. Regulations for planting and care of trees.
- Sec. 34-145. Nuisances.
- Sec. 34-146. Assessments.
- Sec. 34-147. Permits.

ARTICLE I. IN GENERAL

Sec. 34-1. Penalty, enforcement officers and citations.

(a) Except as otherwise provided in this chapter, violations of this chapter are a Class B offense as provided in section 1-7.

(b) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Parks and Recreation.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, §§ 9.09(A), 10.07(A))

Secs. 34-2—34-20. Reserved.

ARTICLE II. LA CROSSE CENTER*

Sec. 34-21. Ticket scalping prohibited.

No person shall buy or sell any ticket to any event at the La Crosse Center for which tickets are required for entrance for more than the price printed on such ticket.

(Code 1980, § 7.01(O)(3))

Sec. 34-22. Food beverages and merchandise on premises.

(a) No person shall sell, deal or traffic in, give away, or bring into any part of the La Crosse Center which is open to the general public any intoxicating liquors (as defined in Wis. Stat. § 125.02) or fermented malt beverage (as defined in Wis. Stat. § 125.02), except such persons as are the suppliers of or the agents or servants of such suppliers, or the agents or servants of the person or corporation holding the Class "B" Retailer's License for use in the La Crosse Center premises issued pursuant to Wis. Stat. ch. 125.

*Cross reference—La Crosse Center Board, ch. 2, art. X, div. 8.

(b) No person shall sell, deal or traffic in, give away, or bring into any part of the La Crosse Center which is open to the general public any goods, merchandise, beverages, or foodstuffs, except such persons as are suppliers of or the agents or servants of such suppliers, or the agents or servants of the person or corporation allowed by contract between the City of La Crosse and such person or corporation to sell the aforesaid articles in the aforesaid part of the La Crosse Center open to the general public without the express consent of the management of the La Crosse Center.

Code 1980, § 7.01(O)(1), (O)(2))

Sec. 34-23. Sales of food, beverages and merchandise on premises on public property near La Crosse Center.

(a) It is hereby determined and declared that the use of certain public premises for the specific public purposes to which such premises are intended is pre-eminent. It is further determined and declared that sales on such public premises interferes with their use for their intended purposes. It is further determined and declared that the use of the public sidewalk, public parking lots, public parking ramps, public alleys and streets outside of the entrance to the La Crosse Center, or adjacent thereto, for sales interferes with the orderly ingress and egress to and from those premises and therefore with their use for their intended purposes.

(b) It shall be unlawful for any person to sell, offer for sale, or give away, any goods, merchandise, foodstuffs, tickets or any other articles of any kind on public premises reserved for specific public purposes and posted as such without the express written consent of the custodian or director of such premises.

(c) It shall be unlawful for any person to sell, offer to sell, or give away, any goods, merchandise, foodstuffs, tickets or any other articles of any kind on any public street, public parking lot, public parking ramp, public alley or public sidewalk within the following boundaries:

- (1) On the south by the south line of King Street;
- (2) On the north by the north line of State Street;
- (3) On the east by the east line of Fourth Street;

- (4) On the west by the centerline of the Mississippi River Main Channel;

between the time four hours immediately preceding the commencement of any scheduled event therein and the time one hour immediately after the conclusion of any scheduled event therein.

(d) Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be required to forfeit not less than \$200.00 nor more than \$1,000.00 together with costs of prosecution and in default of payment thereof shall be committed to the County Jail, unless otherwise authorized by law, for a period not to exceed 90 days.

(Code 1980, § 7.01(P))

Cross references—General penalty for ordinance violations, § 1-7; outdoor food stands and mobile food units, ch. 10, art. X.

Secs. 34-24—34-49. Reserved.

**ARTICLE III. PARKS, PLAYGROUNDS,
BOULEVARDS, PLEASURE DRIVES AND
SWIMMING POOLS**

Sec. 34-50. Applicability.

The following special rules and regulations in addition to all other regulations in this Code and in addition to any special rules promulgated by the Board of Park Commissioners and the provisions of this article shall govern conduct in all parks, playgrounds, boulevards, pleasure drives and swimming pools

(Code 1980, § 10.03(intro.))

Sec. 34-51. Removal of violators.

In addition to the other penalties provided in this chapter, any person violating any rules or regulations set forth in this article, or any order or regulation established by the Board of Park Commissioners, may be summarily removed from the parks, playgrounds, boulevards, pleasure drives or swimming areas by any employee of the Parks and Recreation Department or by any Police Officer.

(Code 1980, § 10.03(T))

Sec. 34-52. Closing of parks.

The Board of Park Commissioners may establish a closing hour for all parks, playgrounds and swim-

ming pools, and after posting such closing hour, it shall be unlawful to enter in or be upon any park, playground or swimming pool after the hour designated.

(Code 1980, § 10.03(S))

Sec. 34-53. Trespassing prohibited.

No person shall enter upon any park land including, but not limited to, unauthorized areas of Granddad Bluff in disregard of signs or posted notices forbidding the same.

(Code 1980, § 10.03(I))

Sec. 34-54. Vendors restricted.

No person shall sell, vend any article of merchandise whatever without a written permit from the Board of Park Commissioners.

(Code 1980, § 10.03(L))

Cross reference—Businesses, ch. 10.

Sec. 34-55. Destruction of property.

No person shall in any manner deface or injure any building, tree, shrub, plant or other property, or trespass through shrubbery borders or other plantations or upon any premises under the jurisdiction of the Board of Park Commissioners.

(Code 1980, § 10.03(B))

Sec. 34-56. Fences and railings.

No person shall sit or stand or interfere with or damage any guard fence, railing or other enclosure.

(Code 1980, § 10.03(O))

Sec. 34-57. Removal of park benches.

No person shall remove any table, bench or seat from any park, and no table bench or seat which is permanently placed shall be moved at all.

(Code 1980, § 10.03(P))

Sec. 34-58. Fires.

No fire shall be lighted or made except in places specifically provided for such purpose.

(Code 1980, § 10.03(C))

Sec. 34-59. Use of weapons prohibited.

Use of a cannon, rifle, shotgun, pistol, bow, arrow, spear, spring, air gun or any firearm of any description shall be regulated pursuant to article III of chapter 32.

(Code 1980, § 10.03(D))

Sec. 34-60. Disorderly conduct prohibited.

No person shall disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(Code 1980, § 10.03(F))

Sec. 34-61. Littering prohibited.

No person shall throw, deposit, or leave any paper, article or thing except in the receptacles provided for waste.

(Code 1980, § 10.03(E))

Sec. 34-62. Swimming regulated.

No person shall swim or bathe in any lake, river, lagoon, beach or swimming pool except at such places and at such times as the Board of Park Commissioners may direct.

(Code 1980, § 10.03(G))

Sec. 34-63. Disturbing animals prohibited.

No person shall disturb, interfere with, handle or feed any animals or birds in any zoo or park, except that the handling and feeding of animals shall be lawful in areas where the Board of Park Commissioners has posted signs or notices to that effect.

(Code 1980, § 10.03(H))

Cross reference—Animals, ch. 6.

Sec. 34-64. Animals in City parks, athletic fields and trails.

Domestic or domesticated animals shall be allowed in parks as designated below:

- (1) Leashed dogs on a leash of not more than eight feet shall be allowed in all City parks provided that such dogs remain on sidewalks or designated walkways or trail.

- (2) Dogs will be allowed on the golf course when the course is closed to golfing, and dogs are restricted from using the groomed ski trails.

- (3) All domestic or domesticated animals must display current registration tags, and dogs must display current rabies tag.

- (4) The owner/caretaker of any such domestic or domesticated animal must have a shovel, scoop, bag or other item for removal of fecal matter on such premises, remove and deposit the fecal matter in a waste container. Failure to do so will result in a citation and fine.

- (5) Service animals as provided in Wis. Stat. § 106.52.

- (6) Dogs used by or under the auspices of the City of La Crosse Police or Fire Department or County Sheriff's Department or any City Police or Fire Department or County Sheriff's Department or any Federal or State agency shall have open access to all park property.

- (7) Unleashed dogs are only allowed in areas designated by the Board of Park Commissioners as "dog parks" as long as that dog is under the voice control of the owner/caretaker at all times. Any incident of aggressive animal behavior shall result in banning the animal from the dog park.

- (8) Complaints about dogs running loose, owner/caretakers not picking up fecal matter, aggressive dog behavior or any other issue related to this article shall be handled and prosecuted under the administration authority of the Coulee Region Humane Society or other agency contracted with the City of La Crosse.

(Code 1980, § 10.03(K))

Cross reference—Animals, ch. 6.

Sec. 34-65. Games and sports restricted.

No person shall play ball, tennis or other games except upon grounds specifically established by the Board of Park Commissioners for such purposes.

(Code 1980, § 10.03(N))

Sec. 34-66. Alcohol beverages.

(a) No person shall have in their possession, custody or control any alcohol beverages of any kind whatsoever, in any City playground, City swimming pool, designated public swimming area, or on park property within 1,000 feet of any school building.

(b) Alcohol beverages are allowed at City of La Crosse Parks and Recreation sponsored events at City parks. Alcohol beverages will be allowed when reserving park facilities, pavilions and picnic shelters and indicating on the reservation form that alcohol beverages will be at the event. Alcohol beverages are allowed by Special Event Licenses or Agreements between the Board of Park Commissioners and the entity sponsoring the event.

(c) The Board of Park Commissioners may also permit the possession, custody and control of alcohol beverages in any other specially requested property under the jurisdiction of the Board of Park Commissioners.

(d) Any assemblage or group of 25 or more adults shall have a use permit issued by the Parks and Recreation Department, coordinated with the Police Department for possession, custody and/or consumption of alcohol beverages in any park or property under the jurisdiction of the Board of Park Commissioners.

(e) The sale of fermented malt beverages and wine at any authorized location shall comply with the provisions of chapter 4 along with applicable State law and shall only take place after obtaining the requisite license.

(f) Individuals or groups authorized to possess, consume or sell alcohol beverages under any provision of this article will be banned for three years from possessing, consuming or selling alcohol beverages on any property under the jurisdiction of the Board of Park Commissioners when they commit one offense within a calendar year as a result of consuming alcohol, causing problems related to public disturbance, public intoxication, public urination, public pandering, operating a vehicle on park property under the influence of alcohol, causing property damage, causing bodily injury, threatening the general public, allowing minors to consume alcohol beverages,

or any other violation of the laws of the United States, the State of Wisconsin or the City of La Crosse.

(Code 1980, § 10.03(R))

Cross reference—Alcohol beverages, ch. 4.

Sec. 34-67. Use of trucks and snowmobiles restricted.

(a) No person other than park employees shall operate any truck or other vehicle which is not exclusively used for the carrying of passengers.

(b) No person shall operate any snowmobile in any park, playground or other public ground nor upon any roadway in any park, playground or other public ground, without express written consent of the Board of Park Commissioners approval.

(c) No person shall operate any four-wheel-drive vehicle, motor cycle or motor bike in any park, playground or other public ground except on duly designated roadways.

(Code 1980, § 10.03(Q))

Cross reference—Traffic and vehicles, ch. 44.

Sec. 34-68. Use of off-the-road vehicles, motorcycles, trail bikes or mountain bikes prohibited.

No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground, boulevard, or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, cross-country skiing, sledding or other pedestrian use. No person(s) shall operate any trail bike, mountain bike or bicycle on any trail utilized by pedestrians or on any undeveloped land in Hixon Forest. Any trail designated for use by any trail bike, mountain bike or bicycle shall have appropriate signage allowing such use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.

(Code 1980, § 10.03(V))

Cross reference—Traffic and vehicles, ch. 44.

Sec. 34-69. Ultralight aircraft regulated.

(a) *Definition.* An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal

Aviation Administration, by virtue of its characteristics, and which is defined as an ultralight vehicle by 14 CFR 103.1 and which is defined as an ultralight aircraft by Wis. Stat. § 114.195.

(b) *Regulations regarding use.*

- (1) No person shall operate any ultralight aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the City in violation of any applicable State and Federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other City property the operator of such ultralight aircraft shall first obtain a permit from the Board of Park Commissioners. No fee shall be charged by the Board of Park Commissioners for such permit which may be issued for a period up to 30 days nor shall the Board of Park Commissioners sponsor such activity.

- (2) Any person desiring to land or to take off from any property owned by the City of La Crosse shall, prior to receiving a permit, procure evidence of insurance as provided in section 2-2.

(Code 1980, § 10.03(U))

Cross reference—Aviation, ch. 8.

Sec. 34-70. Vehicular parking and speed.

No person shall permit any vehicle or animal to stand in the parks except upon established roads and ways and no person shall drive any vehicle or animal in the parks except upon established roads and ways and then only at a rate of speed not to exceed 15 miles per hour.

(Code 1980, § 10.03(A))

Cross reference—Traffic and vehicles, ch. 44.

Sec. 34-71. Restriction of parking in parking lots or parking areas of City parks.

The Board of Park Commissioners may establish parking restrictions in parking lots or parking areas of

any City park to such times as during official events during certain hours provided such restrictions are adequately posted.

(Code 1980, § 10.03(W))

Cross reference—Traffic and vehicles, ch. 44.

Sec. 34-72. Regulations pertaining to proper skating protective equipment at Leuth Park Skateboard Facility.

No person shall skateboard using the half-pipe at the Leuth Park Skateboard Facility without wearing proper skating protective equipment, which includes a minimum of a helmet and knee pads.

(Code 1980, § 10.03(X))

Secs. 34-73—34-102. Reserved.

ARTICLE IV. BOULEVARDS*

Sec. 34-103. Definition.

All land in public streets or highways lying between the lot lines and the curb lines or pavement edge of said streets or highways, which is not used for roadway or sidewalk purposes, is defined as being a boulevard. Neighborhood traffic circles which consist of a circular intersection constructed at the intersection of two local residential streets for traffic calming and aesthetic purposes is also considered for purposes of this section a boulevard.

(Code 1980, § 10.02(A))

Sec. 34-104. Penalty and enforcement officers.

(a) Any person violating the provisions of section 34-109 or 34-111 by modifying a boulevard without required approval, upon conviction thereof, shall be subject to forfeiture of not less than \$350.00 nor more than \$1,000.00 for each offense and the costs of prosecution.

(b) The City Engineer shall enforce the provisions of this article in commercial and industrial zoned areas and the City Weed Commissioner shall en-

***Cross references**—Outdoor vending machines, § 10-3; outdoor food stands and mobile food units, ch. 10, art. X.

force this article in all other zoning districts and shall have the ability to issue citations for such violations. (Code 1980, § 10.07)

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 34-105. Jurisdiction of Board of Park Commissioners and Board of Public Works.

The control of all boulevards in all zoning districts with exception of commercial and industrial districts shall be with the Board of Park Commissioners. The control of all boulevards in the commercial and industrial zoning districts shall be with the Board of Public Works. Such Boards shall have the power to require the owner or owners of any lot or ground to set out ornamental trees along the street or streets and to direct and regulate the planting and preservation of shade and ornamental trees between the lot lines and public streets, alleys, and public grounds. The Board of Park Commissioners is further empowered to determine what substances should be placed upon the ground, which constitutes the boulevard, and require the owners of the abutting lots to either plant grass or appropriate materials or substances upon the boulevard as said Board in exercise of its discretion might require.

(Code 1980, § 10.02(B))

Sec. 34-106. Jurisdiction of Board of Public Works.

The Board of Public Works shall have control over removal of signs or other obstructions placed in the boulevards regardless of the zoning. The location of all public and private utilities within any parkway or boulevard shall be controlled and be under the jurisdiction of the Board of Public Works.

(Code 1980, § 10.02(C))

Sec. 34-107. Provisions for City streetscaping projects.

The City of La Crosse, as part of a road project, streetscaping project, or other public works project, shall be allowed to modify a City boulevard without providing mitigation, provided the Board of Park Commissioners and Common Council approve the plans and specifications for said road project, streetscaping project, or other public works project if such project includes paving of more than 100 square feet

of boulevard not previously paved. This section shall not apply to on-going streetscaping projects, including the downtown, Ward Avenue, or the gateway entry corridor from I-90 to La Crosse Street. If permitted, Neighborhood traffic circles shall be subject to the landscaping plans as may be approved by the Board of Park Commissioners with the maintenance to be the responsibility of the property owners of the properties located at the four corners of the two residential street intersections. One hundred percent of the property owners responsible for maintenance of the traffic circle must agree to the traffic circle prior to construction of the same.

(Code 1980, § 10.02(D))

Sec. 34-108. Provisions for ADA accessible ramp projects and bus stops.

The City of La Crosse, as part of American's with Disabilities Act (ADA) accessible ramp projects in residential neighborhoods, will preserve the triangle-shaped boulevard areas between the ramps and the curb radius, unless either of the straight sides of the triangle is 18 inches or less, in which case it should be paved. In commercial/industrial areas, the City shall be allowed to modify these areas without providing mitigation. Paving installed in the boulevard for La Crosse Municipal Transit Utility (MTU) bus stops and bus shelters is permitted without approval of the Board of Park Commissioners and without mitigation.

(Code 1980, § 10.02(E))

Sec. 34-109. Boulevard changes prohibited.

No person shall change the condition of any boulevard area within the City without written approval of the Board of Park Commissioners or Board of Public Works, unless changing the surface to grass. Prohibited changes include, but are not limited to, installation of fencing, paving over boulevard areas with asphalt, recycled asphalt, brick pavers, concrete, landscaping gravel, exposed aggregate, etc., or the removal of grass or sod, and/or damage to or removal of boulevard trees or other plantings (in accordance with article V of this chapter). Residential neighborhood traffic circles shall be subject to such conditions as may be required by the Board of Park Commissioners.

(Code 1980, § 10.02(F))

Sec. 34-110. Exceptions.

(a) Any improvement that is placed within these areas is done so at the risk of the adjacent property owner. The City is not responsible for restoring damage caused by street maintenance, drainage and utility construction, and snowplowing. Improvements which interfere with the performance of City operations or public utilities may be ordered for removal. Exceptions are allowed for miscellaneous plantings, rock, etc. if less than 50 square feet of the surface area of the property owner's boulevard is affected. In this case, the owner is exempt from the mitigation fee.

(b) The following activities are permitted in the boulevard without Board of Park Commissioners approval and without an application fee, but still require a permit from the City Engineer's Office (no mitigation fee is required for activities in subsection (b)(1) through (5) of this section):

- (1) A property owner installing a carriage walk no wider than five feet at its widest point for access to their property that would cross an existing boulevard must obtain a permit from the City Engineer's Office.
- (2) Any adjacent property owner installing an automatic irrigation system into a boulevard area must receive a permit from the City Engineer's Office.
- (3) A property owner installing a driveway that would cross an existing boulevard must receive a permit from City Engineer's Office in accordance with the procedures set out in section 40-4, and will not be required to petition the Board of Park Commissioners.
- (4) Plantings consisting of flowers or ornamental grasses, exposed aggregate, landscaping, gravel, brick pavers, consisting in the aggregate of less than 50 square feet of the pervious boulevard area adjacent to a property shall be exempt from the provisions of this article.
- (5) For Commercial or Industrial zoned land along a State or Federal Highway, a remnant boulevard that is less than 18 inches in width may be eliminated after first obtaining permission from the Board of Public Works.

- (6) Residential neighborhood traffic circles shall not be subject to an application fee and do require the landscaping plans for such traffic circle to be reviewed by City Engineer's Office.

(Code 1980, § 10.02(G))

Sec. 34-111. Procedures for approval of further exceptions.

The Board of Park Commissioners shall have the power to approve, conditionally approve, or deny modifications or installation of improvements in the boulevard after review of an application for boulevard modifications is presented to the Board of Park Commissioners. The Board of Park Commissioners shall also have the power to grant exceptions, in writing, to the provisions of this section, using its discretion, given the following conditions are met:

- (1) Any adjacent property owner desiring to change a City boulevard, except in the specific cases noted in section 34-110, must petition the Board of Park Commissioners by providing detailed plans for boulevard changes, including, but not limited to, an explanation of hardship created by the maintenance of the existing boulevard and description of subject boulevard, including size, shape, current condition, and presence of trees and other plantings. The detailed plans shall also identify the desired changes to the boulevard and all of the materials to be used. It is left at the discretion of the Board of Park Commissioners to require additional materials in support of the petition for exception.
- (2) All petitioning parties must pay an application fee in the amount established by resolution at the time of petition submittal. The fee is nonrefundable except for Board of Park Commissioners approval decisions regarding plantings. Upon granting of the petition, the petitioning party shall also pay a monetary mitigation fee, in accordance with section 34-112, for any boulevard area that is lost with the granting of an exception. All application and mitigation fees will be put into a segregated fund, which will be used by the City to purchase or restore other greenspace throughout the City.

- (3) The paving over or changing of any boulevard must be completed at the sole expense of the petitioning party.

(Code 1980, § 10.02(H))

Sec. 34-112. Required mitigation.

In the case of a granted exception to the provisions of this article, petitioning parties are required to pay a nonrefundable, monetary mitigation fee, in accordance with a fee schedule adopted by the Board of Park Commissioners. The fee shall be based on the average cost of land acquired for greenspace and prorated to the square footage of the boulevard area lost, at the time of mitigation. The fee shall be as established by resolution. This amount is due upon the approval of the boulevard modification application petition and will be put into a segregated fund, which will be used by the City to purchase or restore other greenspace throughout the City. This fee is strictly a mitigation fee to provide greenspace elsewhere in the City as a result of the loss of boulevard green space.

(Code 1980, § 10.02(I))

Sec. 34-113. Grass clippings, leaves and other organic matter.

Grass clippings, leaves, and other organic matter shall not be intentionally discharged, blown, raked, or otherwise placed in the street gutter, or alley.

(Code 1980, § 10.02(K))

Sec. 34-114. Boulevard planting height limit.

All boulevard plantings, with the exception of trees, shall not be taller than 30 inches.

(Code 1980, § 10.02(L))

Secs. 34-115—34-141. Reserved.

ARTICLE V. TREES ON PUBLIC PROPERTY*

Sec. 34-142. Authority of Director of Parks and Recreation.

The Director of Parks and Recreation, subject to the supervision and control of the Board of Park Commissioners, shall have exclusive jurisdiction, au-

*Cross reference—Environment and natural resources, ch. 16.

thority, control, supervision and direction over all trees, shrubs and plants, planted or growing in or upon the public highways and public places of the City and the planting, removal, care, preservation, protection, removal and control thereof. The Director of Parks and Recreation is empowered to plant, transplant, remove, trim, spray and otherwise care for and protect all trees and shrubs on or in that part of every street, the grade of which has been established, between the lot line and the curb and on the center or side plots of all boulevards and parkways and in all public parks or grounds belonging to the City and the control of such planting, removing, trimming, spraying, or other work by others. In discharging these duties the Director of Parks and Recreation shall be designated City Forester and shall be governed by the provisions of Wis. Stat. § 27.09.

(Code 1980, § 10.04(A))

Sec. 34-143. Damage to trees.

(a) No person shall prune, cut, molest, break, deface, destroy, spray, repair or do surgery work upon any tree or part thereof, or in any manner interfere with, disturb, or injure any shrub or plant upon the public highways or places of the City; nor shall any chemical be used for the control of insects or other diseases, or for any other reason, nor shall any person permit any chemical, either solids or fluids, to seep, drain or be emptied on or about any tree, shrub or plant that is now or may hereafter be growing upon any public highway or place within the City, without first obtaining a permit from the Director of Parks and Recreation; provided, further, that nothing in this section shall be construed so as to apply to the removal, under the direction of the Director of Parks and Recreation, by the Board of Public Works, or any other department or subdivision thereof, of any tree, shrub or plant thereof, when such removal shall be necessary for the construction of any sidewalk, sewer, street, water main, conduit, or public improvement.

(b) No person shall be permitted to hitch any animal to any tree or shrub, nor fasten to for the purpose of anchorage, any wire, rope, chain or cables, nor shall any person nail, tie or in any manner, fasten any cards, signs, posters, boards or any other

article to any tree, shrub or plant that is now or may hereafter be growing upon any public highway or public place within the City.
(Code 1980, § 10.04(B))

Sec. 34-144. Regulations for planting and care of trees.

(a) Trees must not be less than one inch in diameter of trunk at a height of four feet above the ground.

(b) All trees up to three inches in diameter of trunk one foot above the ground must be protected and supported by tree guards or stakes. When only one stake is used it must be toward prevailing winds.

(c) No tree shall hereafter be planted at the intersection of two or more streets or within 30 feet of each intersection.

(d) In cutting down trees, the same must be removed with root stump grubbed or cut out to a depth of at least ten inches. If another tree is to be planted within three feet of the stump it must be removed in its entirety.

(e) All cuts above one inch must be water proofed with proper tree paint.

(f) Good soil must be provided; where soil is too poor to ensure growth an amount equal to 27 cubic feet, minimum, must be provided in the tree hole.

(g) Future planting of shrubbery or evergreens between curb and sidewalks is prohibited.

(h) No tree shall be planted nearer than two feet from the curb line or outer line of the sidewalk unless special permission is granted by the Board of Park Commissioners approval. All trees must be planted in line with each other as established by the Board of Park Commissioners approval.

(i) The following is a list of approved varieties of trees with minimum distances to be planted apart:

- (1) Sugar Maple, Norway Maple, White or Scarlet Oak: 40 feet.
- (2) Linden, Ash, Sycamore, Red Oak, Pin Oak, Native Beech: 35 feet.
- (3) Others must be approved by the Board of Park Commissioners.

(j) The following tree varieties are prohibited: Poplar, Box Elder, Catalpa, Mountain Ash, Willows, Birch, Conifers, Hackberry and Elm.

(k) No trees shall be planted on any City street until the grade for such street has been established and cut or filled to the established grade.

(l) In addition the Board of Park Commissioners approval may, from time to time, establish other regulations which the Board may deem necessary to insure safety on or preserve the symmetry and beauty of any public places.
(Code 1980, § 10.04(C))

Sec. 34-145. Nuisances.

(a) The planting, preserving and maintaining of any trees which are injurious and detrimental to the health of the community and all such other trees as may be liable to fall upon any sidewalk, street, driveway or building near to such tree or which are hazardous or may result in injury to person or property because of a defective or diseased condition, or contagiously diseased trees or the storage of cut elm wood, unless debarked and the bark completely burned or treated adequately with chemicals so as to destroy any harbored insect pests, shall be deemed a public nuisance and are therefore prohibited.

(b) The Director of Parks and Recreation shall have the right to examine all trees, alive or dead, standing or fallen, and logwood piles, for the purpose of determining whether the same are contagiously diseased. Such examination shall include the right to take samples from such trees and logwood piles for laboratory testing purposes. It is hereby made the duty of the Director of Parks and Recreation to give notice to the owner or owners or the agent of such owner or owners of land in the City whereon there are situated any trees, or tree conditions existing, or cut elm wood, unless debarked and bark completely burned or treated adequately with chemicals so as to destroy any harbored insect pests, declared by said Director of Parks and Recreation to be a public nuisance as defined above, and which are not maintained by the City, to remove, prune or spray or cause the same to be removed, pruned or sprayed within 30 days, excepting when said notice applies to the removal, pruning or spraying of elm trees, such shall be done immediately.

(c) The Director of Parks and Recreation shall have the power and is hereby authorized and instructed, after the expiration of the said 30 days or immediate notice, as the case may be, and noncompliance therewith, to cause such trees or cut elm wood, unless debarked and the bark completely burned or treated adequately with chemicals so as to destroy completely any harbored insect pests, which are deemed to be a nuisance to be removed, pruned or sprayed at the expense of the owner of the land whereon the same stand, and if such owner or agent cannot be found in this City such trees may be removed, pruned or sprayed by said Director of Parks and Recreation at the expense of the owner of such land without notice.

(Code 1980, § 10.04(D))

Sec. 34-146. Assessments.

(a) The entire or any part of the costs of protecting, trimming, spraying, planting, renewing and removal of any tree, shrub or plant, may be chargeable to and assessed upon the lot or parcels of land upon which such tree, shrub or plant is growing or to the owner of the abutting lot or parcel of land.

(b) When so chargeable, the Director of Parks and Recreation shall keep a strict account of costs of planting, protecting, renewing, removing, trimming, spraying and caring for trees, shrubs, or plants in front of or on each parcel of land abutting on any street, avenue or boulevard, and prior to November 1 in each year, such Director shall make a report to the City Comptroller of all work done for which assessments are to be made, stating and certifying the descriptions of land, lots, parts, of lots or parcels of land abutting on a street, avenue or boulevard in which any such work shall have been done and the amount chargeable to each such piece of property; and the City Comptroller shall include therein the special assessments as reported to the Comptroller by the Director of Parks and Recreation with the amount chargeable thereon for work done the preceding year.

(c) The amounts so reported to the City Comptroller shall be levied on said lots or parcels of land respectively to which they are chargeable and shall constitute a lien thereon and shall be collected as other special taxes are levied and collected in the City.

(d) The public hearings and notices required by Wis. Stat. ch. 27 shall be had.

(Code 1980, § 10.04(E))

Sec. 34-147. Permits.

(a) Any person desiring to remove a live tree from a boulevard for the construction of walks, drives, buildings or other structures for such person's own gain, shall first obtain a permit from the Parks and Recreation Department and such tree or trees must be removed by the person gaining at such person's own expense in the manner prescribed by the Director of Parks and Recreation and to agree to hold the City harmless in case of accident or on account of any danger arising from the granting of such permit.

(b) It shall be unlawful for any person to plant, set out any tree, shrub or plant, or cause to authorize or procure any person to plant or set out any tree, shrub or plant in or upon any part of any public highway, park or public place without first obtaining a written permit so to do and without complying in all respects with the conditions set forth in such written permit and with the provisions of this article. All applications for such permit shall be made on blanks furnished by the Parks and Recreation Department and shall describe the work to be done and the variety, size and precise location of each tree. After the receipt of such an application, the Director of Parks and Recreation or representative shall investigate the locality where the trees, shrubs or plants are to be placed and shall grant a permit only if, in the Director's judgment the location is such as to permit the normal growth and development of each tree. Such permit shall specify the location, variety and grade of each tree and method of planting, including among other things the supplying of suitable soil. The permit shall be good only for the season stated in the same, in the year issued and no charge shall be made for the same. Before any permit shall be issued for planting more than 25 trees on any one permit, the Park Director may request from the applicant a detailed declaration of intentions either in the form of a planting plan or written statement in duplicate. One copy of each plan or statement of intention shall, when approved by the Park Director, be returned to the applicant and the other copy shall be kept on file. All planting plans shall show accurately:

- (1) The proposed street width together with its subdivision of pavement, curb, gutter, parking strip and sidewalk areas to a definite scale.

- (2) The proposed location of each and every proposed tree together with the location of each and every existing tree within the proposed street line in scaled relation to the other features of the plan.
- (3) The location and position of existing trees, shrubs and plants for a distance of 20 feet inside the proposed lines.
- (4) The variety of each and every tree proposed to be planted and of those already existing within the proposed street lines either indicated on the plans or referred with a number to key list.
- (5) The distance between trees in any one row in feet.
- (6) The nature of the soil in planting space to a depth of 3 $\frac{1}{2}$ feet and all existing and proposed surface or subsoil drainage system.

(c) All statements filed in lieu of planting plan shall contain the same information as required on the plan.

(d) Except upon order, no person shall hereafter trim, prune, remove, maim, treat, spray, dust, fertilize, brace, do surgery work, cut above or below ground or otherwise disturb any tree, shrub, or plant in any highway, park or public place in the City nor cause such acts to be done by others, without first obtaining a written permit from the Park Director, who shall issue the permit if, in the Director's judgment, the desired work is necessary, and the proposed method of workmanship thereof is of a satisfactory nature. The persons receiving such permit shall abide by the Arboricultural Specifications and Standards of Practice adopted by the Board of Park Commissioners of the City of La Crosse.

(Code 1980, § 10.04(F))

Chapter 35

RESERVED

Chapter 36

SOLID WASTE*

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Sec. 36-77. Reporting requirements for private recyclers and solid waste haulers.
Sec. 36-78. Removal of construction material dumpsters no longer needed for construction purposes.
Sec. 36-79. Abatement of refuse or recyclable material nuisances.
Sec. 36-80. License for solid waste/recycling transfer station.

***Cross references**—Board of Public Works, ch. 2, art. X, div. 3; recyclers, ch. 10, art. XII; environment and natural resources, ch. 16; sewers and sewage disposal, ch. 46, art. II.

State law reference—Solid waste generally, Wis. Stat. chs. 287—289.

ARTICLE I. I IN GENERAL

Secs. 36-1—36-18. Reserved.

ARTICLE II. LITTER CONTROL*

Sec. 36-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter means:

- (1) Putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking, and consumption of food.
- (2) Putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or part thereof, and solid market and industrial wastes.
- (3) Nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, tree and shrub clippings, leaves, metal, wood, glass, bedding, crockery, gum, cement and brick stains or any substance, stain or material upon the sidewalk or paver brick that has a blighting or deleterious effect as determined by the Department of Planning and Development.

(Code 1980, § 5.09(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 36-20. Penalty, enforcement and citations.

Except as otherwise provided in this article, violations of this article are a Class C offense as provided in section 1-7. The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:

- (1) The Chief of Police.
- (2) The Director of Public Works.
- (3) The Director of Planning and Development.

***State law reference**—Littering, Wis. Stat. § 287.81.

- (4) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.
(Code 1980, § 5.19(A))

Sec. 36-21. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized receptacles for collection.
(Code 1980, § 5.09(B))

Sec. 36-22. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot, from any public or private sidewalks or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
(Code 1980, § 5.09(C))

Sec. 36-23. Merchant's duty to keep sidewalks free of litter and weeds.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk and boulevard in front of their business premises free from litter and weeds.
(Code 1980, § 5.09(D))

Sec. 36-24. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.
(Code 1980, § 5.09(E))

Sec. 36-25. Truck loads causing litter.

The provisions of Wis. Stat. § 348.10 are hereby adopted by reference. No person shall drive or move any vehicle or truck within the City, the wheels or tires

of which carry onto or deposit in any street or other public place sticky substances, litter or foreign matter of any kind.

(Code 1980, § 5.09(F))

Sec. 36-26. Distribution of printed matter limited.

No person shall upon the public streets distribute any handbill, circular, notice or printed matter of any kind if the distribution of such materials results in the littering of streets or other public ways. Violations of this section are a Class B offense as provided in section 1-7.

(Code 1980, §§ 7.04(B), 7.09(A))

Secs. 36-27—36-55. Reserved.

ARTICLE III. COLLECTION AND DISPOSAL*

Sec. 36-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aluminum container means an aluminum container for food or beverages.

Approved large items means any item with a weight of no more than 200 pounds and of such dimension as to not fit in an approved container and shall include its component parts.

Bi-metal container means a container for beverages that is made primarily of a combination of steel and aluminum.

Brush site means a site designated by the City of La Crosse Board of Public Works where citizens may drop off brush, shrubs, branches and other tree waste meeting criteria established by the Board.

City serviced dwelling means any property containing eight or less bedrooms or any condominium that receives refuse collection service from the City of La Crosse.

***State law references**—Solid waste reduction, recovery and recycling, Wis. Stat. § 287.07 et seq.; municipal solid waste duties and powers, Wis. Stat. §§ 287.09, 287.10.

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

Electronics banned from collection means any electronic device as defined by the Wisconsin Department of Natural Resources E-Cycle Wisconsin laws, including televisions, computers (desktop, laptop, notebook, and tablet), computer monitors, desktop printers (including those that scan, fax, copy, or print), other computer accessories (including keyboards, mice, speakers, external hard drives, and flash drives), e-readers, DVD players, blue ray players, video cassette players/recorders, DVR's, cell phones, digital cameras, digital video cameras.

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages.
- (2) Consists of loose particles to fill space and cushion the packaged article in a shipping container.
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Glass container means a container in which food or beverages are sold that is made of clear, green, or brown glass. Drinking glasses and crystal are not included.

HDPE means high density polyethylene, labeled by the SPI code #2.

Household noncombustible recyclable materials means aluminum, steel, and bi-metal containers, and glass containers.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, dehumidifier, water heater, stove, microwave or other appliances designated by the Board of Public Works.

Multiple family dwelling means any residential building with two or more dwelling units.

Newspaper means newspapers and other materials printed on newsprint.

Non-City serviced dwelling means a property containing nine or more bedrooms, including those which are occupied seasonally.

Nonresidential facilities and properties means commercial, retail, industrial, institutional, and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multiple-family dwelling.

Office paper means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

Other resins or multiple resins means plastic resins labeled by the SPI code #7.

Person has the meaning specified in Wis. Stat. § 287.01(5m).

PETE means polyethylene terephthalate, labeled by the SPI code #1.

Plastic container means a plastic container, as defined in Wis. Stat. § 100.33(l)(c) that is required to be labeled under Wis. Stat. § 100.33(2).

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).

PP means polypropylene, labeled by the SPI code #5.

PS means polystyrene, labeled by the SPI code #6.

PVC means polyvinyl chloride, labeled by the SPI code #3.

RDF means Excel Energy's Refuse Derived Fuel facility on French Island. This facility processes refuse to produce fuel for generating electricity.

Recyclable materials approved and collected by the City include aluminum containers; glass containers; newspaper; steel containers; and bi-metal con-

tainers, plastics identified by the SPI Code #1 and #2, and other items or materials that may be designated by the Board of Public Works.

Refuse means household solid waste, excluding recyclable materials.

Scavenger means a person who collects things discarded by others.

Scavenging means the act of rummaging or sorting through refuse, recyclables, or other waste placed for collection with the intent of removing items or materials without the consent of the property owner, designated agent, occupant, tenant of the premises, or the City.

Solid waste has the meaning specified in Wis. Stat. § 289.01(33).

Solid waste facility has the meaning specified in Wis. Stat. § 289.01(35).

Solid waste treatment has the meaning given in Wis. Stat. § 289.01(39).

Steel container means a steel food or beverage container, commonly referred to as a "tin can."

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Yard waste has the meaning specified in Wis. Stat. § 287.01(17).

Yard waste site means a site designated by the City of La Crosse Board of Public Works where citizens may drop off nonwoody yard waste. (Code 1980, § 8.02(H))

Sec. 36-57. Enforcement and penalties.

(a) For the purpose of ascertaining compliance with the provisions of this article, an authorized representative of the Board of Public Works or Department of Planning and Development may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept

confidential when necessary to protect proprietary information. No person may obstruct, hamper, or interfere with such an inspection.

(b) Any person who violates a provision of this article may be issued a citation by the City of La Crosse Police Department or an authorized agent of the Board of Public Works or the Department of Planning and Development. 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.

(c) Provisions of this article may be enforced against either the owner of a property or other violator. The City will make a reasonable effort to identify the offender and enforce provisions of this article against occupants, where appropriate, before taking enforcement action against the property owner.

(d) Penalties for violating this article may be assessed as follows:

- (1) Any person who receives a citation for violating any provision of this article may be required to forfeit \$100.00 for a first violation within a 12-month period, \$500.00 for a second violation within the same calendar year, and not more than \$1,000.00 for a third or subsequent violation within a 12-month period plus costs and penalty assessments.
- (2) Persons placing electronics banned from collection on any public or private property shall be issued a citation and required to forfeit \$500.00 for the first violation in a 12-month period, \$1,000.00 for a second violation within the same calendar year, and not more than \$5,000.00 for a third or subsequent violation within a 12-month period plus costs and penalty assessments.
- (3) Persons scavenging electronics banned from collection shall be issued a citation and required to forfeit \$500.00 for the first violation in a 12-month period, \$1,000.00 for a second violation within the same calendar year, and not more than \$5,000.00 for a third or subsequent violation within a 12-month period plus costs and penalty assessments.

(e) The owner or designated agent of any existing duplex, triplex or 4-plex with nine or more bedrooms at the time of adoption of the ordinance from which this article is derived, may seek a waiver from the requirement of placing a dumpster upon appeal to the Board of Public Works for the sole reason that there is no physical room on the property to locate a dumpster of appropriate size. The Board of Public Works may subsequently order a dumpster after a finding is made that a dumpster is a more prudent solution to solid waste handling on the property in question. The granting of a waiver shall not be constituted as converting a property to a City serviced dwelling.

(Code 1980, § 8.02(Y))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 36-58. Purpose.

The purpose of this article is to provide regulation for the proper collection and disposal of solid waste and to promote recycling, composting, and resource recovery through the administration of an effective refuse collection and recycling program, as provided in Wis. Stat. ch. 287, and Wis. Admin. Code ch. NR 544.

(Code 1980, § 8.02(A))

Sec. 36-59. Statutory authority.

This article is adopted as authorized under Wis. Stat. § 287.09(3)(b).

(Code 1980, § 8.02(B))

Sec. 36-60. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this article imposes greater restrictions, the provisions of this article shall apply.

(Code 1980, § 8.02(V))

Sec. 36-61. Interpretation.

The interpretation and application of the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this

article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Wis. Admin. Code ch. NR 544 and where the article provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Wis. Admin. Code ch. NR 544 standards in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to this article.

(Code 1980, § 8.02(D))

Sec. 36-62. Applicability.

The requirements of this article apply to all activities related to solid waste and recycling within the City.

(Code 1980, § 8.02(F))

Sec. 36-63. Administration.

The provisions of this article shall be administered by the City of La Crosse Board of Public Works and its designated agents and the Department of Planning and Development.

(Code 1980, § 8.02(G))

Sec. 36-64. Unlawful deposit.

No person shall deposit or cause to be deposited in or on any public street, water, or grounds, or in any other place, any dead animal, rubbish, trash, refuse, dirt, junk, filth, offal, or any substance or material that will tend to contaminate or litter the area, or to create a strong odor or stench, or endanger public health. This section shall not apply to a sprinkling of clean sand or salt upon icy sidewalks, nor to the deposit on the person's own premises of refuse containers for collection. No person shall deposit or cause to be deposited in or near any private dumpster, trash can, recycling container, or other private trash receptacle, any refuse, trash, recyclable materials, or other items without the consent of the owner, designated agent or authorized user of such dumpster, trash can, trash receptacle or recycling container. No person shall deposit or cause to be deposited in or near any City-owned or leased dumpster, trash can, recycling container, or other City trash or recycling receptacle, any refuse, trash, recyclable materials, or other items; except such trash as normally generated during the

usual use of a City building, park, or other facility may be placed in trash or recycling receptacles provided for such waste. No person shall deposit or cause to be deposited in or near any City-owned yard waste site or brush site any refuse, trash, recyclable materials or other items not designated as acceptable materials at that site by the Board of Public Works.

(Code 1980, § 8.02(I))

Sec. 36-65. Interference with refuse or recycling containers and their contents.

(a) No person other than the owner, designated agent, occupant, or tenant of the premises, or their agent, or the refuse or recycling collector employed and licensed by the City, or a City employee authorized by the Board of Public Works, shall deposit any article or thing in refuse or recycling containers, or shall remove, displace, injure, deface, destroy, uncover, or disturb such containers or their contents. No person shall tag or place graffiti on any refuse or recycling container or dumpster. Recyclable materials upon placement at the alley or street for collection shall become the property of the City.

(b) Scavenging without the express, written consent of the owner, designated agent, occupant, tenant of the premises, or the City shall be prohibited.

(Code 1980, § 8.02(J))

Sec. 36-66. Refuse, recyclables, yard waste from outside the City, or placing unauthorized refuse, recyclables or yard waste for City collection.

It shall be unlawful for any person, firm, or corporation to place, deposit, or cause to be deposited, for collection by the City or the City's contractor, any waste, refuse, unauthorized refuse, recyclables or yard waste not generated within the limits of the City of La Crosse, or not produced as a result of residential use at a City serviced dwelling.

(Code 1980, § 8.02(K))

Sec. 36-67. Unacceptable waste.

No person shall place for collection any major appliance, electronics banned from collection, explosives, flammable liquids, ashes unless completely extinguished and cold, liquid paint, any pesticides or toxic chemicals, oil filters, carcasses, stumps, soil,

rocks, needles or razor blades not in a hard protective container, prescription medications, or human bodily wastes.
(Code 1980, § 8.02(L))

Sec. 36-68. General description of collection of refuse and recyclables for City serviced dwellings.

(a) The City will provide weekly collection of refuse and bi-weekly collection of household recyclables for all City serviced dwellings. The list of items collected for recycling may be changed by order of the Common Council and become effective following public notice of such change.

(b) Approved large items shall be limited to four and will be picked up bi-weekly on the regular recycling day, except there is no limit for large items during the time period of May 1 through June 15. Bundled brush will be picked up once annually in the spring. Brush may be taken to Board of Public Works approved brush site from City serviced dwellings. Nonwoody yard waste shall be composted on site of its origination or delivered to a City yard waste site during open hours. Residents of City serviced dwellings may place yard waste in biodegradable paper bags, biodegradable mesh bags approved by the Board of Public Works or the Refuse and Recycling Office, or in a garbage can with a City-issued green sticker not mixed with other refuse to be collected bi-weekly on weeks of recycling.

(c) One bundle of waste lumber or other construction material not longer than four feet or heavier than 50 pounds may be placed for collection weekly, so long as such material is not produced from a significant remodeling, construction, or demolition project that would create more than three such bundles in total.

(d) The owner, designated agent or operator of any City serviced multiple family dwellings shall provide a suitable stand and pad complying with section 36-70 and provide an adequate number of containers, not to exceed six containers total, or shall provide a proper sized permanently placed dumpster to eliminate any nuisance as may be determined by the Department of Planning and Development or Refuse and Recycling Office.
(Code 1980, § 8.02(M))

Sec. 36-69. Approved containers for refuse materials.

Refuse from City serviced dwellings shall be placed in a durable refuse container made of metal, rubber or rigid plastic with two handles fabricated and manufactured by the container manufacturer not to exceed 48 gallons each. The owner, designated agent or operator of each City serviced dwelling shall provide an adequate quantity of approved containers as designated in section 36-68(d). Such containers shall not weigh more than 50 pounds when filled, including the weight of the container and contents. Any trash or rubbish not properly disposed of, whether it be scattered by wind, rodents, animals or persons shall be properly picked up and disposed of. Only household noncombustible recyclable materials and newsprint shall be placed in recycling containers.
(Code 1980, § 8.02(N))

Sec. 36-70. Placement of approved refuse and recycling containers.

Collection of household refuse and recyclables for City serviced dwellings will be at the collection point, the alley line where alleys are available and at the curb where alleys are not available, unless otherwise approved by the Board of Public Works. Refuse and recyclables shall be placed at the collection point. Refuse containers and recycling bins shall not be placed at the alley line or curb for collection more than 12 hours prior to day of collection. Refuse containers and recycling bins shall be returned to their permanent storage location on the same day as collection. For units that have refuse picked up off of an alley, refuse and recyclable containers shall be on a suitable, well-maintained stand or a concrete or asphalt pad, at a location approved by the City of La Crosse.
(Code 1980, § 8.02(O))

Sec. 36-71. Preparation of refuse and recyclables.

(a) Occupants of City serviced dwellings shall separate all household noncombustible recyclable materials and clean, dry newspaper from refuse and prepare them for recycling according to requirements established and publicized by the Board of Public Works. Newspaper used for wrapping

putrescible waste, paint masking, or other uses that contaminate the newspaper, and wet newspaper shall be placed with the refuse.

(b) All waste oil, oil filter, lead acid battery, non-alkaline batteries, or motor vehicle or tractor tire shall be taken to an appropriate licensed recycler, or designated City disposal site if available and shall not be placed with postconsumer waste.

(c) All discarded major appliances and electronics banned from collection shall be delivered to a facility licensed by the Wisconsin Department of Natural Resources to recycle appliances.

(d) The City and the City's contracted refuse and recycling hauler may refuse to collect refuse or recyclables not prepared in accordance with the requirements established by the City. The City and the City's contracted refuse and recycling hauler may refuse to collect refuse containing recyclable materials. (Code 1980, § 8.02(P))

Sec. 36-72. Prohibition on placing recyclable materials in refuse.

(a) *General prohibition.* Materials separated and collected for recycling shall not be mixed with refuse or disposed of at any landfill or incinerator. The following materials shall be separated from post-consumer solid waste and mixing of these recyclable materials with post-consumer waste from residential, commercial, industrial, or other sources is prohibited: aluminum containers, steel or bi-metal containers, plastics bearing the SPI Code #1 or #2, newspaper, lead, acid and non-alkaline batteries, major appliances, waste oil, oil filter, electronics banned from collection, yard waste, waste tires from motor vehicles, trailers, or tractors and glass containers.

(b) *Prohibition of combustible recyclables in waste delivered to landfill.* The following combustible materials may be mixed with post-consumer waste that is delivered to RDF, but shall not be mixed in significant quantities with waste delivered to a landfill or other disposal site: corrugated paper or other container board, foam polystyrene packaging, newspaper and other materials printed on similar paper, magazines and other materials printed on similar paper, including glossy newspaper inserts, office paper, rigid plas-

tic containers, including those made of PVC (#3), LDPE (#4), PP (#5), PS (#6) and other resins or multiple resins (#7).

(c) *Prohibition of newspaper in waste from City serviced dwellings.* In addition to those recyclable materials which are prohibited from mixing with post-consumer waste listed under subsection (a) of this section, newspaper shall not be mixed with residential waste from City serviced dwellings. This prohibition does not apply to glossy newspaper inserts, newspaper used to wrap putrescible materials, or other uses that contaminate the newspaper. (Code 1980, § 8.02(Q))

Sec. 36-73. Refuse collection for non-City serviced multiple-family dwellings.

(a) The owner, designated agent or operator of any multiple-family dwelling consisting of nine or more bedrooms shall be required to provide a dumpster or dumpsters of appropriate size as specified by the City of La Crosse Planning Department of Planning and Development or Refuse and Recycling Office for the deposit of refuse. The owner, designated agent or operator of any multiple family dwelling consisting of nine or more bedrooms shall provide a proper sized permanently installed dumpster to eliminate any nuisance as may be determined by the City Department of Planning and Development or Refuse and Recycling Office. Refuse deposited in said dumpsters shall be collected and transported to a licensed disposal facility not less than once per week, and may be ordered to be dumped more frequently as deemed necessary by Refuse and Recycling Office or Department of Planning and Development at the expense of the property owner. In addition to the determination as to the size of the dumpster or dumpsters, the Department of Planning and Development is authorized to order relocation and/or screening or enclosure of any such required dumpster or dumpsters in order to eliminate any nuisance with respect to the same as may be determined by the Department of Planning and Development. The owner, designated agent or operator of any multiple family dwelling unit consisting of four to eight bedrooms shall be required to provide a dumpster if such owner or operator is cited twice or issued two orders to correct for violation of the City's recycling and refuse regulations within any 12-month period.

(b) Cooperative agreements for sharing of dumpsters and recycling containers. Where adjoining commercial, mixed-use or multiple family non-City serviced dwellings exist, the use of shared, cooperative dumpsters and recycling containers may be permitted. Property owners and/or designated agents of properties wishing to share dumpsters shall prepare and present a proposed cooperative dumpster sharing agreement to the Director of Public Works. The agreement shall at a minimum including the following:

- (1) Contact information including addresses for properties sharing the dumpster(s).
- (2) Drawing or map showing the proposed shared dumpster location, including screening as may be required.
- (3) Shared dumpsters shall be clearly identified as garbage/refuse or recycling.
- (4) Language regarding the cooperative, joint use of the dumpster by the tenants.

(c) The Director of Public Works will review the proposed cooperative agreement, and may request additional information. Upon approval of the cooperative agreement, the Director shall notify the Department of Planning and Development and Refuse and Recycling Office that a cooperative dumpster agreement exists for the adjoining properties. Agreements shall be valid for up to five years and if either property is sold or the parties to the agreement change, the Director of Public Works shall be notified immediately in order to nullify the agreement or to submit a new agreement.

(Code 1980, § 8.02(R))

Sec. 36-74. Recycling responsibilities of owners or designated agents of multiple-family dwellings.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle household recyclable materials:

- (1) Provide adequate, clearly marked separate containers for the collection of the recyclable materials separated from the solid waste at a location convenient to the tenants for the delivery of the materials to a recycling facility.

- (2) Notify tenants at move-in, and at least semi-annually remind them, of the 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 number.

(Code 1980, § 8.02(S))

Sec. 36-75. Business refuse.

Every business establishment shall provide for the prompt weekly removal and proper disposal of all refuse generated by or at the business establishment in an appropriately sized container with an attached lid. This shall include all buildings or facilities used wholly or partly for nonresidential purposes, including those owned or occupied by non-profit organizations. Refuse generated by or at a business establishment shall not be placed along with or mixed with refuse generated at a City serviced dwelling for collection by the City. The owner, designated agent or operator of any business establishment shall be required to provide a dumpster if such owner, designated agent or operator is cited twice or issued two orders to correct for violation of the City's sanitary regulations within any 12-month period.

(Code 1980, § 8.02(T))

Sec. 36-76. Recycling responsibilities of owners or designated agents of nonresidential facilities and properties.

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle all recyclable materials:

- (1) Provide adequate, clearly marked separate containers for the collection of the recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (2) Prominently post and notify users, tenants and occupants the 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 number.

tion methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The preceding requirements of subsection (a)(1) and (2) of this section for the owners or designated agents of nonresidential facilities or properties 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 recyclable materials in as pure a form as is technically and practically feasible.
(Code 1980, § 8.02(U))

Sec. 36-77. Reporting requirements for private recyclers and solid waste haulers.

(a) All solid waste haulers, recycling pick-up stations, recycling centers, recycling processing centers, and reverse vending machine operators that collect or accept steel or bi-metal cans, glass jars and bottles, plastics #1, plastic #2, or newsprint from residential sources in the City of La Crosse shall report quarterly to the City the quantity in weight of each of those materials that they have collected for recycling. Such data shall be reported to the City Recycling Coordinator not later than 45 days after the end of March, June, September, and December of each year. Quantities reported shall be based on actual weights, or on estimated weights if the estimates are made using a method approved by the Director of Public Works. These reporting requirements may be waived by the Board of Public Works if the data is not required to comply with State or Federal requirements, or to assist the City in obtaining grants or other financial assistance.

(b) Solid waste haulers shall notify the City Recycling Coordinator by mail or telephone before discontinuing refuse service for any multiple family dwelling or any private, commercial or industrial customer for nonpayment if such discontinuation will result in a dumpster or other refuse container being left unserved at the customer's site.
(Code 1980, § 8.02(V))

Sec. 36-78. Removal of construction material dumpsters no longer needed for construction purposes.

(a) Persons utilizing dumpsters for construction, demolition or remodeling purposes placed on private property shall remove or cause the same to be

removed when no longer being continuously utilized or needed within 30 days. Dumpsters in public right-of-way shall comply with the provisions of section 40-13.

(b) In addition to the penalties provided for in sections 36-57 and 103-269, a person violating the provisions herein may be subject to the provisions contained in section 36-79 regarding abatement of nuisances by the Board of Public Works.
(Code 1980, § 8.02(W))

Sec. 36-79. Abatement of refuse or recyclable material nuisances.

(a) In case the owner or designed agent of any premises or the person in charge thereof, shall refuse or neglect to comply with the provisions of this section in regard to the containment, timely removal and disposal of refuse or recyclable material, the Chief Inspector, Recycling Coordinator shall serve personally or by first class mail, an order to correct (OTC) to the owner of the premises or his/her agent, requiring compliance with this section within 48 hours after service of such notice. If service is by mail, service shall be deemed completed on the date of such mailing.

(b) In case such owner or designated agent of said premises shall fail to comply with the requirements of said notice within the time provided for in said notice, the Board of Public Works, pursuant to Wis. Stat. § 66.0627, may cause such garbage or refuse to be removed either by contract or by having City employees do the same, and charge the cost thereof to the property owner. Within the time set forth in said notice, owner or designated agent may request an appeal of any charges due before the Board of Public Works by notifying the Director of Public Works. Upon nonpayment of such charges, such charge shall become a lien upon such property and shall automatically be extended upon the current or next tax roll as delinquent 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 special charge.
(Code 1980, § 8.02(X))

Sec. 36-80. License for solid waste/recycling transfer station.

(a) No person, firm, entity or corporation shall maintain any building, premises or structure in the City of La Crosse as a solid waste/recycling transfer

station without securing a permit for the facility. A solid waste/recycling transfer station is defined as a facility that receives and consolidates solid waste or recyclable materials that are loaded upon trailers, barges or other vehicles for transport to another disposal or recycling facility.

(b) The Recycling Coordinator, with input from the Department of Planning and Development, shall prepare the application form for all licenses for solid waste/recycling transfer stations in the City requiring the following information:

- (1) The name and address of the owner or owner's representative, including owner's legal identity, such as individual, partnership or corporation or otherwise;
- (2) The business street address of the owner or owner's representative;
- (3) The specific address for the solid waste/recycling transfer facility; and
- (4) A copy of the application for any licenses required by the Wisconsin Department of Natural Resources or other applicable State agencies.

(c) The applicant shall pay an annual license fee, which shall pay for administrative costs of annual inspections by the Recycling Coordinator and Department of Planning and Development and other costs related to monitoring compliance with the conditions of the license as set forth under chapter 115, article VI.

(d) The following conditions shall apply regarding any transfer station issued a license required under this article:

- (1) The station shall not abut a property zoned or planned for residential use.
- (2) The site shall be maintained free from litter or any other undesirable materials, shall be cleaned from loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- (3) The premises and all structures thereon shall only be used for the purposes as set forth in the license granted under this section and the business of the transfer station shall be carried on in a sanitary manner, shall con-

tain no fire hazards, and shall be arranged to allow inspection at any time by proper health, fire, building or law enforcement authorities.

- (4) The licensee shall be required to keep records of all tonnage of each load brought to the station for the previous 36 months. This record shall include the source of the waste load by county of origin, and records of all tonnage of each load removed from the station, specifying tonnage and site where said waste is finally disposed. To the extent the licensee salvages material from the waste, detailed records will be maintained that allow the City of La Crosse to verify the amount of salvaged material. The licensee shall keep records of waste types in accordance with the waste categories used by the City of La Crosse. All records shall be available for inspection by the City of La Crosse. The station shall submit summaries of verifiable tonnage records in a format and on a schedule and deadline determined by the City of La Crosse.
- (5) Any person, firm, entity or corporation issued a licensee under this article hereby consents to the inspection of the solid waste/recycling transfer station by the City of La Crosse personnel or agent designated by the City of La Crosse for purposes of verifying compliance with applicable rules and regulations of the Refuse and Recycling Office, ensuring La Crosse County Solid Waste Flow Control Ordinance and applicable City ordinances. Failure to consent to inspection of any station issued a license under this article shall be grounds for revocation. The City of La Crosse has the right to perform random waste screenings of loads delivered to or loaded from the transfer station. The licensee will assist in the load inspection in a timely fashion by providing a safe place for the inspection and by spreading the waste in a manner requested by City of La Crosse representatives. The hauler may take the load to the La Crosse County Landfill to be inspected at the hauler's expense. The li-

censee shall not be entitled to compensation from the City for costs related to the inspections.
(Code 1980, § 8.02(Z))

Cross reference—Recyclers, ch. 10, art. XII.

Chapter 37

RESERVED

Chapter 38

SPECIAL ASSESSMENTS*

- Sec. 38-1. Special assessment procedures for public work projects.
Sec. 38-2. Limitation of street assessments.

***Cross references**—Streets and sidewalks, ch. 40; taxation, ch. 42.

State law reference—Special assessments, Wis. Stat. § 66.0701 et seq.

Sec. 38-1. Special assessment procedures for public work projects.

(a) Except as provided in Wis. Stat. § 66.0721, in addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this chapter.

(b) Whenever the Council shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this chapter, either before or after completion of the work or improvements, it shall adopt a resolution specifying this intention after consideration of the following:

- (1) A report prepared and adopted by the Board of Public Works; and
- (2) The recommendation of the Highways, Properties and Utilities Committee of the Council.

The resolution shall include a description generally of the contemplated purpose of the public work or improvement or any current service, the limits of the proposed assessment district and the number of installments in which the special assessments may be paid.

(c) The contents of the report prepared by the Board of Public Works shall be consistent with the requirements under Wis. Stat. § 66.0703(5), except that, when the hearing on the assessments is held subsequent to the completion of the work or improvement or the rendering of the services, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

(d) Upon completion and the filing of the report, prepared by the Board of Public Works, with the City Clerk, the City Clerk shall prepare a notice stating the nature of the proposed work or improvement, the general boundary lines of the proposed assessment district, a place at which the report may be inspected and the place and time at which all interested persons, or their agents or attorneys, may appear before the Highways, Properties and Utilities Committee of the Council and be heard. The notice shall be published as a Class 1 notice, under Wis. Stat. ch. 985 and a copy of the notice shall be mailed, at least ten days before the hearing, to every interested person

whose post office address is known, or can be ascertained with reasonable diligence. The notice and hearing requirements under this section do not apply if they are waived, in writing, by all the owners of property affected by the special assessment.

(e) After adoption of the resolution, the City Clerk shall publish the resolution as a Class 1 notice under Wis. Stat. ch. 985 in the assessment district and mail a copy of the resolution to every interested person whose post office address is known, or can be ascertained with reasonable diligence.

(f) Any special assessment levied under this section shall be a lien against the property assessed from the date of the determination of the assessment by the Council.

(g) If the cost of the project is less than the special assessment levied, the governing body, without notice or hearing, shall reduce each special assessment proportionately and if any assessments or installments have been paid, the excess over cost shall be applied to reduce succeeding unpaid installments, if the property owner has elected to pay in installments, or refunded to the property owner.

(h) If the actual cost of a project, upon completion or after the receipt of bids, is found to vary materially from the estimates, the Common Council may, after giving notice as provided in subsection (d) of this section, and after a public hearing, amend, cancel or confirm the prior assessment. A notice of the resolution amending, canceling or confirming the prior assessment shall be given by the Clerk as provided in subsection (e) of this section. If the assessments are amended to provide for the refunding of Special Assessment B Bonds under Wis. Stat. § 66.0713(6), all direct and indirect costs reasonably attributable to the refunding of the bonds may be included in the cost of the public improvements being financed.

(i) Within 40 days of the date of the final determination of the Council, any person against whose property a special assessment is levied under this chapter may appeal therefrom in the manner prescribed by Wis. Stat. § 66.0703(12).
(Code 1980, § 2.26)

Sec. 38-2. Limitation of street assessments.

Assessments made to any parcel of real estate on account of the paving of a street upon which said real estate abuts shall not exceed in any case 80 percent of the actual cost of construction of said pavement (including the grading and subgrading, base, curbs, gutters, wearing course, if any, and other incidental work included in the contract for such construction) of the space of such street included between the boundary lines of said parcel extended rectangularly to the centerline of said street. In addition to such limitation, in cases where a single parcel of real estate abuts directly on two or more streets, the maximum amount assessable to such parcel on account of paving the street upon which the longer side abuts, or in the event the abutting lines are equal, the second of such abutting streets to be paved shall not exceed 75 percent of the amount that would otherwise be assessed. This shall not be construed to modify or limit the duty and discretion of the Board of Public Works in determining in the first instance the amount of benefits accruing to property abutting upon a street proposed to be paved.

(Code 1980, § 5.04)

Chapter 39

RESERVED

Chapter 40

STREETS AND SIDEWALKS*

Article I. In General

- Sec. 40-1. Penalties.
- Sec. 40-2. Grades.
- Sec. 40-3. Sidewalk construction.
- Sec. 40-4. Driveways.
- Sec. 40-5. Unlawful to obstruct Board of Public Works or contractors.
- Sec. 40-6. Obstructions and encroachments.
- Sec. 40-7. Signs and banners on utility poles and across streets.
- Sec. 40-8. Snow, ice and debris removal.
- Sec. 40-9. Conditions prescribed for laying gas mains and pipes.
- Sec. 40-10. Conditions prescribed for laying telephone, electrical conduits or cable.
- Sec. 40-11. Utility wires and poles.
- Sec. 40-12. Ornamental street lighting.
- Sec. 40-13. Use of streets by businesses renting dumpsters.
- Sec. 40-14. Green Complete Streets.
- Secs. 40-15—40-31. Reserved.

Article II. Excavations and Openings

- Sec. 40-32. City work excluded.
- Sec. 40-33. Permit.
- Sec. 40-34. Regulations governing street and sidewalk openings.
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Article III. Underground Utility Wires

- Sec. 40-61. Where required.
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- Sec. 40-63. General privilege to lay underground wires.
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- Sec. 40-65. Board of Public Works to approve.
- Sec. 40-66. City wires.
- Sec. 40-67. Approval of routes.
- Sec. 40-68. Laying of conduit.
- Sec. 40-69. Grade of conduits.
- Sec. 40-70. Damages in laying.
- Sec. 40-71. Change of location.
- Sec. 40-72. Repair of streets.
- Secs. 40-73—40-102. Reserved.

Article IV. Encroachments

- Sec. 40-103. Definitions.
- Sec. 40-104. Statutes adopted.
- Sec. 40-105. Permit generally.

***Cross references**—Board of Public Works, ch. 2, art. x, div. 3; outdoor vending machines, § 10-3; outdoor food stands and mobile food units, ch. 10, art. X; parks, recreation and other public places, ch. 34; special assessments, ch. 38; traffic and vehicles, ch. 44.

State law references—Authority to grant street privileges, Wis. Stat. § 66.0425; public works generally, Wis. Stat. § 62.15; acquisition of property, Wis. Stat. § 62.22; authority relative to street grades, Wis. Stat. § 62.16.

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- Sec. 40-106. Long-term street privilege permits.
- Sec. 40-107. Short-term street privilege permits.
- Sec. 40-108. Conditions of approval and occupancy.
- Secs. 40-109—40-129. Reserved.

Article V. Moving of Buildings

- Sec. 40-130. Definitions.
- Sec. 40-131. Enforcement.
- Sec. 40-132. Compliance; permit required.
- Sec. 40-133. Permit procedures and submittals.
- Sec. 40-134. Designate streets for removal.
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- Sec. 40-136. Repair bond.
- Secs. 40-137—40-155. Reserved.

Article VI. Parades

Division 1. Generally

- Sec. 40-156. Definitions.
- Sec. 40-157. Purpose.
- Sec. 40-158. Compliance with regulations.
- Secs. 40-159—40-184. Reserved.

Division 2. Permit

- Sec. 40-185. Permit required.
- Sec. 40-186. Exemptions from permit requirement.
- Sec. 40-187. When application must be made.
- Sec. 40-188. Information required in application.
- Sec. 40-189. Recommendations of governmental agencies.
- Sec. 40-190. Basis for discretionary denial of permit.
- Sec. 40-191. Grant or denial of permit.
- Sec. 40-192. Fee.
- Sec. 40-193. Payment for additional municipal services.
- Sec. 40-194. Emergency revocation.
- Sec. 40-195. Parade permit contents.
- Sec. 40-196. Copies of parade permit distributed.
- Sec. 40-197. Insurance required.

ARTICLE I. IN GENERAL

Sec. 40-1. Penalties.

(a) Except as otherwise provided in this chapter, violations of this chapter are a Class C offense as provided in section 1-7. For violations of section 40-8 pertaining to snow, ice and debris removal, the forfeiture of this first violation shall be no less than \$75.00 and not less than \$100.00 for the second, and any subsequent violation within a two-year period plus costs of prosecution and assessments.

(b) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Public Works.
- (3) The Director of Planning and Development.
- (4) The City Engineer.
- (5) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 5.19)

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 40-2. Grades.

(a) *Base of grades and elevations.* All grades and elevations fixed and established, and all grades and elevations that shall or may be hereafter established, are and shall be described in feet and decimals of a foot above the zero elevation City datum plane which is 600.99 feet above Mean Sea Level as established by the United States Government Surveys, 1929 adjustment, or 601.48 feet above Mean Sea Level as established by United States Government Surveys, 1912 adjustment.

(b) *Grades of streets.* Street grades heretofore established, changed or re-established by the Council are hereby ordered placed by the City Engineer in an appropriate book to be known as the Street Grade Book. All such grades in said book are hereby approved, ratified and specifically incorporated into this Code by reference. The establishment, change or re-establishment of any street grade after adoption of this Code shall be by resolution of the Council.

After passage of such a resolution, the City Engineer is authorized to make appropriate entries in the Street Grade Book.

(c) *Grade of alleys.* When not otherwise specially provided by ordinance or resolution of the Council, the maximum grade of the centerline of any alley running through any block bounded by streets for which the grade has been established shall be upon a straight line from the street grade upon one side of the block to the street grade on the other side of the block, and the maximum grade of the outer lines of the alley shall be three inches above the street grade on the one side of the block to points three inches above the street grade on the other side of the block, and spaces between these lines and the centerline shall be upon planes connecting these lines.

(d) *Grades of sidewalks.* The grade or elevation of the top of the inner line of sidewalks, except when otherwise specifically provided by resolution of the Council, shall be above the grade of the adjoining street in an amount equal to a minimum of one-quarter inch per foot of width and a maximum of one 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 fixed grade points shall be upon straight lines, or on vertical curves if necessary to conform to the curb lines, from one fixed point to the nearest fixed point, excepting in cases otherwise specially provided for by resolution or approved plans. (Code 1980, § 5.01)

State law reference—Authority to establish street grades, Wis. Stat. § 62.16(1).

Sec. 40-3. Sidewalk construction.

(a) *Permit required.*

- (1) No person shall construct, repair or reconstruct any sidewalk without having obtained a permit therefor from the City Engineer's Office and having paid the permit fee established by resolution. The permit may be issued upon a completed application form provided by the City and shall contain such information as the City Engineer's Office shall deem necessary.
- (2) Such permit shall be for a continuous sidewalk within or between intersection streets in front of the property owned by one person,

firm or corporation. No permit shall be necessary for repair which does not exceed 72 square feet, unless the Board of Public Works Inspector deems it necessary to establish a new grade for such repair.

- (3) After permit has been issued, the applicant shall obtain survey and grade stakes from the City Engineer. After sidewalk forms are set an inspection shall be called for checking compliance to the City Engineers' grade and specifications.

(b) *Specifications.*

- (1) All sidewalks shall be six feet in width unless otherwise specified by the Board of Public Works.
- (2) All sidewalks shall be constructed of Portland cement concrete unless otherwise specified by the Board of Public Works.
- (3) The thickness of the sidewalks in residential districts shall be not less than four inches, and in business districts not less than five inches. Private driveways shall be not less than six inches.
- (4) Construction shall be in accordance with the sidewalk specifications on file at the City Engineer's office and with the Sidewalk Inspector.

(c) *Sidewalk priorities and waiver of assessment for new sidewalk.*

- (1) The City of La Crosse hereby establishes the following priorities with respect to installation of sidewalks:
 - a. Priority No. 1: Install sidewalks on routes to schools and leading to City bus stops.
 - b. Priority No. 2: Installs sidewalks adjacent to or along any worn path in grass or dirt on City property.
 - c. Priority No. 3: Install sidewalks where blocks have partial sidewalks.
 - d. Priority No. 4: Fill in sidewalks where blocks have partial sidewalks.
 - e. Priority No. 5: Install sidewalks on streets where no sidewalks exist on

their side of the block only where more than 50 percent of the property owners request the sidewalk.

- (2) No portion of the cost of new sidewalks ordered installed by the Common Council through the Capital Improvements Program shall be assessed against the abutting property owner. This waiver of assessment shall not apply to sidewalks installed in new subdivisions. All such sidewalks in new subdivisions shall be installed at the developer's expense.

(d) *Special assessments for replacement sidewalks.*

- (1) The City shall pay 25 percent of the cost of replacing existing sidewalks when such work is ordered by the City Sidewalk Inspector, provided such replacement is done by the City or the City's Contractor. In no case, however, shall the City's share for replacement sidewalk exceed \$250.00 for a property facing a street or \$550.00 for a corner lot with the understanding that said monetary caps shall be increased January 1 of each year beginning January 1, 1998, by the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the previous year based upon November to November indices. The City shall levy a special assessment against the abutting property owner for at least 75 percent of the cost of such ordered sidewalk replacement. Special assessments levied to defray the costs of replacement sidewalks may, when they exceed \$100.00, be paid in ten or 15 equal annual installments together with interest at the rate determined by the Common Council, "uniform with special assessments."
- (2) Any section or sections of a sidewalk that is ordered replaced as a result of movement caused by the roots of a City boulevard tree, and such sidewalk section or sections are

less than ten years old, the City shall pay 100 percent of the cost of such replacement.
(Code 1980, § 5.02)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Sidewalks, Wis. Stat. § 66.0907.

Sec. 40-4. Driveways.

- (a) *Widths and permit fees.*
(1) Unless otherwise specifically permitted by resolution of the Council, upon written appli-

cation giving the reason therefor, the standard and maximum widths of driveways at the sidewalk and curb, other requirements for such installations, and fees for permits, shall be as follows:

<i>Type and Classification</i>	<i>Standard Widths at Sidewalk (feet)</i>	<i>Curb (feet)</i>	<i>Maximum Widths at Sidewalk (feet)</i>	<i>Curb (feet)</i>
Residential:				
Single Garage	10	18	12	20
Double Garage	18	26	20	28
Commercial:				
Single	15	23	20	28
Double	20	28	25	33
Industrial:	25	33	30	38
(SPECIAL)				
Parking Lots	25	33	30	38
Filling Stations:				
(1) Drive, One Street	30	38	35	43
(2) Drives, One Street	30	38	35	43
Drive Ins:				
(1) Drive, One Street	25	33	30	38
(2) Drives, One Street	25	33	30	38

- (2) The permit fee for driveways shall be as established by resolution.
- (b) *Installation requirements.*
- (1) No driveway shall be closer than ten feet measured from a point intersecting extended ROW lines and then 90 degrees from the extended right-of-way line to the curb line and at no time closer than ten feet to either extended right-of-way line.
- (2) Where more than one driveway shall be on the same street, they shall be at least 16 feet apart on frontage of less than 90 feet, or 25 feet apart on frontage exceeding 90 feet.
- (3) Driveways shall be placed wherever possible so as not to interfere with utilities in

place. All costs of relocation 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.

- (4) Applications for permits must be accompanied by a scale drawing indicating the location of driveway or driveways to be installed, and the requested widths for all installations classified as special and for any installation involving a utility relocation.
- (5) All driveways must be located within the extended property lines unless accompanied by a special agreement from the abutting property owner.

- (6) Where removal of curb head is required for driveway installation, it shall be sawed the full length along the flow line of the gutter.
- (7) Driveways shall be constructed in accordance with this Code and amendments thereto, and in accordance with construction details on file in the City Engineer's Office or as permitted by resolution of the Council. Driveways classed commercial or industrial shall be reinforced in accordance with construction details on file in the City Engineer's Office.
- (8) The slope and grade across the sidewalk portion of each driveway shall be governed by this Code or as permitted by specific Council resolution, or as permitted by the City Engineer's Office. A sidewalk permit is also required for the sidewalk portion of the driveway unless waived by the City Engineer's Office for those areas of the City which do not have sidewalks. The waiver of a sidewalk permit shall be on forms provided by the City Engineer's Office which shall provide that the owner or owners of the property where a driveway is installed, their successors and assigns, shall hold harmless and indemnify the City against any and all claims by reason of said waiver and, further, said owner or owners, their successors and assigns, shall agree to provide the proper grade or slope for sidewalk should sidewalk construction be required in the future. The owner of the property shall be responsible for recording the waiver with the La Crosse County Register of Deeds and said waiver shall not be effective until recorded and proof thereof provided to the City Engineer's Office.
- (9) Driveways shall not be less than six inches in depth including the sidewalk portion.
- (10) Permit applications shall be made at least 48 hours in advance of intended installation for all classes except specials, wherein five days shall apply to permit time for study and consideration before granting the permit.
- (11) In no case shall any driveway be installed prior to securing of building permit if driveway is to service such building or buildings.
- (12) Determination of class of driveway shall be by present land use where nonconforming to chapter 115, and in all other cases by the class of driveway for the particular zone involved.
- (13) Application for blind driveways, wherein the only purpose is to restrict street parking, shall be denied.
- (14) The Board of Public Works may order an existing driveway closed up (curb placed across drive opening) at the property owner's expense if the driveway is no longer in use.
- (15) Any of the requirements in subsection (a) or (b) of this section may be varied by the Board of Public Works, upon recommendation of the City Engineer, in such instances where the nature and proposed use of the property or street design and traffic considerations may make strict adherence to the above requirements impossible, impractical or not in the best interests of the general public's safety, health and welfare. If the request is to vary the driveway openings width in Industrial or Commercial Zonings, it may be approved by the City Engineer. Any decision of the Board of Public Works or City Engineer may be appealed to the Council by any aggrieved person within 30 days after the decision by filing an appeal with the City Clerk.

(Code 1980, § 5.03)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 40-5. Unlawful to obstruct Board of Public Works or contractors.

It shall be unlawful for any person to hinder or obstruct the Board of Public Works in the performance of any duty enjoined upon it by this Code or by any resolution of the Council, and it shall be unlawful for any person to hinder, obstruct or prevent or in any manner to interfere with any person who may have taken a contract from the City for the doing of any street work, whether chargeable to lots or otherwise, in repairing any street, alley, sidewalk, or in putting down any curb, gutter, sidewalk, paving, or in grading any street, alley or sidewalk, or in removing or replacing any curb, gutter, sidewalk, paving or

other street improvement which may have been condemned as insufficient by the order or resolution of the Council.
(Code 1980, § 5.05)

Sec. 40-6. 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 he is the owner or occupant, except as provided in subsection (b) of this section.

(b) *Exceptions.* The prohibition of the preceding section shall not apply to the following:

- (1) Public utility encroachments duly authorized by State law or City ordinance.
- (2) Awnings, signs, overhead sidewalk heaters, and canopies, provided they are installed and maintained in accordance with this Code.
- (3) Temporary encroachments or obstructions authorized by permit.
- (4) Excavations and openings in streets permitted by this chapter.

(Code 1980, § 5.07)

Sec. 40-7. Signs and banners on utility poles and across streets.

(a) No person shall post, paint, paste, tack, fasten or attach in any manner, any hand bill, sign, banner, poster, placard, notice or advertisement upon any electric light, telephone pole, or other utility pole or on any wire attached thereto unless the same is first approved by the Board of Public Works. No person shall disfigure any such pole by cutting, marking or driving nails, brads, or other devices into said poles; provided, however, that nothing in this section shall prevent the City or County from attaching to said utility poles notices required by law or legal notices. No person shall hang or suspend any sign or banner over or across any street by fastening the same to any building, structure or utility pole, unless such sign or banner is first approved by the Board of Public Works.

(b) Violations of this section are a Class B offense as provided in section 1-7.
(Code 1980, §§ 7.04(G), 7.09(A))

Sec. 40-8. Snow, ice and debris removal.

(a) *Snow and ice on sidewalks.*

- (1) The owner, agent, occupant or person in charge of each and every building fronting upon or adjoining any street, and the owner or agent of every unoccupied building or parcel of land fronting as aforesaid, shall clean the sidewalk in front of or adjoining such building or unoccupied lot or building, as the case may be, of snow and ice to the full width of such sidewalk to the pavement, except those sidewalks where the distance from the edge of the sidewalk, including the width the sidewalk, to the back of the curb is less than eight feet; then the minimum width shall be 48 inches, within 24 hours after it ceases to fall, and cause the same to be kept free from snow and ice; provided, that when ice has so formed on any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with ashes, sand or salt; provided, also, that in case snow shall continue to fall for some time, then and in that case it shall be removed immediately after it shall cease to fall.
- (2) The owner, agent, occupant or person in charge of a corner lot or crosswalk shall also keep free from snow and ice any and all curb ramps extending past the curb and gutter to the edge of the street pavement. A corner lot is defined as a lot abutting upon two or more streets. The owner, agent, occupant or person in charge of the property adjacent to a public alley shall keep free from snow and ice that portion of the sidewalk which crosses the alley to its centerline.

(b) *Board of Public Works to remove.* In any case where any sidewalk in front of or adjoining any lot or parcel of land shall remain covered in any part with snow or ice by 6:00 p.m. of the day following any snowfall, the Board of Public Works may as soon as possible cause such snow or ice to be removed from the full width of such sidewalk and to report the expense of so doing to the Council as soon as

practicable, with a description of the lot or parcel of land in front of or adjoining which such work has been done, and the Council shall cause such expense to be audited and paid out of the general fund and shall direct the City Clerk to charge such expense to the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax list next thereafter to be made out as a special tax against such lot or parcel of land and shall be collected as other taxes upon real estate are collected. The cost for removal by the City shall be charged at the rate per foot per snowfall event for any snowfall or accumulation for snowfalls, including windblowing and trace amounts established by resolution. Said snowfall or accumulation of snowfalls shall be determined by using the National Oceanic and Atmospheric Administration (National Weather Service). In addition, there shall be an administrative fee per parcel in the amount established by resolution. Any appeal of a special tax under this subsection shall be delegated to the Board of Public Works, which is authorized to review and adjust the same.

(c) *Debris removal from sidewalks, streets and public ground.* No abutting property owner shall upon any sidewalk, street, alley or public ground so maintain the owner's land or any building situated thereon so that, by erosion or by travel, parts of the soil or any other substance shall be deposited upon the abutting sidewalk, street, alley or any public ground and if such deposit by erosion or otherwise shall take place, the sidewalk, street, alley or public ground shall be cleaned and made passable by such abutting owner within 24 hours after receiving notice thereof from the City Engineer's Office.

(d) *Disposal of snow in streets.* No person shall use the public streets or any other public property as a place for disposal of snow from private property. Pushing, dumping, blowing, throwing or otherwise transferring snow from private property to a public street is prohibited. Provisions of this subsection shall not apply to snow removal under the direction of Public Works by City Employees or contractors performing work under contract with the City of La Crosse.

(e) Except as otherwise prohibited by law, all-terrain vehicles and other snow removing equipment are allowed to clear snow and ice on sidewalks. Said

vehicles and equipment shall not have implements to assist with the removal of snow longer than six feet in width, shall have rubber tires and shall be restricted to 6,000 pounds gross vehicle weight, except said snow removal vehicles in the downtown area are restricted to 1,000 pounds gross vehicle weight unless authorized by the Director of Public Works. Said vehicles shall yield the right-of-way to pedestrians at all times.

(Code 1980, § 5.08)

Sec. 40-9. Conditions prescribed for laying gas mains and pipes.

All single gas main installations in the City shall be installed at a minimum of 36 inches below the established grade of the street or streets in which said main is laid and shall be placed and located in a manner as prescribed by the Board of Public Works. The Board of Public Works shall make its determination and prescribe such locations for the laying of such conduits at the time of the issuance of permit required by this Code for street openings of the street whichever is applicable, unless otherwise ordered by the Board of Public Works. Locations of all multiple gas main installations shall be as prescribed by the Board of Public Works upon application to said Board. The Board of Public Works may require detailed plans and specifications for all installations of gas mains, along with a certificate of insurance in accordance with section 2-2. Whenever it shall become necessary to take up and renew any gas main which has been laid in the center of the street or in any portion of the street other than that herein prescribed, it shall be unlawful for any person to relay or renew such gas main except as prescribed in this section. Old gas piping within the center of the street no longer utilized may, at the discretion of the Board of Public Works, be required to be removed. Should gas pipes or mains be installed within the boulevard or public right-of-way, such installation shall include replacement of grass, trees and protection against damage to trees, settling of ground or soil and shall take place within three days of the gas pipe or main installation. The Board of Public Works may require a bond as provided in section 2-3. When the grade of any gas main interferes with the placement of storm or sanitary sewers such mains shall be relaid to eliminate such obstructions to such sewers and the expense of such relaying shall be borne by the

appropriate utility. Nothing herein contained shall be construed to permit the installation of thru gas transmission lines.

(Code 1980, § 5.13)

Sec. 40-10. Conditions prescribed for laying telephone, electrical conduits or cable.

All telephone, cable or electrical conduits hereafter laid in the City streets or alleys shall be put down at a minimum 36 inch depth below the established grade of the street or streets in which said conduit was laid and shall be placed and located in a manner as prescribed by the Board of Public Works. The Board of Public Works shall make its determination and prescribed such locations for the laying of such conduits at the time of the issuance of permit required by this Code for street openings.

(Code 1980, § 5.14)

Sec. 40-11. Utility wires and poles.

(a) *Erection of poles.* All cable, network, fiber optic, telephone, and electric light poles or any poles erected by any person, either as a repair to an existing line or as a part of a new line, for the carrying of an aerial wire thereon, shall be not less than 30 feet in length and five inches in diameter at the top, and shall be set five feet in the ground and be properly shaved and tamped.

(b) *Removing improper poles.* All cable, network, fiber optic, telephone and electric light poles, and all other poles which are not 25 feet in length and five inches in diameter at the top, and all poles except those standing in alleys, which shall not be properly tamped, and all wires that are not insulated as required in this section, within 30 days after written notice, personally served upon the owners or one of the owners thereof, or his or their agent, or upon any officer or agent of the company or corporation, which is the owner thereof, by the Board of Public Works, to so tamp said poles, or to so insulate said wires, are hereby condemned, and the owner or owners thereof shall immediately remove, or cause the same to be removed, and if they fail to do so the Board of Public Works shall remove the same at the expense of the owner or owners.

(c) *Insulation of wires.* All aerial wires carrying high potential currents shall be thoroughly insulated at joints as well as elsewhere, and all wires carrying

high or low potential currents shall be attached to proper insulators upon the pins of all cross-arms, and all wires entering buildings or coming in contact therewith shall be thoroughly insulated therefor and to the satisfaction and approval of the Board of Public Works.

(d) *Height of wires.* It shall be unlawful to run aerial wires or to maintain the same within 20 feet of any of the established grade immediately beneath the same.

(Code 1980, §§ 12.03, 12.07)

Sec. 40-12. Ornamental street lighting.

(a) *Provision for.* The Council may provide for the construction, maintenance, and operation of ornamental street lighting systems on any street or public ground, and to provide for defraying the cost of the same. Such cost may be paid in whole or in part from the general fund of the City or from special assessments levied on the property benefited in such proportion and according to such method as the Council shall determine.

(b) *Installation of ornamental street lighting system.* Upon written petition of the owners of one-half or more of the taxable frontage on any street or part thereof paying for the installation, maintenance, and lighting of an ornamental lighting system therein, the Council may contract for the installation of ornamental posts, standards or brackets along said street or part of street, the said posts, standards and brackets to be of such style, form, quality, and number as the Council may deem suitable, and may contract for the furnishing of power to light the same. Provided, further the Council may where public convenience and necessity requires, establish or extend such ornamental lighting system upon its own motion and assess damages and benefits pursuant to the provisions of this Code.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Frontage, on any street or part thereof, means the frontage on both sides of any street, highway, or public place between two designated limits.

Ornamental lighting system, as used in this chapter shall mean lights of uniform character supported by fixtures that are uniform and of such design as shall be adopted by the Council and installed at regular intervals, not to exceed 125 feet, on both sides of any street.

(d) *Costs of installation.* The benefits and damages resulting from the construction of any ornamental lighting system shall be assessed against the properties benefited or damaged thereby in the manner provided for the assessment benefits and damages in the improvement of public streets set forth in Wis. Stat. §§ 66.0703 and 66.0721 and the Board of Public Works shall view the premises and proceed as provided therein.

(e) *Payment for ornamental system.* The Council may determine that all installations and maintenance costs shall be assessed as provided by statute or the City may pay the entire cost from available funds. Special improvement bonds may be issued as provided by statute.
(Code 1980, § 5.15)

Sec. 40-13. Use of streets by businesses renting dumpsters.

(a) *Permit required.* Unless a permit is obtained and maintained under article IV of this chapter, it shall be unlawful for any person 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 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 City Engineer's Office.

(b) *Application.* Applications for the dumpster or refuse container business permit shall be on forms provided by the City Engineer's Office. 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 terminate December 31 of each year.

(c) *Fee.* The permit fee for each dumpster or refuse containers which are placed in streets or other public ways within the City shall be paid. The amount of such fee shall be as established by resolution.

(d) *Insurance.* Prior to the issuance of a permit provided for in this section, the permittee must furnish the City Engineer's Office satisfactory written evidence of insurance as provided in section 2-2.

(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 and all dumpsters or refuse containers placed in the street shall be equipped with flashers on the street side, front and rear, which shall be maintained and in good working order during night hours.
- (3) No dumpster or refuse container shall be placed in a moving lane of traffic.
- (4) Each permittee shall notify the Department of Planning and Development 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 City Engineer's Office to remove any dumpster or refuse container should the placement or location of the dumpster or refuse container constitute a safety hazard or nuisance.
- (6) No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the City.

(f) *Security.* Each permittee shall provide a bond as provided in section 2-3.
(Code 1980, § 5.17)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Street privileges, Wis. Stat. § 66.0425.

Sec. 40-14. Green Complete Streets.

(a) *Purpose.* The purpose of the City's Green Complete Streets regulation is to establish standards to safeguard life and property and promote and preserve public welfare and community aesthetics and to allow citizens to enjoy the use of streets and corridors within the City of La Crosse by the establishment of comprehensive standards, regulations and procedures governing the planning, design and construction or major construction of corridors within the City. The regulations found in this section attempt to balance the needs of all users of City streets and corridors including motorists, transit users, pedestrians and cyclists. The purpose of this section is to ensure that the streets of the City of La Crosse provide safe, convenient, and comfortable routes for walking, bicycling, and public transportation, encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people with disabilities. This section is further intended to provide a mechanism to combine the principles of complete streets and traffic calming with improving the stormwater quality and quantity problems that the City faces by incorporating stormwater considerations into each and every complete street or traffic calming activity where feasible.

(b) *Focus areas.* The City shall focus Green Complete Streets implementation in areas where the Green Complete Streets infrastructure is most immediately needed such as missing links in sidewalks, along transit routes and stops, areas where nonmotorized transportation modes are common or anticipated to become common, corridors which provide primary access to significant destinations such as parks, schools, commercial areas, or employment centers, and streets/intersections which have high pedestrian and/or bicycle crash rates. In addition to focus areas, all corridor projects shall be considered for Green Complete Streets. Green Complete Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. It is the Council's intent that all sources of transportation funding be drawn upon to implement Green Complete Streets.

The City believes that maximum financial flexibility is important to implement Green Complete Streets principles.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Corridor means any right-of-way, public or private, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.

Green Complete Streets means streets that safely accommodate all users of the right-of-way, including pedestrians, people requiring mobility aids, bicyclists and drivers and passengers of transit vehicles, trucks, automobiles and motorcycles, while at the same time incorporating best management practices for addressing stormwater runoff.

Examples of Green Complete Streets design features that contribute to a safe, convenient, or comfortable travel experience for users include, but are not limited to, incorporating a combination of treatments such as: sidewalks; shared use paths; bicycle facilities; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes, as well as stormwater and native vegetation features such as curb cuts to vegetation and permeable pavements, and those features identified in the City of La Crosse Bicycle/Pedestrian Master Plan.

Project means the construction, reconstruction, retrofit, alteration, or repair of any corridor, including the planning, design, approval, and implementation processes, but does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes.

Users means people of all ages and abilities that use corridors, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers.

(d) *Requirement of infrastructure ensuring safe travel.*

- (1) The City Engineer's Office, Board of Public Works and Department of Planning and Development shall make Green Complete Streets practices a routine part of everyday operations and shall approach every transportation project and program as an opportunity to improve public and private corridors and the transportation network for all user groups, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Green Complete Streets.
 - (2) Every corridor project on public or private property shall incorporate Green Complete Streets infrastructure sufficient to enable reasonable safe travel along and across the right-of-way for each category of use; provided, however, that such infrastructure may be excluded, upon written approval by the Board of Public Works where documentation and data indicate that:
 - a. Use by nonmotorized users is prohibited by law;
 - b. The cost would be excessively disproportionate (greater than 20 percent) to the need or probable future use over the long term (stormwater and facilities for nonmotorized users are weighted equally);
 - c. There is a demonstrable absence of current or future need;
 - d. Inclusion of such infrastructure would be unreasonable or inappropriate in light of the scope of the project, or because it would be contrary to public safety;
 - e. Loss of on-street parking shall not be considered a singular criterion for exclusion of a Green Complete Street Project;
 - f. Public transit facilities are not required on streets not serving as transit routes;
 - g. For repairs made pursuant to the pavement openings and restorations or to ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal, or interim measures on detour or haul routes);
 - h. Because freight is important to the basic economy of the City and has unique right-of-way needs to support that role, freight shall be the major priority on streets classified as truck routes. Green Complete Streets improvements that are consistent with freight mobility but also support other modes shall be considered on these streets.
 - (3) The City of La Crosse shall incorporate Green Complete Streets infrastructure into existing and future public and private streets to improve the safety and convenience of users, construct and enhance the transportation network for each category of users, and create employment.
 - (4) If the safety and convenience of users can be improved within the scope of pavement resurfacing, restriping, or signalization operations on public or private streets, such projects shall implement Green Complete Streets infrastructure to increase safety for users.
 - (5) Trainings in how to integrate, accommodate, and balance the needs of each category of users shall be provided for planners, civil and traffic engineers, project managers, plan reviewers, inspectors, and other personnel responsible for the design, construction, and maintenance of streets.
- (e) *Data collection, standards, and public input.*
- (1) The City of La Crosse shall collect data measuring how well the streets of the City of La Crosse are serving each category of users. Data may include latent demand, existing levels of service for different modes of transport and users, collision statistics, bicycle and pedestrian injuries and fatalities, or others.

- (2) The City of La Crosse shall put into place performance standards with measurable benchmarks reflecting the ability of users to travel in safety and comfort. Performance standards may include transportation mode shift, miles of new bicycle facilities or sidewalks, percentage of streets with tree canopy and low design speeds, public participation, or others.
- (3) The City of La Crosse shall establish procedures to allow full public participation in policy decisions and transparency in individual determinations concerning the design and use of streets.
- (4) The City of La Crosse shall incorporate Green Complete Streets principles into all appropriate plans, zoning and subdivision codes, laws, manuals, rules, regulations and programs as appropriate, including Confluence, the La Crosse Comprehensive Plan and the Bicycle/Pedestrian Master Plan, to integrate, accommodate, and balance the needs of all users on public and private streets.
- (Code 1980, § 5.18)

Secs. 40-15—40-31. Reserved.

ARTICLE II. EXCAVATIONS AND OPENINGS

Sec. 40-32. City work excluded.

The provisions of this article shall not apply to excavation work under the direction of Public Works by City employees or contractors performing work under contract with the City necessitating openings or excavations in City streets, which openings or excavations shall be regulated by the contract between the City and the contractor.

(Code 1980, § 5.11(H))

Sec. 40-33. Permit.

(a) *Permit required.* No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the City without first obtaining a permit therefor from the Board of Public Works or its authorized representative. One copy of the permit or an "Open

and Excavate" placard shall be posted at the site of the excavation at all times during the course of the excavation.

(b) *Fee.* The fee for a street opening permit, which shall be as established by resolution, shall be paid to the Director of Finance/Treasurer who shall issue a receipt therefor.

(c) *Bond.* Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the City Engineer's Office an indemnity bond as specified in section 2-3.

(d) *Insurance.* Permittees shall carry insurance as provided in section 2-2.

(Code 1980, § 5.11(A)—(D))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 40-34. Regulations governing street and sidewalk openings.

(a) No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works, or his authorized representative.

(b) In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

(c) Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the City. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Warning lights shall be kept burning from sunset to sunrise, at least one warning light shall be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. 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 his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

(d) In opening any street or sidewalk, or other public way, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs disturbed must be replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works, or his authorized representative, is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of three years. In backfilling the opening, material shall be placed in maximum 12 inch lifts with each lift thoroughly compacted by mechanical means, or other methods approved by the Director of Public Works, or his authorized representative. Backfill material shall be clean, free from rocks, broken concrete exceeding two inches in size, organic material, debris, or any frozen chunks. The compaction method shall be capable of compacting the backfill to 95 percent of standard Proctor density. Trench shall be back-sloped or sheathed and braced as required by the State rules, the Federal Occupational Safety and Health Act, or as may be necessary to protect life, property or the work. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. If a contractor backfills a trench without implementing adequate compaction methods the contractor shall be required to remove the backfill and reinstall it using proper compaction methods. Refusal by the contractor will result in the City performing the work at the cost of the excavation permit holder along with possible other penalties described by this Code. The City may elect to have the City make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining for three years shall be charged to the person making the street opening. (Code 1980, § 5.11(E))

Sec. 40-35. Excavation in new streets limited.

Whenever the Council determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Council, the Director of Public Works shall notify in writing each person, utility, City department 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 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Board of Public Works an emergency exists which makes it absolutely essential that the permit be issued. (Code 1980, § 5.11(F))

Sec. 40-36. Emergency excavations authorized.

In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may 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 shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder. The Board of Public Works may require additional street surfacing removal and replacement for streets less than five years old and streets paved with Portland cement concrete. (Code 1980, § 5.11(G))

Secs. 40-37—40-60. Reserved.

ARTICLE III. UNDERGROUND UTILITY WIRES*

Sec. 40-61. Where required.

All electric light, cable, network, fiber optic, telephone, and cable TV companies and all persons or

*State law reference—Street privileges, Wis. Stat. § 66.0425.

corporations using or operating electric light, cable, network, fiber optic, telephone, signal or cable TV wires or cables in that part of the City on those certain streets, alleys and portions of the City which shall be designated by the Fire Marshal and the Board of Public Works and approved by the Council, shall lay and construct underground, in the public streets, alley, and other places, proper conduits necessary for the purpose of laying and protecting all electric light, cable, network, fiber optic, telephone, and signal wires and cables owned, used or operated by such companies, persons, or corporations, and shall place through such conduits all such electric light, telephone, cable, network, fiber optic, signal wires and TV cables as may be necessary for the proper conduct of the business of such electric light, cable, network, fiber optic, telephone or cable TV companies or persons or corporations using electric light, cable, network, fiber optic, telephone, signal, or TV wires or cables. Such company or companies, persons, or corporations, shall have the right and privilege, within the territory designated of constructing such manholes, distributing poles, and other appliances and fixtures as shall be necessary and proper in the laying of such conduits and the carrying of wires and cables therein.
(Code 1980, § 12.04(A))

Sec. 40-62. Improved streets and alleys.

The Board of Public Works shall notify all electric light, telephone, cable, network, and fiber optic companies and all persons using or operating electric light, telephone, cable, network, and fiber optic wires in any part of the City where streets or alleys are about to be improved with permanent street improvement of cement or asphalt paving of the imminence of such improvement and shall indicate to such utilities whether, in the opinion of the Board of Public Works, the removal, replacement or construction underground of any facility thereon shall be necessary, and if the Board of Public Works and public utility cannot agree upon the changes necessary, the matter shall be referred to the Council for final decision. Such company, person, or corporation shall have the right or privilege within the territory so improved, to construct manholes and other appliances and fixtures and erect such distributing poles as shall be necessary and proper in the reconstruction of the utilities located therein.
(Code 1980, § 12.04(B))

Sec. 40-63. General privilege to lay underground wires.

All electric light, telephone, cable, network, or fiber optic companies or persons conducting such business shall, in addition to the rights and privileges heretofore given and granted to them, their successors or assigns, have the right and privilege of laying and constructing underground in the public streets, alleys, and other public places, all conduits necessary for the purpose of laying and protecting its electric light, cable, network, or fiber optic wires or cables, and also the right and privilege of construction of any manholes, distributing poles, appliances, and fixtures necessary and proper in the laying of said conduits, in any other part of the City not mentioned in section 40-61 or 40-62, under the terms and conditions provided in this Code.
(Code 1980, § 12.04(C))

Sec. 40-64. Removal of overhead wires.

All electric light, cable, network, fiber optic, or telephone companies or persons or corporations using electric light, cable, network, fiber optic, or telephone wires in the district or territory in which underground wires are required shall, within one year after the underground wires are laid, remove from the streets and alleys and other places beneath which underground conduits have been laid, all overhead wires, poles or posts, framework or other support for wires. The Board of Public Works shall remove all such wires and conductors not removed at the time or times mentioned without further action of the Council and any and every said company, person or corporation who shall fail to comply with the provisions of said section shall forfeit all rights and franchises that heretofore may have been or hereafter may be granted to it.
(Code 1980, § 12.04(D))

Sec. 40-65. Board of Public Works to approve.

All conduits, manholes, and other appliances and fixtures erected pursuant to the provisions of this chapter shall be of such material and size and dimensions as shall be approved by the Board of Public Works, and the same shall be laid and constructed under the direction and with the approval of the said Board and the City Engineer.
(Code 1980, § 12.04(E))

Sec. 40-66. City wires.

In all underground conduits or manholes sufficient and necessary space shall be reserved, free of expense, for wires belonging to or to be used by the City, and said conduits shall at all times be accessible to the City for the purpose of putting in, taking out or repairing its wires.

(Code 1980, § 12.04(F))

Sec. 40-67. Approval of routes.

Before any electric light, cable, network, fiber optic, or telephone company, or person or corporation using electric light, cable, network, fiber optic, or telephone wires, shall lay and construct any conduits or manholes or erect any distributing poles, pursuant to the provisions of this section, they or their officers or agents shall submit to the Board of Public Works and City Engineer the route of the proposed conduit or conduits stating the name of the street or streets, or if in an alley, the proper designation thereof, and the exact line and location of the proposed conduit or conduits, its distance from the gutter, its depth, manner of laying same, and of carrying said wires, and the location of the manholes, distributing poles and buildings to be served. And no such conduit shall be laid until the consent of the said Board of Public Works shall first be had.

(Code 1980, § 12.04(G))

Sec. 40-68. Laying of conduit.

All conduits shall be laid so as not to disturb the drainage of the streets or alleys or interfere with or damage the streets, water or sewer pipes, or other public or private property. When a conduit or conduits come in contact with any water, sewer, gas or other pipe, it shall be laid as directed by the City Engineer.

(Code 1980, § 12.04(H))

Sec. 40-69. Grade of conduits.

It shall be the duty of the Board of Public Works to see that the grade of every conduit is sufficiently deep so that it shall not be necessary thereafter to relay said conduit in improving the street, but, if whenever any street in which any conduit shall have been laid shall be graded or otherwise improved, it shall be necessary to lower or change said conduit, it shall be done by the electric light, telephone, cable,

network, or fiber optic companies or persons or corporations using electric light, telephone, cable, network, or fiber optic wires, upon reasonable notice from the Board of Public Works, and in case of the refusal by such electric light, cable, network, fiber optic, or telephone companies or persons or corporations using such electric light, cable, network, fiber optic, or telephone wires to lower or change such conduit, then it shall be done by the Board of Public Works at the expense of such electric light, cable, network, fiber optic, or telephone companies, persons or corporations using electric light, telephone cable, network, or fiber optic wires.

(Code 1980, § 12.04(I))

Sec. 40-70. Damages in laying.

All electric light, telephone, cable, network, fiber optic companies or persons or corporations using electric light, cable, network, fiber optic, or telephone wires, shall save the City harmless of and from injury and damage of any kind caused or occurring by reason of laying or constructing any conduit, conduits, manholes or distributing poles, by reason of negligent management in the construction or operation thereof or the wires connected therewith.

(Code 1980, § 12.04(J))

Sec. 40-71. Change of location.

Whenever any underground conduits have once been laid in the streets and alleys, they shall not be removed, relocated or changed without first obtaining permission from the Board of Public Works.

(Code 1980, § 12.04(K))

Sec. 40-72. Repair of streets.

It shall be the duty of the electric light, cable, network, fiber optic, or telephone companies, or persons or corporations using electric light, cable, network, fiber optic, or telephone wires, when laying conduits, to refill the opening of the ditch with reasonable diligence, and the ditch shall be so filled as to leave the street in as good condition as it was before the work was commenced. All excavations shall conform to article II of this chapter.

(Code 1980, § 12.04(L))

Secs. 40-73—40-102. Reserved.

ARTICLE IV. ENCROACHMENTS*

Sec. 40-103. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aesthetic appurtenances means benches, planters, ramps, merchandise displays or other encroachment of the public right-of-way.

Applicant means a tenant or property owner who is applying for a new or renewal street privilege permit in a public right-of-way.

Automatic irrigation system means a watering or sprinkler system commonly used to water lawns and other planted areas.

Awning means any rigid or nonrigid material such as metal, wood, plastic or fabric that projects from the exterior wall of a building and is supported by or attached to a frame and is not a canopy. The awning bottom must project more than 18 inches in a horizontal direction from the wall that the awning is attached and must not exceed a vertical height two times its horizontal projection measurement or 72 inches, whichever is less.

Balcony means a platform that projects from a wall of a building and is enclosed by a parapet or railing.

Block party means a gathering of abutting neighbors and their relatives and friends held within a public way, which has been temporarily closed for the gathering.

Board means the City of La Crosse Board of Public Works.

Boathouse or boat house means a structure designed exclusively for the storage of boats which do not contain any furniture and furnishings and which are not at any time used for human habitation and which is anchored or fixed to any of the shorelines.

Canopy means a permanent roof-like projection or structure covering an area customarily used for pedestrian circulation.

***Cross references**—Street encroachments, § 103-99; street privilege permit, § 115-402.

State law reference—Street privileges, Wis. Stat. § 66.0425.

Construction site encroachment means and includes, without limitation, construction equipment (e.g., crane, trailer, or truck), dumpsters, PODs or any other equipment necessary in and about the construction, reconstruction, maintenance, or repair or demolition of any building, structure or project, or part thereof, or appurtenances thereto.

Dining appurtenances means tables, chairs, barriers, benches, waste receptacles, umbrellas, heaters and other like items.

Encroachment means any project, fixture or obstruction that intrudes or invades on, above, or under public right-of-way, diminishing its length, width, height, depth or area, but without closing it to public travel.

Fire escape and rescue platform means a structure incorporating a platform, ladder, steps or stairs that projects from the wall of a building used for escape from a burning building.

Groundwater monitoring well means any cased excavation or opening into the ground made by digging, boring, drilling, driving, jetting or other methods for the purpose of determining that physical, chemical, biological or radiological properties of groundwater. Groundwater monitoring wells may include, without limitation, piezometers, water table observation wells or both.

Houseboat or house boat means a structure designed and arranged to be used for human occupancy or habitation which is without propulsion of any kind or which is anchored or fixed to any of the shorelines.

Long term means 90 days or longer.

News box means any coin or other currency-operated or self-service box, container, or other dispenser placed in the public right-of-way for the vending of, or free distribution of newspapers or other publications.

Off-premises sign means an advertising sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

On-premises sign means any sign identifying, advertising, or providing information about the busi-

ness, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is primarily installed and maintained.

Outdoor dining area means a designated area where dining appurtenances are located on a sidewalk within a public right-of-way, partially within the public right-of-way and partially upon private property, and operated as an integral part of an adjacent business, such as a bakery, candy or ice cream store, coffee shop, food store, grocery, delicatessen, restaurant, or other like establishment for the purpose of outdoor dining.

Pedestrian path means a continuous obstruction free sidewalk area, between the outside boundary of the outdoor dining area and any obstruction. Obstructions include, without limitation, street trees, landscaping, street lights, benches, fire hydrants, utility boxes, utility poles, bus stops, public art and waste receptacles.

Permanent improvements means privately owned improvements and/or personal property attached to the ground or building by cement footings, bolts or similar attachment device.

Permit means street privilege permit or revocable occupancy permit.

Portable sign means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Any signs attached to or painted on an inoperable or unlicensed vehicle or any sign attached to a vehicle that is parked for more than seven consecutive calendar days in a location conspicuously visible from a public right-of-way shall be deemed a portable sign unless said vehicle is used in the normal day-to-day operations of the business.

Public right-of-way, public way and right-of-way mean the surface and space above and below an improved or unimproved public street, road, boulevard, alley, lane, highway or sidewalk, bicycle lane,

public grounds or land dedicated to public use, or any part thereof; including those portions of any public place under the control of the public which have been designated for use by motor vehicles.

Revocable occupancy permit means a street privilege permit.

Short term means less than 90 days.

Sidewalk encroachment means any encroachment projecting into the sidewalk within a public right-of-way, partially within the public right-of-way and partially upon private property, including, without limitation, steps, entrance doors and garages.

Soil boring means a circular hole made in the ground by either an auger or mechanical drill rig or by using the direct push method which drives steel rods into the ground using a combination of hydraulic ram and a percussive hammer in order to collect soil samples deep in the ground.

Vending machine means any self-service, retail business device placed in the public right-of-way which upon deposit of coins, tokens or currency, or insertion of a credit card, debit card or other item of value, that mechanically, electronically, or manually dispenses goods or services.
(Code 1980, § 5.12(A))

Sec. 40-104. Statutes adopted.

The provisions of Wis. Stat. § 66.0425 not inconsistent with this article are hereby adopted by reference.

(Code 1980, § 5.12(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 40-105. Permit generally.

(a) *Required.* No person shall, without permit issued under this article, encroach upon, erect, install, block, obstruct, occupy or encumber in any manner any public right-of-way or part thereof, by, without limitation, placing, hanging, keeping, displaying, encroaching or storing any goods, merchandise, wares, products, materials, displays, showcases, racks, equipment, sheds, roofs, fences or other structure onto, across, over or under, or otherwise occupy any public right-of-way or part thereof; or allow such encroachment or encumbrance to be placed or re-

main in any public way adjoining the premises of which the person is the owner or occupant, except as otherwise provided in this article or by law.

(b) *Granting.* Street privilege permits for the use of or encroachment into the public right-of-way in the City may be granted to applicants exclusively by the Board, for the purpose of encroaching into such public right-of-way. The Common Council expressly delegates its authority to grant street privilege permits to the Board as provided in this article.

(c) *When permit not required.*

- (1) This article does not apply to telecommunications carriers, as defined in Wis. Stat. § 196.01(8m), telecommunication utilities, as defined in Wis. Stat. § 196.01(10), alternative telecommunications utilities, as defined in Wis. Stat. § 196.01(1d), public service corporations, or cooperatives organized under Wis. Stat. ch. 185 to render or furnish gas, light, heat, or power, or to cooperatives organized under Wis. Stat. ch. 185 or 193 to render or furnish telecommunications service; however, such entities shall secure a permit from the proper City official for temporary, encroachments, obstructions or excavations in a highway and are liable for all injuries to persons or property caused by the obstructions or excavations.
- (2) Under the conditions prescribed in this article and within the limitations regulated herein, the following encroachments beyond the street line may be permitted without a permit; however, fees may still apply:
 - a. Bus shelters built under the authority of the City Municipal Transit Utility;
 - b. Sidewalk benches constructed and maintained under a permit or contract with the City;
 - c. Utility lines;
 - d. Construction barricades placed on public ways by the Director of Public Works, the State of Wisconsin, the water or sewer utility, or utility company;
 - e. Excavations or other construction performed on the public way by the Department of Public Works, water utility

and sanitary sewer utility, the State of Wisconsin, public utility or their contractors;

- f. Public utility encroachments duly authorized by State law or this Code;
 - g. Excavations and opening in streets permitted by this Code;
 - h. Official traffic and informational signs and notices, public utility signs;
 - i. Any streetscaping or street furniture or facilities constructed and maintained by the City or its contractor;
 - j. Neighborhood identification signs approved by the Board;
 - k. Bicycle racks.
- (Code 1980, § 5.12(C), (D), (H))

Sec. 40-106. Long-term street privilege permits.

Long-term street privilege permits may be granted to applicants by the Board; provided such applicant and permit holder has complied with the other requirements of this article and has obtained any other permit as required by this Code. The Board may, in addition to the other requirements of this article, prescribe additional conditions and restrictions for any permit issued hereunder.

- (1) *Awnings, on-premises signs, overhead heaters, and canopies.* The Board may grant a street privilege permit for awnings, on-premises signs, overhead heaters and canopies. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
 - a. No awning, on-premises sign, overhead heater, or canopy shall project more than ten feet or the width of the sidewalk, and shall not be closer than two feet behind the curb, measured horizontally, whichever is lesser, over any sidewalk.
 - b. The bottom of each such awning, on-premises sign, overhead heater or canopy shall be at least nine feet above the level of the sidewalk over which it projects.

- c. All such awnings, on-premises signs, overhead heaters and canopies shall be securely fastened.
 - d. The awning, on-premises sign, overhead heater, or canopy must be maintained in good condition at all times.
- (2) *Fire escapes, rescue platforms and balconies.* The Board may grant a street privilege permit for fire escapes, rescue platforms and balconies. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. The maximum projection of the fire escape, rescue platform or balcony into the public right-of-way is not to exceed five feet for the building line and no part shall be less than ten feet above the sidewalk, or if projecting into public alley, shall be not less than 14 feet above the grade thereof; provided that nothing in this section shall prevent the use, in connection with the permissible fire escapes, of movable stairs to the sidewalks, so arranged that they are more than ten feet above the sidewalk when not in actual use.
 - b. The door shall be hung so as to project when fully open, no more than 12 inches beyond the building line.
 - c. The fire escape, rescue platform or balcony shall be maintained in good condition at all times.
 - d. Any fire escape, rescue platform or balcony on a building permitted to project beyond the street line or building line shall be so constructed that its removal may be made without causing the building to become structurally unsafe.
- (3) *Outdoor dining areas.* The Board may grant a street privilege permit for outdoor dining areas. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. In addition to the items required to be provided with the application, the ap-

plicant shall provide the following when requesting an outdoor dining area be allowed in the front of its business:

- 1. Name, address and phone number of any adjacent business. Where an outdoor dining area will extend beyond the frontage of the applicant's business, a written statement signed by the owners and the tenants of any adjacent businesses fronting the street approving the placement of the outdoor dining area in front of their business.
 - 2. Nature of business, to include business hours, days and months of operation, the planned capacity of the outdoor dining area, and a lighting and signage plan.
 - 3. A scaled site plan for an outdoor dining area, to include the location and boundary of the proposed outdoor dining area; the dimensions of the remaining width of the sidewalk outside the outdoor dining area; the dimension from the outdoor dining area to the curb and all buildings; and the location of awnings, dining appurtenances within the outdoor dining area. The plans shall also indicate: existing property lines; associated buildings and entrances; extent of sidewalk adjacent to businesses, face of curb, location of fire hydrants, bus shelters and/or stops, trees, utility poles, signs, benches, light poles, waste receptacles, driveways, alleys, vaults and any other obstructions within the public right-of-way at the proposed location of the outdoor dining area and for an additional 20 feet therefrom.
 - 4. Identification of zoning district.
- b. *Design regulations.*
- 1. A clear, continuous pedestrian path, parallel to the curb and not

- less than four feet in width, shall be required for pedestrian circulation outside of the outdoor dining area. In areas of heavy pedestrian traffic, a width of greater than four feet may be required.
2. All dining appurtenances located in any public way shall not be permanently attached to any sidewalk, curb, building, tree, post, public bench, waste receptacle, or any other fixture within the public right-of-way.
- c. *Location regulations.*
1. Locations of outdoor dining areas and other encroachments on the sidewalk shall be limited to areas where the sidewalk pavement width within the public right-of-way is at least ten feet from the face of the curb to the building or property line, except where a reduction is permitted.
 2. An outdoor dining area may be located directly adjacent to and abutting the associated food serving establishment, and/or located where it abuts the curb and is at least two feet from the face of the curb. Outdoor dining areas located adjacent to an approved loading zone shall not be required to be located two feet from the face of the curb. In no case shall the pedestrian path be reduced to less than a minimum width of four feet.
 3. The outdoor dining area may not include within the proposed area of encroachment, bus stops, fire hydrants or other facilities deemed necessary for public safety.
 4. An outdoor dining area shall be located at least five feet from fire hydrants, driveways, alleys, bus shelters and/or stops. In no case shall dining appurtenances greater than three feet in height be located to obstruct the vision clearance triangle as required under this Code.
- d. *Operational regulations.*
1. All dining appurtenances shall be movable and arranged to adequately accommodate persons with disabilities. Dining appurtenances shall not impede building ingress and egress or encroach in to the pedestrian path at any time. A clear area shall be maintained from all building entrances located adjacent to the encroachment area, to the pedestrian path. The clear area shall have a minimum width of three feet or a width equal to the width of the entrance. The applicant shall provide a trash receptacle for use in the outdoor dining area. Dining appurtenances are only allowed during normal business hours or as otherwise described in this article or by the Board, and shall not remain at the close of business.
 2. Umbrellas shall have a vertical clearance of at least seven feet and be adequately secured and anchored with a heavy ballast holder to prevent displacement by the wind.
 3. Amplified music and sound, and non-amplified music are prohibited.
 4. Outdoor dining areas shall provide adequate lighting in and around the designated area(s) at all times. Lighting fixtures shall be limited to fixtures attached to the building facade or upon private property. Battery operated lamps or candles placed on tables are permitted. Lighting shall not be a public or private nuisance.

5. Portable propane heaters are permitted within the outdoor dining area provided they are in minimum of 80 inches in height and located at least five feet from a building.
 6. Electrical and propane infrared heaters, or similar heating devices approved for outdoor use, are permitted to be attached to building facades and shall be installed according to the manufacturer's specifications and appropriate building, electrical and mechanical code.
 7. All food and drink preparation shall be performed in the affiliated business. No food or drink preparation or storage shall be permitted within the outdoor dining area.
 8. Operating hours for the outdoor dining areas shall be consistent with the operating hours of the associated business, unless the affiliated business is located within 200 feet to a residential zoning district, in which case outdoor dining areas shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.
 9. Outdoor dining in outdoor dining areas shall be limited to the designated area identified on the approved application.
 10. The sidewalk area within and immediately surrounding the designated outdoor dining area shall be maintained in a clean, sanitary, neat and orderly appearance at all times. The permit holder is responsible for cleaning up of litter, removing all stains and eliminating slip hazards that result from their use or their customers use on a periodic basis during the day and at the close of business each day.
 11. Outdoor dining areas and dining appurtenances shall be permitted to occupy sidewalks within the public right-of-way throughout the year; provided, however, snow and ice removal shall be the obligation and at the expense of the permit holder.
 12. The approval of an outdoor dining area shall not be construed or deemed to create a vested interest in the public right-of-way. The permit holder shall remove or modify an outdoor dining area at their own expense whenever the City determines it necessary or desirable to modify the width of the street and/or public sidewalk.
 13. Alcohol beverages in the outdoor dining area are prohibited.
- (4) *Aesthetic appurtenances.* The Board may grant a street privilege permit for aesthetic appurtenances. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. In addition to the items required to be provided with the application, the applicant shall provide the following when requesting aesthetic appurtenances be allowed in the front of their business: a scaled site plan to include proposed location of the obstructions, dimensions of the encroachment in relation to the property and, in relation to the public right-of-way, where such proposed encroachment will exist.
 - b. All aesthetic appurtenances located in any public way shall not be permanently attached to any sidewalk, curb, building, tree, post, public bench, waste receptacle, or any other fixture within the public right-of-way. Appurtenances may be permanently attached when approved as a permanent improvement in the public right-of-way by the Board of Public Works.

- c. In no case shall aesthetic appurtenance greater than three feet in height be located within the vision clearance triangle as required by this Code.
 - d. Aesthetic appurtenances shall not impede building ingress and egress or encroach in to the pedestrian path at any time.
 - e. Aesthetic appurtenances shall not remain at the close of business, unless approved as a permanent improvement.
- (5) *Vending machines and news boxes.* The Board may grant a street privilege permit for vending machines and news boxes. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. In addition to the above items required to be provided with the application, the applicant shall provide the following when requesting vending machines or news boxes be allowed in the public right-of-way: listing of location of all vending machines or news boxes with a scaled site plan to include: proposed location of the obstructions, dimensions of the obstruction in relation to the property and in relation to the public right-of-way where such proposed encroachment will exist.
 - b. Every person shall install and maintain all vending machines and news boxes as follows:
 - 1. No person may place a vending machine or news box in the public right-of-way without having a permit.
 - 2. No vending machine or news box shall be placed at any location where the clear space for the passageway of pedestrians is reduced to less than five feet.
 - 3. No chaining, bolting, or other means shall be used to attach a vending machine or news box to any property or facilities within the public right-of-way without prior express written permission of the owner.
- 4. Vending machines and news boxes shall be maintained in a safe, clean, and neat condition and in good repair at all times.
 - 5. There shall be two or more feet of open area behind any curb face.
 - 6. There shall be three or more feet of open area behind the curb face at any loading zone or other place where parking is prohibited or where stopping, standing or parking is otherwise restricted, including metered parking areas.
 - 7. There shall be at least five feet between any vending machine or news box and any driveway opening, fire hydrants, police or fire call box or other emergency facility.
 - 8. There shall be at least ten feet between any vending machine or news box and any fire station driveway, railroad signal gate, intersecting property line at an intersection, and marked or unmarked crosswalks.
 - 9. A clear area shall be maintained at bus shelter openings and on the street side of bus shelters; in no case shall a vending machine or news box be placed closer than five feet from a bus shelter.
 - 10. No vending machine or news box shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the material sold or available within, or of an activity sponsored by the publication. Allowable advertising, other than the name of the publication, shall appear only once, shall be on the side of the vending machine or

news box facing away from the street, and shall not exceed 18 inches by 18 inches.

- 11. No vending machine or news box may be attached to any sidewalk surface unless approved by the Board.
- 12. No vending machine or news box may block any exit or entrance to a building.
- 13. No news box shall remain empty of current publications for more than 14 consecutive days.
- 14. No vending machines shall be allowed in areas outlined in section 10-3.

(6) *Groundwater monitoring wells and soil borings.* The Board may grant a street privilege permit for groundwater monitoring wells and soil borings. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:

- a. Any groundwater monitoring well and/or soil boring shall be installed and abandoned in accordance with Wis. Admin. Code ch. NR 141 or other applicable rules.
- b. Any pavement, concrete or green space disturbed during drilling activities, must be restored to its prior condition. Restoration shall include, but not be limited to, the removal of the well cap to below grade and replacement of any pavement or sidewalk sections as required.
- c. Arrangements must be made with the public utility companies and the City clears all public underground utilities prior to initiating any work, and if necessary, applicant shall make arrangements with the City to ensure proper traffic control.
- d. Following installation, an as-built plan map shall be submitted to the City Engineer's Office specifying the exact ver-

tical and horizontal location of the groundwater monitoring wells and/or soil boring.

- e. A bond shall be furnished as specified in section 2-3.
- f. The City Engineer's Office must be notified at the time of abandonment to arrange for inspection.

(7) *Underground wires and infrastructure.* The Board may grant a street privilege permit for underground wires and infrastructure. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:

- a. Applicant shall obtain an excavation permit from the City Engineer's Office prior to performing installation or any maintenance on the cable in the public right-of-way that requires excavation or disruption of pavement, sidewalk, curb and gutter, or other structure.
- b. Tracer wires shall be used and final cable location within the street right-of-way shall be approved by the City Engineer. Cable shall be installed not less than 36 inches deep, unless otherwise approved by the City Engineer.
- c. Applicant shall provide the City Engineer's Office with "as-built" plans when installation is complete.
- d. Applicant agrees that any pavement, concrete or green space disturbed during drilling activities shall be restored to its prior condition.
- e. Applicant shall make arrangements with the public utility companies and the City to clear all public underground utilities prior to initiating work, and if necessary, applicant will make arrangements with the Department of Public Works to ensure proper traffic control.
- f. Applicant shall comply with article III of this chapter.

(8) *Automatic irrigation systems and sidewalk encroachments.* The Board may grant a street

privilege permit for automatic irrigation systems and sidewalk encroachments. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:

- a. A clear passageway for pedestrian travel parallel to the curb and not less than four feet in width, shall be required. In areas of heavy pedestrian traffic, a width of greater than four feet may be required.
 - b. The encroachment and the surrounding area shall be maintained in good condition at all times.
- (9) *Boathouses and houseboats.* The Board may grant a street privilege permit for boat-houses and houseboats. In addition to those conditions outlined in this section, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. All utilities are to be provided at the sole cost and expense of the permit holder and must be in compliance with all State and local laws.
- (10) *Off-premises signs.* The Board may grant a street privilege permit for off-premises signs. In addition to those conditions outlined in this article, the following minimum conditions shall apply, unless greater restrictions are imposed by the Board:
- a. In addition to the above items required to be provided with the application, the applicant shall provide the following when requesting an off-premises sign be allowed in the public right-of-way: certified public accountant statement certifying gross revenues for such off-premises sign for the previous consecutive 12 months; complete design plan for the off-premises sign.
 - b. All utilities are to be provided at the sole cost and expense of the permit holder and must be in compliance with all State and local laws.
- (11) *Other long term encroachments into the public right-of-way.* The Board may grant a street

privilege permit for other long term encroachments into the public right-of-way. In addition to those conditions outlined in this article, the Board may prescribe additional conditions for permit approval.

(Code 1980, § 5.12(F))

Cross reference—Signs on right-of-way, § 111-11.

Sec. 40-107. Short-term street privilege permits.

Short-term street privilege permits for the use of public ways may be granted to applicants by the Board for the purpose of encumbering the public way with materials or equipment necessary in and about the construction, reconstruction, maintenance, repair or demolition of any building or structure, or part thereof, or appurtenances thereto, provided such applicant has complied with the other requirements of this article and has obtained a building or wrecking permit as required by this Code. Short term permits required hereunder shall be issued by City staff on behalf of the Board. Other short term permits may be issued by the Board. The Board may, in addition to the other requirements of this article, prescribe additional conditions and restrictions for any permit issued hereunder.

- (1) *Block parties and other recreational uses.* The Director of Public Works may order the short term permit to temporary closing of a public way for the purpose of authorizing a street closure, block party, or other event to be held thereon.
 - a. Before ordering any temporary street closing, the Director of Public Works shall consult with the Police and Fire Departments and Traffic Engineer. The Director of Public Works may decline to order the temporary street closing for good cause, including, but not limited to, his determination that the street closing would cause or tend to cause unreasonable traffic congestion, result in a disturbance of the peace, or endanger the public health, safety or welfare.
 - b. The block party or street closing shall be limited to one City block, unless otherwise approved by the Board. Ar-

terial streets, major collector streets and streets with bus routes may be unacceptable for block parties.

- c. The applicant must be a resident residing on the block for which the permit is applied.
- d. Block parties shall start no earlier than 10:00 a.m. and shall terminate no later than 11:00 p.m. Amplified noise or music is prohibited at such parties, unless appropriate approval is obtained in accordance with this Code.
- e. If barricades are required for Saturday or Sunday activities, they must be picked up at the Municipal Services Building, 2000 Marco Drive, Isle La Plume, prior to 3:00 p.m. on the Friday before the event, and returned no later than 3:00 p.m. on the Monday immediately after the event. If, for mid-week activities, barricades should be picked up prior to 3:00 p.m. on the day preceding the event and returned by 3:00 p.m. on the day following the event.
 - 1. Applicant must post a \$100.00 deposit to ensure return of the barricades and for the clean-up of public property. Deposit will be returned upon satisfactory inspection of the location of the cleanup and return of barricades.
 - 2. Barricades shall be placed at each block end to close the street to vehicular traffic, and advance "Road Closed Ahead" signs shall be placed along the street edge in advance of the closed street.
 - 3. After the block party or street closure has ended, the barricades and advance signs shall be placed on the boulevard area, off the street surface and not obstructing a sidewalk or crosswalk, and shall be placed so as not to be visible to motorists.
 - 4. All debris, paper, cups, food remains, etc., shall be removed from

the public right-of-way prior to 9:00 a.m. on the day following the block party.

- f. All residents abutting the street to be closed must be contacted by applicant and provide written consent to the closure of the public way.
 - g. No fire, tent or any structure is permitted in the public right-of-way which in the judgment of the Director of Public Works could cause damage to any City property or structure.
 - h. No alcohol beverages shall be consumed on any public right-of-way. The obtaining of this permit does not relieve any individual or party from any ordinance, including, without limitation, noise and alcohol ordinances of the City.
 - i. Access to the block must be given on the public way being used at the request of any motorist.
 - j. The Director of Public Works may require additional provisions or instructions at his discretion.
- (2) *Construction site encroachments.* The City Engineer, on behalf of the Board, may issue a short term permit for the use of public ways for the purpose of encumbering the street, alley, sidewalk or way with construction site encroachments.
- a. Before ordering any construction site encroachment, the City Engineer shall consult with the Police and Fire Departments and Traffic Engineer. The City Engineer may decline to issue a short term permit for good cause, including, but not limited to, his determination that the street closing would cause or tend to cause unreasonable traffic congestion, result in a disturbance of the peace, or endanger the public health, safety or welfare.
 - b. The permission to occupy or obstruct the public way under this subsection is intended only for the use in connection with the actual erection, alteration, re-

pair, removal or moving of buildings, structures, or other such project and shall be given upon the following terms and conditions:

1. Such short term encroachment shall cover not more than one-third of the public way.
 2. Encroachments 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 temporarily sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the term of the permit.
 4. The process of construction or demolition of any building, structure, or project shall be as continuous as practicable until completed, and if ordered by the Board, shall continue during all hours of the day and night.
 5. Upon termination of the work necessitating such encroachment, all parts of the public way 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 permit holder.
- (3) *Portable signs, sandwich boards.*
- a. *Review and approval process.*
 1. The City Engineer, on behalf of the Board, may issue a short term permit for the use of public ways for the purpose of encumbering the public way with a portable sign.
 2. In addition to other submission requirements of this article, the applicant shall complete an application form and attach the following: Dimensioned site drawings showing the sign location, building front and entrances, public sidewalk, boulevard, trees, street signs, street lights, bollards, furniture, and any other pertinent information to allow the City Engineer's Office to determine location compliance. This dimensioned drawing must include sign design, materials, colors, ad copy, letter style, and any other pertinent information to allow the City Engineer's Office and/or the Board to determine design compliance.
 - b. *Conditions for approval.*
 3. The application will be reviewed by the Engineering Department to determine location and design compliance in consideration of an approval or denial.
 4. Before allowing any portable sign, the City Engineer shall consult with the Police and Fire Departments and Traffic Engineer. The City Engineer may decline an encroachment for good cause, including, but not limited to, the determination that the encroachment would cause or tend to result in unreasonable traffic congestion, a disturbance of the peace, or endanger the public health, safety or welfare.
1. Maximum of one portable sign per business may be obtained, including businesses having more than one street frontage. The sign shall be placed in front of and on the same side of the street as the building or establishment it advertises.
 2. Buildings with multiple tenants who have access form a common entrance may obtain one portable sign per 100 feet of building sidewalk front upon which all interior tenants may advertise.
 3. Maximum width of portable signs shall be 36 inches, with a maxi-

- imum of two opposing sign faces per sign. Narrower signs may be required when necessary to maintain 48-inch clear passage and maintain 24-inch clearance from curb.
4. Portable sign height shall be not less than 36 inches nor more than 60 inches when placed in the public way.
 5. Permit holders are responsible for the removal of their portable signs during non-business hours and periods of strong winds.
 6. Portable signs shall not be placed nearer than 24 inches from the street curb to assure space is available for opening doors of parked vehicles. In areas where parking is not allowed, portable signs shall not be placed nearer than 12 inches from the street curb face.
 7. No portable sign may be placed in such a way to reduce to continuous unobstructed width of a sidewalk or walkway to less than four feet.
 8. No portable sign may obstruct an entrance to a building or any steps.
 9. No portable sign may be placed within 20 feet of crosswalk, whether such crosswalk is marked or unmarked, or within four feet of an alley or driveway.
 10. No off-premises advertising shall be permitted on such signs. Signs shall only advertise products or services provided at the location where the portable sign is placed.
 11. No portable signs may be chained or in any way fastened to boulevard trees, tree guards, other signs, bollards, street lights, or any City facilities or any street furniture owned or placed by the building, business owner or City.
- c. *Design.*
1. Portable signs shall be constructed of weather-resistant materials, such as wood, plastic, or metal. Signs constructed of impermanent materials, including, but not limited to, cardboard, chipboard, particle board and paper, are prohibited. Signs that consist primarily of a plastic frame or background onto which removable letters are placed (commander board type signs) are not permitted.
 2. All portable signs shall be designed to be of sufficient weight or structure to resist wind gusts. Portable signs shall be promptly removed when strong winds rise and could threaten sign stability.
 3. Exterior portable sign colors shall be nonreflective, subtle, neutral or earth tone colors. The use of high intensity, bright colors such as metallic, neon or fluorescent is prohibited. All portable signs shall show the name and address of the sign owner.
 4. Portable signs may not contain "dispensing pockets" or be used in any way to dispense materials such as, but not limited to, menus, sales flyers, advertising brochures, etc.
 5. Portable signs may accommodate a single replaceable item like a single restaurant menu, sale brochure, etc., or chalk or marker boards for listing specials, etc.
 6. No materials (such as paper, flags, pennants, streamers, balloons, windsocks, etc.) may be attached to the portable signs. The height of such signs shall not be artificially increased above the allowed maximum by the placement of material underneath the base of the sign.

7. No portable sign shall contain foil, mirrors, bare metal, or other reflective materials that could create hazardous conditions to motorists, bicyclists or pedestrians.
 8. No portable sign may contain lights of any kind or any devices that emit sound, odor, smoke, or other airborne materials.
 9. Portable signs shall not contain images or shapes that could be reasonably confused with traffic control signs or signals.
- d. *Compliance and abatement.* All new portable signs shall comply immediately with the above standards. All portable signs (conforming and nonconforming) in existence with valid permits shall comply with these standards prior to January 1, 2012, or within 90 days of the date on which the City mails a copy of these standards to the permit holder, whichever is later. Portable signs shall not be placed on the sidewalk or boulevard until a valid permit is approved, and the design is in full compliance with this section.

(Code 1980, § 5.12(G))

Cross reference—Signs on right-of-way, § 111-11.

Sec. 40-108. Conditions of approval and occupancy.

Any privilege granted shall be to the owner, agent or person obligated pursuant to a regulatory order of the property adjacent to the public right-of-way to be occupied by the privilege in the streets, the use of which shall be stated in the permit. The permit shall only be granted where the following requirements are satisfied:

- (1) *Application process.* An authorized application form shall be fully completed, properly executed and filed with the City Attorney's Office. Upon filing, the application shall include the following information: name and address of applicant; identification of whether applicant is a partnership, individual, corporation, group of individuals, religious organization, political organization, social organi-

zation or fraternal organization; name, title and contact information of the primary contact person representing applicant; location, size construction and dimensions of encroachment; certificate of insurance; application fees and a picture, diagram or sketch of the encroachment.

- a. Upon verification of a completed application, the City Attorney shall forward the application to the Director of Public Works. The Director of Public Works will then review and provide written comments to the Board prior to having the application placed on the Board's agenda.
 - b. The application must be received at least 45 days in advance of the need for any encroachment.
- (2) *Insurance.* The applicant shall procure and maintain for the duration of the permit insurance in accordance with section 2-2.
 - (3) *Bonds.* The Board of Public Works may require the applicant to file a bond as provided in section 2-3.
 - (4) *Property owner permission.* The written and notarized permission of the owner of the proposed encroachment must be procured and attached to the application.
 - (5) *Authorization of person executing document.* The persons executing the application shall provide proof satisfactory to the Board that they are authorized to do so by the person in whose name the permission is requested and the application must document said authorization. If the Board grants an application and issues a permit, the permit will not be valid until executed by the permit holder and returned to the City Attorney's Office where the City Attorney will execute the permit on behalf of the City.
 - (6) *Fee schedule.*
 - a. *Long term street privilege permits.* An initial application fee in the amount established by resolution shall accompany the application. An annual minimum permit fee in the amount established by resolution shall be

charged for the privilege of encroaching into the right-of-way. The annual fee may be levied as a special charge for current services rendered against the permit holder's property as provided by law. The permit may provide for alternative means of payment of annual fees in excess of \$1,000.00. An annual fee for less than 12 months shall not be prorated. There shall be no proration upon termination of any permit. The City of La Crosse, County of La Crosse, State of Wisconsin and United States of America and all political subdivisions thereof shall be exempt from the paying of the annual minimum fee, but will be charged the application fee for the purpose of defraying the cost the City incurs in the consideration of such privilege.

- b. *Short term street privilege permits.* An initial application fee in the amount established by resolution shall accompany the application. A minimum permit fee in the amount established by resolution shall be charged for the privilege of encroaching into the right-of-way. The permit fee may be levied as a special charge for current services rendered against the permit holder's property as provided by law. There shall be no proration upon termination of any permit.
- (7) *Duration of permit.* Other than those short term permits allowed in this article, the permit shall have a term of one year commencing on January 1 and ending on December 31. Short term permits shall not exceed 89 days.
- (8) *Transfer or assignment.* Permits shall not be transferred.
- (9) *Third-party rights.* Third parties whose rights are interfered with by the granting of the permit shall have a right of action against the permit holder.
- (10) *Placement, maintenance, removal or suspension of permit.* The placement, maintenance

and removal of all encroachments shall be by the permit holder, solely at such person's expense.

- a. The permit holder agrees to alter or remove the encroachment, when deemed to interfere with right-of-way maintenance or a public improvement project within ten days of the receipt of written notice from the Director of Public Works. Should the permit holder fail to carry out the required work, the Director of Public Works may cause the removal of the encroachment, and shall certify the costs thereof in the proper manner to have them levied as a special charge against such property and/or accompanying bond, and the proper City officials are authorized and directed to enter such charges on the tax rolls.
- b. The Board may suspend or revoke any permit issued hereunder and order the removal of any encroachment placed in the right-of-way upon ten days' notice. The permit holder shall have a reasonable time, not to exceed five days, in which to file a written request with the Director of Public Works to be heard in said manner, and show cause why the proposed actions should not be taken. However, an encroachment may be removed without prior notice or opportunity to be heard where it constitutes an immediate danger in the public health, safety or welfare, where it is not in conformance with representations made in the application, where the certificate of insurance has expired or where placed within any right-of-way without a permit or contrary to the provisions of the permit or this article. In such cases, an opportunity for a post-removal hearing shall be provided before the Board.
- c. An applicant may not reapply for substantially the same permit for a period of one year if the Board, or Common Council has denied the application. A permit holder may not reapply for sub-

stantially the same permit for a period of one year if the Board, or the Common Council has revoked the permit.

- (11) *Renewal application.* The permit holder shall, on an annual basis, file a City authorized renewal application form with the City Attorney's Office prior to the expiration of the permit. The following items shall be filed with the renewal form:
- a. The annual renewal fee in the amount established by resolution.
 - b. A valid certificate of liability insurance.
- (12) *Appeal.* Should the Board deny an initial application, renewal application, or revoke or suspend a permit, the applicant or permit holder, by filing a written notice of appeal with the City Clerk within ten days following, but not including, the day of denial, may appeal said action to the Common Council. The appeal will not be heard when the applicant or permit holder failed to provide notice to the Director of Public Works or show cause to the Board why the permit should not be suspended or revoked. The appeal shall not occur where the applicant or permit holder failed to pay the appeal fee in the amount established by resolution. Prior to the appeal before the Common Council, the Board shall issue a report of its findings and decision to the Common Council for its consideration. The Judiciary and Administration Committee shall hold a public hearing on the matter and issue its report to Council. Upon receiving these reports, the Common Council shall decide the appeal in open session by majority vote of those present and voting. The decision of the Common Council shall not be revisited for the remainder of the term of the permit. The provisions in this section apply in lieu of Wis. Stat. ch. 68 and section 2-4.
- (13) *Prohibited content.* No encroachment may tend to discriminate against any person or group protected by law against discrimination.
- (14) *Lighting.* The lighting of an encroachment shall be prohibited, unless specified in the application and approved by the Board. Such approval may be granted only if the lighting will not unreasonable interfere with traffic and the peaceful use of property owners and users within the immediate vicinity thereof.
- (15) *Other codes, permits and inspections.* Permits issued hereunder are conditioned upon compliance with any buildings, health, fire, zoning, or other codes and permits and inspections hereunder, which may be applicable, as well as compliance with all other State, Federal and local laws. The applicant and permit holder shall waive any and all rights to contest in any manner the validity of this article, Wis. Stat. §§ 66.0425 and 182.0175, or the amount of compensation charged by the City.
- (16) *Termination.*
- a. Upon ten days' written notice of termination by the City, the permit holder shall remove the encroachments. Additionally, the permit holder's successors, heirs or assigns shall not be entitled to any damages for removal of the encroachment, and if the permit holder shall not remove the same upon due notice, it shall be removed at the permit holder's sole cost and expense and levied as a special charge for current services rendered against the permit holder's property as provided by law. In the event of acquisition of all or a portion of the permit holder's property for a planned public improvement, no compensation will be paid to the permit holder for the improvements constructed within the area on which the privilege in streets exists, for costs incurred in realigning personal property located on the area on which the privilege in streets exists, or for loss of value or damage to the remaining improvements of the permit holder caused by reasons of the acquisition or taking as provided under Wis. Stat. ch. 32.
 - b. The permit may be terminated by the permit holder at any time by providing the Director of Public Works written

notice of the permit holder's desire to terminate. Following removal of the encroachment and restoration of the public area on which the encroachment existed to the satisfaction of the Director of Public Works and City Engineer, the City Clerk will then record in the register of deeds a suitable document terminating the permit, if necessary.

- c. All short-term permits shall automatically terminate at the end of the period for which such permit was acquired and the fee paid therefor; but in no event will a short term permit be issued to exceed 89 days. Should a permit need to extend past 89 days, it may be reconsidered and treated as a long term permit application under this article upon payment of the proper fees.
 - d. All encroachments shall be removed and the permit revoked whenever public necessity or public safety so requires when ordered by the Board, by resolution of the Common Council, or by authorities of the State of Wisconsin.
- (17) *Enforcement.* The enforcement of this article shall be under the jurisdiction of the Department of Public Works, Department of Planning and Development and Police Department, who shall have the power to inspect encroachments to determine compliance with this article. The Department of Public Works and Department of Planning and Development shall be primarily responsible for enforcement during regular City Hall working hours. The Police Department shall be primarily responsible for enforcement during all other hours. Violations that are enforced by the Police Department shall be communicated to the Department of Public Works and Department of Planning and Development.
- (18) *Primary liability.* No permit shall be granted, unless the applicant and permit holder agree to become primarily liable for damages to persons and property by reason of the grant-

ing of the permit. No permit shall be granted or routed to the Board or City official if the application is incomplete.

- (19) *Indemnity.* The permit shall contain a condition that the permit holder agrees to indemnify and hold harmless the City of La Crosse, its officers, employees, and agents from all damages, losses, claims, costs, expenses, fees, including, without limitation, reasonable attorney fees, judgments, awards, and/or settlements the City of La Crosse, its officers, employees and agents may incur as a result of the permit holder's encroachment in the public right-of-way and/or the granting of the street privilege permit.
- (20) *Additional conditions.* The Board may, in addition to the other requirements of this article, prescribe additional conditions and restrictions for any permit issued hereunder. In accepting the permit, the applicant and permit holder waive any and all rights to contest in any manner the validity of this article and Wis. Stat. § 66.0425, or the amount of compensation charged by the City. The applicant and permit holder may be required to comply with additional conditions as the Board may impose, including, without limitation, the execution of a written agreement incorporating all conditions upon which the privilege in right-of-way is granted. Such agreement shall be binding upon the applicant, permit holder, their successors, heirs and assigns and shall be drafted in recordable form and recorded in the register of deeds by the City Clerk. The terms and conditions contained in the permit shall remain in full force and effect as long as the privilege in public right-of-way exists.
- (21) *Cash deposit.* If the permit holder's operations are such that City facilities must be moved or replaced, the Board may require a cash deposit to guarantee the payment of the City's costs of such moving or replacing and deduct from such deposit the cost thereof. The amount of such deposit shall be determined by the Board.
- (22) *Removal by City.* In addition to any other penalty imposed, if the owner or occupant of

the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Board to do so, the Board may remove such obstruction and make return of the cost and expense thereof to the City Clerk 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 the real estate.

(Code 1980, § 5.12(E))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Secs. 40-109—40-129. Reserved.

ARTICLE V. MOVING OF BUILDINGS*

Sec. 40-130. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

(Code 1980, § 5.10(A)(1))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 40-131. Enforcement.

The Department of Planning and Development, the Police Department and the Board of Public Works shall enforce and carry out the requirements of this article.

- (1) The permittee shall be liable for any expense, damages or costs in excess of the deposited amounts or securities, and the City Attorney shall prosecute an action against

***State law references**—Traffic and vehicles, ch. 44; oversize load permits, § 44-78.

the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

- (2) The City shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this section, and the cost thereof shall be charged against the general deposit.

(Code 1980, § 5.10(A)(13))

Sec. 40-132. Compliance; permit required.

No person shall move any building over, along, or across any highway, street or alley in the City without first obtaining a permit therefor and complying with the requirements of this article.

(Code 1980, § 5.10(A)(intro.))

Sec. 40-133. Permit procedures and submittals.

(a) *Permit required.* Persons desiring permits for the moving of any building along or across any highway, street or alley in the City shall obtain a permit from the Board of Public Works.

(b) *Applications.* A person seeking issuance of a permit hereunder shall file an application for such permit with the Board of Public Works.

- (1) The application shall be made in writing upon forms provided by the Board of Public Works and shall be filed in the office of the Board of Public Works.
- (2) The applications shall set forth a description of the building proposed to be moved giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and shall contain a legal description of the lot from which the building is to be moved, giving the lot, block and tract number if located in the City, and shall contain a legal description of the lot to which it is proposed that such building be removed, giving the lot, block and tract number if located in the City. The application shall indicate the portion of the lot to be occupied by the building when moved, and shall state what highways, streets, and alleys over, along or across which the building is proposed to be moved, and shall state the moving date

and the hours. The Board of Public Works may require any additional information which it shall find necessary to a fair determination of whether a permit shall be issued.

(c) *Accompanying papers.* The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free and clear of all taxes and that any City charges against the same are paid in full. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence that he is entitled to move the building.

(d) *Fee.* The application shall be accompanied by a permit fee in the amount established by resolution.

(e) *Deposit for expense to City.* Upon receipt of an application, it shall be the duty of the Board of Public Works to procure an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the City or any other property in the City the removal and replacement of which will be required by reason of the moving of the building through the City, together with the costs of materials necessary in making such removals and replacements. Prior to issuance of the permit, the Board of Public Works shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expense.

(f) *Insurance.* Prior to issuance of a permit, the applicant must furnish insurance as required in section 2-2.

(g) *Inspection.* The Board of Public Works shall cause the Chief Inspector to inspect the building to determine whether the standards for issuance of a permit are met.

(h) *Standards for issuance.* The Chief Inspector shall refuse to give his approval if he finds:

- (1) That the building is too large to move without endangering persons or property in the City;
- (2) That the building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons or property in the City;

- (3) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
- (4) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
- (5) That zoning or other ordinances would be violated by the building in its new locations;
- (6) That for any other reason persons or property in the City would be endangered by the moving of the building.

(i) *Issuance of permit.* Upon receipt of the necessary fees and deposits and the approval of the Chief Inspector, the Board of Public Works may issue a permit. Upon refusal to issue the permit, the Board of Public Works shall return to the applicant all deposits and bonds. Permit fees filed with the application shall not be returned.

(Code 1980, § 5.10(A)(2)—(A)(10))

Sec. 40-134. Designate streets for removal.

The Board of Public Works shall designate streets over which the building may be moved. In making the determination as to which streets upon which the building may be moved, the Board of Public Works shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

(Code 1980, § 5.10(A)(11))

Sec. 40-135. Duties of permittee.

Every permittee under this article shall:

- (1) Move a building only over the streets designated for such use in the written permit.
- (2) Notify the Board of Public Works in writing of a desired change in moving date and hours as proposed in the application.
- (3) Notify the Board of Public Works in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.
- (4) Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barriers.

cedes across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

- (5) Remove the building from the City streets after three days of such occupancy, unless an extension is granted by the Board of Public Works.
- (6) Comply with the Building Code, the Fire Code, chapter 115, and all other applicable ordinances and laws upon relocating the building in the City.
- (7) Pay the expense of a traffic officer ordered by the Chief of Police to accompany the movement of the building to protect the public from injury.
- (8) Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
- (9) See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the City water office. Permittee shall notify the gas and electric service companies to remove their services.

(Code 1980, § 5.10(A)(12))

Sec. 40-136. Repair bond.

The Director of Planning and Development may accept a bond in accordance with section 2-3. (Code 1980, § 5.10(A)(14))

Secs. 40-137—40-155. Reserved.

ARTICLE VI. PARADES*

DIVISION 1. GENERALLY

Sec. 40-156. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway has the meaning set forth in Wis. Stat. § 340.01(22) and also includes areas owned by the City which are used principally for pedestrian or vehicular traffic.

***Cross reference**—Traffic and vehicles, ch. 44.

State law reference—Authority to regulate parades, Wis. Stat. § 349.185.

Parade means any parade, march, procession of any kind, or a group walk or run of more than 20 people and the assembly areas therefor. (Code 1980, § 20.28(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 40-157. Purpose.

The governing body of the La Crosse recognizes that the highways of the City La Crosse are primarily for the use of the traveling public in the ordinary way. However, it further recognizes that there is a fundamental and constitutional right to use the public streets for the processions and parades which do not substantially interfere with the public's right to travel on such highways. This article is intended to regulate and control parades and processions for the purpose of protecting the general welfare and safety of the persons using the highways of the City of La Crosse. (Code 1980, § 20.28(A))

Sec. 40-158. Compliance with regulations.

(a) Permittee. A permittee under this article shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the State and City of La Crosse.

(b) Participants. No person who leads or participates in a parade shall disobey, or encourage others to disobey, this section after a law enforcement officer has directly and presently informed him or her of any of the provisions of this article or the terms of the applicable parade permit.

(c) No candy, gum, balloons or other objects shall be thrown or disbursed from parade floats or vehicles.

(Code 1980, § 20.28(O))

Secs. 40-159—40-184. Reserved.

DIVISION 2. PERMIT

Sec. 40-185. Permit required.

No person shall form, direct, marshal, lead or participate in any parade on any highway under the jurisdiction of the City of La Crosse unless a permit has been obtained in advance as provided for in this article; provided that upon notification to the Chief of Police, a parade on sidewalks and footways, in which

persons move not more than two abreast and which does not substantially hinder normal use of the sidewalk or footway and conforms with traffic control devices and other traffic regulations, may be conducted without a permit.
(Code 1980, § 20.28(C))

Sec. 40-186. Exemptions from permit requirement.

A permit is not required for assembling or movement of a funeral procession, Presidential or Gubernatorial procession, or Military Convoy.
Code 1980, § 20.28(D))

Sec. 40-187. When application must be made.

A written application for a permit for any parade on the highways under the jurisdiction of the City of La Crosse shall be made by one of the organizers to the City Clerk on a form provided by said officer no less than 15 days and no more than 60 days prior to the parade.
(Code 1980, § 20.28(E))

Sec. 40-188. Information required in application.

The application shall set forth the following information regarding the proposed parade:

- (1) The name, address and telephone number of the applicant.
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- (3) The name, address and telephone number of the person who will be responsible for conducting the parade.
- (4) The date when the parade is to be conducted and its duration.
- (5) The assembly area, the starting point, the route to be traveled and the termination point.
- (6) The number and size of units comprising the parade.
- (7) If the parade is to be conducted by or for any person other than the applicant, the appli-

cant for such permit shall file with the Clerk a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on such person's behalf.

- (8) The name of the event, if any, that the parade is associated with.
- (9) Any additional information which the Clerk finds reasonably necessary to the enforcement of this article.

(Code 1980, § 20.28(F))

Sec. 40-189. Recommendations of governmental agencies.

The Clerk shall submit a copy of the application to the Director of Public Works, Traffic Engineer, Chief of Police and Department of Parks and Recreation for report and recommendation.
(Code 1980, § 20.28(G))

Sec. 40-190. Basis for discretionary denial of permit.

The application may be denied:

- (1) If it is for a parade that is to be held on a work day during hours when, and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume.
- (2) If it is for a parade that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.
- (3) If sufficient parade marshals are not provided as to reasonably ensure the orderly conduct of the parade.
- (4) If proposed route for conducting parade involves a street or highway under construction or detour route.
- (5) If it is made less than 15 days in advance of the time the parade is scheduled to commence.
- (6) If it is for a parade that is primarily for private or commercial economic gain.

- (7) If it is for a parade which would involve violation of Federal, State, or local laws relating to use of highways or of other applicable regulations of the City of La Crosse.
 - (8) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (9) If more than one assembly area or more than one dispersal area is proposed.
 - (10) Failure to receive permit under Wis. Stat. § 84.07(4).
 - (11) The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality.
 - (12) The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
 - (13) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - (14) The conduct of the parade or public assembly is reasonably likely to cause injury to persons or property.
- (Code 1980, § 20.28(H))

Sec. 40-191. Grant or denial of permit.

(a) *Time when required.* The Clerk shall act as promptly as reasonable on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. The Clerk shall, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.

(b) *Modification of requested permit.* In lieu of denying a permit the Clerk may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than as applied for as permitted. The applicant or permittee may accept such modification by immediately notifying the Clerk in writing, of such acceptance.

Code 1980, § 20.28(I))

Sec. 40-192. Fee.

There shall be paid at the time of filing the application for a parade permit a nonrefundable fee in the amount established by resolution. Any person not filing or submitting the application for any permit or license provided for under this division in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.
(Code 1980, §§ 20.28(J), 25.02)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 40-193. Payment for additional municipal services.

Where the Board of Public Works determines that the cost of additional municipal services was increased because of the parade, the Board of Public Works may require the permittee to make an additional payment into the general fund of the municipality in an amount equal to the increased cost for the municipal services, after providing the permittee an opportunity to be heard.
(Code 1980, § 20.28(K))

Sec. 40-194. Emergency revocation.

The Mayor may revoke a permit already issued, if the Mayor deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, the Mayor or Board of Public Works may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City of La Crosse and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the parade sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(Code 1980, § 20.28(L))

Sec. 40-195. Parade permit contents.

Each parade permit shall state such information as the Clerk shall find necessary to the enforcement of this article.

(Code 1980, § 20.28(M))

Sec. 40-196. Copies of parade permit distributed.

Immediately upon the issuance of a parade permit, the Clerk shall send a copy thereof to the following:

- (1) Each public transportation utility whose regular service will be affected by the parade.
- (2) Mayor, Chief of Police, Fire Chief, Director of Public Works and Department of Parks and Recreation.

(Code 1980, § 20.28(N))

Sec. 40-197. Insurance required.

Prior to issuance of the permit by the Clerk, each permittee shall furnish evidence of insurance in accordance with section 2-2.

(Code 1980, § 20.28(P))

Chapter 41

RESERVED

Chapter 42

TAXATION*

Article I. In General

Secs. 42-1—42-18. Reserved.

Article II. Property Taxes

Sec. 42-19. Delinquent personal property taxes.
Sec. 42-20. Installment payment of real estate taxes.
Sec. 42-21. Delivery of tax roll and issuance of refund checks for overpayment.
Secs. 42-22—42-45. Reserved.

Article III. Lodging Tax

Sec. 42-46. Definitions.
Sec. 42-47. Tax imposed.
Sec. 42-48. Director of Finance/Treasurer to administer; returns and payments.
Sec. 42-49. Permit.
Sec. 42-50. Liability on sale of business.
Sec. 42-51. Audits.
Sec. 42-52. Interest and financial penalties.
Sec. 42-53. Bond.
Sec. 42-54. Records.
Sec. 42-55. Returns confidential.
Sec. 42-56. Interference with enforcement.
Sec. 42-57. Penalties for violations and citations.

*Cross references—Finance, ch. 2, art. VII; Assessors, ch. 2, art. V, div. 5; Board of Review, ch. 2, art. X, div. 7; special assessments, ch. 38.

ARTICLE I. IN GENERAL

Secs. 42-1—42-18. Reserved.

ARTICLE II. PROPERTY TAXES*

Sec. 42-19. Delinquent personal property taxes.

Pursuant to La Crosse County Board Ordinance under Wis. Stat. § 74.47(2), there is hereby imposed a penalty of 0.5 percent per month or fraction of a month, in addition to the interest prescribed by Wis. Stat. § 74.47(1) on all overdue or delinquent personal property taxes.
(Code 1980, § 22.24)

Sec. 42-20. Installment payment of real estate taxes.

Real estate taxes and personal property taxes on improvements on leased land may be paid and collected as provided in Wis. Stat. § 74.12, as follows:

- (1) Owners of real estate and improvements on leased land in the City may elect to pay real estate taxes in installments as follows: One-fourth of such tax on or before January 31 of each year and the remainder in three equal installments payable on or before March 31, May 31 and July 31 of each year until the entire tax is so paid.
- (2) If any owner of real estate or improvements on leased land elects to pay real estate taxes or personal property taxes in installments for any year as is set out in subsection (1) of this section, and if any installment of such extended tax shall not be paid on or before the installment paying date, such taxpayer shall be subject to the provisions of Wis. Stat. § 74.12, as it pertains to the installment tax payments.

(Code 1980, § 2.30)

Sec. 42-21. Delivery of tax roll and issuance of refund checks for overpayment.

Pursuant to the provisions of Wis. Stat. § 74.03, the City Clerk shall transfer the tax roll to the Director of Finance/Treasurer by the third Monday in Decem-

*State law reference—Property taxes, Wis. Stat. ch. 70.

ber and the Common Council hereby declares it is the policy of the City of La Crosse to issue checks for the excess of the amount escrowed by taxpayer and paid to the City of La Crosse by December 31 over the amount of property taxes due within 15 business days after the excess amount is paid to the City of La Crosse.

(Code 1980, § 22.2)

Secs. 42-22—42-45. Reserved.

ARTICLE III. LODGING TAX†

Sec. 42-46. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross receipts means the funds derived from the furnishing of rooms for lodging to transients.

Hotel or motel means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodginghouses, roominghouses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in Wis. Stat. § 66.0435(1)(d) rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes, provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

Transient means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.

(Code 1980, § 20.24(A))

Cross reference—Definitions and rules of construction, § 1-2.

†State law reference—Room tax, Wis. Stat. § 66.0615.

Sec. 42-47. Tax imposed.

Pursuant to Wis. Stat. § 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight percent. Such tax shall not be subject to the selective sales tax imposed by Wis. Stat. § 77.52(2)(a)1. and is not be imposed on sales to the Federal government and persons listed under Wis. Stat. § 77.54(9a).
(Code 1980, § 20.24(B))

Sec. 42-48. Director of Finance/Treasurer to administer; returns and payments.

This article shall be administered by the Director of Finance/Treasurer. The tax imposed for the month of January, 1993, and for each calendar month thereafter is due and payable on the last day of the month next succeeding the calendar month for which imposed. A return shall be filed with the Director of Finance/Treasurer by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar month from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the Director of Finance/Treasurer deems necessary. Every person required to file such monthly return shall file an annual calendar year return. Such annual return shall be filed by April 1 of each calendar year. The annual return shall summarize the monthly returns, reconcile and adjust for errors in the monthly returns, and shall contain certain such additional information as the Director of Finance/Treasurer requires. Such annual returns shall be made on forms as prescribed by the Director of Finance/Treasurer. All such returns shall be signed by the person required to file a return or his duly authorized agent, but need not be verified by oath.
(Code 1980, § 20.24(C))

Sec. 42-49. Permit.

(a) *Permit required.* Every person furnishing rooms or lodging under section 42-47 shall file with the Director of Finance/Treasurer an application for a

permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Director of Finance/Treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business, and such other information as the Director of Finance/Treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application, the applicant shall pay to the Director of Finance/Treasurer a fee in the amount established by resolution for each permit.

(b) *Issuance of permit.* After compliance with subsection (a) of this section and section 42-53 by the applicant, the Director of Finance/Treasurer shall grant and issue to each applicant a separate permit for each place of business within the City. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(c) *Revocation of permit.* Whenever any person fails to comply with this article, the Director of Finance/Treasurer may, upon ten days' notification and after affording such person the opportunity to show cause why the permit should not be revoked, revoke or suspend any or all of the permits held by such person. The Director of Finance/Treasurer shall give to such person written notice of the suspension or revocation of any of said person's permits. The Director of Finance/Treasurer shall not issue a new permit after the revocation of a permit unless the Director is satisfied that the former holder of the permit will comply with the provisions of this article. A fee in the amount established by resolution shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.
(Code 1980, § 20.24(D)—(F))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 42-50. Liability on sale of business.

If any person liable for any amount of tax under this article sells out the person's business or stock of goods or quits the business, said person's successors or assigns shall withhold sufficient sums from the purchase price to cover such amount until the

former owner produces a receipt from the Director of Finance/Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this article fails to withhold such amount of tax from the purchase price as required, the person shall become personally liable for payment of the amount required to be withheld by said person to the extent of the price of the accommodations valued in money.
(Code 1980, § 20.24(G))

Sec. 42-51. Audits.

(a) The Director of Finance/Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this article. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within Director of Finance/Treasurer's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

(b) The Director of Finance/Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this article. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the Director of Finance/Treasurer's possession. The Director of Finance/Treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person.

(c) Nothing in this section shall prevent the Director of Finance/Treasurer from making a determination of tax at any time.
(Code 1980, § 20.24(H))

Sec. 42-52. Interest and financial penalties.

(a) If any person fails to file a return as required by this article, the Director of Finance/Treasurer shall make an estimate of the amount of the gross receipts subject to room tax. Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the Director of Finance/Treasurer's possession or may come into the Director's possession. On the basis of this estimate, the Director of

Finance/Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten percent thereof. One or more such determinations may be made for one or more than one period.

(b) All unpaid taxes under this article shall bear interest at the rate of one percent per month from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the Director of Finance/Treasurer. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the Director of Finance/Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, it shall not allow any interest thereon. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the City to inspect and audit the person's financial records under section 42-51.

(c) Delinquent tax returns shall be subject to late filing fee in the amount established by resolution. The tax imposed by this article shall become delinquent if not paid:

- (1) In the case of a timely filed return, on or before the due date of the return, or on or before the expiration of any extension period if one has been granted.
- (2) In the case of no return filed or a return filed late, by the due date of the return.

(d) If the room tax due or finally determined by the Director of Finance/Treasurer is not paid, the Director of Finance/Treasurer may impose a penalty of not to exceed 25 percent of the room tax due for the previous year or \$5,000.00, whichever is less.

(e) The Director of Finance/Treasurer may also impose a penalty of not to exceed five percent of the tax due or determined for any person who fails to comply with a request to inspect and audit financial records under section 42-51.
(Code 1980, § 20.24(I))

Sec. 42-53. Bond.

In order to protect the revenue of the City, the Director of Finance/Treasurer may require any per-

son liable for the tax imposed by this section to place with the Director, before or after a permit is issued, such security, not in excess of \$5,000.00 as the Director of Finance/Treasurer determines. If any taxpayer fails or refuses to place such security, the Director of Finance/Treasurer may refuse or revoke such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this article, the Director of Finance/Treasurer may, upon ten days' notice, recover the taxes, interest and penalties from the security placed with the Director of Finance/Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any person for the deposit of such security.

(Code 1980, § 20.24(J))

Sec. 42-54. Records.

Every person liable for the tax imposed by this article shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the Director of Finance/Treasurer requires. (Code 1980, § 20.24(K))

Sec. 42-55. Returns confidential.

(a) All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Director of Finance/Treasurer are deemed to be confidential, except the Director of Finance/Treasurer may divulge their contents to the following, and no others:

- (1) The person who filed the return.
- (2) Officers, agent, or employees of the Federal Internal Revenue Service or the State Department of Revenue.
- (3) Officers, employees or agent of the City Department of Finance/Treasurer.
- (4) Such other public officials of the City when deemed necessary.

(b) No person having administrative duty under this article shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this article, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any

return, or to permit any return or copy thereof to be seen or examined by any person, except as provided herein.

(c) The Director of Finance/Treasurer may disclose information consisting of statistics classified so as not to disclose the identity of particular returns.

(d) Any person violating the provisions of this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00.

(Code 1980, § 20.24(L))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 42-56. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties.

(Code 1980, § 20.35(A))

Sec. 42-57. Penalties for violations and citations.

(a) Violations of this article are a Class C offense as provided in section 1-7. In addition:

- (1) Except as otherwise provided in this Code, any permit issued pursuant to this article may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any permit issued pursuant to this article may be suspended or revoked by the Council after allowing the permittee a hearing on notice.
- (3) Any permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

(b) Any person not filing or submitting the application for any permit provided for under this article in a timely manner may have the permit processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(c) The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:

- (1) The Chief of Police.
- (2) The Director of Finance/Treasurer.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this article

(Code 1980, § 20.35(B), (C))

State law reference—Limitation on forfeiture, Wis. Stat. § 66.0615.

Chapter 43

RESERVED

Chapter 44

TRAFFIC AND VEHICLES*

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***Cross references**—Public vehicles for hire, ch. 10, art. XIII; law enforcement, ch. 24; traffic in City parks and recreational facilities, §§ 34-67, 34-68, 34-70, 34-71; streets and sidewalks, ch. 40; moving buildings, ch. 40, art. V; parades, ch. 40, art. VI.

State law references—Traffic and vehicles, Wis. Stat. chs. 340—350; powers of local authorities, Wis. Stat. ch. 349.

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- Sec. 44-113. Parking lots and ramps.
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ARTICLE I. IN GENERAL

Sec. 44-1. Penalties.

(a) *Generally.* Except as provided, any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. When permitted or required by State statute, the court may restrict, suspend or revoke operating privileges of the violator.

(b) *Forfeitures and penalties for parking violations.*

- (1) *Meter parking, alternate side parking and overtime parking.* The forfeiture for violations of the provisions of section 44-113, relating to parking in metered zones, lots, or

ramps; section 44-107, relating to alternate side parking; section 44-109, relating to City Hall parking lot; and violation of the parking time restrictions pursuant to section 44-39 may be discharged by forwarding within ten days of the issuance of the parking violation notice to the Director of Finance/Treasurer the initial forfeiture amount shown in the following Parking Violation Table. If the prescribed forfeiture is not so forwarded the penalty may be discharged by forwarding within 45 days of the date of parking violation notice to the Director of Finance/Treasurer the amount shown in said Parking Violation Table for forfeitures paid after ten days and before 45 days. Minimum forfeiture amounts for alternate side parking violations that occur during a snow disposal period under section 44-107 shall be triple the amount shown in the following Parking Violation Table. Each hour or time period during which a violation occurs or continues shall be considered a separate offense.

Parking Violation Table

<i>Violation</i>	<i>Initial Forfeiture</i>	<i>After 10 Days & Before 46 Days</i>	<i>46 Days or After</i>
§ 44-107 Alternate Side Parking			
1st & 2nd violation within 6 consecutive months	\$10.00	\$20.00	\$40.00
3rd, 4th & 5th violation within 6 consecutive months	\$20.00	\$40.00	\$60.00
6th violation and any additional within 6 consecutive months	\$40.00	\$80.00	\$100.00
§ 44-109 City Hall parking lot	\$20.00	\$40.00	\$80.00
§ 44-113 City lots & ramps	\$20.00	\$40.00	\$80.00
§ 44-39 Overtime Parking			
1st & 2nd violation within 12 consecutive months	\$12.00	\$24.00	\$48.00
3rd, 4th & 5th violation within 12 consecutive months	\$24.00	\$48.00	\$68.00
6th violation and any additional within 12 consecutive months	\$48.00	\$96.00	\$116.00
Uniform Statewide parking, stopping and standing offenses (Driveway—4' Crosswalk—15' Fire hydrant—10')	\$20.00	\$40.00	\$80.00
Wis. Stat. § 346.55, Trespass parking	\$50.00	\$100.00	\$200.00

- (2) *Forfeitures for uniform Statewide parking, stopping and standing offenses.* The forfeiture for violations of the provisions of Wis. Stat. §§ 346.51 to 346.55 adopted by reference in section 44-2, except for violations of the trespass parking provisions of Wis. Stat. § 346.55 and section 44-106, relating to night parking of trucks and other large vehicles, may be discharged by forwarding within ten days of the issuance of the parking violation notice to the Director of Finance/Treasurer the amount shown in the Parking Violation Table in subsection (b)(1) of this section for the initial forfeiture. If not so forwarded, the penalty may be discharged by forwarding within 45 days of the parking violation notice the amount shown in said Parking Forfeiture Table for payment after ten days and before 45 days. The forfeiture shown in said Parking Forfeiture Table under "After 45 Days" shall be due for failure to pay the forfeiture within 45 days. The forfeiture for violating the trespass parking provisions of Wis. Stat. § 346.55 shall be the amount shown in said Parking Violation Table under "Initial Forfeiture," which if not paid within 45 days shall be the amount listed in said Table under "After 45 Days." In addition, should there be any towing charges indicated on said parking violation notice, or otherwise due, said sum shall be added to the forfeiture permitted herein.
- (3) *Disabled parking violations.* The forfeiture for violations of Wis. Stat. § 346.505, adopted by reference in section 44-2, relating to parking facilities reserved for persons with disabilities, may be discharged by forwarding within ten days of the issuance of the parking violation notice of citation to the Director of Finance/Treasurer the sum of \$100.00 if paid within ten days, payment of the sum of \$175.00 if not paid after ten days and the sum of \$250.00 if paid after 45 days.
- (4) *Penalty for parking violations.* In addition to other penalties provided in this Code and by State statute, the Chief of Police is authorized to, according to Wis. Stat. § 345.28, request suspension of the registration of any vehicle involved in the violation of a nonmoving traffic regulation or parking regulation of the City or request refusal of registration of any vehicle owned by the violator. The Chief of Police is also authorized to do all acts necessary in connection with the implementation and enforcement of Wis. Stat. § 345.28, including, but not limited to, recovery of all costs in connection with implementation of said vehicle registration and the person charged with a nonmoving traffic violation shall be liable for the cost of using the traffic violation and registration program.
- (5) *The penalty for violating snow emergency route regulations.* The forfeiture for violating section 44-111, relating to snow emergency parking regulations, shall be \$30.00 if paid within ten days of the issuance of the parking violation notice to the Director of Finance/Treasurer along with the sum of \$30.00 for moving or towing the vehicle in violation and \$5.00 per day for any storage of the vehicle in violation of section 44-111. If the forfeiture of \$30.00 is not paid within 15 days of the date of the snow emergency regulation parking violation notice to the Director of Finance/Treasurer, the forfeiture shall be \$60.00 plus the above-stated moving or towing and storage charges.
- (c) *Unpaid citation or judgment for traffic violations.* In addition to or in lieu of imprisonment or suspension, the Municipal Court may notify the Wisconsin Department of Transportation, in the form and manner prescribed by the Wisconsin Department of Transportation, that a judgment has been entered against the defendant and remains unpaid in accordance with Wis. Stat. § 345.47 and Wis. Admin. Code ch. Trans 128. The Municipal Court is also authorized to do all acts necessary in connection with the implementation of the Wisconsin Department of Transportation Vehicle Registration Program, including, but not limited to, recovering of all costs of using the Wisconsin Department of Transportation Vehicle Registration Program. (Code 1980, § 9.30)
- Cross reference**—General penalty for ordinance violations, § 1-7.
- State law reference**—Limitation on penalties for parking violations, Wis. Stat. § 349.06.

Sec. 44-2. State traffic laws adopted.

(a) Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stat. chs. 340—348, 350 and 351, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

(b) The following provisions are hereby adopted by reference:

- (1) Motor Vehicle Salvage Dealers: Wis. Stat. §§ 218.20 and 218.23.
- (2) Motor Vehicle Auction Dealers to Be Licensed: Wis. Stat. § 218.305, except in each case where appearing in the statute, the following words are deleted: "or imprisonment not more than 60 days or both."

(c) The following chapters of the Wisconsin Administrative Code are hereby adopted by reference:

- (1) Trans 305: Standards for motor vehicle equipment.
 - (2) Trans 326: Motor carrier safety requirements for transportation of hazardous materials.
 - (3) Trans 308: Requirements for trailer and semi-trailer brake, hitch and coupling, safety chains, cables and leveling bars.
 - (4) Trans 300: Transportation of school children.
- (Code 1980, § 9.01)

Sec. 44-3. Regulation of vehicular traffic at the La Crosse Regional Airport.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency equipment means ambulances, crash rescue and firefighting apparatus and such other equipment as the Airport Manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

Pedestrian means any person afoot.

Vehicle means every device in, upon or by which any person or property is or may be transported, excepting, unless specifically included, vehicles used exclusively upon stationary rails or tracks, or any vehicle propelled by the use of electricity obtained from overhead trolley structures.

(b) *Operation of vehicles on runways, taxiways and ramps.* No privately owned vehicle shall enter, be driven upon or operated upon any airport runway, taxiway or ramp or tie-down area or any area posted by signs prohibiting the entrance thereon. The provisions of this section shall not apply to emergency equipment and/or service, maintenance and construction equipment when engaged in performing official duties.

(c) *Speed of vehicles.* No vehicle shall be driven upon any road within the perimeter of the La Crosse Regional Airport, or upon other airport areas in excess of the speed limit posted at the entrance of said airport or within the boundaries thereof if more than one speed limit shall be applicable, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about the La Crosse Regional Airport for the public safety.

(d) *Pedestrian traffic on airport.* No pedestrian shall be allowed beyond the administration area or to the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the Airport Manager. Pedestrian traffic is prohibited in the air operations area and outlying areas of the airport except for

those employees of the City, County, State, or Federal government, or contractors engaged in airport construction or maintenance work.
(Code 1980, § 9.13)

Cross reference—General rules at Airport, § 8-52.

Sec. 44-4. Injury or removal of street signs, etc.

(a) No person may injure, deface or remove any street sign, highway sign, guideboard, milepost, signal or marker erected by the City for the warning, instruction or information of the public.

(b) No person may possess any street sign, highway sign, guideboard, milepost, signal or marker of type erected by the City for the warning, instruction or information of the public, unless the person can demonstrate that such person obtained it in a legal manner. Possession of such sign, guideboard, milepost, street sign, highway sign, signal or marker creates a rebuttable presumption of illegal possession. In this subsection, the term "possession" means the presence of such a sign, guideboard, milepost, signal or marker on premises owned or controlled by the person, including but not limited to a rented apartment, rented room or dormitory room. Persons who voluntarily notify a law enforcement agency of the presence on their premises of such a sign, guideboard, milepost, signal or marker shall be exempt from prosecution under this subsection.

(c) On conviction of any person of a violation of this section, the person or persons who informed against and aided in the prosecution of such offense to conviction shall be paid by the City one-half of the amount of the fine paid into court, or \$50.00 as a reward, whichever is greater.

(d) Any person who violates this section shall be fined \$100.00 for the first violation, \$200.00 for a subsequent violation and for failure to pay the same may be imprisoned in the County Jail, unless otherwise authorized by law, up to 90 days. The court may, in addition, order any such person either to restore or replace any such damaged sign, milepost, signal or marker, or to pay the costs thereof.
(Code 1980, § 7.04(O))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 44-5. Street barricades.

It shall be unlawful for any person who, without lawful authority, removes, takes down, alters the position of, destroys, passes over or beyond any barrier or barricade, or travels with any vehicle upon any portion of a street or highway closed pursuant to Wis. Stat. § 86.06 or 66.0429.
(Code 1980, § 9.22)

Sec. 44-6. Commodity transfers prohibited.

The transfer of commodities of any kind from one vehicle to another when both vehicles shall be upon the public highways or upon any public ground is prohibited; provided, however, that said prohibition shall not apply in the case of a mechanical breakdown or inability of the vehicle from which said commodities shall be transferred to proceed further on its own power.
(Code 1980, § 9.11)

Sec. 44-7. Riding on portions of vehicles not intended for passenger use.

(a) No person shall be attached to or cling to a moving motor vehicle on any portion thereof not designed or intended for the use of passengers.

(b) No operator of any motor vehicle shall permit any person to be attached to or cling to a moving motor vehicle on any portion thereof not designed or intended for the use of passengers.

(c) Violations of this section are a Class B offense as provided in section 1-7.
(Code 1980, § 7.01(Q))

Sec. 44-8. Snowmobile regulations.

(a) No person shall operate a snowmobile upon any street, highway or alley within the City, in violation of the provisions of Wis. Stat. §§ 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), and (9).

(b) Except as otherwise authorized, snowmobiles shall only be operated on designated snowmobile routes or trails authorized or designated by the Wisconsin Department of Natural Resources, La Crosse County or the City of La Crosse.
(Code 1980, § 9.21)

Sec. 44-9. Neighborhood electric vehicles permitted.

(a) *Definition.*

- (1) The term "neighborhood electric vehicle" or "NEV" means a self-propelled, electrically-powered motor vehicle that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500.
- (2) NEVs shall be four-wheeled and have a speed range of at least 20 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 3,000 pounds. NEV does not include an electric golf cart and shall be equipped with:
 - a. Headlamps;
 - b. Front and rear turn signals;
 - c. Stop lamps;
 - d. Reflex reflectors: one red on each side as far to the rear as practicable; and one red on the rear;
 - e. An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
 - f. Parking brake;
 - g. A windshield that conforms to the requirements of the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
 - h. A vehicle identification number (VIN) that complies with Federal law 949 CFR 565;

- i. A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard No. 209, for each designated seating position; and
- j. Meets the general test conditions under 49 CFR 571.50056.

(b) *Permitted use of neighborhood electric vehicles on City streets.* Any individual may operate an NEV on the street, connecting highways, and State trunk highway intersections of the City having a posted speed limit of 35 miles per hour or less. If vehicle specifications are less than 35 miles per hour, the applicant is required to place a "slow moving vehicle" sign on the vehicle.

(c) *Permitted users of neighborhood electric vehicles.* To use a NEV on streets as set forth in subsection (b) of this section, the individual must have a valid driver's license.

(d) *Operation of neighborhood electric vehicles.* The operation of NEVs as permitted herein shall comply in all respects with State and local laws, including, but not limited to, this chapter.

(e) *License.* Neighborhood electric vehicles shall be licensed by the Wisconsin Department of Transportation in accordance with Wis. Stat. § 341.25. The license shall be displayed in the rear window of the NEV and, if no rear window, then in a clear plastic waterproof holder hung from the rear of the NEV top.

(f) *Title.* Neighborhood electric vehicle owners shall be required to obtain a certificate of title from the Wisconsin Department of Transportation.

(g) *Enforcement.* Enforcement of this section regulating the use of the neighborhood electric vehicles within the City shall be pursuant to section 44-1. If not otherwise provided by the Uniform State Traffic Deposit Schedule, the penalty for the unauthorized use of a NEV within the City shall be \$50.00 per occurrence, plus additional costs and penalties.
(Code 1980, § 9.25)

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Authority to allow low-speed vehicles, Wis. Stat. § 349.26.

Secs. 44-10—44-36. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 44-37. Fees for traffic related-services.

Fees will be charged for traffic-related services, including, but not limited to, implementation of findings and order; preparation of findings of orders; preparation of traffic control plans and review of traffic control plans; traffic calming application fee; traffic calming implementation; traffic study application fee and traffic study implementation. Fees for such services are established by resolution. (Code 1980, § 9.29)

Sec. 44-38. Emergency regulations.

(a) When necessary for the cleaning, clearing or repairing of, or the removal of snow or ice from any street, or for other emergency or special conditions, the Chief of Police, or designated subordinates, is hereby authorized to make temporary regulations of traffic and parking as conditions require. Notice shall be given of any such regulations by the posting, within a reasonable time before such regulations are to become effective. Such notice shall be given by reasonably conspicuous signs or by other appropriate and convenient means.

(b) The Public Works, Parking Utility and Parks and Recreation Departments shall each have concurrent authority with the Chief of Police and designated subordinates to make emergency regulations as provided in subsection (a) of this section when any of said departments are performing work assigned to said department upon, under or above any street or public place, when such work might constitute a hazard to traffic. The department concerned shall give notice of such regulations in the manner prescribed in subsection (a) of this section.

(c) No person shall violate any such emergency regulation. (Code 1980, § 9.12)

Sec. 44-39. Establishment of stopping, standing, restricted zones, turning, directional rules and parking time limits.

(a) After obtaining a report and recommendation of the Traffic Engineer stating that the public interest, convenience and necessity requires it, the Chief of Police shall forward said recommendations and the

Chief's orders to the Board of Public Works establishing stop signs, yield signs, zones for no stopping, no standing, no parking, loading zones, bus stops, cab stands, tow away zones, parking rules at the La Crosse Regional Airport, turning rules, pedestrian crossing rules, one-way streets, alleys, parking reserved for persons with disabilities and parking time limits of all types including residential parking permits as provided for by Wis. Stat. § 349.13(1g). Such orders shall become effective when approved by the Board of Public Works. Such orders may be repealed by the Common Council. The Board of Public Works shall report monthly to the Council all such orders approved hereunder. Upon approval by the Board of Public Works of any such order, the Board of Public Works shall then arrange for erection of official signs, markers and/or pavement painting. The placing of such signs, markers and/or painting of the pavement shall be evidence of the existence of the regulation established by the Board of Public Works and it shall be unlawful to fail to comply with said signs or pavement markings.

(b) Curb painting for parking designation.

- (1) No curbs in the City of La Crosse shall be painted for parking designation.
- (2) This subsection (b) applies to all highways, streets, and alleys for which the City of La Crosse is, or at any time becomes, the maintaining authority.
- (3) This subsection (b) shall not apply to standard or custom traffic control pavement markings within the roadways of City highways, streets, and alleys that are mandated by State law or national standards, including but not limited to lines, symbols, or words for: stop or yield; lane delineation for active traffic, turning, or bicycles; crosswalks; parallel, angle, or handicap accessible parking; and school zones, fire lanes, and railroad crossings.
- (4) This subsection (b) shall not apply to any fixed objects in the roadway, such as medians, islands, or other barriers, that require marking for reasons of safety.

(Code 1980, § 9.05)

Sec. 44-40. School crossing guards and traffic control attendants.

- (a) *School crossing guards.*
 - (1) Pursuant to Wis. Stat. § 349.215, the Chief of Police is hereby authorized to appoint adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school. The Chief of Police may also provide training for said school crossing guards prior to any appointment.
 - (2) The school crossing guards appointed by the Chief of Police shall wear an insignia or uniform which shall designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.
 - (3) Any school crossing guards appointed under this section by the Chief of Police who shall be employees of the City or paid by the City shall be subject to prior Common Council approval.
 - (4) Any school crossing guard not an employees of the City shall be properly certified by the Chief of Police and shall file a certificate of insurance as specified in section 2-2. The City shall not be liable for crossing guards that are not employees of the City and the Chief of Police may terminate appointments of non-City employee crossing guards for unsatisfactory performance.
- (b) *Traffic control attendants.*
 - (1) Pursuant to Wis. Stat. § 349.217, the Chief of Police is hereby authorized to appoint traffic control attendants for the protection of persons who are crossing a roadway in the vicinity of a business or event.
 - (2) The traffic control attendants must receive prior training in traffic control and traffic safety prior to completing the duties of a traffic control attendant. The training program must be approved in advance by the Chief of Police.
 - (3) The Chief of Police after consulting with the Traffic Engineer, will define the appointment

of the traffic control attendant to specifically include all dates, times, and locations for which the appointment is valid.

- (4) During the dates, times and at the locations specified in the appointment a traffic control attendant shall wear an insignia or uniform that designates the person as a traffic control attendant and be equipped with signals or signs to direct traffic. All equipment and uniforms will be approved by the Chief of Police and Traffic Engineer. Signs and signals must be NHTSA approved.
 - (5) Any traffic control attendant not an employee of the City shall be properly certified by the Chief of Police and shall file a certificate of insurance as specified in section 2-2. The City shall not be liable for traffic control attendants who are not employees of the City and the Chief of Police may terminate appointments of traffic control attendants.
- (Code 1980, § 9.20)

Secs. 44-41—44-68. Reserved.

**ARTICLE III. VEHICLE OPERATION
GENERALLY**

Sec. 44-69. Location of traffic control signals.

Traffic control signals for the direction of traffic shall be installed and maintained at the following locations and it shall be unlawful to fail to comply with the directions of said signals:

- (1) Intersection West Avenue and State Street.
- (2) Intersection West Avenue and Cass Street.
- (3) Intersection West Avenue and Market Street.
- (4) Intersection West Avenue and Jackson Street.
- (5) Intersection West Avenue and South Avenue.
- (6) Intersection Seventh and State Streets.
- (7) Intersection Seventh and Main Streets.
- (8) Intersection Fifth Avenue and Main Street.
- (9) Intersection Fifth Avenue and Cass Street.
- (10) Intersection Fourth and State Streets.

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| (11) Intersection Fourth and Main Streets. | (38) Intersection of West Avenue and Green Bay Street. |
| (12) Intersection Fourth and Jay Streets. | (39) Intersection of West Avenue and Main Street. |
| (13) Intersection Fourth and Cass Streets. | (40) Intersection of 16th Street and Main Street. |
| (14) Intersection Fourth and Jackson Streets. | (41) Intersection of Losey Boulevard and La Crosse Street. |
| (15) Intersection Third and State Streets. | (42) Intersection of Losey Boulevard and Main Street. |
| (16) Intersection Third and Main Streets. | (43) Intersection of Losey Boulevard and Green Bay Street. |
| (17) Intersection Third and Cass Streets. | (44) Intersection of South Avenue, East Avenue and Ward Avenue. |
| (18) Intersection 16th and Jackson Streets. | (45) Intersection of Rose Street and West George Street. |
| (19) Intersection Losey Boulevard and State Road. | (46) Intersection of State Highway 16 and Gillette Street. |
| (20) Intersection Broadview and Mormon Coulee Road. | (47) Intersection of State Highway 16 and County Highway "B". |
| (21) Intersection Rose and St. James Streets. | (48) Intersection of State Highway 16 and State Highway 157. |
| (22) Intersection Rose and Clinton Streets. | (49) Intersection of State Highway 157 and County Highway "PH". |
| (23) Intersection Caledonia and Clinton Streets. | (50) Intersection of West Avenue and Pine Street. |
| (24) Losey Boulevard 350 feet north of the Intersection with Chase Street. | (Code 1980, § 9.02) |
| (25) Intersection Seventh and South Avenue. | State law reference —Traffic control devices authorized, Wis. Stat. § 349.065. |
| (26) Intersection Birch Street and Mormon Coulee Road. | |
| (27) Intersection West Avenue, Lang Drive and La Crosse Street. | |
| (28) Intersection George and Gillette Streets. | |
| (29) Intersection Copeland Avenue and Causeway Boulevard. | |
| (30) Intersection of Losey Blvd. and Ward Avenue. | |
| (31) Intersection of Losey Blvd. and Mormon Coulee Road. | |
| (32) Intersection of Gillette Street and Prospect Avenue. | |
| (33) Intersection of George Street-Lang Drive and St. Andrew Street. | |
| (34) Intersection of Third Street, Fourth Street, and La Crosse Street. | |
| (35) Intersection of Third Street and Jay Street. | |
| (36) Intersection of Third Street and Jackson Street. | |
| (37) Intersection of Seventh Street and Cass Street. | |

Sec. 44-70. Through streets and highways named.

Per Wis. Stat. § 349.07(3), the following streets or highways between the points named, are hereby designated through highways, and it shall be unlawful to fail to comply with any stop sign placed at the entrances to them:

- (1) Avon Street from the North line of Monitor Street to the South line of Clinton Street.
- (2) Bliss Road from its intersection with Main Street to the East City limits.
- (3) Broadview Place from the East line of Mormon Coulee Road to the west line of Thirty-Third Street.

- (4) Caledonia Street from the South line of Gillette Street to the North line of St. James Street.
- (5) Campbell Road from the North line of State Street to the South line of La Crosse Street extended.
- (6) Cass Street from the East line of Third Street to the East City limits.
- (7) Clinton Street:
 - a. From the West line of Rose Street across Black River Bridge to the West City limits.
 - b. From the East line of Rose Street to the West line of George Street.
- (8) Copeland Avenue from the South line of Clinton Street to the North line of Third Street.
- (9) County Trunk SS (Enterprise Avenue) between the East Line of Oak Street and the East City limits.
- (10) East Avenue from the South line of Green Bay Street to the North line of Shelby Road.
- (11) Farnam Street from the East line of 15th Street to the West line of 21st Street.
- (12) George Street - West George Street from the South line of St. Andrew Street to the North line of West George Street extended and continuing on West George Street to Highway 53.
- (13) Gillette Street - County Trunk B:
 - a. From the East line of Rose Street to the West line of Highway 16.
 - b. From the East line of Highway 16 to the East City limits.
- (14) Green Bay Street from the East line of South Avenue to 26th Street.
- (15) Highway 14-16-61 from the West line of Third Street across the Mississippi River Bridge to the West City limits.
- (16) Highway 16 from the North City limits Southwesterly to the West line of Losey Boulevard and the South line of La Crosse Street extended.
- (17) Highway 35-53 from the North line of Livingston Street to the North City limits.
- (18) Jackson Street from the East line of Second Street to the East line of Nineteenth Street.
- (19) King Street from the East line of Fifth Avenue to the West line of Losey Boulevard.
- (20) La Crosse Street from the East line of Third Street to the West line of Losey Boulevard.
- (21) Lang Drive from the South line of St. Andrew Street to the North line of La Crosse Street.
- (22) Livingston Street from the East line of Rose Street to the West line of the BNSF Railway right-of-way.
- (23) Losey Boulevard from the South line of La Crosse Street extended to the North line of East Avenue.
- (24) Main Street from the East line of 3rd Street to its intersection with Bliss Road.
- (25) Market Street from the East line of Second Street to the West line of Losey Boulevard.
- (26) Monitor Street from the West line of Lang Drive to the East line of Copeland Avenue.
- (27) Oak Street between the North line of Gillette Street and the North City limits.
- (28) Palace Street from the West line of George Street to the East line of Highway 53.
- (29) Pine Street from the East line of Eighth Street to the West line of 15th Street.
- (30) Ranger Drive from the East line of George Street to the South line of Gillette Street.
- (31) Redfield Street from the East line of Eighth Street to the West line of Losey Boulevard.
- (32) Rose Street from the West line of Copeland Avenue to the North line of Livingston Street.
- (33) St. James Street:
 - a. From the East line of Rose Street to the West line of Caledonia Street.
 - b. From its intersection with St. Cloud Street to its intersection with River Valley Drive.

- (34) South Avenue - Mormon Coulee Road from the North line of Johnson Street to the South-easterly City limits.
- (35) State Road from the East line of 19th to the East City limits.
- (36) State Street from the East line of Third Street to the West line of Losey Boulevard.
- (37) Ward Avenue from the East line of East Avenue to the West line of Thirty-Third Street.
- (38) West Avenue from the South line of La Crosse Street to the North line of South Avenue.
- (39) Second Street from the South line of La Crosse Street to the North line of Jackson Street.
- (40) Third Street from the South line of La Crosse Street to the North line of Johnson Street.
- (41) Fourth Street from the North line of La Crosse Street to the North line of South Avenue.
- (42) Fifth Avenue from the South line of State Street to South Avenue.
- (43) Seventh Street:
 - a. From the North line of La Crosse Street to the North line of Cass Street.
 - b. From the South line of Cass Street to the South City limits.
- (44) Eighth Street from the South line of La Crosse Street to the North line of Denton Street.
- (45) Fifteenth Street from the South line of Pine Street to the North line of Farnam Street.
- (46) Sixteenth Street from the North line of Badger Street to the North line of South Avenue.
- (47) Twenty-First Street from the South line of Farnam Street to the North line of Green Bay Street.
- (48) Thirty-Second Street from the South line of State Road to the North line of Ward Avenue.
- (49) Thirty-Third Street from the South line of Ward Avenue to the North line of Mormon Coulee Road.

(Code 1980, § 9.03)

Sec. 44-71. Speed limits.

The Common Council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

- (1) *Speed limits increased.* Speed limits are increased as follows upon the following designated streets or portions thereof:
 - a. Those U.S. Highways in outlying areas where the Wisconsin Department of Transportation has established the speed limit, which is hereby declared to be the speed limit.
 - b. It shall be 35 miles per hour on:
 - 1. Lang Drive from North line of La Crosse Street to South line of Monitor Street.
 - 2. Oak Street from Gillette Street to North City limits.
 - 3. River Valley Drive from St. James Street to Palace Street.
 - c. It shall be 30 miles per hour on:
 - 1. Losey Boulevard.
 - 2. South Avenue - Ward Avenue to Third Street.
 - 3. Third Street - Cass Street to South Avenue.
 - 4. Fourth Street - Cass Street to South Avenue.
 - 5. Copeland Avenue - La Crosse Street to Clinton Street.
 - 6. Rose Street - South Monitor Street to Livingston Street.
 - 7. Lang Drive/George Street - Monitor Street to Clinton Street.
 - d. It shall be 40 miles per hour on Gillette Street from Gillette Place to Highway 16.
- (2) *Speed limits decreased.* Speed limits are decreased as hereinafter set forth on the following streets or portions thereof:
 - a. It shall be 25 miles per hour on:
 - 1. Bliss Road.

- 2. East Avenue - South Avenue to Shelby Road.
 - 3. Justin Road - Highway 14/61 to Guadalupe Drive.
- (3) *Speed limits in work zones, temporarily decreased.* Speed limits are hereby decreased in work zones per the following conditions and criteria:
- a. Speed limits shall be decreased by no more than ten miles per hour from the posted speed limit and shall be decreased to no lower than 15 miles per hour.
 - b. Signing shall be required.
 - 1. Signing shall be per the Manual on Uniform Traffic Control Devices (MUTCD) and the Wisconsin Statutes.
 - 2. Signing shall only be furnished and installed by or under supervision of the City and/or other jurisdictional authority.
 - c. Speed limits shall only be decreased for construction, reconstruction, maintenance, or repair within the right-of-way; should only be decreased when lanes of vehicular travel or parking are impacted; and may be decreased for the duration.
 - d. Enforcement shall be per Wisconsin Statutes.

(Code 1980, § 9.18)

State law reference—Authority to regulate speed, Wis. Stat. § 349.11.

Sec. 44-72. Through traffic on alleys and driveways prohibited.

No operator of a motor vehicle shall use as a thoroughfare an alley, driveway, service drive, parking lot or any private drive or any other area not designated as a public highway.

(Code 1980, § 9.09)

Sec. 44-73. Intentional excessive noise or display by motor vehicles.

(a) No operator of any vehicle shall, intentionally, by excessive or unnecessary acceleration, deceleration, display of power or by hydraulics, cause any of the following:

- (1) The tire(s) of any vehicle to spin and emit loud noise or to throw stones, gravel or dirt.
- (2) The front or rear tire(s) of any vehicle to rise up off the ground.
- (3) Unnecessary and loud exhaust or engine noise.
- (4) The vehicle to spin, slide, swerve or skid from side to side.

(b) No person shall use motor vehicle brakes within the City which are in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, except in cases of emergency or necessary for the protection of persons and/or property. Emergency situations are defined as circumstances that could not reasonably be foreseen by an alert motor vehicle operator.

(c) No person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from a distance of 75 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

(d) This section does not apply to any of the following:

- (1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
- (2) The operator of a vehicle of a public utility.
- (3) The operator of a vehicle that is being used for advertising purposes.
- (4) The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.

- (5) The activation of a theft alarm signal device.
- (6) The operator of a motorcycle being operated outside of a business or residence district.
- (7) The requirement under Wis. Stat. § 347.38, that a motor vehicle shall not be operated on a highway unless it is equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of 50 feet.

(Code 1980, § 9.10)

Sec. 44-74. Muffler or exhaust.

It shall be unlawful for any person to operate any motor vehicle with a loud or defective muffler or exhaust system between the hours of 10:00 p.m. and 7:00 a.m., such as produces annoyance, inconvenience, discomfort or hurt to any person, or disturbs the enjoyment of property or comfort of any person. Muffler or exhaust noise emanating from a vehicle shall not be audible from a distance of 75 or more feet.

(Code 1980, § 9.26)

Sec. 44-75. Cruising.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cruising means driving a motor vehicle in the same direction past a traffic control point on a street in the designated area three or more times within a two-hour period between the hours of 8:00 p.m. and 4:00 a.m. in a manner and under circumstances manifesting a "purpose" of unnecessary, repetitive driving in such area. Among the circumstances which may be considered in determining whether such purpose is manifested are that such person or any other person present in the vehicle attempts to gain the attention of other motorists or pedestrians or engages them in conversation, whether by hailing, arm waving, horn blowing, or another action or device; that such person or any other person present in the vehicle enters or exits the vehicle directly from or to another vehicle driven in or parked in close proximity to the designated area; that such person or any other person present in the vehicle violates State or

municipal traffic regulations or municipal ordinances; or that such person has declared said person's purpose for driving to be that of cruising. The violator's conduct must be such as to demonstrate a specific intent to cruise. No arrest shall be made for a violation of this section unless the arresting officer first affords an opportunity to explain such conduct; and no person shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose, not unnecessary, repetitive driving. Lawful purposes include traveling to a specific destination by a person whose residence address is in the designated area or by a person whose business or employment requires driving in the designated area, and operating an official emergency or police vehicle in the designated area.

Designated area means Veteran's Memorial Drive located within Riverside Park.

Traffic control point means a point on a street in the designated area selected by a police officer for the purpose of enforcing this section.

(b) *Cruising prohibited.* No person shall cruise. The person having care, custody or control of a motor vehicle shall be considered the person cruising regardless of whether that person was actually driving the motor vehicle all or any of the times it passed the traffic control point. For the purposes of this section the person having care, custody or control of a motor vehicle shall mean the owner of the vehicle if present in the vehicle at the time of the violation or the person operating the vehicle if the owner is not present.

(Code 1980, § 9.23)

Sec. 44-76. Truck routes.

(a) No person shall operate a truck exceeding a gross weight of three tons on any street other than on State, Federal, and County highways or Losey Boulevard, excepting:

- (1) Trucks in use for passenger purposes;
- (2) Trucks in use by governmental agencies;
- (3) Trucks going to or from garage of owner;
- (4) Trucks going to or from points within the City for purpose of taking on or discharging any part of their load, or for purpose of being serviced, repaired or tested;

- (5) Trucks customarily used to transport workmen or equipment while being so used;
- (6) Trucks with loads originating at or destined for a local terminal.

(b) Trucks exceeding a gross weight of three tons which qualify for the exceptions listed in subsection (a) of this section shall use City streets only for the shortest distances to or from the nearest State, Federal, or County highway or Losey Boulevard.
(Code 1980, § 9.08)

Sec. 44-77. Mass transit way.

The following roadway or portion thereof is hereby designated a mass transit way to be used by the La Crosse Municipal Transit buses, police vehicles and other emergency vehicles and it shall be unlawful to fail to comply with any official traffic control device, pavement marking or barrier placed by the City on or about said roadway or portion thereof:

Roadway extending southerly from Trane Company South Service Drive - administration building to front entrance of La Crosse County Hillview Nursing Home.

(Code 1980, § 9.19)

State law reference—Authority to establish mass transit ways, Wis. Stat. § 349.22.

Sec. 44-78. Oversized loads.

(a) *Definition.* The term "oversized load" includes any load which is greater than:

- (1) Legal width: Eight feet six inches, except as otherwise provided in Wis. Stat. § 348.05.
- (2) Legal height: 13 feet six inches, except as otherwise provided in Wis. Stat. § 348.06.
- (3) Legal weight: As provided in Wis. Stat. § 348.15.
- (4) Legal length: 70 feet in total unit length, except as otherwise provided in Wis. Stat. § 348.07.

(b) *Permit required.* Persons desiring permits for the moving of any oversized load along or across any highway, street or alley contained entirely within the City limits shall obtain a permit from the City Engineer. Moving an oversized load outside the City limits shall require a State permit. Said State permit shall be honored by the City.

(c) *Applications.* A person seeking issuance of a permit hereunder shall file an application for such permit with the City Engineer with the following information:

- (1) *Form.* The application needs to be made in writing by completing the form provided by the City Engineer.
- (2) *Description.* Applications shall include a description of the oversized load, including dimensions and shall indicate which highways, streets, and alleys over, along or across which the oversized load is proposed to be moved. If any portion of the trip is to be outside the City limits, a State permit is required.
- (3) *Accompanying papers.* Applicant needs to provide proof of insurance indication the following limits. The City shall be named as an additional insured.
 - a. Worker's compensation and employees liability insurance and Wisconsin Statutory limits.
 - b. Insurance as specified in section 2-2.
- (4) *Fee.* A permit fee shall be paid in the amount established by resolution.
- (5) *Time.* All oversized load moves shall take place at 4:00 a.m. and shall require a police escort unless otherwise indicated in writing by the City. The Police Department shall bill separately for their services.
- (6) *Penalty.* Violations of this section are a Class C offense as provided in section 1-7.

(Code 1980, §§ 5.10(B), 5.19)

Cross reference—Moving of buildings, ch. 40, art. V.

Secs. 44-79—44-99. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING*

Sec. 44-100. Definition of holidays.

As used in this chapter or any sign regulating parking restrictions, the term "holiday" means New

***State law references**—Stopping, standing and parking, Wis. Stat. § 346.50 et seq.; authority to regulate stopping, standing and parking, Wis. Stat. § 349.13.

Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, Christmas Day, and New Year's Eve.

(Code 1980, § 9.06(L))

Sec. 44-101. Liability of owners for parking regulation violations.

Whenever any vehicle shall have been parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty therefor.

(Code 1980, § 9.16)

Sec. 44-102. Removal of violating vehicles.

(a) Whenever any traffic officer finds a vehicle standing upon a highway, alley or public ground in violation of a prohibition, limitation, or restriction on stopping, standing, or parking provisions of this article, the officer is authorized to move such vehicle or to require the operator in charge thereof to move such vehicle to a position where parking is not prohibited. The Police Department may remove such vehicles either with its own facilities or by the employment of towing cars from private garages, and such vehicles may be ordered stored by the Police Department in any storage garage or rental parking ground.

(b) Whenever any traffic officer shall find a vehicle stopped upon the highways listed and designated as tow-away zones, during such time as said tow-away provision is in effect, and thereby in violation of this chapter, the officer is authorized and directed to cause same to be removed by such towing company as may be designated by the Police Department and stored by the Police Department in any storage garage or rental parking ground, until the owner shall present to the towing company a release from the Police Department authorizing the towing company to turn vehicle over to the operator or owner thereof.

(c) The provisions of this section shall apply to such streets and at such times as tow-away zones are established pursuant to the provisions of section 44-39.

(d) The Director of Public Works and/or Chief of Police are hereby authorized and directed to post tow-away areas with signs setting forth that there shall be no stopping, standing or parking in the area during the designated times and that same is a tow-away zone.

(e) Whenever any vehicle has been towed away under this chapter and has not been redeemed by the owner thereof for a period of ten days from the day of the violation, it will be deemed an abandoned vehicle and disposed of as provided by section 44-143.

(Code 1980, § 9.06(G))

Sec. 44-103. Tampering with marks on tires.

(a) No person shall intentionally, by physical or mechanical means or force or by the use of an instrument or device, damage, obliterate, erase or tamper with any mark placed by a City of La Crosse police officer or employee on the tire of a vehicle when the purpose for placing such mark is to identify the time such vehicle was found in a parked position. Damaging, obliterating, erasing or tampering with a tire mark placed by a City of La Crosse police officer or employee within the parked position or parking slot shall be evidence of intent to violate this subsection.

(b) In any area where parking on the street or in a parking ramp or lot is restricted to two hours or less at a time, and signs are properly posted to indicate such parking time limitation, any vehicle parked along a single block face, as herein defined, or in the same parking ramp or lot in excess of the time restriction, shall be considered to have continuously parked, and shall be subject to citation for violation of such parking time restriction. A block face shall be defined as one side of a single street between two consecutive intersecting streets. For example, the south side of the 300 block of Main Street would be a single block face, and the west side of 3rd Street between Main Street and State Street would be a single block face.

(c) The penalty for violating the provisions of subsection (a) of this section shall be a forfeiture of \$130.00 plus applicable costs.

(Code 1980, § 9.06(I))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 44-104. Key left in vehicle.

Every passenger motor vehicle shall be equipped with a lock suitable to lock either the starting lever, throttle, steering apparatus, gear shift lever or ignition system. No person shall permit a motor vehicle in his custody to stand or remain unattended on any street, alley or in any other public place, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift lever or ignition of said vehicle is locked and the key for such lock is removed from the vehicle. This section does not apply to motor vehicles operated by common carriers of passengers under Wis. Stat. ch. 194. (Code 1980, § 9.06(A))

State law reference—Authority for above provision, Wis. Stat. § 66.0431.

Sec. 44-105. Business district at night.

No vehicles shall be parked on any street between Front and Sixth Streets and between Cass and Vine Streets, including such named Streets, for more than 60 consecutive minutes between 2:00 a.m. and 8:00 a.m. (Code 1980, § 9.06(B))

Sec. 44-106. Night parking of trucks and other large vehicles and parking of vehicles over 12,000 pounds or 18 feet restricted.

(a) *Night parking of trucks and other large vehicles.* Except as otherwise provided in subsection (a)(2) of this section, none of the following shall be parked on any City Street in a residential zoned district or Residential Planned Development District during any hours between 12:00 midnight and 7:00 a.m.:

- (1) Trucks larger than four tons gross weight including, but not limited to, semi-tractors and trailers.
- (2) In addition to the restrictions provided in subsections (a)(1) and (5) of this section, semi-tractors and trailers shall not be parked on residential streets nor shall the engine be running between the hours of 10:00 p.m. and 7:00 a.m. in any residential zoned district where official signs prohibiting such expanded time restrictions have been installed.

(3) Mobile homes or motor homes as defined in Wis. Stat. § 340.01 in excess of 20 feet, provided, however, such mobile homes or motor homes in excess of 20 feet shall be given at least 24 hours' notice or a 24-hour warning by the Police Department prior to being subject to any penalties.

(4) Motor buses or mass transit vehicles as defined in Wis. Stat. § 340.01.

(5) Trailer as defined in Wis. Stat. § 340.01.

(b) *Parking of vehicles over 12,000 pounds or 18 feet restricted.*

(1) No persons owning or having control of any truck, trailer, truck power unit, motor home, camper, commercial vehicle for hire, tractor, school bus, motor bus or recreational vehicle in excess of 12,000 pounds gross weight, or over 18 feet in length, or having an enclosed area of a height of more than eight feet from the roadway, shall drive or park the same on any City street or highway for more than a total of two hours, whether consecutive or not, in any 24-hour period. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the City for the actual loading or unloading of goods, ware or merchandise; providing, however, the "loading" and "unloading," as used in this section, shall be limited to the actual time consumed in such operation. The Common Council may designate specific truck parking zones.

(2) No person owning or having control of any boat, snowmobile, all-terrain vehicle, camper or a trailer for any of these recreational units, or a utility trailer, shall park such unit on any public street.

(3) Any vehicle unlawfully parked under subsection (b)(1) of this section may be removed from the street by order of the Chief of Police, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

(Code 1980, § 9.06(D))

Sec. 44-107. Night parking alternate sides of street.

(a) Between 1:00 a.m. and 6:00 a.m. from November 1 to April 1, vehicles shall be parked only on even numbered sides of streets on those nights when an even calendar date (after 12:00 midnight), and on odd numbered sides of streets on those nights with an odd calendar date (after 12:00 midnight), except as follows:

(b) Where parking is normally permitted only on one side of the street, vehicles may be parked on the permitted side every night.

(c) In the following block, vehicles may be parked on the designated side every night:

- (1) 600 Avon Street and 700 Liberty Street, vehicles may be parked on the east side of the street.
- (2) 700 Avon Street and 800 Liberty Street, vehicles may be parked on the west side of the street.
- (3) 800 St. Cloud Street, vehicles may be parked on the north side of the street.
- (4) 900 St. Cloud Street, vehicles may be parked on the south side of the street.

(d) Within the area bordered by 16th Street up to but not including State Street to West Avenue up to but not including La Crosse Street, vehicles may park on both sides of the street between November 1 to April 1 when it is not a removal period for snow, leaves or otherwise as determined by the Director of Public Works. When a removal period for snow, leaves or other purpose is necessary as determined by the Director of Public Works within this area, notification shall be provided to indicate alternate side parking is required. Removal periods shall remain in effect for a duration of four days unless rescinded. The Director of Public Works may declare additional removal periods, which may result in longer durations for alternate side parking. Notification shall be provided through the City of La Crosse Police Department City Watch Program and the City of La Crosse public webpage. It shall be prima facie evidence of notifications to any individual that said notification has been posted on the City of La Crosse public webpage seven hours prior to any removal period. This subsection shall not supersede or oth-

erwise repeal those parking prohibitions or other restrictions that already exist for La Crosse Street and West Avenue.

(e) Snow disposal period. The Director of Public Works may designate a snow disposal period for the duration of 48 hours. Notification of the snow disposal period shall be provided to the local news media and through the City of La Crosse public webpage. It shall be prima facie evidence of notification to any individual that said notification has been posted on the City of La Crosse public webpage seven hours prior to any snow disposal period. Failure to comply with a snow disposal period shall result in increased alternate side parking forfeitures as provided in section 44-1 and the Police Department may remove such vehicles either with its own facilities or by the employment of towing equipment from private contractors, and such vehicles may be ordered stored by the Police Department in any storage garage or rental parking ground.

(Code 1980, § 9.06(E))

Sec. 44-108. Special parking exemptions.

(a) *Disabled veterans and other disabled persons.* An automobile or motor home bearing special registration plates issued under Wis. Stat. § 341.14(1), 341.14(1a), (1m) or (1q), a motor vehicle upon which a special identification card issued under Wis. Stat. § 343.51 is displayed is exempt from any provision of this Code imposing time limitations on parking on any street or highway zone and parking lot, whether City-owned or leased, or both City-owned and leased or a parking place owned or leased, or both owned and leased by the parking utility with one-half hour or more limitations but otherwise is subject to the laws relating to parking. Where the time limitation on a metered stall is one-half hour or more, no meter payment is required. Such parking privileges granted by this subsection are limited to disabled veterans and other disabled persons to whom such special registration plates or special identification cards have been issued as provided herein and to qualified motor vehicle operators acting under the express direction of such disabled veteran or such disabled person when such disabled veteran or other such disabled person is present. Except as otherwise provided in this Code, no person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon

any portion of a street, highway or parking facility reserved for persons with disabilities by official traffic signs, distinct markers or parking meters indicating the restriction.

(b) *Physicians' and other emergency vehicles.*

(1) The Chief of Police may issue to physicians and owners of other emergency vehicles, a permit exempting such vehicles from one-hour and two-hour parking limits while such vehicle is in emergency service or in readiness for such service, upon payment of a permit fee in the amount established by resolution in advance. Two permit cards signed by the Chief of Police shall be issued to each permittee, which shall be displayed on each side of the vehicle whenever parked contrary to such time limits.

(2) If such permittee knowingly allows another driver to take advantage of the exemption with his car, the Chief of Police may immediately revoke the permit, in addition to other penalties provided in this article.

(c) *Trade vehicles.*

(1) The Department of Planning and Development may issue to the owner of a building undergoing renovation within the downtown (Mississippi River to 7th Street, Cameron Avenue to the La Crosse River), as evidenced by a the issuance of a building permit, three parking permits exempting three contractor work vehicles or panel vans from one-hour and two-hour parking limits while such vehicle is in service upon payment of a permit fee of in the amount established by resolution for up to 90 consecutive days. A permit card signed and issued by the Director of Planning and Development shall be issued to each permittee, which shall be displayed on the driver's side of the vehicle, displaying the address of the building undergoing renovation, whenever parked contrary to such time limits. The contractor work vehicle or panel van shall only be permitted to be parked on the same block face as the building undergoing renovation or construction.

(2) If such permittee knowingly allows another driver or vehicle to take advantage of the exemption, the City Police Department, Department of Planning and Development or Parking Utility Staff may immediately revoke the permit, in addition to other penalties provided in this article.

(Code 1980, § 9.06(F))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 44-109. City Hall parking lot.

(a) The Parking Utility Board shall have the authority to regulate all parking in the parking lot adjacent to the City Hall.

(b) The Parking Utility Board shall provide such parking spaces as in its discretion it deems adequate for persons transacting business at the City Hall which parking may be provided with or without charge and the said Parking Utility Board shall be authorized to establish time limitations for such parking, all in accordance with the provisions of section 44-113.

(c) The Parking Utility Board shall designate such parking spaces on the City Hall lot as in its discretion may be necessary for parking of motor vehicles of employees of the City of La Crosse assigned to work in the City Hall. The Parking Utility Board shall issue such parking permits or develop other suitable methods to ensure that only automobiles owned by employees of the City of La Crosse assigned to work at the City Hall are occupying said parking lot and that such occupancy shall only be for the time that said employee is assigned to be at work and such permit shall be issued for only one automobile per employee.

(Code 1980, § 9.06(H))

Sec. 44-110. Alley parking.

No person shall stop or leave any vehicle standing in any alley in a residence district, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.

(Code 1980, § 9.06(J))

Sec. 44-111. Snow emergency parking regulations.

(a) The term "snow emergency route" means a street designated as such by resolution of the Common Council and marked with official traffic signs.

(b) Whenever the Director of Public Works finds that falling or blowing snow, sleet, ice, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever the Director finds, on the basis of a forecast by the National Weather Service of snow, sleet, or freezing rain, that the weather conditions as so forecast may create a condition making it necessary that such parking be prohibited, the Director is authorized to announce such prohibition, to become effective not less than two hours after such announcement, at a time to be specified by the Director of Public Works. Announcement of such prohibition shall be in accordance with the requirements of subsection (c) of this section. After the effective time of such prohibition, no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route, except that if a fall of snow, sleet, or freezing rain occurs after 10:30 p.m., and prior to 7:00 a.m., and the Director of Public Works has not announced, prior to 10:30 p.m., that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parked on a snow emergency route may remain so parked until 7:00 a.m. first following such fall. The prohibition of parking announced by the Director of Public Works under the authority of this subsection shall remain in effect until the Director of Public Works announces the termination of the Snow Emergency, in part or in whole, or until the roadway of an entire block of a snow emergency route street is substantially clear of snow from curb to curb, whichever first occurs, after which the prohibition of parking authorized by this subsection shall no longer be in effect.

(c) Each parking prohibition announcement by the Director of Public Works shall be made between the hours of 6:00 a.m. and 10:30 p.m. by means of broadcasts or telecasts from local radio and television stations and shall, if possible, also be made through newspapers of general circulation. Each such announcement shall state the time these snow emergency parking regulations will become effective.

(Code 1980, § 9.06(K))

Sec. 44-112. School bus and vehicle parking adjacent to certain schools permitted.

(a) Pursuant to Wis. Stat. § 346.52(2), school buses only are permitted to park on the following streets adjacent to the following schools during the hours of 7:30 a.m. to 4:30 p.m. during school days:

- (1) The north side of Campbell Road adjacent to Emerson School between Pine Street and a point 400 feet east of Pine Street.

(b) Pursuant to Wis. Stat. § 346.52(2), school buses and vehicles are permitted to park on the near side of the following streets adjacent to the following elementary and middle schools during the hours of 7:30 a.m. to 4:30 p.m. during school days:

- (1) On the east side of 8th Street near Lincoln Middle School from Division Street to Ferry Street.
- (2) On the east side of Rose Street near Jefferson Elementary from St. James Street to Wall Street.
- (3) On the south side of Division Street near Lincoln Middle School from 8th Street to 9th Street, excluding 70 feet at the entrance to the building.
- (4) On the south side of Madison Street between 13th Street and 14th Street.
- (5) On the east side of 13th Street between Madison Street and Ferry Street.
- (6) On the west side of 8th Street next to Hamilton School from Adams Street to Johnson Street.
- (7) On the west side of Avon Street near Providence Academy from a point 150 feet south of Windsor Street to Wall Street.

(c) Pursuant to Wis. Stat. § 346.52(2), vehicles are permitted to park on the near side of the following streets adjacent to the following elementary and middle schools after 3:30 p.m. during school days:

- (1) On the west side of 22nd Street near Spence Elementary from Townsend Street to a point 200 feet south.
- (2) On Adams Street near Hamilton Elementary from 7th Street to 8th Street.

- (3) On Johnson Street near Hamilton Elementary from 7th Street to 8th Street.
- (4) On the west side of Ninth Street between Division and Ferry Street.
- (5) On the north side of Ferry Street between Eighth Street and Ninth Street.

(d) Pursuant to Wis. Stat. § 346.52(2), vehicles are permitted to park for a period of up to 15 minutes on the following streets during the hours of 7:30 a.m. and 4:30 p.m. during school days:

- (1) On the west side of Kane Street from Gillette Street northerly 200 feet near Franklin Elementary School.
- (2) On the west side of Ninth Street between Ferry Street and a point 60 feet north of Ferry Street near Lincoln Middle school.

(Code 1980, § 9.06(M))

Sec. 44-113. Parking lots and ramps.

(a) All public parking lots and ramps owned, rented or leased by the City are hereby placed under the jurisdiction and control of the Parking Utility.

(b) The patrolling and enforcement of parking restrictions in such lots and ramps shall be supervised and directed by the Police Department.

(c) The La Crosse Municipal Parking Utility, by resolution, shall direct the installation of parking meters upon such lots as it shall determine fit and proper and in cases where parking meters are not installed, the Parking Utility may provide for attendant operated parking or time zone signing at such lots or ramps.

- (1) The Parking Utility shall determine the time limits of all parking lots and ramps and the charge, if any, to be made therefor.
- (2) The Parking Utility may designate hours of operation and it shall be unlawful for any person to park a motor vehicle in a parking lot or ramp in violation of the posted closing hours.
- (3) The Parking Utility shall make such other regulations in relation thereto as from time to time may be necessary.
- (4) The terms and conditions of any parking regulations as adopted by resolution of the

Parking Utility shall be publicly displayed upon the lot or ramp by an appropriate sign or by installation of parking meters with the charge, if any, indicated upon such meter or sign. Such resolution shall be filed with the City Clerk to be transmitted to the Common Council.

(d) It shall be unlawful for any person to place any object upon such lots or ramps for storage except in compliance with the terms and conditions of this article, in compliance with any regulations adopted and posted by the Parking Utility and, upon payment of a fee, if any, in the manner provided by the Parking Utility.

(Code 1980, § 9.07)

Cross reference—Municipal Parking Utility Board, ch. 2, art. X div. 4.

Secs. 44-114—44-139. Reserved.

ARTICLE V. ABANDONED VEHICLES*

DIVISION 1. GENERALLY

Sec. 44-140. Definition.

As used in this article, the term "vehicle" means a motor vehicle, trailer, semi-trailer or mobile home, whether or not vehicle is registered under Wis. Stat. ch. 341.

(Code 1980, § 9.06(C)(2))

Sec. 44-141. Exceptions.

This article shall not apply to a vehicle in any enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.

(Code 1980, § 9.06(C)(4))

***Cross reference**—Nuisances, ch. 30.

State law reference—Abandoned vehicles, Wis. Stat. §§ 342.40, 346.94(13).

Sec. 44-142. Abandonment of vehicles prohibited.

No person shall abandon any vehicle unattended within the City for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(Code 1980, § 9.06(C)(1))

Sec. 44-143. Presumption of abandonment.

Any vehicle left unattended for more than 48 hours on any public street or grounds, or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee, is deemed abandoned and constitutes a public nuisance; provided that the vehicle shall not be deemed abandoned under this article if left unattended on private property out of public view, by permission of the owner or lessee.

(Code 1980, § 9.06(C)(3))

Secs. 44-144—44-169. Reserved.

DIVISION 2. IMPOUNDMENT, SALE, ETC.

Sec. 44-170. Authorized.

Any vehicle found abandoned in violation of this article shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this article. If the Chief of Police or duly authorized representative determines that towing costs and storage charges for the minimum impoundment period would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason; provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with section 44-173.

(Code 1980, § 9.06(C)(5))

Sec. 44-171. Minimum impoundment period.

The minimum period of impoundment or storage of a vehicle found in violation of this article shall be ten days.

(Code 1980, § 9.06(C)(6))

Sec. 44-172. Notice to owner.

The officer removing or causing the removal of any vehicle found in violation of this article shall immediately notify the Chief of Police of the abandonment and location of the impounded vehicle, and shall within ten days thereafter notify the owner and lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Wis. Stat. 342.40(3), and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

(Code 1980, § 9.06(C)(7))

Sec. 44-173. Sale.

Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in Wis. Stat. § 342.40(3).

(Code 1980, § 9.06(C)(8))

Sec. 44-174. Sale to bar claims against vehicle.

The sale of a motor vehicle under the provisions of this article shall forever bar all prior claims thereto and interest therein except as hereinafter provided.

(Code 1980, § 9.06(C)(9))

Sec. 44-175. Purchaser to remove vehicle.

The purchaser of any vehicle on sealed bid or auction sale shall have ten days to remove the vehicle from the storage area upon payment of a storage fee in the amount established by resolution for each day the vehicle has remained in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(Code 1980, § 9.06(C)(10))

Sec. 44-176. Request for list.

Any listing of vehicles to be sold pursuant to this article shall be made available by the Chief of Police Clerk to any interested person or organization who makes a written request therefor, for a fee in the amount established by resolution.

(Code 1980, § 9.06(C)(11))

Sec. 44-177. Notice to Department.

Within five days after a sale or disposition of a vehicle under this division, the Director of Finance/Treasurer shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.
(Code 1980, § 9.06(C)(12))

Sec. 44-178. Right of owners, etc., to claim vehicles.

At any time within two years after the sale of a motor vehicle is provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Common Council setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant. If the Council is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the City Treasury as the result of the sale of such motor vehicle, nor the amount of interest of the claimant therein.
(Code 1980, § 9.06(C)(13))

Sec. 44-179. Disabled or inoperative vehicles.

(a) Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason, and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place, not otherwise regulated as a restricted parking, stopping or standing zone, shall, within 12 hours of such occurrence, notify the Chief of Police of the location of the vehicle to the Chief of Police together with a fee in the amount established by resolution to offset the cost of towing and junking charges and shall be exempt from the provisions of this division.

(b) When so requested by the owner or person in charge of a vehicle, the Chief of Police shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Chief of Police or contractor engaged by the City for towing of disabled vehicles. The provisions of section 44-176 shall apply to any vehicle removed under this division.
(Code 1980, § 9.06(C)(14))

Secs. 44-180—44-196. Reserved.**ARTICLE VI. BICYCLES, SKATES AND PLAY VEHICLES****DIVISION 1. GENERALLY****Sec. 44-197. Passengers on motor-driven cycles.**

It shall be unlawful for the operator of any power-driven cycle or motor bicycle to allow any passengers to ride thereon and it shall be unlawful for any person to ride as a passenger thereon.
(Code 1980, § 9.14)

Sec. 44-198. Skateboards, roller skates, roller skis, play vehicles, in-line skates and motorized scooters, mini-bikes, skateboards and go-carts.

(a) It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller skis, or play vehicle as defined in Wis. Stat. § 340.01 in any of the following places:

- (1) On any City street.
- (2) On any sidewalk in any business district as defined in Wis. Stat. § 340.01(6), except that this prohibition does not apply to children 12 years of age and under when such children are under adult supervision.
- (3) In any public parking ramp or parking lot.
- (4) On any public property where signs prohibit it.
- (5) On private property, unless permission has been received from the owner, lessee or person in charge of that property.

(b) In addition to the prohibitions under Wis. Stat. § 346.94(17), no person riding upon in-line skates as defined in Wis. Stat. § 340.01 may go upon any of the following places:

- (1) On the roadway of any State or U.S. highway within the City of La Crosse, including State Highways 35, 16 and 33, as well as U.S. Highways 61, 14 and 53.

- (2) On any sidewalk in the downtown La Crosse area bounded by 2nd Street, King Street, 6th Street and State Street.
- (3) In any public parking ramp or public parking lot.
- (4) On any public property where signs prohibit it.
- (5) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (c) In-line skate regulations.
- (1) *State laws applicable.* Every person using in-line skates upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the operator of any vehicle, except those provisions which by their nature would have no application.
- (2) *Riding on roadway.*
- a. Every person using in-line skates on a two-way public street or alley shall keep as close to the right-hand curb as possible and shall proceed with traffic. Every person using in-line skates upon a one-way public street or alley shall proceed in the direction of one-way traffic.
- b. Every person using in-line skates upon a roadway shall ride single file on all public roadways which have centerlines or have lines indicated by painting or other markings. On public roadways and alleys not divided by painted or other marked centerlines or lane lines, in-line skaters may ride two abreast.
- c. Persons using in-line skates upon a public roadway shall not impede the normal and reasonable movement of motor vehicle traffic.
- (3) *Clinging to moving vehicles.* It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle or other moving vehicle upon a public roadway.
- (4) *Observance of traffic regulations.* Every person using in-line skates upon a public roadway shall stop for all stop signs and traffic signals.
- (5) *Yielding to traffic.* The operator of a vehicle shall yield the right-of-way to a user of in-line skates in the same manner as for bicyclists and pedestrians under Wis. Stat. §§ 346.23, 346.24, 346.36 and 346.38. When using in-line skates, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians under Wis. Stat. §§ 346.23, 346.24, 346.37 and 346.38.
- (6) *Equipment regulations.* Every person using in-line skates during hours of darkness shall be equipped with a lamp emitting a white light visible from a distance of at least 500 feet to the front and with a reflector to the rear. The reflector shall not be less than two inches in diameter. A lamp on the rear exhibiting a red light may also be used.
- (d) Operators or riders of skateboards, roller skates, roller skis, in-line skates or play vehicles shall yield the right-of-way to other pedestrians using City sidewalks, and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.
- (e) No person shall operate any motorized scooter, motorized mini-bike, motorized skateboard or motorized go-cart on any street, sidewalk or public property in the City. A motorized scooter is a vehicle that is designed to be stood or sat upon by the operator and that has two wheels and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. A motorized scooter shall not include a device defined as an electric personal assistive mobility device under Wis. Stat. § 340.01(15pm).
- (f) Violations of this section are a Class B offense as provided in section 1-7.
(Code 1980, §§ 7.04(U), 7.09(A))
- State law reference**—Authority relative to in-line skates, Wis. Stat. § 349.235.

Secs. 44-199—44-219. Reserved.

DIVISION 2. BICYCLES*

Sec. 44-220. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle lane means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.

Bicycle way means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.

Identification tag means a metal plate or sticker indicating that a bicycle is registered.
(Code 1980, § 9.15(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 44-221. Enforcement.

(a) *Juvenile offenders under age 16 years.* Any offender under the age of 16 years who shall disregard the rules and regulations governing the operation of bicycles in this section may be directed to appear before the Juvenile Court or Juvenile Court Officer who shall dispose of such person's case in the manner prescribed by the Court. Bicycle riders under the age of 16 years shall be issued a special bicycle violation ticket for violations of any of the provisions of this section.

(b) *Offenders age 16 years and older.* Any person having attained the age of 16 years may in the discretion of the Police Department be dealt with by the Municipal Court.

(c) *Bicycle Court/Violations School.* Violations of this division may be formally processed through constitutional and statutory courts or, in the discretion of the Police Department, and in such cases where consent of the violator or parent or guardian of a violator who is a minor is obtained, may be processed by a special City Children's Bicycle Court and Violators School. Rules of Procedure of such Court and School shall be subject to review by the Com-

***State law reference**—Authority relative to bicycles, Wis. Stat. §§ 349.18, 349.23.

mon Council. Procedures for appeal from the decisions of the bicycle court shall be provided in the rules established hereunder.

(Code 1980, § 9.15(E))

Sec. 44-222. Registration required.

(a) *Required.* No person shall ride a bicycle upon any highway unless it is registered and tagged as herein provided.

(b) *Description.* Registration shall be made by filing with the Police Department the name and address of the owner together with a complete description of the bicycle on forms provided by said Department and paying a registration fee as hereinafter provided.

(c) *Fee.* The registration fee shall be set by the Chief of Police and shall not exceed the amount established by resolution and shall be effective and valid as long as the owner keeps possession of the bicycle. The Police Department shall issue a registration tag upon payment of the fee (if applicable). Replacement of lost or damaged tags shall be charged at the rate established by resolution.

(d) *Transfer.* It shall be the duty of every person who sells or transfers ownership of any bicycle previously registered to deliver the owner's registration card, issued to such person as owner thereof, to the purchaser. It shall be the duty of the purchaser or transferee to apply for a transfer of registration therefor, within five days of said sale or transfer.

(e) *Surrender of registration card.* It shall be the duty of every person who shall junk or destroy, cause to be junked or destroyed, or who shall transfer the title of any registered bicycle to a nonresident of the City, to deliver the owner's registration card to the Police Department together with a written report showing the disposition made thereof within five days thereafter.

(f) *Bill of sale required.* A person making original application for registration or an application for transfer of registration after sale or transfer shall exhibit to the Police Department a written bill of sale or transfer of title before said person shall be entitled to original registration or transfer of registration.

(g) *Unsafe vehicles.* No bicycle shall be registered which is in unsafe mechanical condition.

(h) *Unlawful to remove identification.* No person shall willfully remove, deface or destroy any such identification tag nor the serial number of the bicycle itself.

(i) *Suspension of registration.* The Chief of Police and the Municipal Judge, or either one of them, shall have authority to suspend the registration of and remove the identification tag from any bicycle operated contrary to any State law or City ordinance or operated while in an unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided hereunder.
(Code 1980, § 9.15(D))

Sec. 44-223. Operating rules.

No person operating a bicycle upon any highway, bicycle path or bicycle way within the City shall fail to observe all applicable traffic regulations of the municipality and State or to comply with the following regulations:

- (1) *Carrying extra passengers.* Bicycle operators shall not use a bicycle, except a tandem, to carry another person; provided, a bicycle operator may carry a child securely attached to the operator's person in a back pack or sling and may carry another person on a bicycle if it is equipped with a child's seat securely attached to and properly designed for use on a bicycle.
- (2) *Stunt or trick riding.* No person operating or pedaling a bicycle shall participate in any trick or stunt riding or racing on any highway within the City unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway.
- (3) *Towing with bicycle.* No person riding or operating a bicycle shall tow, drag or cause to be drawn behind the bicycle, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle.
- (4) *Obedience to traffic control devices.* Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles unless otherwise directed by a law enforcement officer.

(5) *Speed.* No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.

(6) *Riding on sidewalks.* No person shall ride a bicycle on any public sidewalk in the business district, or past any building which has any entrance or exit abutting on the sidewalk. Except as herein specified, it shall be lawful to ride on any public sidewalk provided that a reasonable rate of speed is maintained and every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle or electric personal assistive mobility device or a pedestrian proceeding in the same direction. If unable to pass in a safe manner, the operator shall dismount from the bicycle and push it past the pedestrian.

(Code 1980, § 9.15(B))

Sec. 44-224. Use of bicycle lanes and ways.

It shall be unlawful for any motor vehicle driver or bicycle rider to fail to comply with the right-of-way of any and all bicycle facilities which are designated by pavement markings and/or applicable signage.
(Code 1980, § 9.17)

Sec. 44-225. Bicycle parking.

No person shall park any bicycle against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within 24 inches of the curb.
(Code 1980, § 9.15(C))

Chapter 45

RESERVED

Chapter 46

UTILITIES*

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ARTICLE I. IN GENERAL

Sec. 46-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Public Works.
- (3) The Utilities Manager.
- (4) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

Secs. 46-2—46-20. Reserved.

ARTICLE II. WATER UTILITY*

Sec. 46-21. Penalties.

Except as otherwise provided in this article, violations of this article are a Class C offense as provided in section 1-7.

(Code 1980, § 4.25)

Sec. 46-22. Control.

(a) *Control designated.* The La Crosse Water Utility and all grounds, buildings, fixtures, machinery, and other things pertaining thereto shall be under the direct supervision of the Utilities Manager, subject to the authority of the Board of Public Works and the Common Council.

(b) *Powers of Board of Public Works.* The Board of Public Works, with approval of the Common Council, shall have the power to construct fire hydrants for public use, fountains at such places as shall be determined, and to lay water pipes in and through the alleys, streets and public grounds, and generally to do all such work as may be found necessary or convenient in the development and management of the water utility.

(c) *Surveys and purchase of property.* The Board of Public Works shall have power by themselves, their officers, agents and servants, to enter upon any

*Cross reference—Plumbing Code, ch. 103, art. V.

land or water for the purpose of making examinations or surveys in the performance of their duties under this article without liability therefor, and said Board shall have power, with the approval of the Common Council, to purchase and acquire, for the City, all real and personal property which may be necessary for additions to the La Crosse Water Utility.

(d) *Condemnation of real estate.* Whenever any real estate or any easement therein or use thereof shall, in the judgment of the Board of Public Works, be necessary for additions to the La Crosse Water Utility, and for any cause, an agreement for the purchase thereof cannot be made with the owner thereof, they shall report the same to the Common Council and thereupon the said Council may proceed to take such real estate, easement or use by condemnation in accordance with the applicable law.

(e) *Title to real estate and personalty.* All property, real, personal and mixed, acquired for the construction of the La Crosse Water Utility and all plans, specifications, diagrams, papers, books and records connected therewith, and the said La Crosse Water Utility and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the City.

(f) *Reports.* It shall be the duty of the Board of Public Works to report to the Common Council at such regular intervals as the Council may prescribe, at all other times when so directed, and as to the general condition of the La Crosse Water Utility, which reports shall be filed as directed by the Council.

(g) *Report of Director of Finance/Treasurer.* It shall be the duty of the Director of Finance/Treasurer to report to the Common Council monthly the amount received by him as water revenue, including all sources connected with the Water Utility, and such other details as may be requested by the Council. (Code 1980, § 4.01)

Sec. 46-23. Water service boundary limitations and requirements.

(a) The City of La Crosse does hereby fix the limits of the water utility service pursuant to Wis. Stat. § 66.0813(3) as the area within which water utility service may be provided by the La Crosse Municipal Water Utility to the following areas:

- (1) The corporate limits of the City.

- (2) The fringe service area, as indicated in section 46-30 and defined as the area immediately abutting the City limits to which water service will be extended or offered, includes those areas established by the Common Council on May 14, 1953, that have not yet become a part of the City of La Crosse. No water service shall be permitted outside of the limits of this area and no additions or extensions of this area shall be permitted.
 - (3) If property is annexed to the City and provided with City water, and if that annexation is subsequently declared to be invalid, the City shall continue to provide the property with water during the pendency of the appeals regarding the annexation at the same rate charged to City residents.
 - (4) Property that is served with water under an Annexation and Water Connection Agreement as approved by the Common Council including the following:
 - a. Property located at 1616 Nakomis Avenue, described as Part of Government Lot 3, Section 19, T16N, R7W, Town of Campbell, La Crosse County, Wisconsin including portions of second addition to Hiawatha Islands Addition more particularly described as follows:
Beginning at the southwest corner of Lot 15 of said second addition; thence N 87° 51' W 30.05 feet to the centerline of Nakomis Avenue; thence northeasterly along said centerline 160 feet more or less, to the intersection of a line extending from the southeast corner of Lot 25 to the northwest corner of Lot 15 of said second addition; thence southeasterly along said line 75 feet more or less to the northwest corner of said Lot 15; thence S 82° 04' E along the north line of said Lot 15 a distance of 116.07 feet to the northeast corner of Lot 15; thence continue on same bearing 22 feet to the western water's edge of the Black River; thence southerly and downstream along said western water's edge to the extended south line of said Lot 15; thence N 87° 51' W along said line and extended line 159 feet to the point of beginning. Parcel contains 0.27 acres more or less.
 - b. Property located at 1525 Nakomis Avenue, described as Part of Government Lot 4, Section 19, T16N, R7W, Town of Campbell, La Crosse County, Wisconsin including portions of Second Addition to Hiawatha Islands Addition more particularly described as follows:
All of Lot 32 of said Second Addition and an adjacent strip from the western edge of the lot to the water's edge of an adjacent slough.
 - c. Property located at 1937 Nakomis Avenue, described as Part of Government Lot 3, Section 19, T16N, R7W, Town of Campbell, La Crosse County, Wisconsin including portions of Fourth Addition to Hiawatha Islands Addition more particularly described as follows:
All of Lot 70 of said Fourth Addition and an adjacent strip from the western edge of the lot to the water's edge of an adjacent slough.
 - d. Property located at 1808 Nakomis Avenue, described as Part of Government Lot 3, Section 19, T16N, R7W, Town of Campbell, La Crosse County, Wisconsin including portions of Third Addition to Hiawatha Islands Addition more particularly described as follows:
All of Lots 41 and 42 of said Third Addition and an adjacent strip from the eastern and southern edge of said lots to the water's edge of an adjacent canal and Black River.
- (b) No water utility service of the La Crosse Municipal Water Utility shall be provided outside of the above described area without prior Common Council approval.
- (c) The rendering of such services provided in this section shall not be deemed to be holding out or an offer by the City to furnish water services beyond these limits.

(d) Customers receiving water service in accordance with the provisions of this article shall be subject to any fee or charge imposed for such service by the Common Council and Public Service Commission.

(e) The penalty for violating the provisions contained in this article are those as provided for in section 46-21 and, in addition, termination of service or the right to use the Water Utility's system of the City of La Crosse, including equitable and injunctive relief.

(Code 1980, § 4.21)

Sec. 46-24. Compliance with the rules.

It is hereby stipulated, as a condition of the granting of water supply by the La Crosse Water Utility, that all persons now under grant of such water supply, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations that are herein or may hereafter be prescribed and filed with the Public Service Commission of Wisconsin.

(Code 1980, § 4.02)

Sec. 46-25. Application for water service.

(a) No person, except the Water Utility, shall lay, install, relay, repair, break open or make connections with any public water main without applying for and obtaining a permit from the Board of Public Works or its authorized representative. The application for each permit shall be filed by a licensed master plumber on forms furnished by the City with the proper fee as prescribed by resolution. All licensed master plumbers shall comply with all bond requirements as specified in the Plumbing Code and the provisions and regulations of this Code shall govern where applicable.

(b) The Board of Public Works or its authorized representative is hereby empowered to withhold approval of any application unless all required information as required on the application, is submitted. When the said Board or its representative approves the application and the approved plans are filed, a permit shall be issued to the plumber to perform the work as indicated on the application.

(c) The master plumber shall also obtain from the Board of Public Works, the necessary digging permits to open and excavate in streets and public lands and shall adhere to the regulations governing such openings.

(Code 1980, § 4.04)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 46-26. Water service installation.

(a) *Connection requirements.*

(1) Each dwelling or other building used for human habitation or other buildings where human beings are in need of water facilities, which is located upon or adjacent to any street in and along which public water mains have been laid, or which has reasonable access to public water main, shall be connected with an individual connection to the said water main; except that when a private well is in compliance with Wis. Admin. Code ch. NR 312, the Wisconsin Well Code, is adequate and safe, this supply may be continued in operation until such time as it is in need of repair or replacement.

(2) The owner of a multiunit dwelling has the option of having a metered water supply to each unit from a single connection to the public water system. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable the individual supply to each unit and also individual disconnection without affecting service to other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rates, rules and regulations.

(3) No more than one building shall be supplied from each individual water service.

a. A domestic water service shall not be used as a supply for a fire protection system, nor shall a fire protection service be used for domestic purposes except where a four-inch or larger connection is made to the main for private fire protection service, such fire service line may be tapped with a smaller size branch line for general domestic

service. Rates for said "combined service" are on file in the office of the La Crosse Water Utility.

- b. The installation of any pipe, valve, or conduit in any manner connected with the municipal water system so as to result in connection of a private water supply, the sanitary sewer, storm sewer system to the water supply, or any other fluid or substance which might result in the introduction into the municipal water system of a foreign substance, is prohibited.

(b) *Pipe.*

- (1) *Size.* The water service pipe shall be of sufficient size to furnish water to the property in the quantities and at the pressures required in Wis. Admin. Code ch. SPS 382. The minimum inside diameter of any service pipe shall be three-fourths-inch.
- (2) *Materials.* The water service pipe from a main to any property shall be Type K copper, cast iron, ductile iron, or other materials approved by the Utility. Any materials used within bounds of, or beneath an area subject to easement for highway or street purposes or public rights-of-way shall be subject to acceptance by the Utility.

(c) *Control valves.*

- (1) *Location.*
- a. Domestic services shall include an approved valve at the main, a curb stop or valve between the property line and the street, and valves inside the building, one on the supply side and one on the building side of the meter.
- b. Fire protection services shall include an approved valve at the main, a curb stop or indicator valve between the property line and the street, and a valve inside the building followed by an approved check valve.
- c. For any water service three inches or larger, one valve may service as the shutoff at the main and the curb stop or valve.

- (2) *Materials.* Curb stop valves shall be an approved ground key stopcock or ball valve up to and including two-inch size. Over two inches shall be approved gate valve with nonrising stem and square head operating nut. Each curb stop or valve shall be protected by an approved cast iron curb box or valve box and the cover exposed and level with the sidewalk, curb or lawn.

(d) *Connection to main.*

- (1) *Size.* Any connection to the main shall be of sufficient size to furnish water to the property in the quantities and at the pressures required in Wis. Admin. Code ch. SPS 382. All connectors shall be made with an approved corporation cock, service saddle, tapping water valve and sleeve or other approved connection depending on connection and main size. Only one tap or connection to the main will be permitted for each service pipe.

(2) *Installation.*

- a. Where corporation cocks are used, they shall be inserted at an angle of 45 degrees with the top of the water main and where applicable, the service pipe at the connection shall be bent into a large "S" or gooseneck to provide flexibility.
- b. No pipe or fittings that have been used for other purposes shall be used for distributing potable water.

(e) *Placement and backfilling.*

- (1) *Placement.* The water service pipe shall be laid at right angles to the water main. No water service pipe and building sewer shall be placed less than eight feet apart horizontally, separated by undisturbed or compacted earth, except as permitted by conditions outlined in Wis. Admin. Code ch. SPS 382. The water service pipe shall be placed not less than seven feet below the surface of the ground. When conditions prevent installation to specified depth, the service shall be so protected as to prevent freezing. All water service pipes shall be located within extended property lines of the property served,

or on street rights-of-way, or other public land, and so installed as not to interfere with other utility lines.

- (2) *Backfilling.* In backfilling the pipe trench, the service pipe shall be protected against injury by carefully hand-tamping the earth fill to a depth of six inches. The earth fill shall be free from hard lumps, rocks, stones and other injurious material. Water services shall not be laid through any trench having cinders, rubbish, rock, gravel fill nor any other material which may cause injury to, or disintegration of, the service pipe, unless adequate means of protection are provided by sand filling or insulation approved by the Water Utility.

(f) *Inspection.* No plumber shall cover or permit the covering of any water service line until the installation has been inspected and approved by the Department of Planning and Development or its duly authorized representative. When so directed, the plumber shall hydrostatically test the system in the presence of the authorized inspector.
(Code 1980, § 4.05)

Sec. 46-27. Private fire protection service.

All fire protection services shall conform with section 46-26. All fire services systems, including fire sprinklers, shall be installed in accordance with the National Fire Codes, 2012 Edition. A check valve shall be installed on all fire services after the shut-off valve, inside the building wall and ahead of all fire hose connections. When fire services are laid to a building, the service shall be turned on only by the Water Utility after the fire protection system is inspected and approved by the Board of Public Works, or its duly authorized representative. When a plumber has completed a job, said plumber must leave the water turned off. This does not prevent him, however, from testing his work.
(Code 1980, § 4.06)

Sec. 46-28. Maintenance of services.

(a) All water services, within the corporate limits of the City, from the street main through the curb stop and including all controls between the same shall be maintained by the Water Utility without cost to the property owner, except when damaged as a result of

negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner. In this case, they shall be repaired at the expense of the property owner.

(b) All water services from the point of maintenance by the Water Utility to and throughout the premises must be maintained free of defective conditions by and at the expense of the owner or occupant of the property.

(c) If the property owner fails to repair an existing leak or broken service pipe between the curb stop and the point of metering within such time as may appear reasonable to the Utility after notification, the water will be shut off and remain off until the repair is made.

(d) It shall be the responsibility of the consumer to protect the stop box in the boulevard and keep it free from dirt and other obstructions. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.

(e) When any water service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new service shall be installed for each building.

(f) Frozen services shall be thawed by and at the expense of the Water Utility except where the customer has been notified in advance of a corrective measure to prevent the refreezing or where the freezing was caused by contributory fault or negligence on the part of the customer. In case it is necessary to temporarily allow the water to run to prevent refreezing, the customer will be billed according to his meter readings.

(g) Where, because of some deficiency in the Utility's portion of the facilities and at the request of the Utility, a customer permits the water to flow to prevent freezing, the Utility shall adjust said customer's bill for the excess consumption which results.
(Code 1980, § 4.07)

Sec. 46-29. Cost of water services.

(a) The original installation of service pipes, including all excavation, materials and the connecting of such service pipes with the main and all related street and public land replacement and repair shall be at the expense of the property owner.

(b) The expense of laying new service pipes from the main through the curb stop in advance of street construction or rehabilitation, or when ordered by the Board of Public Works, shall be charged to, and be made a lien upon the real estate to be served by the service pipe. The property owner shall pay for such service installation before a permit will be issued to extend such service pipe to a building or property.

(c) In case it is necessary to install a larger service to replace an existing service, the new service shall be installed at the expense of the property owner.

(d) Upon proper installation, inspection and approval, all services from the main through the curb stop become the property of the Water Utility and shall be maintained by the Water Utility.

(e) Where an existing service must be relaid from the main to the curb stop by the Water Utility because of its condition and the owner wants an increase in size of service pipe, he shall pay for all cost over and above the cost of replacing the original size of service.

(f) Anytime an existing service is relaid for the purpose of increasing its size and a new and larger tap is made to the main, all existing service pipes that are to be discontinued shall be disconnected and the main taps property plugged.
(Code 1980, § 4.08)

Sec. 46-30. Fringe area service.

(a) *Defined.* The term "fringe service area," being defined as the area immediately abutting the City Limits to which water service will be extended or offered, includes those areas established by the Common Council on May 14, 1953, that have not yet become a part of the City of La Crosse. No water service shall be permitted outside of the limits of this area and no additions or extensions of this area shall be permitted.

(b) *Application for service.* The application for water service in the fringe area shall be as outlined in section 46-25 and is to be signed by the owner to indicate that all rules, regulations, and ordinances governing the Water Utility, of which this section is a part, shall be accepted and abided by.

(c) *Installation and inspection.* Water services serving premises in authorized fringe areas shall meet the installation and inspection standards as outlined in section 46-26, along with other regulations, that may be applicable. Not more than one building shall be supplied from one tap at any time. It shall be unlawful to extend water service from any building within fringe area to a building outside authorized fringe area or to any point or use other than indicated in the original application. All future water services within fringe area shall be permitted only if such service can be connected to an existing public water main. The water systems in the buildings to be served by the Water Utility may be inspected by the Department of Planning and Development for cross-connections to insure compliance with the State Plumbing Code.

(d) *Maintenance of services.* All rules and regulations as outlined in section 46-28 shall govern the maintenance of water services in the fringe area except that the Water Utility shall maintain only that part of the service between the street main and the City limits line. The balance of the service line shall be maintained by the property owner.

(e) *Cost of water services.* The cost of the original installation of any water service in the fringe area shall be as outlined in section 46-29 where applicable.

(f) *Meters.* Meters shall be placed in a manner approved by the Board of Public Works and shall be within the fringe area at all times. They shall be furnished by the Water Utility and the rules, regulations and ordinances of the Utility shall govern their use at all times.
(Code 1980, § 4.09)

Sec. 46-31. Water meters.

(a) *Location.*

(1) Each service pipe, by means of which water is delivered by the Water Utility to a consumer (except such service pipes used solely for fire protection) shall be connected with an adequately sized meter to accurately measure the amount of water delivered through such pipe.

(2) It shall be the duty of the owner of any premises to provide a location for the water

meter and to maintain such location and passageway thereto clean and sanitary and free from any obstructions or any condition of a hazardous nature. Water meters shall not be located below any stairway, landing, or platform unless there is provided a space not less than four feet above the center line of the water meter supply line. No connection for water meters shall be installed in any location not easily accessible; or which is, or may be, unclean, unsanitary or in any manner hazardous to Water Utility employees in the discharge of their duties. No meter shall be placed in any pit or manhole without special permission from the Board of Public Works or its duly authorized representative.

(b) *Installation.*

- (1) All meters shall be installed in a horizontal setting, where the service pipe enters the building wall or rises through the floor and shall be provided with two gate or other full way valves, one on the supply side and one on the building side of the meter setting.
- (2) For all meters of 1½ inches or less in size, the piping for the meter shall allow for a slight horizontal adjustment between the tail pieces of the meter and shall be so installed so that the bottom of the meter will be not less than 12 inches and not more than 30 inches above the adjacent floor level.
- (3) All meters two inches or larger in size shall be supported by a steel or concrete stand to be furnished by the owner. The meter shall be set a minimum clear distance away from any wall or immovable object as follows: Two-inch meter: 12 inches; three-inch meter and larger: 14 inches. The bottom of the meter shall be set not less than 18 inches and not more than 36 inches above the adjacent floor level.
- (4) All meters 1½ inches or larger in size shall have a by-pass, with a sealed valve, installed around the meter setting and sized as required by the State Plumbing Code.
- (5) Whenever a water service pipe is extended to the property beyond the curb stop and properly flushed and tested, a water meter

shall be installed immediately. The plumbing shall be so arranged that no water can be taken or supplied to the building and fixtures for which the meter was intended unless it will pass through and be registered by such meter. Licensed plumbers or their employees shall not leave turned on after the completion of work, any water supply not protected by a meter; nor shall any licensed plumber or employee, turn on, except for testing, any supply previously turned off by the Water Utility.

- (6) The plumbers who make the service extension shall give the Water Utility at least 24 hours' notice of the time when the piping will be ready for the meter.
- (7) No meter will be left at or installed in any premises unless the proper "Water Request" forms are signed or can be signed at the site by the legal owner of said property or his authorized agent. All meters shall be sealed by the Water Utility and the seals may be broken only by the Water Utility or when authorized by the Water Utility.
- (8) In no case shall a pipe coupling be inserted in the line in place of a meter unless authorized by the Water Utility. Any person violating this provision will be required to pay an amount equal to the amount of damage sustained by the Water Utility, as determined by the Board of Public Works, by reason of loss or damage to the meter, and loss of revenue due to smaller registration of the meter. If the violator is a consumer, the water will be shut off and will remain so until the proper amount is paid. If the violator is a plumber, no further applications will be considered until the proper amount is paid.

(c) *Maintenance.* All water meters will be maintained by the Water Utility in the manner required by the Public Service Commission of Wisconsin. However, once delivered and installed, the owner of the premises shall be liable for all repairs made necessary by freezing, hot water back-up, damage or negligence on the part of the owner's contractor, the owner, family or tenants and the cost of repairs shall be collected in the same manner as water bills.

(d) *Water meter removal.*

- (1) Meters shall be left in the condition and manner as set by the Water Utility and shall not be interfered with in any manner whatsoever. No meter shall be moved or disturbed without special permission from the Water Utility, except that the property owner may order the water shut off and the meter removed if the building is to be vacant.
- (2) When premises are to be vacated, moved or torn down the Water Utility shall be notified at once, so that it may remove the meter and shut off the supply at the curb stop. The owner of the premises shall be liable to prosecution for any damage to Utility property by reason of failure to notify the Water Utility of need to discontinue service.

(e) *Tampering with water meter.* When the Water Utility has reasonable evidence that a consumer is obtaining his water supply, in whole or in part, by means of devices or methods used to stop or to interfere with the proper metering of the water service being delivered to his system, the Water Utility reserves the right to estimate and present a bill for the water service unmetered as a result of such interference, and such bill shall be payable subject to a 24-hour notice of disconnection. If the Water Utility shall have disconnected the consumer for any such reason, it will reconnect the consumer only after any and all damages to its equipment due to such stoppage or interference with metering are paid to the Water Utility and the consumer agrees to comply with the requirements of the Water Utility. (Code 1980, § 4.10)

Sec. 46-32. Protecting premises system.

(a) The owner or occupant of premises receiving water shall apply and maintain suitable means of protection of the premises supply, and the appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. There shall likewise be provided means for the prevention of the transmission of water hammer, or noise of operation of any motor, valve or appliance, through the water piping of their own or adjacent premises into the water distribution system.

(b) Any installation which tends to generate water hammer pressures shall install an approved shock arrestor to prevent water hammer waves from getting back into the water distribution system or damaging the water meter. All water supply lines to water or steam boilers shall comply with Wis. Admin. Code ch. SPS 382 in regards to backflow prevention and valving. (Code 1980, § 4.11)

Sec. 46-33. Entry to premises.

It shall be considered a condition of the granting of water supply from the Water Utility that the owner or occupant of any or all premises receiving such water supply shall grant any authorized representative of the Water Utility free access to the premises, or any part thereof, during reasonable hours of the day, for the inspection of the piping, water meter, or appurtenances for the distribution and control of the water supply; or of the use of such supply; or for the installation, removal, repair, or reading of any water meter or the inspection of the location thereof. Any person who refuses entry on receipt of a notification of the purpose of the entry, shall be subject to the penalties provided herein. Owners and tenants shall make arrangements with the Water Utility to gain entrance to read or repair water meters when buildings are unoccupied. (Code 1980, § 4.12)

Sec. 46-34. Protection and operation of water system.

(a) It shall be unlawful for any person to willfully pollute or contaminate any water supplied by the Water Utility in any reservoir or pipe used in the Water Utility for holding, conveying or distributing water.

(b) It shall be unlawful for any person to in any way obstruct access to any fire hydrant, valve or corporation box connected with the City water pipes by placing or planting any building materials, rubbish, bushes, trees or other hindrances thereon or therein. The consumer shall protect the stop box in his terrace or boulevard and shall keep the same free from dirt and other obstructions.

(c) No person, except those specifically authorized, shall operate any valve or fire hydrant or other equipment that is a part of or connected to the Water Utility.

(Code 1980, § 4.13)

Sec. 46-35. Damage recovery.

(a) The Water Utility shall have the right of recovery from all persons any expense incurred by said Utility for the repair or replacement of any water service pipe, water meter, curb stop, valve, valve box, hydrant or other utility equipment damaged in any manner by any person during the performance of any work under said person's control or by any negligent act.

(b) Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by the owners or operators, and the Water Utility will not be responsible for the damage due the motor vehicle by reason of such accident.

(Code 1980, § 4.14)

Sec. 46-36. Development of rates and regulations.

(a) The Water Utility and the Board of Public Works, with the authorization of the Common Council, shall as necessary develop or cause to have developed a schedule of rates to be charged for water and regulations for the use of water from the water system. The authorized schedule of rates and regulations developed shall become of force and effect upon order of the Public Service Commission of the State of Wisconsin as authorized under Wis. Stat. §§ 196.03, 196.20 and 196.37.

(b) The Board of Public Works and the Common Council shall have the right to provide of its own motion, by resolution, any additional rules, regulations and payments for use of water, and for the purpose of imposing penalties for the violation of the rules of this article, subject to the approval of the Public Service Commission.

(Code 1980, § 4.15)

Sec. 46-37. Rate schedules and administrative regulations of the Water Utility.

(a) The La Crosse Water Utility provides water as a public utility under Wis. Stat. ch. 19 and the rates and regulations of the Utility are developed and

ordered by the Public Service Commission of the State of Wisconsin as authorized under Wis. Stat. §§ 196.03, 196.20 and 196.37. The rates and regulations of the La Crosse Water Utility in effect at any time are the authorized rates and regulations on file with the Public Service Commission and copies of these rates and regulations are available in all office and stations of the La Crosse Water Utility.

(b) Customers of the La Crosse Water Utility, City of La Crosse, La Crosse County, a Water Public Utility, are informed of new rates as they become effective as required by Wis. Admin. Code § PSC 185.33(1).

(Code 1980, § 4.16)

Sec. 46-38. Special assessment for water main.

(a) *Purpose.* The purpose of this section is to provide the authority to levy assessments upon property for payment for the construction, reconstruction or improvement of water mains or other additions to the water system in undeveloped areas within the City and newly annexed areas to the City, in a fair and equitable manner as prescribed by the governing body of the City.

(b) *Procedures.* In authorizing the Water Utility to finance improvements to the water system through special assessments, the City, by reference, incorporates the procedures as contained in the Wisconsin Statutes.

(c) *Determination of assessment cost.*

(1) The City may levy and collect special assessments upon property in the determinable area for the special benefits conferred upon such property with the improvements to the water system in a fair and equitable manner; and may provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such assessments.

(2) The cost of such work or improvement may include, but shall not be limited to, all construction costs; including rock removal and supplementary bedding; dewatering; and survey, inspection and engineering costs, if applicable and so authorized.

(3) An assessment rate will be established by the Council in an amount to offset all or any

part of the cost of such work or improvement. Said rate shall be assessed to the abutting property owners according to the frontages in subsection (d) of this section. Residential areas shall be assessed for cost for installation of six-inch diameter water main and nonresidential areas for the cost of installation of eight-inch water main with excess cost for installing larger mains to be borne by the Water Utility.

(4) If, prior to the improvement of a street by the installation of curb, gutter, pavement or other permanent surfacing, or when ordered by the Board of Public Works, service laterals are extended from the water main through the curb stop by City forces or by public contract, the cost of such installation shall be borne totally by the property served. Payment for such installation shall be made as outlined in section 46-29.

(d) *Determination of assessable frontage.*

(1) *Definitions.* The following words, terms and phrases, when used in this subsection (d), shall have the meanings ascribed to them in this subsection (d)(1), except where the context clearly indicates a different meaning:

Frontage means that portion of a lot or parcel of land which lies immediately adjacent to a public street or public alley. On corner lots or parcels, frontage is considered to be the short side facing a public street.

Rear frontage, on lots or parcels having frontage on two public streets or on a public street and public alley, is considered to be the side facing the street or alley at the rear of the lot, house or future structure.

Side frontage, on corner lots or parcels, is considered to be the long side facing a public street or public alley.

(2) *Determination of individual lot or parcel assessment.*

a. Assess full frontage (short side on corner lots or parcels), minimum assessable frontage on any lot or parcel being 60 feet.

b. Assess that side frontage on corner lots or parcels over and above 120 feet when lot or parcel are served on both sides.

c. Exempt rear frontage on lots or parcels having double frontage which are served on both frontages, except if the lots or parcels are large enough for potential division in accordance with all applicable laws.

d. When water mains are installed along the side frontage (long side) of a corner lot or parcel first, assess full frontage together with the side frontage subject to the above 120-foot exemption.

e. Exempt that frontage, other than the minimum 60 foot assessable frontage, where lot or parcel depth is less than 65 feet when lot or parcel is not subject to any other exemption.

(e) *Assessment payment.* Special assessments for the improvements provided for in this section may be paid in ten equal annual installments together with interest at the rates determined by the Common Council, uniform with other City special assessments.

(f) *Exempt property.* If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed in the manner prescribed and shall be paid by City.

(g) *Liens on property.* Any special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining the amount of the levy.
(Code 1980, § 4.17)

Sec. 46-39. Water main construction.

Any water main construction, replacement or relocation shall be done in accordance with the "Standard Specifications for Water Main Construction" on file in the office of the City Engineer.
(Code 1980, § 4.18)

Sec. 46-40. Cross connection control.

(a) *Definition.* The term "cross connection" means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(b) *Restrictions.* No person, firm, or corporation shall establish or permit to be established or maintained or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of said City, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the City Water Utility and by the Wisconsin Department of Natural Resources in accordance with Wis. Admin. Code § NR 811.09.

(c) *Inspection and discontinuance.*

- (1) *Inspection.* The Water Utility may cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Water Utility and as approved by the Wisconsin Department of Natural Resources.
- (2) *Right of entry.* Upon presentation of credentials, a representative of the Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for cross connections. If entry is refused, such representative may obtain a special inspection warrant under Wis. Stat. § 66.0119. On request the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property.

(3) *Notice of violation.* The Water Utility may discontinue water service to any property wherein any connection in violation of this article exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued after reasonable notice and opportunity for hearing under section 2-4, except as provided in subsection (c)(4) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this article.

(4) *Discontinuance of water service.* If it is determined by the Water Utility that a cross connection or an emergency endangers public health, safety, or welfare, and requires immediate action and a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under section 2-4 within ten days of such emergency discontinuance.

(d) *Other regulatory codes.* The provisions of the State Plumbing Code contained in Wis. Admin. Code ch. SPS 382 are adopted by reference. (Code 1980, § 4.19)

Sec. 46-41. Private well abandonment and well operation policy.

(a) *Purpose.* To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying private wells or private wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

(b) *Applicability.* This article applies to all private wells located on premises served by the City of La Crosse Municipal Water System. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in subsection (a) of this section (See Wis. Admin. Code § NR 845.03).

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Noncomplying means a well or pump installation which does not comply with Wis. Admin. Code § NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Wis. Admin. Code § NR 812.43.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Wis. Admin. Code ch. NR 140 or 809, or for which a health advisory has been issued by the Department of Natural Resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means a drillhole or other excavation or opening deeper than it is wide that extends more than ten feet below the ground surface constructed for the purpose of obtaining groundwater.

Well abandonment means the proper filling and sealing of a well according to the provisions of Wis. Admin. Code § NR 812.26.

(d) *Abandonment required.* All wells on premises served by the municipal water system shall be properly abandoned in accordance with subsection (f) of this section not later than one year from the date of connection to the municipal water system, unless a

valid well operation permit has been issued to the well owner by the Water Utility under the terms of subsection (e) of this section.

(e) *Well operation permit.*

- (1) Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than one year after connection to the municipal water system. The Water Utility shall grant a permit to a well owner to operate a well for a period not to exceed five years, providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Water Utility or its agent, may conduct inspections and water quality tests, or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a private well permit application or renewal. Permit applications and renewals shall be made on forms provided by the Water Utility.
- (2) The following conditions must be met for issuance or renewal of any well operation permit:
 - a. The well and pump installation shall meet the Standards for Existing Installations described in Wis. Admin. Code § NR 812.42.
 - b. The well and pump shall have a history of producing safe water evidenced by at least one coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
 - c. There shall be no unprotected cross-connections between the well's pump installation or distribution piping and the municipal water system.

- d. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- e. The private well shall have a functional pumping system.
- f. The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(f) *Abandonment procedures.*

- (1) All private wells abandoned under this section shall be abandoned according to the procedures and methods of Wis. Admin. Code § NR 812.26. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent shall notify the Water Utility at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed or verified by the Water Utility or its agent.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Water Utility and the Department of Natural Resources within 30 days of the completion of the well abandonment.

(g) *Permit and inspection fee.* The Water Utility may charge a fee for the initial and renewal applications/permits for private wells, as well as a reasonable fee for inspection of the abandonment of any well. Said fees shall be established by the City's Board of Public Works.
(Code 1980, § 4.20)

Secs. 46-42—46-70. Reserved.

ARTICLE III. SANITARY AND STORM SEWERS*

DIVISION 1. GENERALLY

Sec. 46-71. Penalties.

Except as otherwise provided in this article, violations of this article are a Class C offense as provided in section 1-7.
(Code 1980, § 6.15)

Sec. 46-72. Storm sewers not assessed.

All storm sewer mains shall be constructed and maintained by the City at general expense and without special assessments to property benefited, except as provided in section 113-179.
(Code 1980, § 6.01)

Sec. 46-73. Plans for and construction of future sewers.

The Board of Public Works, in preparing plans and specifications for future construction of storm and sanitary sewers, shall comply with "Standard Specifications for the Construction of Sewers" approved by the Council and on file in the City Engineer's Office. The standard specifications shall govern the type and quality of workmanship and materials as well as all phases of installation requirements of main line sewers and for all connections, private or otherwise, to the main sewers.
(Code 1980, § 6.02)

Sec. 46-74. Sewer assessment.

The rate and method of assessment for the construction of sewers shall be governed and controlled by the Wisconsin Statutes.
(Code 1980, § 6.03)

Sec. 46-75. Sewer costs assumed by City.

The cost of all sewers in all streets and alleys, crossings, and all sewers in excess of the benefits assessed to the abutting property owners by virtue of section 46-74, of all catch basins for receiving the

***Cross references**—Environment and natural resources, ch. 16; private on-site wastewater treatment systems and waste haulers, § 16-2; solid waste, ch. 36; Plumbing Code, ch. 103, art. V.

State law reference—Sewers, Wis. Stat. §§ 62.15, 62.175, 62.18.

water from the gutters and of the overflow pipes connecting them with the sewers, of all temporary catch basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry out the system of sewerage and all costs of constructing sewers not provided for by special assessment shall be paid out of the general fund, and all cleaning and repairing of sewers and catch basins, all temporary work necessary to be done as above stated shall be done by the authority of the Board of Public Works.

(Code 1980, § 6.04)

Sec. 46-76. Drains and sewers required.

It shall be the duty of the Board of Public Works to see that proper drains or sewers are constructed from every lot which in their judgment requires it; and that such private drains or sewers are made to connect with the public sewers in a proper manner and they shall have the power to require such number of private drains and sewers to be constructed as they may deem expedient.

(Code 1980, § 6.05)

Sec. 46-77. Private drains and sewers.

The Board of Public Works shall prescribe the location, arrangement, form, materials, and construction of every drain and sewer emptying into the public sewers, and shall determine the manner and plan of connection of the same. The work of construction shall be in all cases subject to the superintendency and control of said Board and shall be executed strictly in compliance with their orders, but the cost of such private sewers shall not be included in the estimate of the cost of the general plan of sewerage and shall be charged upon the lot or lots for the benefit of which such private sewers shall be constructed.

(Code 1980, § 6.06)

Sec. 46-78. Claims on account of defective sewers.

(a) *Notice to City.* No claim made against the City for defective sewers or stoppage of sewers shall be paid unless the claimant shall have notified the City Clerk in writing of the stoppage or other defect at the time the same shall have been opened and shall have afforded the Plumbing Inspector an opportunity

to make investigation of the claimed defect or other trouble upon which such claim shall be based. Upon such notice to the Department of Planning and Development of the sewer complained of and to make report in writing of its findings to the Council.

(b) *Filing of claim.* No claim for refund or credit for repairs, replacements or other work done on any sewer connections on account of the claimed defective condition of any sewer or house connection shall be presented to or considered by the Council unless such claims shall be presented to the Council, or to the City Clerk for presentation to the Council, within 60 days after the completion of the work for which such refund or credit shall be claimed, only if the provisions of subsection (a) of this section have been complied with.

(Code 1980, § 6.08)

Sec. 46-79. Damaging sewers prohibited.

It shall be unlawful for any person to willfully or maliciously obstruct, damage or injure any public or private sewer or drain or willfully damage any of the materials employed or used for the purpose of sewers or sewer drains.

(Code 1980, § 6.10)

Sec. 46-80. Sanitary sewer service boundary limitations and requirements.

(a) The City does hereby limit extension of sewer service as provided in this section. Sanitary sewer service and collection of sanitary sewerage to be treated by the City of La Crosse Sanitary Sewer Plant shall be limited to the property as delineated on the map on file in the City Engineer's Office.

(b) No sanitary sewer service involving collection through pipes, mains or interceptors shall be provided outside the above described area without prior Common Council approval.

(c) The rendering of such services provided in this section shall not be deemed to be holding out or an offer by the City to furnish sewer service beyond its corporate limits.

(d) All sanitary sewerage or waste water entering the City of La Crosse Sanitary Sewer System shall be subject to all of the provisions of the ordinances of the City of La Crosse pertaining to sewers and sewerage, consistent with the provisions of division

2 of this article and all amendments thereto. All persons and entities receiving sewer service as provided in this section shall comply with all the requirements as to plumbing, safeguarding and use applicable to users of sewer service within the City limits along with the provisions of all laws, orders or directives of the United States Government or the State of Wisconsin pertaining to wastewater. The term "wastewater" includes any flows amenable to treatment. Flows which are not amenable to treatment shall be pretreated or corrected at their source, so that they are amenable to treatment at the point of entry into the City of La Crosse Sanitary Sewer System. The City of La Crosse shall also have the right to inspect and/or survey the wastewater input of all users of the City of La Crosse Sanitary Sewer System.

(e) Customers receiving sewer service in accordance with the provisions of this section shall be subject to any fee or charge imposed for sewer service by the Common Council.

(f) The penalty for violating the provisions contained in this section are those as provided for in section 46-71 and, in addition, termination of service or the right to use the Sanitary Sewer System of the City of La Crosse including equitable and injunctive relief.

(g) If property is annexed to the City and provided with sanitary sewer service which is treated at the City's Sanitary Sewer Plant either directly or by way of contract and that annexation is subsequently declared to be invalid, the City shall continue to provide sanitary sewer service during the pendency of the appeals regarding the annexation at the same rate charged to City residents.
(Code 1980, § 6.12)

Sec. 46-81. Amalgam management at dental offices.

(a) This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics or prosthodontics, then this section does not apply.

(b) All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association.

(c) Every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

(d) On or before December 1 of each year, dental offices which are not currently in the amalgam management program shall submit a report to the City that certifies the implementation of the management practices required by this section and identifies the contractors used to remove amalgam waste within the last 12 months.

(e) On or before April 1 of each year, dental offices which are not currently in the amalgam management program shall provide a report to the City providing the following information:

- (1) If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.
- (2) If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.

(f) If a dental office has provided a report according to subsection (e)(2) of this section, then the dental office shall notify the City of the completion of installation within five days after completion.

(g) The City shall provide forms for reporting the information required by subsections (d) through (f) of this section.

(h) From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the City of inspection and copying upon request from the City.

(i) Dental offices shall allow the City to inspect the vacuum system, amalgam separator, and amalgam waste storage areas.

(j) Inspections shall occur during the normal operating schedule of the dental office. The City shall inspect dental offices according to appointments made in advance as long as this advanced notice does not impede enforcement of this section.

(k) If a dental office is implementing the management practices required by subsection (b) of this section and is operating and maintaining the amalgam separator required by subsection (c) of this section, then any numerical discharge limit for mercury established in any other section of this article does not apply.

(l) On or before January 15 of each year, each dental office shall submit a report to the City verifying amalgam separator maintenance and waste amalgam shipment for recycling. The information shall be reported on a form provided by the City. (Code 1980, § 6.16)

Secs. 46-82—46-105. Reserved.

DIVISION 2. WASTEWATER DISCHARGES

Sec. 46-106. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act. See *Clean Water Act*.

Biological sludge means a liquid or semi-liquid microbial mass produced by the reproduction of individual microorganisms under favorable homeostatic conditions.

Biochemical oxygen demand (BOD) means an analytic measurement performed in a controlled environment of the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed in milligrams per liter. Quantitative measurements of BOD shall be performed in accordance with 40 CFR 136.

Board or Board of Public Works means a board of the City established under chapter 2, article X, division 3.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

CFR means Code of Federal Regulations of the United States.

Chemical oxygen demand (COD) means an analytic measurement performed in a controlled environment by which the organic matter content of a sample is determined through the use of a strong chemical oxidant. Quantitative measurements of COD are performed in accordance with 40 CFR 136.

Clean Water Act or Act means the Federal Water Pollution Control Act as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251 et seq., pursuant to which the U.S. EPA establishes guidelines, limitations, and standards.

Direct contact cooling means any process used for the purpose of heat dissipation whereby water is brought into direct or intimate contact with any industrial, manufacturing, trade, or business product.

Discharge rate, average daily, means the total volumetric discharge, in gallons, occurring within a 24-hour period which is representative of the majority of operational days in which a wastewater discharge occurs.

Discharge rate, maximum daily, means the total volumetric discharge, in gallons, occurring within a 24 hour period which is representative of the maximum volume of wastewater discharged under other than average circumstances.

Effluent means any liquid waste, semi-liquid waste, or solid waste suspended in water, and discharged by a user.

Emergency situation means any situation that presents an immediate hazard or threat to human life or health, the environment, or the integrity of the wastewater treatment system, including biological treatment processes.

EPA means the United States Environmental Protection Agency.

Explosive discharges means pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

Fat, wax, oil, and grease (FOG) means substances with similar physical characteristics which are determined quantitatively on the basis of the common solubility in trichlorotrifluoroethane or other analytic method as may be approved by the Wisconsin Department of Natural Resources or Environmental Protection Agency such as, but not limited to, the Hexane Extractable Materials (HEM) method. Quantitative determinations of fat, wax, oil, and grease are performed in accordance with the procedures set forth in 40 CFR 136.

Flow proportional composite sample means a composite sample consisting of a series of discrete sample aliquots of a wastestream, taken at the same sampling point at intervals in time over the course of a 24-hour period, with the volume of each discrete aliquot proportional to the volume of the wastestream passing the sampling point at each sampling interval.

Garbage means solid or semi-solid waste materials resulting from the preparation, cooking, or dispensing of food, or from the handling, storage and sale of food products or produce.

Grab sample means a single sample collected at a particular place and time and representative of the wastestream at that time and place only.

Grease, oil, or sand interceptor or trap means a basin, pit, sump, or other device so designed as to intercept and collect grease, sand, or oil, and prevent their entry into the wastewater collection system.

Hydraulic load means a measurement of the volume of water-related loading imposed on the physical structures of the wastewater collection or treatment system.

Indirect discharge or discharge means the introduction of pollutants into a POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act.

Industrial user (IU) or user means any person who introduces pollutants into a POTW from any nondomestic source regulated under the Act, State law or local ordinance.

Inert sludge means a sludge or material consisting primarily of detritus such as sand, gravel, grit, spent grains, garbage and similar materials.

Interference.

- (1) The term "interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit as further defined in 40 CFR 403.3(i).
- (2) A discharger or user significantly contributes to such a City permit violation if such discharger either:
 - a. Discharges a daily pollutant loading in excess of that allowed by the discharger's City-issued permit, this division, or State or Federal law;
 - b. Discharges wastewater which substantially differs in nature or constituents from the discharger's average discharge;
 - c. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in the City violating its WPDES permit or prevent sewage sludge use or disposal in accordance with normal practice, including normal application rates on agricultural land.

Mass discharge quantity means the mass of material discharged, on a dry weight basis, into the wastewater system during a given time period. Unless otherwise specified, the mass discharge quantity shall be expressed as pounds per day of a particular constituent or combination of constituents.

Milligram per liter (mg/l) means a mass to volume ratio denoting the weight (mg) of a constituent or pollutant contained in a given volume one liter of sample.

National Pretreatment Standard, Pretreatment Standard or Standard means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with section 307(b) and (c) of the Act (33 USC 1317), which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 or any revision thereto.

New user means any person not currently inventoried as a source of discharge into the wastewater treatment system, or any person proposing to discharge a nondomestic waste which had not been previously inventoried as a source of discharge.

Nondomestic wastewater means any wastewater containing a greater concentration of, or a greater number of pollutants, than would be found in wastewater discharged from a typical domestic residence.

NPDES permit or National Pollutant Discharge Elimination System permit means a permit setting forth conditions for the discharge of any pollutant or combination of pollutants into the navigable waters of the United States pursuant to section 307(b) and (c) of the Act or pursuant to section 402 of the Federal Water Pollution Control Act (33 USC 1342).

Pass-through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's, NPDES or WPDES permit (including an increase in the magnitude or duration of a violation). A discharger significantly contributes to such permit violation when it:

- (1) Discharges a daily pollutant loading in excess of that allowed by a City-issued discharge permit, this division, or any State or Federal regulation;
- (2) Discharges wastewater which substantially differs in nature and constituents from the discharger's average discharge;

- (3) Knows or has reason to know that its discharge, alone or in conjunction with the discharges from other dischargers, would result in a permit violation;
- (4) Knows or has reason to know that the City is, for any reason, violating the final effluent limitations of the City's permit, and that the discharger's discharge, either alone or in conjunction with other discharges, increases the magnitude or duration of the City's violation.

pH means a measurement used to define the magnitude of the acidity or alkalinity of a solution expressed in standard units. Technically, the pH value expressed numerically is the logarithm of the reciprocal of the hydrogen ion concentration.

Pollutant means any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial and agricultural waste or any other contaminant.

POTW pretreatment program means a program administered by a POTW that meets the criteria established in 40 CFR 403.3 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.

Premises means a parcel of real estate including any improvements thereon which is determined by the Board to be a user of the La Crosse Wastewater Treatment System.

Pretreatment means the process of equalizing or reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutants in effluent to a less harmful state by physical, chemical or biological processes prior to, or in lieu of, discharging the effluent into the wastewater treatment system.

Process wastewater means any effluent resulting from any industrial, trade, manufacturing, business, or direct contact cooling process or from any development, recovery or processing of natural resources.

Publicly owned treatment works (POTW) means a treatment works as defined by section 212 of the Act, which is owned by a State or Municipality (as defined by section 502(4) of the Act). This definition includes

any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term "POTW" also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Qualified professional means a person with sufficient technical knowledge of the user's permit requirements, facilities, and discharge characteristics to determine and confirm whether or not the user's discharge is consistently compliant, and if not, what additional measures must be taken to achieve compliance.

Radioactive waste means elements or isotopes, whether free or combined, which are a source of particles and/or rays resulting from the disintegration of atomic nuclei caused by fission, fusion, particle acceleration, or related artificial sources or processes.

Signatory requirements means requirements that all reports be signed by the following:

- (1) By a responsible corporate officer if the user is a corporation. A responsible corporate officer means:
 - a. A president, secretary, treasurer, or vice-president of the corporation; or
 - b. A manager of one or more manufacturing, production, or operation facilities employing more than 250 persons, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the user is a partnership or sole proprietorship, respectively.
- (3) By a duly authorized representative of the individual designated in subsection (1) or (2) of this definition if:
 - a. The authorization is made in writing by the individual described in subsection (1) or (2) of this definition;

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, or having overall responsibility for environmental matters for the user; and
- c. The authorization is submitted to the POTW prior to or concurrent with required reports.

Significant industrial user (SIU) means all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

Significant noncompliance (SNC) means a violation that meets any of the following criteria:

- (1) Violations of wastewater discharge limits.
 - a. Chronic violations: 66 percent or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).
 - b. Technical review criteria (TRC) violations: 33 percent or more of the measurements exceed the same daily maximum limit by more than the TRC, or 33 percent of the monthly (or weekly, etc.) average measurements exceed the monthly (weekly, etc.) average limit by more than the TRC in a six-month period. There are three levels of TRC:
 1. Group I for conventional pollutants (BOD, TSS, fats, oil, and grease). TRC =1.4.

2. Group II for all other pollutants. TRC = 1.2.
 3. pH. Any exceedance of upper or lower limits by 0.4 standard units or more.
- c. Any other violation(s) of effluent limit (average or daily maximum) that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass-through or endangered the health of the sewage treatment personnel or the public.
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones contained in a City industrial user discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance by 90 days or more after the schedule date.
 - (3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.
 - (4) Failure to accurately report noncompliance.
 - (5) Any other violation or group of violations that the Board considers to be significant.

Slug load or discharge means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

Standard industrial classification (SIC) means a classification code issued by the Executive Office of the President, Office of Management and Budget, for use in the classification of establishments by types of business and the primary and economic activities engaged in.

Superintendent or Wastewater Utility Superintendent means an appointee of the Director of Public Works or Board whose responsibility shall be the

operation and maintenance of the wastewater and stormwater collection systems, and the wastewater treatment system.

Time proportional composite sample means a composite sample consisting of a series of discrete sample aliquots of a wastestream, taken at the same sampling point at intervals in time over the course of a 24-hour period, with the volume of each discrete aliquot being equal in volume and collected equidistant in time.

Total suspended solids (TSS) means solid or particulate matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that are removable by laboratory filtration as defined under the standards set forth in 40 CFR 136.

Toxic, toxics or toxic pollutants means a substance or combination of substances defined as toxic in regulations promulgated by the Administrator of the United States Environmental Protection Agency under the provisions of section 307(a) of the Federal Water Pollution Control Act, or other Federal statutes and Wis. Stat. § 283.21.

Upset means an exceptional discharge incident in which a user unintentionally and temporarily is in a state of noncompliance, and the noncompliance is not caused by inadequate treatment facilities, lack of proper preventative maintenance, or careless or improper operation.

Waste means any and all liquid, solid, gaseous, or radioactive, substances resulting from human habitation, or from any production, manufacturing, or processing operation.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

Wastewater constituents or wastewater characteristics means qualities of wastewater that may include, but are not limited to, chemical, physical, bacteriological, and radiological parameters, including volume and flow rate, and other applicable characteristics that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

Wastewater treatment system means any and all of the collector sewers, interceptor sewers, pumping

stations, forced mains, and all related structures, and all of the treatment works owned and operated by the City of La Crosse for the collection, transportation, and treatment of wastewater and effluent.

WPDES permit or Wisconsin Pollutant Discharge Elimination System permit means a permit which sets forth conditions for the discharge of any pollutant or combination of pollutants to the waters of the State pursuant to Wis. Stat. ch. 283.

(Code 1980, § 6.11(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 46-107. Purpose.

(a) This division sets forth uniform requirements for direct and indirect contributors of wastewater discharged into the City of La Crosse Wastewater collection and treatment system owned and operated by the City and enables the City to comply with applicable Local, State, Federal laws and General Pretreatment Regulations (40 CFR 403). The objectives of this division are:

- (1) To prevent the introduction of deleterious materials into the wastewater collection system which will interfere with the operation of the sewage collection and treatment system.
- (2) To prevent the introduction of excessive quantities of pollutants into the wastewater treatment system which do not receive adequate treatment through treatment processes and which will pass partially treated or untreated into the Mississippi River or diffuse into the atmosphere.
- (3) To prevent the contamination of municipal wastewater sludge and to improve the opportunity to beneficially recycle the sludge in conformity with applicable agricultural landspreading regulations.
- (4) To prevent the introduction of pollutants or materials into the sewer system that are damaging or potentially damaging to the Wastewater Collection Treatment System, or threaten the health or safety of wastewater workers.
- (5) To prevent the introduction of pollutants or materials into the City's wastewater system

which will cause the treatment plant to violate its WPDES discharge permit or be otherwise incompatible with the system.

(b) This division provides for the regulation of wastewater discharged into the City sewer system through the issuance of permits to certain users of the system and through enforcement activities consistent with the provisions of this division and applicable State and Federal law. In addition, this division provides for the establishment of fees for the equitable distribution of expenses resulting from the regulatory program established herein.

(c) The provisions of this division shall be applicable within the corporate limits of the City of La Crosse and to other governmental entities and users outside the corporate limits of the City of La Crosse who discharge wastewater into the City's Collection Treatment System or are bound, by contract, agreement or permit, as users of the La Crosse Wastewater Treatment System. Except as otherwise provided herein, the Board of Public Works of the City of La Crosse shall administer, implement, and enforce the provisions of this division.

(Code 1980, § 6.11(A))

Sec. 46-108. Enforcement, appeal, and penalties.

(a) *Enforcement procedures.* The Board and/or its authorized representative is authorized to enforce the requirements of this division. The Board shall establish a stepped enforcement procedure to provide enforcement response by the City to noncompliance with or violation of any provisions of this division. The enforcement procedures shall be given in an Enforcement Guidelines document to be implemented by the Board. The enforcement responses incorporated into such Enforcement Guidelines document are listed in order of severity as follows:

- (1) *Informal notice (IN).* Informal notice shall be achieved through a telephone call, inspection visit, informal meeting, or letter. Using any of these methods, an authorized agent of the Board may discuss with the user the noncompliance and its timely correction.
- (2) *Notice of violation (NOV).* A notice of violation will be issued by the Board or its authorized agent for noncompliance based on the criteria contained in this division, the user's

discharge permit, and the enforcement guidelines. The NOV will state the specific nature of the violation and the applicable permit or ordinance section(s) violated. The NOV will require a response from the user within 15 days to establish the reasons for the non-compliance and to provide a written plan for the satisfactory and expeditious correction of the noncompliance.

(3) *Compliance order (CO)*. The Wastewater Utility Superintendent or the Board will issue an administrative order based on the criteria contained in this division, the user's discharge permit, and the enforcement guidelines. Such CO may contain requirements and deadlines for specific action by the user, compliance schedules, or prohibit certain actions or discharges by the user. A CO may not require termination of sewer or water service, but may require elimination of a specific noncomplying discharge.

(4) *Forfeitures*. The Board may levy an administrative forfeiture against any person in violation of this division or in violation of a discharge permit issued by the City. The forfeiture shall be not less than \$100.00 or more than \$2,000.00 per offense. Each day of violation will be considered a separate offense.

(5) *Show cause hearing (SCH)*.

a. The Board may order any user who is in violation of, or in noncompliance with, requirements of this division or the user's discharge permit, to show cause before the Board why a proposed enforcement action should not be taken or why sewer or water service should not be terminated. A notice will be served on the offending person specifying the time and place of the hearing to be held by the Board regarding the violation. The notice shall include the reason why the hearing is to be held, the proposed enforcement action, and direct the offending person to show cause before the Board why the further enforcement action should not be taken. The notice of the hearing shall be

served personally or by certified mail at least ten days before the hearing. Service may be made on any agent or officer of a user.

b. The Board may itself conduct the hearing and take evidence, or may designate any of its members or any representative or employee of the wastewater treatment facility to:

1. Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involving such hearings.

2. Take the evidence.

3. Transmit a report of the evidence and hearing, including transcripts and other evidence together with recommendations to the Board for actions thereon.

c. At any hearing pursuant to this division, testimony taken shall be under oath and recorded stenographically or by electronic recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges for reproduction.

(6) *Legal action, monetary penalties (LA)*.

a. Any violation of the substantive provisions of this division, a wastewater discharge permit, or a CO shall be considered a public nuisance. If any person discharges wastewater into the City of La Crosse wastewater system contrary to the substantive provisions of this division, a discharge permit, or a CO, the City Attorney, at the direction of the Board, shall commence an action for appropriate legal and equitable relief.

b. The Board may seek injunctive relief when, in the opinion of the Board, potential harm to the wastewater treatment system, public health or welfare,

or the environment requires an injunction to ensure a prompt and appropriate action by a discharger.

(7) *Termination of sewer and/or water service, permit revocation (TS).*

- a. Any user who violates the conditions of this division, any applicable State or Federal regulations, the user's wastewater discharge permit, or a compliance order, is subject to having its discharge permit revoked and wastewater treatment and/or water service terminated in accordance with the provisions of this division by the Board.
- b. Depending on the significance and severity of the noncompliance/violation identified, the Board is not precluded from directly taking any enforcement step appropriate to the nature of the noncompliance, and thus need not proceed in a stepped fashion as provided above.
- c. In determining the level of enforcement response to user noncompliance/violation, the Board's consideration may include, but is not limited to, the historical compliance of the user to permit requirements, adherence to previously established compliance schedules, the impacts of the noncompliance on the public health and welfare, environment, wastewater treatment system, City employees, wastewater treatment effluent or sludge, the frequency and degree of exceedance of discharge limits or permit requirements, cooperation of the discharger in determining compliance status, previous enforcement actions taken, and good faith efforts of the discharger to attain compliance.
- d. The Board may suspend the wastewater treatment service or a wastewater discharge permit or cut off the sewer connection when such suspension or

cut-off is necessary, in the opinion of the POTW, in order to stop an actual or threatened discharge which:

- 1. Presents or may present an imminent or substantial endangerment to the health or welfare of persons;
 - 2. Presents or may present an imminent or substantial endangerment to the environment;
 - 3. May cause or actually causes interference to the POTW; or
 - 4. Causes the POTW to violate any condition of its WPDES or State discharge permit.
- e. The POTW may reinstate the wastewater contribution permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
 - f. In the event of a suspension or cut-off under this section, within 15 days the user shall submit a written report describing the event that caused the suspension and the measures taken to prevent any recurrence.

(b) *Right to appeal.* Any discharger or interested party shall have the right to request in writing within 15 calendar days an interpretation or ruling by the Board on any matter covered by this division and shall be entitled to a written reply within 15 days. In the event that such inquiry is by a discharger and deals with a specific condition of a permit issued pursuant heretofore which enforcement action related to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending the user's receipt of a written reply. Further inquiries shall not stay enforcement proceedings. Appeal of a final judicial order entered pursuant to this division may be taken in accordance with local and State law.

(c) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or City-issued wastewater discharge permit, or who falsifies, tampers with, or

knowingly renders inaccurate any monitoring device or method required under this division, shall upon conviction be punished by the imposition of a civil penalty of not more than \$2,000.00.

(d) *Emergency situations.* Whenever in the judgment of the Board or its authorized agents it is determined that any emergency situation exists, the Board or its agent may issue orders for the immediate halt of any discharge or discharges causing or contributing to an emergency situation, whether or not the discharge is in compliance with this division and any applicable discharge permit. Upon resolution of any emergency situation, the Board shall rescind its halt discharge order and enforcement procedures contained herein shall prevail.

(e) *Penalty, costs.* Any person who is found to have violated an order of the Board, or who willfully or negligently fails to comply with any provision of this division or the orders, rules, permits, and regulations issued hereunder, shall be subject to the following additional penalties:

- (1) Forfeitures of not less than \$100.00 and not more than \$2,000.00 for each offense. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover wastewater system damage costs, sampling and analysis costs, reasonable attorney fees, court costs, penalty assessments, court reporters fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, and regulations issued hereunder.
- (2) A list of all users who have been in significant noncompliance may be published annually in the local paper of largest circulation.
- (3) In addition to being subject to forfeitures and other costs, the City may seek injunctive relief against any person who violates this division or any rules, regulations, order or permit adopted or issued under this division.

(Code 1980, § 6.11(M))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 46-109. Standards.

- (a) *General prohibited discharge standards.*
 - (1) Any wastewater or waste deemed by the Board to be unduly harmful to the wastewater treatment system, environment, or public health and welfare shall be deemed a prohibited discharge. The following standards shall regulate prohibited discharges.
 - (2) No person shall discharge or deposit or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains any of the following:
 - a. Liquids, solids, or gases which by reason of their nature or quantity may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious to the wastewater treatment system or personnel engaged in the operation, monitoring, maintenance, or repair of the same. At no time shall wastewater be introduced which has a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21.
 - b. Solid or viscous wastes, or wastes that may become solid or viscous in the sewer, and may interfere with the natural flow in a sewer or make excessive sewer cleaning necessary, or may otherwise interfere with the proper operation of the wastewater treatment system.
 - c. Garbage that has not been ground or reduced in size to such a degree that all particles are less than one-half inch in any dimension, and will be carried freely in suspension under flow conditions normally prevailing in a public sewer.
 - d. Noxious or malodorous liquids, solids, or gases which either singly, or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent safe entry into the

wastewater treatment system for the purpose of monitoring, maintenance, or repair.

- e. Waste which may cause corrosion or deterioration of the wastewater treatment system. All wastes discharged into the wastewater treatment system shall have a pH value in the range of six to nine standard units at the point of introduction into the wastewater treatment system. Prohibited materials include, but are not limited to, liquids, solids, and gases which will react with wastewater to form acidic or alkaline products outside the allowable pH range.
- f. Wastewater or materials containing fat, wax, oil, or grease in a combined concentration exceeding 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 0 and 65 degrees Celsius (32 and 150 degrees Fahrenheit) at the point of introduction into the wastewater treatment system.
- g. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate regulatory authority and which may cause damage or hazard to the wastewater treatment system or personnel engaged in the operation, maintenance, or monitoring of the same.
- h. Substances not removable by the wastewater treatment process which will cause discoloration, opacity, or foaming of the wastewater treatment plant effluent or residues.
- i. Heated wastewater in amounts which will cause or is likely to cause deterioration or hazard to the wastewater treatment system, or personnel engaged in the operating, monitoring, maintenance, or repair of the same. In no case shall wastewater with a temperature exceed-

ing 40 degrees Celsius (104 degrees Fahrenheit) be introduced into the wastewater treatment system.

- j. Unpolluted water including, but not limited to, noncontact cooling water, rain water, river water, or groundwater, roof runoff, subsurface drainage, or any other clear water source which will increase the hydraulic loading on the wastewater treatment system or treatment systems, except in cases where no prudent and reasonable alternative exists as determined by the Board.
- k. Slug load causing interference with the wastewater treatment system, pass through, or resulting in the accumulation or production of inert or biological sludges in excess of normal operating removal capability, or adversely affecting the treatment residues, sludges, or scum.
- l. Wastewater discharges, except as authorized by the Board, in mass discharge quantities or concentrations exceeding the following:

Biochemical Oxygen Demand (BOD)	300 mg/l or 300 lbs/day
Chemical Oxygen Demand (COD)	500 mg/l or 500 lbs/day
Total Suspended Solids (TSS)	300 mg/l or 300 lbs/day
Fats, Waxes, Oil, and Grease (FOG)	100 mg/l
Phosphorous (P)	10 mg/l

- m. Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other substances, to cause interference with or harm to any wastewater treatment process, or to constitute a hazard to humans or animals, or to exceed the limitations set forth in subsection (c) of this section.
- n. Liquids, solids, or gases which may cause the wastewater treatment plant effluent or treatment residues, sludges, or scum to be unsuitable for rec-

lamation or disposal or may interfere with the reclamation or disposal process or processes ordinarily employed, including causing a reduction in the allowable land application rate or allowable land application site life by more than ten percent.

- o. Liquids, solids, or gases which are likely to cause the wastewater treatment plant to violate WPDES Standards and/or other applicable permits or regulations.
- p. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- q. Process wastewater containing pollutants exceeding the following concentrations as established on a continuous 24-hour flow proportional basis or lesser period if process wastewater is discharged for less than 24 hours in an average day of operation:

Pollutant	Concentration Limit (mg/l)
Arsenic	0.45
Cadmium	0.69
Chromium	2.77
Copper	2.07
Cyanide	0.66
Lead	0.60
Mercury	0.0002
Nickel	1.91
Zinc	2.61

- r. Wastewater containing mass discharge quantities of a contaminant in excess of a permit limit. Such limit shall apply to normal production days and may be a daily maximum limit, an average limit (weekly, monthly, etc.) or both. Such mass based permit limits will be used only for a user discharging more than five percent of the total quantity of that contaminant entering the City Wastewater Treatment System, based on data for the most recent 12 months. Such a mass based limit may be a more restrictive limit than the concentration based

limits given in subsection (a) of this section or provided by Federal categorical limits.

(b) *Variance.* Upon request of a user, the Board may approve a variance of the limits set forth in subsection (a) of this section, if the user demonstrates that a thorough examination of available waste treatment technologies has been undertaken and that the cost of achieving compliance with a standard or standards is prohibitive within the context of the mass amount of pollutants to be removed. In addition, a variance shall only be allowed after the Board has established that such variance will not adversely impact wastewater treatment operations, sludge disposal, or result in a discharge in excess of the limits established for the City in its WPDES permit. Furthermore, if the user is subject to Federal categorical limits, the variance granted shall be no less stringent than the limit or limits established by the Environmental Protection Agency for said categorical user.

(c) *Other Federal, State, or local limits.* In addition to the general prohibited discharge standards established in subsection (a) of this section, no person shall discharge or cause to be discharged or deposited any wastewaters or effluent which do not conform to the pretreatment standards established by the United States Environmental Protection Agency or the Wisconsin Department of Natural Resources. Pretreatment limits shall minimally include applicable national categorical pretreatment standards for new and existing sources set out in 40 CFR, Subchapter N, Parts 401 through 471 inclusive. No wastewater, or effluent including domestic, commercial and industrial waste, shall contain any substance which is in violation of any State, Federal, or local pretreatment or other discharge standards.

- (1) *Compliance with categorical pretreatment standards.* All users (existing sources or new sources) who are subject to categorical standards shall meet the compliance deadlines as outlined in Federal or State regulations.
- (2) *Concentration and mass limits for categorical users.* The control authority may, for ease of operation, convert mass limits to concentration limits. The applicable Federal or State regulations will apply.

(d) *Pretreatment removal credits.* The Board may adjust pretreatment requirements for sources discharging toxic pollutants into the treatment system in order to reflect the removal of such toxic pollutants through the wastewater treatment works processes, as authorized by section 307(b)(1) of the Act. The regulatory approval required to issue removal credits is subject to a number of conditions as follows:

- (1) There must be demonstrated and documented consistent removal of a toxic pollutant or pollutants through a treatment process or processes.
- (2) The effluent discharged from the publicly owned treatment works must not be in excess of the limitations or standards which would be applicable to the toxic pollutant or pollutants if said pollutants were directly discharged to a waterway without receiving treatment by a publicly owned treatment works.
- (3) The removal of a toxic pollutant or pollutants by the publicly owned treatment works must not cause the treatment works to violate sludge use or disposal requirements established under Section 405 of the Clean Water Act.
- (4) The publicly owned treatment works must have an approved pretreatment program.
- (5) The granting of removal credits will not cause a violation of the City's WPDES permit limitations or conditions. At the discretion of the Board, the City may seek authorization to grant removal credits to those users subject to categorical standards.

(Code 1980, § 6.11(C))

Sec. 46-110. Discharge permit system.

(a) *Permit application.* All significant industrial users shall complete a city discharge permit application if requested to do so by the Board.

- (1) The Superintendent or authorized agent may send a permit application and/or survey form to each significant industrial user. Existing significant industrial users not currently issued a permit may be periodically required to fill out a new permit application or survey form to allow the City to evaluate whether a permit should be required.

(2) The user shall complete and return the discharge permit application or survey form within 45 days from receipt of same. A user may be required to complete a permit application after completing a survey form. The purpose of the survey form is to gather basic information so the Board can determine if more information or a permit is required. The user shall submit any of the following information, or other applicable information as requested by the Board:

- a. Name, address, location, and SIC number of the user.
- b. User's average and peak wastewater flow rates including daily, monthly, and seasonal variations, if any.
- c. Time(s) of day at which user's discharge occurs and duration of discharge.
- d. A description of the user's wastewater characteristics, and concentration of regulated pollutants discharged from each process. In addition, the pretreatment standards which may be applicable to any and all regulated processes shall be identified. Analytic procedures shall be in conformity with EPA endorsed procedures contained in 40 CFR 136 or equivalent methods approved by the EPA.
- e. Site plans, floor plans, mechanical and plumbing plans and details shall be provided in a schematic diagram to show all sewers and appurtenances by size, location, and elevation.
- f. Description of activities, facilities, and plant processes on the premises including all materials used and those materials which are, or could be, discharged to the sewer system. The description shall include, but not be limited to, raw materials, intermediate materials, catalysts, products and by-products of the plant processes. In addition, solvents, chemical cleaners, and other cleaning agents that may be introduced into the treatment system through use, spill, or mishap shall also be included.

- g. Each product produced or manufactured by type, amount and rate of production.
 - h. Number of employees, number of shifts worked, beginning and ending time of each shift, and number of employees per shift.
 - i. Other information as may be necessary to evaluate the permit application.
 - j. All permit applications shall be signed by a person who meets the applicable signatory requirements defined in section 46-106.
- (3) The Board or its authorized representative shall review the completed survey form or permit application and shall require the user to obtain a City discharge permit if any one of the following conditions prevail:
- a. The user is, or will be, subject to Federal categorical discharge standards.
 - b. The user has caused, or has the potential to cause, upsets to the wastewater treatment system by discharging one or more pollutants near or in excess of the limitations established in section 46-109.
 - c. The user has caused, or has the potential to cause, wastewater discharges which may interfere with or pass through the wastewater treatment plant by discharging one or more pollutants near or in excess of the limitations established in section 46-109(a).
 - d. The user has caused, or has the potential to cause, wastewater discharges which have or may adversely affect sewage sludge quality or wastewater treatment plant effluent quality.
 - e. The user has discharged, or has the potential to discharge, wastewater containing sand, grease, or other contaminants that may adversely affect the wastewater treatment system.
- (4) The Board or its authorized agent, shall, within 90 days after receipt of all necessary permit application information, notify the user of one of the following:
- a. A City discharge permit shall be issued to the user and become effective with five days of the date of issuance.
 - b. A City discharge permit shall be denied to the user for the reason(s) specified by the Board.
 - c. A City discharge permit shall not be required of the user unless a change in wastewater quantity or quality occurs, or a change in the City's criteria for requiring permits occurs.
- (b) *Permit conditions.*
- (1) City discharge permits shall be expressly subject to all provisions of this division, enforcement response guidelines, and all other regulations and fees established by the Board. The conditions of the City discharge permits shall be uniformly enforced in accordance with this division, enforcement response guidelines, and applicable State and Federal regulations.
- (2) Permits may include all or some of the following:
- a. The average and maximum wastewater pollutant mass and/or concentration and wastestream flow rate.
 - b. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - c. Requirements for providing sampling facilities suitable for inspection, flow measurement, and sampling of the process wastewater discharge.
 - d. Specifications for monitoring programs.
 - e. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharge.
 - f. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limi-

- tations and prohibitions are proposed or present in the user's wastewater discharge.
- g. Compliance schedules.
 - h. Requirements for the prompt reporting of changed or new discharges.
 - i. Other conditions to ensure compliance with this division.
 - j. Where pretreatment and/or implementation of additional operation and maintenance activities will be required to comply with the permit conditions, the user shall provide a declaration of the shortest schedule by which the user will provide such pretreatment and/or implementation of additional operation and maintenance activities. Such schedule shall be subject to approval by the Board.
 - 1. The schedule shall contain the milestone dates for the commencement and completion of major events leading to the construction and operation of pretreatment facilities required for the user to comply with its permit.
 - 2. Under no circumstances shall the Board permit a time increment between major steps greater than nine months.
 - 3. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Board, including a statement as to whether or not it completed the increment of progress represented by that milestone date, and if not, the date on which it expects to complete this increment of progress, the reason for the delay and the steps being taken by the user to return the construction to the approved schedule. In no case shall more than nine months elapse between such progress reports to the Board.
4. All schedules and progress reports submitted to the Board shall be signed by a person who meets the applicable signatory requirements professional conditions as defined in section 46-106.
- (c) *Permit duration.*
- (1) Permits shall be issued for a specified period of time not to exceed five years. A permit may be issued for a period of less than five years, or stated to expire on any specified date. The terms and conditions of the permit shall be subject to change during the term of the permit, at the sole discretion of the City. The user shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of the change. Any changes or new conditions shall include a time schedule for compliance.
 - (2) The user shall not discharge after the date of permit expiration. The permit may be re-issued by the Board prior to the expiration date whenever feasible. The re-issued permit may contain new or modified conditions, and will be subject to a new permit fee upon each renewal.
- (d) *Permit modification.* An industrial user issued a City discharge permit shall apply for permit modifications if any of the following conditions prevail:
- (1) Enactment of additional standards applicable to said user.
 - (2) An increase in wastewater discharge volume of (plus or minus) 20 percent or more or a change in wastewater character. The user shall, within 45 days after notification by the Board, provide information and data in a form as prescribed by the Board, and within 45 days of billing pay any additional fees, if applicable.
- (e) *Permit transfer.* City discharge permits are issued to a specific user for specific processes or operation. A City discharge permit shall not be re-assigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation or process without the approval of the Board.

(f) *Permit revocation.* Any user who violates the conditions of its permit or of this division, or of applicable State and Federal regulations, is subject to permit revocation. The Board may also seek to revoke the permit of any user which fails to factually report the constituents or characteristics of its discharge; report significant changes in constituents, characteristics, or volume; refuses reasonable access to premises or property; or misrepresents its wastewater samples as representative of daily discharge.

(g) *Permit fees.*

- (1) Permit fees shall be established by the Board to provide revenues for the cost of operating and administering the POTW Pretreatment Program, including the cost of equipment, supplies, labor, supervision, and other incidental expenses.
- (2) The permit fees do not provide for the recovery of operation, maintenance, repair, or replacement costs of the wastewater collection and treatment system. Permit fees shall periodically be evaluated and amended as necessary to reflect current costs of program operation. Fee adjustments will be made not more than once a year, except for a user whose discharge rate or characteristics change significantly. In addition to permit fees, each user holding a permit will be required to pay for the analysis of samples collected by the City for compliance monitoring. Permittees are also responsible for any costs incurred to comply with provisions of their permit, including self-monitoring expenses.
 - a. The base permit fee shall be determined by a schedule established by the Board based on the flow, the number of contaminants or parameters of concern, and the mass of contaminants discharged relative to tabulated amounts.
 - b. Permit fees will be subject to a 50 percent surcharge for users located outside the City of La Crosse corporate boundaries except the La Crosse County Landfill which surcharge shall be 25 percent.

- c. Permits may include provisions for additional charges for discharge of treatable contaminants or flow above a specified level. Such surcharges shall reflect the City's estimated costs of handling and treating such wastes.
- d. Trucked wastewater from a permitted user located outside the City of La Crosse corporate limits shall be subject to a 25 percent surcharge on the normal fees for disposing of trucked wastewater.
- e. Permit fees, disposal fees for trucked wastewater, and fees for excess discharge of treatable wastes shall be paid within 45 days of the billing date.

(Code 1980, § 6.11(D))

Sec. 46-111. Discharge reports.

(a) *Wastewater self-monitoring and reporting.*

- (1) Every user issued a City discharge permit shall submit periodic self-monitoring reports at least once every six months, as designated in their permit. The Board may require any other users discharging into the wastewater treatment system to file such periodic self-monitoring reports depending upon the volume and character of discharge. The self-monitoring report contents shall be specified by the Board and may include the following items:
 - a. Nature of the user's industrial process.
 - b. Volume and rates of total wastewater flow and process wastewater flow.
 - c. Production level.
 - d. Hours of operation.
 - e. Concentration and daily quantity of controlled pollutants or other information which relates to the generation of wastewater. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. All reported concentrations shall be determined by analysis by a laboratory certified by the State of Wisconsin using procedures in accor-

dance with 40 CFR 136, except where such methods are not applicable and an alternate analytical method is approved in writing by the City.

- (2) All self-monitoring reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, and data which is representative of conditions occurring during the reporting period. If the user monitors any pollutants more frequently than required by the user's discharge permit, using procedures prescribed in 40 CFR 136, the results of this monitoring shall be included in the report.
- (3) All reports shall be signed by a person who meets the applicable signatory requirements as defined in section 46-106.
- (4) The Board shall be provided with the written authorization.
- (b) *Records and monitoring.*
 - (1) All users issued a City discharge permit shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this division, their permit, and any applicable State or Federal pretreatment standards or requirements for at least seven years.
 - (2) The owner or operator of any premises or facility discharging wastewater subject to the provisions of a City discharge permit shall provide at his own expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastewater. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
 - (3) All records relating to wastewater discharges shall be available upon request by the Board, the U.S. Environmental Protection Agency (EPA), or Wisconsin Department of Natural Resources (WDNR) upon request.
 - (4) Monitoring equipment shall be located and maintained on the user's premises outside of the building. When such location would be impractical or cause undue hardship on the user, the Board may allow modifications as necessary.
- (5) Where more than one user can discharge into a common sewer, separate access points and monitoring equipment for each user shall be provided by the user as required by the Board. Where there is a significant difference in wastewater constituents or characteristics produced by different operations of a single user, the Board may require that separate monitoring facilities be provided for each separate discharge.
- (6) Whether located on public or private property, the monitoring facilities shall be constructed in accordance with the Board's requirements, construction standards, and specifications.
- (7) All users issued a City discharge permit shall retain and preserve for no less than seven years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- (c) *Sampling and analysis for compliance.*
 - (1) Compliance determinations with respect to Federal, State, and local prohibitions and limitations shall be made on the basis of flow proportional composite samples of wastewater. Composite samples shall be taken over a 24-hour or other period as determined to be appropriate and necessary by the Board to meet the needs of specific circumstances. Grab samples shall be allowed only in specific circumstances when sampling or analysis protocol requires rapid analysis or short duration sample holding time.

- (2) Laboratory analysis of wastewater samples shall be performed in accordance with 40 CFR 136 or equivalent methods approved by EPA.
- (3) Sampling of nondomestic wastewater, for the purpose of compliance determinations with respect to section 46-109, will be done at such intervals as the Board may designate. It is the intention of the Board to conduct compliance sampling, or to cause such sampling to be conducted, at least once a year for all users issued a City discharge permit.

(d) *Special reports.*

- (1) The Board may require any discharger to the wastewater treatment system to submit special reports detailing current discharges, processes contributing to discharges, compliance with applicable standards, planned discharge changes, or other information related to past, current, or future wastewater discharges. Such reports may include baseline monitoring reports (BMR), 90 day compliance reports (FCR), and other reports requested by the Board. Failure of the discharger to comply with such requests for special reports shall result in enforcement action as contained herein.
- (2) If sampling performed by the user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results to the POTW within 30 days after becoming aware of the violation. Resampling is not required if:
 - a. The POTW performs sampling at the user's premises at least once per month; or
 - b. The POTW performs sampling at the user's premises between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.
- (3) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste

authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.

(Code 1980, § 6.11(E))

Sec. 46-112. Pretreatment facilities.

(a) *Submission of pretreatment plans.* Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, complete plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the Board and the Wisconsin Department of Natural Resources (WDNR) for review and approval at least 60 days prior to initiation of construction. Such approval shall not exempt the applicant from compliance with any applicable code, ordinance, rule, regulation, or order from any governmental authority. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without due notice to and prior approval of the Board.

(b) *Protection from accidental discharge.* Each nondomestic user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Board for review at least 60 days prior to the construction of the facility. Review and approval of such plans shall not relieve said user from the responsibility to modify its facility as necessary to meet the requirements of this division.

(c) *Reporting of accidental discharge.* If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitation in this division, or has experienced or is experiencing operational upsets, including but not limited to slug discharges, the user shall immediately notify the Director of Public Works or the Wastewater Utility Superintendent so that corrective action may be taken to protect the wastewater treatment system. In addition, a written report addressed to the Board shall be filed within five days of the occurrence of the noncomplying discharge. The written report shall

detail the date, time, and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future accidental discharges.

(d) *Bypass.*

- (1) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation.
- (2) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible, at least ten days before the date of the bypass.
- (3) Bypass is prohibited, and the Control Authority may take enforcement action against an industrial user for a bypass unless:
 - a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; or
 - b. There were no feasible alternatives to the bypass.

(e) *Grease, oil, and/or sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing floatable oil or grease in an excessive amount, or sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located so as to be readily accessible for cleaning and inspection. The user shall clean and maintain these interceptors as required to maintain efficient removal of grease, oil, and/or sand. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records, which are subject to review by the Board, of the dates and means of disposal, including manifests, if used.

(f) *Dilution.* No user shall increase the use of potable or process wastewater in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this division.

(g) *Admission to property.* Whenever it shall be necessary for the purpose of these rules and regulations, the Board or its duly appointed representatives, upon presentation of credentials, may enter upon any user's property or premises at any time, either scheduled or unscheduled, for the purpose of:

- (1) Inspection of premises.
 - (2) Copying any records required to be kept under the provisions of this division.
 - (3) Inspecting any monitoring equipment or method, any pretreatment facilities, or facilities creating process discharges.
 - (4) Sampling any discharge of wastewater to the wastewater treatment system.
- (Code 1980, § 6.11(F))

Sec. 46-113. Notification.

(a) In the case of any discharge in violation of this division or permit conditions, the industrial user shall immediately notify the POTW of the discharge by telephone. The notification shall include:

- (1) The date, time, location and duration of the discharge;
- (2) The type of waste including concentration and volume; and
- (3) Any corrective actions taken by the user.

(b) Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.

(c) Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this division or other applicable State or Federal law.
(Code 1980, § 6.11(G))

Sec. 46-114. Employee training.

The industrial user shall permanently post a notice in a prominent place advising all employees to call the City's Treatment Plant in the event of a dangerous discharge for which notification is re-

quired. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.
(Code 1980, § 6.11(H))

Sec. 46-115. Confidentiality.

(a) Information and data furnished to the Board with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Board that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

(b) When requested by a user furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available, upon written request to governmental agencies for use related to this division, the National Pollutant Discharge Elimination System (NPDES) permit, WPDES permit, and/or the pretreatment programs; provided, however, that such stated portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the Board as confidential shall not be transmitted to any government agency or the general public by the Board until and unless notification is sent to the user ten days before the information is transmitted.
(Code 1980, § 6.11(I))

Sec. 46-116. Right of entry.

(a) Representatives of the City, the State and EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this division.

(b) Industrial users required to obtain wastewater contribution permits shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the perfor-

mance of their duties. Authorized representative of the POTW, State and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the City, State and EPA to enter and inspect the premises as guaranteed by this subsection.

(Code 1980, § 6.11(A))

Secs. 46-117—46-145. Reserved.

DIVISION 3. SANITARY SEWER RATES AND CHARGES

Sec. 46-146. Definitions.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Debt services charges means and includes all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facility.

Normal domestic strength wastewater means wastewater with concentrations of BOD (biochemical oxygen demand) and SS (suspended solids) no greater than 250 and 300 milligrams per liter (mg/l) respectively.

Normal user means a user whose contributions to the sewerage system consist only of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting a distinct household, business or commercial enterprise.

Operation and maintenance costs means and includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities.

Replacement costs means and includes all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the (design life of the facility). A

separate segregated distinct replacement fund shall be established and used for only replacement of equipment.

Sewer service charge means a service charge levied on users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

(b) Other terms contained in this division are as defined in section 46-106.

(Code 1980, § 6.13(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 46-147. Policy.

It shall be the policy of the City to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage facilities, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined in section 46-146. The system shall ensure that each user of the sewerage system pays their proportionate share of the cost of such facilities.

(Code 1980, § 6.13(B))

Sec. 46-148. Basis for service charge.

Sanitary sewer charges shall be billed quarterly. Said charges shall initially be based on the City-Wide Sewer User Charge Rate System, dated September 1990 by John A. Mayer Associates and shall be reviewed and updated from time to time using the same or similar methodology. The minimum quarterly billing shall be sufficient to pay the billing and customer related administration expenses. The unit price per volume shall be sufficient to pay the remaining annual cost of operation, debt service and maintenance, including any replacement fund, of the sewerage facilities. The rates in this division shall be reviewed not less than biennially. Such review shall be performed by the Sanitary Sewer Utility and the Common Council. Rates shall be adjusted, as required, to reflect actual number and size of users and actual costs.

(Code 1980, § 6.13(C))

Sec. 46-149. Sewer service charges.

A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premises served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and in amount determinable as follows:

- (1) *Category A.* Category A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD) no greater than 250 milligrams per liter (mg/l) and suspended solids no greater than 300 milligrams per liter (mg/l). The sewer service charge for Category A wastewater will consist of the following:

Quarterly facilities charge established by resolution.

$$V.C. = C.V. \times V.$$

V.C. = Total volumetric charge.

V. = Total volume of water used during billing period in units of 100 cubic feet (CCF).

C.V. = Volume unit price = Cost per 100 cubic feet, as established by resolution.

- (2) *Category B.* Category B is defined as nondomestic strength wastewater having organic concentrations of Biochemical Oxygen Demand (BOD) greater than 250 milligrams per liter (mg/l) and/or suspended solids (SS) greater than 300 milligrams per liter (mg/l), based on average concentrations discharged to the Utility's sewer system during the billing period. The sewer service charge for Category B is as follows:

Quarterly Facilities Charge - Fixed charge, as established by resolution.

Volume Charge: as established by resolution.

S.S.C. = Total sewer service charge

S.S.C. = Category A charge (fixed plus volumetric) plus High Strength Surcharge

High Strength Surcharge = (C.B. x BOD) + (C.S. + SS)

C.B. = BOD Unit Price = Charge per pound, as established by resolution.

C.S. = SS Unit Price =, as established by resolution.

BOD = pounds of BOD discharged during billing period in excess of domestic strength wastewater.

SS = pounds of SS discharged during billing period in excess of domestic strength wastewater.

(3) *Category C.* Category C is tanker truck disposal. Charges are as follows:

- a. Tanker Truck Disposal: Fixed Disposal Charge per Load, as established by resolution.
- b. Volume Charge:
 - 1. Holding Tank Discharge as established by resolution.
 - 2. Septic Tank Discharge** as established by resolution.
 - 3. Grease Trap Disposal** as established by resolution.

Assumes waste pumped directly to Digesters

(4) *Deduct meter.*

- a. Where a deduct meter is approved for measuring water not discharged to sanitary sewer, the user shall purchase such meter from the Utility, and shall be responsible for installing the meter in accordance with applicable codes. The Utility will be responsible for subsequent maintenance and replacement of such meters. The user shall be responsible for removal of in-place deduct meter and installation of replacement meters in accordance with applicable codes.
- b. The quarterly fixed charge for deduct meters or segregated meters for meter reading, billing, meter maintenance, and ultimately, meter replacement, shall vary based upon the size of the meter and shall correspond to the quarterly fixed charged for similarly sized water meters.

(5) *Contract users.* All persons, entities, municipalities, public bodies or others receiving

treatment of sanitary sewage pursuant to a contract with the City shall pay charges in accordance with the contract.

- (6) *Reassignment of sewer users.* The Sanitary Sewer Utility will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(Code 1980, § 6.13(D))

Sec. 46-150. Sampling and testing.

(a) Flow proportional 24-hour composite samples collected during a period representing typical discharge conditions shall be used to determine BOD and SS concentrations. Not less than one sample per billing period shall be taken and analyzed. The collection, preservation, and analysis of samples shall be performed in accordance with 40 CFR 136 and any amendments thereto, or other such methods approved by the United States Environmental Protection Agency.

(b) Data provided to the Utility under an industrial pretreatment discharge permit is acceptable for this purpose. The results of any samples taken and analyzed with approved methods shall be reported to the utility within 30 days of the date the user received analysis results.

(c) The Sewer Utility may sample and test the discharge from any user suspected of having non-normal domestic strength wastewater. If this testing indicates the wastewater exceeds maximum domestic strength concentrations, the user will be required to sample and analyze their wastewater for BOD and SS at least once every three-month billing period. The Utility may require more frequent sampling if, in the opinion of the Utility, the variability of the BOD and/or SS concentrations, or the magnitude of the surcharge warrants. The Utility may require the user to install a sampling manhole if there is not another suitable location to obtain a representative sample.

(d) The user will be responsible for all sampling and analysis costs, except the Utility will be responsible for the initial sampling and analysis in cases where there is not data available to determine if a user discharges wastewater exceeding normal domestic strength concentrations.

(Code 1980, § 6.13(E))

Sec. 46-151. Sanitary sewer meters.

(a) Devices for measuring the volume of wastewater discharged to the Sanitary Sewer System may be required by the Sanitary Sewer Utility (Utility) or requested by the user if this volume cannot otherwise be determined from the metered water consumption. Such metering devices shall be approved by the Utility. Metering devices for determining the volume of wastewater shall be installed, owned, and maintained by the user, and shall be calibrated by a qualified professional annually, and the accuracy maintained to the satisfaction of the Utility.

(b) If the meter is not maintained to the Utility's satisfaction, the Utility may maintain, repair, or replace the meter as required to assure accuracy, and the user will be charged for all costs thus incurred.

(c) The quarterly facilities charge for each sewer meter shall be the same as the quarterly facilities charge for a user with flow measured by a similarly sized water meter.

(Code 1980, § 6.13(F))

Sec. 46-152. Payment for charges.

(a) *Payment and penalty.* All sewerage service charge shall be payable to the City not later than 20 days after the billing date. A penalty of three percent shall be added to all bills paid later than 20 days after the billing date.

(b) *Charges a lien.* All sewage charges shall be a lien upon the property serviced pursuant to Wis. Stat. § 66.0821, and shall be collected in the manner therein provided.

(c) *Disposition of revenue.* The amounts received from the collection of charges authorized by this division shall be credited to a sanitary sewerage account(s) which shall show all receipts and expenditures of the sewerage system. All revenues shall be utilized exclusively for the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account, which funds shall be used exclusively for replacement.

(d) *Additional charges.* Additional charges may be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the City to

equalize local capital costs except as otherwise provided by contract. Such additional charges shall result in a minimum charge for each user according to the schedule for debt repayment from utility revenues. Such additional charges shall be added to the sewer bill for each billing period.

(Code 1980, § 6.13(G))

Secs. 46-153—46-172. Reserved.

DIVISION 4. STORMWATER UTILITY

Sec. 46-173. Creation.

There is hereby established a Stormwater Utility in the City of La Crosse. The operation of the Stormwater Utility shall be under the supervision of the Director of Public Works.

(Code 1980, § 23.01)

Sec. 46-174. Authority.

The City, acting through the Stormwater Utility, may without limitation due to enumeration, do the following:

- (1) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, manage, and finance such facilities and equipment as are deemed by the City to be proper and necessary for stormwater and surface water management. These facilities may include, without limitation, due to enumeration, surface and underground drainage facilities, pollution control practices, sewers, watercourses, retaining walls, ponds, streets, roads, ditches, and such other natural or manmade facilities as will support a stormwater management system.
- (2) Undertake any operations or activities, or provide any services deemed by the City to be proper and necessary for stormwater and surface water management.
- (3) Maintain compliance with all regulatory requirements for stormwater and surface water management.

(Code 1980, § 23.02)

Sec. 46-175. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City Billing Policy means a written document prepared by the Director and approved by the Board of Public Works that sets forth the methods and criteria under which customers are billed for stormwater charges. The City Billing Policy shall be available through the Department of Public Works prior to the initial billing.

City Credit Policy means a written document prepared by the Director and approved by the Board of Public Works that sets forth the methods and criteria under which customers may obtain credit to reduce stormwater charges. The City Credit Policy shall be available through the Department of Public Works prior to the initial billing.

Customer means the owner or non-owner user of a property with impervious area in the City.

Developed property means property that is developed by the addition of an improvement such as a building, structure, grading, other impervious surface, or substantial landscaping, but excluding publicly owned rights-of-way. A new improvement shall be considered complete, upon issuance of a certificate of occupancy, or if no such certificate is issued, upon substantial completion of construction or final inspection. A new improvement shall also be considered complete if the construction project is at least 50 percent complete and then is halted for a period of three months or more, whether consecutive or not.

Director means the Director of Public Works.

Equivalent runoff unit (ERU) means the basic unit from which a storm sewer charge is calculated under this division. An ERU is equal to 2841 square feet of impervious surface, which is based upon the statistical average impervious area of a residential housing unit within the City as determined in the report "Stormwater Utility Feasibility Study Report City of La Crosse, WI," dated August 2009. This definition applies only to this division, and not to any other City of La Crosse ordinance.

Impervious area or impervious surface means a surface that has been compacted or covered with a

layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, streets, roofs, sidewalks, parking lots, compacted gravel surfaces, as well as other similar surfaces; all as measured on a horizontal plane.

Nonresidential property means any developed property not defined as "residential property," including, but not limited to, transient rentals (such as hotels and motels), multifamily apartment buildings or condominiums of four or more dwelling units, commercial, industrial, institutional, governmental property, and parking lots.

Owner means each and every property owner and includes, but is not limited to, natural persons, partnerships, corporations, limited liability companies, limited liability partnerships, joint ventures, and all other legal entities of whatever kind or nature.

Residential property means any property developed exclusively for residential purposes with three or fewer residential housing units.

Storm event. A ten-year storm event is defined as 4.4 inches of liquid precipitation falling in a 24-hour period using a SCS Type II distribution curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973." Statistically, a ten-year storm has a ten percent chance of occurring in any given year.

Stormwater means water that originates during a precipitation event. It may also be used to apply to water that originates with snowmelt. Stormwater that does not soak into the ground becomes surface runoff. Stormwater is of concern for two main issues, one related to volume and timing of runoff (water quantity) and the other related to potential contaminants that the water is carrying, i.e., water pollution (water quality).

Stormwater quality. The terms "water quality" and the "assessment of water quality" refer to total suspended solids and phosphorus. The analysis of water quality shall be performed using a pollutant loading analysis model such as SLAMM, P8, or equivalent methodology as approved by the Director.

Stormwater quantity. The term "water quantity" refers to the total volume and peak flow rate of stormwater run-off.

Stormwater Utility or *Utility* means the City-owned and operated utility established under this division for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

(Code 1980, § 23.03)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 46-176. Rates and charges.

User charges shall be imposed on all developed property with impervious area in the City to recover all or a portion of the costs of the stormwater utility. The amount of such charges shall be based on a rate per equivalent runoff unit (ERU). The annual rate per ERU shall be established pursuant to further resolution of the Common Council and shall be fair and reasonable. A schedule of current rates shall be maintained and on file in the office of the City Clerk.

- (1) All developed property with impervious area shall be assigned ERUs. Each residential property shall be assigned one ERU. The number of ERUs assigned to nonresidential property shall be determined by the Director based upon the nonresidential property's actual impervious area (in square feet) divided by 2,841 (carried out to the nearest 0.1).
- (2) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant, or developer. The billing amount shall be updated by the Director based on any additions or reductions to the impervious area. Individual property owners may submit site and building surveys to the Director that help more accurately determine the total area and impervious area.
- (3) All unoccupied developed lots and parcels with impervious surfaces shall be subject to a stormwater utility charge.
- (4) The minimum charges for any parcel shall be equal to the rate for 0.4 ERU, unless it contains no impervious surface.
- (5) In the event the owner and non-owner users of a particular property are not the same, the liability for the charges attributable to that property shall be joint and several.

- (6) This division shall sunset after 20 years from the date it is enacted, provided the City's storm sewer system has the capacity to safely transport the quantity of water produced in a ten-year storm event and the City's total water quality loading has been reduced by 40 percent from the "no controls" load determined in the report "Stormwater Utility Feasibility Study Report City of La Crosse, WI," dated August 2009.

(Code 1980, § 23.04)

Sec. 46-177. ERU rate relation to capital budget.

Any capital project budget and spending on water quantity fixes, as itemized in the line item of any Stormwater Utility budget, shall comply with section 2-360. The failure of the Council to provide such funding in the capital improvement budget releases the Stormwater Utility from having to fund any such project from its corresponding budget line item.

(Code 1980, § 23.05)

Sec. 46-178. Payments.

(a) Stormwater charges will be billed to the utility customer or owner of the tax parcel and shall be payable at the same time and in the same manner as water and wastewater charges according to a Utility Billing Policy approved by the Board of Public Works. A separate stormwater account and utility bill will be established for those properties that do not receive a water/wastewater bill.

(b) The stormwater charge will be billed with the corresponding period of water bills and shall be payable to the City no later than 20 days after the billing date. A penalty of three percent but not less than \$0.50 will be added to bills that are not paid within 20 days of issuance. A separate stormwater utility account will be established for those properties that do not receive a water/wastewater bill.

(c) The owner of any property that is occupied by tenants shall have the right to examine during normal business hours the appropriate records of the City to determine whether such fees and charges have been paid by such tenants.

(d) Delinquent stormwater charges may be placed as a lien upon the property as provided in Wis. Stat. §§ 66.0821(4)(d) and 66.0809.

(Code 1980, § 23.06)

Sec. 46-179. Site plan review requirement.

The property owner of a nonresidential parcel that modifies the area of impervious surface on their property shall be responsible for the timely submittal of a fully completed and accurate stormwater utility application.

- (1) An application must be submitted to the Director prior to a building permit being issued, a site plan being approved, or construction beginning for those activities not requiring other City approval, such as parking lots.
- (2) The application shall be made on a form prescribed by the City and provided with each application for a building permit or application for site plan review.
- (3) Failure to submit such stormwater utility service application or providing false information on such form shall constitute a violation of this division.

(Code 1980, § 23.07)

Sec. 46-180. Adjustments and credits.

(a) A nonresidential customer may apply for an adjustment to the ERUs assigned to his property if the customer believes the impervious area measurements on which the ERU calculation is based are inaccurate or impervious area has changed.

(b) A residential or nonresidential customer may apply for a credit to his stormwater charge if the property is eligible for a credit pursuant to the City Credit Policy.

(c) The Director shall prepare and the Board of Public Works shall approve a City of La Crosse Stormwater Utility Credit Policy that sets forth available credits to reduce stormwater charges for residential or nonresidential customers with riparian lands not draining to the City storm sewer system during any magnitude runoff event or who have implemented and effectively maintained privately owned and operated stormwater management measures that reduce the City's stormwater management costs.

- (1) The Stormwater Utility Credit Policy, as issued by the City of La Crosse Board of Public Works, shall be applied to all credit applications.

- (2) The maximum available credit shall be 80 percent, of which no more than 50 percent can come from water quality improvements and no more than 50 percent can come from water quantity reductions of total stormwater runoff.
- (3) Credits are available to individual property owners in the residential or nonresidential customer class.
- (4) It shall be the burden of the property owner to request such a credit and to demonstrate that the property owner has met the requirements as listed in the Stormwater Utility Credit Policy to a reasonable degree of certainty with evidence that a fee adjustment is warranted.
- (5) All applications for credit or ERU adjustments shall be reviewed by the Board of Public Works. Credits or adjustments may be applied to applicable properties based upon the following criteria:
 - a. An ERU adjustment may be applicable to some or all of a customer's property, provided:
 - 1. Stormwater runoff from the property does not discharge directly or indirectly to or through any form of conveyance system owned or operated by the Stormwater Utility at any and all runoff events; and
 - 2. The drainage from the property is not in violation of any environmental code or Federal, State or local requirements.
 - b. Credits may be granted to owners of properties who have significantly reduced the impacts of stormwater discharge or stormwater quality to the stormwater utility system. Owners of property that treat all or a portion of their stormwater in privately owned and maintained treatment devices or facilities receive a prorated credit to the number of ERUs assigned to their property as outlined in the Stormwater Utility Credit Policy.

- c. To receive a credit or adjustment, the Director shall be allowed access to the property to determine the amount of credit to be granted and to verify that the device or facility is being properly maintained.
- (d) Procedure to apply for nonresidential adjustments or credits.
- (1) A customer may submit a request for an adjustment or credit at any time. All such requests shall be submitted to the Director in writing with supporting documentation substantiating the claim.
 - (2) The Director has 30 days to notify the customer if the credit application is incomplete.
 - (3) The customer requesting the adjustment may be required, at his own expense, to provide supplemental information such as GIS maps, survey data, engineering calculations, manufacturer specifications, and similar as requested by the Director.
 - (4) Once a completed request and all required information is fully submitted, the Director shall have 30 calendar days within which to render a written decision. The Director shall notify the requestor in writing of the decision by first class mail addressed to the individual at the address listed within the request. Service is conclusive upon mailing.
 - (5) If a request is granted, stormwater charges shall be adjusted going forward.
- (e) Procedure to apply for residential adjustments or credits.
- (1) A customer may submit a request for an adjustment or credit at any time. All such requests shall be submitted to the Director in writing with supporting documentation substantiating the claim.
 - (2) The Director has 30 days to notify the customer if the credit application is incomplete.
 - (3) The customer requesting the adjustment may be required, at his own expense, to provide supplemental information such as GIS maps, survey data, engineering calculations, manufacturer specifications, and similar as requested by the Director.
- (4) Once a completed request and all required information is fully submitted, the Director shall have 30 calendar days within which to render a decision and notify the Stormwater Utility billing personnel.
 - (5) If a request is granted, stormwater charges shall be adjusted starting on the customer's next quarterly billing cycle.
 - (f) The property owner of a parcel that modifies a stormwater device or feature currently used to receive credit on a stormwater utility billing or that connects run-off from a previously unconnected portion of the property to the City stormwater sewer shall be responsible for the timely notification of the Director of such action(s).
 - (1) The owner is responsible for repayment of the credits applied to the stormwater utility bill for the period of time when modification occurred until the billing is corrected.
 - (2) Failure to notify the Director of such modifications or providing false information about such modifications shall constitute a violation of this division.
 - (g) The owner is responsible to maintain any and all stormwater devices or features for which credit on a stormwater utility bill is received; such that the devices or features function in the manner designed.
 - (1) *Nonresidential.* Upon inspection by the City, finding failure to maintain said stormwater device or feature, the City will issue a notice to correct describing the required maintenance to bring the device into compliance. If compliance is not obtained within 30 days of the order to correct, the utility credit will be immediately revoked.
 - (2) *Residential.* The residential customer is required to submit an annual certification by April 1 of each year certifying the stormwater control device is in place, inspected, maintained, and functional. This annual certification is required for residential customers to continue to receive credit. A certification form is to be established in the Stormwater Utility Credit Policy. Failure to submit an annual certification shall result in the automatic termination of a residential credit. Upon inspection by the City, finding failure with compli-

ance to certification, the City will issue a fine equivalent to the annual value of five ERUs. (Code 1980, § 23.08)

Sec. 46-181. Appeals process.

(a) Within 30 calendar days after the date of mailing the Director's decision, the customer may appeal the Director's decision to the Board of Public Works by filing a written appeal with the City Clerk. The written appeal shall specify all grounds for the challenge and shall state the amount of stormwater charge that the appellant considers to be appropriate. The customer appeal must specifically address the Director's conclusions and not merely repeat the basis for the initial request. Failure to timely and properly appeal shall deprive the customer of the right to appeal the decision before the Board of Public Works.

(b) The Board shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of seven days' notice to the appellant. In considering an appeal, the Board shall determine whether the stormwater charge is fair and reasonable. The decision shall be based upon the evidence presented at the hearing. The Board shall notify the appellant in writing of its determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

(c) Within 30 calendar days after the date of the mailing of the Board decision, the customer may appeal the Board's decision to the Judiciary and Administrative Committee following the process set forth in subsection (d) of this section. Failure to timely and properly appeal shall deprive the customer of the right to appeal the decision before the Judiciary and Administrative Committee.

(d) Within 30 calendar days after the date of mailing the Judiciary and Administrative Committee's decision, the customer may appeal the Judiciary and Administrative Committee's decision to the Common Council by filing a written appeal with the City Clerk. Such written appeal must be received by the City clerk no later than by 5:00 pm on the 30th day. The written appeal shall specify all grounds for the challenge and shall state the amount of stormwater charge that the appellant considers to be appropriate. The appeal must specifically address the Judi-

ciary and Administrative Committee's conclusions and not merely repeat the basis for the initial and subsequent requests. Failure to timely and properly appeal shall deprive the customer of the right to appeal the decision before the Common Council.

(e) The Common Council shall consider the appeal pursuant to its rules for procedure in existence at the time of consideration. The City Clerk shall provide written notice no later than seven days to the address listed within the appeal of the time and place of the Common Council's consideration of the appeal. In considering an appeal, the Common Council shall determine whether the stormwater charge is fair and reasonable. The Common Council shall base its decision upon the evidence presented. The City Clerk shall notify the appellant in writing of the Common Council's determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

(f) As a condition precedent to any adjustment or credit request, or any appeal, a customer must have paid in full all stormwater charges to the City.

(g) If an adjustment request is granted, stormwater charges shall be adjusted retroactive to the date of the Director's denial. (Code 1980, § 23.09)

Sec. 46-182. Alternative method to collect stormwater charges.

In addition to any other method for collection of the charges established under this division, or subsequent resolution, such charges may be, and are hereby authorized to be levied and imposed on property as a special charge pursuant to Wis. Stat. § 66.0627. The mailing of the bill for stormwater charges to a property owner shall serve as notice to the property owner that failure to pay the charge when due may result in the charges being imposed pursuant to the authority of Wis. Stat. § 66.0627. The procedures contained in Wis. Stat. § 66.0627 shall govern such notice and further collection procedures.

(Code 1980, § 23.10)

Sec. 46-183. Budget excess revenues.

The Stormwater Utility finances shall be accounted for in a separate Stormwater Utility Enter-

prise Fund by the City. The Director of Public Works shall prepare an annual budget, which is to include all operation and maintenance costs, debt service, capital, and other costs related to the operation of the Stormwater Utility. The budget is subject to approval by the Common Council. Any excess of Stormwater Utility revenues over expenditures in a year will be retained by the Fund for subsequent years' needs of the Stormwater Utility. All Stormwater Utility revenues shall be used exclusively for stormwater purposes.
(Code 1980, § 23.11)

Sec. 46-184. Penalties for violation.

(a) Any person who shall violate any of the provisions of this division, or any ordinances, rules or regulations of the Common Council relating to the Stormwater Utility, or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference, shall commit a Class B offense as provided in section 1-7.

(b) The payment of such imposed forfeiture shall be in addition to the payment of any and all stormwater service charges, fees and penalties imposed by this division.

(c) Each day's continuance of a violation shall constitute a separate offense to which a separate forfeiture may be imposed.

(d) It shall be the responsibility of the violator to cease and abate the violation immediately.

(e) In addition to the forfeitures set forth above and payment of the charges, the City may seek, obtain and enforce injunctive relief.

Sec. 46-185. Sunset date.

This division shall become effective on January 1, 2012, and will sunset after 20 years from its effective date or upon achieving permit compliance and the existing City stormwater infrastructure having capacity to safely transport water produced in a ten-year storm event.
(Code 1980, § 23.12)

Secs. 46-186—46-208. Reserved.

DIVISION 5. DISCHARGES INTO STORMWATER SEWERS

Sec. 46-209. Suspension of storm sewer access.

(a) Suspension due to illicit discharges in emergency situations. The Director of Public Works, the City Utilities Manager, or their authorized representative, may, without prior notice, suspend stormwater discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the City infrastructure or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the infrastructure, or Waters of the United States, or to minimize danger to persons.

(b) Suspension due to the detection of illicit discharge. Any person discharging to the City Stormwater System in violation of this division may have their access terminated if such termination would abate or reduce an illicit discharge. The Director of Public Works or their authorized representative will notify a violator of the proposed termination of stormwater system access. The violator may petition the Board of Public Works for a reconsideration and hearing.

(c) A person commits an offense if the person reinstates stormwater access to premises terminated pursuant to this section, without the prior approval of the Board of Public Works.
(Code 1980, § 6.17)

Sec. 46-210. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response

agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Office of the Director of Public Works in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Code 1980, § 6.18)

Sec. 46-211. Monitoring of discharges.

(a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(b) *Access to facilities.*

- (1) City of La Crosse employees or their authorized representatives shall be permitted to enter and inspect facilities subject to regulation under this division as often as may be necessary to determine compliance with this division. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow City of La Crosse employees or their authorized representatives ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of NPDES permit to discharge stormwater, and the performance of any additional duties as defined by State and Federal law.
- (3) City of La Crosse employees or their authorized representatives shall have to right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) City of La Crosse employees or their authorized representatives have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of a City of La Crosse employee or their authorized representative and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the City of La Crosse employee or their authorized representative access to a permitted facility is a violation of a stormwater discharge permit and of this division. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this division.
- (7) If a City of La Crosse employee or their authorized representative has been refused access to any part of the premises from which stormwater is discharged, and such employee or representative is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of routine inspection and sampling program designed to verify compliance with this division or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the autho-

rized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Code 1980, § 6.19)

Sec. 46-212. Obstruction of drainage ditches.

It shall be unlawful for any person to willfully deposit or indirectly cause to be deposited any lawn waste, garden waste, brush, soil, rocks, lumber, material, or debris in any drainage ditch so as to cause obstruction to the free flow of water in such drainage ditch or channel or so as to obstruct or partially plug any drainage grate, screen, structure or device for the drainage of water from land.

(Code 1980, § 6.14)

Sec. 46-213. Prohibited discharges.

No person shall discharge or cause to be discharged to any storm sewer, catch basin, or to surfaces that drain to storm sewer any substance other than stormwater, noncontact cooling water, or other clean water. Specifically, prohibited discharges include, but are not limited to, the following:

- (1) Water containing soap, detergents, solvents, or other cleaning compounds, or mop water or other water contaminated by use for cleaning from industrial, commercial or business operations or activities.
- (2) Oil, grease, food materials, human or animal bodily wastes, paint, or water containing these substances.
- (3) Any combustible liquid.
- (4) Grass, leaves, or other organic materials.
- (5) Any other contaminant that is harmful to the storm sewer system or persons working on or in the storm sewer system, or the natural aquatic environment.

(Code 1980, § 6.09(F))

Chapter 47

RESERVED

Chapter 48

WATERWAYS*

Article I. In General

- Sec. 48-1. Penalties.
- Sec. 48-2. Dock facilities.
- Sec. 48-3. Permits for marine shipping structures and dock walls.
- Secs. 48-4—48-24. Reserved.

Article II. Boats and Water Safety

- Sec. 48-25. State boating laws adopted.
- Sec. 48-26. Waterway markers and regulatory signage regulations.
- Sec. 48-27. Boat launching fee.
- Sec. 48-28. Water skiing; restricted areas.
- Sec. 48-29. Special speed restrictions.
- Sec. 48-30. House boats; boat houses.
- Sec. 48-31. Abandoned boats.

***Cross references**—Historic shipwrecks, ch. 20, art. IV; parks, recreation, boulevards and other public places, ch. 34.
State law reference—Navigable waters, harbors and navigation, Wis. Stat. ch. 30.

ARTICLE I. IN GENERAL

Sec. 48-1. Penalties.

Except as otherwise provided in this chapter, violations of this chapter are a Class C offense as provided in section 1-7. The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 11.07)

Sec. 48-2. Dock facilities.

(a) *Permit to use dock facilities.* No person shall use the City's dock facilities for loading or unloading of barges, boats, or vessels, or mooring without the written consent of the Joint Board of Harbor Commissioners or other designated City office or official first had and obtained.

(b) *Cleanliness of docks.* Persons utilizing the City's dock facilities shall at all times keep the docks, walls and premises adjacent to such dock facility in a neat and orderly manner, free from trash, rubbish, repair parts, machinery, equipment and debris of all kinds unless otherwise authorized by the Joint Board of Harbor Commissioners.

(Code 1980, § 11.05)

Sec. 48-3. Permits for marine shipping structures and dock walls.

(a) *Purpose.* Since a Joint Board of Harbor Commissioners was created by the Common Council by resolution on November 22, 1983, with the authority to issue building permits for marine shipping structures and for construction of dock walls if delegated by the Common Council, the purpose of this section is to provide for the issuance of building permits for marine shipping structures and delegate to the Joint Board of Harbor Commissioners the authority to issue permits for construction of dock walls.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial transportation facility means a facility used by vessels under construction or repair, of vessels transporting passengers or commodities or by commercial fishing vessels, but does not include a facility used on a regular basis by recreational or sport fishing vessels.

Dock wall means any bulkhead, pier, or shoreline development used as a commercial transportation facility.

Pier means any structure extending channelward from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

Watercraft means any contrivance used or designed for navigation on water.

(c) *Marine shipping structures.* Pursuant to Wis. Stat. § 30.31(7), before any permit for building or improving any structure directly affecting marine shipping is issued by the Department of Planning and Development, the plans therefor shall be submitted to the Joint Board of Harbor Commissioners. If the Board finds that the location or design of the structure will adversely affect the orderly development of the harbor or the orderly movement of traffic to or within the harbor, the Board may disapprove the plans, giving its specific reasons for such disapproval. No such building or improvement of any such structure directly affecting marine shipping shall be made without first obtaining a permit through the Department of Planning and Development and approval by the Joint Board of Harbor Commissioners. No permit for building or improving a structure shall be issued until the plans therefor have been approved by the Joint Board of Harbor Commissioners.

(d) *Permits for construction of dock walls.* Pursuant to Wis. Stat. § 30.31(7), the Common Council does hereby delegate to the Joint Board of Harbor Commissioners the power to issue permits for construction of dock walls. No person shall construct a

dock wall without first having obtained a permit for the construction of the same by the Joint Board of Harbor Commissioners.

(e) *Permit fees.* Permit fees shall be based upon the physical value of work to be done, as determined by the Joint Board of Harbor Commissioners on the basis of current costs and shall be as established by resolution.

(f) *Penalties.*

- (1) Any person violating this section, including those provisions of the Wisconsin Statutes incorporated herein by reference, shall upon conviction thereof forfeit not less than \$20.00 and not more than \$1,000.00 and the cost of prosecution, and, in default of payment of such forfeiture and the cost of prosecution, may be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and the cost of prosecution.
- (2) Other enforcement methods. Whenever any marine shipping structure or dock wall is being done contrary to the provisions of this section, the Department of Planning and Development or Joint Board of Harbor Commissioners may order the work stopped by posting on the jobsite a placard to that effect and such work shall not be commenced until authorized and shall further be subject to other remedies as provided by law including injunction.

(Code 1980, § 11.06)

Cross references—General penalty for ordinance violations, § 1-7; persons indebted to City not to be issued permit, license or lease, § 2-292.

Secs. 48-4—48-24. Reserved.

ARTICLE II. BOATS AND WATER SAFETY*

Sec. 48-25. State boating laws adopted.

The City of La Crosse does hereby adopt by reference the provisions of Wis. Stat. §§ 30.50—

***Cross reference**—Parks, recreation, boulevards and other public places, ch. 34.

State law reference—Boats and water safety, Wis. Stat. § 30.50 et seq.

30.99, excluding therefrom the penalty or punishment provisions for said statutes, as if said statutes were fully set out herein. Any act required to be performed or prohibited by any State law incorporated herein by reference is required or prohibited by this chapter.

(Code 1980, § 11.01)

Sec. 48-26. Waterway markers and regulatory signage regulations.

(a) *Purpose.* The Common Council finds that regulating the placement and maintenance of regulatory waterway markers and signage problematic and resource consuming and the improper placement and maintenance of regulatory waterway markers and signage endangers the health, welfare, and public safety. The City and County of La Crosse find it necessary to regulate the administration of waterway markers and signage pursuant to Wis. Stat. § 30.77(3)(a).

(b) *Area defined.* The placement and maintenance of regulatory waterway markers (buoys) and signage in Pool 7 and Pool 8 of the Mississippi and Black Rivers within La Crosse County in conformance with Wisconsin Statutes.

(c) *Delegation of authority.* The Common Council does hereby delegate the authority for the administration of this article to the Joint Board of Harbor Commissioners.

(d) *Annual inspection and local permit required.* The placement of regulatory waterway markers and signage shall first be approved by the Joint Board of Harbor Commissioners and the Wisconsin DNR through a Waterway Marker Permit pursuant to Wis. Admin. Code ch. NR 5.09. By March 31 of each calendar year, the riparian property owner(s) shall obtain an annual permit from the Joint Board of Harbor Commissioners prior to installation of waterway markers which have been approved in accordance with Wis. Admin. Code ch. NR 5.09. The Joint Board of Harbor Commissioners shall no less than annually inspect the proper placement of all waterway markers and signs for conformance with the applicable waterway marker permits. The Joint Board of Harbor Commissioners shall cause to be removed any and all waterway markers and signs that are not permitted, properly maintained or do not conform with Wis. Admin. Code ch. NR 5.09.

(e) *Fees.* The annual fee for a local waterway marker permit issued by the Joint Board of Harbor Commissioners shall be as established by resolution. The fee for permitted signs in both Pools shall be as established by resolution. Waterway markers and signage owned and placed by the City or County of La Crosse are exempt from this annual fee but shall be required to obtain an annual permit. The fees collected in any calendar year shall accrue to either the City or County corresponding to the staffing and administration of the Joint Board of Harbor Commissioners for that calendar year. (Code 1980, § 11.09)

Sec. 48-27. Boat launching fee.

(a) No person shall launch a motorboat, sailboat, iceboat, canoe, kayak, or an all-terrain vehicle in the designated river access parking lots in the City of La Crosse without first obtaining a permit and paying the fee for the same, which fee shall be as established by resolution. Said permit shall be displayed in or on the launcher's accompanying motor vehicle in such location as designated by the City of La Crosse.

(b) It shall be unlawful for any person to park, stop or leave standing any vehicle, whether attended or unattended, in any area in a public park in the City of La Crosse that has been designated by the order of the Board of Park Commissioners as river access parking lot unless said vehicle properly displays the permit required in subsection (a) of this section.

(c) No person shall launch or dock or remove any watercraft from the access parking lot between the hours of 11:00 p.m. and 4:00 a.m. (Code 1980, § 11.10)

Sec. 48-28. Water skiing; restricted areas.

(a) *Area defined.* No person shall operate a motor boat towing a person on water skis, aquaplane or similar device, nor shall any person engage in water skiing, aquaplaning or similar activity on any portion of the Black River between St. Cloud Street extended Westerly across Black River, and Clinton Street extended Westerly across the Black River.

(b) *Water ski pickup and drop area.* A water ski pickup and drop area is hereby established, pursuant to Wis. Stat. § 30.69(3), in that portion of the Black River, marked with regulatory markers and

described as follows: That part of the SW¹/₄; of Section 8, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, more particularly described as follows: Being that part of the Black River extending 100 feet into the channel from the boat dock placed on the Black River adjacent to the area of land leased to the La Crosse River City Ski Club.

(Code 1980, § 11.02(A), (C))

Sec. 48-29. Special speed restrictions.

(a) *Shoreland.*

- (1) Developed shoreline areas shall be designated as "Slow, No Wake" areas during the time the official river stage at La Crosse, Wisconsin, shall reach at least ten feet.
- (2) The term "developed shoreline area" means land adjacent to navigable water which is used or occupied by private or public owners.
- (3) This article shall apply to all vessels, boats or motorboats for which there is no exclusive jurisdiction of the State of Wisconsin or the United States as to its effect.

(b) *No wake zones.* Law enforcement/public safety boats responding to emergencies or in pursuit of violations are exempt from this section.

- (1) There shall be a no slow, no wake zone in that part of the waterway known as the Black River described as that part of Section 19 and 30, Township 16 North, Range 7 west, in the Town of Campbell and City of La Crosse, La Crosse County, Wisconsin; being that part of the Black River lying between the East and West shorelines thereof and lying Southerly of Clinton Street and the Clinton Street Bridge and Northerly of a line 300 feet South of and parallel to the Soo Line Railroad Bridge (formerly the Chicago, Milwaukee and St. Paul Railroad Bridge).
- (2) There shall be a slow, no wake zone in that part of the waterway described as within 100 feet of any dock, raft, pier, buoyed restricted area or public boat landing on Pool 8 in La Crosse County.

- (3) There shall be a slow, no wake zone in that part of the waterway known as Domke Bay, described as that part of Government Lot 4, being part of the NW¹/₄ of the NE¹/₄ and in Section 17, Township 16 North, Range 7 West, City of La Crosse, lying Northerly and Easterly of the Mooring Addition, and Westerly and Southerly of the Southshore Condominiums and Lauderdale Addition.
- (4) There shall be a slow, no wake zone in that part of the waterway known as the West Channel of the Mississippi River described as that part of Section 13, Township 104 North, Range 4 West, bounded as follows: including all waters lying Westerly of Hoeschler Park Plaza Addition to the City of La Crosse; and Northerly of a line which is parallel to and 250 feet South of the centerline of the utility road which runs along the South line of Lot 2 of said Addition; and Southerly of a line which is 900 feet North of and parallel to the centerline of said utility road.
- (5) There shall be a slow, no wake zone in that portion within the City of La Crosse of the waterway known as Coleman Slough, which is a backwater of the Mississippi River located in the South ¹/₂ of the SW¹/₄ of Section 8 and in the NW¹/₄ of Section 17 all in Township 15 North, Range 7 West, in the Town of Shelby and the City of La Crosse, more particularly described as: that part of Coleman Slough, lying between Green Island and the islands that separate it from the main channel of the Mississippi River, beginning at the North end of the City boat landing ramp off 7th Street, thence South proceeding to a point 100 feet South of the South line of the property at 2787 Hanifl Road (being the last set of buildings on Hanifl Road).
- (6) There shall be a slow, no wake zone in that part of the waterway known as the Main Channel of the Mississippi River between Cass Street bridge on the south and the junction of the Mississippi, Black and La Crosse Rivers near mile marker 698 on the north. Vessels or boats participating in marine events sanctioned by the City of La Crosse or Riverfest, Inc., in connection with the annual Riverfest event shall be exempt

from the provisions of this subsection, so long as they are engaged in activities relating to Riverfest. This subsection (6) shall only be effective during the actual Riverfest event dates which occur sometime between June 25 and July 10 annually.

- (7) There shall be a slow, no wake zone in that part of the waterway known as Bluff Slough, which is a backwater of the Mississippi River, located in the City of La Crosse and the Town of Shelby, legally described as: All that part of the East¹/₂ of the SW¹/₄ and part of the West¹/₂ of the SE¹/₄ of Section 8, Township 15 North, Range 7 West in the City of La Crosse and part of the NE¹/₄ of the NE¹/₄ of Section 17, Township 15 North, Range 7 West in the City of La Crosse and part of the NW¹/₄ of the NE¹/₄ of Section 17, Township 15 North, Range 7 West in the Town of Shelby described as follows: Commencing at the Northeast corner of said NW¹/₄ of the NE¹/₄ of Section 17, thence South along the East line of said NW¹/₄ of the NE¹/₄ 532 feet to the point of beginning; thence Northeast-erly 350 feet more or less to the Southern-most corner of Lot 17 Huber Homes Addition, which is the lot line between 2808-2810 and 2816-2818 Huber Court; thence North-westerly along the Easterly shore line of Bluff Slough (also known as Swift Creek or Running Slough) 2,300 feet more or less to the North line of Lot 5, Block 21 of Ed Clinton and Blackwells Addition, now vacated; which is the lot line between 2414 and 2418 13th Street South, thence Southwest-erly at a right angle to the shore line 300 feet more or less to the Westerly shore line of Bluff Slough; thence Southeasterly along said Westerly shore line 2,550 feet more or less to the point of beginning.

(Code 1980, § 11.03)

Sec. 48-30. House boats; boat houses.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Boat house means a structure designed exclusively for the storage of boats which do not contain

any furniture and furnishings and which is not at any time used for human habitation and which is anchored or fixed to any of the shorelines within the limits of the City.

House boat means a structure designed and arranged to be used for human occupancy or habitation which is without propulsion of any kind or which is anchored or fixed to any of the shorelines within the limits of the City.

(b) *Flotation required.* Each and every house boat and boat house in use will be required to use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material, wood timbers or other inert materials to provide flotation. The use of any iron or steel containers not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited for new structure or for replacement of flotation devices in existing structures unless filled with polyurethane.

(c) *Sanitary facilities.* All houseboats shall be required to have installed and in working order such sanitary facilities as are required by Wis. Admin. Code ch. SPS 386, which chapter is hereby incorporated herein by reference.

(d) *Use of shoreline abutting public lands.* After the effective date of the ordinance from which this section is derived, no officer or agency of the City shall authorize the mooring, anchoring or fixing along the shoreline on any of the water abutting the land owned by the City of La Crosse any additional house boats or boat houses.

(e) *Licensing of house boats and boat houses.* All house boats and boat houses located within the City, whether floating on water or situated on land, shall procure a license from the Department of Parks and Recreation. Licenses shall only be issued by the City of La Crosse. The license fee shall be in the amount established by resolution and shall be due July 1 of each year. All licenses issued hereunder shall be from July 1 to June 30 following. Applicants for licenses shall execute forms furnished by the Department of Parks and Recreation. As a condition for a license, each house boat and boat house must conform to the following regulations:

- (1) They shall be posted with a name assigned to it by the Department of Parks and Recreation

as well as the name and address of the licensee, the number shall be not less than six inches in height and the assigned number shall contain the prefix B or H to designate whether it is licensed as a boat house or house boat.

- (2) Whether on water or on land, they shall be securely anchored.
- (3) They shall be maintained in a good and sanitary condition and shall be periodically painted so as to avoid unsightly appearance.
- (4) The approach to them shall be safe and well maintained and adjacent lands shall be kept clean and sanitary and free from debris.
- (5) Each shall contain a minimum of one approved Coast Guard life preserver and one fire extinguisher.
- (6) They shall be subject to inspection by appropriate officers of the City to ensure compliance with all of the terms and conditions of this section.
- (7) They shall be held in place or in a stable position with spuds and/or cables.
- (8) They shall be outfitted with the flotation device required by subsection (b) of this section and the sanitary facilities required by subsection (c) of this section.
- (9) House boats and boat houses found abandoned or in a dilapidated condition will be removed by the Department of Parks and Recreation at the owner's expense.
- (10) Any house boat or boat house which breaks loose from its moorings may be demolished by the City; provided, however, if possible, it shall be salvaged, but all expenses of salvage and demolition shall be charged to the owner thereof.

(f) *Violation of regulations.* The owner of a house boat or boat house violating any of the terms and conditions of this section or any resolution enacted pursuant thereto or if the facility is maintained in a dilapidated or otherwise unsanitary condition, the Department of Parks and Recreation may, in addition

tion to the other penalties provided in this section, terminate the lease between the City and the owner and revoke the license of any such owner. (Code 1980, § 11.04)

Sec. 48-31. Abandoned boats.

(a) *Statutory authorization.* This section is adopted pursuant to Wis. Stat. § 30.77(3). It is hereby declared that it is in the best interest of the public health, safety or welfare, including the public's interest in preserving the State's natural resources, to enact an ordinance regulating abandoned boats in navigable waters within the jurisdiction of the City of La Crosse. The presence of abandoned boats or vessels on the Mississippi River and other navigable waters in the City of La Crosse can cause a safety hazard if such vessels are unattended.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned boat means any boat left unattended on navigable waters or within the ordinary high-water mark of the navigable waters for more than 21 consecutive days.

Boat/vessel means every description of watercraft used or capable of being used as a means of transportation on the water, except a seaplane or a fishing raft.

Navigable water means any navigable waters within the territorial limits of the City of La Crosse.

(c) *Abandonment prohibited.* No person shall leave unattended any boat on any navigable water or within the ordinary high-water mark of the navigable water for such time and under such circumstance to cause the boat to be an abandoned boat.

(d) *Public nuisance declared.* An abandoned boat hereby constitutes a public nuisance.

(e) *Reasonable access.* Any owner of property where an abandoned boat is located shall allow reasonable access to the owner's property to inspect and remove the boat.

(f) *Remedies.*

- (1) *Penalties.* The person who abandoned the boat or the last registered owner of the abandoned boat shall be subject to a forfeiture of not less than \$200.00 for the first offense and shall forfeit not less than \$400.00 for any second or subsequent offense within a five-year period. Each day a violation occurs shall constitute a separate offense. The last registered owner shall have an affirmative defense to the citation if said owner can establish that said owner sold the boat prior to the date of the offense.
- (2) *Removal.* The person subject to a penalty under this section shall be responsible for removal, storage and proper disposal of the abandoned boat. In addition to the forfeiture imposed, a court of competent jurisdiction shall have authority to order such removal, storage and/or disposal of the abandoned boat by the offender to abate the public nuisance.

(Code 1980, § 11.08)

Cross reference—General penalty for ordinance violations, § 1-7.

Chapter 49

RESERVED

Chapter 50

WEIGHTS AND MEASURES*

- Sec. 50-1. Penalties, enforcement officers and citations.
- Sec. 50-2. State statutes adopted by reference.
- Sec. 50-3. Packaging, labeling and methods of sale of commodities.
- Sec. 50-4. Wholesale meat.
- Sec. 50-5. Sale of firewood.

***Cross reference**—Businesses, ch. 50.

State law reference—Weights and measures, Wis. Stat. ch. 98.

Sec. 50-1. Penalties, enforcement officers and citations.

Except as otherwise provided in this chapter, violations of this chapter are a Class B offense. The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 7.09(A))

Sec. 50-2. State statutes adopted by reference.

The provisions of Wis. Stat. ch. 98 (Weights and Measures) is hereby adopted by reference, excepting that the penalty for noncompliance shall be as provided in section 50-1.

(Code 1980, § 7.05(A))

Sec. 50-3. Packaging, labeling and methods of sale of commodities.

The provisions of Wis. Admin. Code chs. ATCP 90 and 91 relating to packaging and labeling and methods of sale of commodities are hereby adopted by reference, copies of which are on file in the office of the Department of Planning and Development.

(Code 1980, § 7.05(B))

Sec. 50-4. Wholesale meat.

The provisions of Wis. Admin. Code ch. ATCP 109 are adopted by reference.

(Code 1980, § 7.05(D))

Sec. 50-5. Sale of firewood.

(a) No person shall advertise, offer for sale or sell wood intended for fuel purposes in any other manner than by the cord, fractions of a cord, volumetric measure or by weight.

(b) When firewood is sold to a purchaser, the purchaser must be furnished a delivery ticket with the following information clearly stated in ink or by means of other indelible marking equipment:

- (1) The name and address of the vendor.

(2) The name and address of the purchaser.

(3) The amount of the delivery expressed in cords, fraction of a cord, volumetric measure or in weight. If the net weight is derived from determination of gross and tare weight, such gross and tare weights also shall be stated on the ticket.

(c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cord means the amount of wood that is contained in a space of 128 cubic feet when the wood is ranked and well stowed.

Volumetric measure means the amount of wood that is contained in a specified cubic space when the wood is ranked and well stowed.

(Code 1980, § 7.05(E))

Chapters 51—100

RESERVED

PART II

LAND DEVELOPMENT ORDINANCES

Chapter 101

GENERAL AND ADMINISTRATIVE PROVISIONS

Article I. In General

- Sec. 101-1. Applicability of chapter 1.
- Sec. 101-2. Status.
- Sec. 101-3. Lot splits or alterations.
- Secs. 101-4—101-24. Reserved.

Article II. Plan Commission

- Sec. 101-25. Creation; membership and duties.
- Sec. 101-26. Secretary.
- Secs. 101-27—101-55. Reserved.

Article III. Confluence: The La Crosse Comprehensive Plan

- Sec. 101-56. Definitions.
- Sec. 101-57. Authority.
- Sec. 101-58. Purpose and intent.
- Sec. 101-59. Adoption of Comprehensive Plan.
- Sec. 101-60. Comprehensive Plan elements.
- Sec. 101-61. Amendments to the Comprehensive Plan.
- Sec. 101-62. Monitoring and evaluation requirements.
- Sec. 101-63. Consistency of actions and procedures with the adopted Comprehensive Plan.

ARTICLE I. IN GENERAL

Sec. 101-1. Applicability of chapter 1.

The provisions of chapter 1 of this Code apply to this part B.

Sec. 101-2. Status.

While this part B is a codification of the ordinances pertaining to land development, provisions in part A of this Code may also pertain to land development. The failure to include provisions in this part B does not excuse failure to comply with such provisions. Inclusion of provisions in this part that do not pertain to land development does not excuse failure to comply with such provisions.

Sec. 101-3. Lot splits or alterations.

The owner of any parcel of land who proposes to split or alter said parcel or lot shall have prepared by a State-certified surveyor a survey and legal description showing the correct boundaries before any legal description changes are made by the City Assessor's Office for tax purposes. Such newly proposed description or descriptions shall also be submitted to the Department of Planning and Development for approval. Violations of this section are a Class C offense. The following persons are hereby authorized to enforce the provisions of this section and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) The City Assessor.

(Code 1980, § 22.25)

Secs. 101-4—101-24. Reserved.

ARTICLE II. PLAN COMMISSION*

Sec. 101-25. Creation; membership and duties.

(a) A City Plan Commission is hereby created which shall consist of nine members as follows:

- (1) The Mayor, who shall serve as the presiding officer;

***Cross references**—Boards and commissioners generally, ch. 2, art. X; zoning, ch. 115.

State law reference—Plan commissions, Wis. Stat. § 62.23(1).

- (2) The City Engineer;
- (3) The President of the Board of Park Commissioners; provided that the President may designate the Vice-President of the Board to serve in the President's stead;
- (4) The Chair of the Neighborhood Revitalization Commission;
- (5) Two Council Members; provided that if one of the two Council Members should be absent from a City Plan Commission meeting, the Council President may act as a voting member in such member's place. Should any Council Member appointed to the City Plan Commission cease to be a Council Member, the Council Member shall no longer be a member of the City Plan Commission and the Mayor shall reappoint another Council Member to complete the unexpired term;

- (6) Three citizens.

(b) The powers, functions and duties and the method of procedure of said Commission shall be those specifically prescribed by Wis. Stat. § 62.23 and other statutes of the State.

(Code 1980, § 2.11(A))

Sec. 101-26. Secretary.

The Director of Planning and Development shall also serve as Secretary of the City Plan Commission.

(Code 1980, § 2.11)

Secs. 101-27—101-55. Reserved.

ARTICLE III. CONFLUENCE: THE LA CROSSE COMPREHENSIVE PLAN†

Sec. 101-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means Wis. Stat. § 66.1001, Comprehensive Planning.

†**Cross reference**—Zoning, ch. 115.

State law reference—Comprehensive plans, Wis. Stat. §§ 66.23(3), 66.1001.

Commission means the Plan Commission of the City of La Crosse, Wisconsin.

Comprehensive Plan means the document entitled "Confluence: The La Crosse Comprehensive Plan," adopted herein.

Consistent with the La Crosse Comprehensive Plan or in conformity with the La Crosse Comprehensive Plan means that the land uses, densities or intensities and other aspects of development permitted by a development order or development permit are compatible with and further the goals, objectives, actions, and policies, land uses, and densities or intensities in the La Crosse Comprehensive Plan pursuant to the provisions of this article, as the Comprehensive Plan and this article may be amended from time to time.

Decision-making authority means any State or local government commission, board, agency, department or official having authority to issue a development order or permit as defined herein.

Development order means any action granting, denying, or granting with conditions, an application for a development permit.

Development permit means any building permit, zoning permit, preliminary subdivision plat approval, final subdivision plat, site or development plan approval, rezoning, special exception, conditional use permit, variance, land use plan amendment, environmental permit or any other official action of the City of La Crosse or any other decision-making authority having the effect of permitting development of land located within the incorporated area of the City of La Crosse. Development includes all activities set forth in the Wisconsin Statutes.

Supportive material means those portions of the plan document which are not goals, objectives, actions, and policies in the Comprehensive Plan. The term "supportive material" includes the data found in the Conditions and Issues Report or the Concept Plan required by Wis. Stat. ch. 66.

(Code 1980, § 15.44(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 101-57. Authority.

This article is enacted to carry out the purpose and intent, and exercise the authority, set out in Wis. Stat. § 66.1001, Comprehensive Planning.
(Code 1980, § 15.44(H))

Sec. 101-58. Purpose and intent.

(a) It is hereby declared that the purpose and intent of this article is to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems which may result from the use and development of land within the incorporated areas of the City of La Crosse, Wisconsin, including newly annexed areas.

(b) Through the Comprehensive Plan, and the elements of the Comprehensive Plan adopted herein, it is the intent of the Common Council to preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement, fire protection, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient and provision of transportation, water, sewerage, parks, recreational facilities, solid waste, stormwater, and other facilities and services; and conserve, appropriately develop, utilize, and protect natural and historic resources.

(c) The provisions set forth in the elements of the Comprehensive Plan adopted herein are declared to be the minimum requirements necessary to accomplish the aforesaid stated intent and purposed to protect human, environmental, social and economic resources and to maintain, through orderly growth and development, the character and stability of present and future land use and development in the incorporated area of the City of La Crosse, Wisconsin, including newly annexed areas.

(Code 1980, § 15.44(C))

Sec. 101-59. Adoption of Comprehensive Plan.

The Common Council of the City of La Crosse, Wisconsin, does, by enactment of this article, formally adopt the document entitled "Confluence: The La Crosse Comprehensive Plan," pursuant to Wis. Stat. § 66.1001(4)(c), consisting of one volume of background material, introduction, alternatives, and plan elements containing goals, objectives, actions and policies, figures, tables, and maps, attached hereto and incorporated herein as Exhibit "A" on file with the City Clerk.

(Code 1980, § 15.44(D))

Sec. 101-60. Comprehensive Plan elements.

The City of La Crosse Comprehensive Plan shall consist of the following elements, included within the above referenced document titled "Confluence: The La Crosse Comprehensive Plan" attached hereto and incorporated herein as Exhibit "A," on file with the City Clerk's office dated December 19, 2002, containing directives, goals, objectives, actions, policies, implementation strategies and required maps, figures, and tables showing future conditions:

- (1) Introduction and Summary.
 - (2) Summary of Issues and Conditions.
 - (3) Natural Resources Plan.
 - (4) Land Use Plan.
 - (5) Transportation Plan; Bicycle and Pedestrian Master Plan.
 - (6) Urban Design Plan.
 - (7) Parks and Open Space Plan.
 - (8) Neighborhoods and Housing Plan.
 - (9) Public Utilities Plan.
 - (10) Community Facilities Plan.
 - (11) Economic Development Plan.
 - (12) City Vision 2020 Downtown Mater Plan.
 - (13) Heritage Preservation Plan.
 - a. 10th & Cass National Register of Historical Places Heritage Preservation Plan excluding the property located at 224 South 9th Street.
 - b. Downtown Commercial Heritage Preservation Plan.
 - (14) Intergovernmental Coordination Plan.
 - (15) Plan Implementation.
 - (16) Airport Land Use Plan.
- (Code 1980, § 15.44(E))

Sec. 101-61. Amendments to the Comprehensive Plan.

(a) The Common Council may establish a Comprehensive Plan amendment schedule, except that no more than two amendments shall occur in any calendar year.

(b) The Common Council may annually adopt a resolution establishing the Comprehensive Plan amendment schedule for the next calendar year.

(c) Comprehensive Plan amendments shall follow the procedure that is provided in Wis. Stat. § 66.1001(4).

(d) All amendments to the Comprehensive Plan shall be accompanied by a fee in the amount established by resolution, which shall be paid to the Director of Finance/Treasurer and receipt thereof delivered to the Clerk upon filing of the Comprehensive Plan amendment petition.
(Code 1980, § 15.44(F))

Sec. 101-62. Monitoring and evaluation requirements.

In order to ensure that the Comprehensive Plan is implemented as a decision-making tool, an annual report shall be filed by the City Planning Director and the City Plan Commission to the Common Council each year in January outlining the effectiveness of the plan, whether actions by the Plan Commission and Common Council have been consistent with the Plan and whether any amendments to the Plan are recommended.
(Code 1980, § 15.44(G))

Sec. 101-63. Consistency of actions and procedures with the adopted Comprehensive Plan.

Beginning on January 1, 2010, if the City of La Crosse as a governmental unit engages in any of the following actions, those actions shall be consistent with the adopted Comprehensive Plan:

- (1) Official mapping established or amended under Wis. Stat. § 62.23(6).
 - (2) Local subdivision regulation under Wis. Stat. § 236.45.
 - (3) City zoning ordinances enacted or amended under Wis. Stat. § 62.23(7).
 - (4) Zoning of shorelands or wetlands in shorelands under Wis. Stat. § 62.231.
- (Code 1980, § 15.44(H))

Chapter 102

RESERVED

Chapter 103

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

- Sec. 103-1. Enforcement officers and citations.
- Sec. 103-2. Notice of building code violations.
- Sec. 103-3. Fees for re-inspection.
- Sec. 103-4. Fire limits.
- Sec. 103-5. Building regulations in fire limits.
- Sec. 103-6. Manner of numbering lots and buildings.
- Sec. 103-7. Special building line requirements.
- Secs. 103-8—103-26. Reserved.

Article II. Building Codes

Division 1. Generally

- Sec. 103-27. Definitions.
- Sec. 103-28. Enforcement and penalties.
- Sec. 103-29. Other enforcement methods.
- Sec. 103-30. Purpose.
- Sec. 103-31. Compliance.
- Sec. 103-32. Amendments.
- Sec. 103-33. Building codes.
- Sec. 103-34. Permits.
- Sec. 103-35. Inspections.
- Sec. 103-36. Board of Building and Housing Appeals; variances and appeals.
- Secs. 103-37—103-60. Reserved.

Division 2. Wisconsin Uniform Dwelling Code

- Sec. 103-61. Definitions.
- Sec. 103-62. Penalties and violations; appeals.
- Sec. 103-63. State Code adopted.
- Sec. 103-64. Application to existing buildings.
- Sec. 103-65. Additional construction standards.
- Sec. 103-66. Method of enforcement.
- Sec. 103-67. New methods and materials.
- Sec. 103-68. Disclaimer on inspections.
- Sec. 103-69. Garages.
- Secs. 103-70—103-96. Reserved.

Division 3. Miscellaneous Building Restrictions

- Sec. 103-97. Zoning restrictions.
- Sec. 103-98. Construction within the fire limits.
- Sec. 103-99. Street encroachments.
- Sec. 103-100. Prefabricated buildings.
- Sec. 103-101. Maintenance of buildings and structures.
- Sec. 103-102. Disposal of water and other liquids.
- Sec. 103-103. Wrecking of buildings and structures.
- Sec. 103-104. Extensive alterations and repairs; entire building to comply.
- Sec. 103-105. Roofed passageways.

*Cross references—Fire prevention protection, ch. 18; historic preservation and archeology, ch. 20; moving buildings, ch. 40, art. V; signs, ch. 111; zoning, ch. 115.

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- Sec. 103-106. Filling land.
- Sec. 103-107. Substitutes for buildings.
- Sec. 103-108. Ground or building elevation.
- Sec. 103-109. Swimming and wading pools.
- Sec. 103-110. Materials and workmanship in general.
- Secs. 103-111—103-133. Reserved.

Article III. Electrical Code

- Sec. 103-134. Enforcement, penalties and review.
- Sec. 103-135. Scope.
- Sec. 103-136. Board of Electrical Examiners.
- Sec. 103-137. Licenses.
- Sec. 103-138. Permits.
- Sec. 103-139. Inspections.
- Sec. 103-140. Public liability insurance and completed operations insurance.
- Sec. 103-141. Standards for the installation of electrical equipment.
- Sec. 103-142. Standards for electrical equipment.
- Secs. 103-143—103-167. Reserved.

Article IV. Mechanical and Gas (HVAC) Codes

Division 1. Generally

- Sec. 103-168. Penalties.
- Sec. 103-169. General requirements for heating equipment.
- Sec. 103-170. Oil heating.
- Secs. 103-171—103-193. Reserved.

Division 2. Gas Code

- Sec. 103-194. Gas appliances.
- Sec. 103-195. Gasfitters.
- Sec. 103-196. Connection and supply.
- Sec. 103-197. Installation permits.
- Sec. 103-198. Inspection of installations.
- Sec. 103-199. Liquefied petroleum gas installations.
- Sec. 103-200. Gas burner installations, 400,000 BTU and smaller.
- Sec. 103-201. Gas burner installations exceeding 400,000 BTUs.
- Secs. 103-202—103-225. Reserved.

Article V. Plumbing Code

- Sec. 103-226. Penalties.
- Sec. 103-227. State plumbing credentials required.
- Sec. 103-228. Adoptions by reference.
- Sec. 103-229. Permits.
- Sec. 103-230. Inspections and tests.
- Sec. 103-231. Defective work and materials.
- Sec. 103-232. Method of excavation.
- Sec. 103-233. Board of public works to replace pavements.
- Sec. 103-234. Property lines.
- Sec. 103-235. Defects in existing systems.
- Sec. 103-236. Additional regulations.
- Sec. 103-237. Sampling manholes.
- Secs. 103-238—103-267. Reserved.

BUILDINGS AND BUILDING REGULATIONS

Article VI. Housing and Property Maintenance

Division 1. Generally

- Sec. 103-268. Rules and definitions.
- Sec. 103-269. Penalty.
- Sec. 103-270. Intent and purpose.
- Sec. 103-271. Prevailing regulations.
- Sec. 103-272. Interference with enforcement.
- Sec. 103-273. Complying with order.
- Secs. 103-274—103-294. Reserved.

Division 2. Administration and Enforcement

- Sec. 103-295. Designation of unfit dwellings.
- Sec. 103-296. Appeals and variances.
- Secs. 103-297—103-327. Reserved.

Division 3. Standards and Requirements

- Sec. 103-328. Minimum standards for basic equipment, lighting, ventilation, heating and electrical service.
- Sec. 103-329. Light, ventilation and heating minimum standards.
- Sec. 103-330. Electrical.
- Sec. 103-331. Heating.
- Sec. 103-332. Safe and sanitary maintenance of property.
- Sec. 103-333. Responsibilities of owners and occupants.
- Sec. 103-334. Minimum floor space; lot use requirements.
- Sec. 103-335. Efficiency apartments.
- Sec. 103-336. Housing appearance.
- Sec. 103-337. Roominghouses.
- Secs. 103-338—103-362. Reserved.

Article VII. Vacant Building Registration Program (VBRP)

- Sec. 103-363. Definitions.
- Sec. 103-364. Intent and purpose.
- Sec. 103-365. Penalty.
- Sec. 103-366. Interference with enforcement.
- Sec. 103-367. Administration.
- Sec. 103-368. Registration requirement.
- Sec. 103-369. Properties not subject to registration.
- Sec. 103-370. Registration procedures.
- Sec. 103-371. Inspection fee.
- Sec. 103-372. Building maintenance and security standards.
- Sec. 103-373. Trespassing or illegal inhabitants.
- Secs. 103-374—103-398. Reserved.

Article VIII. Mandatory Inspection and Registration Program for Residential Rental Properties

- Sec. 103-399. Definitions.
- Sec. 103-400. Remedies and application of other provisions; penalty.
- Sec. 103-401. Purpose.
- Sec. 103-402. Registration certificate required.
- Sec. 103-403. Application.
- Sec. 103-404. Inspection.
- Sec. 103-405. Issuance of proof of inspection.
- Sec. 103-406. Waiver.

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- Sec. 103-407. Revocation, suspension, or non-renewal of the registration certificate.
- Sec. 103-408. Reinstatement of the registration certificate.
- Secs. 103-409—103-433. Reserved.

Article IX. Mandatory Inspection Standards and Enforcement

- Sec. 103-434. Definitions.
- Sec. 103-435. Penalty.
- Sec. 103-436. Purpose.
- Sec. 103-437. Prevailing regulations.
- Sec. 103-438. Enforcement.
- Sec. 103-439. Appeal.
- Sec. 103-440. Responsibilities of owners and occupants.
- Sec. 103-441. Minimum housing, property maintenance and sanitary standards.
- Sec. 103-442. Exits and miscellaneous requirements.
- Sec. 103-443. Substandard buildings.

ARTICLE I. IN GENERAL

Sec. 103-1. Enforcement officers and citations.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

Sec. 103-2. Notice of building code violations.

(a) *Purpose.* The purpose of this section is to better facilitate enforcement of municipal and state building, plumbing, electrical and other such codes, ordinances, or statutes established for the protection of the health and safety of the occupants of buildings, which codes are generally referred to as "building codes."

(b) *Register of deeds recording.* The owner of real estate subject to any building code shall record with the register of deeds a current listing of the owner's address and the name and address of any person empowered to receive service of process for the owner. Any changes of names or address in the recording shall be reported within ten days of the change. This section does not apply to owner-occupied one and two-family dwellings.

(c) *Sufficient notice to owner of real estate.* Sufficient notice to the owner of real estate that a building code violation has been found shall be established when the Chief Inspector, or other City officer, employee entrusted with the enforcement of any building code has found a violation with a building code if said Chief Inspector, City officer, employee does any of the following:

- (1) Makes successful attempt of personal service during daytime hours at the latest address recorded with the register of deeds as that of the owner or agent of the owner;
- (2) If personal service under subsection (c)(1) of this section is unsuccessful, then sends the notice by certified mail to the address recorded with the register of deeds and in

addition posts a copy of the notice in a conspicuous place in or about the building where the violation exists; or

- (3) If the owner has not recorded with the register of deeds a current address or name and address of a person empowered to receive service of process, then posting a notice of violation on the premises and sending by certified mail the notice to the last-known address of the owner as well as the address of the premises in violation.

(d) *Effect of notice.* When notice of violation is made in accordance with subsection (c) of this section, then such notice shall be effective notice to anyone having an interest in the premises, whether recorded or not, at the time of the giving of such notice; and shall be effective against any subsequent owner of the premises as long as the violation remains uncorrected and there exists a copy of the notice of violation in a public file maintained by the Chief Inspector, City officer, employee charged with enforcement of the applicable building code.

(e) *Notice to prospective purchaser required.* An owner of real estate shall give notice to any prospective purchaser that a notice has been issued concerning a building violation, where the condition giving rise to the notice of violation has not been corrected.

- (1) Penalty. Any owner of real estate who fails to comply with this subsection (e) shall be subject to a Class C forfeiture.
- (2) Any purchaser who has not received the notice required under this subsection (e) shall have the right to make any repairs necessary to bring the property into compliance with the requirements of the building code and to recover the reasonable cost of those repairs from the seller.

(Code 1980, § 8.08)

Sec. 103-3. Fees for re-inspection.

Any person who shall fail or neglect to comply with any lawful order of the Chief Inspector, issued pursuant to the provisions of this chapter may be assessed a re-inspection fee for compliance inspections in excess of two. The fee shall be as established by resolution. Re-inspection fees that are not timely paid shall be entered on the tax roll as a special

charge against said lot or parcel of land pursuant to the provisions of Wis. Stat. § 66.0627, for collection and settlement under Wis. Stat. ch. 74.
(Code 1980, § 8.09)

Sec. 103-4. Fire limits.

All that part of the City embraced within the following limits which hereafter shall be known as the fire limits, to wit:

Commencing at the center of the Black River at a point where Causeway Boulevard if extended westerly would intersect; thence easterly along the centerline of Causeway Boulevard extended and Causeway Boulevard to the easterly line of Copeland Avenue; thence south along the easterly line of Copeland Avenue to the centerline of the La Crosse River; thence easterly along centerline of the La Crosse River to centerline of 7th Street extended; thence south on the centerline of 7th Street to Cass Street; thence west along the centerline of Cass Street to 5th Avenue; thence south along the centerline of 5th Avenue to Market Street; thence west along the centerline of Market Street to 4th Street; thence south along the centerline of 4th Street to Johnson Street; thence west along centerline of Johnson Street to South Avenue; thence southeast along centerline of South Avenue to Hood Street; thence west along the centerline of Hood Street to a point of the Mississippi River intersecting the extended centerline of Hood Street; thence northerly along the center of the Mississippi River to a point where the Black River intersects the said Mississippi River; thence continuing north along the centerline of the Black River to the point of beginning; excluding therefrom lands owned by the City of La Crosse comprising Houska Park and the Isle La Plume area; provided, however, that the area east of the middle of Fourth Street and south of Cass Street and the area bounded by Third Street (Copeland Avenue), La Crosse River, 7th Street extended and La Crosse Street, and State Street, Front Street, the La Crosse River and the Mississippi River shall not be subject to the requirements of section 18-63 and article II of this chapter; provided further, however, such area shall be subject to the requirements of section 103-141(b)(4).

(Code 1980, § 3.18)

Cross reference—Storing combustible material in fire limits, § 18-63.

Sec. 103-5. Building regulations in fire limits.

Restriction on the nature and type of construction shall be as prescribed in article II of this chapter.
(Code 1980, § 3.20)

Sec. 103-6. Manner of numbering lots and buildings.

(a) *In general.* 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 westerly or an easterly course shall be considered east and west streets, and the general word "streets" shall be deemed and held to include all streets, boulevards, courts or avenue.

(b) *South side streets.* On all streets on the south side of La Crosse, the buildings and lots shall be assigned numbers in accordance with the following plan:

- (1) Main Street running east and west shall be the dividing line. The buildings and lots on all east and west streets shall be numbered from the west toward the east, 100 numbers being assigned to each block bounded on the east or west by north and south streets or that would be so bounded were such north and south streets extended north and south to their full length, the numbers increasing toward the east. The even numbers shall be assigned to the south side of said east and west streets. The numbers on all east and west streets shall be similar to the numbers in a corresponding location on Main Street.
- (2) The houses and lots on all north and south streets shall be numbered from the north toward the south, south of Main Street, and toward the north, north of Main Street. Commencing at Main Street on Front Street the numbering of all north and south streets south of said Main Street shall begin with the number 100, the even numbers on the west side of the street. 100 numbers shall be assigned to each block or square bounded on the north and south by east and west streets, or that would be so bounded were such east and west streets extended so as to intersect said north and south Streets. Commencing at the corner of Main and Front

Streets the numbering of all north and south streets north of Main Street shall begin with the number 100, the even numbers being on the east side of the street. 100 numbers shall be assigned to each block or square bounded on the north and south by east and west streets, or that would be so bounded were such east and west streets extended so as to intersect said north and south streets. The numbers on all streets running north and south shall correspond with the numbers on buildings and lots situated in corresponding locations on Front Street.

(c) *North side streets.* On all streets on the north side of La Crosse, the buildings and lots shall be assigned numbers in accordance with the following plan:

- (1) The buildings and lots on all north and south streets shall be numbered from the south toward the north and 100 numbers shall be assigned to each block or square bounded on the north and south by east and west streets, or that would be so bounded were such east and west streets extended to their full length. Such numbering shall commence at Buchner Place with the number 100, the even numbers being on the east side of the street, and shall increase from south to north. On all north and south streets the numbers shall correspond with the numbers on the correspondingly located buildings and lots on the other streets.
- (2) The buildings and lots on all east and west streets shall be numbered from west to east, increasing toward the east, such numbering to commence on the street having the most westerly terminus, and the numbers on all buildings and lots on all other east and west streets shall correspond with the numbers on the buildings and lots correspondingly located on said street having the most westerly terminus. 100 numbers shall be assigned to each block or square.

(d) *Copeland Avenue.* The buildings and lots on Copeland Avenue from its intersection with the La Crosse River to its intersection with Buchner Place shall be numbered from one to 100, the even numbers on the east side of the street.

(e) *Building numbers required.* The City Engineer shall cause to be prepared maps of the City showing the numbering of buildings and lots in accordance with the provisions of this section. It shall be the duty of all owners and occupants of buildings to obtain or learn the correct numbers to be placed on their respective buildings, for which no fee shall be charged. The owners and occupants of all houses and buildings shall be required to place correct numbers on the front of their respective buildings and on all garages and outbuildings with alley access in a conspicuous place open to public view according to the official map designating the numbers as provided by this subsection (e), and failure to do so within 20 days after the mailing of a notice by the Department of Planning and Development ordering the posting of such numbers in accordance with the notice, shall make such owner or occupant liable for penalties provided herein. The numbers shall be no less than four inches in height, not less than six feet from the floor of said garage or outbuilding, and shall contrast with the background on which they are displayed. The numbers shall not be spray painted on any buildings or houses.

(f) *Penalties.* Violations of this section are a Class C offense as provided in section 1-7. (Code 1980, §§ 5.16, 5.19(A))

Sec. 103-7. Special building line requirements.

The building line for all properties abutting the following described streets or highways shall be set back 50 feet from the right-of-way line abutting such properties:

- (1) U.S. Highway 14-61 and Wisconsin State Highway 35 South of Losey Boulevard. (Code 1980, § 16.09(M))

Secs. 103-8—103-26. Reserved.

ARTICLE II. BUILDING CODES*

DIVISION 1. GENERALLY

Sec. 103-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.

Alley means a narrow public thoroughfare affording a secondary means of access to most abutting property.

Alter or *alteration* means any change, addition or modification in construction or occupancy.

Apartment means a room or suite of rooms which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes.

Apartment house means a building or portion thereof designed for or occupied as the home of three or more families or households living independently of each other, including tenement houses, row houses, and apartment hotels.

Approved, as to materials and types of construction, means approval by the Department of Planning and Development as the result of investigation and tests conducted, or by reason of accepted principles of tests by national authorities, technical or scientific organization.

Area, as applied to the dimensions of a building, means the maximum horizontal area of the building at finished grade, exclusive of unroofed porches, terraces, steps, and areaways.

Attic or *attic story* means any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage or habitation.

***Cross reference**—Erosion control at construction sites, ch. 105, art. II.

State law references—One- and two-family dwelling code, Wis. Stat. § 101.60 et seq.; multifamily dwelling code, Wis. Stat. § 101.971 et seq.; local building codes, Wis. Stat. § 66.1019.

Basement means a story partly underground but having at least half its height above the mean level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurements if the vertical distance between ceiling and mean level of adjoining ground is more than five feet, or if used for business purposes, or if used for dwelling purposes by other than a janitor or servant, or their family.

Bay window means a rectangular, curved or polygonal window supported on a foundation or suspended from and extending beyond the main wall of the building.

Building means any structure used or built for the shelter or enclosure of persons, animals, chattels, or movable property of any kind; and when separated by a fire wall, each portion of such building so separated shall be deemed a separate building. A boathouse shall be considered a building.

Building line means the line established by law beyond which a building shall not extend.

Cellar means that portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the mean level of adjoining ground.

Concrete, plain, means concrete cast in place without metal reinforcement, or reinforced only for shrinkage or temperature changes.

Concrete, reinforced, means concrete in which reinforcement, other than that provided for shrinkage or temperature changes, is embedded in such a manner that the two materials act together in resisting forces.

Court means an open, unoccupied space, bounded on two or more sides by the exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court height means the vertical distance from the level of the floor of the lowest story containing habitable rooms served by that court to the top of the walls bounding the court. In case the tops of such walls are at different elevations, the measurements shall be taken to the average elevation of the two highest walls that are opposite.

Court, inner, means a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court length means the mean horizontal distance between the open and closed ends of the court.

Court, outer, means a court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard not less than 15 feet wide.

Court, outer lot line, means a court with one side on a lot line and opening to a street or open space not less than 15 feet wide.

Court width, as applied to an inner court, means the shortest horizontal dimension; as applied to an outer court, the shortest horizontal dimension, measured substantially parallel with the principal open end of such court.

Dwelling means a building occupied or intended to be occupied as an abode by one or more persons.

Dwelling unit means a dwelling or portion thereof providing complete living facilities for one family.

Existing building means a building already erected, or one for which a legal permit has been issued prior to the adoption of this article.

Family means any number of individuals related by blood, marriage or adoption, or not to exceed five persons not so related, living together as a single housekeeping unit and using common cooking facilities.

Fire door means a door construction consisting of door, frame, and sill, which under approved fire-test conditions meets the requirements for the location in which it is to be used.

First floor means the floor next above the basement or the lowest floor if there is no basement.

Flood means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood profile means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream.

Floodplain means the land adjacent to a body of water which has been or may be hereafter covered by floodwater, including, but not limited to, the intermediate regional flood.

Floodplain report means Flood Plain Information, Mississippi River and Tributaries, La Crosse, Wisconsin, including any amendments made to it, prepared for the City of La Crosse by the Department of Army, St. Paul District Corps of Engineers, St. Paul, Minnesota, dated April 1970. This report is hereby incorporated into this article by reference, and information contained in it, such as elevation of intermediate regional flood, shall be used as provided in this chapter.

Floodproofing means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in flood hazard area.

Floor area means the area included within exterior walls, fire-walls, or a combination of such walls.

Footing or foundation means the spreading course at the base or bottom of a foundation wall, column or pier.

Frame construction means the structural parts and enclosing walls are of wood or of wood in combination with other materials, veneered, encased, or faced with stone, brick, tile, concrete, plaster or metal.

Garage means a building or portion thereof in which one or more motor vehicles, airplanes or boats are stored, repaired, or kept.

Grade, when used in connection with lumber for structural purposes, means a classification with respect to strength and suitability for use as a structural member.

Grade, finished, means the line formed at the junction of a building and the area immediately surrounding the building to which the ground is to be or has been cut or filled.

Grade, natural, means the surface of the ground prior to excavation.

Habitable room means any room or enclosed floor space arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

Intermediate regional flood means a flood having an average frequency of occurrence in the order of once in 100 years at a designated location, although the flood may occur in any year. The elevation of the intermediate regional flood at any location within the Regional Floodway District or Regional Flood Plain Districts, except the Shallow Depth Flood Plain Overlay District, shall be as calculated by the Engineering Department by using information contained in the Flood Plain Report. The elevation of the intermediate regional flood at any location within the Shallow Depth Flood Plain Overlay District shall be one foot above the highest elevation of the centerline of the street or streets upon which such location abuts.

Lintel means a structural member supporting masonry above an opening in a wall or partition.

Load, dead, means the weight of walls, floors, roofs, partitions and other permanent portions of the structure.

Load, live, means all imposed, fixed or transient loads other than dead loads.

Masonry means stone, brick, structural clay tile, concrete masonry units, gypsum tile or block, structural glass block or other similar building units or materials, or a combination thereof, bonded together with mortar. The term "masonry" also includes plain concrete.

Masonry, solid, means masonry built without hollow spaces.

Occupancy means the purpose for which a building is used or intended to be used.

Owner includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property.

Partition, bearing, means a partition which supports any vertical load in addition to its own weight.

Partition, fire, means a wall or partition which subdivides a story of a building to restrict the spread of fire or to provide an area of refuge.

Partition, nonbearing, means a partition which supports no load other than its own weight.

Pier means an isolated column of masonry; also a bearing wall not bonded at the sides into associated masonry the length of which does not exceed four times its thickness.

Repair means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The term "repair" or "repairs" shall not apply to any change of construction.

Shaft means an enclosed shaftway or space, extending through one or more stories of a building, connecting a series of two or more openings in successive floors, or floors and roof.

Structure means a combination of material to form a construction that is safe and stable; including among others, buildings, stadiums, reviewing stands, platforms, staging observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, coal bins, shelters, fences and display signs; the term structure shall be construed as if followed by the words "or part thereof."

Substantial improvement means a substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the most recent equalized assessed value of the structure before the date the building permit was issued.

Wall, bearing, means supports a vertical load in addition to its own weight.

Wall, cavity, means built of masonry units of plain concrete or a combination of materials, so arranged as to provide a continuous air space within the wall from bottom to top, and in which the inner and outer parts of the wall are tied together with metal ties.

Wall, common property line, means a wall along a property line against which a wall can be built on the adjoining property.

Wall, enclosure, means an exterior nonbearing wall between columns or piers and supported at each story.

Wall, faced, means the masonry facing and backing are so bonded as to exert common action under load.

Wall, fire, means constructed of incombustible materials, subdivides a building or separates buildings to restrict the spread of fire, by starting at the foundation and extending continuously through all stories to or above the roof.

Wall, fire division, means a wall which subdivides a building to restrict the spread of fire, but is not continuous through all stories nor extended through the roof.

Wall, frame, means constructed of wood or of wood in combination with other materials.

Wall, hollow, means built of solid masonry units so arranged as to provide an air space within the wall, bonding between separate vertical widths being effected by the same masonry units used in the wall construction so that the widths exert common action under load.

Wall, interior, means a wall entirely surrounded by the exterior walls of a building.

Wall, metal, means the structural supports are metal and the surfaces or other enclosures are of sheet metal.

Wall, nonbearing, means supports no vertical load other than its own weight.

Wall, parapet, means that part of any wall entirely above the roof line.

Wall, party, means used jointly by two parties and erected at or upon a line separating two parcels of land that may be held under different ownership.

Wall, retaining, means any wall used to resist the lateral displacement of any material.

Wall, spandrel, means a part of a wall between the top of a window or door of one story and the sill of a window or door above.

Wall, veneered, means a wall having a facing which is not attached and bonded to the backing so as to form an integral part of the wall for purposes of load bearing and stability.
(Code 1980, § 16.07)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 103-28. Enforcement and penalties.

Except as otherwise provided in this article, violations of this article are a Class B offense as provided in section 1-7.

(Code 1980, § 16.24)

Sec. 103-29. Other enforcement methods.

(a) Whenever any building work is being done contrary to the provisions of this article, or in an unsafe or dangerous manner, the Department of Planning and Development may order the work stopped by posting on the job site a placard to that effect and such work shall not be recommenced until authorized.

(b) Whenever any building is being used or occupied contrary to the provisions of this article, the Department of Planning and Development shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use, and such person shall comply with the notice.

(Code 1980, § 16.24)

Sec. 103-30. Purpose.

This article provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all buildings or structures.

(Code 1980, § 16.01)

Sec. 103-31. Compliance.

(a) No building or structure shall be constructed, installed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with this article, and with orders of the Department of Planning and Development issued thereunder. The owner and the person constructing, installing, altering, repairing or removing of a building or structure shall be jointly and severally liable for compliance with the terms and conditions of this chapter and with any orders of the Department of Planning and Development issued thereunder.

(b) Nothing in this article shall prohibit the raising or lowering of a building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered in violation of the provisions of this article.

(c) New buildings hereafter erected in, or any building hereafter moved within or into the City of La Crosse shall conform to all the requirements of this article except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons in a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this article whenever it is used for dwelling, commercial or industrial purposes.

(d) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to comply with the requirements for the new use as provided in this article.

(Code 1980, § 16.01)

Sec. 103-32. Amendments.

Any amendment to the provisions of this article relative to the issuing of permits for the construction, reconstruction or alteration of structures in areas located within Regional Flood Plain Zoning Districts shall be transmitted to the Department of Natural Resources.

(Code 1980, § 16.23)

Sec. 103-33. Building codes.

The provisions of Wis. Admin. Code chs. SPS 320—325, 361—366 and ch. NR 116, the 2009 International Existing Building Code and the 2009 International Building Code are hereby adopted by reference and made a part hereof.

(Code 1980, § 16.01)

Sec. 103-34. Permits.

(a) *Permits required.*

(1) No building, or any part thereof, shall be erected, constructed, reconstructed, altered,

remodeled, moved, or wrecked, nor shall any person make any repairs to buildings or structures damaged by fire or otherwise, nor commence excavation for any building or structure, or part thereof, unless a permit therefor shall be first obtained by the owner or his agent from the Department of Planning and Development.

(2) *Alterations and repairs.* The following provisions shall apply to buildings altered or repaired:

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

b. *Repairs.* Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.

c. *Alterations when not permitted.* When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this article, has deteriorated from any cause whatsoever to an extent greater than 50 percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building

or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

- d. *Alterations and repairs required.* When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this article are complied with.
 - e. *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the Director of Planning and Development.
- (3) *Stairways.* Construction or replacement of stairs to an existing building, except as otherwise required by applicable State or Federal law, do not require the obtaining of a building permit if the landing for such stairway is not more than 18 square feet in dimension and the stairway does not exceed three risers, none of which shall exceed eight inches in height.

(b) *Applications.* Any person desiring a building or demolition permit shall file an application with the Department of Planning and Development containing information required by the Department.

(c) *Plans and specifications.*

- (1) All applications for building permits shall be accompanied by specifications and plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings and accessory buildings existing, and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each build-

ing or part of building, the number of families the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with this article. One copy of the plans shall be returned to the owner when approved. Plans which do not contain sufficient information to determine compliance with this article shall be rejected. Plans shall be drawn to scale upon substantial paper or cloth. Essential parts shall be drawn to a scale of not less than one-eighth inch to one foot. Plans and specifications shall describe the work proposed sufficiently to show compliance with the law. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Department of Planning and Development. All plans shall bear the name of the architect, engineer, or person responsible for their preparation, and in no case shall permits be issued when such person has failed to comply with Wis. Stat. § 102.31. At the discretion of the Department of Planning and Development, the submission of plans and specifications for private garages, small sheds or small, unimportant work may be waived.

- (2) All applications for demolition or wrecking permits shall be accompanied by a drawing showing the size and location on the lot of the building, buildings or structures to be demolished, the owner of the property, the owner's address, the name of any contractor and the contractor's address who is to perform the demolition. The application shall also show the current zoning of the lot or parcel of land where the building or structure to be demolished is located as well as the intended use of the lot or parcel of land after demolition. The application shall also contain any other information deemed necessary by the Department of Planning and Development on forms provided by the Department of Planning and Development. All applications shall be signed by the owner of the building or the owner's authorized representative.

(d) *Issuance of permits.*

- (1) Plans and specifications which comply with all applicable laws and regulations, including the zoning, subdivision control and airport ordinances, shall be endorsed or stamped "Approved" and the permit shall be issued in the name of the owner. Applications shall be acted upon within ten days. If plans and specifications do not comply with all applicable laws and regulations, Department of Planning and Development shall refuse to issue the permit, or has discretion to issue a conditional permit, subject to any written orders necessary to bring the proposed construction within compliance. When the permit is conditionally issued both sets of plans and specifications shall be endorsed or stamped "Approved - See Conditions." One approved set of specifications and plans shall be retained by Department of Planning and Development, and one set shall be returned to the applicant, which latter set shall be kept on the building site at all times while the work authorized thereby is in progress, and shall be open to inspection by authorized public officials. The issuance of a permit shall not prevent the Department of Planning and Development from thereafter requiring the correction of errors in the plans and specifications. All work performed under a permit shall conform to the approved application and plans, and approved amendments thereto.
- (2) Except as provided for by chapter 115, article VI and with respect to historic buildings as provided for in this chapter, all applications for wrecking or demolition permits shall be acted upon within ten days after submission of the same provided such applications are complete as required by the City Department of Planning and Development. The Department of Planning and Development shall refuse to issue a wrecking or demolition permit until any required conditional use permit be obtained or should the intended or proposed use of the lot or parcel of land after demolition be contrary to existing zoning or other State, Federal or local regulations. Any proposed or intended use after

demolition which requires zoning which requires zoning changes shall mean that the demolition permit application shall be held in abeyance by the Department of Planning and Development until such time as any requisite zoning changes are made and approved by the Common Council. The Department of Planning and Development shall also notify the applicant that should the applicant not use the lot or parcel of land in accordance with the stated intended use or in, accordance with the zoning in effect at the time of the application, that no required zoning changes or variances shall be permitted for a period of two years after demolition unless the same is waived by the Common Council. The provisions in this subsection prohibiting the issuance of a demolition permit shall not apply to buildings or structures that are ordered demolished under applicable local, State or Federal law.

- (3) No building permits shall be issued during the period of time when temporary zoning is provided with the annexation in accordance with Wis. Stat. § 66.0227, unless such temporary zoning is the same as that provided at the time of filing of the petition.

(e) *Posting.*

- (1) Issuance of a permit shall include delivery of a permit placard which shall be posted in a conspicuous place on the building or premises where the work is being done, and easily accessible for notation of inspection.
- (2) It shall be the responsibility of the owner, applicant, authorized agent and contractor to contact the Department of Planning and Development regarding required inspections. Failure to comply with this subsection may result in penalties under section 103-62.

(f) *Revocation of permits.*

- (1) The Director of Planning and Development may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of

approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- a. Whenever the Director of Planning and Development shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Director of Planning and Development, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Director of Planning and Development for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and the owner's agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Department of Planning and Development. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction whatsoever on the premises, and the permit which has been so revoked shall be null and

void, and before any construction or operation is again resumed, a new permit, as required by this division, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this division. However, such work as the Director of Planning and Development may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

(g) *Expiration.*

- (1) Except as otherwise provided herein, permits shall expire if the building or work authorized is not commenced within six calendar months from the date of such permit, or is suspended, abandoned or substantial progress is not shown for a period of 60 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be the same amount required for a new permit. For purposes of this section, the term "substantial progress" shall mean at least 20 percent of the exterior coverings applied or 20 percent of the project completed as determined by the Department of Planning and Development.
 - (2) Permits issued for the demolition of buildings shall expire within 90 days of issuance. Any building not completely demolished within this period of time is hereby declared a public nuisance and the City may then enter upon the premises and complete the demolition in accordance with the requirements of this article. The cost of such demolition shall be charged against the real estate upon which such building is located and shall be a lien upon such real estate, and shall be assessed and collected as a special tax.
- (h) *Permit fees.*
- (1) Permit fees shall be based upon the square footage of work to be done, as determined by the Department of Planning and Development on the basis of total square footage, in the amount established by resolution.

- (2) Definitions. The following definitions apply to calculation of the applicable fee:

Commercial or industrial building means a building or structure that houses a business or industrial use, enterprise, or activity at a greater scale than a home occupation or involving the manufacturing of, distribution of, retail or wholesale marketing of goods or services.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.

Multiple-family residential building means a single building or structure containing more than one dwelling unit under single ownership and in which the owner rents or leases the right to occupy any of the dwelling unit to a tenant(s).

Residential means used by occupants as a home, abode, domicile, or dwelling that has housekeeping and cooking facilities for the occupants only. A residential property may have multiple dwelling units.

Residential condominium means a multiple dwelling or development containing individually owned dwelling units and shared areas and facilities.

- (3) The permit fee shall be doubled when work is commenced before a permit is obtained. Other penalties provided by this Code may also be invoked. The permit fee shall be doubled when an applicant seeks expedited review of a permit application.
- (4) There shall be no permit fees charged for Municipal, County, School District of La Crosse, State or Federal construction projects.
- (5) Refunds. Permit fees charged in error will be refunded in full. Plan review fees are not refundable for projects that are abandoned or rescinded voluntarily. A fee of 20 percent of the permit fee collected (not including plan review fees) will be retained as an administration charge.

- (6) The Department of Planning and Development shall issue a statement showing permit fees to be paid, which statement shall be filed with the Director of Finance/Treasurer and payment thereof made by the applicant. Upon presentation to the Department of Planning and Development of the receipt of the Director of Finance/Treasurer showing the payment of all required fees, it shall thereupon issue the permit.

- (7) Beginning January 1, 2010, and each January 1 thereafter, all fees under this subsection (h) shall automatically increase by the Consumer Price Index for All Urban Consumers (SPI-U).

- (8) The Department of Planning and Development shall issue a statement showing permit fees to be paid, which statement shall be filed with the Director of Finance/Treasurer and payment thereof made by the applicant. Upon presentation to the Department of Planning and Development of the receipt of the Director of Finance/Treasurer showing the payment of all required fees, it shall thereupon issue the permit.

- (9) In addition to the above fees, there shall be paid the costs of the State Seal as provided for in Wis. Admin. Code § SPS 320.09.

(i) *Wrecking permits for historic buildings.* The Department of Planning and Development shall not issue any wrecking or demolition permit for a historic building or structure after it has been noticed for designation or designated as such by the Heritage Preservation Commission except according to the procedure provided in article II of chapter 20.

(j) *Permits for properties located in the floodway district and flood zoning overlay districts.* All permits for new structures or buildings or substantial improvements to existing structures or buildings located in the Floodway District or Flood Zoning Overlay Districts shall include an elevation certificate, FEMA Form 81-31, signed by a land surveyor, engineer or architect who is authorized by State or local law to certify elevation information.
(Code 1980, § 16.02)

Sec. 103-35. Inspections.

(a) *Approval.* The Department of Planning and Development, upon notification by the permit holder or his agent in writing and upon forms furnished by

the Department of Planning and Development for that purpose, shall make the following inspections, and shall either approve the construction inspected or shall notify the permit holder or his agent, in writing, wherein the construction fails to comply, and shall establish a period of time to bring about compliance. Copies shall be forwarded to all parties concerned. Approval of inspection shall be indicated by initialing or stamping the permit placard on the job site at space provided for that purpose.

- (1) *Footing inspection.* Footing inspections shall be requested and made after trenches are excavated, reinforcing steel is in place, the necessary forms are erected, and samples of all materials for the foundation are delivered on the job. When concrete from a mixing plant is to be used, such concrete need not be on the premises.
- (2) *Foundation inspection.* Foundation inspection shall be requested and made after trenches are excavated, reinforcing steel is in place, the necessary forms are erected, and samples of all materials for the foundation are delivered on the job. When concrete from a mixing plant is to be used, such concrete need not be on the premises.
- (3) *Frame inspection.* Frame inspection shall be requested and made after the roof, all framing, fireblocking, and bracing is in place, and all vents, pipes, wiring, heating and chimneys are complete. No reinforcing steel or structural framework shall be covered or concealed without first obtaining the approval of the Department of Planning and Development.
- (4) *Insulation inspection.* Insulation inspection shall be requested and made after all insulation is completely installed and all other requirements of an insulation inspection completed. No insulation shall be covered or concealed without first obtaining the approval of the Department of Planning and Development.
- (5) *Final inspection.* Final inspection shall be requested and made after the building or work for which the permit was issued is

completed. A certificate of occupancy shall be issued when the construction is found to be in full compliance with all requirements.

(b) *Waiver.* Footing inspection, foundation inspection, insulation inspection, and frame inspection may be waived by the Department of Planning and Development when the construction comes under the jurisdiction of the Wisconsin Department of Safety and Professional Services, and when plans are prepared by, and the work supervised by, a registered architect, whereupon inspection shall be at the discretion of the Department of Planning and Development.

(c) *Certificate of occupancy required.* No owner shall use or permit the use of any building or premises hereafter constructed, changed, converted, remodeled, altered, repaired, enlarged, or moved, until a certificate of occupancy shall have been issued by the Department of Planning and Development, except the temporary occupancy of residences by the owner's pending the completion of the building when approved in advance in writing by the Department of Planning and Development. Such certificate shall show that such building or premises, and the proposed use thereof, are in conformity with the provisions of this Code and other ordinances of the City. (Code 1980, § 16.05)

Sec. 103-36. Board of Building and Housing Appeals; variances and appeals.

(a) *Creation and appointment.*

- (1) There is hereby created a Board of Building and Housing Appeals consisting of five members and two alternates who shall be appointed by the Mayor for three-year terms ending in different years and approved by the Council. The current members and alternates shall serve the remainder of their three year terms.
- (2) The Mayor shall designate one of the members Chair. Two of the members shall be registered architects or professional engineers or experienced employees of registered architects or professional engineers, and the remainder shall be experienced members of the construction industry. All shall serve without compensation. The secretarial work of the Board shall be done by an em-

ployee of the Department of Planning and Development, and the office of Department of Planning and Development shall be considered the office of the Board.

(b) *Meetings.* Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. There shall be a fixed place of meetings and all meetings shall be open to the public. Three members shall constitute a quorum. The Chair or Acting Chair may administer oaths and compel the attendance of witnesses.

(c) *Right to appeal; variances.* Except as otherwise provided in this chapter, the Board shall have the power to hear and decide appeals where it is alleged there is error in any action or decision of the Department of Planning and Development concerning this chapter and to authorize such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement would result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. An appeal shall stay all proceedings in furtherance of the matter appealed from unless the Department of Planning and Development shall certify to the Board of Building and Housing Appeals that a stay would cause imminent peril to life or property in which case proceedings shall not be stayed, except by order of the Board of Building and Housing Appeals after hearing, or by a court of competent jurisdiction after hearing.

(d) *Procedure.*

(1) The Board shall adopt its own rules of procedure other than those established by this chapter and shall keep a record of its proceedings, showing the action of said Board and the vote of each member upon each question considered. The concurring vote of four members of the Board, except when only three members are present, in which case a concurring vote of three members, shall be necessary to reverse a decision of the Department of Planning and Development or to decide an application for a special exception permit. Appeals and requests for variances shall be made to the Board of

Building and Housing Appeals within time limits established by the Board of Building and Housing Appeals.

(2) The appellant shall file with the Department of Building and Inspections Department of Planning and Development a notice of appeal specifying the grounds therefor on forms provided by the City with the receipt of the Director of Finance for an appeal fee in the amount established by resolution. The Department of Planning and Development shall transmit to the Board of Building and Housing Appeals all papers involved in the appeal. Within ten days after receipt of the petition notice of appeal, the Board of Building and Housing Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing before the Board of Building and Housing Appeals shall be commenced not later than 30 days after the date on which the petition or appeal was filed; provided, that upon written application of the petitioner to the Board of Building and Housing Appeals, it may postpone the date of the hearing for a reasonable time beyond such 30-day period, if in its judgment the petitioner has submitted good and sufficient reason for such postponement. The Board may reverse, or affirm, or modify the decision or action appealed from. The decision shall be in writing, specifically stating the reasons for the decision, and a copy given to appellant. The Board may also order necessary tests of new or alternate materials or types of construction, at the expense of appellant, before rendering a decision thereon.

(3) If the Board of Building and Housing Appeals sustains or modifies such notice or order, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time, as determined by the said Board.

(e) *Rooming house license variances.* Notice of all requests for variances from roominghouse license requirements shall be given to all adjoining property owners within 100 feet of the premises requesting licensing. The Board of Building and Hous-

ing Appeals, with respect to requests for variances from rooming house license requirements, shall only have authority to grant variances to the provisions of section 103-337(d), (e), (f) and (h) and shall not have authority to grant variances from the provisions of section 103-337(l).

(f) *Court review.* The proceedings of any such hearing including the finding and decision of the Board of Building and Housing Appeals shall be reduced to writing and maintained as a matter of public record in its office. A copy of the written decision of the Board of Building and Housing Appeals shall be mailed to the person who filed the petition. Any person or persons jointly or severally aggrieved by the decision of the Board of Building and Housing Appeals, or any resident, or any officer, department, board or commission of the city, may seek relief therefrom by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within 30 days after the date on which said Board of Building and Housing's decision was mailed to the person who filed the petition for hearing. Persons seeking such a writ shall give notice of intention to do so by serving on the Board of Building and Housing Appeals a written notice within ten days of the date of mailing of the Board of Building and Housing Appeals' decision. The petition to the Court duly verified shall set forth that such decision is illegal in whole or in part and does not comply with the provisions of this chapter and shall specify the grounds thereof.

(Code 1980, §§ 8.01(P), (Q), 16.06)

Cross reference—Boards and commissioners generally, ch. 2, art. X.

Secs. 103-37—103-60. Reserved.

DIVISION 2. WISCONSIN UNIFORM DWELLING CODE

Sec. 103-61. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

Alteration means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

Department means the Department of Safety and Professional Services.

Dwelling means:

- (1) Any building, the initial construction of which is commenced on or after the effective date of this chapter which contains one or two dwelling units; or
- (2) An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

Minor repair means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light, and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed to be a minor repair.

One- or two-family dwelling means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

Uniform Dwelling Code means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in Wis. Admin. Code chs. SPS 320—325.

(Code 1980, § 16.04(C))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 103-62. Penalties and violations; appeals.

(a) Any building or structure hereafter erected, altered or repaired or any use hereafter established in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. Each day of violation may be a new and separate offense. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Director of Planning and Development or other City officials constitute a defense. Compliance with the

provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

- (1) If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Department of Planning and Development shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Wis. Admin. Code § SPS 320.21.
- (2) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner of his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the Department of Planning and Development after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this division shall preclude the Department of Planning and Development from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code, including the authority to restrict the issuance of future building, plumbing, heating and electrical permits to the owner, contractor or party in violation.
- (4) If any construction or work governed by the provisions of this chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(b) Any person feeling aggrieved by an order or a determination of the Department of Planning and Development may appeal from such order or determination to the Board of Building and Housing Appeals.

(c) Except as may otherwise be provided by statute or ordinance, no officer, agent or employee of the Department of Planning and Development charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Department as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein. (Code 1980, § 16.04(J))

Sec. 103-63. State Code adopted.

The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Wis. Admin. Code chs. SPS 320—325 are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Department of Planning and Development. (Code 1980, § 16.04(A))

Sec. 103-64. Application to existing buildings.

The Wisconsin Uniform Dwelling Code shall also apply to buildings and conditions where:

- (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50 percent of the equalized value of the structure, said value to be determined by the City Assessor.
- (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Director of Planning and Development shall comply with the requirements of this chapter for new buildings.

- (4) Roof coverings. Whenever more than 25 percent of the roof covering of a building is replaced in any 12-month period, all roof coverings shall be in conformity with applicable sections of this chapter.
 - (5) Additions and alterations. Any addition or alteration, regardless of cost, to a building shall be made in conformity with applicable sections of this chapter.
- (Code 1980, § 16.04(B))

Sec. 103-65. Additional construction standards.

(a) *Portions of State Building Code adopted.* The provisions of Wis. Admin. Code chs. SPS 361—366, International Existing Building Code and International Building Code are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this Building Code specifically applies. A copy of said provisions shall be kept on file in the office of the Department of Planning and Development.

(b) *State Plumbing Code adopted.* The provisions and regulations of Wis. Stat. ch. 145, and Wis. Admin. Code chs. SPS 325 and 381—383 are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City of La Crosse.

(c) *State Electrical Code adopted.*

- (1) The provisions of Wis. Admin. Code ch. SPS 324 are hereby adopted by reference and made a part of this chapter and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings.
- (2) Subject to the exceptions set forth in this chapter, the Electrical Code, Wis. Admin. Code ch. SPS 316, is hereby adopted by reference and made a part of this chapter and shall apply to all buildings, except those covered in subsection (a) of this section. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this chapter.

(d) *Conflicts.* If, in the opinion of the Department of Planning and Development, the provisions of the State Building Code adopted by subsection (a) of this section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Department and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this division.

(Code 1980, § 16.04(E))

Sec. 103-66. Method of enforcement.

(a) *Duties.* The Department of Planning and Development shall administer and enforce all provisions of this chapter and the Wisconsin Uniform Dwelling Code.

(b) *Inspection powers.* The Director of Planning and Development or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Director of Planning and Development while in performance of the Director's duties.

(c) *Records.* The Director of Planning and Development shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Director of Planning and Development shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept.

(Code 1980, § 16.04(D))

Sec. 103-67. New methods and materials.

(a) All materials, methods of construction and devices designed for use in buildings or structures covered by this division shall not be so used until approved in writing by the Department of Safety and Professional Services, for use in buildings or struc-

tures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

(b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Safety and Professional Services.

(Code 1980, § 16.04(F))

Sec. 103-68. Disclaimer on inspections.

The purpose of the inspections under this division are to improve the quality of housing in the City of La Crosse. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter:

"These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

(Code 1980, § 16.04(G))

Sec. 103-69. Garages.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

(Code 1980, § 16.04(H))

Secs. 103-70—103-96. Reserved.

DIVISION 3. MISCELLANEOUS BUILDING RESTRICTIONS

Sec. 103-97. Zoning restrictions.

The restrictions of any zoning ordinance with respect to the location of trades and industries, the use and occupancy of buildings, the height and bulk of buildings, and the areas of yards, courts and other spaces, shall not be deemed to be modified by any provisions of this article, and such restrictions shall be controlling except insofar as this Code imposes greater restrictions by reason of the type of construction used and the location of structures, in which case the provisions of this article shall control.

(Code 1980, § 16.09(A))

Sec. 103-98. Construction within the fire limits.

(a) No building or structure of wood frame or ordinary construction shall be erected or increased in height, no building or structure shall be extended on any side by wood frame or ordinary construction, nor shall wood or other combustible veneers be permitted within the fire limits, with the following exceptions:

- (1) Wood or other combustible veneers on non-combustible backing for show windows that do not extend above the first full story above grade.
- (2) A building occupied as a private garage, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling; provided that such building shall be placed at least two feet from the lot lines of adjoining property.
- (3) Buildings or ordinary construction, except when used for a high hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy or 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than ten feet on all sides. Walls having a horizontal separation of less than ten feet shall have a fire resistance rating of not less than one hour.
- (4) Enclosed and open air parking garages of ordinary construction.

- (5) Greenhouses not more than 15 feet in height erected on the same lot with and accessory to a dwelling or a store.
- (6) Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least five feet from buildings and from adjoining lot lines.
- (7) Builders' shanties for temporary use in connection with a building operation and located on the same lot with such building operation, on a lot immediately adjoining, on an upper floor of the building under construction, or on a sidewalk.
- (8) Piazzas, balconies, fire exiting stairs and platforms, decks (not including closed-in porches) on buildings not exceeding ten feet in width, provided that no such structure shall be located nearer than three feet to an adjoining lot line or be joined to a similar structure or another building. Existing structures of wood frame or ordinary construction may be repaired or replaced to existing dimensions with fire resistant or pressure-treated lumber providing that a building permit is obtained from the Department. Existing noncombustible structures may not be repaired or replaced with combustible materials.
- (9) Fences not exceeding ten feet in height.
- (10) Display signs when in compliance with all other laws of the City.
- (11) Cooling towers.
- (12) Roofs over parking lots and bus stations of ordinary construction, where the roof is at least ten feet above the floor, and every 40 feet there is an open roof ventilation area six feet wide extending either the full length of the roof or the full width of the roof.
- (13) Boat storage buildings located on water.
- (14) Any building with full masonry exterior veneer exclusive of windows, doors and decorative trim, and fully protected by a NFPA 13 automatic fire sprinkler system with continuous off-site water flow monitoring, and subject to approval of the Fire Chief and the Director of Planning and Development.
 - (b) No building or structure of wood frame construction or ordinary construction shall be moved into or within the fire limits.
 - (c) A building or structure shall be deemed to be within the fire limits if one-third or more of the area of such building or structure is located therein. (Code 1980, § 16.09(B))
Cross reference—Fire limits, § 103-4.

Sec. 103-99. Street encroachments.

(a) No part of a building hereafter erected or of an enlargement of a building heretofore erected shall project beyond a street line or a building line, with the following exceptions:

- (1) The main cornice, meaning thereby a molded projection at or near the top of the wall that faces on a street, may project beyond the building line not more than 15 inches, provided such cornice is not less than nine feet above curb level at all points.
- (2) Cornices of show window and awning covers may project beyond the building line not more than 15 inches.
- (3) Moldings, belt courses, lintels, sills, architraves, pediments and similar projections of a decorative character, may extend beyond the building lot line not more than four inches when they are less than ten feet above curb level and not more than ten inches when they are ten feet or more above curb level.
- (4) No door shall be hung hereafter so as to project, when fully open, more than 12 inches beyond the building line.
- (5) Fire escapes and balconies to fire towers or other required exits, constructed of steel or other incombustible material, only when required, may project beyond the building line not more than five feet; but no part of such fire escapes or balconies shall be less than ten feet above the sidewalk, or if such fire escapes or balconies shall project within a public alley they shall be not less than 14 feet above the grade thereof; provided that nothing in this section shall prevent the use, in connection with permissible fire escapes,

of movable stairs to the sidewalks, so arranged that they are more than ten feet above the sidewalk when not in actual use.

(b) A part of a building permitted to project beyond a street line or building line shall be so constructed that its removal may be made without causing the building to become structurally unsafe.

(c) No part of a building or of an enlargement of a building that is necessary for structural safety shall project beyond the street line or building line, except the footings of street walls may project not more than 12 inches.

(d) Nothing in this section shall be deemed to authorize a projection beyond the street line or building line that is prohibited by chapter 115 or by any other law or ordinance, nor to authorize the projection of any part of any building, sign, marquee, or permanent building equipment more than four inches into a public alley unless such projection shall be 14 feet or more above the adjacent grade of the alley.

(e) No change or enlargement shall be made to an existing part of a building now projecting beyond the street line or building line except in conformity with the provisions of this chapter for new construction.

(Code 1980, § 16.09(C))

Cross reference—Street privilege permits, § 40-106 et seq.

Sec. 103-100. Prefabricated buildings.

The Department of Planning and Development shall issue permits for the erection of prefabricated buildings when, in their opinion, such buildings are as suitable, durable and have comparable strength to the buildings erected in compliance with this article. The Department of Planning and Development may require the opening of prefabricated panels and other parts of prefabricated buildings to determine compliance with this article.

(Code 1980, § 16.09(D))

Sec. 103-101. Maintenance of buildings and structures.

(a) Every building and structure heretofore or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end the Department of Planning and Development may require the

repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguarded, is deficient in exit facilities, which constitutes a fire hazard, or is required by this Code and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Code. In the event that any rehabilitate or raze and remove order or raze and remove order are not completed with by the owner, the City Engineer's Office shall award a demolition contract within 90 days after notification from the Board of Public Works or the Department of Planning and Development. An annual inspection fee shall be charged in the amount established by resolution for all buildings requiring annual inspections, including but not limited to taverns, filling stations and recycling centers.

(b) In case there shall be, in the opinion of Department of Planning and Development, actual and immediate danger of failure or collapse of a building or structure or portion thereof, so as to endanger life or property, the building may cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe. The expense thereof may be recovered from the owner.

(c) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Department of Planning and Development may order the occupants to vacate the same forthwith, and may when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used.

(d) Whenever premises are owned in whole or in part by a person outside the jurisdiction of the municipal court, and such person fails to comply with an order of the Department of Planning and Development to render the premises more clean or sanitary or to make certain repairs to the premises within a certain time, and it is the opinion of such Department that neighboring premises may be adversely affected, such Department may contract to have such cleaning, sanitizing, or repairing done, and shall certify the cost thereof to the Director of Finance/Treasurer, which shall be added to the tax roll as a special tax on such property.

(e) The City of La Crosse adopts Wis. Stat. § 66.0413 by reference.
(Code 1980, § 16.09(E))

Sec. 103-102. Disposal of water and other liquids.

(a) It shall be unlawful to deposit any water or other liquids on public land or to permit such water or liquids to drain over, into or upon the public sidewalks, streets or alleys. The Department of Planning and Development is authorized to require property owners to connect to the storm sewer when such sewer is available, or to other means of disposal acceptable to the Department, when, in the Department's judgment, the roof area of the building, its proximity to public lands, the amount and density of adjacent surfaces, and other circumstances, will necessitate connection to prevent excessive adverse accumulations of water and ice on the public lands. No water shall be drained to the street gutter except with the written permission of the Department of Public Works.

(b) Roof water and other waters and liquids shall be drained from buildings in such a manner as to protect the building and in no case shall water be permitted to drain directly down the walls of buildings or be deposited upon or near the building foundations.

(Code 1980, § 16.09(F))

Sec. 103-103. Wrecking of buildings and structures.

(a) Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as water, electricity, gas, sewer and other connections. The wrecking permit shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(b) Whenever a building is demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun; no material shall be placed in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber and structural parts of each story shall be lowered to the ground immediately

upon displacement; all dry mortar, lime, brick dust, plaster, or other flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property; and all sidewalks shall be protected by fences and scaffolds as required by this Code for the protection of sidewalks during the erection of buildings.

(c) The building site of any building hereafter wrecked shall be properly cleared of debris and rubbish and shall at the discretion of the Department of Planning and Development be properly graded and leveled off to conform with the adjoining grade of the neighborhood; and when so graded and leveled, the said site shall be treated in a manner acceptable to the Department of Planning and Development so as to prevent the blowing of dust, dirt or sand, or fenced in with a board fence not less than four feet in height. Such fences shall be constructed of good quality materials and in a workmanlike manner and shall be painted or otherwise finished so as not to be aesthetically offensive. Such fences shall be constructed in such a manner and of such materials that they will be rigid and stable. No advertising sign, circular or printed matter of any kind shall be posted or painted on such fences. Fences constructed hereunder may not encroach more than 12 inches onto the public sidewalk. Construction of such fences shall be commenced as soon as excavations are so exposed as to be dangerous and whether demolition is completed or not. The construction and maintenance of such fences shall be under the supervision of Department of Planning and Development. Excavations remaining after the demolition of a building shall be filled, graded and leveled off not later than six months after completion of the demolition of the building.

(d) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Department of Planning and Development, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Department of Planning and Development for that purpose, shall inspect each excavation, or part thereof, before filling any excavations and it shall be unlawful to fill any such excavation without inspection and approval of the Department of Planning and Development. Voids in excavations shall not be permitted.

(Code 1980, § 16.09(G))

Sec. 103-104. Extensive alterations and repairs; entire building to comply.

When an existing building is damaged by fire or other cause, or if alterations and repairs are made to an extent of 50 percent or more of the physical value of the building before such damage or alteration, the entire building or structure shall be made to comply with the requirements of this article for new buildings. If the cost of such alterations or repairs is less than 50 percent of the physical value of the building, the Department of Planning and Development shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this Code.

(Code 1980, § 16.09(H))

Sec. 103-105. Roofed passageways.

Whenever the Department of Planning and Development determines that construction or repair work may endanger the traveling public, the owner or contractor, at the request of the Department, shall erect roofed passageways extending over public thoroughfares at least six feet, the roof of which shall be not less than a double thickness of two-inch-thick lumber.

(Code 1980, § 16.09(I))

Sec. 103-106. Filling land.

It shall be unlawful to fill in any land or increase any area in elevation with any material subject to deterioration or with any material or soil not capable of providing safe carrying capacity for buildings, structures, roads or other manmade objects.

(Code 1980, § 16.09(J))

Sec. 103-107. Substitutes for buildings.

(a) *Purpose.* The purpose of this subsection is to promote and enhance the health, comfort, aesthetics, prosperity and overall positive quality growth of the City by providing uniform regulation of the use of semi-trailers and other similar conveyances as substitutes for principal and accessory buildings. The purpose is not to ban trailers that are being used to transport snowmobiles, sporting equipment, race cars or other recreational vehicles.

(b) *No substitute for principal building.* It shall be unlawful to place, erect or maintain within the City any shipping container, wagon, motor vehicle, semi-trailer, truck or similar conveyance as a substitute for a principal building.

(c) *No substitute for accessory building on lands zoned for residential use.* It shall be unlawful to place, erect or maintain in the City upon any lands zoned for any residential use any shipping container as defined herein, wagon, motor vehicle, railroad car, trailer, semi-trailer, truck or similar conveyance which has not been manufactured for use exclusively for mobile recreational purposes as a substitute for an accessory building.

(d) *Substitute for accessory building used exclusively for storage purposes on lands zoned for other than residential use.* It shall be unlawful to place or erect upon any lands zoned for other than residential use in the City any semi-trailer or similar conveyance as defined herein used as a substitute for an accessory building used exclusively for storage purposes after January 27, 2002, with the following exceptions:

- (1) *Mobile medical diagnostic equipment.* Mobile units that contain medical diagnostic equipment for medical clinics or medical facilities.
- (2) *Licensed recycling facilities.* A licensed recycling facility as defined in section 10-517 shall be permitted subject to the terms and conditions of the recycling license issued for any such operation.
- (3) *Construction sites.* The provisions of this subsection shall not prevent the use of semi-trailers, shipping containers or similar conveyances to be used temporarily as substitutes for buildings on construction sites during construction; provided, however, in no event shall such temporary substitutes for buildings remain 30 days after cessation or completion of construction and shall be removed in any event within ten days after issuance of a certificate of completion under this article.
- (4) *Tents.* Tents shall not be used as substitutes for principal buildings or as accessory buildings, except when erected in accordance with applicable State and local code may be

used as an accessory building or for the conducting of retail sales for a period not to exceed 21 days in each calendar year.

- (5) *Temporary retail sales.* The provisions of this subsection shall not prevent the conducting of retail sales directly from semi-trailers or trucks for a period not to exceed 72 consecutive hours per placement and no more than three such placements in aggregate per address, location or parcel in any one calendar year.
- (6) *Semi-trailers and other similar conveyances as substitutes for accessory buildings on lands zoned within the floodplain.* All semi-trailers and similar conveyances as described herein on lands zoned for other than residential uses and currently on lands zoned within the City's floodplain districts shall be excepted from the sunset provisions of this chapter. Such semi-trailers and other similar conveyances, however, shall be subject to other applicable Federal, State and local floodplain zoning regulations.
- (7) *When permitted.*
 - a. On lands zoned heavy industrial and light industrial, such conveyances are permitted as accessory buildings subject to setback and screening requirements of this subsection.
 - b. Except as permitted above in subsection (d)(7)a of this section, on lands zoned for other than any residential use, a permit may be issued by the Department of Planning and Development, to allow semi-trailers, shipping containers and other similar conveyances used exclusively for storage to be placed for a maximum aggregate period of 60 days within any one calendar year if determined by the Department of Planning and Development that such placement is not contrary to the provisions of this Code. A permit from the Department of Planning and Development for the placement of such semi-trailers and similar conveyances shall be required. The permit fee for such semi-trailers and similar conveyances

shall be as established by resolution. Applications for a permit shall be submitted on forms provided and shall include such other information as required by the Department of Planning and Development.

- (8) *Special permission and variance.*
 - a. Special permission or a variance may be obtained to allow semi-trailers and similar conveyances as described herein used as a substitute for an accessory building used exclusively for storage purposes which are existing as of January 27, 2002, and which are located upon lands zoned for other than any residential use and are within 100 feet and not less than 25 feet to any residentially zoned lands, for a period of more than 60 days in any one calendar year from the City Board of Building and Housing Appeals in accordance with the procedure set forth in this subsection and section 103-36 to the extent applicable.
 - b. Time limit to apply for special permission or variance to allow existing semi-trailers or similar conveyances. Persons wishing to apply for such special permission or variance for semi-trailers or similar conveyances in existence as of January 27, 2002, shall be required to make such application and obtain such special permission or variance from the Board of Building and Housing Appeals before December 31, 2002. The fee for all applications to the Board of Building and Housing Appeals shall be as provided in section 103-36.
 - c. Fire department approval. Such request for special permission or variance shall first be reviewed and approved in writing by the City Fire Department as to proposed location and contents, and shall be submitted on forms provided by the Department of Planning and Development. Completed applications shall be submitted to the Department of Planning and De-

velopment which will process and forward them to the City Board of Building and Housing Appeals.

- d. Notification of neighbors and Council Members. Applications for special permission or variance shall also include from the City Assessor's Office a list of property owners within 100 feet of the property upon which such semi-trailer or similar conveyances are proposed to be placed, exclusive the alley or street right-of-way dimensions, including those property owners opposite and across any street or alley way. Applications for special permission or variance shall also include a list of the Council Members of the Districts or Wards in which the subject properties are located. The owners of all properties located within 100 feet of the property to which the application for a variance or special permission pertains, including those property owners across any street or alley way, along with the Council Members of the Districts or Wards in which the subject properties are located shall be provided not less than ten days' prior written notice by regular mail of the date, time and location of when and where the matter will be heard by the Board of Building and Housing Appeals.
 - e. A permit shall be obtained from the Department of Planning and Development for all existing semi-trailers and similar conveyances allowed under special permission or variance by the City Board of Building Appeals. Subsequent annual permits may be issued by the Department of Planning and Development without further appeals to the City Board of Building Appeals if the size, type, number, location and screening of trailers and other similar conveyances originally approved by the City Board of Building Appeals remain unchanged and in any case such permits shall not exceed the time limitations for ultimate removal. The permit fee shall be as established by resolution and shall be paid on or before January 31 of each year for which the permit is valid.
 - f. A permit required for sites granted special permission or variance. A permit shall be obtained from the Department of Planning and Development for all existing semi-trailers and similar conveyances allowed under special permission or variance by the City Board of Building and Housing Appeals. Subsequent annual permits may be issued by the Department of Planning and Development without further appeals to the City Board of Building and Housing Appeals if the size, type, number, location and screening of trailers and other similar conveyances originally approved by the City Board of Building and Housing Appeals remain unchanged and in any case such permits shall not exceed the time limitations for ultimate removal. The permit fee shall be as established by resolution and shall be paid on or before January 31 of each year for which the permit is valid.
- (9) *Sunset dates for removal.*
- a. In the event of a transfer of business management, proprietorship or ownership of land upon which such semi-trailers or similar conveyances are located, special permission or variance granted by the Board of Building and Housing Appeals to allow semi-trailers or similar conveyances for a period of more than 60 days in any one calendar year shall be limited to a period of not greater than five years from the date of such transfer or January 1, 2016, whichever comes first. In all other cases such special permission or variance shall not extend beyond January 1, 2016.
 - b. All semi-trailers and similar conveyances used as substitutes for accessory buildings used exclusively for storage shall be removed no later than January 2, 2016.

- c. All such semi-trailers and similar conveyances used as substitutes for accessory buildings used exclusively for storage which have not been validated via the special permission or variance process and which have not been allowed via the permit process by December 31, 2002, as required by this subsection or which have not been removed on or before January 2, 2016, as provided herein shall be ordered removed by the Department of Planning and Development pursuant to chapter 32.
 - d. In the event of noncompliance with the order to remove, the Board of Public Works shall be empowered to authorize and effect the removal and disposal of such noncompliant trailers or similar conveyances regardless of physical condition, along with any contents thereof, the cost of which may be charged in full or in part against the real estate upon which the trailers or similar conveyances are located, and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax.
 - (2) Existing semi-trailers or similar conveyances used as substitutes for accessory buildings exclusively for storage under special permission or a variance granted by the Board of Building and Housing Appeals that are within 100 feet and not less than 25 feet of residentially zoned lands shall be screened from view by the principal building and/or coniferous trees and/or by opaque fencing approved by the Board of Building and Housing Appeals. Coniferous trees shall be at least six feet in height at the time of planting, measured from the ground, immediately adjacent to the tree and such trees shall be of a species that grows to a height of at least 12 feet and shall be maintained to sufficiently screen such semi-trailer or similar conveyance so long as such use is permitted.
 - (3) Such semi-trailer or similar conveyance shall be kept in good repair and condition so as not to constitute a nuisance or unsightly condition.
 - (g) *Revocation of special permission, variance and permits.* All special permission, variances or permits granted under this subsection may be revoked or rescinded by the granting or issuing authority should there be any violations of this subsection or the conditions of any such special permission, variance or permit.
(Code 1980, § 16.09(K))
 - (e) *Setback requirements.*
 - (1) All such semi-trailers or similar conveyances including those on land zoned heavy industrial and light industrial shall be located not less than 100 feet from all lands zoned for residential use measured so as to exclude any street or alley right-of-way except for State highway rights-of-way which shall be included within the 100-foot measurement and shall be located not less than ten feet from any other building or structure excluding fences.
 - (2) Appeals in accordance with the procedures provided in section 103-36 may grant a variance from the above setback requirements.
 - (f) *Screening and maintenance requirements.*
 - (1) Vertical stacking of shipping containers or similar conveyances shall not be permitted.
- Sec. 103-108. Ground or building elevation.**
- The adjacent yards or other open spaces of every building hereinafter constructed, erected or relocated and of all additions to existing buildings hereinafter erected shall slope downward from the building line to the lot line, sidewalk, terrace or to a swale, at a rate of not less than one-half inch per lineal foot; provided, however, that for additions to existing buildings the grade or slope shall be permitted to match the floor level of the new construction to the floor level of the existing building.
(Code 1980, § 16.09(L))
- Sec. 103-109. Swimming and wading pools.**
- (a) *Definition.* The term "swimming or wading pool" means any pool of any size and volume, permanent or portable, which is intended for swimming or wad-

ing purposes and which serves the City, motels, hotels, clubs, associations, schools, charitable, or youth organizations, institutions, or other similar type accommodations, also those installed on private residential property containing ten or more dwelling units, also those installed on private residential property containing less than ten dwelling units and which are over 24 inches in wall height and have a surface area of 250 square feet or more, or have a volume of 3,250 gallons or more.

(b) *Plans to be submitted.* Plans and specifications submitted with an application for a permit for construction, alteration, addition, remodeling or other improvement to a swimming pool shall include:

- (1) Plans, including a profile drawn to scale showing all dimensions.
- (2) Capacity of pool.
- (3) Proposed location on the tract of land.

(c) *Design and construction requirements.*

- (1) The material for lining artificial swimming pools shall be light in color, and such as will provide a tight tank with smooth and easily cleaned surfaces.
- (2) When the walls of a pool exceed two feet six inches in height, the walls shall be vertical for a minimum distance of two feet six inches. Conspicuous markings shall show the depth of the points where the slope of the bottom of the pool changes, except that such markings will not be required for pools of generally uniform depth.
- (3) Overflow gutters shall completely surround the pool; provided that pools less than 30 feet in width may be provided with skimmers built into the side and corners of the pool to take the place of gutters if approved by the Health Department.
- (4) The pool shall be completely surrounded by a walkway of concrete or other approved material, at least four feet in width and sloping away from the pool for drainage, provided however that this requirement may be waived for above ground pools.
- (5) All connections to the City water supply or sewer system shall be approved by the Department of Planning and Development.

- (6) All outdoor swimming pools and any adjacent pool-associated paved areas shall be completely surrounded by a fence or wall at least 48 inches high of such construction as will make access difficult. Access shall be through self-closing and latching gates at the shallow end of the pool. The latch shall be as high on the gate as possible to prevent the entrance of children. The water enclosing wall of an above ground pool may be considered as the required wall of fence if such wall is the required four feet in height and so designed as to make climbing difficult. Ladders may be used for entry to aboveground pools when adequately safeguarded to prevent unauthorized entry. The wall of building may be accepted as a part of the required fence when found by the Department of Planning and Development to provide a sufficient degree of protection.

(d) *Health Department approval.* The Department of Planning and Development shall submit the application to the Health Officer and have the Health Officer's written approval of the plans and specifications before issuing a building permit. The Health Officer shall check such plans and specifications for compliance with those sections of this division which pertain to health and sanitation.

(Code 1980, § 16.10)

Sec. 103-110. Materials and workmanship in general.

(a) *Quality of materials.* Building materials shall be of good quality, conforming to generally accepted standards and shall not be defective in any manner. Whenever there is reason to doubt the quality of a material or method of construction to be used in a building or structure, the Department of Planning and Development may require tests to be made to establish its suitability. Such tests shall be made at the expense of the owner or his agents and shall be made by a competent person or laboratory approved by the Department of Planning and Development. Additional tests may be required from time to time when there is reason to believe that a material no longer conforms to the requirements on which its approval was based.

(b) *Workmanship.* Design of structural members, and workmanship in the fabrication and preparation of materials and their installation, shall conform to generally accepted good practice. The standards of Federal or State agencies, national technical organizations, or fire underwriters shall be deemed to be generally accepted good practice. Horizontal surfaces shall be level, vertical walls or members shall be plumb, angles shall be right angles, and building lines shall be straight, unless otherwise specifically designed. All parts of dwellings and other structures shall be designed to support safely their own weight and all other loads to which they may be subjected. (Code 1980, § 16.13)

Secs. 103-111—103-133. Reserved.

ARTICLE III. ELECTRICAL CODE*

Sec. 103-134. Enforcement, penalties and review.

(a) *Unsafe or illegal electrical equipment.* When the Department of Planning and Development finds any electrical equipment to be unsafe or dangerous to persons or property, the person owning, using, or selling such electrical equipment shall be notified in writing to remove or cause to be removed, or to make any changes or repairs or cease to sell, so as to restore such electrical equipment to a safe condition. Failure to comply with such notice within the time specified in such notice, shall be sufficient cause for the Department of Planning and Development to disconnect or order the removal of, or order the discontinuance of electric power to, said electrical equipment. In any case of emergency affecting the safety of persons or property, or where electrical equipment interferes with the work of the Fire Department, or where electrical equipment is not installed in conformity with the regulations of this article, the Department of Planning and Development shall have the authority to disconnect immediately or cause the removal of or disconnection of any such electrical equipment. When the Department of Planning and Development disconnects or causes to be disconnected electric power from electrical equip-

***State law references**—Electrical regulations, Wis. Stat. § 101.80 et seq.; municipal authority relative to electricity, Wis. Stat. § 101.86.

ment, an official notice, tag, lock, or seal shall be attached to such electrical equipment to prevent the use of electricity. It shall be unlawful for any unauthorized person to attach such official notice, tag, lock, or seal, or to break open, change, remove, destroy, tear, alter, mutilate, cover, or otherwise deface or injure any such official notice, tag, lock or seal. The Department of Planning and Development shall have the power and authority to seize and take possession of any electrical equipment or materials which, in their opinion, are dangerous to life or property, or which are suspected or found to have been the cause of any fire, accident, injury or fatality, and to retain possession for the purpose of making an investigation, an examination, or for official evidence. After such electrical equipment and materials have served their purpose, they shall be returned to the owner.

(b) *Penalties.* Except as otherwise provided in this article, violations of this article, including those provisions of the Wisconsin Statutes, State Electrical Code or other materials which are incorporated by reference, are a Class C offense as provided in section 1-7. In addition:

- (1) Any license granted hereunder may be suspended by the Board of Electrical Examiners for not more than 30 days without hearing or for more than 30 days after a hearing or may be revoked after a hearing.
- (2) Any license granted hereunder may be suspended or revoked by a court of competent jurisdiction.

(c) *Review.* Any person may appeal any decision of the Department of Planning and Development to the Board of Electrical Examiners, by filing a written appeal with a fee in the amount established by resolution within five days of such decision. The Board shall promptly conduct a hearing, and determine whether the decision of the Department of Planning and Development complied with this chapter. Only if the appeal is successful will the fee be returned to the appellant.

(Code 1980, § 17.10)

Sec. 103-135. Scope.

This article shall apply to all installations, alterations, repairs and replacement of electrical wiring, material, fittings, devices, appliances, fixtures and

apparatus, hereinafter referred to as "electrical equipment," and fire alarm systems in addition to the requirements of article IV of chapter 14. Repair or replacement of individual devices, appliances and fixtures connected to existing circuits which conform to or are permitted by this article are excluded. (Code 1980, § 17.01)

Sec. 103-136. Board of Electrical Examiners.

The Board of Electrical Examiners shall consist of five members appointed by the Mayor and confirmed by the Council as follows: One licensed Master or Journeyman Electrician, one licensed Electrical Contractor regularly engaged in business, one registered professional engineer, one resident property owner, and one representative of commercial or industrial management. Terms shall be three years expiring at different times, with two of the first appointees appointed for three years, two for two years, and one for one year. The Board of Electrical Examiners shall make its own rules of procedure. The Board of Electrical Examiners may examine applicants for licenses, grant licenses to qualified applicants, suspend or revoke licenses for cause, and may, in accordance with section 103-134(c), review decisions of the Department of Planning and Development. Three members of the Board present at any meeting shall constitute a quorum for the suspension or revocation of licenses and the transaction of other business; and a majority vote of such quorum shall prevail. All members shall serve until their successors are appointed and qualified. (Code 1980, § 17.02)

Cross reference—Boards and commissioners generally, ch. 2, art. X.

Sec. 103-137. Licenses.

(a) *Certification.* No person, firm, or corporation shall install, alter, or repair electrical equipment, wiring and fire alarm systems or engage in the business of said installations, alterations and repairs for any purpose whatsoever in the City of La Crosse without first having procured proper certifications and licenses as prescribed in this section.

(b) *License classifications.*

(1) *Electrical Contractor.* An Electrical Contractor is a person, firm or corporation who will engage in the business of the installation,

alteration and repair of electrical equipment, wiring and fire alarm systems with or without compensation. The Electrical Contractor shall:

- a. Make application to the Board of Electrical Examiners on forms provided by the Department of Planning and Development.
- b. Submit to the Department of Planning and Development both the application fee and, upon approval by the Board of Electrical Examiners, the license fee made payable to the Director of Finance/Treasurer.
- c. Provide proof of certification as a Wisconsin Electrical Contractor-Restricted valid for the City of La Crosse, Master Electrician or employ a regular full-time certified Wisconsin Master Electrician.
- d. Maintain a permanent place of business.
- e. Employ certified or licensed electricians to perform the installation, alteration and repair of electrical equipment, wiring and fire alarm systems in the City of La Crosse as prescribed in this article.
- f. Provide the Department of Planning and Development with a current certificate of insurance at a level not less than the minimum liability limits prescribed in section 103-140. If the policy cycle does not match the license renewal date, it is the responsibility of the contractor to supply a current certificate at the beginning of each policy cycle.

(2) *Electrical Contractor-Restricted.* An Electrical Contractor-Restricted, valid for the City of La Crosse, is a person who will engage in the business of the installation, alteration and repair of electrical equipment, wiring and fire alarm systems. The Electrical Contractor-Restricted shall provide proof of certification as an Electrical Contractor-Restricted as prescribed in the Wisconsin Administrative Code.

- (3) *Master Electrician.* A Master Electrician is a person who is a licensed Electrical Contractor or is employed by a licensed Electrical Contractor to perform the installation, alteration and repair of electrical equipment, wiring and fire alarm systems. The Master Electrician shall provide proof of certification as a Master Electrician as prescribed in the Wisconsin Administrative Code.
- (4) *Journeyman Electrician.* A Journeyman Electrician is a person employed by a licensed Electrical Contractor to perform the installation, alteration and repair of electrical equipment, wiring and fire alarm systems. The Journeyman Electrician shall provide proof of certification as a Journeyman Electrician as prescribed in the Wisconsin Administrative Code.
- (5) *Class "A" Electrician.* A Class "A" Electrician is a person licensed by the City of La Crosse and employed by a licensed Electrical Contractor to perform the installation, alteration and repair of electrical equipment, wiring and fire alarm systems. The Class "A" Electrician license is available only for renewal of existing Class "A" Electrician license holders.
- (6) *Beginning Electrician.* A Beginning Electrician is a person employed by a licensed Electrical Contractor to learn and assist in the installation, alteration and repair of electrical equipment, wiring and fire alarm systems. The Beginning Electrician shall:
- Provide proof of certification as a Beginning Electrician as prescribed in the Wisconsin Administrative Code.
 - Be restricted as prescribed in subsection (d) of this section.
- (7) *Temporary Journeyman Electrician.* A Temporary Journeyman Electrician is a person employed full time, but on a temporary basis, by a licensed Electrical Contractor to perform the installation, alteration and repair of electrical equipment, wiring and fire alarm systems. The Temporary Journeyman Electrician license is nontransferable and nonrenewable and shall expire 180 days after the date of issuance; however, a one-time 30-day extension may be granted by the Board of Electrical Examiners. Upon layoff or termination of employment by the sponsoring Electrical Contractor, this license shall be void. The Temporary Journeyman Electrician shall:
- Make application to the Department of Planning and Development on forms provided by the Department of Planning and Development.
 - Provide proof of certification or licensing comparable to that of a certified Wisconsin Journeyman Electrician or that of a recognized municipality.
 - Submit to the Department of Planning and Development both the application fee and, upon approval, the license fee made payable to the Director of Finance/Treasurer.
 - Be restricted as prescribed in subsection (d) of this section.
- (8) *Fire Alarm Contractor.* A Fire Alarm Contractor is a person, firm or corporation who will engage in the business of the installation, alteration and repair of fire alarm systems with or without compensation. The Fire Alarm Contractor shall:
- Make application to the Board of Electrical Examiners on forms provided by the Department of Planning and Development.
 - Submit to the Department of Planning and Development both the application fee and, upon approval by the Board of Electrical Examiners, the license fee made payable to the Director of Finance/Treasurer.
 - Maintain a permanent place of business.
 - Employ licensed fire alarm installers to perform the installation, alteration and repair of fire alarm systems in the City of La Crosse as prescribed in this article.
 - Provide the Department of Planning and Development with a current certificate of insurance at a level not less

than the minimum liability limits prescribed in section 103-140. If the policy cycle does not match the license renewal date, it is the responsibility of the contractor to supply a current certificate at the beginning of each policy cycle.

(9) *Fire alarm installer.* A fire alarm installer is a person employed by a licensed Fire Alarm Contractor to perform the installation, alteration and repair of fire alarm systems. The fire alarm installer shall:

- a. Make application to the Board of Electrical Examiners on forms provided by the Department of Planning and Development. Application shall include the notarized affidavit from the applicant's employer or employer's authorized agent that the applicant is competent to do such work.
- b. Submit to the Department of Planning and Development both the application fee and, upon approval, the license fee made payable to the Director of Finance/Treasurer.

(10) *Plant.* A plant is a plant, industry or institution which employs regular full-time licensed industrial or plant electricians to perform the installation, alteration and repair of electrical equipment and wiring on their premises. The plant shall:

- a. Make application to the Board of Electrical Examiners on forms provided by the Department of Planning and Development.
- b. Submit to the Department of Planning and Development both the application fee and, upon approval by the Board of Electrical Examiners, the license fee made payable to the Director of Finance/Treasurer. The plant license fee includes the annual permit fee.

(11) *Industrial Electrician.* An Industrial Electrician is a regular full-time employee of a licensed plant employed to perform the installation, alteration and repair of electrical

equipment and wiring on the premises of their employer. The Industrial Electrician shall:

- a. Make application to the Board of Electrical Examiners on forms provided by the Department of Planning and Development.
- b. Provide documentation to prove successful completion of the Industrial Electrician apprenticeship program as prescribed in the Wisconsin Administrative Code.
- c. Submit to the Department of Planning and Development both the application fee and, upon approval, the license fee made payable to the Director of Finance/Treasurer.

(12) *Plant Electrician.* A Plant Electrician is a regular full-time employee of a licensed plant who, although not a certified Wisconsin Electrical Contractor-Restricted, Master, Journeyman, licensed Class "A" or Industrial Electrician, is employed to perform the installation, alteration and repair of electrical equipment and wiring on the premises of their employer. The Plant Electrician shall:

- a. Make application to the Board of Electrical Examiners on forms provided by the Department of Planning and Development. Application shall include the notarized affidavit from the applicant's employer or employer's authorized agent that the applicant is competent to do such work.
- b. Submit to the Department of Planning and Development both the application fee and, upon approval, the license fee made payable to the Director of Finance/Treasurer.

(c) *Application and renewal.* The Board of Electrical Examiners shall prescribe the form of application, requirements as to experience, and the written examination, if any, for each type of license administered by said Board. Applicants may also be summoned for interview or oral examination by said Board. During the license renewal period the Department of Planning and Development may approve applications for fire alarm installers, Industrial and

Plant Electricians in the employ of currently licensed Fire Alarm Contractors or plants. Renewal application for a license shall be made on forms provided by the Department of Planning and Development. The applicant shall include at the time of renewal the proper fee in the amount established by resolution. All licenses, administered by said Board, as prescribed in this section shall be issued for one year commencing on January 1 and expiring on December 31 following, unless earlier resolved. The fees for such licenses shall be as established by resolution and shall be paid in the Department of Planning and Development and checks made payable to the Director of Finance/Treasurer in the amount required.

(d) *Restrictions.* The Beginning Electrician shall work under the direct supervision of a licensed Master or Journeyman Electrician. At no time shall there be more than two Beginning Electricians on a job site for each licensed electrician as aforementioned. The Beginning Electrician may work without continuous supervision on residential electrical equipment after no less than two full years of supervised work experience in the installation, alteration, repair and replacement of residential electrical equipment. At no time shall a Beginning Electrician supervise another Beginning Electrician.

(e) *Suspension and revocation.* The Board of Electrical Examiners or the Department of Planning and Development may investigate any charges or complaints filed which may be brought against the holder of any license, which said Board administers, for noncompliance with any provision of this article on the part of the licensee or any person performing any work under their direction. Any license granted herein may be suspended or revoked as prescribed in section 103-134(b). Any licensed Electrical Contractor or licensed Fire Alarm Contractor who knowingly and willfully procures a permit for any electrical equipment or fire alarm system work which is to be performed by anyone without an approved license or registration, as prescribed in subsection (a) of this section, shall be subject to the maximum penalty, as prescribed in section 103-134(a), and the Electrical

Contractor's license or Fire Alarm Contractor's license shall be presented for review by the Board of Electrical Examiners for suspension or revocation. (Code 1980, § 17.03)

Cross references—Persons indebted to City not to be issued permit, license or lease, § 2-292; businesses, ch. 10; fire alarm systems, ch. 14, art. IV.

State law reference—Local licensing of electricians, Wis. Stat. § 101.861.

Sec. 103-138. Permits.

(a) *Requirements and expirations.* No electrical equipment or fire alarm system shall be installed, altered, repaired or replaced in the City of La Crosse without the licensed Electrical Contractor or licensed Fire Alarm Contractor first securing a permit therefor from the Department of Planning and Development, except that no electrical permit shall be required for repair or replacement of individual devices, appliances and fixtures nor shall a permit be required by the licensed Electrical Contractor for the installation of less than five devices and fixtures. The application for such permit shall be on forms provided by the Department of Planning and Development and shall include such plans, specifications, and other information as are requested by the Department of Planning and Development. All later deviations from such plan shall first be approved in writing by the Department of Planning and Development. In lieu of an individual permit, for each alteration, repair or replacement, an annual permit shall be issued to any licensed plant which employs regular full-time licensed Industrial or Plant Electricians to perform the alteration, repair or replacement of electrical equipment on premises owned or occupied by such permittee. All electrical permits shall expire two years from date of approval, unless there is continuous performance of the work for which issued, and annual permits shall expire on December 31 of each year.

(b) *Permit fees.* Permit fees shall be based upon the physical value of the work to be done, as determined by the Department of Planning and Development on the basis of current costs in the amount established by resolution. (Code 1980, § 17.04)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 103-139. Inspections.

(a) *Service inspections.* The service inspection by the Department of Planning and Development shall occur within two business days after notification by the Electrical Contractor that the service is installed, altered, repaired or replaced.

(b) *Rough inspections.* The rough inspection by the Department of Planning and Development shall occur within two business days after notification by the Electrical Contractor or Fire Alarm Contractor that the electrical equipment or fire alarm system is roughed in and before such work is covered up.

(c) *Final inspections.*

(1) *Electrical.* The final inspection by the Department of Planning and Development shall occur within two business days after notification by the Electrical Contractor that the job is complete.

(2) *Fire alarm.* The final inspection by the Department of Planning and Development shall occur within two business days after notification by the Electrical Contractor or Fire Alarm Contractor that the job is complete. In addition to the final inspection of the installation, alteration, repair or replacement of the fire alarm system, it is the responsibility of the Electrical Contractor or Fire Alarm Contractor to schedule a witness test with the Chief of Inspections for the La Crosse Fire Department. Certification that the fire alarm system and all related components have been installed, altered, repaired or replaced in accordance with all applicable codes and tested shall be presented to the Department of Planning and Development or Chief of Inspections for the La Crosse Fire Department prior to the witness test.

(d) *Certificate of compliance.* If the Department of Planning and Development determines that the work conforms to this article, a certificate of compliance shall be issued. No person shall use any electrical equipment before such certificate is issued.

(e) *Plant inspections.* Subsections (a) through (d) of this section shall not apply to a licensed plant with an annual permit. The Department of Planning and Development may make periodic inspections of al-

terations, repairs and replacement of electrical equipment on the premises of holders of an annual permit. (Code 1980, § 17.05)

Sec. 103-140. Public liability insurance and completed operations insurance.

The Electrical Contractor and Fire Alarm Contractor shall, with the application for license or renewal thereof, file a certificate of insurance that complies with section 2-2.

(Code 1980, § 17.06)

Sec. 103-141. Standards for the installation of electrical equipment.

(a) *Adoptions by reference.* Except as otherwise regulated by this article, all installations of electrical equipment shall conform to and comply with the applicable provisions of Wis. Admin. Code ch. SPS 316, the statutes of the State of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this article or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property. One- and two-family dwellings and manufactured buildings for dwellings the initial construction of which was commenced on or after June 1, 1980, or additions and alterations to such dwellings, shall comply with the provisions of the Wis. Admin. Code ch. SPF 324, which is adopted by reference and made a part hereof.

(b) *Specific requirements.*

(1) All service conductors and service-entrance conductors shall be installed in listed and approved raceway systems.

(2) Where a mast is extended above the roof line, as a service drop conductor support, a minimum of two inch galvanized listed and approved rigid metal conduit shall be installed.

(3) All new or replaced electrical distribution facilities and service facilities related thereto, other than the transformer and meter shall

be underground in the fire limits, as prescribed in section 103-4, unless the Board of Public Works, after due notice and hearing, waives such requirement. Any such decision by the Board of Public Works may be appealed to the Common Council within 30 days thereafter.

- (4) The Electrical Contractor and Fire Alarm Contractor shall install all listed and approved fire alarm systems, as required by National, State and Municipal Codes, in listed and approved raceway systems, except that listed and approved fire alarm cable may be installed for continuously monitored low voltage fire alarm systems in fully sprinkled buildings or structures unless prohibited elsewhere in this Code. Fire Alarm Contractors shall limit wiring to not more than 100 volts AC or DC.
- (5) In addition to the requirements of National, State and Municipal Codes the telephone lines, or any hard wired systems, serving the remote dialer, or any notification equipment, connected to any fire alarm reporting station shall be installed in listed and approved raceway systems from the demarcation point to the remote dialer or notification equipment.
- (Code 1980, § 17.07)

Sec. 103-142. Standards for electrical equipment.

Only that equipment which has been expressly manufactured for electrical purposes shall be installed for electrical purposes. All electrical equipment shall be installed or used in the exact manner and for the exact purpose indicated by the manufacturer's instructions, listing, or labeling. Old or second-hand electrical equipment shall not be installed nor shall existing electrical equipment be reused, as a part of any new installation or alteration, unless such equipment is approved by the Department of Planning and Development. The original manufacturer's instructions, listing, or labeling thereon shall not be changed nor altered in any manner, except that normal repairs and replacements may be made to such equipment if the repairs and replacements do not change the original characteristics or design.

(Code 1980, § 17.08)

Secs. 103-143—103-167. Reserved.

ARTICLE IV. MECHANICAL AND GAS (HVAC) CODES

DIVISION 1. GENERALLY

Sec. 103-168. Penalties.

Any person violating any provisions of this article, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or other materials which are incorporated by reference, shall suffer one or all of the following penalties:

- (1) *30-day suspension by Board.* Any license issued pursuant to this article may be suspended by the Board of Gas Examiners for not more than 30 days without hearing.
- (2) *Suspension or revocation by Board.* Any license issued pursuant to this article may be suspended by the Board of Gas Examiners for 30 days to one year or may be revoked after giving a licensee a full hearing on notice.
- (3) *Suspension or revocation by court.* Any license issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction thereof.
- (4) *Forfeiture.* A Class C forfeiture as provided in section 1-7.
- (Code 1980, § 18.08)

Sec. 103-169. General requirements for heating equipment.

(a) *Installation.*

- (1) All heating equipment shall be connected to a chimney or an approved vent with a positive draft, which approved vent shall be installed according to manufacturer's specifications.
- (2) Automatic equipment shall incorporate a high limit control to ensure safe operation. A thermostat on an automatic space heater shall be construed as a high limit control.
- (3) Combustion air shall be supplied where needed to ensure proper combustion.

- (4) Automatic steam heating equipment shall have a low-water safety cut-out control.
- (5) Fuel supply fittings shall be mechanically tight, so as not to create a fire hazard.
- (6) Vent connectors shall have clearance to combustibles on all sides of 18 inches for solid and liquid fuels, and of six inches for gaseous fuel, unless less clearance is approved by Underwriter's Laboratories, Inc., or other approved testing laboratory.
- (b) *Maintenance.*
- (1) Flue passages, flue connectors, breeching, smoke pipes, chimneys and vents shall be kept clean and shall not restrict the flow of combustion gases.
- (2) Heating equipment shall be so maintained as to be gastight.
- a. Fire pots, combustion chambers, heat exchangers, flue passages and connected parts that are cracked, broken or burned through shall be repaired or replaced.
- b. Gaskets, caulking, welds and joints shall be gastight and shall not allow products of combustion to escape.
- c. Flue connectors, breeching, and smoke pipes that are not gastight shall be repaired or replaced.
- (c) *State Codes.* The State Heating, Ventilating and Air Conditioning Code (Wis. Admin. Code ch. SPS 364), International Fuel Gas Code and Wis. Admin. Code ch. SPS 323 are hereby adopted by reference.
- (d) *Permits required on all types of heating apparatus.* Prior to performing any work concerning, affecting, or relating to the installation, construction, remodeling, locating, relocating, moving, replacing, converting, repairing, or resetting of any heat producing appliance connected with space heating or air conditioning equipment; or any other matter governed by the provisions of this division; a permit therefor shall be obtained by a person, firm, partnership, corporation, association or a combination thereof, who is qualified under the provisions of this Code, and it shall be unlawful to proceed with such work unless a permit shall first have been obtained and the permit fee in the amount established by resolution paid.
- (e) *Wood and solid fuel burning equipment.*
- (1) This division includes all heating units, stoves, furnaces, boilers, free-standing or used in tandem with other heating systems that use wood, coal, or other solids as fuel.
- (2) No person shall operate or permit the operation of any heating equipment until inspected and approved by the Department of Planning and Development.
- (3) Installation clearances to combustibles.
- a. Unlisted radiant type space heaters.
1. Top: 36 inches.
 2. Back: 36 inches.
 3. Side: 36 inches.
 4. Front: 36 inches.
 5. Install only on noncombustible or protected floor.
- b. Unlisted circulating type heaters.
1. Top: 36 inches.
 2. Back: 12 inches.
 3. Side: 12 inches.
 4. Front: 24 inches.
 5. Install only on noncombustible or protected floor.
- c. Furnaces central and add-on types; boilers central and add-on types.
1. Top: 18 inches.
 2. Back: 18 inches.
 3. Side: 18 inches.
 4. Front: 48 inches.
 5. Install only on noncombustible or protected floor.
- d. Dual fuel furnaces.
1. Top: 18 inches.
 2. Back: 18 inches.
 3. Side: 18 inches.
 4. Front: 48 inches.
 5. Install only on noncombustible or protected floor.

- e. Ranges—Cooking stoves.
 - 1. Top: 30 inches.
 - 2. Back: 24 inches.
 - 3. Firing side: 24 inches.
 - 4. Opposite side: 18 inches.
 - 5. Install only on noncombustible or protected floor.
- b. Vent connectors shall have an internal cross sectional area not less than that of flue collar of the equipment.
- c. Vent connectors shall have a rise in the horizontal portion of not less than one-fourth inch to the running foot so that the connection at the chimney is higher than the end at the equipment.

Note: The above clearances apply unless otherwise shown on listed appliances, or approved wall protection is used.

- (4) Mounting of unit.
 - a. On noncombustible floor, unit must be mounted on a firm level base.
 - b. On combustible floors, all units without legs shall be mounted on four-inch thick hollow concrete or tile blocks covered with 24 U.S. gauge sheet metal. Such protection shall extend not less than 18 inches around the perimeter of unit. Equivalent protection will be acceptable.
 - c. Units with legs on combustible floors. All units that have 18 inches or more of open space under the base of the unit may be mounted on combustible floors, provided the floor is protected by a stove board extending 18 inches in front, and 12 inches to side and rear.
 - d. Units with shorter legs may be mounted on combustible floors with approved protection.

Note: Above clearances apply unless otherwise shown on listed appliances.
- (5) Type and size of chimney. The chimney shall be sized so that the cross-sectional area is not smaller than the cross section area of the flue collar of the equipment to be connected to it. All masonry chimneys shall be constructed in accordance with this chapter and factory-built all fuel chimneys bearing a listing by a nationally recognized testing laboratory will be considered as approved.
- (6) Chimney connector (stovepipes and vents).
 - a. Vent connectors shall not be less than 24 gauge steel.
 - d. The smoke pipe shall be well supported and fastened together with screws or rivets.
 - e. The smoke pipe shall have 18 inches clearance to combustibles.
 - f. The smoke pipe shall have a cast iron damper to control the draft, subject to manufacturer's specifications.
 - g. The smoke pipe shall be connected to the masonry chimney with a metal or burned fire-clay thimble that is cemented to the liner with a cement designed for that purpose.
 - h. Smoke pipes that pass through combustible partitions must use a ventilated metal thimble.
- (7) Dual fuel equipment. Shall be installed as per manufacturer's specifications.
- (8) Supplemental heating unit connection to existing system. Shall be installed as per manufacturer's specifications.
- (f) *Electric heat, heat pumps and air conditioners.*
 - (1) All heating and cooling appliances, equipment, devices, controls, materials hereafter installed shall be approved or certified by a nationally recognized testing agency and shall comply with applicable nationally recognized standards covering safe operation, substantial and durable construction and acceptable performance.
 - (2) Equipment shall be installed, serviced, maintained and used in accordance with the conditions of the approval by such nationally recognized agency.
 - (3) Drawings shall be supplied showing the location of electrical heating equipment.

- (4) Heat loss calculations shall be furnished to show how electrical heating equipment was sized.
- (5) Drawings shall be supplied showing locations of condensing equipment of air conditioners and heat pumps.
- (6) Exhaust fans shall be ducted to the outside air and shall not terminate in attic ventilation spaces.

(Code 1980, § 18.01)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 103-170. Oil heating.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fuel oil means any liquid used as fuel and having a flash point of not less than 110 degrees Fahrenheit. The Pensky-Martens closed cup tester shall be authoritative. The test shall be made in accordance with the methods of test adopted by the American Society for Testing Materials.

Oil heating burner means any device designed and arranged for the purpose of burning fuel oil as defined in this subsection, and having a tank or container with a capacity of more than 20 gallons connected thereto.

Oil heating equipment means all equipment connected to an oil heating burner and located within the building, internal and external supply or storage tanks and provisions for filling and venting, piping, wiring, and all accessories.

(b) *Approval of burner.* No person shall install any oil heating burner unless the type of burner to be installed has been previously approved by the Department of Planning and Development. The Department of Planning and Development shall automatically approve any oil heating burner listed by the Underwriters Laboratory or any other nationally recognized inspection board or laboratory, but shall not approve any others until inspected and tested, including arrangement of parts, suitability of material, strength of parts, electrical control, thermostatic arrangement, reliability of automatic features, positive-

ness of ignition, and safeguards against flooding. If the Department of Planning and Development does not feel it is competent to make the above test, it may require that the applicant submit a report from a recognized laboratory. The Department of Planning and Development shall give the applicant reasons for any disapproval.

(c) *Oil heating equipment; permit for installation.* No person shall install oil heating burners or oil heating equipment until the Department of Planning and Development shall have issued a permit for the specific installation. Application for the permit shall be made in writing and accompanied by a sketch showing the layout of the proposed installation. The Department of Planning and Development shall issue such permit or in writing notify the applicant of changes required before a permit will be issued, or the reasons why application is denied. Upon the required changes being made in the application or sketch, a permit shall be issued. No oil heating equipment of a different kind than that specified in the application, and no tanks of a different size, kind or quality shall be installed, nor shall the installation be made in any manner other than as described in such application or shown in the sketch submitted therewith.

(d) *Tanks.* All tanks used with an oil heating burner shall conform to the following:

(1) *Material and construction.*

- a. Tanks shall be constructed of galvanized steel, open hearth steel or wrought iron of a minimum gauge (U.S. Standard) depending on the capacity as given below:
 1. 1 to 285 gallons: 16 gauge.
 2. 286 to 56 gallons: 14 gauge.
 3. 561 to 1,10 gallons: 12 gauge.
 4. 1,101 to 4,00 gallons: 7 gauge.
 5. 4,001 to 12,00 gallons: ¼ gauge.
- b. For tanks of 1,100 gallons or more, a tolerance of ten percent in capacity may be allowed.
- c. All joints shall be riveted and caulked, brazed, welded or made tight by some equally satisfactory process. Tanks shall be tight and sufficiently strong to bear

without injury the most severe strains to which they may be subjected in practice. Shells shall be properly reinforced where connections are made. All connections shall be made through the top of the tank above the liquid level, except in tanks having a capacity of 275 gallons and less, where one connection may be made, not larger than one-inch iron pipe size, in the bottom of the tank. Unenclosed inside storage or gravity tanks of 275 gallons capacity and less may be provided with an additional one-inch opening in the bottom for an approved key stem gate valve to aid in cleaning.

- d. Underground tanks shall be thoroughly coated on the outside with tar asphaltum, red lead or asphaltum paint.
- e. Inside and above ground tanks and auxiliary tanks shall be coated with a good quality rust-resisting paint.

(2) *Location of tanks.*

- a. Inside storage, gravity, and auxiliary pressure tank, not enclosed in masonry or concrete, shall be provided with securely attached, substantial, incombustible support, and be securely bolted to the basement floor or otherwise secured to avoid strains in the piping, and shall not be located within ten feet, measured horizontally, from any fire or source of flame.
- b. The aggregate capacity of exposed storage tanks installed in a cellar or basement and used in connection with one complete system shall not exceed 275 gallons capacity, except that two tanks of not more than 275 gallons capacity each may be installed in buildings occupied strictly for dwelling purposes, provided that they are so arranged that the contents of both tanks cannot be made available to the burner simultaneously.
- c. Storage tanks of over 275 gallons capacity shall be placed in an enclosure with inside dimensions six inches

greater on all sides than the outside dimensions of the tanks. The walls of the enclosure shall be constructed of concrete not less than six inches in thickness or of eight inches of masonry. The walls shall be bonded to the floor and carried up to a height not less than one foot above the tank, and the space between the tank and the wall and the top of the enclosure shall be completely filled with sand or well-tamped earth.

- d. Storage tanks having a capacity greater than 550 gallons may be placed in the cellar or basement of any building below the level of the floor, provided that they are so placed that the top of the tank is not less than 12 inches below the level of the floor.
- e. Tanks located underground outside of any building shall be so placed that the top of the tank is not less than two feet below the surface of the ground, except that a tank may be buried under only 12 inches of earth if a cover of reinforced concrete at least three inches in thickness is provided which shall extend at least 12 inches on all sides of the tank.
- f. Where tanks are so located that the top of the tank is above the level of the suction inlet of the pump supplying oil to the burner or burner assembly, a siphon-breaking device consisting of an anti-siphon valve, a vacuum tank, Underwriters vacuum siphon breaker, siphon breaking pump set or an equivalent device to prevent siphoning shall be installed.
- g. Tanks of 275 gallons capacity and less may be used to supply oil to the burner by gravity, provided that there is a suitable automatic safeguard to prevent abnormal discharge of oil at the burner. When more than one storage tank is installed, such tanks shall be connected with the main feed pipe line leading to the burner through a manu-

ally operated three-way valve, so that not more than one tank can in any way discharge its contents at one time.

- h. Tanks of 60 gallons capacity and less may be used under pressure, provided that they shall be designed for six times the maximum pressure, which shall not exceed 50 pounds per square inch, and shall be proven tight at twice the maximum working pressure. Pressure tanks shall be equipped with a reliable gauge and an automatic relief valve piped to discharge by gravity to the storage tank.

(3) *Venting of tanks.*

- a. Storage tanks shall have an open or automatically operated vent pipe of ample size to prevent abnormal pressures in cases of fire or when filling, and of not less than one-inch iron pipe size.
- b. The lower end of the vent pipe shall not extend through the top of the tank for a distance of more than one inch.
- c. The vent pipe shall extend from the tank to the outside air terminating at a point outside the building one foot above the level of the highest reservoir from which the tank may be filled and not less than two feet, measured vertically above or horizontally from any window or other building opening. Outer ends of the vent, unless automatically operated, shall be provided with a return bend or a weatherproof hood.

(4) *Filling pipes.* All filling pipes shall be not less than two-inch iron pipe, shall terminate outside the building and when installed in the vicinity of any door or building opening shall be provided with a metal cover or cap which shall be closed tight when not in use.

(5) *Tank gauges.*

- a. No oil tank used in connection with oil heating equipment shall be equipped with a glass gauge or any gauge the breaking of which will permit the oil to escape from the tank.

- b. Test wells shall not be located within the buildings. Test wells located outside of buildings shall be locked.

(6) *Scavenging line.* A scavenging line, installed in connection with a tank located within a building, may be used and shall terminate outside the building. It shall be capped oil-tight when not in use.

(7) *Piping.*

- a. Standard full weight wrought iron, steel or brass pipe with substantial fittings, or standard brass or copper tubing and fittings shall be used, and shall be carefully protected against mechanical injury. In all piping systems proper allowance shall be made for expansion and contraction, jarring and vibration.
- b. All threaded joints shall be tight and shall be made up with litharge and glycerin, shellac or suitable pipe compound.
- c. All piping shall be secured rigidly and protected from injury.

(8) *Pumps.* All auxiliary pumps used for pumping oil from the storage tank to auxiliary tanks shall be of an approved type. They shall be rigidly mounted.

(e) *Other oil heating equipment.*

(1) *Burner controls.*

- a. All oil heating burners shall be equipped with a device, mechanical or electrical, which will automatically prevent an abnormal flow of oil.
- b. All oil heating burners subject to automatic ignition must be provided with a permanent automatic device, so designed that oil, upon being turned into the combustion chamber, will immediately become ignited or shut off.
- c. All oil heating burners used in connection with hot water, steam or warm air heating systems shall be equipped with an automatic device to reduce or extinguish the fire in event of undue pressure or overheating within the boiler or furnace.

(2) *Electrical installation.* Electrical installations in connection with oil heating equipment shall comply with the Electrical Code of the City.

(3) *Chimney.* No oil heating burner shall be installed in any boiler or heater unless said boiler or heater is connected with a chimney having sufficient draft at all times to insure the safe operation of the burner.

(f) *Ventilation.* All boilers or furnace rooms shall be provided with adequate ventilation to insure continuous complete combustion.

(g) *Posting instructions.* A printed copy of the rules and instructions of the manufacturer shall be conspicuously posted near every oil heating burner. (Code 1980, § 18.02)

Secs. 103-171—103-193. Reserved.

DIVISION 2. GAS CODE

Sec. 103-194. Gas appliances.

The provisions of the National Fuel Gas Code, 2009 Edition of ANSI Z223.1-NFPA 54, is hereby incorporated by reference and any amendments thereto. The installation of gas appliance burners, vents and piping not regulated by this division shall be made in conformance with such requirements and shall not be put into operation until the gas supplier has inspected such installation. All gas appliances other than heating system shall have a separately manually operated approved shut-off valve or cock installed in the gas piping system near the appliance to shut off the gas supply to the appliance for servicing.

(Code 1980, § 18.03)

Sec. 103-195. Gasfitters.

(a) *Licenses required.* No person shall hereafter engage in the business or install, alter, repair or service gas burners or gas burner equipment as defined herein the City without first securing from the Department of Planning and Development a license. The requirements herein shall not be construed to limit the gas utility's right to render necessary service.

(b) *Classification of license.*

(1) Class "A" License: To work at or engage in the business of installing, repairing or servicing gas burners or gas burner equipment without regard to input capacity of the said burners.

(2) Class "B" License: To work at or engage in the business of installing, repairing or servicing gas burners or gas burner equipment whose input capacity is 400,000 BTU and smaller.

(3) Class "C" License: To engage in the work of installing, altering, repairing or servicing gas burners or gas burner equipment as an employee of a Class "A" or Class "B" Licensee.

(4) Requirements for partnership, firm or corporation: Where a license is desired by a partnership, a firm or a corporation, at least one responsible officer, member, or employee of such firm or corporation shall be required to qualify by examination to qualify such firm or corporation to carry on the business of gas installation. Each such partnership, firm or corporation shall be required to have an appropriate license as required by this division, and in addition, each and every employee of such partnership, firm or corporation who engages in the installation of gas burner equipment shall have an appropriate license.

(c) *Licenses—How obtained.*

(1) Applicants shall be at least 18 years of age and citizens of the United States or legal aliens. Applications shall be submitted to the Department of Planning and Development in such form as may be required, and sworn to before a Notary Public.

(2) Applications for licenses shall be accompanied by an examination fee in the amount established by resolution which shall not be subject to a refund in case of failure to pass the examination. Such fee shall be in addition to the license fee. Should an applicant fail to pass an examination, he shall have the privilege of again taking the examination at such time as the Board may require by paying an additional fee.

(3) No Class "A" or Class "B" license shall be granted to any person engaged in the business of installing gas burners or gas burner equipment unless such person has an established place of business within the City. The location of such business shall be filed with the Department of Planning and Development. Licenses issued to firms and corporations shall be kept posted in the office of said place of business at all times.

(d) *License fees.* The annual fees for Class "A," Class "B" and Class "C" licenses shall be as established by resolution. Licenses shall, without regard to date of issue, expire on the last day of the calendar year of issuance unless sooner revoked or forfeited. Each person holding a license may renew such license by the payment of the annual fee on or before the expiration date of the existing license. Upon failure of said renewal, the license shall expire, together with all rights to engage in or work at the business covered by each such license. Reinstatement of expired licenses may be made upon the payment of a fee in the amount established by resolution in addition to the regular license fee. If a license is not renewed within one year of expiration, a new examination is required.

(e) *Board of Gas Examiners.*

(1) There shall be a Board of Gas Examiners, consisting of three members, with the City Engineer as Chair and two additional members to be appointed by the Mayor and approved by the Common Council. One of the appointed members shall be the holder of a Class "A" or Class "B" contractor's license, which member shall be secretary to the Board, and the other appointed member shall be the holder of a Class "C" installer's license. All appointed members shall hold office until May 1 with three-year terms expiring at different times.

(2) Said Board shall meet upon call from the Chair who is hereby empowered to call a meeting of the Board whenever deemed necessary. The duties of the Board shall consist of:

a. Formulating new licensing exams or revising the existing exams, when they deem necessary;

b. To rule on the competency and fitness of each applicant for license, if that competency or fitness is contested or disputed by the Department of Planning and Development; and,

c. To mediate any disputes between the Department of Planning and Development and any citizen, contractor or installer, regarding the City Gas Code.

(3) Except for renewals, the Department of Planning and Development shall subject each applicant for a license to a written examination and such other investigation as it may deem necessary to determine whether the applicant has sufficient knowledge, skill, training and experience to enable him properly to engage in the business of, or work at the installation, alteration, service or repair of gas burners or gas burner equipment as provided by this division. The Department of Planning and Development shall have the power to prescribe all reasonable requirements as to the experience, training and character of applicants for such licenses to formulate and hold under such rules as it may establish all examinations of such applicants, both written and oral, and to pass upon the competency and fitness of each applicant. The Department of Planning and Development shall keep records of all applications, examinations and licenses.

(f) *Bonds and insurance.*

(1) No Class "A" or Class "B" license shall become effective until the licensee shall have filed with the City Clerk a surety bond as provided in section 2-3.

(2) Class "A" and Class "B" licensees shall have insurance as provided in section 2-2.

(Code 1980, § 18.4(A)—(F))

Cross references—Persons indebted to City not to be issued permit, license or lease, § 2-292; boards and commissions generally, ch. 2, art. X; businesses, ch. 10.

Sec. 103-196. Connection and supply.

(a) No person except an authorized representative of the gas supplier shall connect gas service to any premises or to turn on any sealed valve where and when gas service is not at the time being ren-

dered. This provision shall apply to the service to the premises and not to the connection and reconnection of particular equipment and appliances on the premises.

(b) No person shall install any gas burner equipment without first determining from the gas supplier that gas is available in quantities that will ensure reasonably safe and uninterrupted operation.
(Code 1980, § 18.04(G))

Sec. 103-197. Installation permits.

No person shall install any gas burner or gas burner equipment until proper application has been made and approved by the Department of Planning and Development. When required by Department of Planning and Development, plans and specifications for the proposed installation must be filed with said Department before the permit is granted. Such permits will only be issued to those persons holding Class "A" or Class "B" licenses. To procure permits for such installations the licensed gas burner installer shall make written application signed by himself on forms provided by the Department of Planning and Development, furnishing all information regarding the proposed work as set forth on the application form.
(Code 1980, § 18.04(H))

Sec. 103-198. Inspection of installations.

(a) No person shall put into operation any gas burner equipment installed or replaced until the installation and replacement has been inspected and approved by the Department of Planning and Development.

(b) The Department of Planning and Development is hereby authorized to disconnect or to order disconnection of any gas burner equipment which does not conform to the requirements of this division or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such equipment, which shall state that it has been disconnected and the reasons therefor, and such notice shall not be removed nor shall the equipment be reconnected until it shall have been

made to conform with the requirements of this division and its reconnection authorized by the Department of Planning and Development.
(Code 1980, § 18.04(I))

Sec. 103-199. Liquefied petroleum gas installations.

The provisions of the Wis. Admin. Code ch. SPS 340, subch. V are hereby specifically incorporated into this division by reference, and the rules and regulations contained therein are hereby made a part of this division as though they were fully set forth herein. A current copy of such rules shall be kept on file in the office of the City Clerk.
(Code 1980, § 18.04(J))

Sec. 103-200. Gas burner installations, 400,000 BTU and smaller.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Atmospheric burner means a device in which air, at atmospheric pressure, is injected into the burner by a jet of gas under pressure.

Conversion burner means a gas burning unit designed to supply gaseous fuel to and properly burn same in the combustion chamber of a boiler, furnace or other device originally designed to burn another fuel.

Gas burner means a device for the final conveyance of gas or a mixture of gas and air to the combustion zone of a steam or hot water boiler, furnace, or to any device or unit used in connection with a space heating system, and shall include conversion burners, gas designed heating units, power gas burners, atmospheric gas burners, and all gas burners other than those used in connection with a space heating system whose input capacity is 75,000 BTU per hour or more.

Gas burner equipment means and includes gas burners as above defined, together with all fans, flue pipes, blowers, control devices, accessories connected to the burners, and piping involved in supplying the burner.

Gas designed heating unit means any space heating unit designed for the exclusive use of gaseous fuel, including such auxiliary heaters as gas logs, gas fireplaces, radiant heaters, etc.

Power gas burner means a device in which either gas or air or both are supplied at pressure exceeding, for gas the house line pressure, and for air the atmospheric pressure.

(b) *Compliance.* The construction, arrangement, manner of installation, alteration and repair of all gas burners and gas burner equipment having an input capacity of 400,000 BTU per hour or less, shall conform to the following provisions:

(1) *Certificate of approval of gas burners.*

- a. No person shall install any gas burner until such burner has been approved by the Department of Planning and Development. Applications for approval of gas burners shall be filed with the Department of Planning and Development accompanied by a filing fee of in the amount established by resolution, which application and fee may be for approval of each manufacturer's complete line of gas burners. Applications shall be made on forms prescribed by the Department of Planning and Development.
- b. The approval by the Department of Planning and Development of a gas burner shall be evidenced by a certificate of approval permitting its installation in the City. This certificate of approval shall remain in force until or unless the burner approved is so modified or altered as to no longer conform to the specifications on the basis of which such certificate of approval was originally issued.
- c. Whenever a gas burner is modified or altered from the basis upon which the certificate of approval was issued, approval of such modification or alteration shall be secured from the Department of Planning and Development before any such modified or altered burner is installed.

d. Gas burners for which approval is requested shall conform with the applicable requirements of National Fuel Gas Code, 2009 Edition of ANSI Z223.1-NFPA 54 and any amendments thereto Wis. Admin. Code ch. SPS 365, together with the requirements of this section.

1. The construction of heating elements shall be subject to the approval of the Department of Planning and Development.
2. Combustion chambers and flue gas passageways shall be readily accessible for inspection and cleaning.
3. The gas supply line to the pilot or pilots shall be connected ahead of the main burner regulator and appliances shut-off valve and shall be provided with a separate cock. Pilot tubes shall be constructed in one piece of substantial material. The safety pilot actuating mechanism shall be so mounted as to preclude the possibility of slippage. The pilot shall be of such design that it will permit the gas valve to open only when a proven source of ignition exists. The flame that lights the burner ports shall light from the flame that heats the safety pilots without use of runner slotted connecting ports on any installation which does not make use of escapement gas, from a diaphragm shut-off valve, as a flare to assist in the lighting of the burner. Appliances having more than one combustion chamber shall be provided with individual safety pilots. The safety pilot actuating mechanism must be substantial and positive in its action. Design shall be such that mechanical or electrical failure will shut off main gas supply.

4. Drilled port or slotted port burners shall have adjustable primary air control. The orifice may be of either the fixed or adjustable type. If of the adjustable type, the reduction of the size of the orifice opening shall not be attained by obstructing the fixed orifice opening.
 5. Burners shall be sized according to the BTU rating shown in the regularly published literature of the burner manufacturer and under no conditions shall the burner be altered to exceed the rated maximum BTU input. Before approval, the burner manufacturer shall furnish the Department of Planning and Development with a certified copy of literature showing capacity of burners with maximum ratings at various pressures together with such other information as Department of Planning and Development may require.
- (2) *Installation of used gas burners.* It shall be unlawful to install any used gas burner and no permit shall be issued authorizing such installation until the licensed installer shall have first submitted with his application for permit a copy of the purchase order stating that a used burner is to be installed and bearing an acknowledgement by the purchaser that such is the case together with a statement by the licensed installer that said burner has been reconditioned and will comply in every way with ordinance requirements for new equipment as to operation, safety standards and adjustments. No used gas burner shall be installed unless it is of a type, make and model currently approved for installation in La Crosse as evidenced by a certificate of approval.
- (3) *Type of gas.* The requirements of this division shall apply to gas burners supplied with manufactured or natural gas from the general distribution system within the City. Burners and their installation where supplied with other types of gas, such as bottled or liquefied petroleum gas shall conform to the requirements of this division where applicable together with the requirements of the American Gas Association and the National Board of Fire Underwriters pertaining to the type of gas to be used.
- (4) *Ventilation.* Gas burners and gas burner equipment shall not be installed for operation in a room where the normal facilities for ventilation do not permit proper combustion of the gas, unless special provision is made for supplying sufficient air for complete combustion. Gas burners, gas burner equipment and space heaters will not be permitted in bedrooms, rooms used for sleeping purposes, bathrooms, or any confined space or area unless proper provisions are made for the supply of primary and secondary air and air for combustion from outside the building. Provisions shall also be made for proper venting to the outside. Method of securing air for combustion and the proper venting of the appliance shall be secured from the Department of Planning and Development before work is started on any specific installation.
- (5) *Conversion burners.*
- a. The installation of conversion burners shall be made in conformance with American Standards Association requirements for Installation of Domestic Gas Conversion Burners, ASA - Z21.8 - 1958, sponsored by the American Gas Association, dated August 12, 1958 N.F.P.A. 54 (2009) and Wis. Admin. Code ch. SPS 365.
 - b. Before a gas burner is installed in any existing boiler or furnace, all flues, fire pots, combustion chambers and connecting joints through which flue gases are conducted, shall be thoroughly cleaned, examined for leaks and draft conditions and made gastight as shown by a smoke bomb test or its equivalent.
 - c. The chimney flue and flue pipe shall be examined and reconditioned if necessary so that they will freely conduct the

flue gases to the outside air. Where flue pipes are rusted or burned out, they shall be replaced by new pipe.

- d. Where a conversion gas burner is installed and an oil burner is removed, it shall be mandatory that the fill pipes to the oil storage tank be removed and all openings to the storage tank blocked except the vent pipe.

(6) *Draft hoods.*

- a. Each gas burning unit shall be equipped with a draft hood or its equivalent designed to ensure the ready escape of the products of combustion in the event of no draft, back draft, or stoppage beyond the appliance; prevent a back draft from entering the appliance; and neutralize the effects of stack action of the flue upon the operation of the appliance.
- b. The draft hood shall be placed in and made a part of the flue pipe from the unit or shall be in the unit itself. Such device shall have a free area equal to or greater than the cross sectional area of the flue pipe connected thereof subject to the approval of the Department of Planning and Development.
- c. The draft hood shall be located at a point not lower than the top of the highest flue passage in the unit.
- d. Units of the revertible flue type shall have the draft hood at least one foot higher than the top of the highest flue passage. Proper provision shall be made subject to the approval of the Department of Planning and Development, to prevent the accumulation of gas in any part thereof. Revertible flue type furnace shall have a one-inch bleeder cut through if trapped more than 12 inches.

(7) *Flue pipes.*

- a. The internal cross section area of the flue pipe between the appliance and the chimney liner shall be such as to provide not less than one square inch

of flue area per 7500 hourly BTU input. In no case shall this flue pipe be larger than the next integral inch diameter above the size given in the following table:

Minimum Permissible Flue Sizes For Gas Burner Installations		
<i>Input Rating BTU Per Hour</i>	<i>Area of Flue Outlet</i>	<i>Diameter of Flue Pipe (Inches)</i>
94,50	12.6	4
147,00	19.6	5
212,00	28.3	6
288,75	38.5	7
377,25	50.3	8
477,00	63.6	9
Based on one square inch flue area per 7500 BTU per hour input		

Note: If flue pipe exceeds ten feet in length or contains more than two elbows, use next size larger pipe and draft hood. In cases where the outlet from the unit is larger than the above indicated size, an orifice plate may be inserted, or a section of the flue pipe restricted to the size indicated. In special cases with high chimneys or flues, the above schedule of areas may be modified subject to specific approval of the Department of Planning and Development.

- b. The draft hood should ordinarily be located adjacent to the unit. In cases where it appears desirable to place the draft hood at a distance from the unit, the size of the restricted section may be modified according to the length and rise of the flue pipe.
- c. The proportional section at the flue outlet of the unit eliminates the necessity of using an adjustable damper in the flue pipe and such damper will not be permitted.
- d. Where dampers are an integral part of the boiler or furnace, they shall be removed or permanently secured in the wide open position, except such dampers the function of which is to alter the

passage of flue gases through the units, which shall be locked in such position as not to interfere with the normal operation of the unit.

- e. Material used for flue pipe shall be such as to resist the corrosive action of flue gases.
 - f. Flue pipe of existing systems shall be relocated where necessary and new flue pipe installations shall be so made as to avoid sharp turns or other construction features which would create excessive resistance to the flow of flue gases. Flue pipes shall slope upward to chimney.
 - g. Flue pipe shall be tightly connected to the chimney liner, so as to prevent infiltration of cold air.
 - h. No baffles shall be applied which will interfere with the proper combustion of the gas.
 - i. Flue pipe shall be well supported to prevent sagging and shall not be installed closer than six inches to any combustible building materials unless flue pipe is covered with the incombustible insulation such that the surface temperature of the exterior surface thereof attain a temperature of not higher than 125 degrees Fahrenheit when the unit is under continuous operation.
 - j. All room heating equipment shall be of vented type and properly vented to an effective flue. Room heaters shall have 100 percent shut-off.
- (8) *Gas burners.*
- a. Gas burners of all types shall consist of assembled and tested units and shall be accompanied by complete and comprehensive installation and operation instructions. The burner or burners shall be located according to the manufacturer's instructions and shall be so secured that they will not twist, slide or drop out of position.
- b. The burners shall be so installed as to be readily accessible for cleaning and inspection.
 - c. The burner or burners shall be so installed that no part of the flame impinges on the heating surface so as to cause incomplete combustion.
 - d. Air shutters shall be adjusted to produce a proper flame at the prevailing gas pressure.
 - e. On all pre-mix power burners an approved type of check valve shall be installed in the gas supply line to prevent back flow of air into the gas line.
- (9) *Air intake.*
- a. Where secondary air is necessary, secondary air opening or openings shall be provided, of sufficient area to supply an adequate amount of air for complete combustion under the specified draft conditions and at the maximum rate of firing.
 - b. Where an automatic secondary air control is provided, the construction shall be such that, in case the control fails in any way, either the gas will shut off or the secondary air door will remain open.
 - c. The air intake of power burners shall be so located as to prevent the possibility of accidental closure. The gas and air supply shall be equipped with controls coordinated to prevent opening of the gas supply until the air supply is adequate for proper combustion and to shut off the gas supply in the event of failure of the air supply.
- (10) *Pilots.*
- a. Each gas burner shall be equipped with safety device arranged to prevent the flow of gas through the main burner unless the pilot flame is burning; to consist of a thermostatic pilot or other similar type of safety device. The operation of this device shall not depend upon the closing of an electric circuit to shut off the main gas supply.

- b. Pilot burners shall be rigidly supported in such a manner that their position relative to the main burner or burners will be fixed.
 - c. Pilot burners or burners shall be so placed that they can be safely lighted and they shall be readily accessible or removable for cleaning.
 - d. Pilot lines shall be connected to vertical main gas supply lines or to the side or top of horizontal lines ahead of all controls including pressure regulators and appliance shut-off (except room heaters) and shall be provided with a separate cock.
 - e. Thermostatic safety pilots shall be so adjusted that main gas supply will be shut off within three minutes after pilot flame has been extinguished under continuous operating conditions.
 - f. Pilot burners shall be so designed and positioned that the holding flame on the pilot burner will ignite the gas burner providing the lighting pilot does not function.
- (11) *Main shut-off valve or cock.* A Manually operated approved shut-off valve or cock shall be installed at each unit to shut off the entire gas supply to the unit, except the pilot, in cases of emergency. Such valve or cock shall be so located that it is readily accessible and shall clearly indicate the "on" and "off" positions, or directions of rotation to open or close. Where a clock is provided the operating handle shall be securely attached to the plug in such manner that it may not be readily removed. Shut-off cock shall be approximately five feet above floor and shall be outside the jacket, except room heaters. A combination safety shut-off, operating, regulating and pilot control which incorporates programmed safe lighting features may be used subject to the approval of the Bu Department of Planning and Development.
- (12) *Electric control valves.* Electric control valves shall be installed according to the instructions furnished by the manufacturer. All heating equipment shall be automatically controlled by thermostat except with respect to radiant heaters installed in fireplaces.
- (13) *Electric wiring.* All electrical connections shall be made in conformity with the provisions of the Electrical Code of the City.
- (14) *Gas pressure regulators.* A gas pressure regulator approved by A.G.A. and by the Department of Planning and Development shall be installed on all gas burner installations. The gas pressure regulator vent shall be piped into the combustion chamber except when using a regulator that has a restricted orifice type vent and said regulator is located inside the casing of the heating unit.
- (15) *Limiting devices.* The boiler or furnace shall be equipped with safety devices arranged to limit high steam pressures or water temperatures, as well as high air temperatures in warm air furnaces, and all such devices shall be subject to the approval of Department of Planning and Development. Each gas fired steam boiler shall be equipped with a low-water cut-off, approved by the Department of Planning and Development. Safety devices operated electrically shall not depend upon the closing of a circuit to shut off the main gas supply. This requirement shall not be construed as prohibiting the use of electrical regulating devices, provided the required safety devices are also installed. Controls shall be so connected that maximum inherent safety provided by such controls will be attained.
- (16) *Safety shut-off valves.* Safety shut-off valves shall be tested to assure gas-tightness of the seat when in the closed position; the valve assembly shall be gastight in all positions. Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing nut. Either the valve shall incorporate means for requiring a manual operation for re-opening of the valve after it has closed or the electrical circuit shall be so arranged as to require a manual operation to re-open the valve after it has been closed. In no case shall valves be able to be opened manually until

safety pilots are lighted and circuit completed or low-water cut-off circuit has been completed.

(17) *Piping.*

- a. Gas piping installed for serving conversion burners or gas designed heating units shall be sized for a total pressure drop not exceeding 0.3 inches water gauge from the meter to the burner for the total connected load. A separate pipe from the meter is to be preferred and in no case shall the service pipe be smaller than the size of equipment connection.
- b. All gas piping and fittings from the meter to the gas units shall be standard weight new wrought iron or steel.
- c. All piping shall be screwed, flared, flanged, compression fittings or welded. Such screwed joints shall be made up with a thread compound or dope applied to the male threads only; such compounds shall be resistant to the action of the gas or gas-air mixture.
- d. All piping shall be installed in a good workmanship manner with proper hangers or supports approximately every eight feet apart so that the proper alignment will be retained. No soldered or sweat joints or cast iron fittings shall be permitted. Weaving or crooked gas piping shall not be approved.
- e. Gas piping shall be of a size and so installed so as to provide a supply of gas sufficient to meet maximum demand without undue loss of pressure between the meter and the unit. All gas piping shall be installed so as to conform with American Gas Association standards.
- f. All piping shall be graded one-fourth inch per ten feet, from the meter. A drip shall be installed at all low points. All pipes or tubing shall be tested after installation and proved free from leaks at not less than normal operating pressures. Tests shall not be made with a flame. Air may be used for testing or by

other approved methods. When units are moved the piping shall be capped. No piping shall be left open at any time.

- g. Alternate materials and methods of installation may be approved by Department of Planning and Development upon submittal of plans, materials and inspection schedule prior to commencing with the installation. Alternate installation must conform to National Fuel Gas Code, NFPA 54, 2009 and Wis. Admin. Code ch. SPS 365.

(18) *Adequacy of draft.* In the event conditions at the time of installation are such that the chimney or vertical flue has insufficient natural draft to properly carry away the products of combustion or is subject to down drafts, provisions shall be made by the installer to rectify existing conditions or provide mechanical means of maintaining constant updrafts during appliance operation.

(19) *Adjustment of burners.* After the piping has been thoroughly purged, the pilot burner shall be lighted and adjusted and the burners put into operation in accordance with the manufacturer's instructions.

(20) *Pilot operation.*

- a. Pilot flames shall effectively ignite the gas at the main burner or burners and shall be adequately protected from drafts. A device which, under normal chimney draft conditions, is at least equal in performance to the draft hood hereinbefore provided for, shall be interpreted as fulfilling the second part of this requirement as far as chimney drafts are concerned.
- b. Pilot flames shall not become extinguished when the main burner or burners are turned on or off in a normal manner, either manually or by automatic controls.
- c. Luminous flame pilots shall not show carbon deposits when adjusted according to the manufacturer's instructions.

- d. Where escapement pilots are used, their flames shall be freely ignited by the constant burning pilot.

(21) *Burner operation.*

- a. The flames from each burner shall freely ignite the gas from adjacent burners when operating at the prevailing gas pressure or when the main control valve is regulated to deliver about one-third the full gas rate, except where additional pilots are provided.
- b. Burner flames shall not flash back upon immediate ignition, nor upon turning the gas cock until the gas rate to the burner is about one-third the full supply.
- c. Burner flames shall not flash back when the gas is turned on or off by an automatic control mechanism.
- d. Main burner flames shall ignite freely, from each constant burning pilot, when the main control valve is regulated to deliver about one-third the full gas rate or when pilot flame is reduced to minimum point at which it will actuate the safety thermostatic device.
- e. Burners shall be of such design that ignition from pilots or pilot will carry to all ports or burner heads protected by the pilot at inputs from one-third to maximum ratings.
- f. When ignition is made in a normal manner, the flames shall not flash outside the unit.
- g. Burners shall not expel gas through air openings in mixer faces when operating at the prevailing pressure.
- h. In making tests, care shall be exercised to prevent the accumulation of unburned gas in the unit or flues which might result in explosion or fire.

(22) *Performance.*

- a. The concentration of carbon dioxide shall not exceed nine percent and the concentration of carbon monoxide shall not exceed 0.04 percent. The concen-

tration of oxygen in the flue products shall in no case be less than four percent nor more than ten percent. The flue gas temperature, as taken on the unit side of the draft hood shall not exceed 480 degrees Fahrenheit above that of the air temperature surrounding the unit.

- b. Method of test, gas designed equipment. The rate of flow of the gas shall be adjusted to within plus or minus two percent of the required hourly BTU input rating at the manifold pressure specified by the manufacturer. When the prevailing pressure is less than the manifold pressure specified, the gas rate shall be adjusted at the prevailing pressure. The unit shall be allowed to operate until the stack temperature becomes stabilized, after which a sample of the flue products shall be taken at a point in the flue after the outlet of the unit but ahead of the draft hood, and analyzed for carbon dioxide, carbon monoxide and oxygen.
- c. Method of test, conversion burners. The rate of flow of gas shall be adjusted to within plus or minus five percent of 1.7 times the calculated hourly BTU heat loss of the buildings in which it is installed. The unit shall be allowed to operate until the stack temperature becomes stabilized, after which a sample of the flue products shall be taken at a point in the flue after the outlet of the unit but ahead of the draft hood, and analyzed for carbon dioxide, carbon monoxide and oxygen.
- d. The various controls of the unit shall be checked by both inspector and installer, to ensure their operation.
- e. Upon completion of the test of any newly installed gas burning equipment as hereinabove provided, the installer shall file with the Department of Planning and Development in duplicate, complete records of such test.

(23) *Instructions to the customers.*

- a. The customer shall be thoroughly instructed by the installer as to the proper and safe operation of the unit before it is placed in continuous service, and a printed set of instructions shall be left with the customer.
- b. In the absence of the customer, printed instructions, enclosed in an envelope labeled "Instructions to Customer" and attached to the main gas valve of the unit by the installer, shall be construed as having fulfilled the aforementioned requirement.
- c. A metallic plate, suitably etched or stamped, setting forth detailed instructions for the safe lighting and shutting off of the unit, shall be permanently attached to the unit in a prominent position near the lighting apertures. The size of the type used shall be not smaller than ten point and the working container thereon shall be subject to the approval of the Department of Planning and Development. This plate shall also state make and model numbers of the burner and show the rate hourly gas BTU input.

(Code 1980, § 18.04(K))

Sec. 103-201. Gas burner installations exceeding 400,000 BTUs.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Atmospheric burner means a device in which the air at atmospheric pressure is induced into the burner by a jet of gas under pressure not more than the house line pressure.

Conversion burner means a gas burning device designed to supply gaseous fuel to and properly burn this fuel in the combustion space of equipment originally designed to burn another fuel.

Dual fuel burner means a burner designed to burn gas or another fuel but not both simultaneously.

Gas burner means a device for the final utilization of gas, or a mixture of gas and air in any steam, hot water boiler, furnaces, air heaters and devices and appliances for power, industrial, space heating and process uses in connection with a heating system or commercial and industrial applications, and shall include conversion burners, gas designed equipment, power burners, atmospheric burners, dual fuel burners and process and industrial equipment.

Gas burner equipment means gas burners and all auxiliary and equipment accessories, including flue pipe control devices, electric wiring diagrams, piping diagrams, gas controls, safety controls, and accessories in connection with the equipment, and all piping supplying the equipment with gas, air, or mixtures thereof.

Gas designed equipment means equipment designed as an integral unit for burning gas only as fuel.

Gas pressure. Gas supply pressures shall be classified as follows:

- (1) Low pressure: Up to and including 14 inches W.C.
- (2) Medium pressure: From 14 inches W.C. to and including 25 p.s.i.g.
- (3) High pressure: Over 25 p.s.i.g.

Power gas burner means one in which either gas or air or both are supplied at pressures exceeding, for gas, the normal line pressure at the burner, and for air, atmospheric pressure; the added pressure being applied at the burner.

Process and industrial equipment means all gas burning equipment burning gas or a mixture of gas and air for industrial and process applications.

(b) *Compliance.*

- (1) The construction, arrangement, manner of installation, alteration and repair of all gas burners for steam and hot water boilers, furnaces, industrial, power and process uses that exceed 400,000 BTU per hour shall conform to the following:
 - a. Before approval for installation is granted for initial installation, plans and specifications and/or official literature and data, including piping arrangements, type and model of controls, ca-

capacities of equipment, and wiring diagram shall be submitted to the Department of Planning and Development for preliminary approval.

- b. Upon receiving preliminary approval, the installation shall then be made accordingly, and final approval shall not be granted until the equipment has been tested in the presence of an inspector of the Department of Building and Inspections. Such tests shall consist of Orsat testing, within acceptable limits where applicable, pressure regulation, stack temperature, control operation, pilot turn down, flame lockout and such other tests as may be deemed necessary by the Department of Planning and Development.

(2) *General regulations.*

- a. All burners for space heating applications shall be accompanied by complete and comprehensive operating instructions and wiring diagrams, which shall be mounted on the equipment, or securely mounted adjacent to the equipment.
- b. Where burners are equipped with secondary air shutters or louvers, they must be designed or counter-balanced so as to drop to a wide open position in the event of failure or breakage of connecting linkage. They shall also be of sufficient area to supply adequate air for complete combustion under specified draft conditions and at maximum rate of firing.
- c. The burner or burners shall be located according to the manufacturer's instructions and shall be so secured that they will not slide, twist or drop out of position.
- d. The burner or burners shall be so installed as to be readily accessible for cleaning and inspection.
- e. The burner or burners shall be so installed that no part of flame shall impinge on heating surface so as to cause incomplete combustion.

- f. On all installations where the combustion air pressure can exceed the house line pressure, an approved check valve or other approved device shall be installed in the gas supply line to prevent air from backing into the gas line.
- g. Under no condition shall the equipment be fired at a capacity greater or less than that shown in the official data supplied by the manufacturer, or at greater or less gas pressure than the maximum or minimum pressures, as listed by the manufacturer or as approved by the Department of Planning and Development.
- h. All equipment is to be installed in the basic manner in which the original approval was obtained, and wiring and piping diagrams shall accompany each permit application when the input is 1,000,000 BTU per hour or more and when different from the original approval or requested by the Department of Planning and Development.

(3) *Piping.*

- a. All gas piping under this section shall be wrought iron or black steel pipe where applicable with malleable or steel fittings, and shall be designed so that the pressure drop through the piping does not exceed that which will supply the proper pressure for the particular application, and shall be carefully tested for leaks. Adequate drips shall be installed at any point at which liquid condensate could collect, and such drips shall be readily accessible for cleaning. Gas piping shall not be supported from other pipes, and shall be securely hung so that proper grades will be maintained.
- b. Main shut-off cocks. An approved type of main shut-off cock shall be installed in a readily accessible location for the convenient operation of the burner and ahead of all other gas controls. When this cock is two inches in size or larger, or the gas pressure exceeds 14 W.C.

pressure, it shall be of the lubricated type, and in all cases shall have a permanently attached handle, which shall clearly indicate the "on" and "off" position.

- c. Firing cocks. A firing cock of a suitable type may be installed downstream of all controls that start and stop the flow of gas to the firing equipment if desired.
 - d. All pilot lines shall be equipped with an approved shut-off cock.
- (4) *Combustion gas controls.*
- a. For a burner or a combination of burners not exceeding 500,000 BTU input per hour, a combustion control of the on and off type may be used. This control may be of either the quick opening or slow opening type.
 - b. For a burner or a combination of burners not exceeding 5,000,000 BTU input per hour, approved on and off types of controls may be used, provided a slow opening automatic gas valve is used. This valve shall have a maximum closing time of five seconds. In addition to the slow opening valve, an approved automatic valve of the positive closing type shall be installed up stream of the slow opening type of valve. The positive closing type valve shall have a pressure rating of not less than the maximum street pressure when the inlet pressure is not regulated by the utility and not less than five p.s.i. when the inlet pressure is regulated by the utility, at a pressure not exceeding five p.s.i.
 - c. For burners or a combination of burners with an input exceeding 5,000,000 BTU per hour, an approved modulating, or high-low type of gas control must be used in addition to the slow opening and positive gas valves described in subsection (b)(5)b of this section, or an approved combination modulating and slow opening valve. This modulating or high-low control shall be of a type that controls the firing rate of the equipment throughout its entire range, and so adjusted that the minimum and maximum firing rate stays within the limit as specified for the equipment by the manufacturer, and within the limits of the particular application to which it is applied.
 - d. Modulating controls may use steam, air hydraulic or electricity as an actuating medium, and shall be so arranged that the gas burning equipment starts and stops in the minimum firing position on installations exceeding 5,000,000 BTU per hour.
 - e. Modulating controls that are interconnected by mechanical linkage to inlet air louvres of natural draft burners, shall have this linkage so arranged that the louvres will go to the open position in the event of failure of the linkage, provided such failure could change the fuel-air ratio.
 - f. On equipment with approved programming controls, the positive closing gas valve may be either the automatic or the manual reset type. On equipment with constantly proved pilot, and on which the positive closing valve and flame failure control relay does not program with the starting and stopping of the main flame, the valve shall be of the approved manual reset type. On equipment with an input of less than 5,000,000 BTU per hour, automatic types of positive closing may be used on either type of pilot control, provided that they do not require the closing of a circuit or relay and are of the "normally closed" type of valve.
- (5) *Gas pressure regulators.*
- a. Approved types of gas regulators shall be used on all gas burner equipment. These regulators shall maintain a stable gas pressure to the equipment, within the range of pressure set up by the manufacture of the gas burning equipment.

- b. Low pressure. An approved gas pressure regulator shall be installed.
 - c. Medium pressure. An approved pressure regulator shall be installed upstream of all other controls when the inlet pressure is not regulated by the utility and this regulator shall be rated at not less than the maximum street pressure. Where the inlet pressure is regulated by the utility at a pressure not exceeding five p.s.i. and approved regulator shall be installed. This regulator shall be rated at not less than five p.s.i. and may be either up or downstream of other operating controls.
 - d. High pressure. Not less than two gas pressure regulators shall be installed downstream of the meter, one of these to be normally at the meter location and pressure reduction shall be accomplished in not less than two stages. Both the first and second regulators shall be designed for, and capable of handling the maximum street pressure available. If a third stage of regulation is desired, this regulator shall be rated for not less than the outlet pressure of the first stage regulator unless installed downstream of the operating controls.
 - e. A limiting device shall be installed on the downstream side of the final stage of pressure regulating, on medium and high pressure. This limiting device shall be so arranged that it will close the main gas control valves in the event the gas pressure exceeds the proper regulated pressure. This limiting device shall be so arranged that it will require manual re-cycling or re-setting before the equipment can be put back in operation.
- (6) *Operating and limiting controls.*
- a. Steam boilers shall be equipped with not less than one operating control, and one high limit control, and low-water cut-off.
 - b. Hot water boilers shall be equipped with not less than one operating and one high limit control, activated by boiler water temperature. Operating controls actuated by water temperature shall be of immersion type, mounted directly into the boiler water; the high limit control may be of the surface type, mounted on the rise or risers adjacent to the boiler, ahead of all flow or other controls.
 - c. Warm air furnaces shall be equipped with not less than one operating and one high limit control. These controls shall be so located that failure of fans or air circulation through the unit will not appreciably affect their operation, or such fans shall be equipped with air switches to prevent operation of the equipment in the event of fan failure.
 - d. Thermostats, where directly operating the gas burning equipment, may be considered operating controls.
 - e. When forced or induced draft is used, an approved air switch shall be installed to prevent operation of the equipment at any time such draft is not definitely established and maintained at predetermined adequate setting.
 - f. Electrically operated safety device shall not rely on closing a circuit or relay to close the main gas valve or valves.
 - g. Primary air fans shall be equipped with an approved positive method of preventing the burner from starting or remaining in operation in the event of failure of the primary air source.
- (7) *Plain pilot.*
- a. Each burner shall be equipped with a plain gas pilot, or gas pilots in addition to the safety pilot to insure smooth lighting of the burners so that there will be no roll back or heavy detonations during lighting off period, except that where the burner unit is of such size that safety pilot will light burner smoothly, the plain pilot may be omitted. The pilot flame shall effectively ignite the gas at the burner and shall be so designed as to be adequately

protected from drafts where required. Pilot flames shall not become extinguished by the main burners when starting or stopping them in a normal manner. Luminous flame pilots shall not show carbon deposit during the period of tests when adjusted according to the manufacturer's instructions.

- b. Where vertical or upshot type of burner consisting of a multiplicity of heads is used, a minimum of one plain gas pilot for each eight heads must be used. In arriving at the number of pilots, the safety pilot will be counted as one plain gas pilot above eight heads; below eight heads there must be at least one plain gas pilot and a safety pilot unless the Department of Planning and Development approves a lesser number.
- (8) *Safety pilots and controls.*
- a. Where the total input to any gas burning device exceeds 400,000 BTU all burners shall be equipped with approved flame rectifier, flame conductivity or scanner cell types of safety controls. Heat sensitive types of pilots will not be permitted.
 - b. Safety pilots shall be so designed that upon insertion of pilot after removal for repairs or cleaning, pilot will be in the same position relative to main burner as when originally installed. The pilot flame shall be in such a position that in the event of a drop in gas pressure, the contact between the pilot flame and flame rod or scanner shall be broken before the point where the pilot light will fail to reliably ignite the main burner.
 - c. The control system used in conjunction with the electronic safety pilot shall be of a type to lock out the main flame in approximately five seconds or less, and shall require a manual re-set operation before flame can be re-established. All safety pilots shall be equipped with positive closing automatic gas valves, and shall close in the event of an indicated flame failure.
 - d. Forced or induced draft equipment and natural draft type burners with supplementary air fans with modulating or closing air shutters with an input in excess of 1,000,000 BTU per hour shall be so arranged that a prepurge period of approximately 30 seconds is obtained. This prepurge shall occur before establishing ignition on intermittent or interrupted pilots, and before establishing main flame or continuously proved pilots.
 - e. Where a switch is installed in the low-water cut-off circuit to keep the circuit to the safety shut-off valve closed when blowing down water column, the switch must be of the push button type, so that when operator releases button, the control circuit to safety shut-off valve will be normal.
 - f. All pilot burners shall be supported in such a manner that their position relative to the main burner or burners will remain fixed.
 - g. Pilot lines shall be connected to vertical supply lines when possible. When horizontal line is used, connection must be made on top or side. Connection must be ahead of all controls, (except pressure regulator on medium and high pressure) and main shut-off valve, and shall be provided with separate shut-off cock. Where gas pressure is greater than that for which pilots are designed, a pressure regulator (pilot regulator) must be installed on the downstream side of pilot line shut-off cock.
 - h. Safety shut-off valves shall be tested to assure gas tightness of the seat when in a closed position; the valve assembly shall be gastight in all positions. Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing nut.
- (9) *Venting of controls.* Pressure regulators, slow opening gas valves and other gas equipment requiring venting shall be vented to a

safe point outside the building, or to a point in the breeching or stack, where the volume of flow of air is such that a combustible mixture cannot be obtained.

(10) *Draft controls.*

- a. Approved draft controls are to be used on all equipment, except when forced and induced draft is used in conjunction with controls that modulate the forced or induced draft in the direct ratio with the fuel modulation, and shall be used with forced or induced draft modulating systems when they are attached to a stack which may disturb fuel air ratio due to its draft intensity to the equipment.
- b. Barometric draft controls. These draft controls are to be of the "gas" type control, free to swing both ways. Barometric type draft controls shall have a cross sectional area equal to approximately 75 percent of the cross sectional area of the breeching from equipment which they are regulating.
- c. Mechanical draft controls. This type of control may use hydraulic pressure, steam, air, or electricity as an actuating medium, and shall be so arranged that they will program to the open position before ignition is established on interrupted or intermittent piloted equipment, and before main flame is established on constantly proved pilot equipment, and shall be equipped with a positive means of delaying the equipment before the open position is obtained.

(11) *Dual fuel equipment.*

- a. All dual fuel equipment, using gas as one of the fuels, must comply with the requirements of this section, in controlling the gas equipment, and shall be so arranged that no adjustments are changed or required when changing fuels. Dual fuel equipment shall be equipped with an on-off-on type of

transfer switch that will not pass through the center off position without stopping in the off position.

- b. When atmospheric inshot gas burners are used for over stoker dual fuel operation, two automatic draft sensing controls shall be installed to insure a preset draft for each fuel. These two automatic draft sensing controls shall be electrically connected with the control systems so that each draft sensing control will be electrically interlocked with its respective fuel.
- c. Inshot type gas burners installed for dual fuel operation shall be equipped with a sliding protective refractory slab that can be easily positioned in front of the gas burner firing nozzles when the other fuel is being used. The sliding protective refractory slab shall be interlocked electrically with the control system so as to prohibit accidental operation of the gas burner when the protective slab is positioned for other fuel operation.

Note: The protective slab may be omitted when using power gas burners installed for dual fuel operation provided continuous fan operation is maintained while the gas burner is on standby.

- (12) *Inspection and tests.* All installations shall be carefully tested for the proper operation of all controls and electrical circuits. Upon completion of fire testing and adjusting, a complete test report shall be filed with the Department of Planning and Development in accordance with forms supplied by the Department of Planning and Development. Piping shall be carefully tested for leaks.

- (13) *Industrial applications.* On certain industrial and process applications, where certain parts of these regulations cannot be met as required, individual approval must be obtained from the Department of Planning and Development, before a permit will be issued, or installation can be made.

- (14) *Air intakes.* Gas burning equipment in buildings where adequate air for combustion is

not assured, shall have fresh air intakes of the permanently open type, or with closeable dampers. Air intakes with closeable or automatic type dampers that program with the equipment shall be equipped with a positive lockout device to prevent operation of the equipment unless the damper is open to a predetermined position.

(Code 1980, § 18.04(L))

Secs. 103-202—103-225. Reserved.

ARTICLE V. PLUMBING CODE*

Sec. 103-226. Penalties.

Except as otherwise provided in this article, violations of this article are a Class C offense as provided in section 1-7.

(Code 1980, § 19.13)

Sec. 103-227. State plumbing credentials required.

No person shall carry on the business of plumbing or do any plumbing work until such person shall have first obtained the approved license or registration to do so from the State. No person shall install plumbing unless at all times a Wisconsin licensed master plumber, master plumber-restricted or utility contractor is in charge, who shall be responsible for the proper installation. No plumbing credential is required to repair faucets, valves, pipes and appliances nor to remove stoppages in waste and drain pipes.

(Code 1980, § 19.01)

Sec. 103-228. Adoptions by reference.

(a) The provisions of Wis. Admin. Code chs. SPS 305 and 381—386 and Wis. Stat. ch. 145 are hereby adopted by reference as part of this article. No plumbing shall be installed except in accordance with such provisions and this Code.

(b) All one- and two-family dwellings and manufactured buildings for dwellings, the initial construction of which was commenced on or after June 1,

***Cross references**—Water utility, ch. 46, art. II; storm and sanitary sewers, ch. 46, art. III.

State law reference—Plumbing, Wis. Stat. ch. 145.

1980, and additions or alterations to such dwellings shall comply with Wis. Admin. Code ch. SPS 325, which is herein adopted by reference and made a part hereof.

(Code 1980, § 19.02)

Sec. 103-229. Permits.

(a) *Plumbing permits.* No plumbing work shall be installed without a permit therefore from the Department of Planning and Development, except that no plumbing permit is required for repairing faucets, valves, pipes and appliances nor for removing stoppages in waste and drain pipes. Any plumbing work installed without a permit may be ordered removed and replaced by the Department of Planning and Development. The applicant for a plumbing permit shall file with the Department of Planning and Development the application and plans showing the work to be done. Plans shall be required for all buildings, including multifamily dwellings, and shall show all drainage and vent lines in detail. Upon approval thereof and payment of the permit fees, a permit shall be issued. No permit shall be granted except to a Wisconsin licensed master plumber, master plumber-restricted or utility contractor.

(b) *Excavation permits.* No person shall make any excavation in any street, alley, highway, sidewalk, or other public way for the purpose of installing or repairing any sewer, water or gas pipe or main, or other underground conduit, or for any other purpose, or shall damage any pavement, sidewalk, crosswalk, drain, sewer, water pipe or main, without first having obtained a permit in accordance with section 40-33.

(c) *Demolition permits.* When a building is to be razed, the water and sewer laterals shall be cut off and capped with approved fittings, inside and within ten feet of property line, before the structure is removed. The demolition permit, as prescribed in section 103-34, shall not be issued until the plumbing inspection is made and measurements taken.

(d) *Expiration.* All plumbing permits shall expire two years from date of approval unless there is continuous performance of the work for which issued. Permits automatically expire when work ceases for a period of 60 days without good cause.

(e) *Fees required.*

- (1) The fees provided for herein shall include all plumbing fixtures, appliances, devices, or traps to be installed, or openings roughed in for future installation, which will be, or are connected to the water supply or drainage system, directly or indirectly or both. This includes garbage disposal units, water heaters, water softeners, roof drains and devices connected to the building storm drains, along with fees for the inspection of changes or alterations in building drains, stacks, vents, and plumbing work where no fixtures are installed.
- (2) Permit fees shall be based upon the physical value of the work to be done as determined by the Department of Planning and Development on the basis of current costs in the amount established by resolution.

(Code 1980, § 19.03)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 103-230. Inspections and tests.

All piping, traps and fixtures of plumbing, water and sewer or drainage, systems shall be left uncovered until inspected and approved. There shall be inspections and testing of the following:

- (1) The building sewer and all branches from the main to the building. All such piping shall be tested with water or air.
- (2) The building drain with all branches, receptacles and connections, soil waste and vent pipes, traps and all work known as roughing-in and underground work, stormwater conductors and their roof extensions when within the walls of any building. All such piping shall be tested with water, air, smoke, or manometer.
- (3) The water lateral, fire protection services, wells, pumps, and all branches from the main to the building. All such piping shall be tested at the maximum pressure under which it is to be used.
- (4) The entire water distribution system in all buildings, including meter loop and piping to

appliances or plumbing fixtures. All such piping shall be tested at the maximum pressure under which it is to be used.

- (5) All repairs, relaying, alterations, and additions to the sewer drains, stacks, vents, waste pipes, or water services, water pipe and fixtures.
- (6) No person shall break open or make connections with any public sewer or water main, except in the presence of an employee of the Department of Planning and Development. The connection shall be inserted at or before 3:00 p.m. on regular business days and measurement taken.
- (7) Final inspection. When a plumbing and drainage system or water system is completed and the fixtures installed, the final inspection shall be made. No plumbing or drainage system shall be used until it has been inspected and approved, unless special permission is given by the Department of Planning and Development, for temporary use. It is recommended that the plumber be on the job when the final inspection is made.
- (8) Notice for inspections. The plumber in charge shall notify the Department of Planning and Development at least 24 hours before any inspection or any connection with an existing sewer main or water main. The plumber in charge shall make arrangements that will enable the Inspector to reach all parts of the building readily, and shall have present the proper apparatus and appliances and shall furnish all materials and all labor necessary for making all the tests required in making the inspection.

(Code 1980, § 19.04)

Sec. 103-231. Defective work and materials.

If tests or inspection disclose defective material, leakage, unworkmanlike construction, or other violation of this article, such violation shall be removed and replaced within three days, and, when necessary, retested. The presence of any foreign substance about a joint or any part of a plumbing or drainage system shall be sufficient cause for condemning such joint or part of the system. Split fittings, hubs, and improper or defective materials which

have been condemned by the Department of Planning and Development shall be removed from the system and not used again. Poor workmanship, design, improper grade or alignment, or methods of installation likewise shall be sufficient cause for the condemnation of the whole or any part of the system.

(Code 1980, § 19.05)

Sec. 103-232. Method of excavation.

All openings cut in concrete pavement shall be sawed to a depth of two inches before breaking out such pavement. No more than one-half the width of the street shall be opened up. All openings and excavations shall be made as to cause the least obstruction to the street or alley, so as not to interfere with the passage of water along the gutters, and shall remain open no longer than necessary to make connection or complete the work.

(Code 1980, § 19.06)

Sec. 103-233. Board of public works to replace pavements.

All pavement, macadam, sidewalk, crosswalk, curb or gutter disturbed in plumbing work shall be replaced by the Board of Public Works, and the person securing the permit shall pay the cost of such replacement, upon statements rendered, to the Director of Finance/Treasurer.

(Code 1980, § 19.07)

Sec. 103-234. Property lines.

Sewer and water pipes shall be located within the property lines or on public land only. Septic tanks and drywells shall be located within the property and five feet from the property lines.

(Code 1980, § 19.08)

Sec. 103-235. Defects in existing systems.

Plumbing or drainage or water piping which becomes defective or improper, or other conditions endangering health, or violating this article, shall be corrected within such time as is specified by the Department of Planning and Development.

(Code 1980, § 19.09)

Sec. 103-236. Additional regulations.

(a) *Water supply.* All water service installations shall comply with Water Utility rates, rules, regulations and ordinances governing the introduction, supply, installation and consumption of water.

(b) *Sewers.*

(1) *Connections with sewer mains.* The City Engineer shall inform plumbers of the position and junctions of sewer mains as far as known, but the City shall not be responsible for the correctness of such information. When no junctions are found in a public sewer within three feet from the flow side of the measurement given by the City Engineer, a length of the sewer main shall be removed and a "Y" connection inserted in its place to serve as the connection. If the building sewer is five inches in size or less, and permission is given by the Department of Planning and Development, a new tap or connection may be made by tapping the main, by carefully cutting a round opening in the main so a hub of the private sewer will rest on the sewer main, such hub to have a short piece of pipe extended into the tap to be flush with the inside wall of the main. Where the hub is placed on top of the sewer main, a cast iron pipe rest shall be placed on the main before the hub is placed on the main. Such connection shall be secured by ample cementing or grouting. The cement used shall be composed of one part cement to two parts of clean sharp sand. All such work shall be done only in the presence of an employee of the Department of Planning and Development. All such junctions shall be made at the expense of the plumber.

(2) *Sewers to be kept free from sand.* No plumber shall allow any earth, sand or other solid material to pass, flow or run into any sewer while cutting into or making any connection therewith, or while doing any work in laying, altering or repairing any drain connected with the main sewer. All sewer pipes shall be laid with bell end up grade and laid on a firm bed of earth which shall be thoroughly tamped.

(c) *Water supply to boilers.*

- (1) All water supply lines to water or steam boilers shall have a control valve and back flow prevention installed before the water supply enters the boiler. All water and steam boilers shall have a pressure relief valve installed on the boiler.
- (2) All boiler compounds and other compounds, solutions, and chemicals that are in contact with or injected into the boiler shall be of a type that is nonpoisonous and nontoxic. The user shall supply the Department of Planning and Development with a certified statement by a nationally recognized testing laboratory that such chemical or solution is nonpoisonous and nontoxic by virtue of tests conducted within a year thereof. Poisonous or toxic compounds, solutions or chemicals may be used only after installation of an indirect connection between the City water service and the unit in which the chemical is used, so that potable water shall not be in contact or possible contact with the poisonous compound.
- (3) Steam boilers shall have safety feeders and low water cutoffs installed. Steam boiler feeder and low water cutoffs shall have separate controls and not combined.

(d) *Private wells.* All private water supplies shall be uncontaminated and the source shall, in construction or abandonment, comply with the specifications of Wis. Admin. Code ch. NR 812, which is hereby adopted by reference.

(e) *Cross connections.*

- (1) *Prohibited water-drainage system interconnection.* No direct plumbing fixture or pipe connection shall be made between any part of the water supply system and any part of the plumbing drainage system, sewers, or impure water supply system, unless adequately protected against back-siphonage.
- (2) *Inlet elevation.* The water-supply inlet shall terminate at least two pipe diameters, but not less than one inch, above the maximum possible water level of the fixture, tank or vat, so as to prevent the possibility of back-siphonage.

- (3) *Vacuum breaker.* If the water supply inlet cannot be raised above the maximum possible water level, an approved type of vacuum breaker shall be installed between the control valve and the fixtures in such manner that no back-siphonage is possible under any degree of vacuum in the water lines with water in the fixture at the maximum possible water level. For positive protection, each such fixture shall have a vacuum breaker installed six inches above the maximum water level or approved height for specific application.
- (4) *Maximum water level.* The height to which water can rise in a fixture, tank or vat before it flows freely into the open atmosphere above the fixture rim or through adequate size openings.
- (5) *Special equipment.* All water supply equipment and appliances serving special fixtures shall conform with the intent and purpose of this section. Any unusual use for water, as for air-conditioning equipment, hydraulic elevators, presses, pumps, fountains, etc., shall be given special consideration in relation to possible pollution of the pure water supply system.

(f) *Discharge of sewage or wastes.* No person shall discharge sewage, industrial wastes, or effluent except clear water into any lake, pond, river, or stream or into any storm sewer connected with or discharging into said waters. No person shall permit any sanitary drain or sewer to discharge into any open storm sewer or gutter, upon the ground, in any public street or alley, or upon any sidewalk.

(g) *Septic tanks and drywells.* Septic or other sewage treatment tanks and seepage pits, drywells, or drainage fields shall be constructed where no public sewerage system is available or likely to become available within a reasonable time, conforming to the Wisconsin State Plumbing Code as to location, materials, capacity, design, disposal of sludge and effluent, and ventilation. Connection with the public sewer shall be made within six months after the public sewer is available. All abandoned septic tanks, drywells, seepage pits, cisterns, and wells shall be immediately filled, pursuant to Wis. Admin. Code § SPS 83.33.

(h) *Tracer wires.* A tracer wire shall be installed, with all nonmetallic laterals, from curb stop or property line to building and it shall be sized to a minimum of #12 AWG copper covered conductor. The wire covering color code for piping type shall be blue for water, green for sanitary, and brown for storm laterals.

(i) *Miscellaneous requirements.*

- (1) No fire or flames shall be used to thaw frozen pipes.
- (2) All pipe holes are to be plugged for fire stopping, and those which are abandoned and empty and those which are larger than the pipe, either with the same material through which the opening is made or with noncombustible material.
- (3) Where existing plumbing is to be remodeled or additional fixtures installed, the new or remodeled portions of the plumbing system shall conform to the regulations of this article.
- (4) The ends of all sewer and drain pipes not immediately connected and the open ends of all abandoned sewers shall be securely closed to prevent the introduction of sand and earth.
- (5) All water treatment units shall be provided with a by-pass system including an inlet valve, an outlet valve and by-pass valve. Such by-pass installation shall be of the same size piping as the piping supplying the unit, with a minimum size of three-fourths-inch diameter.
- (6) Plumbing installations for accessory structures shall be restricted in accordance with section 115-390.

(Code 1980, § 19.10(A)—(J))

Sec. 103-237. Sampling manholes.

When any of the conditions listed under section 46-109(a) exist or have the potential to exist, the City may require the installation of sampling manholes for periodic sewage monitoring as provided under Wis. Admin. Code § SPS 382.35(3)(L).

(Code 1980, § 19.11)

Secs. 103-238—103-267. Reserved.

ARTICLE VI. HOUSING AND PROPERTY MAINTENANCE*

DIVISION 1. GENERALLY

Sec. 103-268. Rules and definitions.

(a) *Rules of construction.*

- (1) In the construction of this article, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.
- (2) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned dwelling or structure means a dwelling or structure which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

Accessory structure means a structure subordinate to the main or principal structure and located on the same lot, the use of which is customarily incidental to the main building.

Adequate means adequate as determined by the administrative officer under the regulations of this article or adequate as determined by an authority designated by law or this chapter. The term "adequately" means the same as adequate.

***Cross reference**—Nuisances, ch. 30.

State law reference—Certain restrictions on landlords prohibited, Wis. Stat. § 66.0104.

Apartment means one or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for use by one family.

Approved means approved by the local or State authority having such administrative authority.

Attractive appearance means the exterior appearance of buildings, structures, stairs, porches, and similar appurtenances and the improvement, planting and landscaping of yards and vacant area. The determination of "attractive" used herein shall be as determined by the administrative officer under the regulations of this article or as determined by an authority designated by law or this article.

Basement means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is less than the vertical distance from grade to ceiling.

Bathroom means an enclosed space containing one or more bathtubs or showers, or both, or which may contain water closets, lavatories, or fixtures serving similar purposes.

Building means any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility.

Cellar means a portion of a building partly or wholly underground, with half or more than half of it clear floor to ceiling height below the average grade of adjoining ground.

Central heating system means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

Compliance inspection means an inspection performed in conjunction with a lawful order of the Department of Planning and Development for the purpose of certifying the fulfillment of an official requirement listed in the order.

Cooperative housing means any dwelling unit where six or more unrelated persons reside together as a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating. Such definition does not include community living arrangements as defined in Wis. Stat. § 62.23(7)(i) that are licensed, operated or

permitted under authority of the Wisconsin Department of Children and Families, which community living arrangements shall not require a license under section 103-295, except to the extent provided by law.

Court means an open, uncovered, unoccupied space partially or wholly surrounded by the walls of a structure.

Deterioration means the condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use of, or lack of maintenance.

Dilapidated means a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping purposes by human occupants.

Dwelling unit means any room or group of rooms located with a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or State authority having such administrative authority.

Family means one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person and complies with section 115-1.

Flat roof deck means to have a pitch of not more than 2.5 inches in 12 inches with a minimum area of 14 square feet and a minimum dimension of not less than three feet.

Flush water closet means a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such toilet bowl shall have a smooth, easily cleanable surface.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food and includes all items in sections 36-64 and 36-67.

Good working condition means capable of performing the task for which it was designed and in the manner intended by this article.

Grade means the level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Graffiti means any unauthorized drawing, figure, inscription, or painting appearing on sidewalks, streets, walls or any other place in public view.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, or dining purposes, excluding bathrooms, water closet compartments, laundries, kitchens, unless designed for dining purposes, furnace rooms, pantries, utility rooms, foyers, or communicating corridors, stairways, closets, and storage spaces, as well as workshops and hobby and recreation areas in parts of the structure below ground level or in attics.

Heated water means water heated to a temperature of not less than 110 degrees Fahrenheit.

Heating facility means any combination of approved building construction, machinery, devices, or equipment so proportioned, arranged, installed, operated and maintained as to provide and deliver in place the required amount and character of heating service.

Household means one or more persons living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities.

Human health hazard means any substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

Infestation means the presence within or around a dwelling of any insects, rodents or other pests.

Kitchen means any room containing any or all of the following equipment, or area of room within three feet of such equipment: Sink and/or other device for dishwashing; stove or other device for cooking; refrigerator or other device for cool storage of food;

cabinets and/or shelves for storage of equipment and utensils; and counter or table for food preparation.

Living room means a room used primarily for living, dining or cooking purposes.

Mixed occupancy means occupancy of a building in part for residential use and in part for some other use not accessory thereto.

Multiple dwelling means any dwelling containing more than two dwelling units and/or rooming units.

Nonhabitable room means a room which is not a habitable room.

Occupant means any person, over one year of age, living, sleeping, cooking or eating in, or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

Operator means any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

Ordinary minimum winter conditions means a temperature of minus 21 degrees Fahrenheit.

Owner means any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, operator, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

Permissible occupancy means the maximum number of persons permitted to reside in a dwelling unit or rooming unit.

Plumbing means and includes any of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal

units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Premises means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.

Privacy means the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

Properly means as deemed proper by the administrative officer under the regulations of this article or deemed proper by an authority designated by law or this article.

Provided means furnished, supplied, paid for or under control of the owner.

Public means an area open to the public.

Refuse means all putrescible and nonputrescible solids (except body wastes) including garbage, trash, ashes and dead animals.

Resident means a resident of the City.

Room means a partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

Roominghouse means any building other than a hotel or motel or that part of any building containing one or more rooming units and in which persons either individually or as families are housed, with or without meals or cooking facilities being provided by the owner and/or operator. For the purpose of licensing, roominghouse shall be synonymous with the terms boardinghouse, lodginghouse, sorority house, fraternity house, or other types of cooperative housing.

Space heater means a self-contained heating appliance of either the circulating type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.

Storage means an item or items or materials intended for use at a subsequent time in another location.

Substandard building means all buildings used for purposes of human habitation which do not conform to the minimum standards established by this article and by any other provisions of this Code or other ordinances.

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

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Temporary structure means any tent, trailer, mobile home, or any other structure used for shelter which is designed to be transportable and which is not permanently attached to the ground, to another structure, or to any utility system on the same premises for more than 14 consecutive days.

Trash means nonputrescible solid wastes (excluding ashes) consisting of either:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
- (2) Noncombustible wastes such as tin cans, glass or crockery.

Unobstructed means of egress means that the exit is accessible from a common use area such as a hallway, living room, or kitchen, or other area which is

accessible to all occupants, that the exit is not in such a location as to become easily obstructed, and that the exit remains readily available for egress and not obstructed at all times.

Unsanitary condition means a condition constituting a danger or hazard to the health of a person or persons occupying or frequenting a building or premises, or to the general public.

Vacant dwelling means a dwelling which is unoccupied for a temporary period of time, less than 12 consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.

Ventilation means the process of supplying and removing air, by natural or mechanical means, to or from any space.

Water closet compartment means an enclosed space containing one or more water closets and one or more lavatories, and which may also contain urinals and other plumbing fixtures.

(Code 1980, § 8.01(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 103-269. Penalty.

(a) Violations of this article are a Class B offense as provided in section 1-7. In addition:

- (1) Any license or permit issued pursuant to this division or pursuant to chapter 20 may be suspended by the Department of Planning and Development or revoked by the Board of Public Works or Common Council, after giving the permittee or licensee a hearing on notice.
- (2) Any license or permit issued pursuant to this article or pursuant to chapter 20 may be suspended or revoked by a court of competent jurisdiction upon conviction thereof.
- (3) Upon conviction thereof, shall forfeit not less than \$50.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and the costs

of prosecution but not exceeding 90 days of each violation. Each day of violation shall constitute a separate offense.

(b) Any person violating any State statute, State regulation or the order of a State agency, which statute, regulation or order pertains to health or safety, even though not incorporated herein by reference, shall suffer suspension or revocation of any license or permit issued pursuant to this article, as provided in subsection (a)(1) and (2) of this section; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(c) Failure to renew. Any licensee required to renew a license under this article who fails to renew such license by July 1 shall pay a late license fee in the amount established by resolution.

(Code 1980, § 8.10(B))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 103-270. Intent and purpose.

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

(b) It is recognized that there may now be, or, may in the future be, residential and nonresidential buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

(Code 1980, § 8.01(A))

Sec. 103-271. Prevailing regulations.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City existing on the effective date of the ordi-

nance from which this article is derived, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of the ordinance from which this article is derived which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this article.

(Code 1980, § 8.01(M))

Sec. 103-272. Interference with enforcement.

No person shall prevent, resist or interfere with the Department of Planning and Development or any employee thereof in the entering of any premises or the carrying out of their duties under this article.

(Code 1980, § 8.10(A))

Sec. 103-273. Complying with order.

The failure of an owner or operator to comply with an order three times within any consecutive three-year period for substantially the same housing or zoning regulation shall subject the dwelling to which the order pertains to mandatory inspections by the Department of Planning and Development two times per year for three years and the owner or operator shall pay an inspection fee in the amount established by resolution. If, during this three-year period of mandatory inspections, the owner or operator fails to comply with any order as provided in this section, the City of La Crosse may request a court of competent jurisdiction to issue an order/injunction prohibiting the owner or operator from using the dwelling for human habitation until such time as the owner or operator can demonstrate to the court that the dwelling is now in compliance with orders under this section.

(Code 1980, § 8.01(T))

Secs. 103-274—103-294. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 103-295. Designation of unfit dwellings.

(a) Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Department of Planning and Development:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
- (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- (3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- (4) Exemptions: This section does not apply to a dwelling or dwelling unit where the owner has obtained all the proper permits for an interior remodel or alteration, the water has been shut off by the owner/owners agent to winterize the dwelling/dwelling unit for any purpose with a letter to the Department of Planning and Development stating such purpose or is registered under article VII of this chapter prior to condemnation.

(b) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Department of Planning and Development, shall be vacated within a reasonable time, as specified by the Department of Planning and Development.

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

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

(e) Any person affected by any notice or order relating to the condemning or placarding of a dwelling or dwelling unit as unfit for human habitation may request, and shall be granted a hearing in the matter before the Department of Planning and Development.

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

(g) Any person affected by any notice or order relating to a dwelling or dwelling unit under the provisions of this article may request and shall be granted upon request a hearing in the matter before the Board of Building and Housing Appeals.

(h) Whenever premises are owned in whole or in part by a person outside the jurisdiction of the City Municipal Court and such person fails to comply with an order of the Department of Planning and Development to render the premises more clean or sanitary or to make certain repairs to the premises within a certain time, and it is the opinion of such Department that neighboring premises may be adversely affected, such Department may contract to have such cleaning, sanitizing, or repair done, and shall certify the costs thereof to the Director of Finance/Treasurer, which shall be added to the tax roll as a special tax on such property.
(Code 1980, § 8.01(O))

Sec. 103-296. Appeals and variances.

The provisions of section 103-36 govern appeals from decisions made under this article and requests for variances from the provisions of this article.
(Code 1980, § 8.01(P))

Secs. 103-297—103-327. Reserved.

DIVISION 3. STANDARDS AND REQUIREMENTS

Sec. 103-328. Minimum standards for basic equipment, lighting, ventilation, heating and electrical service.

(a) The purpose of this division is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat, and electrical service.

(b) No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

- (1) Potable water from an approved source shall be available at all times in residential buildings, at a pressure which is adequate for normal human requirements. All sources of domestic water shall meet the State of Wisconsin standards for potability. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination.
- (2) All potable water supply piping and fittings, for each plumbing fixture shall be installed in such a manner that backflow or back siphonage cannot occur. Backflow connections shall not be permitted between the piping system carrying potable water and any piping system or plumbing equipment carrying nonpotable water or water-borne waste. All drinking fountains provided in any building or

on any premises shall comply with the requirements of the State of Wisconsin Plumbing Code.

- (3) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Department of Planning and Development.
- (4) Every dwelling unit shall contain a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Department of Planning and Development.
- (5) Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Department of Planning and Development.
- (6) Every toilet and bathroom shall have at least 14 square feet of floor space. This minimum figure may be adjusted upward by the Department of Planning and Development if additional or above-standard size fixtures are to be installed.
- (7) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with hot and cold water lines which provide pressure which is adequate for normal human requirements.
- (8) Every dwelling unit shall be supplied with adequate refuse storage facilities, the type and location of which are approved by the Department of Planning and Development and comply with section 36-69.
- (9) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the Department of Planning and Development and comply with section 36-69.
- (10) Every dwelling shall have supplied water heating facilities which are properly installed,

are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of this section and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than 110 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of section 103-331 are not in operation.

- (11) Each dwelling or other building used for human habitation or other buildings where human beings are in need of sewer and water facilities, which is located upon or adjacent to any street in and along which sewer and water pipes have been laid, or which has reasonable access to sewer or water mains, shall be connected with the sewer and water systems; except that when a private well is in compliance with Wis. Admin. Code ch. NR 812, the Wisconsin Well Code, is adequate and safe, this supply may be continued in operation until such time as it is in need of repair. If the owner fails to comply with a notice in writing served upon said owner, agent or tenant requiring the owner to connect with the public sewer or water within 30 days, the Board of Public Works may cause a connection to be made and necessary fixtures to be installed and the cost shall be assessed as a special tax against the property. The owner may file within 30 days a claim of inability to pay the amount in one sum, and ask that the levy be made in five equal installments with interest at six percent, installments to be paid annually with the regular tax. The owners of all premises used for human habitation which are not located upon or adjacent to any street in and along which sewer and water pipes have been laid, or which have no reasonable access to sewer or water mains, must provide a septic tank seepage pit system therefor, constructed and maintained in accordance with the requirements of this Code. All other

privy vaults, cesspools, and dry wells shall be removed or abated, and the use thereof discontinued.

(12) Exits shall be provided as follows:

- a. Every dwelling unit shall have access to two or more safe, unobstructed means of egress with minimum head-room of six feet four inches, leading directly to safe and open space at ground level, or as otherwise provided by Wis. Admin. Code chs. SPS 321 and 366.
- b. Where the second floor is the lowest floor level in a dwelling unit, a flat roof deck or platform will be permitted as a minimum for a secondary exit. The platform shall be provided with at least a 36-inch high, but no more than a 46-inch high guardrail above the platform floor. If the platform is serving more than one dwelling unit, except in a duplex situation, the guardrail shall be at least 42 inches above the platform floor. Existing guardrails on platforms shall be structurally sound, safe and constructed with at least two uniformly spaced intermediate rails. Guardrails installed or replaced after January 1, 2006, shall be constructed to prevent the through-passage of a sphere with a diameter of four inches or larger. The platform depending on the dwelling unit it serves, shall comply with regulations contained in Wis. Admin. Code chs. SPS 321 and 366. The floor of the platform or roof edge may not exceed an elevation of 15 feet above the grade below.

(13) Handrails and guardrails are required as follows:

- a. Stairs with more than three risers shall be provided with at least one structurally sound and safe handrail for the full length of the stairs, including on the open side of the stair where at least one intermediate rail at aid height or equivalent shall be provided. Handrails on the open side of the stair shall be

constructed to prevent the through-passage of a sphere with a diameter of four inches or larger and shall comply with Wis. Admin. Code chs. SPS 321 and 366.

- b. All openings between floors and open sides of landings, platforms, balconies or porches that are more than 24 inches above grade or a floor shall be protected with guardrails.
- c. Guardrails shall be safe, structurally sound, extend to a height of at least 42 inches above the floor and, if unenclosed, shall have intermediate rails or balusters as specified in Wis. Admin. Code chs. SPS 321 and 366. Protective guardrails within or serving one dwelling unit or duplex shall extend to a height of at least 36 inches above the floor.

(Code 1980, § 8.01(C))

Sec. 103-329. Light, ventilation and heating minimum standards.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every living, sleeping, or bathroom shall have available natural light and ventilation complying with Wis. Admin. Code SPS 321.05 as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with State standards may remain in use with the approval of the Department of Planning and Development.
- (2) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room.
- (3) Whenever walls or other portions of structures face a window or any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed

to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such rooms, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

- (4) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The net openable window or exterior door area in every habitable room shall be at least 3.5 percent of the net floor area of the habitable room, except where there is supplied some other device affording adequate ventilation and approved by the Department of Planning and Development.
- (5) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsection (1) of this section, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system in working condition which is approved by the Department of Planning and Development.
- (6) All doors required for ventilation and all windows shall be protected with insect screen equivalent to not less than 16 wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, annually during May before June 1 and maintained until storm windows are installed in autumn.
- (7) All exterior windows shall have storm windows installed or maintained to prevent excessive drafts and heat loss no earlier than October 25, but no later than November 15 annually.

(Code 1980, § 8.01(D))

Sec. 103-330. Electrical.

Every dwelling unit shall be supplied with electrical service, wiring, outlets and fixtures which shall be

properly installed and shall be maintained in good and safe working condition. The following requirements shall be applicable to all dwelling units:

- (1) Every bathroom, bedroom, water closet compartment, kitchen, dining room, living room, laundry room, furnace room, hall, stairway and exterior entrance shall have at least one approved wall or ceiling light fixture capable of providing no less than five footcandles at floor level in the center of the room. A switched outlet may be substituted for a light fixture in bedrooms, living rooms and dining rooms.
- (2) A minimum number of separate duplex-type receptacle outlets, separated by a reasonable distance, shall be provided as follows:
 - a. Kitchen and living room: Three each room with at least one outlet serving the food preparation area.
 - b. Bedrooms: One duplex outlet per occupant of the bedroom, with a minimum of two outlets per bedroom.
 - c. Every bathroom and water closet compartment shall have one approved ground fault type duplex outlet.
 - d. Every habitable room not listed in subsection (2)a and (2)b of this section shall have at least two separate duplex convenience outlets; or one such duplex convenience outlet and one supplied ceiling or wall light fixture.
 - e. All duplex outlets that may be used for electric appliances that are not major electric appliances, and are located within six feet of sinks, lavatories, showers or bathtubs, shall be an approved ground fault type.
- (3) Branch circuits shall be protected by circuit breakers, or by S-type or equivalent safety type, tamper proof fuses not to exceed the amp capacity of the smallest wire in the circuit.
- (4) No duplex electric convenience outlet shall serve more than two fixtures or appliances.
- (5) Fixed appliances exceeding 1/8 hp. or 300 watts rating shall not be connected to general purpose branch circuits. Convenience

outlets are to be located to prevent use of extension cords (NBC 400-8). All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring shall be removed.

- (6) Switches or equivalent devices for turning on any light required in a room or passage-way shall be located so as to conveniently control the area to be lighted.
- (7) Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least 2½ footcandles of light at the tread or floor level. Halls and stairways in structures containing not more than three dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full-time or automatic time-switched lighting. In single, duplex, or multiple dwellings when dwelling unit or lodging room doors open to the outside a minimum of 2½ footcandles of illumination at the locks are required. Parking lots for more than three cars shall be lighted to provide at least 0.25 footcandle on any surface in the lot with an average illumination level of at least 0.75 footcandle, except that the outer four feet of the periphery of the parking lot will not be subject to the 0.25 footcandle minimum. Outdoor light fixtures shall be designed and installed to eliminate spill light and glare into adjacent properties.
- (8) Outdoor light fixtures attached to any residential structure or accessory structure in all residential zoning districts shall be properly installed, maintained and shall be directed and/or shielded so that there will be no objectionable direct light emissions. Illumination shall be limited to 0.5 footcandles at a height of five feet above the ground at the subject property line. The provisions of this subsection shall not apply to lights directly aimed skyward at United States flags and provided that said lights do not cause objectionable direct light emissions onto neighboring property.

(Code 1980, § 8.01(E))

Sec. 103-331. Heating.

(a) All habitable rooms, kitchens and bathrooms shall be provided with a permanently connected heating system complying with Wis. Admin. Code chs. SPS 321, 326—360 and 366.

(b) The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of 67 degrees Fahrenheit shall be maintained in all habitable rooms, kitchens and bathrooms.

(c) In multiple-family buildings and other occupancies that pertain to this requirement, all boiler or furnace rooms, including the breaching and fuel room as well as other hazardous work rooms, shall comply with the provisions and requirements under Wis. Admin. Code chs. SPS 326—360 and 366.

(d) All existing fire rated enclosures shall be maintained to preserve the required fire rating of such enclosures (walls, ceilings, doors, etc.).

(e) In all buildings covered by this article, foam plastic insulation shall have a flame-spread rating of not more than 75 and a smoke-developed rating of not more than 450. Foam plastic insulation tested in accordance with ASTM E-84 is also acceptable. All foam plastic insulation shall be protected in accordance with the following:

- (1) Walls. Foam plastic insulation may be used within the cavity of a masonry wall, in cores of masonry units, within stud space of a wood frame wall or on the inside of a building surface of a wall or ceiling if the foam plastic insulation is fully protected by a thermal barrier having a finish rating of at least 15 minutes.
- (2) Roofs. Roof coverings may be applied over foam plastic insulation where the interior of the dwelling is separated from the foam plastic insulation by plywood sheathing at least one-half inch in thickness or other approved material having a minimum 15-minute finish rating.

(Code 1980, § 8.01(F))

Sec. 103-332. Safe and sanitary maintenance of property.

(a) The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, or vacant area. Attractive and well maintained property will enhance the neighborhood and City and provide a suitable environment for increasing physical and monetary values.

(b) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, structurally sound, watertight and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.
- (2) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent proof; and shall be kept in sound working condition and good repair.
- (3) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (4) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- (5) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept clean and in sanitary condition.
- (6) Every supplied facility, piece of equipment or utility which is required under this article, including interior doors, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition and in good repair.
- (7) No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this division to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Department of Planning and Development.
- (8) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- (9) Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement, crawl space, or foundation which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (10) From November 15 to March 31, every single pane window serving a habitable room shall be provided with storm windows, except insulated windows need not be provided with storm windows. Each exterior door other than a solid core or insulated door, shall be supplied with a storm door. All such storm windows and doors shall be maintained in reasonably good repair and shall be reasonably weathertight.
- (11) Owners of rental property who supply a stove or stoves or similar service for cooking food, or a refrigerator or refrigerators for the safe storage of food, or both, shall assure the same are properly installed and in good repair such that they may be maintained for safe and sanitary operation. All food preparation areas, food and utensil storage facilities, and supplied furniture in rental property shall be in reasonably good condition.
- (12) Every owner of a rental dwelling unit shall make available to the occupants the names of two or more persons that may be called to

arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times. (Code 1980, § 8.01(G))

Sec. 103-333. Responsibilities of owners and occupants.

(a) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

(b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(c) Every occupant of a dwelling or dwelling unit shall dispose of all refuse in a clean and sanitary manner by placing it in the refuse containers required by section 36-69.

(d) Every occupant of a dwelling or dwelling unit shall dispose of all garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by section 36-68. It shall be the responsibility of the owner to supply such facilities for all dwelling units.

(e) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, storm windows or storm doors whenever they are required under the provisions of this division or of any rule or regulation adopted pursuant thereto, except the owner shall be responsible where he or she has agreed to supply such services, or where the dwelling unit is above the first floor, or where the dwelling unit is a licensed roominghouse.

(f) Every occupant of a dwelling containing a single-dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of

this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(g) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(h) Upon the request of a tenant in a dwelling unit, the owner of the property shall provide secondary locking devices on entry doors of all dwelling units.

- (1) Swinging unit entry doors shall be fitted with properly functioning single keyed deadbolt lock having a minimum latch throw distance of one inch which can be readily opened with a key on the exterior side of the swinging unit entry door and which can be readily opened with a single push, twist or turn from the inside without the use of a key or tools of any kind. The strike plate of the deadbolt lock assembly shall be securely fastened into the framed or concrete/masonry wall structure directly adjacent to the doorjamb with screws that are at least 2½ inches in length.
- (2) Sliding unit entry doors shall be fitted with properly functioning secondary locking device which can be readily opened from the inside with a single push, twist or turn without tools of any kind.
- (3) The cost of providing the keyed deadbolt lock or secondary locking device shall be borne by the property owner unless the same is required to be replaced or installed because of damage or acts of the current tenant(s), guest(s) or invitee(s).

(Code 1980, § 8.01(H))

Sec. 103-334. Minimum floor space; lot use requirements.

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

- (1) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- (2) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- (3) No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through a bathroom or water closet compartment.
- (4) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (5) In multiple dwellings and roominghouses, habitable rooms below grade shall be in compliance with Wis. Admin. Code ch. SPS 366. In one- and two-family dwellings no space located partially or totally below grade

shall be used as a habitable room of a dwelling unit unless it is in compliance with Wis. Admin. Code ch. SPS 321, and with the following:

- a. Existing foundation walls and floors shall have no evidence of water penetration from the exterior of the structure;
- b. No pipes, ducts or other obstructions less than six feet five inches above the floor level shall interfere with the normal use of the room or area.

(Code 1980, § 8.01(I))

Sec. 103-335. Efficiency apartments.

Nothing in this article shall prohibit the use of an efficiency living unit meeting the following requirements:

- (1) Such efficiency living unit shall have for general living purposes, not less than 220 square feet of floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
- (2) Such efficiency living unit shall be provided with a kitchenette not less than 15 square feet in size and shall be equipped and arranged for complete kitchen use which can be considered as part of total habitable area.
- (3) Such efficiency living unit shall be provided with a separate bathroom meeting the requirements of this division.

(Code 1980, § 8.01(J))

Sec. 103-336. Housing appearance.

(a) Minimum standards. No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following subsections.

(b) Foundations, exterior walls, and roofs. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the

purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit, which does not comply with the following requirements:

- (1) Every exterior wall, save, soffit, trim and similar surface shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
- (2) Structures that require paint or stain, or that have been painted or stained, should have paint or stain applied at regular intervals to exterior building surfaces. If the building has more than 30 percent deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within 90 days from the date of the first application.
- (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
- (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured, hung properly, and in good repair.
- (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

(c) Grading and drainage of lots. Every yard, court, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.

(d) Accessory structures. All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.

(e) Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:

- (1) All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half inch per foot for a minimum of five feet where possible or by other means such as eaves troughs and downspout extensions.
- (2) All exterior property areas shall be kept free from noxious weeds as defined in section 30-4 and Wis. Stat. § 66.0407.
- (3) The interior of all vacant buildings and structures and all exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within 24 hours. Compost piles shall be maintained as to not cause hazard or nuisance.
- (4) The premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or occupant. It shall be the duty of the owner or occupant to keep the premises free of hazards which include but are not limited to the following:
 - a. Refuse. Brush, weeds, broken glass, stumps, obnoxious growths, filth, garbage, trash and debris.
 - b. Natural growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions.
 - c. Sources of infestation.
 - d. Appearance of exterior of premises and structures. The exterior of the prem-

ises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor.

- e. Furniture on rooftops. It shall be unlawful for any person to place or keep furniture, such as couches, chairs, tables and outdoor grills on rooftops of buildings or porches. This subsection shall not apply to rooftop decks and patios designed, constructed, and maintained in accordance with applicable code requirements.
- f. Graffiti is prohibited. Graffiti shall be removed by the property owner or by the City at the property owner's expense. The Department of Planning and Development may order graffiti removed within 48 hours of notification to a property owner. Notification to the property owner may include a door hanger or order to correct. If a property owner fails to remove graffiti within the time specified in the order to correct, the Department of Planning and Development may cause the graffiti to be removed.
- g. Open storage of personalty. Open storage of personalty shall be removed from property.
- h. Indoor upholstered furniture on lawn area. It shall be unlawful for any person to keep upholstered furniture not specifically designed for outdoor use on the front or side yard lawn area of a property for a period of more than 48 hours.

(Code 1980, § 8.01(K))

Sec. 103-337. Roominghouses.

(a) *License.* No person shall operate a roominghouse without a license issued by the City. The license fee shall be as established by resolution, and such license shall expire on December 31 of each year. Roominghouse licenses shall not be transferable from person to person or place to place.

(b) *Suspension of license.* Whenever a violation of this article occurs, suspension of license shall be in accordance with section 103-365.

(c) *Plumbing facilities.* At least one flush water closet, one lavatory basin, and one bathtub or shower, properly connected to a water or sewer system, approved by the Department of Planning and Development and in good working condition, shall be supplied for each six persons or fraction thereof residing within the roominghouse, including members of the operator's family whenever they share the use of said facilities. All plumbing facilities shall be reasonably accessible from a common hall or passageway. Each lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. No required plumbing facilities shall be located in a basement except by written approval of the Department of Planning and Development after inspection.

(d) *Linens and bedding when provided.* The operator of each roominghouse shall change supplied bed linens and towels at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(e) *Area of sleeping rooms.* Every rooming unit occupied by one person shall contain at least 100 square feet of floor space and every rooming unit occupied by more than one person shall contain at least 75 square feet for each occupant thereof; further every rooming unit shall contain also at least four square feet of closet space for each occupant with at least an unobstructed height of five feet. If the closet space is lacking in whole or in part, space of the amount of the deficiency shall be subtracted from the area of the habitable room space when determining occupancy.

(f) *Cooking in rooms.* Cooking in rooming units is prohibited.

(g) *Communal cooking.* Communal cooking and dining facilities in a roominghouse are prohibited, except as approved by the Department of Planning and Development in writing. Communal cooking facilities when allowed shall be provided with the following:

- (1) A kitchen sink with hot and cold running water.
- (2) A properly functioning stove and refrigerator.

- (3) 12 square feet of counter space exclusive of the sink area, for each supplied stove.
- (4) A refrigerator with 2½ cubic feet of capacity per occupant.
- (5) Three cubic feet of cabinet storage space per occupant.
- (6) Sufficient dining surface and seating.

(h) *Condition of public areas.* Owners/operators of roominghouses shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises. Occupants of roominghouses shall keep in a clean and sanitary condition that part of the building and premises which they occupy and control.

(i) *Egress.* Every rooming unit shall have immediate access to two or more approved means of egress, appropriately marked, leading to safe and open space at ground level or as required by the appropriate statutes, ordinances and regulations of the City of La Crosse and the State of Wisconsin.

(j) *Request for hearing.* Any person affected by any notice or order relating to a roominghouse under the provisions of this article may request and shall be granted upon request a hearing in the matter before the Board of Building and Housing Appeals.

(k) *Certain restrictions apply.* In addition to the zoning requirements of this Code, roominghouses with communal or common cooking and dining facilities shall only be permitted in that portion of the City bounded by East Avenue and La Crosse Street to Lang Drive to La Crosse River Marsh to Monitor and Caledonia Streets, to Car Street to Sumner Street to Monitor Street to La Crosse River Marsh to 7th Street to State Street to East/West Alley between 9th Street and 10th Street to Cass Street to 11th Street to Main Street to 19th Street to State Street to 16th Street east to Pine Street to East Avenue as shown on the map in the City Department of Planning and Development.
(Code 1980, § 8.01(N))

Secs. 103-338—103-362. Reserved.

ARTICLE VII. VACANT BUILDING REGISTRATION PROGRAM (VBRP)

Sec. 103-363. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any structure used or built for the shelter or enclosure of persons, animals, chattels, or movable property of any kind; and when separated by a fire-wall, each portion of such building so separated shall be deemed a separate building. A boat-house shall be considered a building.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping purposes by human occupants.

Evidence of vacant property means any condition that on its own or combined with other conditions would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded windows, abandoned vehicles, auto parts or materials, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with habitation, or occupation, statements by neighbors, passerby, delivery agents or governmental employees that the property is vacant.

Foreclosure means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the mortgagee.

Mortgage means a recorded lien or interest in real property to secure payment of a loan.

Mortgagee means a person, firm, corporation or other legal entity holding a mortgage on a property.

Mortgagor means a borrower under a mortgage who grants a lien or interest in property to a mortgagee as security for the payment of a debt.

Owner means any individual, limited liability company member, co-partnership, association, corpora-

tion, company, fiduciary, or any other person or legal entity having a legal or equitable title or interest in real property. The term includes a mortgagee which has obtained a judgment of foreclosure against a property.

Structure means a combination of material to form a construction that is safe and stable; including among others, buildings, stadiums, reviewing stands, platforms, staging observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, coal bins, shelters, fences and display signs; the term structure shall be construed as if followed by the words "or part thereof."

(Code 1980, § 8.01(L)(2))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 103-364. Intent and purpose.

(a) The purpose and intent of this article is to prevent the blighting influence and nuisances caused by residential and commercial structures that are condemned, abandoned, or vacant and to ensure the integrity of our community's health, safety, welfare, and value.

(b) Properties that are condemned, abandoned, or vacant act as blighting influence for the surrounding neighborhood, depress market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services. The use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare.

(c) Unsecured properties are a harborage for rodents; an invitation to derelicts, vagrants and criminals as a temporary abode; have very high probability of intentionally-set fires, an increased risk of explosion due to the theft of internal piping. Unkempt grounds surrounding such properties invite dumping of garbage and rubbish thereon. Therefore, adequate protection of public health, safety and welfare, requires the establishment and enforcement of the means by which such nuisance conditions may be abated.

(d) It is important for the community to know which buildings are vacant or have a higher potential for abandonment so as to establish a proactive approach to track properties that are at risk of becoming vacant while the owner is still known. This type of action reduces the cost to the community and places the responsibility for rehabilitation on the property or proper security on the owner early in the cycle of deterioration.

(Code 1980, § 8.01(L)(1))

Sec. 103-365. Penalty.

(a) Violation of this article including those provisions of the Wisconsin Statutes or other materials which are incorporated by reference, are a Class B offense as provided in section 1-7. In addition:

- (1) Any license or permit issued pursuant to this article may be suspended by the Department of Planning and Development or revoked by the Board of Public Works or Common Council, after giving the permittee or licensee a hearing on notice.
- (2) Any license or permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction upon conviction thereof.

(b) Any person violating any State statute, State regulation or the order of a State agency, which statute, regulation or order pertains to health or safety, even though not incorporated herein by reference, shall suffer suspension or revocation of any license or permit issued pursuant to this chapter, as provided immediately above in subsection (a)(1) and (2) of this section; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this article exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(Code 1980, § 8.10(B))

Sec. 103-366. Interference with enforcement.

No person shall prevent, resist or interfere with the Department of Planning and Development or any employee thereof in the entering of any premises or the carrying out of their duties under this article.

(Code 1980, § 8.10(A))

Sec. 103-367. Administration.

The Department of Planning and Development will be charged with the administration of the VBRP and may contract appropriate repairs or demolition through a public bidding process. The demolition process shall begin within 30 days of notice by the Department of Planning and Development and the City Engineer's Office shall award a demolition contract within 90 days of notice.

- (1) Identifying qualified properties will require a cooperative effort from public workers in the field. Indicators that present risk factors of a vacant or soon-to-be abandoned building are as follows, but not limited to:
 - a. A history of back taxes and special charges.
 - b. Previous structural fires.
 - c. Unabated zoning and housing code violations.
 - d. Unreleased liens and attachments.
- (2) The funds generated from the VBRP will be utilized for the administrative cost of identifying, evaluating, inspecting, securing, demolishing or rehabilitating properties that are condemned, abandoned, or vacant.
(Code 1980, § 8.01(L)(8))

Sec. 103-368. Registration requirement.

A residential, commercial, or any other structure that is condemned as unfit for human habitation, abandoned, or vacant shall register for the VBRP.

- (1) The term "unfit building" means any building or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Department of Planning and Development:
 - a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
 - b. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

- c. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 - d. One which lacks any of the following: sanitary sewer, water, heating or electrical service
- (2) The term "abandoned dwelling or structure" per section 103-268 means a dwelling or structure which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.
 - (3) The term "vacant dwelling" or structure means a dwelling or structure which is unoccupied for a temporary period of time, less than twelve consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.
(Code 1980, § 8.01(L)(3))

Sec. 103-369. Properties not subject to registration.

A structure that meets the conditions under section 103-368 shall be registered under the VBRF unless the following conditions are met:

- (1) Existing renovation is occurring on the property in order to bring the building up to minimum standards; and appropriate permits have been issued.
- (2) A residential single-family home or owner-occupied two-family property that has been used by the owner as a vacation home or on a seasonal basis for a period of at least three months within the previous nine months and the owner intends to resume residing at the property.
- (3) Residential condominium, multifamily rental, and commercial buildings that are more than five percent occupied. Less than five percent occupied is considered vacant.

- (4) A property that is currently part of an estate that is in probate and is not subject to bankruptcy.
 - (5) A property that is listed for sale on the multiple listing service or the owner provides copies of advertisements which have been placed in any media for a period of six months.
 - (6) Ice fishing shanties, boat houses, gazebos and garden sheds.
- (Code 1980, § 8.01(L)(4))

Sec. 103-370. Registration procedures.

All properties subject to the VBRP shall:

- (1) File a registration form provided by the Department of Planning and Development within 30 days of the building becoming unfit for human habitation, abandoned, or vacant. The form may be signed by an agent for an Owner provided the agent's written authorization from the owner is also provided. If the owner or the owner's agent fails to register the property, the City shall register the property for them and update the form as new information is provided. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.
- (2) Owner information and availability requirement. The property owner shall provide to the Department of Planning and Development such information as is required on forms provided by the Department. The information shall include the address of the property, the name and current address of the owner of the property, the owner's local agent or manager, and a current physical address where all correspondence is to be mailed. The information shall also contain a listing of current telephone numbers at which the owner and the owner's agent and manager can be reached and a response received within 48 hours. The owners or their representative of a property shall be available via telephone and shall designate an authorized local agent residing within 25 miles of the City of La Crosse corporate City limits

with the authority to take whatever actions are necessary with respect to the property and the VBRP.

- (3) There is no registration fee for the initial registration, and the first registration shall last for six months. Registrations shall be renewed every six months, and the owner shall pay a fee in the amount established by resolution for each registration renewal until the building is no longer required to register under this program. At the time of registration, if the property has not conformed to the building maintenance and security standards the registration fee will increase in the amount established by resolution.
- (4) If the property owner does not register and pay the fee at the time of registration, the City shall be recouped through a special assessment tax or charge.
- (5) An inspection will occur upon the initial registration and for all subsequent registrations to ensure that the property's interior and exterior are satisfactorily maintained and secured per section 103-372.
- (6) A KNOX-Box shall be installed on the exterior of the structure at the discretion of the Chief Inspector or Fire Department in order to gain nondestructive entry to the structure. The cost of the KNOX box and installation shall be the responsibility of the property owner. If a KNOX-box is required, an entry key shall be required prior to the inspection.
- (7) The owner will receive a letter stating whether or not the property is in compliance with the building maintenance and security standards. Within 30 days of the mailing of any notice of violation and order to correct, the owner shall be required to comply with the building maintenance and security standards. Window damage requires corrective action within seven days.
- (8) If the building is not brought into compliance with the order to correct within the time specified, The City or City's contractor shall take actions needed to bring the property up to maintenance and security standards.

- (9) The owner shall acquire or otherwise maintain liability insurance as specified in section 2-2.
(Code 1980, § 8.01(L)(5)(a)—(i))

Sec. 103-371. Inspection fee.

(a) An inspection fee in the amount established by resolution shall be paid at the time of each registration. The inspection will cover all exterior and interior elements of the property. The owner will be required to provide access to the interior of the building. If access is not obtained, for whatever reason, an inspection warrant for entry will be ordered.

(b) Re-inspection fee. If the property owner was sent an order to correct, a re-inspection will be required to ensure that the corrections were made. If the order to correct is not satisfied, re-inspections will continue every 30 days until the corrections are made. The fee schedule for re-inspections is as established by resolution.

(c) If the warrant for entry is not obtained prior to a re-inspection, the re-inspection(s) will commence for the external elements, and the re-inspection fee shall apply.

(d) If the property owner does not pay the inspection or re-inspection fee(s) by the time of an inspection, the City shall charge the fee as a lien to the property where it shall be recouped through a special assessment tax or charge.
(Code 1980, § 8.01(L)(6))

Sec. 103-372. Building maintenance and security standards.

The property includes the land, interior, and exterior of all condemned as unfit for human habitation, abandoned, or vacant buildings and the owner shall comply with the following standards:

- (1) All exterior doors, windows, and other openings shall be locked and secured at all times to prohibit entry by unauthorized persons. Broken windows shall be repaired within seven days of an order to correct. Boarded up doors and windows are not permitted under minimum maintenance standards; however, supplemental reinforcement measures may be taken at the City's discretion for properties with a history of illegal entry.
- (2) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs are weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with sections 103-332 and 103-336.
- (3) Maintain the yard and accessory structures such that they comply with section 103-336.
- (4) Remove all combustible waste, refuse, and vegetation; and remove all storage of personalty in compliance with this article.
- (5) If a vacant building has a fire protection system installed then that system shall be maintained and operational; otherwise, all service and utilities shall be discontinued to said dwelling. Fire protection and fire alarm systems shall be permitted to be removed from service at the direction of the Fire Department.
- (6) The Fire Department shall have the authority to require an inspection and test of any fire protection system or fire alarm system that has been out of service for 30 days or more before restored back to order.
- (7) The 2012 National Fire Protection Association (NFPA) fire codes are applicable to this program.
- (8) If the building is not brought into compliance with an order to correct within the time specified by the order to correct, as determined by the Chief Inspector, the City or City's contractor shall take actions needed to bring the property up to maintenance and security standards or demolish. The City shall charge the fees as a lien to the property where it shall be recouped through a special assessment tax or charge. The owner shall be responsible for all costs, fees and expenses incurred by the City in the City's enforcement of this division, including, but not limited to, building inspectors' fees, attorney's fees, cost of City officials' per diems and salaries, and the City's out-of-pocket expenses.
- (9) Property shall be maintained free of graffiti or similar markings.

(10) The owner shall do the necessary to avoid growth of mold or other obnoxious conditions.

(Code 1980, § 8.01(L)(7))

Sec. 103-373. Trespassing or illegal inhabitants.

Any person, who enters or inhabits a condemned, abandoned, or vacant residential, commercial or any other structure shall be penalized in accordance with section 103-365.

(Code 1980, § 8.01(L)(9))

Secs. 103-374—103-398. Reserved.

ARTICLE VIII. MANDATORY INSPECTION AND REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES

Sec. 103-399. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief Inspector means the Chief Inspector of the City of La Crosse.

Department means the City of La Crosse Division of Building and Inspections of the Planning and Development Department.

Dwelling means a building, or part of a building, which includes one or more distinct living units. The term "dwelling" excludes rest homes, convalescent homes, nursing homes, hospitals, assisted living centers, community based residential facilities, adult homes and other facilities licensed or certified by the Wisconsin Department of Health Services, hotels, motels, properties owned or operated by the City of La Crosse or its housing authority, or dormitories owned by a college or university.

Owner means any person who alone or jointly or severally with others is the recorded or beneficial owner or has legal or equitable title to any dwelling or dwelling unit, or has charge, care or control of any dwelling or dwelling unit as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

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

Proof of inspection means a written and signed statement prepared by the Chief Inspector of the Department after an inspection has been made pursuant to this article that the observable conditions of a dwelling or dwelling unit is in compliance with the provisions of this Code.

Rent means to lease, sublease, to let or to otherwise grant for consideration the right of a tenant to occupy a dwelling not owned by the tenant. To rent to a tenant includes any scheme or device, which does not provide for possession of the property by the true beneficial owner so that the property is an owner-occupied dwelling.

Sale, transfer or conveyance means to transfer any ownership interest in a dwelling except by mortgage or rent. The sale, transfer or conveyance shall be deemed to occur upon the transfer of an ownership interest, the recording of a land contract or the exercise of an option to purchase property.

Unit means any independently rented living space whose term of lease is 30 days or greater.
(Code 1980, § 8.06(B))

Sec. 103-400. Remedies and application of other provisions; penalty.

- (a) *Remedies.*
 - (1) The remedies provided in this article are not to be construed to be exclusive of any other remedy under this Code, and the Department may take further actions to ensure compliance with this article including, but not limited to, seeking injunctive relief or obtaining a special inspection warrant under Wis. Stat. § 66.0119.
 - (2) Nothing in this article limits, impairs, alters or extends the rights and remedies of persons in the relationship of landlord and tenant that exists under applicable law.
 - (3) Nothing in this article shall be construed to limit the authority of the Department to per-

form housing inspections in accordance with this Code or enforcing any other provision of State or federal law.

(b) *Penalty.*

- (1) Any owner failing to apply for a registration certificate for a dwelling or dwelling unit or who rents a dwelling or dwelling unit to another person after the registration certificate is revoked, suspended, non-renewed or expired, shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00 for the first violation; not less than \$500.00 nor more than \$2,000.00 for the second offense; and not less than \$750.00 nor more than \$3,000.00 for the third or subsequent offense. Each day that a violation continues to exist constitutes a separate offense.
- (2) An owner failing to comply with any other provisions of this article shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues to exist constitutes a separate offense.

(Code 1980, § 8.06(J), (K))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 103-401. Purpose.

This article is adopted for the purpose of preserving and promoting public health, safety, comfort, convenience, and general welfare and prosperity of the people of the City of La Crosse and its environs and for preserving and enhancing the general physical and aesthetic condition and monetary value of the real property and neighborhoods by establishing minimum housing and property maintenance standards for controlling and effecting the occupancy, use, maintenance and repair of all buildings and structures within the City of La Crosse which are operated, used, employed or utilized for the purpose of rental housing. It is recognized that there may now be, or, may in the future be, buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people and consti-

tute a public nuisance or blighting influence upon the neighborhood. The establishment and enforcement of minimum rental housing and property maintenance standards is necessary to preserve and promote the private and public interest. The purpose of this article is not to create or otherwise establish or designate any particular class or group of persons who will or should be protected or benefited by the terms of this article.

(Code 1980, § 8.06(A))

Sec. 103-402. Registration certificate required.

(a) No owner shall rent any dwelling unit to another person unless, at the time the dwelling unit is rented, the owner possesses a valid registration certificate issued by the City for the operation of that dwelling unit. Unless a dwelling unit has a valid registration certificate or a provisional registration certificate, no owner of a dwelling or dwelling unit shall permit any person to occupy the dwelling or dwelling unit as a tenant or otherwise.

(b) A registration certificate may be issued upon proof and compliance with the following:

- (1) Completion of an application for a registration certificate.
- (2) Issuance by the Department of a valid proof of inspection for a dwelling unit to be rented.
- (3) Payment of the fees as established by resolution. All fees are non-refundable and are not pro-rated for any partial registration year. If an owner filed a single family/Washburn registration under Ordinance Nos. 4764 and 4793 between the dates of July 1, 2013, through April 19, 2014, then those registrants will be able to receive a registration certificate under this article at an initial fee of zero dollars for the registration year of July 1, 2014, through June 30, 2015.

(c) Each registration certificate is valid from July 1 until the following June 30. Registration certificates are not transferable.

(d) Any person selling, transferring or conveying an ownership interest in a dwelling or dwelling unit shall expressly inform any person acquiring or receiving an ownership interest in a dwelling or dwelling

unit that a registration certificate is required by the City. This requirement does not apply to any lease agreement.

(e) The issuance of a registration certificate or proof of inspection does not warrant that the dwelling or dwelling unit to which it is issued is free of ordinance violations or otherwise fit for human habitation.

(f) A registration certificate may be denied if the owner of the dwelling or dwelling unit has:

- (1) Failed to provide all information required by the application form or has failed to sign the application form.
- (2) Has provided false or incorrect information on the application form.
- (3) Has refused to allow a Department representative to inspect the dwelling or dwelling unit or has failed to otherwise comply with the inspection provisions of section 103-404.
- (4) Has failed to comply with an order to correct any condition in the dwelling or dwelling unit which violates any provision of this Code.
- (5) Has failed to pay any delinquent charge.

(Code 1980, § 8.06(C); Ord. No. 4810, § VIII, 4-16-2014)

Sec. 103-403. Application.

(a) An application for a registration certificate shall be filed with the Department on forms provided by the Department within 30 days of July 1 and in the case of any sale, transfer or conveyance of a dwelling unit within 30 days of any such sale, transfer or conveyance. The application shall be signed by the owner and the owner shall provide all information requested on the form which will enable the Department to contact the owner, or at the option of the owner, an agent of the owner, including the street address of the dwelling or dwelling unit to be inspected and the owner's legal name and shall be accompanied by the fee required in this section.

(b) After review of the application and the past code violation history of a dwelling or dwelling unit and its owner, the Department may issue, at its discretion, a provisional registration certificate pend-

ing inspection and issuance of the proof of inspection and registration certificate as provided in this section.

(c) Any application filed after the time provided herein shall be assessed an additional late fee as established by resolution.

(Code 1980, § 8.06(D))

Sec. 103-404. Inspection.

(a) Upon receipt of an application and payment of the required fee, the Department will conduct an inspection of the dwelling or dwelling unit for compliance with the provisions of this Code. If a provisional registration certificate is not issued for a dwelling or dwelling unit, the Department shall make the inspection within 30 days of the date of the completed application unless another date is mutually agreed upon by the Department and owner.

(b) Appointments for inspections shall be scheduled by the Department. The Department shall provide notice of the time and date of the inspection by first class mail to the address provided in the application at least 21 days before the scheduled inspection date.

(c) The owner shall arrange for access to the dwelling or dwelling unit and all portions of the property affected by the rental of the dwelling or dwelling unit and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant. Failure to provide access to the property and dwelling or dwelling unit on the agreed inspection date will subject the owner to the fees as established by resolution and denial of the registration certificate.

(d) Except as otherwise provided by law (e.g., special inspection warrant), inspections shall not be conducted:

- (1) With a minor as the sole representative of the owner.
- (2) Against the will of the tenant without the owner or the owner's agent present.
- (3) Without prior notice to the tenant by the owner as required by state law or the lease agreement.
- (4) In an occupied dwelling unit without the owner or owner's agent or tenant being present.

(e) Any Code violations identified in the inspection for a registration certificate shall be abated within the time ordered by the Department.

(f) The first inspection of a newly constructed dwelling or dwelling unit intended for rent may be waived by the Chief Inspector of the Department for a period of up to five years after the issuance of the initial certificate of occupancy by the Department. Such waiver does not relieve the owner of any other obligations of this article or Code.
(Code 1980, § 8.06(E))

Sec. 103-405. Issuance of proof of inspection.

(a) After inspection, the Department shall issue a proof of inspection upon making a determination that the observable conditions of the dwelling or dwelling unit conform to the requirements of this Code. The proof of inspection shall specify the date of issuance, the address of the dwelling or dwelling unit to which it applies and the name of the owner. The proof of inspection is not transferrable. The proof of inspection does not grant the owner the privilege of renting the dwelling or dwelling unit for residential occupancy, but must be accompanied by a valid registration certificate. All violations of this Code shall be corrected prior to issuance of a proof of inspection.

(b) Except for dwellings and dwelling units currently registered under the City's mandatory inspection and registration program prior to the effective date of this ordinance April 20, 2014, a proof of inspection shall be valid for five years. For any dwelling or dwelling unit currently registered under the City's mandatory inspection and registration program prior to the effective date of this ordinance April 20, 2014, the Department shall issue an initial proof of inspection for the duration of the residue of the five year revolving inspection schedule applicable to said dwelling or dwelling unit. Notwithstanding, dwellings and dwelling units may be inspected again, including, without limitation, when a complaint is received, probable cause of substandard building, dwelling or dwelling unit exists, an inspection is requested by the owner, owner's agent, manager, or tenant, or randomly. If after issuance of a proof of inspection, the Department subsequently finds the dwelling or dwelling unit has conditions which affect safe, decent and sanitary living conditions of the

persons occupying a dwelling or dwelling unit or violate the provisions of the housing, plumbing, electrical, fire, or zoning code, the Department may revoke the proof of inspection.

(Code 1980, § 8.06(F))

Sec. 103-406. Waiver.

A waiver may be given from the provision of this article for the rental of a single-family residence that is to be rented on a one-time basis for a period of six months or less upon the written request of the owner to the Chief Inspector as may be approved by the Judiciary and Administration Committee and the Common Council in its sole discretion. Such single family residence continues to be subject to all other provisions of this Code including the housing, plumbing, electrical, fire and zoning codes.

(Code 1980, § 8.06(G))

Sec. 103-407. Revocation, suspension, or non-renewal of the registration certificate.

(a) The Chief Inspector of the Department may revoke, suspend, or non-renew a registration certificate for violations of this section, including:

- (1) Failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of this Code.
- (2) Revocation of the proof of inspection.
- (3) Fraud, misrepresentation, or false statement contained in the registration certificate application.
- (4) Failure to pay any fees required to be paid under this article.
- (5) Refusal to allow a Department representative to inspect the dwelling or dwelling unit, or other failure to comply with the inspection provisions of section 103-404.
- (6) Designation of the dwelling or dwelling unit as a chronic nuisance premises.

(b) No owner shall rent a dwelling or dwelling unit to another person after the registration certificate is revoked, suspended, or non-renewed. Upon revocation, suspension, or non-renewal of the registration

certificate, the Department shall immediately notify the tenant(s) of the affected dwelling unit that the owner does not have a registration certificate.

(c) Whenever an owner wishes to appeal the decision of the Chief Inspector of the Department to revoke, suspend, or non-renew a registration certificate the owner shall, within ten business days of the notice of revocation, suspension, or non-renewal, deliver to the City Clerk, a written objection, addressed to the Chair of the Judiciary and Administration Committee, stating specific reasons for contesting the decision. Upon receipt of the written objection, the matter will be placed on the agenda for the Judiciary and Administration Committee for a review hearing at the next regular meeting, unless the appeal is filed within 15 days of the next meeting in which case it shall be heard at the following meeting. The decision of the Judiciary and Administration Committee shall constitute a final decision. The City elects not to be bound by Wis. Stat. ch. 68, with respect to the administrative procedure in this regard.

(d) If the owner wishes to further contest the determination, the owner may, within 30 days of receiving the written decision of the Judiciary and Administration Committee, seek a review of the decision by certiorari.
(Code 1980, § 8.06(H))

Sec. 103-408. Reinstatement of the registration certificate.

Where a registration certificate was denied, revoked, or non-renewed for failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit which violates any provision of this Code, an owner may seek reinstatement of the registration certificate upon the filing of a new application for the dwelling or dwelling unit and payment of a reinstatement fee in addition to the application fee. Where a registration certificate was denied, revoked, or non-renewed for any reason other than failure to comply with an order of the Department to correct any condition in the dwelling or dwelling unit, the owner may not reapply for a registration certificate for 180 days from the date of the denial, revocation, or non-renewal. A registration certificate that has been suspended may be reinstated upon compliance with the requirements of the

Chief Inspector of the Department which formed the basis of the suspension and payment of the reinstatement fee.
(Code 1980, § 8.06(I))

Secs. 103-409—103-433. Reserved.

ARTICLE IX. MANDATORY INSPECTION STANDARDS AND ENFORCEMENT

Sec. 103-434. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building code means the City of La Crosse building, electrical, heating, ventilating and air conditioning, plumbing and fire codes as well as all other codes and references adopted therein.

Chief Inspector has the same meaning as section 103-399.

Department has the same meaning as section 103-399.

Dwelling has the same meaning as section 103-399.

Nuisance or *public nuisance* includes, without limitation, the following:

- (1) A building that, as a result of vandalism or any other reason, has deteriorated or is dilapidated or blighted to the extent that windows, doors or other openings, plumbing or heating fixtures, or facilities or appurtenances of the building are damaged, destroyed or removed so that the dwelling unit offends the aesthetic character of the neighborhood and produces blight or deterioration.
- (2) Any public nuisance known at common law, or in equity jurisprudence.
- (3) Any dwelling dangerous to human life or is detrimental to health.
- (4) Any dwelling unit that does not contain enough space for the occupants as otherwise required by this Code or which has insufficient ventilation, illumination, inade-

quate sewer or plumbing facilities for said dwelling unit and is not able to be occupied by human beings.

Owner has the same meaning as section 103-399.

Person has the same meaning as section 103-399.

Substandard building means all buildings used for purposes of human habitation, which do not conform to the minimum standards established by this article or where a condition exists that endangers the life, limb, health, safety or welfare of the public or occupants thereof.

Unit has the same meaning as section 103-399. (Code 1980, § 8.07(B))

Sec. 103-435. Penalty.

Any person failing to comply with any provision of this article shall be subject to a forfeiture of not less than \$500.00 nor more than \$1,000.00. Each day that a violation continues to exist constitutes a separate offense.

(Code 1980, § 8.07(J))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 103-436. Purpose.

This article is adopted for the purpose of preserving and promoting public health, safety, comfort, convenience, and general welfare and prosperity of the people of the City of La Crosse and its environs and for preserving and enhancing the general physical and aesthetic condition and monetary value of the real property and neighborhoods by establishing minimum housing and property maintenance standards for controlling and effecting the occupancy, use, maintenance and repair of all buildings and structures within the City of La Crosse which are operated, used, employed or utilized for the purpose of rental housing. It is recognized that there may now be, or, may in the future be, buildings, structures, yards or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating so as to constitute a menace to the health, safety, and general welfare of the people and consti-

tute a public nuisance or blighting influence upon the neighborhood. The establishment and enforcement of minimum rental housing and property maintenance standards is necessary to preserve and promote the private and public interest. The purpose of this article is not to create or otherwise establish or designate any particular class or group of persons who will or should be protected or benefited by the terms of this article.

(Code 1980, § 8.07(A))

Sec. 103-437. Prevailing regulations.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City existing on the effective date of the ordinance from which this article is derived, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of the ordinance from which this article is derived which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this article shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this article.

(Code 1980, § 8.07(I))

Sec. 103-438. Enforcement.

(a) *Authority.* The Planning and Development Department, Division of Building and Inspections is hereby authorized to enforce or cause the enforcement of all of the provisions of this article.

(b) *Responsibilities defined.*

(1) *Safe and sanitary maintenance required.* Buildings, structures and parts thereof shall be maintained in a safe and sanitary condition. The owner and/or the owner's designed agent shall be responsible for such maintenance. To determine compliance with this subsection, the building, structure or parts thereof may be reinspected.

(2) *Owner responsible for maintenance of owner's private and public areas.* Owners, in

addition to being solely responsible for maintaining buildings in a sound structural condition, shall be solely responsible for keeping that part of the building or premises, including any garages or outbuildings, which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

- (3) *Extermination of pests.* Owners shall, when required by this Code, health laws or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be solely responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

(c) *Substandard buildings.* Buildings, or portions thereof, that are determined to be a substandard building, as defined in this Code, constitute a public nuisance and shall be abated by repair, rehabilitation or razing and removal in accordance with this article or the statutes of the State of Wisconsin.

(d) *Interference.* No person shall prevent, resist or interfere with the Department or any employee thereof in the entering of any premises or the carrying out of their duties.

(e) *Notices and orders of the Department.*

- (1) *Commencement of proceedings.* When the Department has inspected a building and has determined that such building is a substandard building, the Department may commence proceedings to cause the repair, rehabilitation, vacation or razing and removal of the building.
- (2) *Notice and order.* The Department may issue a notice and Order to Correct Conditions of Premises directed to the owner of record of the building. The notice and order to correct conditions of premises shall contain the following:
- a. The street address and legal description sufficient for identification of the premises upon which the building is located.

- b. A statement that the Department has found the building to be a substandard building, with a brief and concise description of the conditions found to render the building substandard under the provisions of this Code.
- c. A statement of the action required to be taken.
- d. If the Department has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Chief Inspector shall determine is reasonable under all of the circumstances.
- e. If the Department has determined that the building or structure must be razed and removed, the order shall require that the building be vacated, all required permits be secured and that the razing and removal be completed within the time set forth in the condemnation order pursuant to State of Wisconsin Statutes.
- f. Statements advising that if any required repair or demolition work is not completed within the time specified, the Department may order the building vacated, razed and removed as conditions warrant through any available public agency or by contract or arrangement with private persons or firms with the cost of razing, removal and restoration of the site to an erosion free condition to be charged in full or in part against the real estate upon which the building is located, and if that cost is so charged it is a lien against the real estate and may be assessed and collected as a special tax.
- g. Statements advising that any person having any record title or legal interest in the building may appeal from the order to correct conditions of premises of the Department to the Building and

Housing Appeals Board provided the appeal is made in writing as provided in this article. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(f) *Order to vacate.*

- (1) The Department may order vacated any building declared to be a substandard building which is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants thereof.
- (2) Notice to vacate; posting and placarding order to vacate. Every order to vacate shall, in addition to being served, be posted in plain view at or upon each entrance of the building so ordered vacated along with a placard which shall be in substantially the following form:

DO NOT ENTER

THIS BUILDING MAY NOT BE USED FOR HUMAN HABITATION, OCCUPANCY OR USE

BY ORDER OF THE BUILDING AND INSPECTIONS DEPARTMENT CITY OF LA CROSSE, WISCONSIN

Removal or defacing this placard may subject you to a fine of up to \$1,000.00 or imprisonment, or both.

- (3) *Compliance.* Whenever such notice is posted, the Department shall include an order to correct conditions of premises specifying the conditions that necessitate the condemnation of the premises for human habitation, occupancy or use. No person shall remain in or shall enter upon any building that has been so posted, except that entry may be made to repair, demolish or remove such building after permission is first granted and all necessary permits are issued by the Department. No person shall deface or remove any such notice after it is posted unless or until so authorized by the Department.

(g) *Enforcement of the order of the Department or as modified by the Housing Appeals Board when there is no compliance.*

- (1) *Failure to obey order.* Whenever any order to correct conditions of premises made pursuant to this article has not been complied with because the person, to whom such order was directed has failed, neglected or refused to comply, the Department may initiate prosecution, or institute any appropriate action to abate such building as a public nuisance.
- (2) *Workmanship.* All repairs, maintenance work, alterations or installations shall be completed in a workman-like manner.
- (3) *Interference with repair or razing and removal work prohibited.* No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building that has been ordered repaired, vacated or razed and removed under the provisions of this article, or with any person to whom such building has been lawfully sold pursuant to the provisions of this article, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or razing and removing any such building pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.

(Code 1980, § 8.07(G))

Sec. 103-439. Appeal.

(a) Form of appeal. Any person subject to an order to repair building, structure, premises, or part thereof, pursuant to this article may appeal from any order to correct conditions of premises of the Department under this article by filing at the office of the Department a written appeal, if applicable, containing the following:

- (1) A heading in the words: "Before the Building and Housing Appeals Board of the City of La Crosse, Wisconsin."

- (2) A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal.
- (3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the order to correct conditions.
- (4) A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
- (5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- (6) The signatures of all parties named as appellants and their official mailing addresses.
- (7) A fee as established by resolution.

(b) Filing deadline. The appeal shall be filed within 20 days from the date of the service of such order or action of the Department provided, however, that if the building, structure, premises, or portion thereof, is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is so posted, that such appeal shall be filed within 20 days from the date of the service and posting of the order to vacate.

(c) Processing of appeal. Upon receipt of any appeal filed pursuant to this article and applicable fee, the Department shall present it at the next regular or special meeting of the Building and Housing Appeals Board provided that the materials are provided in a timely manner required by the City Clerk in order to satisfy statutory requirements for public notice of such appeal.

(d) Scheduling and noticing time for public hearing. As soon as practicable after receiving the written appeal, the Building and Housing Appeals Board shall fix a date, time and place for the hearing of the appeal by the Board.

(e) Reasonable dispatch and continuances. The Building and Housing Appeals Board shall proceed with reasonable dispatch to conclude any matter

before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives. The Board may grant continuances for good cause shown.

(f) Inspection of premises. The Building and Housing Appeals Board may inspect any building, structure, premises, or portion thereof, involved in the appeal during the course of the hearing, provided that:

- (1) Notice of such inspection shall be given to the parties before the inspection is made;
- (2) The parties are given an opportunity to be present during the inspection; and
- (3) The Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom.

(g) Scope of hearing on appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(h) Staying of order under appeal. Except for vacation orders, enforcement of any notice and order of the Department issued under this article shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

(i) Effect of failure to appeal. Failure of any person to file an appeal shall constitute a waiver of the right to adjudication of the order or to any portion thereof.

(j) The decision of the Building and Housing Appeals Board shall constitute a final decision. The City elects not to be bound by Wis. Stat. ch. 68 with respect to the administrative procedure in this regard.

(k) Any person aggrieved by the decision may, within 30 days after the filing of the decision in the office of the Building and Housing Appeals Board seek review of the decision by certiorari. (Code 1980, § 8.07(H))

Sec. 103-440. Responsibilities of owners and occupants.

Owners shall abate nuisances and maintain their property in accordance with the provisions of this Code even though an obligation may also be im-

posed on the occupants of the dwelling or dwelling unit. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining any shared or public area of the dwelling and premises thereof.

(Code 1980, § 8.07(C))

Sec. 103-441. Minimum housing, property maintenance and sanitary standards.

The minimum standards for basic equipment, lighting, ventilation, heating, electrical service, fire code violations, offenses involving public safety, property and street, alley and sidewalk issues required to protect and ensure the health and welfare of the people are referenced in this chapter; chapters 18; 30, article II, 32; 40; and 115; section 16-2 and all other sections of this Code as required to preserve and promote the private and public interest which shall be applied as required in the enforcement of this Code.

(Code 1980, § 8.07(D))

Sec. 103-442. Exits and miscellaneous requirements.

(a) *General.* Dwellings and dwelling units shall have access directly to the outside or to a common hallway or public corridor with egress to the outside. All dwellings and dwelling units shall be provided with exits as required by the Building Code. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, garage or similar areas.

(b) *Obstruction of egress.* Obstructions, including storage, shall not be placed in the required width of a means of egress, except for projections allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.

(c) *Escape windows and doors.* Sleeping rooms shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall be operable from the inside to provide a full clear opening without the use of separate tools or special knowledge and shall open directly onto a public way or a yard or court located on the same lot as the dwelling.

(d) *Parking.* Required off street parking shall be available at all times to the occupants of the dwelling. Required parking spaces shall not be rented or leased to non-occupants of the dwelling. If the required parking is in a garage, the garage space designated for required parking shall not be used for storage to the exclusion of a parked four-wheeled vehicle licensed for use on the road.

(Code 1980, § 8.07(E))

Sec. 103-443. Substandard buildings.

(a) *General.* Any dwelling, dwelling unit, or premises upon which the same is located, or portion thereof, in which there exists any condition that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof is hereby declared to be a substandard building.

(b) *Inadequate sanitation.* Dwellings, dwelling units, or portions thereof, shall be deemed to be a substandard building when they are unsanitary. Inadequate sanitation shall include, without limitation, the following:

- (1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling or dwelling unit.
- (2) Lack of, or improper, kitchen sink in a dwelling or dwelling unit.
- (3) Lack of hot and cold running water to plumbing fixtures in a dwelling or dwelling unit.
- (4) Lack of adequate heating facilities.
- (5) Lack of, or improper operation of, required ventilating equipment.
- (6) Lack of minimum amounts of natural light and ventilation required by this article.
- (7) Room and space dimensions less than required by this Code.
- (8) Lack of required electrical lighting.
- (9) Dampness of habitable rooms.
- (10) Infestation of insects, vermin or rodents.
- (11) General deterioration, dilapidation or improper maintenance.
- (12) Lack of connection to required sewage disposal system.

- (13) Lack of adequate garbage and rubbish storage and removal facilities.

(c) *Structural hazards.* Dwellings and dwelling units, or portions thereof, shall be deemed to be a substandard building when they contain structural hazards. Structural hazards shall include, without limitation, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated subflooring or finish flooring systems which were installed or have deteriorated such that they cannot support live and dead loads placed upon them.
- (3) Structural floor framing systems that sag, split or buckle due to defective, deteriorated or inadequate material and fail to transfer live and dead loads placed upon them safely to bearing points.
- (4) Structural framing members of bearing walls, partitions or other vertical supports that split, lean, list or buckle due to defective, deteriorated or inadequate material.
- (5) Structural framing members of roofs, ceilings or other horizontal framing members that sag, split or buckle due to defective, deteriorated or inadequate material and fail to transfer live and dead loads placed upon them safely to bearing points.
- (6) Fireplaces or chimneys that list bulge or settle due to defective material or deterioration.
- (7) Fireplaces or chimneys that are of insufficient design, condition, size or strength to transfer dead and live loads safely to bearing points.

(d) *Non-structural hazards.* Dwellings, dwelling units, or portions thereof, shall be deemed to be a substandard building when they contain a non-structural hazard. Non-structural hazards shall include, without limitation, the following:

- (1) *Hazardous electrical wiring.* Electrical wiring that was installed in violation of article requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in

effect or that has not been maintained in good condition or that is not being used in a safe manner.

- (2) *Hazardous plumbing.* Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures.
- (3) *Hazardous mechanical equipment.* Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition.
- (4) *Faulty weather protection hazard.* Faulty weather protection includes, without limitation, the following:
 - a. Deteriorated, crumbling or loose plaster.
 - b. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - d. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- (e) *Other substandard buildings designations.*
 - (1) *Fire hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the Chief Inspector or the Fire Chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be deemed a substandard building.

- (2) *Unapproved or improper use of construction materials.* The Chief Inspector may declare a building, or portion thereof, to be a substandard building due to improper application and installation of construction materials or the use and application of materials lacking a State of Wisconsin Building Material Approval.
- (3) *Hazardous, unsanitary premises.* The Chief Inspector may declare a building, the premises upon which the building is located, or portion thereof, to be a substandard building when it is found that an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on the premises constitute fire, health or safety hazards or a blight upon the neighborhood.
- (4) *Inadequate exits.* The Chief Inspector may declare a building, or portion thereof, to be a substandard building when an unsafe condition exists through an improper or inadequate provision or location of exits or exit width, or when any other conditions exist that the Chief Inspector deems as dangerous to human life.
- (5) *Inadequate fire protection or firefighting equipment.* Buildings, or portions thereof, shall be declared a substandard building when they are not provided with the fire-resistive construction smoke detectors or fire-extinguishing systems or equipment required by this article, except those buildings, or portions thereof, that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (6) *Illegal occupancy or use.* All buildings, or portions thereof, occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be declared to be a substandard building.

(Code 1980, § 8.07(F))

Chapter 104

RESERVED

Chapter 105

EROSION CONTROL*

Article I. In General

Secs. 105-1—105-18. Reserved.

Article II. Construction Sites

- Sec. 105-19. Definitions.
- Sec. 105-20. Penalties, enforcement officers and citations.
- Sec. 105-21. Authority.
- Sec. 105-22. Findings.
- Sec. 105-23. Purpose.
- Sec. 105-24. Applicability.
- Sec. 105-25. Administration.
- Sec. 105-26. Appeals.
- Sec. 105-27. Land disturbing activities subject to erosion control.
- Sec. 105-28. Application fees and issuance of permits.
- Sec. 105-29. Regulations of lands not otherwise subject to this article.
- Sec. 105-30. Standards and criteria.

*Cross reference—Erosion control during subdivision development, § 113-16.

ARTICLE I. IN GENERAL

Secs. 105-1—105-18. Reserved.

ARTICLE II. CONSTRUCTION SITES*

Sec. 105-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural land means the land used for the production of food and fiber, including, but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production and wild crop harvesting and includes lands for on-site structures necessary to carry out such activities.

Erosion means the detachment or movement of soils or rock fragments by water, wind, ice or gravity.

Excavation means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Existing grade means the vertical location of the existing ground surface prior to excavation or filling.

Fill means any act by which earth, sand, gravel, rock, construction rubble or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Land disturbing activities means any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including, but not limited to, removal of ground cover, grading, excavation and filling of land, except that the term shall not include such minor land disturbing activities as home gardens and repair and maintenance of private driveways. Additionally, this term does not include agricultural land uses.

Land occupier or *occupier of land* means any person who has a fee simple interest in the land

*State law reference—Construction site erosion control and stormwater management zoning, Wis. Stat. § 62.234.

either as sole owner, as a tenant in common or joint tenant or holds as a trustee, assignee, or holds as a land contract vendee.

Land treatment measures means structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.

Land user means those who use land, individually or collectively, as owners, operators, lessors, renters, or occupiers, who are providing a service that requires access or alterations of the land in order to perform the service, or by other arrangement which gives them the responsibility of private or public land use.

Parcel means all contiguous lands under the ownership or control of a land occupier or land user.

Percent slope means the grade of the land determined by the vertical rise or fall in feet per horizontal length in feet measured perpendicular to the existing land contour and expressed as a percentage.

Permit means the signed written statement issued under this article authorizing the applicant to engage in general land disturbing uses specified and for a specified period of time.

Permittee mean any person to whom a permit is issued under this article.

Plan means an erosion and sedimentation control plan. Said plan shall consist of a written or graphic description or condensation of written and graphic description approved by the Department of Planning and Development and City Engineer of methods for controlling sediment pollution from accelerated erosion on a development area and/or from erosion caused by accelerated runoff from a land disturbing activity.

Removal means cutting vegetation to the ground or stumps, complete extraction or killing by spraying.

Restricted development areas means areas with steep slopes existing at or greater than 30 percent.

Sediment means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity of ice, and has come to rest on the earth's surface at a different site.

Sedimentation means settling or deposition of sediment.

Soil loss means soil moved from a given site because of land disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.

Stop work order means a means of giving notice to the permittee that the Director of Planning and Development believes that the permittee has violated one or more provisions of this article. Notice is given both by posting upon the lands where the disturbing activity occurs and one or more copies of a poster by certified mail to the permittee at the address shown on the permit.

Storm frequency means the average period of time in which a storm of given duration and intensity can be expected to be equaled or exceeded, expressed in years. The 100-year recurrence interval storm, that storm having a one percent probability of being equaled or exceeded in any given year, is generally used for floodplain zoning regulation. Other commonly used storm events include the 50-year recurrence interval storm, that storm having a two percent probability of being equaled or exceeded in any given year, the ten-year recurrence interval storm, that storm having a ten percent probability of being equaled or exceeded in any given year, and the two-year recurrence interval storm, that storm having a 50 percent probability of being equaled or exceeded in any given year.

Stormwater drainage system means all facilities used for conducting stormwater to, through, or from a drainage area to the point of final outlet, including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets, pumping stations, grass waterways, detention basins, retention basins, sedimentation basins and sedimentation traps.

Structural measures means any works or improvement for land stabilization to prevent erosion, sediment or runoff which includes, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

Watercourse means any lake, pond, stream or other waters which are navigable under the laws of the State.

Work day means a calendar day, except Saturdays, Sundays and State recognized legal holidays, on which weather and other conditions not under the control of the contractor will permit construction operations to proceed with the normal working force. (Code 1980, § 14.29(C))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 105-20. Penalties, enforcement officers and citations.

(a) *Forfeiture*. Any person, either the owner or the occupant of the premises who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this article shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 plus the costs of prosecution for each violation. Each day that a violation exists or continues shall constitute a separate offense. The City may also seek an order to restore the property to the condition required by this article.

(b) *Injunction*. Compliance with the provisions of this article may also be enforced by injunction or equity action.

(c) *Performance of work by the City*. When the Director of Planning and Development determines that the holder of a permit issued pursuant to this article has failed to make any improvements or follow practices as approved in the plan, or has failed to comply with the time schedule as included in the plan, the Director of Planning and Development or a party designated by him may, after giving three working days' written notice to the permittee if noncompliance causes or could reasonably be expected to cause soil or sediment to be deposited on a public roadway, enter a stormwater drainage system, or be deposited on public or private property not owned by the permittee, enter upon the land and cause to be performed the work or other operations necessary to bring the condition of said lands into conformity with the requirements of the approved plan. The Director of Planning and Development shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses of performing this work shall be entered on the tax roll as a special assessment against the property and col-

lected with any other taxes levied thereon for the year in which the work is completed, pursuant to Wis. Stat. § 66.0703.

(d) *Enforcement officers and citations.* The following persons are hereby authorized to enforce the provisions of this article and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this article:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 14.29(l))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 105-21. Authority.

This article is adopted under the authority granted by Wis. Stat. § 62.234.
(Code 1980, § 14.29(A)(1))

Sec. 105-22. Findings.

The City finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and this City.
(Code 1980, § 14.29(A)(2))

Sec. 105-23. Purpose.

It is the purpose of this article to preserve the natural resources; to protect the quality of the waters of the State and the City; and to protect and promote the health; safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands.
(Code 1980, § 14.29(A)(3))

Sec. 105-24. Applicability.

This article shall apply to the use of lands within the incorporated boundaries of the City and the use of land subject to extraterritorial land division review pursuant to chapter 113. State funded or conducted construction is exempt from this article.
(Code 1980, § 14.29(A)(4))

Sec. 105-25. Administration.

(a) *Delegation of authority.* The Council herewith designates the Department of Planning and Development and the City Engineer to administer and enforce the provisions of this article under the direction of the Board of Public Works. The Director of Planning and Development may appoint assistants to aid in the performance of the Director's duties and may seek technical advice as needed from the La Crosse County Land Conservation Department as to the adequacy of any proposed plan and permit application submitted to the Director.

(b) *Administrative duties.* In the administration and enforcement of this article, the Department of Planning and Development shall perform the following duties:

- (1) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions and make a periodic permit activity report to the Board of Public Works.
- (2) Review all plans and permit applications received when accompanied with the necessary information and the appropriate fee and issue the permits required by section 105-28(a) in accordance with the procedure as set forth in this article, but only when the erosion and sedimentation will be controlled to meet the standards of section 105-30(e).
- (3) Investigate all complaints made to the application of this article.
- (4) Revoke any permit granted under this article if it is found that the holder of the permit has misrepresented any material fact in the permit application or plan; has failed to comply with the plan as originally approved or as modified in writing subsequently by the Department of Planning and Development; or has violated any of the other conditions of the permit as issued to the applicant.
- (5) Make periodic inspections of sites to verify implementation of approved erosion control plans and to enforce permit conditions.
- (6) Issue stop work orders for violations of approved erosion control plans not corrected within 24 hours of notification.

(c) *Other duties.* In the administration and enforcement of this article, the City Engineer shall perform the following duties:

- (1) The City Engineer shall perform all aspects of this article where the erosion control plan is prepared for all plats, subdivisions or certified survey maps, except the permit applications shall be reviewed by the Department of Planning and Development.

(d) *Inspection authority.* The Director of Planning and Development is authorized to enter upon any public or private lands affected by this article to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan, and after permit issuance to determine compliance with this article. If permission cannot be received from the land occupier or user, entry by the Director of Planning and Development shall be in accordance with Wis. Stat. § 66.0119.

(e) *Enforcement authority.* The Director of Planning and Development is authorized to post a stop work order upon land which has had a permit revoked or to post a stop work order upon land which is currently undergoing any land disturbing activity in violation of this article. The Director of Planning and Development shall supply a copy of each stop work order to the City Attorney. The order shall specify that the activity must be ceased or brought into compliance with this article within 24 hours. Any stop work order shall remain in effect until the land disturbing activity is brought into compliance with this article. The Director of Planning and Development is authorized to refer any violation of this article or of a stop work order issued pursuant to this article to the City Attorney for the commencement of further legal proceedings.
(Code 1980, § 14.29(G))

Sec. 105-26. Appeals.

(a) *Authority.* The City Board of Zoning Appeals shall:

- (1) Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Director of Planning and Development in administering this article.

- (2) Authorize, upon appeal in specific cases, such variances from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would cause an undue hardship.

(b) *Who may appeal.* Appeals may be made by any person aggrieved or by any officer, department or board of the City affected by the order, or requirement, decision or determination made by the Director of Planning and Development. Such appeals shall be filed with the Department of Planning and Development within 30 days after the date of the written notice of the decision or order of the Director of Planning and Development.
(Code 1980, § 14.29(H))

Sec. 105-27. Land disturbing activities subject to erosion control.

(a) *General requirement.* Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities; or who permits another person to do the same, on land subject to this section, shall be subject to the provisions of this article.

(b) *Land disturbing activities subject to erosion control.* Land disturbing activities or land development shall be subject to the erosion and sediment control provisions of this article if:

- (1) An area of 4,000 square feet or greater or 2,000 square feet if existing slopes of 20 percent or greater will be disturbed by excavation, grading, filling or other earth-moving activities, resulting in the loss or removal of protective ground cover, vegetation;
- (2) Excavation, fill or any combination thereof, will exceed 400 cubic yards;
- (3) Any watercourse or designated floodway is to be changed, enlarged or materials are removed or deposited within or adjacent to any stream or lake beds;
- (4) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, piping, wiring, waterlines, sanitary sewers or storm sewers, or similar structures will be laid, repaired, re-

placed or enlarged, if such use involves more than 300 linear feet of trenching or earth disturbance;

- (5) Any subdivision or minor land division as defined by chapter 113 which requires plat approval or any certified survey map created; or
- (6) Any other site as determined by the City where severe, actual or potential erosion problems may warrant action.

(Code 1980, § 14.29(B))

Sec. 105-28. Application fees and issuance of permits.

(a) *Land disturbance permit required.* Unless specifically excluded by this article, no land occupier or land user may undertake a land disturbing activity subject to this article without receiving a permit from the Department of Planning and Development prior to commencing the proposed activity. Each land occupier or land user desiring to undertake a regulated activity subject to this article shall submit to the Department of Planning and Development an application for a permit together with a fee. Exceptions to this requirement are as follows:

- (1) The owner and occupier of public lands are exempt from payment of any permit fees.
- (2) In lieu of an individual permit for each land-disturbing activity, subject to this article, an annual permit may be issued to public or private utilities and governmental units for a fee as shall be as established by resolution. The utility or government unit shall agree to adopt and follow a procedure for each land disturbing activity which meets all applicable standards contained in this article. Further, the permit shall stipulate that in the event a utility or governmental unit activity fails to meet the standard, the permit shall terminate and the utility or governmental unit shall be subject to the penalties of this article.
- (3) A permit fee shall be collected at the time the erosion control plan is submitted for review. The permit fee shall be as set forth in subsection (i) of this section. In addition, a surety bond as set forth in subsection (h) of this section is required.

(b) *No permits to violators.* Applicants having outstanding orders, notices or unpaid fees relative to this article or other ordinances enforced by the City shall not be issued any additional permits, prior to such orders, notices or fees being corrected and/or paid to the Planning and Development's satisfaction.

Exception: The Director of Planning and Development may issue permits to applicants with outstanding orders, notices or unpaid fees when the permit is required to comply with an outstanding order or notice.

(c) *Erosion control plan required.* Unless specifically exempted by this article, every applicant for a permit required by this article shall develop and submit a plan to control erosion and sedimentation which would result from the proposed activity. If the proposed land-disturbing activity involves less than one-half acre of land, the permit applicant may submit a simplified erosion control checklist plan on forms available from the Department of Planning and Development. An approved erosion control checklist plan, specifying those control devices and practices necessary to control erosion and signed by the permit applicant and the Director of Planning and Development, shall constitute the approved control plan.

(d) *Contents of the erosion control plan.* The control plan shall contain any such information which the Department of Planning and Development and City Engineer may need to determine soil erosion and sedimentation potential and control. The Department of Planning and Development and City Engineer may require the following, as well as any other information which, in his judgment, is needed to evaluate the control plan:

- (1) A map of the site at a scale adequate for proper interpretation but not smaller than one inch equals 20 feet for small parcels or one inch equals 100 feet for plats showing the location of the predominant soil types and the existing vegetative cover.
- (2) A topographic map at a scale adequate for proper interpretation but not smaller than one inch equals 20 feet for small parcels or one inch equals 100 feet for plats including enough of the contiguous properties to show existing on-site drainage patterns and water-courses that may affect or be affected by the

proposed development of the site. The site boundaries shall also be shown clearly on the map. All areas of slopes 30 percent or greater shall also be designated. Map shall include vertical contour intervals of two feet where slopes are less than 20 percent, ten feet where slopes are equal to or greater than 20 percent.

(3) A plan of the site at a scale adequate for proper interpretation but not smaller than one inch equals 20 feet for small parcels or one inch equals 100 feet for plats showing the following:

- a. The name, address, and telephone number of the land occupier, along with the name and telephone number of the party that can be contacted seven days per week, that will be responsible for maintaining erosion control structures from beginning to end of the project.
- b. The limits of natural floodplain(s) based on a 100-year recurrence interval flood, if any.
- c. A timing schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area of soil disturbing activity prior to the completion of effective measures for erosion and sediment control.
- d. Proposed topography of the site vertical contour intervals as indicated in subsection (d)(2) of this section and showing the following:
 - 1. Location of proposed land disturbing activity, proposed disturbance of protective cover, any proposed structural or nonstructural erosion control measure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
 - 2. Elevations, dimensions, locations of all proposed soil disturbing activities including where topsoil will

- be stockpiled so it will not contribute to erosion and sedimentation.
- 3. The finished grade, stated in feet horizontal to feet vertical, or cut and fill slopes.
- 4. The kinds of utilities and proposed areas of installation.
- 5. Proposed paved and covered areas in square feet or to scale on the plan map.
- 6. The type of proposed surface soil (upper six inches) on areas not covered by buildings or pavement. Description shall be in such terms as original surface soil, subsoil, sand, silt, clay or other.
- 7. Proposed kind of cover on areas not covered by buildings or pavement. Description shall be in such terms as lawn, turf grass, shrubbery, trees, forest cover, riprap, mulch or other.
- 8. Erosion matting type, seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- 9. Methods to prevent tracking of soil off the site of the land disturbing activity.
- 10. If materials are to be hauled off-site, the location where materials will be disposed, shall be indicated prior to starting work.
- 11. All easements and drainage channels (existing and proposed).
- 12. Methods to protect storm drain inlets from receiving sediment as well as frequency of cleaning during construction.
- 13. The area up-slope from the ten-foot offset line from all restricted development areas defined in sec-

tion 105-30(d)(10) shall be designated and shown as not being disturbed.

- e. Plans and hydraulic computations for all permanent or temporary sedimentation basins using a ten year, 24-hour storm. The method and frequency of maintenance shall be noted, and the use of security measures such as fencing shall be shown.

(e) *Review of Application.* The Department of Planning and Development shall receive all permit applications which are accompanied by either an erosion control plan, or an erosion control checklist plan, together with the appropriate fee. The City Engineer shall review all erosion control plans for plats, subdivisions, or certified survey maps. The Department of Planning and Development shall review all other erosion control plans. The Director of Planning and Development and City Engineer shall determine if measures included in the plan to control erosion, and sedimentation during and after the land disturbing activities are adequate to meet all the applicable standards as set out in section 105-30(e). The Director of Planning and Development and City Engineer shall inform the applicant in writing within ten days of receipt of said plan whether they approve, approve conditionally with modifications, or disapprove the erosion control plan. If the Director of Planning and Development and City Engineer approve the control plan, the Department of Planning and Development shall issue the permit. If additional information or modifications are required, the Director of Planning and Development shall so notify the applicant. In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the Director of Planning and Development's and City Engineer's decision as provided in section 105-26. If the Director of Planning and Development and City Engineer require modification of the erosion control plan, the applicant must modify the permit application and control plan accordingly and reapply for the permit; however, no additional permit fee is required, or the applicant may appeal the decision as provided in section 105-26.

(f) *Permit conditions.* All permits issued under this article shall be issued subject to the following conditions and requirements, and any permittee who

begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:

- (1) That all land disturbances, construction and development will be done pursuant to the erosion control plan as approved by the Department of Planning and Development and City Engineer.
- (2) That all erosion control measures as approved in the plan shall be installed prior to site disturbing activities or approved phased schedules. After all erosion control measures have been installed the permittee shall give at least two working days written notice to the Department of Planning and Development. The measures must be inspected by the Department of Planning and Development prior to the start of any land disturbing activity.
- (3) That the permittee shall file written notice of completion of all land disturbing activities and/or the completion of installation of all on-site sedimentation facilities within ten days after completion.
- (4) That approval in writing must be obtained from the Director of Planning and Development of designee prior to any modifications to the approved erosion control plan.
- (5) That the permittee will be responsible for maintaining all public rights-of-way, streets, runoff and drainage systems and drainageways as specified in the approved erosion control plan until they are accepted and become the responsibility of the City.
- (6) That the permittee will be responsible for repairing any damage at his expense to all adjoining streets, waterways and properties caused by excessive sedimentation resulting from activities which are not in compliance with the approved erosion control plan.
- (7) That the permittee must provide and install at his expense all drainage and erosion control improvements required by this article and the approved erosion control plan.

- (8) That no work will be done on the site during periods of high wind velocity unless provision has been made to eliminate dust and blowing dirt.
- (9) That no portion of the land which undergoes the land disturbing activity will be allowed to remain uncovered for greater than one week after notice is given to the Department of Planning and Development that the land disturbing activity is completed.
- (10) That the permittee agrees to permit the Chief Inspector to enter onto the land regulated under this article for the purpose of inspecting for compliance with the approved control plan and permit. Site inspections shall be conducted by Department of Planning and Development at least weekly and within 24 hours after the occurrence of a one-half inch rain fall.
- (11) That the permittee authorizes the Department of Planning and Development to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the Director of Planning and Development and City Engineer and further consents to the City placing the total of the costs and expenses of such work and operations upon the tax roll as a special assessment against the property.
- (12) The recipient of a permit agrees to indemnify and hold harmless the City of La Crosse, its employees, agents or officers from any cost, suit, liability or award which might come or be brought or assessed because of any adverse effect upon any person or property attributed to a partially or entirely completed project of the applicant.

(g) *Permit duration.* Permits issued under this article shall be valid for a period of one year from issuance, and all work must be completed prior to the expiration date of the permit. The Department of Planning and Development is authorized to extend the expiration date of the permit up to an additional one year if such an extension will not cause an increase in erosion, sedimentation or runoff. In no case shall any permit be issued for more than a two-year period. The Department of Planning and

Development is further authorized to approve modification of the plans, if necessary, to prevent any increase in sedimentation, erosion or runoff resulting from any extension.

(h) *Surety bond.* As a condition for approval and issuance of any permit required by this article, the Department of Planning and Development shall, on construction sites equal to or greater than 20 percent, require the permittee to provide adequate security, an irrevocable letter of credit or permit bond in an amount specified in section 2-3 to guarantee the faithful execution of the approved control plan and permit conditions.

(i) *Permit fee.* The permit fee for areas disturbed shall be as established by resolution. Annual permits may be obtained for installation of public or private utilities at an annual fee in the amount established by resolution.

(Code 1980, § 14.29(F))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 105-29. Regulations of lands not otherwise subject to this article.

Notwithstanding any other provisions of this article, it shall be a violation of this article for any condition to be established, maintained or allowed to be maintained, that results in excessive erosion or transport of sediment to adjacent land, public streets or water bodies. Penalties and remedies may be sought for such activities as provided in section 113-2. Erosion is excessive when, contrary to the standards set forth in section 105-30, an unsafe condition results in the streets; undue sedimentation occurs in lakes, streams and drainage facilities; erosion endangers downstream property owners or their property; or the public health and safety or general welfare of the citizens of the City is harmed or endangered.

(Code 1980, § 14.29(D))

Sec. 105-30. Standards and criteria.

(a) *Effect of compliance.* Compliance with the standards and criteria of this article shall not bar a nuisance action or other civil action brought by any injured public or private party for damage to property upon which the erosion directly occurred or to property or other rights which were damaged by erosion or sedimentation.

(b) *Standard for erosion and sediment control for land disturbing activities.* The Department of Planning and Development and City Engineer shall not approve plans nor shall the Department of Planning and Development issue permits required by this article for land disturbing activities unless said plans are in accordance with established specifications, including, but not limited to the Wisconsin Construction Site Best Management Practice Handbook.

(c) *Standard for tracking.* For plan approval and issuance of a permit, there must be adequate provision to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street.

(d) *Design criteria, engineering standards and general principles.* All control measures required to comply with this article shall meet the most recent design criteria, standards and specifications contained within the Wisconsin Construction Site Best Management Practice Handbook. The applicant for a permit may employ other control measures if they will accomplish the objectives of this article and are approved by the Department of Planning and Development and City Engineer. The following general principles shall be used by the Department of Planning and Development and City Engineer when evaluating erosion control plans and granting permits under this article:

- (1) Erosion control plans shall incorporate best management practices to reduce soil loss during construction.
- (2) No large scale excavation with the exception of water and sewer lines, shall be made where the excavation shall leave the site devoid of cover vegetation after November 15. All disturbed area not seeded by September 15 of each year shall be sodded, or controlled by the use of erosion matting or other approved method. Dormant seeding may not be used on slopes greater than six percent or adjacent to streams, lakes or channels. Dormant seeding requires additional seeding in the spring. All restoration of topsoil and/or revegetation must be completed by September 15 in order that the seeding is effective before winter. The City Engineer and Department of Planning and Development shall have the authority to waive

revegetation requirements in no set circumstances in which they determine that revegetation is not necessary to meet the purposes of this article. If it is determined that delays have occurred due to an act of God and topsoil spreading and revegetation is impossible, then the contractor/developer is required to take appropriate action to eliminate erosion while the site remains uncovered.

- (3) Temporary vegetation, mulching or other cover shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- (4) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- (5) Natural plant covering shall be retained and protected to the extent practicable and shall be deemed a dominant factor in developing the site.
- (6) Sediment basins (where required) shall be constructed and maintained to trap and remove and prevent sediment and debris from being washed outside the area of land disturbance. Basins shall be designed and constructed for a ten-year, 24-hour storm (4.3 inches) in accordance with accepted design standards, as approved by the City Engineer. Sediment basins intended to serve additional functions such as runoff volume control shall be subject to additional requirements and standards elsewhere in City codes, as applicable. Maintenance shall be the responsibility of the applicant until such time that the basin is transferred to and accepted by the City or homeowners association in writing. The sediment basins shall be readily accessible, via easement or dedicated access, for ease of maintenance if dedicated to the City.
- (7) Each site shall have roads, access drives and parking areas of sufficient width and length to minimize sediment tracking onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, not flushing, before the end of each workday.

- (8) All storm drain inlets shall be protected with straw bales, filter fabric, or equivalent barriers upon completion of the inlet and until the site has been stabilized.
- (9) Site erosion control shall be attained by the following:
- a. All site developments and land disturbance activities shall be planned and implemented to best fit the terrain, minimize exposed area, retain as much existing vegetation as possible.
 - b. With the exception of those areas identified in the control plan, all disturbed ground not established to final grade within 14 days of the initial land disturbance, or left inactive for 14 days shall be stabilized by temporary or permanent seeding, sodding or equivalent control measures. Seeding should be completed within 24 hours of final grading. In areas determined to be environmentally sensitive because of steep slope, authority is granted to require immediate revegetation and erosion control measures. If temporary seeding is used, a permanent cover shall also be used as part of final site stabilization.
 - c. Runoff from areas adjacent to the site shall be diverted around disturbed areas where possible.
 - d. All land disturbance activities on the site shall be conducted in a logical sequence in accordance with the control plan to minimize the area of bare soil exposed at one time.
 - e. Cuts and fills shall be planned and constructed to minimize the length and steepness of slopes.
 - f. Channels and other concentrated flow areas shall be properly designed and constructed to control runoff within and from the site in a manner that will not erode the conveyance and receiving channel.
 - g. Sediment shall be contained on-site through the use of filter fabric fences, straw bale fences, sediment basins, or other methods approved by acceptance of the erosion control plan by the Department of Planning and Development.
 - h. Earth storage piles should be located no closer than 25 feet from drainage channels or roadways and no closer than 100 feet from perennial waters or wetlands.
 - i. Earth storage piles located closer than 25 feet to a roadway or drainage channel or located closer than 100 feet to perennial waters and wetlands shall require silt fences or other suitable means if left more than five days. Earth storage piles located on slopes of 12 percent or greater shall meet the requirements of subsection (d)(9)b of this section or runoff shall be contained within a silt fence or other approved measure.
- (10) Areas with natural existing slope at or greater than 30 percent are restricted development areas. No land disturbance activities shall occur within ten feet of these areas except for access roads or installation of utilities to building sites of less than 30 percent slope, or where slopes 30 percent or greater are less than 4,000 noncontiguous square feet in area. If encroachment into a restricted development area occurs for any of the exceptions indicated, adequate erosion control measures shall be installed as soon as practical. These areas shall be stabilized and not remain exposed without adequate erosion control measures in place.
- To preserve restricted development areas, a ten-foot offset line shall be established from where the slope becomes 30 percent. The lot owner or developer shall have the ten-foot offset slope line staked at the site to adequately indicate the restricted areas. No land shall be disturbed or permits issued until these slope stakes are verified for accuracy by the City. Slope stakes shall remain until all disturbed areas on the lot or plat have been permanently stabilized.

(e) *Construction standards.* All work performed under this article shall comply with the applicable sections of the Wisconsin Construction Site Best Management Practice Handbook.
(Code 1980, § 14.29(E))

Chapter 106

RESERVED

Chapter 107

MOBILE HOMES AND MOBILE HOME PARKS*

Article I. In General

- Sec. 107-1. Definitions.
- Sec. 107-2. Penalties, enforcement officers and citations.
- Sec. 107-3. Interference with enforcement.
- Sec. 107-4. Location outside camps.
- Sec. 107-5. Monthly parking permit fee.
- Sec. 107-6. Fee on mobile homes on foundations.
- Secs. 107-7—107-30. Reserved.

Article II. Mobile Home Parks

- Sec. 107-31. License for mobile home park; application and issuance.
- Sec. 107-32. Inspection and enforcement.
- Sec. 107-33. Location.
- Sec. 107-34. Park plan.
- Sec. 107-35. Water supply.
- Sec. 107-36. Service building and accommodations.
- Sec. 107-37. Waste and garbage disposal.
- Sec. 107-38. State Board of Health regulations.
- Sec. 107-39. Management.
- Sec. 107-40. Applicability of plumbing, electrical and building codes.

*State law reference—Manufactured homes and mobile homes, Wis. Stat. § 101.91.

ARTICLE I. IN GENERAL

Sec. 107-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dependent mobile home means a mobile home which does not have complete bathroom facilities.

Licensee means any person licensed to operate and maintain a mobile home park under this chapter.

Mobile home means a home that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.

Mobile home park means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Nondependent mobile home means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking and heating appliances and complete year round facilities.

Park means mobile home park.

Space means a plot of ground within a mobile home park of not less than 1,500 square feet and a width of not less than 20 feet, designed for the accommodation of one auto and/or one mobile home unit.

Unit means a mobile home unit.
(Code 1980, § 20.11(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 107-2. Penalties, enforcement officers and citations.

(a) Violations of this chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, are a Class C offense. In addition:

- (1) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.
- (3) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

(b) Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(c) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 20.35(B))

Sec. 107-3. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties.

(Code 1980, § 20.35(A))

Sec. 107-4. Location outside camps.

(a) Inhabited mobile homes may be placed, parked or kept within the City not to exceed 24 hours provided adequate water and toilet facilities are available to the occupants. No persons shall occupy any mobile home or premises which is situated outside an approved mobile home park after the first 24 hours of occupancy within the City, except to use a mobile home as a temporary office during a period of construction provided no person lives or sleeps in the mobile home, and except as the Health Department may grant permission to organizations or individuals to sponsor events within the City limits when sanitary facilities are made available on or contained within the mobile home.

(b) If the owner or operator of a mobile home removes or causes to be removed the wheels or any similar transporting device from said mobile home or otherwise permanently affixes it to the ground, such alteration shall constitute a conversion into a dwelling and it shall thereupon be subject to the requirements of other permanent dwellings under the codes of the City and the State.

(c) Notwithstanding any other provision in this section, inhabited, motorized, vacation homes or other vehicles used exclusively for recreational purposes may be placed, parked or kept within the City on private property, not to exceed seven days, from June 1 to August 31 of each year; provided adequate water and toilet facilities are available to the occupants.

(Code 1980, § 20.11(B))

Sec. 107-5. Monthly parking permit fee.

(a) In addition to the license fee provided in section 107-31(b), there is hereby imposed a mobile home parking permit fee in accordance with Wis. Stat. § 66.0435(3)(c) which is hereby adopted by reference and made a part of this chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Director of Finance/Treasurer such parking permit fees on or before the tenth day of the month following the month for which such fees are due in accordance

with the terms of this chapter and such regulations as the Director of Finance/Treasurer may reasonably promulgate.

(b) Within five days of the occurrence of any event outlined herein, and on forms provided by the Wisconsin Department of Revenue, the park operator shall provide information to the City Clerk and City Assessor on any and all:

- (1) Mobile homes that have been added to the park;
- (2) Mobile homes that have departed from the park;
- (3) Alterations or additions to mobile homes in the park; or
- (4) Transfers of ownership of mobile homes in the park.

(Code 1980, § 20.11(M))

State law reference—Limitation on penalty for failure to report, Wis. Stat. § 66.0435.

Sec. 107-6. Fee on mobile homes on foundations.

There is also imposed on each owner of an occupied mobile home which was permanently affixed to the ground and not located within a mobile home park, the same monthly fee as prescribed in section 107-5, payable to the Director of Finance/Purchase by such owner before the tenth day of the following month. In the event the owner is delinquent in payment of such fees, the Director of Finance/Purchase may collect such delinquent fees from either the owner of the land on which it stands or the occupant of the mobile home. Interest on delinquent fees shall accrue at the same rate as on delinquent taxes, and the Director of Finance/Purchase shall have all remedies for collection of such fees as are provided him by statute for the collection of taxes.

(Code 1980, § 20.11(N))

Secs. 107-7—107-30. Reserved.**ARTICLE II. MOBILE HOME PARKS*****Sec. 107-31. License for mobile home park; application and issuance.**

(a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned,

***Cross reference**—Businesses, ch. 10.

State law reference—Manufactured and mobile home communities, Wis. Stat. § 66.0435.

leased or controlled by him, a mobile home park within the limits of the City without having first secured a license. The license year shall be from July 1 to June 30 following and may be renewed under the provisions of this article for additional periods of one year.

(b) The application for such license or the renewal thereof shall be filed with the City Clerk and shall be accompanied by a fee in the amount established by resolution. A fee in the amount established by resolution shall be paid for each transfer of a license. Any person not filing or submitting the application for any permit or license provided for under this article in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(c) Accompanying and to be filed with an original application for mobile home park shall be plans and specifications which shall be in compliance with all applicable City ordinances and provisions of the Wisconsin Department of Safety and Professional Services. The City Clerk, after approval of the application by the Common Council and upon completion of the work according to the plans, shall issue the license. The application for a license shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by the Clerk to construct or maintain the mobile home park and make the application), and such a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:

- (1) The extent and area used for park purposes;
- (2) Roadways and driveways;
- (3) Location of units for mobile homes;
- (4) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units;

- (5) Method and plan of sewage disposal;
- (6) Method and plan of garbage disposal;
- (7) Plan for water supply;
- (8) Plan for electrical lighting of units;
- (9) If the existing or proposed park is designed to serve nondependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections. Upon application of any licensee and after approval by the Common Council and upon payment of the annual license fee, the City Clerk shall issue a certificate renewing the license for another license year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the City Clerk.

(d) Any license granted under the provisions of this article shall be subject to revocation or suspension in accordance with Wis. Stat. § 66.0435(2)(d), which is hereby adopted by reference.

(Code 1980, §§ 20.11(C), 25.02)

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

State law reference—Mobile home licenses, Wis. Stat. § 66.0435.

Sec. 107-32. Inspection and enforcement.

No mobile home park license shall be issued until the City Clerk shall notify the County Health Officer and Department of Planning and Development of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located or about to be located and to inspect the same and all accommodations connected therewith at any reasonable time.

(Code 1980, § 20.11(D))

Sec. 107-33. Location.

No occupied mobile home shall be located between the recognized set-back line and the street or highway nor less than ten feet from any building or other mobile home or from the boundary line of the premises on which located.

(Code 1980, § 20.11(E))

Sec. 107-34. Park plan.

(a) Every mobile home or mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home park or mobile home shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.

(b) Mobile home spaces shall be clearly defined and shall consist of a minimum of 1,500 square feet and a width of not less than 20 feet. The park shall be so arranged that all spaces shall face or abut on a driveway of not less than 20 feet in width, giving easy access from all units to a public street. Such driveway shall be graveled or paved and maintained in good condition, having natural drainage, be well lighted at night, and shall not be obstructed.

(c) The park shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.

(d) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse or not less than 30 amperes capacity, and a heavy duty outlet receptacle. Electrical outlets shall be weatherproof, and no power lines shall be less than 15 feet above ground.

(e) No mobile home unit shall be parked in a park outside of a designated space.

(Code 1980, § 20.11(F))

Sec. 107-35. Water supply.

(a) An adequate supply of pure water shall be run to each space on which is located a nondependent unit, and additional supply faucets shall be located

not more than 200 feet from any dependent mobile home for drinking and domestic purposes. Supply outlets may be located in the service buildings, if separate from toilet, shower and laundry rooms.

(b) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.

(c) Every mobile home park serving dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

(Code 1980, § 20.11(G))

Sec. 107-36. Service building and accommodations.

(a) Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks, and laundry facilities as required by this article, such buildings to be known as service buildings. Service buildings shall be located not more than 200 feet from any dependent unit space, nor closer than 15 feet from any mobile home space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.

(b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in ratio of one toilet for each eight dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall also contain one urinal for each sixteen dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets.

(c) Separate bathing facilities for each sex shall be provided, with one shower, enclosed in a compartment at least four feet square, for each eight dependent units or fractions thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least 12 square feet.

(d) Laundry facilities shall be provided in the ratio of one double tray unit and one conventional type washing machine, or one automatic washing machine, with electric outlets, for each eight units. Sufficient drying facilities shall be available.

(e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each sixteen dependent units.

(f) The above accommodations shall be based on the total park capacity according to accepted plans.

(g) Floors of toilets, showers, and the laundry shall be of concrete, ceramic tile, or similar material impervious to water and easily cleaned and pitched to a floor drain.

(Code 1980, § 20.11(H))

Sec. 107-37. Waste and garbage disposal.

(a) All liquid waste from toilets, showers, laundries, faucets, lavatories, etc., shall be discharged into the sewer.

(b) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with the State Plumbing Code. The sewer connections shall be provided with suitable fittings so that water-tight connections can be made. Such connections shall be so constructed so that they can be closed when not connected, and trapped in such a manner as to be maintained in an odor-free condition.

(c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed, and their use is hereby declared unlawful.

(d) Each faucet shall be equipped with facilities for drainage of waste and excess water.

(e) Every mobile home unit shall be provided with a substantial flytight, watertight, metal garbage depository from which the contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

(Code 1980, § 20.11(I))

Sec. 107-38. State Board of Health regulations.

Any regulations of the State Board of Health, now or hereafter in force, which are more stringent than the provisions of this article shall be complied with in all respects.

(Code 1980, § 20.11(J))

Sec. 107-39. Management.

(a) In every mobile home park there shall be located the office of the attendant or person in charge of said park. A copy of the park license and of this article shall at all times be kept in said office.

(b) It is hereby made the duty of the attendant or person in charge, together with the licensee, to:

- (1) Keep a register of all guests, to be open at all times to inspection by State, Federal, or City officers, which shall show for all guests:
 - a. Names and addresses.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure.
 - e. License numbers of all mobile homes and towing or other vehicles.
 - f. States issuing such licenses.
 - g. Purpose of stay in park.
 - h. Place of last location and length of stay.
 - i. Place of employment of each occupant.
- (2) Maintain the park in clean, orderly and sanitary conditions at all times.
- (3) Ensure that the provisions of this article are complied with and enforced, and report promptly to the proper authorities any violations of this article or any other violation of law which may come to their attention.
- (4) Report to the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.
- (5) Maintain in convenient places hand fire extinguishers in the ratio of one to each eight units.
- (6) Collect the monthly parking permit fee provided for in section 107-5. A book shall be kept showing the names of the persons paying said service charges and the amount paid.

(7) Prohibit the lighting of open fires on the premises.
(Code 1980, § 20.11(K))

Sec. 107-40. Applicability of plumbing, electrical and building codes.

All plumbing, electrical, building and other work on or at any park licensed under this article shall be in accordance with the ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this article grant no right to erect or repair any structures, to do any plumbing work, or to do any electrical work.
(Code 1980, § 20.11(L))

Chapter 108

RESERVED

Chapter 109

SHORELAND-WETLAND ZONING*

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*Cross references—Environment and natural resources, ch. 16; zoning, ch. 115.

State law reference—Zoning of wetlands and shorelands, Wis. Stat. § 62.231.

ARTICLE I. IN GENERAL

Sec. 109-1. Title.

This chapter shall be known as the "Shoreland-Wetland Zoning Ordinance for the City of La Crosse, Wisconsin."

(Code 1980, § 15.36(A)(4))

Sec. 109-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or building means a subordinate use or detached building, the use of which is purely incidental to that of the main building. An automobile trailer or other building on wheels or part thereof used as a temporary or permanent dwelling shall not be considered an accessory building or use.

Boathouse, as defined in Wis. Stat. § 30.121(1), means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.

Department means the Wisconsin Department of Natural Resources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Drainage system means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Environmental control facility means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace exist-

ing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Fixed houseboat, as defined in Wis. Stat. § 30.121(1), means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

Navigable waters means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Wis. Stat. § 281.31(2m), notwithstanding any other provision or law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 62.231 and Wis. Admin. Code ch. NR 117 do not apply to lands adjacent to farm drainage ditches if:

- (1) Such lands are not adjacent to a natural navigable stream or river;
- (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (3) Such lands are maintained in nonstructural agricultural use.

Ordinary high-water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Planning agency means the City Plan Commission created under Wis. Stat. § 62.23(1).

Regional flood means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a one percent

chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

Shoreland-wetland district means the zoning district, created in this shoreland-wetland zoning chapter, comprised of shorelands that are designated as wetlands of five acres or greater on the wetlands inventory maps which have been adopted and made a part of this chapter as described in section 109-32.

Shorelands means lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever is greater.

Unnecessary hardship means that circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

Variance means an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter.

Wetlands means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland alteration means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization-measures or dike and dam construction in a wetland area.

(Code 1980, § 15.36(H))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 109-3. Violations; penalties; enforcement officers and citations.

(a) Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of the ordinance from which this chapter is derived in violation of the provisions of this chapter, by any person, firm, association, corporation (including build-

ing contractors or their agents) shall be unlawful. The Department of Planning and Development shall refer violations to the City Attorney, who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$20.00 nor more than \$1,000.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the City, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30(2).

(b) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 15.36(6))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 109-4. Statutory authorization.

This chapter is adopted pursuant to the authorization in Wis. Stat. §§ 62.23, 62.231, 87.30, and 281.31(1).

(Code 1980, § 15.36(A)(1))

Sec. 109-5. Findings of fact.

Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the City would adversely affect the public health, safety, convenience, and general welfare, and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.

(Code 1980, § 15.36(A)(2))

Sec. 109-6. Purpose.

To promote the public health, safety and convenience, and general welfare, this chapter has been established to:

- (1) Maintain the flood and stormwater capacity of wetlands;
- (2) Prevent and control water pollution by filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
- (3) Protect fish spawning grounds, fish, aquatic life, and wildlife by preserving wetlands and other fish and aquatic habitat;
- (4) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (5) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth moving activities.

(Code 1980, § 15.36(A)(3))

Sec. 109-7. Compliance.

(a) The use of wetlands, and the alteration of wetlands within the shoreland area of the City, shall be in full compliance with the terms of this chapter and other applicable local, State, or Federal regulations. (However, see section 109-14 for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a land use and/or building permit unless otherwise expressly excluded by a provision of this chapter.

(b) Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.2022 applies. (Code 1980, § 15.36(B)(1), (B)(2))

Sec. 109-8. Abrogation and greater restrictions.

(a) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. § 62.23 or 87.30, which relate to shoreland-

wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(Code 1980, § 15.36(B)(3))

Sec. 109-9. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Wis. Admin. Code ch. NR 117 and where the chapter provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of the ordinance from which this chapter is derived or in effect on the date of the most recent text amendment to this chapter.

(Code 1980, § 15.36(B)(4))

Secs. 109-10—109-15. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 109-16. Generally.

The Department of Planning and Development is hereby appointed to administer the provisions of this chapter. The Department of Planning and Development shall exercise the following duties and powers:

- (1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.
- (2) Issue permits and inspect properties for compliance with this chapter and issue certificates of compliance when appropriate.
- (3) Keep records of all permits issued, inspections made, work approved and other official actions.

- (4) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
 - (5) Submit copies of decisions on variances appeals for a map or text interpretation, and map or text amendments within ten days after they are granted or denied, to the appropriate district office of the Department.
 - (6) Investigate and report violations of this chapter to the City Attorney.
- (Code 1980, § 15.36(E)(1))

Sec. 109-17. Land use and/or building permits.

(a) *When required.* Unless another section of this chapter specifically exempts certain types of development from this requirement, a land use and/or building permit shall be obtained from the Department of Planning and Development before any new development, as defined in section 109-2, or any change in the use of an existing building or structure is initiated.

(b) *Application.* Any application for a land use and/or building permit shall be made to the Department of Planning and Development upon forms furnished by the City and shall include, for the purpose of proper enforcement of these regulations, the following information:

- (1) *General information.*
 - a. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
 - b. Legal description of the property and a general description of the proposed use or development.
 - c. Whether or not a private water or sewage system is to be installed.
- (2) *Site development plan.* The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Dimensions and area of the lot;

- b. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- c. Location of any existing or proposed on-site sewage systems or private water supply systems;
- d. Location of the ordinary high-water mark of any abutting navigable waterways;
- e. Location and boundaries of all wetlands;
- f. Existing and proposed topographic and drainage features and vegetative cover;
- g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
- h. Location of existing or future access roads; and
- i. Specifications and dimensions for areas of proposed wetland alteration.

(c) *Expiration.* All permits issued under the authority of this chapter shall expire one year from the date of issuance.

(d) *Recording.* Where a land use and/or building permit is approved, an appropriate record shall be made by the Department of Planning and Development of the land use and structures permitted.

(e) *Revocation.* Where the conditions of a land use and/or building permit are violated, the permit shall be revoked.
(Code 1980, § 15.36(E)(2))

Sec. 109-18. Certificates of compliance.

(a) Except where no zoning/land use and/or building permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Department of Planning and Development, subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this chapter.

- (2) Application for such certificates shall be concurrent with the application for a land use and/or building permit.
- (3) The certificate of compliance shall be issued within ten days after the completion of the work specified in the land use and/or building permit, providing the building or premises or proposed use thereof conforms with all the provisions of this chapter.

(b) The Department of Planning and Development may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established therefore, by the Common Council.

(c) Upon written request from the owner, the Department of Planning and Development shall issue a certificate of compliance for any building or premises existing at the time of the adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.
(Code 1980, § 15.36(E)(3))

Sec. 109-19. Amendments.

(a) The Common Council may from time to time, alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of Wis. Stat. § 62.23(7)(d)2. and the following:

- (1) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five days of the submission of the proposed amendment to the City, and the appropriate district office of the Department shall be provided with written notice of the public hearing at least ten days prior to such hearing.
- (2) In order to ensure that the shoreland protection objectives in Wis. Stat. § 281.31(1) will be accomplished by the amendment, the Common Council shall not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a. Storm and floodwater storage capacity;

- b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d. Shoreline protection against soil erosion;
 - e. Fish spawning, breeding, nursery or feeding grounds;
 - f. Wildlife habitat; or
 - g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (3) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (a)(2) of this section, the Department shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.
 - (4) The appropriate district office of the Department shall be provided with written notice of the Common Council's action on the proposed text or map amendment within ten days after the action is taken.
 - (5) If the Department notifies the City in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (a)(2) of this section, that proposed amendment, if approved by the Common Council, may not become effective until more than 30 days have elapsed since written notice of the Common Council approval was mailed to the Department, as required by subsection (a)(4) of this section. If within the 30-day period the Department notifies the Common Council that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the City under Wis. Stat. § 62.231(6), the pro-

posed amendment may not become effective until the ordinance adoption procedure under Wis. Stat. § 62.231(6) is completed or otherwise terminated.

(Code 1980, § 15.36(F))

Sec. 109-20. Nonconforming structures and uses.

The lawful use of a structure, building or property, or its accessory use which existed prior to the adoption of the ordinance from which this chapter is derived and which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

- (1) Notwithstanding Wis. Stat. § 62.23(7)(h), the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this chapter adopted under Wis. Stat. § 62.231 or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under Wis. Stat. § 62.231(5). The provisions of Wis. Stat. § 62.23(7)(h) applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this chapter or amendment.
- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this chapter.
- (3) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this chapter adopted under Wis. Stat. § 62.231 may be continued although such use does not conform with the provisions of the chapter. However, such nonconforming use may not be extended.
- (4) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stat. § 30.121.
- (5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.
(Code 1980, § 15.36(D))

Secs. 109-21—109-31. Reserved.

ARTICLE III. SHORELAND-WETLAND ZONING DISTRICT

Sec. 109-32. Official shoreland-wetland zoning maps.

The following maps are hereby adopted and made a part of this chapter for the purpose of determining shoreland-wetland boundaries and are on file in the office of the Department of Planning and Development:

- (1) Wisconsin Wetland Inventory Map(s), dated April 7 and/or April 12, 1988, as amended June 10, 1993.
- (2) United States Geological Survey Maps (most recent version).
- (3) Flood Insurance Study, dated November 15, 1984.
- (4) Flood Plain Zoning Maps, dated May 15, 1985.

(Code 1980, § 15.36(C)(1))

Sec. 109-33. District boundaries.

(a) The shoreland-wetland zoning district includes all wetlands in the City which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this chapter in section 109-32 and which are:

- (1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the City shall be presumed to be navigable if they are listed in the Department publication Surface Water Resources of La Crosse County or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter in section 109-32.

- (2) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter. Floodplain zoning maps adopted in section 109-32 shall be used to determine the extent of floodplain areas.
- (3) Setbacks for building construction or land disturbances from all wetlands depicted on the Wetland Inventory Map shall be 50 feet.
- (4) The Wisconsin Wetland Inventory shows only the general location of wetlands. Precise delineation shall be made by the applicant for a land disturbance permit or approval of a development plan through the performance of a full field survey applying the standards of the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual. All permit applications for development in a Wetlands (W) District or on a tract containing or abutting a Wetlands (W) District shall be accompanied by a scaled drawing showing the wetland boundary. The applicant shall submit evidence documenting the results of the delineation and may make adjustments to it. The Zoning Administrator may waive the delineation requirement if the Administrator determines that a development will have no adverse impact.

(b) Determinations of navigability and ordinary high-water mark shall initially be made by the Department of Planning and Development. When questions arise, the Department of Planning and Development shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

(c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the time the maps were adopted, the Department of Planning and Development shall contact the appropriate district office of

the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If the Department staff concur with Department of Planning and Development that a particular area was incorrectly mapped as a wetland, the Department of Planning and Development shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Department of Planning and Development shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

(Code 1980, § 15.36(C)(2))

Sec. 109-34. Permitted uses.

The following uses are permitted subject to the provisions of Wis. Stat. chs. 30 and 31 and the provisions of other local, State and Federal laws, if applicable:

- (1) Activities and uses which do not require the issuance of a land use and/or building permit, provided that no wetland alteration occurs:
 - a. Hiking, fishing, trapping, swimming, snowmobiling and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruit and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The practice of silviculture, including the planting, thinning and harvesting of timber;
 - d. The pasturing of livestock;
 - e. The cultivation of agricultural crops; and
 - f. The construction and maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning/land use and/or building permit and which may involve wetland alterations only to the extent specifically provided below:
 - a. The maintenance and repair of existing drainage ditches, where permissi-

ble under Wis. Stat. § 30.20 or of other existing drainage systems (such as tiling) to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Wis. Stat. ch. 30 and that dredged spoil is placed on existing spoil banks where possible;

- b. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - c. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in section 109-13(a)(2); and
 - d. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which are allowed upon the issuance of a land use and/or building permit and which may include wetland alterations only to the extent specifically provided below:

- a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this section, provided that:
 - 1. The road cannot, as a practical matter, be located outside the wetland;
 - 2. The road is designed and constructed to minimize the adverse

impact upon the natural functions of the wetland listed in section 109-13(a)(2);

- 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
- b. The construction and maintenance of nonresidential buildings, provided that:
 - 1. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - 2. The building cannot, as a practical matter, be located outside the wetland;
 - 3. The building does not exceed 500 square feet in floor area; and
 - 4. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - 1. Any private development allowed under this subsection shall be used exclusively for the permitted purpose;
 - 2. Only limited filling and excavating necessary for the development of public boat launching ramps,

- swimming beaches or the construction of park shelters or similar structures is allowed;
3. The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meets the criteria in subsection (3)a of this section; and
 4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d. The construction and maintenance of electric and telephone transmission lines and water, gas and sewer distribution lines, railroad lines and related facilities, provided that:
1. The transmission and distribution lines, related facilities, and railroad lines cannot, as a practical matter, be located outside the wetland;
 2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in section 109-13(a)(2).

(Code 1980, § 15.36(C)(3))

Sec. 109-35. Prohibited uses.

(a) Any use not listed in section 109-34 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with section 109-13.

(b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(Code 1980, § 15.36(C)(4))

Chapter 110

RESERVED

Chapter 111

SIGNS*

Article I. In General

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- Sec. 111-3. Purpose.
- Sec. 111-4. Applicability.
- Sec. 111-5. Community value statements for on- and off-premises signs.
- Sec. 111-6. Computations and measurements.
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- Sec. 111-34. Nonconforming signs.
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Article III. Requirements for Specific Signs

- Sec. 111-78. Table 111-78; Summary of Sign Standards.
- Sec. 111-79. Awning signs.
- Sec. 111-80. Building markers.
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- Sec. 111-82. Canopy island signs.
- Sec. 111-83. Directional ground signs.
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- Sec. 111-85. Identification signs.
- Sec. 111-86. Incidental signs.
- Sec. 111-87. Institutional signs and campus and aggregate business property signs.
- Sec. 111-88. Marquee signs.
- Sec. 111-89. Off-premises signs, billboards and outdoor advertising signs.
- Sec. 111-90. Projecting and suspended signs.
- Sec. 111-91. Residential signs.
- Sec. 111-92. Residential entrance signs.
- Sec. 111-93. Temporary signs.
- Sec. 111-94. Wall signs.
- Sec. 111-95. On-premises electronic message unit signs.
- Sec. 111-96. Political and campaign signs.

*Cross reference—Buildings and building regulations, ch. 103.

ARTICLE I. IN GENERAL

Sec. 111-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign means any sign that is part of, or affixed to, a support structure shaped like the letter A.

Abandoned sign. A sign is abandoned or discontinued if for a period of three months or longer for off-premises advertising signs and 12 months or longer for on-premises signs it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair, provided that any period of involuntary discontinuance that occurs at the location adjacent to and during the period a highway is closed shall not be considered. A sign is considered abandoned if the name of the owner does not appear thereon and if the name and address of the current owner are not readily ascertainable from records on file with the Department of Planning and Development. The term "substantial repair" means repair greater than 50 percent of its value as determined by the City Assessor.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene or projects moving motion pictures, moving images, film, or videos.

Arts District means the area bounded on the west by the Mississippi River, on the north by the north property line of the La Crosse Center, on the east by the west line of Second Street, and on the south by the south line of King Street and extended to the Mississippi River.

Awning means, for purposes of this chapter, any rigid or nonrigid material such as metal, wood, plastic or fabric that projects from the exterior wall of a building and is supported by or attached to a frame and is not a canopy. The awning bottom must project more than 18 inches in a horizontal direction from the wall that the awning is attached to and must not exceed a vertical height two times its horizontal projection measurement or 72 inches, whichever is less.

Awning sign means a sign located on or attached to an awning. An "awning sign" awning is limited to ten linear feet or the length of the wall it is attached to, whichever is less, if the awning does not cover entrances, exits, windows, walkways or approved off-street pedestrian/vehicle service areas. Also, an "awning sign" awning is limited to ten linear feet between or beyond entrances, exits, windows, walkways or approved off-street pedestrian/vehicle service areas as long as its length does not go beyond the ends of the wall the awning is attached to except to be continuous to an awning on an adjacent wall that is within the guidelines above.

Banner means any sign of lightweight fabric or similar material that is not permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state or municipal flags are not considered banners.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Bench sign means any sign that is part of, or affixed to, a bench, including, but not limited to, a sidewalk bench, park bench, or a bench at a bus stop or railroad station.

Billboard. See *Off-premises sign*.

Blanketing means the obstruction of view of a sign caused by the placement of another sign.

Building marker means any sign identifying the name of the building to which it is attached, the date of the building's construction or other incidental information about the building or its historical significance. Building markers are cut into a masonry surface or made of bronze or other permanent material and permanently attached to an exterior building wall.

Building sign means any sign attached to any section of a building, as contrasted with a freestanding sign. Building signs include, but are not necessarily limited to, the following: banners, building markers, awning signs, identification signs, incidental signs, projecting signs, residential signs (some), roof signs, temporary signs, wall signs and window signs.

Canopy island sign means a sign attached to the canopy island (the roofed structure often found above gas pumps) of gas or filling stations.

Canopy sign means a sign attached to, painted on, or constructed on the face of a permanent roofed structure covering an area customarily used for pedestrian circulation.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, not including animated signs and time/temperature signs. A sign where the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign. A sign where the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a time/temperature sign and not a changeable copy sign.

Commercial message means any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Computer controlled electronic message signs mean signs with informational content that can be changed or altered by means of computer-driven electronic impulses. (See section 111-13, allowed sign types and characteristics.)

Construction sign means a temporary sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions or price ranges, that is placed at a construction site that has received development approval.

Cutout means an appendage that protrudes from the horizontal or vertical dimension of the billboard in excess of the maximum size.

Digital billboard means an off-premises advertising sign capable of displaying multiple messages controlled by electronic means.

Directional sign means a sign indicating only the name of a business or activity and the distance or directions to such business or activity. See *Off-premises sign*.

Directly illuminated signs means any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

Electronic billboard sign means any off-premises advertising sign that contains multiple or variable messages which are formed by using an electronic or digital display and are changed by any electronic process. See also *Electronic message unit sign*.

Electronic message unit sign means any on-premises, off-premises or portable sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. Electronic message unit signs are also known as electronic message units, EMUs, automatic changeable copy signs, dynamic display message signs, electronic variable message centers, electronic dynamic business signs, or video display signs.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government or political subdivision.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

Flexible face sign means a sign made of lightweight, flexible material that is supported on two or more sides by a permanently mounted frame.

Freestanding sign means a sign not attached to a building or structure other than its own support, supported by one or more columns, uprights or braces in or above the ground. Freestanding signs include ground-mounted monument signs, pylon signs and pole signs and enhanced ground signs.

Identification sign means a sign bearing the address of the premises and/or the name of its occupant but containing no logo and no commercial message.

Illuminated sign means any sign that has an artificial source of light whether internal or external that is used in order to make readable the sign's message, characters, letters, figures, designs or outlines and is illuminated by electric lights, digital displays, luminous tubes, liquid crystal display (LCD), LED, neon, or any other artificial means of light.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. No signs with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental signs.

Institutional sign means a sign bearing a message related to an institutional use, where such sign is located on the same premises as such use.

Institutional use means a school, religious institution, or other use operated by a public agency or nonprofit organization and permitted as a use in one or more residential zoning districts in the city. A day care facility shall be considered an institutional use regardless of ownership or operation.

Interactive sign means an electronic message unit or digital billboard that is capable of being interacted with, programmed or manipulated by a member of the public. An interactive sign includes signs that contain cameras capable of facial recognition, license plate recognition, use of QR Codes or suggest that anyone passing by the sign text a message to a number displayed on the sign. An interactive sign includes a Wi-Fi sign which is capable of communicating with personal portable wireless devices, such as cell phones, electronic navigation devices, wireless tablets, portable computers, by sending advertising or other messages to these devices.

Marquee means a multisided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface and/or soffit of an attached marquee may be illuminated by means of internal sources of light.

Merchandise display sign means a sign that is an integral part of a product display rack (also known as a "point-of-purchase sign"). (See section 111-13, allowed sign types and characteristics.)

Monument sign means a freestanding sign where the base of the sign structure is on the ground rather than attached to a pole or pylon that is attached to the ground. A monument sign or freestanding sign where the support structure of the sign is comprised or faced with materials other than metal poles or

pylons, and is architecturally compatible with the building design of the principal structure. The support structure shall not be less than one-third of the width of the sign (see section 111-6), and shall be a minimum of 12 inches in width.

Nits means an international system of units measuring a unit of luminance and applied to the brightness of electronic message unit sign.

Noncommercial message means any sign, wording, logo or other representation that directly or indirectly expresses, conveys, or calls attention to political, religious, social or other noncommercial information, sentiments, or beliefs, but not including incidental sign messages.

Nonconforming sign means a sign that was legally established but which no longer complies with the sign regulations of this chapter.

Off-premises sign means an advertising sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. An off-premises sign includes a static display sign and any digital, dynamic, or electronic message unit display.

Open house sign means signs used to advertise open house real estate events.

Operating modes for electronic message unit sign transitions.

Level 1: Segmented message static display only (message change with no transition).

Level 2: Static display with "fade" or "dissolve" transitions and frame effects that do not have the appearance of moving text or images.

Level 3: Static display with "travel" or "scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size or be revealed sequentially rather than all at once.

Level 4: Full animation, flashing and video.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable changeable copy sign means a portable sign (locally known as commander boards) that contains channels for letters for sign copy. A portable electronic message unit sign is also considered a portable changeable copy sign.

Portable sign means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Any signs attached to or painted on an inoperable or unlicensed vehicle or any sign attached to a vehicle that is parked for more than seven consecutive calendar days in a location conspicuously visible from a public street right-of-way shall be deemed a portable sign unless said vehicle is used in the normal day-to-day operations of the business. See also *Vehicle sign*.

Projecting sign means any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

Pylon sign means a freestanding sign mounted to a pole other than an incidental sign, off-premises, residential, residential entrance or temporary sign. A freestanding sign that is a high-profile sign is commonly known as a pylon sign. See *Freestanding sign*.

Real estate sign means a temporary sign advertising real property for sale or lease.

Residential entrance sign means a freestanding or wall sign located at the entrance of a residential subdivision or multifamily complex. Such signs provide only the name and/or location of the development.

Residential sign means any sign located on a lot containing residential uses that contains no commercial message.

Roof sign means a sign that is placed above or supported on the top of a building.

Roof sign, integral, means any sign erected and constructed as an integral or essential integral sec-

tion of a normal roof structure of any design, such that no section of the sign extends vertically above the highest portion of the roof and such that no section of the sign is separated from the rest of the roof by a space of more than six inches. See *Wall sign*.

Scenic corridor means all portions of the Great River Road within the City Limits, Lang Drive between La Crosse Street and Monitor Street, Wisconsin Highway 16 from Wisconsin Highway 157 to La Crosse Street/Losey Boulevard intersection, Gillette Street (CTH B) from State Highway 16 to Ranger Drive, Saint James Street/River Valley Drive to Palace Street and extended to State Highway 157 if constructed, State Highway 33 from the City Limits to 22nd Street, entry corridors as used in this chapter and 350 feet in radius from the beginning or endpoint of such scenic corridor or entry corridor.

Segmented message means a static display as provided in Operational Mode Level 1. A static or segmented message display changes with no transitions.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announces the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign face means the copy area portion of a sign or the entire area within a continuous perimeter enclosing the extreme limits of the sign. Structural members that are not an integral part of the display or not used as a background for the display shall not be included for the purpose of this definition.

Sign luminance means the average luminance or brightness of the sign as expressed in candelas per square meter (cd/sq.m.). See also *Nits*.

Spinner means any device consisting of light-weight vanes that are designed to revolve or attract attention in general. Also referred to as a "pinwheel."

Static display means a Level 1 Operations Mode for message transitions. A static display means messages that change with no transition.

Streamer means any fluttering or flexible material designed to move in the wind and attract attention.

Streamers are usually made of a lightweight plastic, fabric or other material and suspended from a rope, wire, or string, in a series.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary merchandise display sign means a sign depicting a product name or sale item that is not permanently attached to its supporting structure and which is intended to be displayed for a limited period of time.

Temporary sign means signs that are not used long-term and are not permanently mounted.

Temporary use/special event sign means a temporary sign used to promote a special event.

Time/temperature sign means any sign indicating the time and/or temperature. (See section 111-13, allowed sign types and characteristics.)

Vehicle sign. Any sign attached to or painted on an inoperable or unlicensed vehicle or any sign attached to a vehicle that is parked for more than seven consecutive calendar days in a location conspicuously visible from a public street right-of-way shall be deemed a portable sign unless said vehicle is used in the normal day-to-day operations of the business. See also *Portable sign*.

Vending machine sign means a sign that is attached to or a part of a vending machine.

Vision clearance means a triangular space at the street corner of a corner lot, or at the intersection of a public alley with a street, or within 15 feet of the point of intersection of a driveway in a front yard setback with a road right-of-way, or within 15 feet of the point of intersection of a driveway and an alley right-of-way unoccupied, except as otherwise specifically authorized. Such space shall be determined by measuring from the point of intersection of the street lot lines along each street lot line, or street lot line and alley line, as the case may be, the distance required for the district in which the lot is located, forming a triangle by striking an imaginary line between said points of measurement.

Wall sign means any sign attached parallel to, but within 18 inches of, a wall, painted on the wall surface, or erected and confined within the limits of an

outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Other types of building signs (e.g., awnings, building markers, identification signs, etc.) are not regulated as wall signs.

Window sign means any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. (Code 1980, § 20.25(B))

Sec. 111-2. Violations and enforcement.

(a) *Violations.* Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and by state law:

- (1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the site on which the sign is located;
- (2) To install, create, erect, or maintain any sign requiring a permit without such a permit;
- (3) To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter, or for which the sign permit has lapsed;
- (4) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portion of this chapter.

(b) *Penalty.*

- (1) Violations of this chapter are a Class C offense as provided in section 1-7. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.
- (2) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended by the officer or department issuing the same upon a hearing on notice.
- (3) Except as otherwise provided in this Code, any license or permit issued pursuant to this chapter may be suspended or revoked by the Council after allowing the licensee or permittee a hearing on notice.

- (4) Any license or permit issued pursuant to this chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

(c) *Additional remedies.* For temporary signs, portable signs or banners erected in violation of this chapter, including "open house" and real estate signs, the Department of Planning and Development shall be authorized to use other enforcement procedures of this Code when applicable or, where it is possible to do so without disturbing the peace, the Department of Planning and Development may physically remove any banner, temporary sign or portable sign placed in violation of this chapter.

(d) *Authorized personnel.* The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, §§ 20.25(M), 20.34(B), (C))

Sec. 111-3. Purpose.

The purpose of this chapter is to establish standards to safeguard life and property and promote and preserve public welfare and community aesthetics and to allow citizens to enjoy the natural scenic beauty within the City of La Crosse by the establishment of comprehensive standards, regulations and procedures governing the erection, use and display of devices serving as visual communications media. This chapter applies to the appearance, construction, location and maintenance of all signs, on-premises and off-premises, in the City of La Crosse. The regulations found in this chapter attempt to balance the need for signage with the impact of such signage by establishing standards related to the use, location and intensity of particular land uses. Additionally, the purposes of this chapter are to:

- (1) Permit the effective use of signs as a means of commercial and noncommercial communication;

- (2) maintain and enhance the ability of the City to attract sources of economic development and growth;
- (3) Maintain and enhance the ability of the City to preserve and protect special and unique natural and architectural features and historic landmarks;
- (4) Maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions caused by signs;
- (5) Minimize the possible adverse effects of signs on nearby public and private property;
- (6) Preserve property values within the City and allow signs appropriate to the character of each zoning district;
- (7) Enable the fair and consistent enforcement of these sign regulations;
- (8) Ensure that the constitutionally guaranteed right of free speech is protected.

(Code 1980, § 20.25(A)(1))

Sec. 111-4. Applicability.

The provisions contained in this chapter shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the City of La Crosse. Signs may be erected, placed, established, painted, created or maintained only in conformance with the provisions of this chapter.

(Code 1980, § 20.25(A)(2))

Sec. 111-5. Community value statements for on- and off-premises signs.

(a) *Safety values statement.* The La Crosse Community values the health and safety of residents and visitors and wishes to take proactive steps to limit potential safety issues regarding electronic signage, including potential distractions, location-specific safety, health and environment issues, and emergency messaging. The City of La Crosse finds and determines that unregulated signage contributes to public safety hazards and endangerment.

(b) *Aesthetic values statement.* The La Crosse Community places a high value on its unique natural beauty and historic character. The City of La Crosse finds and determines that unregulated signage contributes to a reduction of its unique natural, scenic and historic character and negatively impacts tourism and quality of life. Therefore, steps should be taken to safeguard the community in order to maintain and enhance its natural, scenic and historic qualities with regard to the physical attributes of signage.

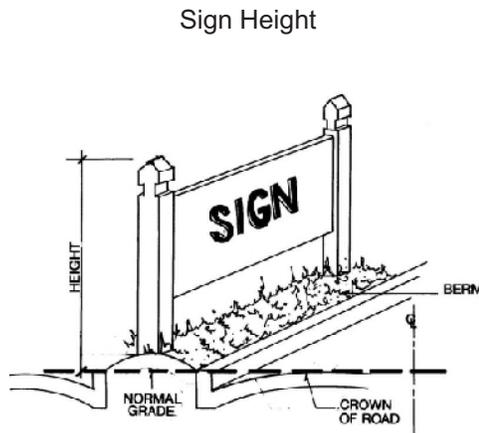
(c) *Neighborhood livability values statement.* The La Crosse Community wants to preserve, protect, and enhance the value of all property and the well-being of its citizens and visitors. This would include assuring protection from intrusive visual elements. The City of La Crosse finds and determines that unregulated signage contributes to a reduction of its unique natural, scenic and historic character and negatively impacts tourism and quality of life.

(d) *Business perspective values statement.* The La Crosse Community places a high value on business and its resultant tax base and jobs. Steps should be taken to enhance the City's economy, businesses and industry by promoting orderly and effective communication through signage, when appropriate. When properly regulated signs can be a useful means of communication for the convenience of the public.

(Code 1980, § 20.25(A)(3))

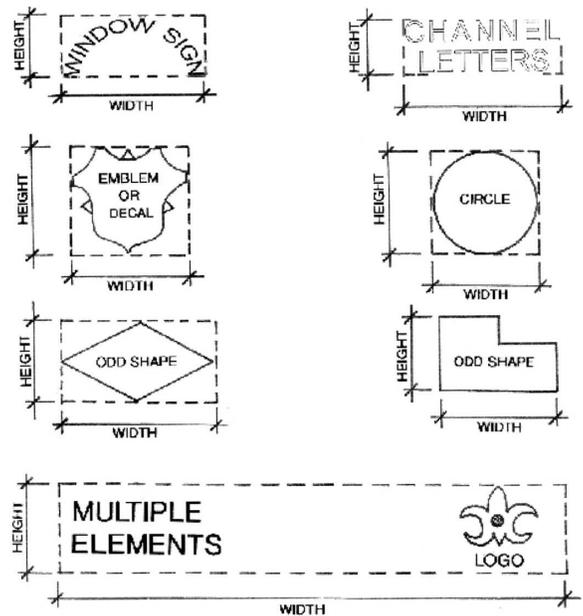
Sec. 111-6. Computations and measurements.

(a) *Sign area of individual signs.*



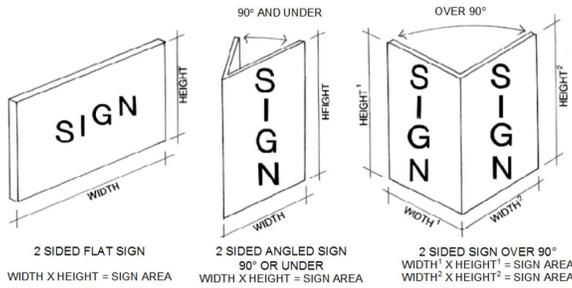
The area of a sign face or element (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral section of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such supporting device otherwise meets the regulations of this chapter and is clearly incidental to the display itself. The cumulative area of all sign elements of a sign structure shall constitute the total square footage. Appendages on the sign structure shall be measured by using the smallest rectangle encompassing the sign. In the event that a sign is shaped like an oval, circle, or triangle, the sign shall be measured based on its actual area, rather than measuring the area of the rectangle surrounding the sign. Irregular shaped signs that are not ovals, circles, or triangles shall be measured using the aforementioned rectangle method of measurement. The cumulative total of individual sign faces or elements; shall constitute the square footage of the sign structure.

Sign Area Measurement (1)



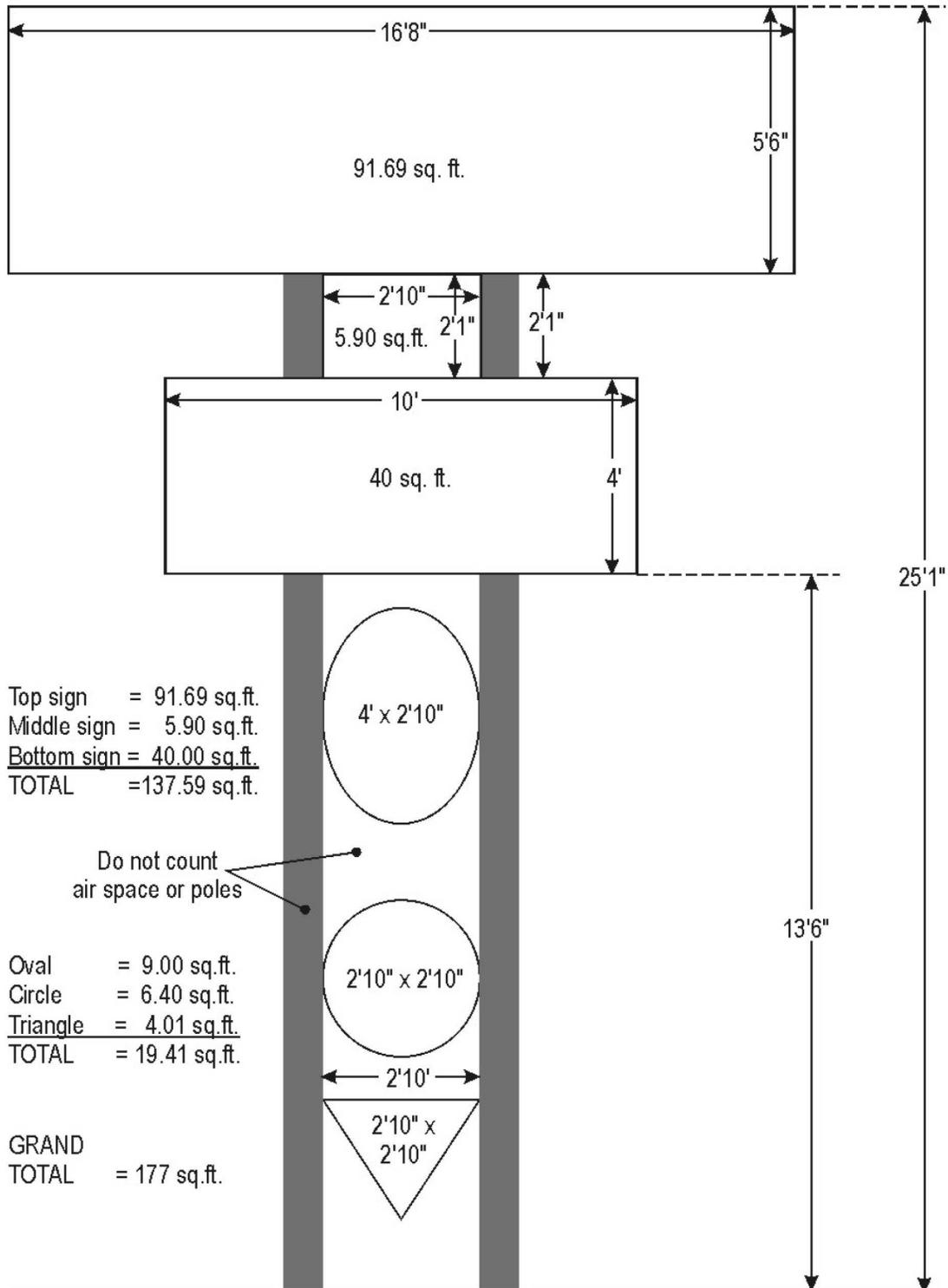
(b) *Area of double-faced and multiple-faced signs.* Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 90 degrees or less, only one display face shall be counted in computing the sign area. If the two faces of a double-faced sign are of unequal area, the area of the larger sign face shall be counted as the sign's area. In all other cases, the areas of all faces of a multifaced sign shall be added together to compute the area of the sign.

Multifaced Signs



(c) *Height.* The height of a sign shall be computed as the distance to the highest point of the sign or sign structure, measured from the base of the sign at normal grade. Normal grade shall be construed to be the lower of: existing grade prior to construction; or newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined or where the normal grade is below the grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.

Computed Height



(d) *Measuring distance.* Unless a different method of measurement is described in this chapter, distance shall be measured by commencing at the lot line where the sign is located and extending the radius and radii outward, excluding distances over public right-of-way.

(Code 1980, § 20.25(C), (P))

Sec. 111-7. Signs exempt from regulation.

The following signs shall be exempt from regulation under this chapter:

- (1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (2) Building number and address signs containing no commercial message;
- (3) Flags;
- (4) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure;
- (5) Name, occupation, and warning signs not to exceed two square feet located on the premises;
- (6) Signs inside of buildings that are not intended to be seen from a street or other private property;
- (7) Signs pertaining to candidates for public office or ballot issues or referenda shall be regulated in section 111-96;
- (8) Signs on municipally-owned vehicles;
- (9) Signs that are not oriented to or intended to be legible from a street or other private property;
- (10) Traffic control signs on private property, such as "Stop," "Yield," and similar signs, the faces of which contain no commercial message of any sort;
- (11) Works of art that do not contain any commercial message and are not intended to attract attention to the type of business or activity conducted on the premises;
- (12) On-premises signs on manufacturing structures or equipment in existence on Septem-

ber 21, 2003, depicting or displaying products that are made by said manufacturing business.

(Code 1980, § 20.25(E))

Sec. 111-8. Interference with enforcement.

No person shall prevent, resist or interfere with any of the officers or employees of the City in the entering of any premises or the carrying out of their duties.

(Code 1980, § 20.35(A))

Sec. 111-9. Sign erector's license and insurance.

(a) Persons and firms engaged in the business of erecting, repairing, maintaining, or relocating any sign, as defined herein, must obtain an erector's license and shall pay to the City for such license the fee established by resolution.

(b) Each licensee shall insure his operations with insurance provided in section 2-2.

(Code 1980, § 20.25(I))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 111-10. Substitution.

Subject to the property owner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this Code. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. The term "commercial speech" means any sign, wording, logo, or other representation advertising a business, profession, commodity, goods, services or entertainment for business purposes. The term "non-commercial speech" means any message that is not

commercial speech, including, without limitation, messages concerning political, religious, social, ideological, public service, and information topics.
(Code 1980, § 20.25(Q))

Sec. 111-11. Location.

(a) *Setbacks.* Unless otherwise expressly stated in this chapter, signs may be located in required setback areas, provided that no signs shall be allowed in side setbacks adjacent to residential zoning districts.

(b) *Vision triangles.* All signs shall be located so that they do not interfere with visibility at intersections or adversely affect pedestrian or traffic safety.

(c) *Vision clearance.* No structure or object of natural growth shall hereafter be maintained or allowed to grow higher in the vision clearance area than 36 inches above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists. This provision shall likewise apply to alley vision clearance areas.

- (1) The requirement of vision clearance shall not apply at a height of six feet or more above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists.
- (2) Sign supports and other objects of narrow width, which do not exceed ten inches in diameter, which do not impair corner vision, may, at the discretion of the Department of Planning and Development, be permitted in the vision clearance area.

(d) *Right-of-way.* All signs shall be located outside the public right-of-way, unless otherwise granted by the Board of Public Works.

(e) *Pedestrian area clearances.* When a sign extends over a sidewalk or other area accessible to pedestrians, the bottom of the sign structure must be at least nine feet above the ground.

(f) *Signs on fences/walls.* Signs painted on, attached to, or affixed to any fence/wall or other accessory structure shall not exceed the height of the

structure it is attached to or be visible from property other than the public street or the subject site (does not apply to incidental signs).
(Code 1980, § 20.25(D))

Cross reference—Street privilege permits, § 40-106 et seq.

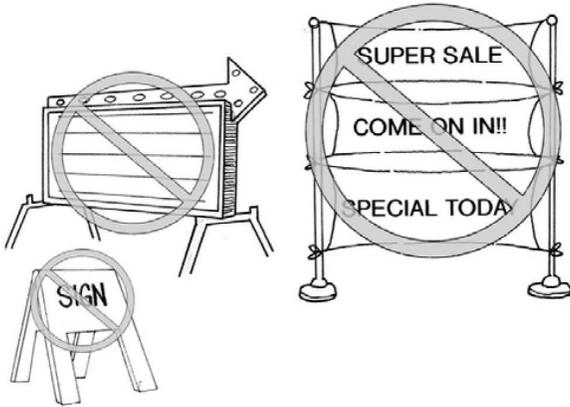
Sec. 111-12. Prohibited signs types.

The following signs and attention getting devices shall be prohibited:

- (1) A-frame signs except where permitted by the Board of Public Works.
- (2) Beacons or search lights.
- (3) Portable changeable copy signs including, without limitation:
 - a. Those known locally as "commander boards"; and
 - b. Portable electronic message unit signs.

A digital portable commander board may be permitted on private property for a bona fide nonprofit group or charitable event as a temporary sign for the day before the event and the duration of the event not to exceed ten days. A digital portable commander board may be permitted on private property as a temporary sign for seven days for a business grand opening not to exceed seven days. The Board of Park Commissioners may permit a digital portable commander board for up to 30 days within a City park so long as such sign is not visible from a commercial thoroughfare. The Board of Public Works may permit a digital portable "commander board" on public property for a bona fide nonprofit group or charitable event as a temporary sign for the day before the event and the duration of the event not to exceed ten days. Any such sign permitted under this section as a temporary sign shall be not be operated between 12:00 midnight and 6:00 a.m. and shall comply with all other parameters of this article and obtain a temporary permit.

Prohibited Sign Types



- (4) Roof signs.
- (5) Signs painted on, attached to, or affixed to any trees, rocks, or other similar organic matter.
- (6) Signs placed upon benches, bus shelters, or waste receptacles.
- (7) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (8) Signs that by their position, illumination, size, shape or color, obstruct, impair, obscure, or interfere with traffic signs, signals, or devices.
- (9) Signs that cause glare onto traffic.
- (10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (11) Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building that would cause a violation of building codes.
- (12) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (13) Signs that resemble any official signage or markers and that, by reason of content, location, position, shape or color, may be reasonably confused with or construed as traffic control devices.

(14) Signs within public rights-of-way or on public property, except athletic event scoreboard structures not to exceed 1,440 in area square feet, with a width of no more than 36 feet and a height of 50 feet, and other signage placed on public land, when approved by the owners of the public land and the Common Council or as otherwise expressly permitted by the Board of Public Works and the Department of Planning and Development. The sign shall conform in all other respects with this chapter and for the zoning district in which the sign is being used. Provided, however, no commercial or private advertising shall be permitted on the backside of any athletic event scoreboard which is visible from state or federal designated highways.

- (15) Spinners.
- (16) Strings of lights not permanently mounted to a rigid background, unless otherwise expressly exempted or allowed under this chapter, excluding temporary seasonal lighting.
- (17) Pole or pylon signs.
(Code 1980, § 20.25(F))

Sec. 111-13. Allowed sign types and characteristics.

Signs shall be allowed in accordance with Table 111-13(2), Allowed Sign Types.

- (1) *Signs allowed without sign permits.* An "A" indicates that a sign type is allowed in the respective zoning district without a sign permit. Signs allowed without sign permits are subject to all other applicable regulations of this chapter.
- (2) *Signs requiring sign permits.* An "SP" indicates that a sign type is allowed in the respective zoning district only after a sign permit for the subject sign has been obtained in accordance with section 111-36. Such signs shall be subject to all other applicable regulations of this chapter.
- (3) *Signs not allowed.* An "N" indicates that a sign type is not allowed in the respective district.

- (4) *Signs requiring a conditional use permit (CUP).* A "CUP" indicates that a sign type is only allowed upon issuance of a conditional use permit.
- (5) *Signs requiring a Board of Public Works street privilege permit (SPP).* An "SPP" indicates that a Board of Public Works permit is required for signs placed on the public right-of-way.
- (6) *Signs that require a temporary sign permit.* A "TP" indicates that a temporary sign permit is required.
- (7) *Not applicable.* An "N/A" indicates that such sign type is not applicable in the respective zoning district.

Table 111-13(1). Allowed Sign Characteristics

Sign characteristics of all allowed signs shall be regulated in accordance with the following standards:

Characteristic	District Class	
	Residential	Other
Changeable Copy	N	SP
Illumination, Internal	SP	SP
Illumination, External	SP	SP
Illumination, Exposed Bulbs or Neon	N	SP

Table 111-13(2). Allowed Sign Types

Signs shall be allowed in accordance with the following table. Special standards that apply to the listed sign types can be found in article IV of this chapter.

Sign Type	Zoning District Class						
	Residential	NB	LB	CB	C	LI/HI	P/SP
Freestanding Signs							
Monument (111-84)	N	SP	SP	SP	SP	SP	SP
Incidental (111-86)	A	A	A	A	A	A	A
Institutional							
(111-87)	SP	SP	SP	SP	SP	SP	SP
Off-Premises (111-89)	N	N	N	N	N	N	N
Residential (111-91)	A	A	A	A	A	A	A
Residential Entrance (111-92)	SP	N/A	N/A	N/A	N/A	N/A	N/A
Building Signs							
Awning (111-79)	SP	SP	SP	SP	SP	SP	SP
Building Marker (111-80)	A	A	A	A	A	A	A
Canopy (111-81)	N	N	SP	SP	SP	SP	N
Canopy Island (111-82)	N	N	N	SP	SP	SP	N
Identification (111-85)	A	A	A	A	A	A	A
Incidental (111-86)	A	A	A	A	A	A	A
Marquee (111-88)	N	N	N	SP	SP	SP	N
Projecting (111-90)	N	SP	SP	SP	SP	SP	A
Residential (111-91)	A	A	A	A	A	A	A
Residential Entrance (111-92)	SP	N/A	N/A	N/A	N/A	N/A	N/A
Suspended (111-90)	N	SP	SP	SP	SP	SP	SP
Wall (111-94)	N	SP	SP	SP	SP	SP	SP
Temporary Signs							
Banners (111-93)	N	A	A	A	A	A	A
Construction (111-93)	A	A	A	A	A	A	A

Sign Type	Zoning District Class						
	Residential	NB	LB	CB	C	L/IIHI	P/SP
Open House (111-93)	A	A	A	A	A	A	A
Portable Temporary (111-93)	N	A	A	A	A	A	A
Real Estate (111-93)	A	A	A	A	A	A	N
Temporary Merchandise Display (111-93)	N	A	A	A	A	A	A
Temporary Use/Special Event (111-93)	N	TP	TP	TP	TP	TP	TP
Outdoor Illuminated Vending Machine (111-93)	N	A	A	A	A	A	A
Window (111-93)	A ¹	A	A	A	A	A	A

Residential = All "AG" and "R" districts

¹ less than two square feet

KEY

A = Allowed without a sign permit

CUP = Conditional use permit required

N = Not allowed

N/A = Not applicable in respective zoning district

SP = Sign permit required

SPP = Board of Public Works street privilege permit required

TP = Temporary use/special event sign permit required

(Code 1980, § 20.25(G))

Sec. 111-14. Sign construction and maintenance.

(a) *Construction.* All signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the Wisconsin State Code and/or International Building Code.
- (2) Electric signs shall comply with applicable provisions of the National Electrical Code. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be energized until an electrical permit has been obtained from the Director of Planning and Development.
- (3) Except for allowable temporary signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame

or structure. All sign supports shall be painted or stained so as to be consistent with the appearance of the sign.

(b) *Maintenance.* All signs shall be maintained in good structural condition, in compliance with all applicable building and electrical codes and provisions of this chapter. Specifically:

- (1) If the Department of Planning and Development finds that any sign, awning, banner, billboard, flag, pennant, streamer, or any part of any such sign or derivative thereof is unsafe, insecure, dilapidated, out of repair or abandoned, or is in such poor condition that it is dangerous or a blighting influence upon the neighboring properties, the Department of Planning and Development shall issue written notice to the owner of the property upon which the sign exists to cause the sign to be repaired or removed in its entirety.
 - a. Such written notice shall prescribe a period of time for compliance of not less than ten calendar days and not to

exceed 90 calendar days except as set forth in subsection (b)(1)d of this section.

- b. Such written notice shall be presumed served personally upon the owner of the property when it is mailed via regular U.S. Mail to the last known address of the property owner as it appears in the City Tax Assessor's files at the time the written notice is mailed.
 - c. In the event that the owner of the property upon which the sign exists does not comply with such written notice, the Department of Planning and Development shall cause such sign or any part of such sign to be removed, the cost of which may be charged against the real estate upon which the sign is located as described in subsection (b)(1)d of this section.
 - d. In the event that such sign or any part of such sign is so unsafe, insecure and dilapidated that it constitutes a clear and present danger, public nuisance and menace, the Department of Planning and Development shall, with the help and cooperation of other City Departments or by arrangement with other private contractors or firms, cause such clear and present danger, public nuisance and menace to be abated as soon as physically possible, the cost of which may be charged in full or in part against the real estate upon which the sign is located and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax.
- (2) A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper, plastic wrap, or other material for a period of more than 30 consecutive days.
 - (3) A sign shall not stand with bent, broken or missing sign faces, with broken supports, with loose appendages or struts, or more

than 15 degrees from the originally constructed position for a period of more than ten consecutive days.

- (4) A sign and the ground surrounding it shall be neat, clean, and presentable.
- (5) An internally illuminated sign shall be allowed to stand with partial illumination for a period of no more than 30 consecutive days.
(Code 1980, § 20.25(J))

Sec. 111-15. Destroyed, abandoned or discontinued signs.

Any sign that is destroyed, abandoned or discontinued shall be removed. A sign shall be considered destroyed if it is damaged in excess of 50 percent of the total sign value as determined by the City Assessor on September 13, 2012. Any sign destroyed by criminal or tortious acts may be replaced upon a showing by the sign owner that the sign was so destroyed and upon written approval from the Common Council. Applications for replacement signs shall be submitted to the Common Council and shall be acted on within 45 days after it receives an application. As an alternative to replacement, the Common Council and sign owner may negotiate for the acquisition of the sign that was so destroyed. Approvals of replacements shall contain such terms and conditions as are necessary to ensure that the replacement sign is essentially the same as the sign destroyed. A sign is abandoned in accordance with the definition of abandoned sign.
(Code 1980, § 20.25(O))

Secs. 111-16—111-33. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 111-34. Nonconforming signs.

(a) *Definition.* A nonconforming sign is a sign that was legally established but which no longer complies with the sign regulations of this chapter.

(b) *Expansion.* A nonconforming sign shall not be enlarged, expanded, converted to an electronic message unit sign or otherwise improved except for the purpose of normal maintenance (example: repainting, relamping, or replacing faces).

(c) *Moving.* A nonconforming sign shall not be moved in whole or in part to any other location unless the move results in the entire sign being brought into compliance with all applicable regulations of this chapter.

(d) *Loss of nonconforming status.*

- (1) If a sign is destroyed by any means by more than 50 percent of its value it shall not be reestablished except in compliance with all applicable regulations of this chapter.
- (2) In the case of a retailer who sells the product of a manufacturer or supplier under an agreement or franchise, if the manufacturer or supplier requires changes to the on-premises sign, such changes are allowed and will not affect the nonconforming status of any other on-premises signs, although, the replacement signs must comply in all other respects with the provisions of this chapter.
- (3) No new sign structures may be added, and the sign must not be larger than the previously existing sign.

(Code 1980, § 20.25(L))

Sec. 111-35. Uniform Sign Plans; optional sign review procedure.

(a) *Applicability.* Property owners have the option of obtaining sign permits for more than one sign at one location or for multitenant buildings using the Uniform Sign Plan review and approval process. Once the Uniform Sign Plan process has been initiated, no ground, wall, awning, or projecting signs shall be erected until a Uniform Sign Plan has been approved in accordance with this section. The optional Uniform Sign Plan approval process shall only apply to ground, wall, awning, or projecting signs.

(b) *Elements.* The Uniform Sign Plan shall consist of four elements that shall govern all signs within the development:

- (1) Location;
- (2) Materials;
- (3) Size; and
- (4) Illumination.

The Uniform Sign Plan shall include details, specifications, dimensions, and plans showing the pro-

posed locations of signs and how such locations comply with the requirements of this chapter. It shall also show the computations of the maximum total sign area for all ground and wall signs allowed for the site.

(c) *Allocation of wall sign space.* A Uniform Sign Plan should show the allocation of allowed wall sign space among tenants and any general building sign or signs. Where the Uniform Sign Plan does not show such an allocation, the City may issue permits for wall signs for tenant entrances, in accordance with this chapter, in proportion to the frontage such tenant controls on the applicable wall, and the City shall cease to issue permits for wall signs when all available wall sign area has been committed through permits.

(d) *Review.* The Uniform Sign Plan shall be subject to approval by the Department of Planning and Development. An expedited review process provides for Uniform Sign Plan approval within seven calendar days excluding holidays and the permit fees will be 50 percent the cost of the normal sign permit fee.

(e) *Approval criteria.* A Uniform Sign Plan shall not be approved until the Department of Planning and Development finds that:

- (1) The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, and material construction; and
- (2) The plan provides for signs that meet the size limitations, location requirements and other applicable requirements of this chapter.

(f) *Amendments.* A Uniform Sign Plan may be amended by filing a new Uniform Sign Plan with the Department of Planning and Development.

- (1) The application may be filed only by the owner of the land affected by the proposed change; or an agent, lessee, or contract purchaser authorized by the owner to file such application. Before filing the application, all landowners affected by the proposed change must give written authorization.
- (2) Any new or amended Uniform Sign Plan (including those for planned unit develop-

ments) shall include a schedule for bringing into conformance, within 90 days, all signs not conforming to the proposed plan.

- (3) Under the Uniform Sign Plan, one additional wall sign may be permitted provided such additional sign faces a street or parking lot and further provided that such additional sign is a substitute for the permitted monument sign. In no case shall such additional wall signage exceed 225 square feet or 20 percent of the wall area, whichever is greater.

(g) *Effect of approval; Uniform Sign Plan.* All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved Uniform Sign Plan. After approval of a Uniform Sign Plan, or an amended Uniform Sign Plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between a provision of a Uniform Sign Plan and one or more provisions of this chapter, this chapter shall control.

(Code 1980, § 20.25(K)(1))

Sec. 111-36. Sign permits.

(a) *Applicability and permit fees.*

- (1) If a sign requiring a sign permit under this chapter is to be placed, constructed, erected or modified on a site, the owner or agent of the lot shall secure a sign permit prior to the construction, placement, erection or structural modification of such a sign in accordance with the requirements of this chapter.
- (2) Fees for permits, licenses and other services related to signs shall be in the amount established by resolution. Any person not filing or submitting the application for any permit or license provided for under this chapter in a timely manner may have the license processed if the applicant pays an amount totaling twice the amount of the regular fee that would be paid for such application. This provision shall not apply should there be insufficient time to process the application as determined by the appropriate processing City officials.

(b) *Permits to be consistent with this chapter.* No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with:

- (1) Any Uniform Sign Plan approved and in effect for the property; and
- (2) All applicable standards of this chapter.

(c) *Application requirements.*

- (1) An application for a sign permit may be filed only by the owner of the property on which the sign is to be erected, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such application.
- (2) An application for a sign permit shall be filed with the Department of Planning and Development on a form prescribed by the Department of Planning and Development, along with the required fee for such permit as prescribed by the Common Council. Roof signs, signs in excess of 96 square feet in area or signs over 15 feet in height shall require drawings and calculations.
- (3) Each application for a sign permit shall contain the information required on the application form, and such other information regarding the proposed sign as the Department of Planning and Development may deem necessary in order to determine whether the proposed sign complies with the applicable requirements of this chapter and other applicable regulations of the City.

(d) *Approval procedures.* Signs identified in this chapter as requiring a permit shall be erected, installed, or created only in accordance with a valid, approved sign permit from the Department of Planning and Development. Within ten days of submission of a complete application for a sign permit, the Department of Planning and Development shall either:

- (1) Issue the sign permit if the sign complies with all applicable standards of this chapter and any applicable Uniform Sign Plan; or
- (2) Deny the sign permit if the sign fails in any respect to comply with the applicable standards of this chapter or any applicable Uniform Sign Plan.

In case of a rejection, the Department of Planning and Development shall identify those sections of this chapter with which the sign is inconsistent.

(e) *Lapse of approval/inspections.*

- (1) If an approved sign has not been erected or put in place within six months of the issuance of the sign permit, the sign permit shall lapse and be of no further effect.
- (2) The applicant shall request that the Department of Planning and Development inspect the sign at or before the end of the six month period following issuance of the sign permit. If, upon inspection, the construction is found to be substantially complete but not in full compliance with this chapter, the Department of Planning and Development shall give the property owner or tenant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the sign permit shall lapse and the sign shall be removed immediately. The failure to remove signs for which permits have lapsed shall be unlawful.
- (3) A sign permit shall lapse and be of no further effect if the business is discontinued for a period of at least 90 days. The Department of Planning and Development shall order the sign removed within 30 days.

(f) *Temporary sign permits.* Permits for temporary signs shall be reviewed and approved concurrently with the temporary use permit application. A temporary sign permit is required unless a temporary sign type is specifically listed in section 111-93. No more than four temporary use/special event sign permits shall be issued within any 12-month period for the same business or activity in the same location. Each permit shall only be valid for seven consecutive days.

(g) *Board of Public Works street privilege permit (SPP).* Portable signs are allowed temporarily in a public right-of-way only after receiving the approval and the issuance of the Board of Public Works street privilege permit.

(h) *Conditional use permit (CUP).* Signs are allowed only after receiving a conditional use permit from the Common Council.
(Code 1980, §§ 20.25(K)(2), 25.02)

Sec. 111-37. Appeals.

Any person aggrieved by any license revocation or permit denials, decision of the Director of Planning and Development relative to the provisions of this chapter, or the City of La Crosse, may appeal the decision in accordance with the provisions of chapter 115, article II, division 2. Any person with an ownership interest in a sign may seek an area or dimensional variance from this chapter upon application to the Board of Appeals. The Board of Appeals, however, shall not have any authority to grant a use variance pertaining to this chapter. Any area or dimensional variance granted shall be for no longer than ten years, whereupon the owner may reapply for the variance.
(Code 1980, § 20.25(N))

Secs. 111-38—111-77. Reserved.

ARTICLE III. REQUIREMENTS FOR SPECIFIC SIGNS

Sec. 111-78. Table 111-78; Summary of Sign Standards.

Table 111-78. Summary of Sign Standards

<i>Sign Type</i>	<i>Maximum Number</i>	<i>Max. Area (sq. ft.)</i>	<i>Max. Height (feet)</i>
Freestanding Signs			
Monument (111-84)	1 per street frontage + 1 per 200 front feet or fraction thereof	60; Subsequent signs no more than 60	14; Maximum height of subsequent signs is 14
Incidental (111-86)	N/A	4 (12 sq. ft. in the public-semi-public district)	N/A
Institutional (111-87)	1 per street frontage	Res. Districts: 32 Nonres. Districts: subject to regulations that apply to ground/wall signs in public/semi-public	Res. Districts: 7 Nonres. Districts: subject to regulations that apply to ground/wall signs in public/semi-public
Off-Premises (111-89)	See H (11)		
Residential (111-91)	1 per lot	2	3½ (10 feet from all property lines)
Residential Entrance (111-92)	1 per street entrance	16	6 (10 feet from all property lines)
Building Signs			
Awning ¹ (111-79)	N/A	50% of awning	N/A
Building Markers (111-80)	Res: 1 per building Nonres: 2 per building	Res. Districts: 2 Nonres. Districts: 4	N/A
Canopy (111-81)	N/A	20% of fascia	N/A
Canopy Island (111-82)	N/A	20% of fascia	N/A
Identification (111-85)	1 per building entrance	Res. Districts: 2 Nonres. Districts: 4	N/A
Incidental (111-86)	N/A	4	N/A
Marquee (111-88)	1	60; Existing marquees may exceed 60 square feet but may not be enlarged beyond existing size.	N/A
Projecting ¹ (111-90)	1 per building entrance	60	N/A
Residential (111-91)	1 per lot	2	3½ (10 feet from all property lines)
Suspended ¹ (111-90)	1 per building entrance	16	N/A

<i>Sign Type</i>	<i>Maximum Number</i>	<i>Max. Area (sq. ft.)</i>	<i>Max. Height (feet)</i>
Wall (111-94)	No more than 2 separate walls facing the street	Each wall limited to the lesser of 25% of the total wall area of up to the first 30 feet in height, or 10% of total area of buildings over 75 feet tall. No wall sign shall exceed 672 square feet	N/A
Temporary Signs			
Banner (111-93)	N/A	48; Banners not to be used for more than seven days per 12 months for any single event	N/A
Construction (111-93)	2	32	16
Open House (111-93)	N/A	Not to be displayed more than 4 hours in any 24-hour period. Prohibited within the public R.O.W.	N/A
Portable (111-93)	N/A	Street Privilege Permit required to be placed within the public R.O.W.	N/A
Real Estate (111-93)	1 per street frontage	Res. Districts: 9 Nonres. Districts: 32 Industrial Districts: 64	Res. Districts: 6 Nonres. Districts: 15
Temporary Merchandise Display Sign (111-93)	N/A	12 per 100 feet of frontage (must have date in 1 inch letters and must be replaced every 60 days)	N/A
Temporary Use/Special Event (111-93)	1	Res. Districts: 4 Nonres. Districts: 32 (C2 and C3 only - See section 111-93(a)g.2.)	Res. District: 4 Nonres. District: 12 ¹ / ₂ (see special regs)
Outdoor Illuminated Vending Machine (111-93)	N/A	45 (for all 3 sides)	7
Window Sign (111-93)	N/A	50% of gross 1st floor window space of street facing windows.	N/A

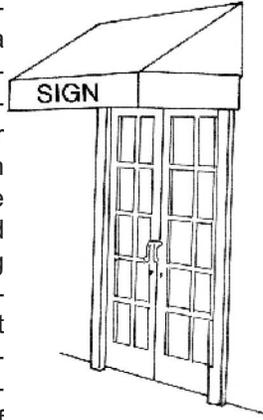
Notes:

¹Awning, projecting, and suspended signs must have a minimum of nine feet of clearance, and 14 feet of clearance above vehicular areas.
(Code 1980, § 20.25(Table 20.25(H)-1))

Sec. 111-79. Awning signs.

Awning signs shall not exceed 50 percent of the area of the awning, which is computed as the area of the awning directly over a door or window that is visible when viewing the awning in the open position as it is attached to a building wall. Awning signs may be illuminated. Awning signs shall have at least nine feet of vertical clearance if above pedestrian areas and at least nine feet of vertical clearance if above vehicular areas.

(Code 1980, § 20.25(H)(1))

**Sec. 111-80. Building markers.**

(a) *Residential district standards.* Building markers in residential districts shall not exceed two square feet in area. No more than one building marker shall be allowed on any building in a residential district. Building markers shall carry no commercial message.

(b) *Nonresidential district standards.* Building markers in nonresidential districts shall not exceed four square feet in area. No more than two building markers shall be allowed on any building in a nonresidential district. They shall carry no commercial message.

(Code 1980, § 20.25(H)(2))

Sec. 111-81. Canopy sign.

Canopy signs shall be permitted signage and shall not exceed 20 percent of the fascia area of the canopy.

(Code 1980, § 20.25(H)(3))

Sec. 111-82. Canopy island signs.

Canopy island signs shall be permitted signage and shall not exceed 20 percent of the fascia area.

(Code 1980, § 20.25(H)(4))

Sec. 111-83. Directional ground signs.

See section 111-89, Off-premises signs, billboards and outdoor advertising signs.

(Code 1980, § 20.25(H)(5))

Sec. 111-84. Monument signs.

One monument sign shall be permitted per street frontage. Lots with more than 200 feet of frontage on a street shall be allowed one sign per 200 feet of street frontage or fraction thereof. Monument signs shall not exceed 60 square feet. Monument signs shall be limited to a maximum height of 14 feet. Subsequent signs shall not exceed 60 square feet and shall be limited to a maximum height of 14 feet. Monument signs shall first be reviewed and approved by the City's Design Review Committee prior to issuance of a sign permit and are required to include the architectural elements of the principle building and shall contain landscaping surrounding the base of the sign. The provisions of this chapter regarding amortization with just compensation in 15 years (year 2027) shall apply to ground and pylon signs.

- (1) There shall be a commercial interstate highway zone defined as the centerline of I-90 on the north, the Black River on the west, North George Street on the east, south along George Street extended through to Liberty Street then to Avon and to Livingston Street. A monument sign in this zone shall require a conditional use permit for any sign that deviates from the standard for height and square footage contained herein for non-EMU signs and all other standards in this chapter apply.
- (2) A fuel pricing monument sign is a form of a monument sign and shall not exceed 18 feet in height. An additional 24 square feet of digital display is permitted for the fuel prices which fuel price portion of the digital display shall not change more than once per 24 hour period. A sign may therefore be 60 square feet with a maximum of 35 percent or 22 square feet of digital display plus an additional 24 square feet of digital display for the fuel prices.

(Code 1980, § 20.25(H)(6))

Sec. 111-85. Identification signs.

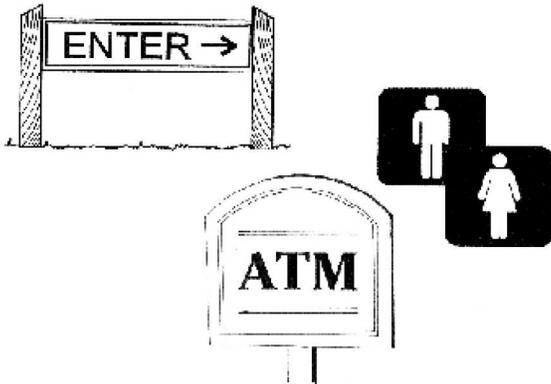
(a) *Residential district standards.* Identification signs shall be attached to and form an integral part of the building. No more than one identification sign shall be allowed per building entrance. Such signs shall not exceed two square feet in area in residential zoning districts. Identification signs may carry only the property address and occupant name. Identification signs shall carry no commercial message.

(b) *Nonresidential district standards.* Identification signs shall be attached to and form an integral part of the building. No more than one identification sign shall be allowed per building entrance. Such signs shall not exceed four square feet in area in nonresidential zoning districts. Identification signs may carry only the property address and occupant name. Identification signs shall carry no commercial message.

(Code 1980, § 20.25(H)(7))

Sec. 111-86. Incidental signs.

Incidental signs shall not exceed four square feet in area. In the public-semi public district, incidental signs shall not exceed 12 square feet.



(Code 1980, § 20.25(H)(8))

Sec. 111-87. Institutional signs and campus and aggregate business property signs.

No more than one institutional sign shall be permitted per building lot. Institutional signs shall not exceed 32 square feet in area in residential zoning districts. Freestanding institutional signs shall be subject to a maximum height of 3½ feet in residential

zones. Institutional signs in nonresidential zoning districts shall be subject to the regulations that apply to other ground or wall signs in public or semi-public zoning. A campus/medical/aggregate business (five or more businesses within a single building/property) and wayfinding monument sign shall not exceed 18 feet in height nor have a maximum face size of 150 square feet with no allowance for EMU/digital signs. A campus or medical wayfinding monument sign is specifically reserved for a major medical institution or hospital and a campus is defined as an institution of higher education (not a high school).

(Code 1980, § 20.25(H)(9))

Sec. 111-88. Marquee signs.

New marquee signs may not exceed 60 square feet in area. Marquee signs in existence on July 20, 2002, may exceed 60 square feet in area. Maintenance, repair, and replacement of existing marquee signs are allowed with the stipulation that the signs may not be made larger than their size on July 20, 2002.

(Code 1980, § 20.25(H)(10))

Sec. 111-89. Off-premises signs, billboards and outdoor advertising signs.

(a) *General standards.* Off-premises signs, billboards, and outdoor advertising signs shall not be permitted and, effective on September 13, 2012, a cap without replacement on new, extended or expanded static off-premises signs, billboards, and outdoor advertising signs is hereby established.

- (1) Signs must be a minimum of five feet from the right-of-way and property line.
- (2) Signs must meet all federal, state, and local requirements prior to issuance of annual permit.
- (3) Signs must meet all other requirements of this chapter, applicable to off-premises signs.
- (4) No off-premises sign shall exceed 40 feet in height measured from the top of the sign structure to the natural grade at the base of the structure.
- (5) No sign structure shall have more than two sides. If the interior angle of the two sides is equal to or less than 90 degrees, each sign side may be as large as the maximum size

- permitted. If the angle is greater than 90 degrees, the total area of the two sign sides combined shall not exceed the maximum area for a single sign.
- (6) Off-premises signs that are illuminated require shielded light fixtures that will direct light at the sign.
 - (b) *Special standards for scenic corridors, national or state scenic byways and the City Vision 2020 Historic Central Business District.*
 - (1) The following highway corridors are designated scenic corridors:
 - a. Great River Road - U.S. Highway 53 South from Interstate 90 to Cass Street.
 - b. Great River Road - U.S. Highway 14/61 from the West Channel Mississippi River Bridge to 4th Street.
 - c. Great River Road - U.S. Highway 14/61 from Marion Road east to the City Limits.
 - (2) The following area is designated the City Vision 2020 Historic Central Business District: the area bounded by the Mississippi River, the La Crosse River extended to 7th Street extended, 7th Street, Cameron Avenue (extended to 7th Street) and west to the Mississippi River.
 - d. Great River Road - STH 35 from U.S. Highway 14/61 south to the City limits.
 - e. That portion of STH 16 within the City Limits from STH 157 to La Crosse Street.
 - f. Lang Drive from Monitor Street to La Crosse Street.
 - g. River Valley Drive and Gillette Street from STH 16 to Ranger Drive.
 - h. CTH B from STH 16 east to the City limits.
 - i. STH 33 from 29th Street east to the City limits.
-
- (3) Only static off-premises signs in compliance with this chapter may be converted to an EMU or digital displays and must conform in all manner to these regulations. No conversions from static to digital EMUs are permitted on the Great River Road, national or state scenic byways, community entry corridors, National Register of Historic Places historic districts, downtown La Crosse, residential zoning districts, TND Districts, and Residential PDD districts. A conditional use permit is required prior to a conversion of a static billboard to an EMU off-premises sign. A public hearing is required by the City Plan Commission and Judiciary and Administration Committee and the notice of the hearings shall be provided to all property owners within 2,500 feet of the proposed conversion location and to the Common Council and the media. The following table specifies prohibited locations of static to digital off-premises signs:

Table 111-89(b)1. Prohibited locations of conversions of static billboards to digital displays or electronic message unit off-premises signs

Land Use Character Districts	Geographic Location	Zoning Districts
Downtown La Crosse National Register of Historic Places District	Area bounded on west by the Mississippi River, on the north by the La Crosse River, on the south by Cameron Avenue and on the east by the N/S Alley between 7th and 8th Streets	C1, C2, C3, P-SP

Land Use Character Districts	Geographic Location	Zoning Districts
	From the north on Wis. Highway 35 from north City Limits to Clinton Street and Wis. Highway 53 from I-90 to downtown, On the north on Wis. Highway 16 from Wis. Highway 157 to La Crosse Street/Campbell Road/Losey Boulevard, From the west U.S. 14/61 from the West Channel Bridge to the west bank of the Mississippi River, From the south, U.S. 14/61 from City Limits to Zion Road and Wis. Highway 35 from City Limits to Zion Road). From the east (Wis. Highway 33 from City Limits to 23/22nd Street (one block west of Losey Boulevard)	Various
<i>Residential Neighborhoods/Areas</i> National Register of Historic Places Districts	All Residential Zoning Districts, Residential TND, Washburn Residential, PDD (Residential)	R1-R6, WR, TND, PDD Residential

- a. After submission of a complete application, the City shall cause a traffic safety study and an environmental impact assessment to be completed, which shall consider, in the minimum, the City's community value statements, existing conditions, purpose of this chapter, and planned future development of the surrounding area and any mitigation measures the applicant is proposing. The parameters and standards for the traffic safety study and the environmental impact assessment shall be established by City staff on September 13, 2012. Each applicant shall pay a traffic safety study and environmental impact assessment fee in the amount established by resolution to the City as part of the application to offset the City's costs related to this subsection.
- b. The Common Council shall consider the community value statements, the traffic safety study, the environmental impact assessment, the proximity to residential uses, schools, parks, cemeteries, scenic corridors, assessed values of surrounding properties, the purpose of this chapter and other relevant considerations in rendering its written decision to grant or deny the conditional use permit application.
- c. Conversions shall not be permitted within 350 feet in radius from the public right-of-way in the areas designated as scenic corridors, national or state scenic byways and the City Vision 2020 Historic Central Business District.
- d. No off-premises sign shall be permitted closer than 350 feet in radius to any cemetery, park, library, church and/or school property line without a conditional use permit. The definition of a school shall be a formal institution of learning, grades K through 12.
- e. The maximum size of an off-premises sign shall be 672 square feet per side of sign structure.
- f. Spacing from directional and official signs, on-premises signs, or any other sign which does not constitute an off-premises sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with size and spacing requirements. The minimum distance between off-premises signs shall be mea-

- sured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street or highway and shall apply to structures located on the same street or highway. Such digital off-premises signs must be a minimum of 1,000 linear feet from another digital off-premises sign facing the same street or highway.
- g. If a conditional use permit is granted it shall not be granted for a period longer than ten years and the owner of the sign shall apply for a renewal of the conditional use permit at least one calendar year prior to the expiration of the conditional use permit.
 - h. Must be a minimum of five feet from the right-of-way and property line.
 - i. Must be erected in a freestanding design - no back bracing, guy wires, or roof-mounted signs are allowed.
 - j. Must meet all federal, state, and local requirements prior to issuance of annual permit.
 - k. Must meet all other requirements of this chapter applicable to off-premises signs.
 - l. No off-premises sign shall exceed 30 feet in height measured from the top of the sign structure to the natural grade at the base of the structure.

Table 111-89(b)2. Conversions of Static to Digital Display EMUs

<i>Category</i>	<i>Standard</i>
Height	30 feet (above natural grade)
Overall Maximum Size	672 square feet (sign cabinet space)
Illumination Standards Nits shall be measured from the computer control system of the sign or directly from the sign's face, or the most current Illuminating Engineering Society of North America (IESNA) standards for measuring trespass or nuisance brightness from the appropriate size and type of LED sign. Footcandles shall be measured at a height of 5 feet (which is approximately eye height) and viewing the display head-on (directly at a 90-degree angle) from nearest adjacent property line or 100 feet for on-premises signs or 250 feet for off-premises signs, whichever is closest to the sign, or the most current	A maximum of 5,000 Nits during the day, 100 Nits between sunset and sunrise and at no time more than 100 Nits above ambient light levels and must be equipped with an automatic dimmer and a letter from the manufacturer or UL listed is required. Nits shall be measured from the computer control of the sign or directly from the sign's face or using the most current Illuminating Engineering Society of North America (IESNA) standards for measuring light trespass or nuisance brightness from the appropriate size and type of LED sign.
Illuminating Engineering Society of North America (IESNA) standards for measuring trespass or nuisance brightness for illuminated signs. Signs found to be too bright shall be adjusted to meet these standards after notification by the City.	

<i>Category</i>	<i>Standard</i>
Conversion/Removal Formula	Each conversion shall require that five square feet of static billboard sign face shall be eliminated for every one square foot of new digital EMU sign face (cabinet size) with the sign company providing the list of sign faces and square footage to be removed and the list shall be approved by the City Plan Commission. For example, if a 672 square foot static billboard is converted to a digital display a total of 3,360 square feet of static off-premises sign face shall be removed. In addition, the entire support structure and sign shall be removed prior to the issuance of any permit for the newly converted off-premises EMU.
Distance from Residential Zoning District	1,200 feet from a residential zoning district line and shall not be visible from a residential property line and radius)
Dwell Time	60 seconds
Operating Modes for Transitions	Level 1 maximum
Spacing between Digital Billboards	1,000 feet from another digital EMU and one EMU per parcel
Setbacks from Property Lines	Five feet from property line or sidewalk along a street
Portable (commander board, delivery trucks, semi trailers, cabinet on vehicles or trailers)	Prohibited
Interactivity/WI-FI	Prohibited
Light Trespass	0.5 lumens at the property line where sign is located

(4) All existing off-premises advertising signs that are within a 350-foot radius from the public right-of-way of designated scenic corridors, and the City Vision 2020 Historic Central Business District, which are not located on the Federal Aid Primary System routes, National Highway System routes or Interstate 90, consisting of ten signs delineated on the attached map shall be removed no later than March 18, 2011, provided that the Common Council has authorized payment and the City has remitted such just compensation to the owners of such signs. All such signs may remain in place beyond the above date until said just compensation has been authorized and paid. The owners of such signs shall not increase, add to, alter, or enhance the value of such signs except for routine and required customary maintenance.

The measure of just compensation for removal of signs under this section shall be as set forth under Wis. Stat. 84.30(7). Since the owners of all signs required to be removed under this subsection are provided a ten-year amortization period with just compensation, it is expected that existing sign leases will not be extended after September 13, 2012, beyond the period of payment of just compensation.

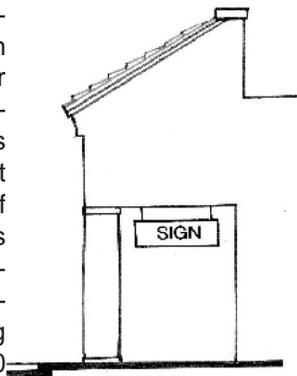
- a. *Signs to be removed.* The following ten signs shall be removed no later than March 18, 2011. Outdoor advertising signs currently owned by:
 1. Outdoor sign located at 100 S. 2nd Street (removed).
 2. Outdoor sign located at 100 S. 2nd Street.

3. The sign commonly known as the "Deaf Ear Records" sign located at 300 Block of Jay Street.
4. Coke located at 321 Main Street (removed).
5. Outdoor sign located at 6th Street and Main Street.
6. The sign commonly known as the "Reinhart" sign located at 6th Street and Main Street.
7. Outdoor sign located at Lang Drive/Concordia Hall.
8. The sign commonly known as the "Coke" sign located at Lang Drive/Concordia Hall.
9. Outdoor sign located at Lang Drive.
10. Outdoor sign located at Lang Drive/La Crosse River.

(c) *Permits required.* The owner of any off-premises advertising sign shall obtain a sign structure permit from the City of La Crosse Department of Planning and Development. The sign structure permit application shall be filed on a form prescribed by the City. The City may establish a processing cycle for sign structure permit applications. Once issued, a sign structure permit shall entitle a sign owner to maintain the subject off-premises sign for a period of one year from the date the permit was issued. The permit fee shall be as adopted by Common Council. (Code 1980, § 20.25(H)(11))

Sec. 111-90. Projecting and suspended signs.

A maximum of one projecting or suspended sign shall be permitted per building entrance. Projecting or suspended signs shall have at least nine feet of vertical clearance if above pedestrian areas and at least 14 feet of vertical clearance if above vehicular areas. Projecting signs shall not exceed 60



square feet, and suspended signs shall not exceed 16 square feet in area. (Code 1980, § 20.25(H)(12))

Sec. 111-91. Residential signs.

No more than one residential sign shall be allowed per lot. Residential signs shall not exceed two square feet in area. Freestanding residential signs shall be subject to a maximum height of 3½ feet and a minimum setback of ten feet from all property lines. Residential signs shall carry no commercial message, except that a message identifying a permitted home occupation shall be allowed. (Code 1980, § 20.25(H)(13))

Sec. 111-92. Residential entrance signs.

One residential entrance sign shall be allowed per street entrance of a single-family subdivision or multifamily complex containing more than 12 dwelling units. Entrance signs shall not exceed 16 square feet in area, with a maximum height of six feet and a minimum setback of ten feet from all rights-of-way. Approval for single-family subdivision entrance signs shall be a part of the plat approval process. (Code 1980, § 20.25(H)(14))

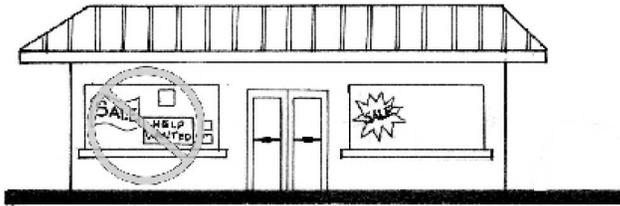
Sec. 111-93. Temporary signs.

(a) *Standards.* One temporary sign up to four square feet in area in residential zones shall be allowed. All temporary signs must be safely secured so as to prevent creating a hazard.

- (1) *Banners.* Banners used for a specific event, not to exceed more than seven days in any 12-month period, and not to exceed 48 square feet in area.
- (2) *Construction signs.* Up to two construction signs, each up to 32 square feet in area, shall be allowed for the duration of an allowed construction project. The maximum height of a freestanding construction sign shall be 16 feet.
- (3) *Open house signs.* Open house real estate signs are temporary in nature and shall be displayed no more than four consecutive hours in any 24-hour period. Open house signs shall not be placed in the public right-of-way.

- (4) *Portable sign.* Allowed on public rights-of-way only when approved and issued a street privilege permit by the Board of Public Works.
- (5) *Real estate signs.* One real estate sign shall be allowed per street frontage. Real estate signs shall not exceed nine square feet in area in residential zoning districts. Real estate signs shall not exceed 32 square feet in nonresidential districts zoned business or commercial, and 64 square feet in industrial districts. Freestanding real estate signs shall not exceed six feet in height in residential zoning districts or 15 feet in height in nonresidential zoning districts.
- (6) *Temporary merchandise display signs.* 12 square feet of temporary signage is allowed per 100 feet of frontage. All temporary merchandise display signs must include the date posted in legible one-inch print on the front side of the sign and must be replaced every 60 days.
- (7) *Temporary use/special event signs.*
 - a. One temporary sign up to 32 square feet in area in nonresidential zones shall be permitted for temporary uses and special events for which a temporary use permit has been issued. Such signs shall be allowed for the duration of the temporary use permit or such other time as expressly established at the time of approval of the temporary use permit. The maximum height of a freestanding special event/temporary use sign shall be four feet in residential zones and 12½ feet in nonresidential zones. No more than four temporary sign permits shall be issued within any 12-month period for the same business or activity in the same location. Each permit shall only be valid for seven consecutive days. Temporary use/special event signs are subject to otherwise applicable construction and installation requirements. All temporary signs must be safely secured so as to prevent creating a hazard.
 - b. A temporary special event wall sign, on-premises and off-premises, to commemorate a significant anniversary, in multiples of 25 years, of a company or community event is permitted subject to the following:
 - 1. Approval of the design by the City Plan Commission;
 - 2. The sign shall be up for no more than 60 days prior to or in conjunction with said event;
 - 3. Said sign must be hand-painted or hand-lettered on the exterior wall surface of building;
 - 4. Shall be no larger than 500 square feet and no taller than the wall;
 - 5. Written permission from the owner;
 - 6. Said signs shall only allowed in Commercial (C-2) and Community Business (C-3) Districts;
 - 7. Must have a temporary sign permit; and
 - 8. Upon expiration of the temporary sign permit, the sign must be removed down to the original exterior building surface, material and color. (e.g. brick, stucco, pre-cast panel).
- (8) *Vehicle sign.* Any sign attached to or painted on an inoperable or unlicensed vehicle (with the exception of operable unlicensed cars on automobile sales lots) or any sign attached to a vehicle that is parked for more than seven consecutive calendar days in a location conspicuously visible from a public street right-of-way shall be deemed a portable sign unless said vehicle is used in the normal day to day operations of the business.
- (9) *Vending machine signs (illuminated).* Outdoor illuminated vending machine signs shall not be allowed in residential zoned districts. Signs shall be a maximum of seven feet in height and 45 square feet in area (in aggregate).
- (10) *Window signs.* Window signs may be placed on any window glass of street facing walls of buildings. Such signs shall cover no more

than 50 percent of the gross first floor window area of that side of the building that faces the street.



Window Signs

(b) *Temporary signs not requiring a temporary sign permit.* The following temporary signs do not require a temporary sign permit:

- (1) Balloons;
- (2) Banners which are both attached to a single functioning light pole and not exceeding 30 square feet; and banners for public property, charitable, or religious institutions not exceeding 48 square feet in aggregate located on the premises;
- (3) Construction signs;
- (4) "Critttergram" signs;
- (5) Merchandise display signs;
- (6) Pennants;
- (7) Real estate signs that are nine square feet or less;
- (8) Real estate open house signs;
- (9) Rummage sale signs;
- (10) Streamers;
- (11) Temporary merchandise display signs;
- (12) Umbrellas;

- (13) Vehicle signs;
- (14) Vending machine signs;
- (15) Window signs.
(Code 1980, § 20.25(H)(15))

Sec. 111-94. Wall signs.

Wall signs may be placed on no more than two separate walls of a building. Such signs may be placed only on walls facing a public street or the principal off-street parking area serving the building. On walls less than 75 feet tall, signage may cover no more than 25 percent of the area of each wall measured at the first 30 feet in height. On walls 75 feet in height or more, signage may take up no more than ten percent of the area of the wall. No wall sign shall exceed 672 square feet.



(Code 1980, § 20.25(H)(16))

Sec. 111-95. On-premises electronic message unit signs.

(a) *Prohibited locations.* Electronic message unit signs are prohibited in the following Land Use Character Districts defined by geographic location in Table 111-95(a). Portable electronic message unit signs (including commander boards) are prohibited within the City of La Crosse including temporary Table 111-95(a), Prohibited Locations of On-Premises Electronic Message Unit Signs.

Land Use Character Districts	Geographic Location	Zoning Districts
Downtown La Crosse Downtown National Register of Historic Places District	Area bounded on west by the Mississippi River, on the north by the La Crosse River, on the south by Cameron Avenue and on the east by the N/S Alley between 7th and 8th Streets, except the Arts District	C1, C2, C3, P-SP

Land Use Character Districts	Geographic Location	Zoning Districts
<i>Community Entry Corridors</i>	From the north on Wis. Highway 35 from north City Limits to Clinton Street and Wis. Highway 53 from I-90 to downtown. On the north on Wis. Highway 16 from Wis. Highway 157 to La Crosse Street/Campbell Road/Losey Boulevard. From the west U.S. 14/61 from the West Channel Bridge to the west bank of the Mississippi River. From the south, U.S. 14/61 from City Limits to Zion Road and Wis. Highway 35 from City Limits to Zion Road). From the east (Wis. Highway 33 from City Limits to 23/22nd Street (one block west of Losey Boulevard)	Various
<i>Residential Neighborhoods/Areas National Register of Historic Places Districts</i>	All Residential Zoning Districts, Residential TND, Washburn Residential, PDD (Residential)	R1-R6, WR, TND, PDD Residential

(b) *Standards for placement and use of on-premises electronic message unit signs.* Prior to issuance of a sign permit, all EMU signs shall first be reviewed and approved by the City's Design Review Committee. EMUs shall only be allowed when meeting the location and design standards in this Code and may only be permitted in commercial zoning districts, light industrial, heavy industrial or in a mixed land use area where mixed land use is defined as two or more types of land uses on one parcel or site where one is residential; or more than two types of land uses adjacent to each other, one of which is residential defined in Table 111-95(b). Electronic scoreboards are exempted from this chapter only during the course of regulated events.

feet total with the EMU no larger than 22 square feet or 35 percent of the monument sign) and no pylon or freestanding nonmonument sign EMUs are allowed. EMUs are required to include the architectural elements of the principle building and shall contain landscaping surrounding the base of the sign.

(1) EMUs shall be permitted only when fully contained within a monument sign (60 square

(2) A conditional use permit is required for any EMU at the Airport Industrial Park.

Table 111-95(b) On-Premises EMUs

Category	Standard
Height	14 feet (above natural grade)
Maximum Percentage of Monument Sign	35 percent, no pylon or freestanding EMUs
Overall Maximum Size	60 square feet (sign cabinet space) EMU portion no more than 22 square feet or 35% of 60 sq. ft.(rounded to 22 square feet)
	Pylon EMUs are prohibited

<i>Category</i>	<i>Standard</i>
Illumination Standards Nits shall be measured from: (a) the computer control system of the sign; (b) directly from the sign's face; or (c) the most current Illuminating Engineering Society of North America (IESNA) standards for measuring trespass or nuisance brightness from the appropriate size and type of LED sign, whichever is most restrictive. Footcandles shall be measured at: (a) a height of 5 feet (which is approximately eye height) and viewing the display head-on (directly at a 90-degree angle) from nearest adjacent property line or 100 feet for on-premises signs; (b) 250 feet for off-premises signs; or (c) the most current Illuminating Engineering Society of North America (IESNA) standards for measuring trespass or nuisance brightness for illuminated signs, whichever is most restrictive. Signs found to be too bright shall be adjusted to meet these standards after notification by the City	A maximum of 5,000 Nits during the day, 100 Nits between sunset and sunrise and at no time more than 100 Nits above ambient light levels and must be equipped with an automatic dimmer and a letter from the manufacturer or UL listed is required. Nits shall be measured from the computer control of the sign or directly from the sign's face or using the most current Illuminating Engineering Society of North America (IESNA) standards for measuring light trespass or nuisance brightness from the appropriate size and type of LED sign.
Distance from Residential Zoning District	200 feet from a residential zoning district line and shall not be visible from a residence or residential zoning district line
Hours of Operation/Use	On when business is open and off when business is closed
Dwell Time	60 seconds
Operating Modes for Transitions	Level 1 maximum
Spacing Between Signs	200 feet from another EMU and one EMU per parcel
Spacing from Other uses	200 feet from residential use lot line (linear and radius)
Setbacks from Property lines	Three feet from property line or sidewalk along a street
Portable (commander board, delivery trucks, semi trailers, cabinet on vehicles or trailers)	Prohibited
Interactivity	Prohibited
Light Trespass	0.5 lumens at the property line where sign is located
Nonconforming EMUs	Dwell time 60 seconds

- (3) Existing electronic message unit signs already permitted in the City, but no longer conforming with this chapter, shall be non-conforming signs. The following standards contained in Table 111-78 shall come into conformance with this chapter within 15 years of November 18, 2012, provided that the Common Council has authorized payment

of just compensation and the City has remitted such just compensation to the owners of such signs: height, maximum percentage of monument sign, overall maximum size, distance from residential zoning district, spacing between signs, spacing from other uses, setbacks from property lines, portable (commander board, delivery trucks, semi-trailers,

cabinet on vehicles or trailers). All such signs may remain in place beyond the above date until said just compensation has been authorized and paid. The owners of such signs shall not increase, add to, alter, or enhance the value of such signs except for routine and required customary maintenance. The measure of just compensation for removal of signs under this section shall be as set forth under Wis. Stat. 84.30(7). Since the owners of all signs required to be removed under this subsection are provided a 15-year amortization period with just compensation, it is expected that existing sign leases will not be extended after the effective date of the ordinance from which this chapter is derived beyond the period of payment of just compensation. The remaining standards contained in Table 111-78 shall come into conformance on April 20, 2014: illumination standards, hours of operation/use, dwell time, operating modes for transitions, interactivity, light trespass and nonconforming EMUs.

- (4) Arts District EMUs shall only be permitted by conditional use permit. All of the standards in subsection (b) of this section apply and longer dwell time limits may be established as part of the conditional use permit, spacing may be reduced. However, all other standards shall remain the same.
- (5) In recognition that electronic message unit signs are not permitted elsewhere in the downtown area except in the Arts District by conditional use permit and that arts venues are being given latitude for such signs, the City may impose additional conditions to regulate their use. A marquee sign (may consist of two sign faces for a V-shaped sign) or one flat wall sign may be permitted in the Arts District for venues dedicated to visual or performance arts and may overhang a sidewalk with a street privilege permit. This does not include bars or restaurants where live entertainment is occasionally performed. Additional conditions or special conditions may be required including but not limited to items such as longer hold times or architectural/artistic enhancements under this section. For monument signs, pedestrian

scale signage appropriate to the surroundings and special conditions may also be applied. All EMUs must obtain approval of the City's Design Review Committee. There shall not be more than one electronic sign per parcel or arts venue. The City shall not be exempt from this section.

(c) *Illuminated signs, intermittent signs, flashing signs, or moving light signs.* Any illuminated sign shall not interfere with surrounding properties or traffic. Signs may be illuminated subject to the following restrictions:

- (1) Signs which contain, include or are illuminated by any flashing, intermittent, or moving lights or lights are prohibited.
- (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way of the interstate or Federal Aid Primary Highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
- (3) No sign shall be illuminated so that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- (4) Signs may contain multiple or variable messages, formed solely by use of lights or other electronic digital displays that may be changed by any electronic process, subject to all of the following restrictions:
 - a. Each change of message shall be accomplished in one second or less.
 - b. Each message shall remain in a fixed position for at least 60 seconds.
 - c. The use of traveling or scrolling or segmented messages is prohibited.
 - d. The Director of Planning and Development may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility. Every electronic message unit sign shall be equipped with a light sensor.

(d) *Specific requirements for electronic message unit signs.*

- (1) Electronic message unit signs are prohibited in all residential zoning districts as well as the TND District, Residential Planned Development Districts, and Historic Districts.
- (2) Operational Mode Level 1 as defined in this chapter is the upper allowable limit for electronic message unit signs, and all messages must be displayed in a fixed positions for at least 60 seconds.
- (3) The sign face shall not exceed 35 percent of 60 square feet per side and a total of 44 square feet total on both.
- (4) For parcels fronting on Federal Aid Primary Highways and within 200 feet of a residential zoning district, the TND District, Residential Planned Development District or Historic District lot line, no electronic message unit sign is permitted. Placements for grand openings and special events.

(Code 1980, § 20.25(H)(17))

- (3) In areas zoned other than residential, each sign shall not exceed 32 square feet in area. In residential areas, no political or campaign signs may be constructed, erected or placed so as to adversely affect traffic or pedestrian safety and shall not exceed 12 square feet in area. Political and campaign signs shall have no electrical, mechanical or audio auxiliary.

(Code 1980, § 15.04(l)(7))

Sec. 111-96. Political and campaign signs.

Political signs on behalf of candidates for public office or issues on election ballots are subject to the following regulations:

- (1) Permission shall be obtained from the owners or tenants in possession of the property upon which an election campaign sign is erected. No sign shall be located on public property.
- (2) Said signs may be erected during the election campaign period, which is defined as the first day of circulation of the nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and shall be removed within seven days following said election. If the signs are not removed within the seven day period, the Department of Planning and Development shall cause said signs to be removed without the necessity of giving notice and the cost of such removal shall be chargeable to the owner of the property in which said sign is located.

Chapter 112

RESERVED

Chapter 113

SUBDIVISIONS*

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- Sec. 113-3. Purpose.
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*Cross reference—Zoning, ch. 115.

State law references—Platting of land, Wis. Stat. ch. 236; local subdivision regulations, Wis. Stat. § 236.45.

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- Sec. 113-140. Lots.
- Sec. 113-141. Building setback lines.
- Sec. 113-142. Easements.
- Sec. 113-143. Public sites and open spaces.
- Sec. 113-144. Standards to be applied where all or part of the proposed plat lies in a floodplain or floodway zoning district.
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- Sec. 113-185. Street lights.

ARTICLE I. IN GENERAL

Sec. 113-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley is as defined in Wis. Stat. ch. 236.

Arterial street means a street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as principal, primary, standard and minor arterial streets. (Refer to "The General Plan for the La Crosse Area.")

Building line means a line parallel to a lot line and at a distance from the lot line to comply with the Zoning Ordinance's yard requirements.

Collector street means a street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets including the principal entrance streets to residential developments. Collector streets shall include high and low collector streets. (Refer to "The General Plan for the La Crosse Area.")

Comprehensive Plan means Confluence: The La Crosse Comprehensive Plan, which was adopted by the Common Council in December 2002.

County Planning Agency is as defined in Wis. Stat. ch. 236.

Cul-de-sac street means a minor street closed at one end with a turnaround provided for vehicles.

Department of Natural Resources means the main office of State of Wisconsin Department of Natural Resources.

Division of land less than a subdivision means the division of land by the owner or subdivider resulting in the creation of two parcels or building sites, any one of which is 35 acres in size or less.

Double frontage lots means lots having frontage on opposite property boundaries with public streets.

Extraterritorial plat approval jurisdiction means that area outside the City limits in which the City of La Crosse Common Council has chosen to approve plats in accordance with Wis. Stat. § 236.10.

Floodplain means the land adjacent to a body of water which has been or may be hereafter covered by floodwater including but not limited to the intermediate regional flood.

Frontage street means a local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Half-street means a street located on the boundary of a plat whose centerline meets the boundary at an angle of less than 30 degrees or whose required right-of-way width is reduced by that boundary.

Local street means a street used, or intended to be used, primarily for access to abutting properties. (Refer to "The General Plan for The La Crosse Area.")

Public way means any public road, street, highway, walkway, drainageway or part thereof.

Reverse frontage lots means corner lots with no provision for extra width to permit side yard to be the same as front yards on that side.

Subdivider means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

Subdivision means the division of a lot, parcel or tract of land by the subdivider thereof for the purpose of sale or building development where the act of division creates three or more parcels or building sites of 35 acres or less in area, or three or more parcels or building sites of 35 acres each or less in area are created by successive division within a period of five years. A division or subdivision includes a condominium plat pursuant to Wis. Stat. § 703.11 or a division of land such as a certified survey map when the same provides for three or more units or parcels or building sites of 35 acres or less in area. (Code 1980, § 14.26)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 113-2. Penalties, enforcement officers and citations.

(a) Except as otherwise provided in this chapter, violations of this chapter are a Class C offense as provided in section 1-7. In addition to such penalty, the City Attorney is authorized to bring an action to enjoin any violation and the Department of Planning

and Development is authorized to refuse to issue a building permit for construction on any premises contrary to this chapter. The Council may further order an assessor's plat to be made under Wis. Stat. § 70.27 at the expense of the subdivider or subdivider's agent when a subdivision is created in violation of this chapter. Surveyors laying out a subdivision as defined in this chapter without preparing the recordable plat shall be subject to the penalties provided above.

(b) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning and Development.
- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 14.30)

Sec. 113-3. Purpose.

The purpose of this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the City of La Crosse, Wisconsin, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

(Code 1980, § 14.01)

Sec. 113-4. Intent.

It is the general intent of this chapter to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic, flooding and other dangers; to provide adequate light and air; to discourage urban sprawl; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to minimize flood damage to public and private property; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this chapter; to provide penalties

for its violation and in general to facilitate enforcement of community development standards as set forth in the Comprehensive Plan components, zoning ordinance, building codes and Official Maps in force in the City of La Crosse, Wisconsin.

(Code 1980, § 14.02)

Sec. 113-5. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Code 1980, § 14.03)

Sec. 113-6. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(Code 1980, § 14.04)

Sec. 113-7. Jurisdiction.

Jurisdiction of these regulations shall include all lands within the corporate limits of the City of La Crosse as well as the unincorporated area within the extraterritorial plat approval jurisdiction of the City. The provisions of this chapter as it applies to divisions of tracts of land into less than three parcels shall not apply to transfers of interests in land by will or pursuant to court order; leases for a term not to exceed ten years, mortgages, or easements; sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinance, or other applicable laws or ordinances.

(Code 1980, § 14.05)

Sec. 113-8. Compliance.

No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision or a replat

as defined herein; no such subdivision or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the provisions of Wis. Stat. ch. 236; rules of the Department of Safety and Professional Services regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made; rules of the Division of Highways, Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a State trunk highway or connecting street; Confluence: The La Crosse Comprehensive Plan, which was adopted by the Common Council in December 2002 and applicable Comprehensive Plan component, including the zoning ordinance and Official Map of the City of La Crosse; applicable local and County ordinances. In case of conflict between any of the above, the more stringent requirements shall be controlling.

(Code 1980, § 14.06)

Sec. 113-9. Waiver of requirements.

(a) Where, in the judgment of the Common Council, after review and recommendation by the City Plan Commission, it would be inappropriate to apply literally the provisions of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Common Council may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the City in accordance with the Comprehensive Plan or Comprehensive Plan component. Reasons for such waiver or modification shall be stated in the minutes of the meeting.

(b) The Common Council may waive the placing of monuments required under Wis. Stat. ch. 236 for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

(c) In addition to the other provisions of this section, the Council may waive the platting requirements for divisions of land within the City's jurisdiction out-

side the corporate limits if the division creates no more than four usable parcels of not less than six acres each, such division retains a rural character, such division further conserves the natural forestry or conservancy for recreational propensities of the land, the owners of the lands being subdivided occupy the property, the property is not being developed for sale to others, and the appropriate owners and/or developers agree to a restrictive covenant setting forth any special conditions that the Council may require.

(d) Further in addition to the above provisions, the Council may approve subdivisions with lots smaller than 35 acres each, provided said subdivisions contain safeguards so as not to violate the City's recently adopted Comprehensive Plan and/or are in areas located outside the City that may not be included in the City's service plans or because of geographic limitations may not be suitable for providing City services. In arriving at a case-by-case decision, the Council shall consider whether the subdivision would accommodate future public utilities provided by the City, conserve land for open space purposes or additional development when said public utilities or City services become available.

(Code 1980, § 14.10)

Sec. 113-10. Dedication and reservation of lands.

(a) Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in section 113-101.

(b) Whenever a proposed playground, park, school site or other public land, other than streets or drainageways, designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 35 proposed dwelling units, and said proposed public lands, other than streets or drainageways, in excess of the rate established herein shall be re-

served for a period not to exceed two years unless extended by mutual agreement for purchase by the public agency having jurisdiction.

(c) If no playground, park, school site, or other public land has been proposed as of the date of the application of a subdivider, but the City determines that a public facility should be provided in the area of the proposed plat to carry out the spirit and intent of this chapter, the City may require dedication as set forth above.

(d) In lieu of subsection (c) of this section, the City may, at its option, if land within the tract is not designated for a proposed playground, park, school site or other public land, other than streets or drainageways, in the Comprehensive Plan or Comprehensive Plan component, levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 113-13(e).

(e) The purpose of this section is to assist the community to provide the proper public lands for use by residents of the tract.
(Code 1980, § 14.07)

Sec. 113-11. Improvements.

(a) Before final approval of a plat, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the approval of the plat, enter into a contract with the community agreeing to install the required improvements and shall file with said contract a bond that complies with section 2-3.

(b) Contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the City Engineer.

(c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

(d) Before final approval of any plat, the subdivider shall install survey monuments in accordance with section 113-172.
(Code 1980, § 14.08)

Sec. 113-12. Plats outside the corporate limits.

Before final approval by the City of any plat located outside the corporate limits of the City, but within the plat approval jurisdiction of the City, the subdivider shall give evidence that he has complied with all street and utility improvement requirements of the town in which the land being platted or divided is located as well as those required by the City. All certified survey maps shall divide lands included within the definition of "subdivision" as defined in section 113-1 which meet all the same requirements as plats within the City's extraterritorial jurisdiction.
(Code 1980, § 14.09)

Sec. 113-13. Fees.

(a) *General.* The subdivider shall pay the City all fees as hereinafter required and at the times specified.

(b) *Preliminary plat review fee.* The subdivider shall pay a fee in the amount established by resolution to the City Clerk at the time of first application for approval of any preliminary plats to assist in defraying the cost of review. A reapplication fee in the amount established by resolution shall be paid to the City Clerk at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

(c) *Inspection fee.* The subdivider shall pay a fee equal to the actual cost to the City for such inspection as the City Engineer deems necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority.

(d) *Final plat review fee.* The subdivider shall pay a fee in the amount established by resolution for a final plat to the City Clerk at the time of first application for approval of said plat to assist in defraying the cost of review. A reapplication fee in the amount established by resolution shall be paid to the City Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

(e) *Public site fee.* If the subdivider has elected not to dedicate public lands within the plat as provided in section 113-10, a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the City Clerk at the time of first application for approval of a final plat of said subdivision in the amount established by resolution for each possible dwelling unit within the plat allowed by the Zoning Ordinance or private covenants, whichever allows the fewer. Public site fees to be paid in lieu of dedication shall be paid to the City Department of Parks and Recreation to be held in a nonlapsing fund to be used for capital improvements of park or recreation areas of service to the subdivision.

(f) *Engineering fee.* The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The City Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(g) *Administrative fee.* The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat. Legal work shall include the drafting of contracts between the City and the subdivider.

(h) *Certified survey map review fee.* The subdivider shall pay a fee in amount established by resolution for review of a certified survey map to the City Clerk at the time of first application for approval of said certified survey map to assist in defraying the cost of review. Reapplication fee shall be paid to the City Clerk at the time of a reapplication for approval of any certified survey map which has previously been reviewed.
(Code 1980, § 14.25)

Sec. 113-14. Planned Development Districts.

Planned Development Districts under chapter 115 which include a plat plan including all information required for a preliminary plat under this chapter shall not be required to submit an additional preliminary plat or final plat nor be subject to the minimum

layout requirements of Wis. Stat. § 236.16(1) and (2) or access requirements of Wis. Stat. § 236.20(4). Planned Development Districts under chapter 115 of this Code, however, shall be subject to review by the Department of Planning and Development and City Engineer's office utilizing the standards contained in this chapter with a waiver of any standards to be approved by the Common Council and shall meet the requirements contained in the Planned Development District approved by the Common Council. Planned Development Districts, however, shall be subject to the enforcement provisions of this chapter along with those provided for in chapter 115. The City Clerk is authorized to make any necessary certifications to the appropriate State agency with respect to the platting requirements after the approval of any such planned development by the Common Council.
(Code 1980, § 14.28)

Sec. 113-15. Land suitability.

No land shall be subdivided which is held unsuitable for the proposed use by the Common Council, after review and recommendation by the City Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Common Council, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the Common Council may affirm, modify or withdraw its determination of unsuitability.
(Code 1980, § 14.11)

Sec. 113-16. Erosion and sedimentation controls.

(a) *Submissions with preliminary plat.* With each submission of a preliminary plat there shall be included an erosion and sedimentation control plan which shall show:

- (1) Topographic map with contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten

percent, and of not more than five feet where the slope of the ground surface is ten percent or more.

- (2) Soils map showing the soils mapping units according to the 1960 Soil Survey of La Crosse County published by the U.S. Department of Agriculture, Soil Conservation Service.
- (3) The areas where the natural vegetation will be removed.
- (4) The areas where topsoil and backfill will be stockpiled during development.
- (5) The areas where temporary vegetation, permanent vegetation, and/or mulching will be established.
- (6) The areas of land to be exposed during development.
- (7) The location of improvements to be provided for increased run-off caused by changed soil and surface conditions during and after development.
- (8) Other necessary measures as determined by the City Engineer.

(b) *Submissions with final plat.* With each submission of a final plat there shall be included an erosion and sedimentation control plan which shall show:

- (1) The ways in which the vegetation that will not be removed will be protected during development.
- (2) The areas where topsoil and backfill will be stockpiled and the ways in which they will be anchored to prevent washing.
- (3) The kind, timing, and location of temporary vegetation, permanent vegetation, and/or mulching to be established in areas subject to erosion.
- (4) The length of time areas of land will be exposed during development.
- (5) The size, type, location, and timing of installation of permanent vegetation, sediment basins, drainageways, improvements such as streets and storm sewers, and other features of development capable of accommo-

dating increased run-off caused by soil and surface conditions changed by development.

(c) *General provisions.* In order to prevent soil erosion, siltation, sedimentation, and washing, the subdivider shall make provisions for disposal of water and the protection of soil surfaces during and after construction. The subdivider shall so state these provisions in the erosion and sedimentation control plan submitted as a requirement to platting.

(d) *Review of plans by City Plan Commission.* The following criteria shall serve as guidelines for review of the erosion and sedimentation control plan. In undertaking such review, the City Plan Commission may consult with its staff, the City Engineer, the Soil and Water Conservation District, and others as desired. The City Plan Commission shall find:

- (1) That the development plan is fitted to the topography, soils, and vegetative cover so that minimal erosion will result;
- (2) That every effort is made to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in the public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails (noxious plants are excepted);
- (3) That topsoil and backfill which are removed during development are stockpiled or hauled away so as not to contribute to the erosion hazard;
- (4) Where inadequate vegetation exists, temporary or permanent vegetation and/or mulching is established to protect critical areas during development;
- (5) That the smallest practical area of land is exposed at any one time during development and that such exposure is kept to the shortest practical period of time;
- (6) That permanent vegetation, drainageways, sediment basins, improvements such as streets and storm sewers, and other features of development, capable of effectively accommodating the increased amounts of velocity and other characteristics of run-off caused by changed soil and surface condi-

tions expected during and after development, are scheduled for installation to the greatest extent possible before removing vegetative cover from an area.

(Code 1980, § 14.12)

Cross reference—Erosion control at construction sites, ch. 105, art. II.

Sec. 113-17. Construction.

(a) *Commencement.* No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and the City Engineer has given written authorization.

(b) *Building permits.* No building permits shall be issued for erection of a structure on any lot of record until all the requirements of this chapter have been met.

(c) *Plans.* The following plans and accompanying construction specifications may be required by the City Engineer before authorization of improvements:

- (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 plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) Grading plans for the entire subdivision if it appears that erosion and sediment control will be a problem.
- (6) Additional special plans or information as required.

(d) *Inspection.* The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the City Engineer, if the plat is located in the City, to provide for adequate inspection. The City Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

(Code 1980, § 14.24)

Secs. 113-18—113-37. Reserved.

ARTICLE II. PLATTING

DIVISION 1. GENERALLY

Sec. 113-38. Pre-application.

It is recommended that, prior to the filing of an application for the approval of the preliminary plat, the subdivider consult with the City Plan Commission and/or staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, Comprehensive Plan components, and duly adopted plan implementation devices and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and City Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(Code 1980, § 14.13)

Sec. 113-39. Plats within the extraterritorial plat approval jurisdiction.

The Plan Commission may recommend or approve the subdividing of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Plan Commission may not consider any subdivision or land division which did not have prior approval by the approving authorities for both the Town(s) and La Crosse County. The Plan Commission may require any conditions in the approval of a subdivision or land division, including the use of any restrictive covenant.

- (1) When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the City, the subdivider shall proceed as specified in this chapter, except transmittal responsibility lies with the City Clerk, Town Clerk or County Planning Agency to whom ever the plat is first submitted; and the subdivider shall indicate which one in the application.

- (2) Approval agencies shall be as specified in Wis. Stat. ch. 236; and the subdivider must comply with the land division regulations of said agencies or units of government.
- (3) Subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the Town within whose limits the plat lies may require, provided that none of the approval agencies object to such improvements. Whenever connection to any City utility is desired, permission for such connection shall be approved by the governing body. All improvement requirements specified by the Town Board, other approval agencies or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the final plat.
- (4) Criteria for agricultural land division. The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided the Commission shall determine that the proposed land division will assist and ensure the continuation of the agricultural use.
- (5) Criteria for nonagricultural subdivision or land division. In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following four criteria:
 - a. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
 - b. The proposed subdivision or land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
 - c. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.
 - d. The proposed subdivision or land division shall comply with one of the following:
 1. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 2. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for La Crosse County, Wisconsin, the City of La Crosse adopted Parks and Open Space Plan or the City's other adopted Comprehensive Plan elements. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements. For the purpose of this provision, wetlands, floodplain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall be counted as per-

manent open space lands. Steep slopes shall include lands which have grades of 30 percent or more.

(Code 1980, § 14.18)

Sec. 113-40. Replat.

(a) When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stat. ch. 236. The subdivider or person wishing to replat shall then proceed as specified in this chapter.

(b) The City Clerk shall schedule within the time period specified in section 113-71 for the Common Council, after review and recommendation by the City Plan Commission, to take action upon the plat, a public hearing before the Grounds, Buildings and Utilities Committee of the Common Council when a preliminary plat of a replat of lands within the community is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

(Code 1980, § 14.19)

Secs. 113-41—113-68. Reserved.

DIVISION 2. PRELIMINARY PLATS

Sec. 113-69. Required; contents.

(a) *General.* A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded which shall not be a duplicate name or descriptively similar name of any plat previously recorded in La Crosse County.
- (2) Location of proposed subdivision by government lot, private claims, quarter section, quar-

ter-quarter section, township, range, County and State noted immediately under the title.

- (3) Date, scale and north point.
- (4) Names and addresses of owner, subdivider and land surveyor preparing the plat.
- (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Common Council, after review and recommendation by the City Plan Commission, may waive this requirement where it is unnecessary to fulfill the purpose and intent of this chapter and undue hardship would result from strict application thereof.

(b) *Plat data.* All preliminary plats shall show the following:

- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours on USGS (1929 Adjustment) datum.
- (3) Water elevations of adjoining lakes and streams and the date of the survey and approximate high and low water elevations, all referred to USGS (1929 Adjustment) datum, and approximate boundaries of areas subject to flood or stormwater overflow.
- (4) Location, ROW width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (5) Location and names of any adjacent subdivisions, assessor's plats, recorded certified survey maps, parks and cemeteries, and owners of record of abutting unplatted lands.

- (6) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations or curb elevations, all to USGS (1929 Adjustment) datum.
- (7) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent the tract, such sewers or water mains which might be extended and which are located within one mile of the plat shall be indicated by their direction and distance from the tract, size and invert elevations.
- (8) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (9) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
- (10) Approximate dimensions of all lots together with proposed lot and block numbers.
- (11) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (12) Approximate radii of all curves.
- (13) Existing zoning on and adjacent to the proposed subdivision.
- (14) Municipal boundary lines within or adjacent to the proposed subdivision.
- (15) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (16) Any proposed lake and stream improvement or relocation.
 - (c) *Contour, street and public utility plans and profiles.* The subdivider shall submit the following with the preliminary plat:
 - (1) Grading plans showing existing and proposed contours. All elevations shall be based on USGS (1929 adjustment) datum and all plans shall meet the approval of the City Engineer.
 - (2) Street plans and profiles showing existing ground surface, cross sections and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS (1929 Adjustment) datum and all plans and profiles shall meet the approval of the City Engineer.
 - (3) Public utility plans and profiles. All elevations shall be based upon USGS (1929 Adjustment) datum and plans and profiles shall meet the approval of the City Engineer.

The City Engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS (1929 Adjustment) datum, and plans and profiles shall meet the approval of the City Engineer.

 - (d) *Testing.* The City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Wis. Admin. Code ch. SPS 385 shall be complied with; and the appropriate data submitted with the preliminary plat.
 - (e) *Platting in a floodplain area.* When receiving a preliminary plat, all or part of which lies in any floodplain area, the Common Council, after review and recommendation by the City Plan Commission, may, prior to rendering a decision thereon:
 - (1) Require the applicant to submit two copies of an aerial photograph, or a plan certified

- by a competent technician, which accurately locates the floodplain proposal with respect to the floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal; fill limits and elevations; building flood elevations; and floodproofing measures.
- (2) Transmit one copy of the information which may be required herein to the Department of Natural Resources with a request, where deemed necessary, to have that agency provide expert technical assistance in evaluating the effects of the proposed project upon flood heights, velocities, and floodplain storage areas and the determination of flood protection levels.
 - (3) Require the applicant to furnish such of the following additional information as is deemed necessary by the Common Council, after review and recommendation by the City Plan Commission, for the elevation of the effects of the proposal upon flood flows and floodplain storage and to render a decision on the proposed floodplain use:
 - a. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and soil types and other pertinent information.
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream.
 - d. Specifications for building construction and materials, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - (4) Affirms, modify or withdraw its determination of unsuitability basing its decision on the standards set forth in section 113-144.
 - (f) *Covenants*. The subdivider shall submit to the City Plan Commission a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
 - (g) *Affidavit*. The registered land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.
 - (h) *Statement*. A supplementary written statement shall be submitted by the subdivider along with the preliminary plat briefly describing improvements, such as grading, paving, tree planting, installation of utilities, improvements to park and recreation areas, which the subdivider proposes to make and when he intends to make them.
(Code 1980, § 14.20)

Sec. 113-70. Preliminary plat review.

(a) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and Confluence: The La Crosse Comprehensive Plan, which was adopted by the Common Council in December 2002 and the subdivider shall comply with the procedures of Wis. Stat. ch. 236 and shall file at least ten copies of the plat and the application with the City Clerk at least 30 days prior to the City Plan Commission meeting at which action is desired.

(b) The Secretary of the City Plan Commission shall transmit a copy of the preliminary plat to all affected City boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Secretary of the City Plan Commission within 15 days from the date the plat is filed. The preliminary plat shall then be reviewed by the City Plan Commission for conformance with this chapter and all ordinances, rules, regulations, Comprehensive Plans and Comprehensive Plan components which affect it. The City Plan Commission shall

then submit the preliminary plat, together with its findings and recommendations, to the Common Council for action as required in Wis. Stat. ch. 236, unless the time for such action is extended by agreement with the subdivider.

(Code 1980, § 14.14)

Sec. 113-71. Preliminary plat approval.

(a) The Common Council, within the time specified in Wis. Stat. ch. 236 of the date of filing of preliminary plat with the City Clerk, shall approve, approve conditionally, or reject such plat provided that an extension of such time has not been agreed upon. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Common Council permanent file.

(b) Failure of the Common Council to act within this time limitation shall constitute an approval.

(c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except as indicated in Wis. Stat. ch. 236.

(Code 1980, § 14.15)

Secs. 113-72—113-100. Reserved.

DIVISION 3. FINAL PLATS

Sec. 113-101. Required; contents.

(a) *General.* A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. ch. 236.

(b) *Additional information.* The plat shall show correctly on its face, in addition to the information required Wis. Stat. ch. 236, the following:

- (1) Exact length and bearing of the centerline of all streets.
- (2) Exact street width along the line of any obliquely intersecting street.
- (3) Railroad rights-of-way within and abutting the plat.

(4) Setbacks of building lines as required.

(5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(6) Special restrictions required by the Common Council relating to access control along public ways or to the provision of planting strips.

(c) *Deed restrictions.* Deed restrictions shall be filed with the final plat.

(d) *Surveying and monumenting.* All final plats shall meet all the surveying and monumenting requirements of Wis. Stat. ch. 236.

(e) *State Plane Coordinate System (where and when adopted).* Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by a governmental unit having jurisdiction, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County's control survey where and when adopted.

(f) *Certificates.* All final plats shall provide all the certificates required by Wis. Stat. ch. 236; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

(Code 1980, § 14.21)

Sec. 113-102. Final plat review.

(a) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter, shall comply with the procedures for approval of plats of Wis. Stat. ch. 236 and Confluence: The La Crosse Comprehensive Plan, which was adopted by the Common Council in December 2002, and shall file 12 copies of the plat and the application with the City Clerk at least 30 days prior to the meeting of the City Plan Commission at which action is desired.

(b) The City Clerk shall transmit ten copies to the City Plan Commission.

(c) The City Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, and Confluence: The La Crosse Comprehensive Plan, which was adopted by the Common Council in December 2002.

(d) The final plat may, if permitted by the Common Council, after review and recommendation by the City Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
(Code 1980, § 14.16)

Sec. 113-103. Final plat approval.

(a) If the final plat is not submitted within the time specified in Wis. Stat. ch. 236, the Common Council may refuse to approve the final plat.

(b) The City Plan Commission shall, within 30 days of the date of filing the final plat with the City Clerk, recommend approval, or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Common Council unless the time for plat approval had been extended by mutual agreement between the City Plan Commission and the developer.

(c) The City Plan Commission shall, when it determines to recommend approval of a plat, notify the City Clerk who shall give at least ten days prior written notice of the intention to approve to the Clerk of any municipality within 1,000 feet of the plat.

(d) The Common Council shall approve or reject such plat. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons supplied to the subdivider. The Common Council may not inscribe its approval of the final plat unless the City Clerk certifies on the face of the plat in compliance with Wis. Stat. ch. 236. Failure of the Common Council to approve or reject such plat within the time specified in Wis. Stat. ch. 236, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(e) After the final plat has been approved by the Common Council and required improvements either installed or a contract and sureties ensuring their installation is filed, the City Clerk shall cause the

certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within the time specified in Wis. Stat. ch. 236.

(f) The subdivider shall file one Mylar and ten copies of the final plat, as recorded with the City Clerk for distribution to appropriate agencies and offices.
(Code 1980, § 14.17)

Secs. 113-104—113-134. Reserved.

ARTICLE III. DESIGN STANDARDS

Sec. 113-135. Street arrangement.

(a) In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the Official Map, and Confluence: The La Crosse Comprehensive Plan, which was adopted by the Common Council in December 2002. The street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(b) Arterial streets, as hereafter defined, 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.

(c) Collector streets, as defined in this chapter, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic from residential areas to the major street and highway system and shall be properly related to the

mass transportation system, 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.

(d) Local streets, as defined in this chapter, 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.

(e) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by the topography or other physical conditions or unless, in the opinion of the Common Council, after review and recommendation by the City Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(f) Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to an existing or proposed arterial street (except minor arterial), adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

(g) Stream or lake shores shall have 60 feet of public access platted to the water's edge at intervals of not more than one-half mile as required by Wis. Stat. ch. 236.

(h) 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 Common Council under conditions recommended by the City Plan Commission and approved by the Common Council.

(i) Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Common Council, after review and recommendation by the City Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

(j) Street names. All streets shall be named in conformity with the street naming plan of the City or with adjoining streets. In the case of diverging streets, the name shall be repeated. 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 named shall bear the names of the existing streets. 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 or lanes.
(Code 1980, § 14.22(A))

Sec. 113-136. Limited access highway and railroad right-of-way treatment.

Whenever the proposed subdivision contains or is adjacent a limited access highway or railroad ROW, the design shall provide the following treatment:

- (1) When lots within the proposed subdivision back upon the ROW of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited." The reservation of such strip also shall be indicated on protective covenants or building restrictions. However, the Common Council may control the planting of trees or shrubs near street intersections so as to provide safe sight distances.
- (2) Commercial and Industrial Districts shall have provided, on each side of the limited access highway, streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such streets and highways, but not less than 150 feet unless frontage streets are approved by the Common Council, after review and recommendation by the City Plan Commission.

- (3) Streets parallel to a limited access highway or railroad ROW, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad ROW. 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. The location of frontage streets shall be as approved by the Common Council, after review and recommendation by the City Plan Commission.
- (4) Local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of local streets immediately adjacent arterial streets and highways and railroad ROWs shall be avoided in residential areas unless frontage streets are approved by the Common Council, after review and recommendation by the City Plan Commission.
(Code 1980, § 14.22(B))

Sec. 113-137. Street design standards.

(a) The minimum ROW 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 in the following table:

Type of Street	Minimum ROW Width to be reserved	ROW Width to be dedicated
<i>Urban Cross Section</i>		
Primary Arterial	100 feet	80 feet
Standard Arterial	80 feet	All
High Collector	70 feet	All
Low Collector	66 feet	All
Local		
Residential	60 feet	All
Industrial	66 feet	All
Alleys	20 feet	All
Pedestrian Ways	10 feet	All
<i>Rural Cross Section</i>		
Primary Arterial or Standard Arterial	150 feet	100 feet
High Collector	100 feet	All
Low Collector or Local	66 feet	All

Minimum ROW widths to be reserved for Principal, Primary or Standard Arterials (Limited Access Facilities) and Pavement width except pavement widths for local residential street, shall be determined by the Common Council, after review and recommendation by the City Plan Commission. Local Residential Streets shall have a pavement width of 36 feet. Cross sections for freeways and parkways should be based upon detailed engineering studies.

- (b) Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum ROW radius of 50 feet

and a minimum outside curb radius of 40 feet. The minimum distance between the outside curb and ROW shall be ten feet.

(c) Street grades. Unless necessitated by exceptional topography subject to the approval of the Common Council, after review and recommendation by the City Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:

- (1) Arterial streets: Six percent.
- (2) Collector streets: Eight percent.
- (3) Local streets, alleys, and frontage streets: 12 percent.
- (4) Pedestrian ways: Eight percent, unless steps of acceptable design are provided.
- (5) The grade of any street shall in no case exceed 12 percent or be less than 0.3 percent. 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 topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for all major streets, and one-half this minimum for all other streets.

(d) Radii of curvature. When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- (1) Arterial streets and highways: 500 feet.
- (2) Collector streets: 300 feet.
- (3) Local streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

(e) Half-streets. Where, on the date of enactment of the ordinance from which this article is derived, an existing dedicated or platted half-street is adjacent the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets is not permitted.

(f) Green Complete Streets. The subdivider shall plan, design, and construct all roadways to provide appropriate accommodations for automobiles, trucks, transit vehicles, pedestrians, bicyclists, people of all ages and abilities, and stormwater runoff in order to improve modal flexibility, connectivity, environmental impacts, and safety consistent with section 40-14. Recognizing that all roadways are contextually unique, any City exceptions must be first reviewed by the City Traffic Engineer, City Engineer and City Planner and approved by the Board of Public Works prior to submittal of any preliminary or final plat to the Plan Commission for approval.
(Code 1980, § 14.22(C))

Sec. 113-138. Street intersections.

(a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(b) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least 125 feet from each other.

(c) Number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than 1,200 feet.

(d) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or shall be terminated by a straight line through the points of tangency of an arc having a radius of 15 feet.

(e) Local streets shall not necessarily continue across arterial streets; but if the centerlines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial street, then the location shall be so adjusted that the adjoinment across the major street is continuous.
(Code 1980, § 14.22(D))

Sec. 113-139. Blocks.

(a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenience access, control and safety of street traffic; and the limitations and opportunities of topography.

(b) Length. Blocks in residential areas shall not as a general rule be less than 500 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(c) Pedestrian ways of not less than ten feet in width are required near the center and entirely across any block over 900 feet in length to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

(d) Width. Blocks shall have sufficient width to provide for two tiers or lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.

(e) Utility easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.
(Code 1980, § 14.22(E))

Sec. 113-140. Lots.

(a) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(b) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(c) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(d) Access. Every lot shall front or abut for a distance of at least 30 feet on a public street and shall be not less than 60 feet in width at the building setback line; provided, however, this requirement shall not apply to lots on which two attached dwelling units located within a single structure are located

when the common wall between dwelling units is coterminous with the lot line when it is approximately perpendicular to the street right-of-way line except that the lot after division shall not be less than 30 feet in width at the building setback line.

(e) Area and dimension of lots shall conform to the requirements of chapter 115, the State Department of Safety and Professional Services, and, in areas not served by public sanitary sewer and water facilities, shall contain a minimum of one acre of land, unless in the considered opinion of the Common Council, after review and recommendation by the City Plan Commission, such services will be made available to the subdivision within five years of the date of the submission of the preliminary plat. Lots not served by public sanitary sewer or water facilities, and which will not in the considered opinion of the Common Council, after review and recommendation by the City Plan Commission, be served by such facilities within five years of the date of the submission of the preliminary plat, shall have a minimum width of 150 feet. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.

(f) Depth. Lots shall have a minimum average depth of 100 feet. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning regulations for such use.

(g) Width of lots shall conform to the requirements of this chapter and appropriate zoning regulations.

(h) Corner lots, except those not served by public sanitary sewer facilities and regulated herein, shall have an extra width of ten feet to permit adequate building setbacks from side streets.

(i) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This section applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any

interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(j) No lots shall be platted if the slope of the land exceeds 30 percent on that portion of the lot located between the side lot lines extended to the centerline of the adjoining roadway, and between an imaginary line located 100 feet to the rear of and running parallel to the front lot line and the centerline of the adjoining roadway. For the purpose of measurement, the elevations of the imaginary line located 100 feet to the rear of and running parallel to the front lot line shall be that which existed prior to the grading of any portion of the proposed lot and the elevations of the centerline of the adjoining roadway shall be that which will exist on the centerline of such roadway at its final grade. The above requirement may be waived by the Common Council after review and recommendation by the City Plan Commission if no more than one-half of the width of any lot measuring at least 200 feet in width has a slope in excess of 30 percent.

(Code 1980, § 14.22(F))

Sec. 113-141. Building setback lines.

Building setback lines shall be as controlled in chapter 115.

(Code 1980, § 14.22(G))

Sec. 113-142. Easements.

(a) The Common Council, after review and recommendation by the City Plan Commission, may require utility easements of widths deemed adequate, if no alleys are provided, for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.

(b) Drainage easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Common Council, after review and recommendation by the City Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the City Engineer, and parallel streets or parkways may be

required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the City Engineer.

(Code 1980, § 14.22(H))

Sec. 113-143. Public sites and open spaces.

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the Comprehensive Plan, Comprehensive Plan component, or Official Map, such areas shall be made a part of the plat as stipulated in section 113-10. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

(Code 1980, § 14.22(I))

Sec. 113-144. Standards to be applied where all or part of the proposed plat lies in a floodplain or floodway zoning district.

(a) In all cases the decision of the Common Council shall be consistent with the floodplain management standards of the Department of Natural Resources and chapter 115.

(b) Building sites must be filled to a height and area sufficient to provide protection from the flood as required by local zoning regulations.

(c) Development of sites, either individually or in aggregate, shall not have an adverse effect on flood flows. Adverse effects shall be determined according to the standards of the Department of Natural Resources and chapter 115.

(d) Development of sites shall not have an adverse effect on the storage capacity of the floodplain. Adverse effects shall be determined according to the standards of the Department of Natural Resources and chapter 115.

(e) All public utilities to be constructed within the Regional Floodway or Regional Flood Plain Zoning Districts must be located, elevated and constructed to minimize or eliminate flood damage.
(Code 1980, § 14.22(J))

Secs. 113-145—113-171. Reserved.

ARTICLE IV. REQUIRED IMPROVEMENTS

Sec. 113-172. Survey monuments.

The subdivider shall cause survey monuments to be installed in accordance with the requirements of Wis. Stat. ch. 236 and as may be required by the City Engineer.
(Code 1980, § 14.23(A))

Sec. 113-173. Grading.

After the installation of temporary block corner monuments by the subdivider and establishment of street grades according to standards approved by the Common Council, the subdivider shall grade the full width of the ROW of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. The Common Council, after review and recommendation by the City Plan Commission, may waive the grading of the full width of the ROW in areas which, due to topography, the grading of the full width of the ROW would be detrimental to the development of the area.
(Code 1980, § 14.23(B))

Sec. 113-174. Surfacing.

After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and/or Comprehensive Plan or Comprehensive Plan components. Said surfacing shall include both base material and wearing course and said surfacing shall be done in accordance with plans and standard specifications approved by the City Engineer. The cost of surfacing in excess of 36 feet in width and to standards over and above those which would be required

for local streets that are not required to serve the needs of the subdivider shall be borne by the community.
(Code 1980, § 14.23(C))

Sec. 113-175. Curb and gutter.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the City Engineer. This requirement may be waived where a permanent rural section has been approved by the City Engineer. Provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community.
(Code 1980, § 14.23(D))

Sec. 113-176. Rural street sections.

When permanent rural street sections have been approved by the community 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.
(Code 1980, § 14.23(E))

Sec. 113-177. Sidewalks.

(a) The subdivider shall construct a sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer. The Common Council, after review and recommendation by the City Plan Commission, may waive the construction of sidewalks in areas which, due to topography, would not be suited for sidewalk construction.

(b) Wider than standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage, and the Common Council may require the construction of sidewalks in locations other

than required under the preceding provisions of this article if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation. (Code 1980, § 14.23(F))

Sec. 113-178. Central sanitary sewerage and private sewage disposal systems.

(a) 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 Board of Health and the Department of Safety and Professional Services; however, any lot containing less than one acre of land and being less than 150 feet wide must be served by public sanitary sewer facilities unless in the considered opinion of the Common Council, after review and recommendation by the City Plan Commission, such service will be made available to the subdivision within five years of the date of the submission of the preliminary plat. The Common Council 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, in the opinion of the Common Council, after review and recommendation by the City Plan Commission, will become available within a period of five years from the date of submission of the preliminary plat, the subdivider may be required by the Common Council to 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 and sewers 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 floodproofed.

(b) Subdivider shall assume the cost of installing all sanitary sewers eight inches in diameter or less in size in residential subdivisions or 12 inches in diameter or less in size in nonresidential subdivisions. If greater than eight-inch diameter, sewers are required to handle the contemplated sewage flows in residential subdivisions, or if greater than 12-inch diameter, sewers are required to handle the contemplated sewage flows in nonresidential subdivisions the cost of such larger sewers shall be prorated in

proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost borne by the community. (Code 1980, § 14.23(G))

Sec. 113-179. Stormwater drainage facilities.

(a) The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, 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 size 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 stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the City Engineer.

(b) The City shall reimburse the subdivider for all costs associated with the construction of storm sewers including catch basins and inlets which exceed a sum greater than that established by resolution. The cost of all storm sewer construction including catch basins and inlets shall be approved by the City Engineer prior to the initiation of such construction. (Code 1980, § 14.23(H))

Sec. 113-180. Central water supply facilities.

(a) 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 community Board of Health and the Department of Natural Resources. The Common Council 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.

(b) The subdivider shall assume the cost of installing all water mains six inches in diameter or less in size in residential subdivisions or eight inches in diameter or less in size in nonresidential subdivisions. If greater than six-inch diameter water mains are required in residential subdivisions or if greater than eight inch diameter water mains are required in nonresidential subdivisions the excess cost of such mains over and above the cost of six-inch main in residential subdivisions or an eight inch main in nonresidential subdivisions shall be borne by the community. All water systems shall be floodproofed. (Code 1980, § 14.23(I))

Sec. 113-181. Other utilities.

No electrical, cable television or telephone service shall be located on overhead poles unless otherwise allowed by the Common Council, after review and recommendation by the City Plan Commission due to exceptional topography or other physical barrier. Electrical power, cable television and telephone transmission lines may be located on overhead poles. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the City Engineer. Electric, gas, telephone and cable television facilities shall be floodproofed in floodprone areas. (Code 1980, § 14.23(J))

Sec. 113-182. Street trees.

The subdivider shall plant or leave at least one tree of a species acceptable to the Park Board and of at least six feet in height for each 50 feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in the curb lawn area between sidewalk and curb in accordance with plans and standard specifications.

Sec. 113-183. Improvements on boundaries of subdivisions.

Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments. (Code 1980, § 14.23(L))

Sec. 113-184. Erosion.

The City Plan Commission and Common Council shall review each plat on the basis of size, topography, erosion hazards and other factors relating to sedimentation to determine the need for erosion and sediment control measures. If it is determined that such measures are needed, the City Engineer should direct the subdivider to undertake such erosion and sediment control as the City Engineer deems necessary.

(Code 1980, § 14.23(M))

Sec. 113-185. Street lights.

The subdivider shall cause street lights, including poles, wiring and other appurtenant equipment, to be installed. These facilities shall be installed in accordance with applicable requirements contained in A Policy for the Installation of Highway Lighting on the State Trunk Highway System in Wisconsin, published by the Wisconsin State Highway Department, Rules and Regulations, adopted by the Public Service Commission of Wisconsin as they pertain to street lighting, and street lighting standards adopted by the City of La Crosse.

(Code 1980, § 14.23(N))

Chapter 114

RESERVED

Chapter 115

ZONING*

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***Cross references**—Airport zoning, ch. 8, art. IV; historic preservation and archeology, ch. 20; plan commission, ch. 101, art. II; Comprehensive Plan, ch. 101, art. III; buildings and building regulations ch. 103; shoreland-wetland zoning, ch. 109; subdivisions, ch. 113.
State law reference—Zoning generally, Wis. Stat. § 62.23.

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ARTICLE I. IN GENERAL

Sec. 115-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

General. Words used in the present tense include the future; words used in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.

Adult arcade means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

Adult bookstore, adult novelty store, or adult video store means a commercial establishment which has a significant or substantial portion of its stock-in-trade, derives a significant or substantial portion of its revenues, devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas."
- (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

Adult cabaret means an establishment or business which regularly or on a frequently recurring basis, features live entertainment that is distin-

guished or characterized by an emphasis on the exhibiting of "specified anatomical areas" or "specified sexual activities" for observation by patrons therein, or which holds itself out or identifies itself to the public by its name, signs and/or advertising as an establishment where such live entertainment occurs regularly or on a frequently recurring basis, including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification, or be references to "adult entertainment," "strippers," "exotic dancers," "gentleman's club," or similar terms.

Adult day care providers means persons or facilities who for compensation provide care and supervision for four or more adults for less than 24 hours per day whose domicile or residence is not located at such facility.

Adult motel means a hotel, motel, or similar commercial establishment, which offers accommodations to the public for any form of consideration; provides patrons with close-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions, and either:

- (1) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (2) Allows a tenant or occupant of a sleeping room to sublease the room for a period of time that is less than ten hours.

Adult-oriented business means any business that exploits interest in sex in a graphic manner. The term "adult-oriented business" shall specifically mean adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or adult or semi-nude modeling studios.

Adult theater means a commercial establishment where, for any form of consideration, live performances, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Alley means a public thoroughfare which affords only a secondary means of access to abutting property.

Bed and breakfast establishment means any place of lodging in which the only meal served to guests is breakfast that provides four or fewer rooms for rent and is:

- (1) The owner's personal residence; and
- (2) Occupied by the owner at the time of rental.

Basement means any enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).

Board of Zoning Appeals means the body established under Wis. Stat. § 62.23 for cities or villages and designated "Board of Zoning Appeals."

Boardinghouse means a building other than a hotel, where meals or lodging and meals are served for compensation for more than six persons.

Building, height of, means:

- (1) The vertical distance from the mean elevation of the finished grade along the building line at the front of the building to the highest point of a flat roof, or the deck line of a mansard roof, or to the highest point of a gable, hip, and gambrel roofs. The overall maximum vertical distance of detached residential accessory buildings shall not exceed 15 feet from the lowest floor elevation to the highest point of the structure.
- (2) The overall maximum vertical distance of any detached residential accessory building shall not exceed the overall maximum vertical distance of the primary structure, measured from the ground grade directly adjacent to each structure to the highest point of each structure.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Wis. Stat. § 30.11 and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this chapter.

Carriage house means any garage or accessory structure that is over 17 feet in height and whose primary structure is residential and meets one of the requirements listed in section 115-390.

Certificate of compliance means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Church means a building, together with its accessory buildings and uses, where persons, regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients who are not lodged overnight are admitted for examination and treatment by a physician, chiropractor or dentist or by a group of physicians, chiropractors or dentists practicing medicine, practicing chiropractic care or practicing dentistry.

Community center means a building designed to serve as the social center of town, district, etc.

Community living arrangements (CLAs), consistent with definitions in the Wisconsin Statutes, means and includes community living arrangements for adults (Wis. Stat. § 46.03(22)); community living arrangements for children (Wis. Stat. §48.743(1)); a foster home (Wis. Stat. § 48.02(6)); a treatment foster home (Wis. Stat. § 48.02(6)); an adult family home (Wis. Stat. § 50.01(1)); a community-based residential facility (Wis. Stat. § 50.01(1g)); group homes; facilities providing residential or placement options for the populations served by Federal, State, or local correctional entities; detoxification-only shelters and shelters for the temporary placement of persons suffering from the effects of the over-consumption of drugs and/or alcohol; as well as similar facilities to those defined and described herein. Statutory constraints on these definitions and City powers are incorporated into this chapter.

Conditional uses means uses of a special nature as to make impractical their predetermination as a principal use in a district.

Court, inner, means open unoccupied space on the same lot with the main building which does not extend to either a street or alley or to a front yard, rear yard, or side yard of the lot.

Court, outer, means open unoccupied space, other than a yard, on the same lot with the main building and which extends to a street or alley or to a front yard, rear yard, or side yard of the lot.

Court, outer, length of, means the length of an outer court is the horizontal distance between the end opening on a street, alley, or yard and the end opposite such street, alley, or yard.

Department of Natural Resources (DNR) means the Wisconsin Department of Natural Resources.

Development means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of the percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dryland access means a vehicular access route which is above the regional flood elevation to ensure ingress and egress of safety vehicles and which connects land located in the floodplain to land outside the floodplain.

Dwelling, multiple, means a building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartments, apartment hotels, and group houses.

Dwelling, one-family, means a detached building designed for or occupied exclusively by one family.

Dwelling, two-family, means a building designed for or occupied exclusively by two families living independently of each other.

Dwelling unit means one or more rooms in a residential structure which are arranged, designed, used or intended for use by one family.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person.

Escort agency means a person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Existing mobile home park or *mobile home subdivision* means a parcel of land divided into two or more manufactured home lots for rent or sale on which the construction of facilities for servicing the lots is completed before March 13, 2008. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Family.

(1) The term "family" means:

- a. In the Single Family (R-1) Residence District, Washburn Residential District (WR), any number of individuals related by blood, marriage, adoption or legal guardianship living together as a single housekeeping unit and using common cooking facilities, plus not more than two persons (total of three unrelated persons) not so related by blood, marriage, adoption or legal guardianship, or not to exceed ten persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State.
- b. In the Residence (R-2) District, any number of individuals related by blood, marriage, adoption or legal guardianship living together as a single housekeeping unit and using common cooking facilities, plus not more than three persons (total of four unrelated per-

sons) not related by blood, marriage, adoption or legal guardianship, or not to exceed ten persons living together as a single housekeeping unit using common cooking facilities in a foster home wherein the foster parents have been licensed by the State, except that for two family dwellings which have zero lot lines with a common wall perpendicular to the street the number of individuals not related by blood, marriage, adoption or legal guardianship shall not exceed two persons.

- c. In the Low Density Multiple Dwelling (R-3), Multiple Dwelling (R-4) and Special Multiple Dwelling (R-5) Districts, any number of individuals related by blood, marriage, adoption or legal guardianship or not to exceed five persons not so related, living together as a single housekeeping unit and using common cooking facilities, or not to exceed ten persons living together as a single housekeeping unit using common cooking facilities in a foster home wherein the foster parents have been licensed by the State.

- (2) Notwithstanding subsections (1)a and (1)b of this definition, any rental dwelling unit in existence on September 1, 1989, may continue to maintain housing for not to exceed five unrelated persons provided such rental dwelling unit is in compliance with all other applicable codes and regulations, and if the owner of such dwelling unit files an affidavit of such use with the Inspection Department by July 1, 1990, on forms which may be recorded with the register of deeds provided by the City Inspection Department upon payment of a fee of \$10.00 per tax parcel. The right to maintain up to and including five unrelated persons per rental dwelling unit in the single family and residence district shall continue until such time as total structural repairs or alterations to any such dwelling unit during its life exceeds 50 percent of the assessed value of such dwelling unit or until such time as such dwelling unit is destroyed by fire or casualty or for a period of 15 years

from August 26, 1989, whichever shall occur first. The right to maintain up to and including five unrelated persons per rental dwelling unit provided by this paragraph shall terminate immediately should said tax parcel be found to have more than five unrelated persons living in any rental dwelling unit with the knowledge of the landlord or the landlord's agent.

- (3) Notwithstanding the above provisions, adult family homes and community living arrangements shall be permitted uses allowed as provided in Wis. Stat. § 62.23(7)(i).

Family day care home means a dwelling also licensed as a day care center by the State Department of Children and Family Services where, for compensation or consideration, a resident of the dwelling provides group care for at least four but not more than eight children between the ages of infancy and seven years of age, at a location other than the child's own home or the home of relatives or guardians.

Floor area (for determining requirements for off-street parking) means the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within the selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices, or to space for public assembly. However, floor area for the purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to lobbies, hallways, toilets, or stairways; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor areas other than areas devoted to retailing activities, to the production or processing of goods, to business or professional offices, or to space for public assembly.

Garage, private, means a garage used for storage purposes only and having a capacity of not more than three automobiles or not more than one automobile per family housed in the building to which such garage is accessory whichever is greater, and

in which space may be used for not more than two commercial vehicles, and in which space may be rented for not more than three vehicles of others than occupants of the building to which such garage is accessory.

Garage, public, means a garage other than a private garage.

Height of a yard or court means the vertical distance from the lowest level of such yard or court to the mean height of the bounding walls on the same lot.

Historic building means any structure that is either:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- (3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Home occupation means an occupation for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation, and provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

Hospital means an institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral

part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than 15 sleeping rooms, usually occupied singly, and no provision made for cooking in any individual apartment.

Land use means any development, as defined in this section.

Lot means a parcel of land occupied or to be occupied by one main building or use, with its accessories and including the open spaces accessory to it. No area shall be counted as accessory to more than one main building or use, and no area necessary for compliance with the open space requirements for one main building or use shall be included or counted in the calculation of the open space accessory to any other main building or use.

Lot, corner, means a lot or portion of a lot not more than 70 feet wide at the junction of, and abutting upon two or more streets. Any portion of such lot more than 70 feet distant from that street with the greater frontage shall comply with the provisions of this chapter applicable to interior lots.

Lot, depth of, means the mean horizontal distance between the front and rear lot lines.

Lot, interior, means a lot other than a corner lot.

Lot, reversed corner, means a corner lot which does not front on the same street with the interior lots on the same side, as distinguished from the same end of the block.

Lot, through, means a lot having frontage on two parallel or approximately parallel streets.

Lot lines means the lines bounding a lot as defined herein.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without permanent foundation when connected to the required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mobile home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Nonconforming use or structure means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (such as a residence in the floodway). An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. For example, an existing residential structure in the floodfringe district is a conforming use; however, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.

Nude or semi-nude modeling studio means any establishment or business where a nude or semi-nude person is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university, or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
- (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
- (3) Where no more than one nude or semi-nude model is on the premises at any one time.

Nudity means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernibly turgid state.

Nursing and care home means an institution providing meals and resident care and services for persons who are generally admitted for periods of time exceeding 30 days. Such service includes custodial or attendant care, but may or may not provide for routine and regular medical and nursing services. Nursing and care homes include homes for the aged and convalescent and rest homes.

Philanthropic or eleemosynary institution means an organized body or society for promoting a charitable, benevolent, or educational objective, and the building or buildings for carrying on the work of such an organization. This shall include community center (public), welfare or health center.

Private carport. An attached private carport is a three-sided structure attached to a dwelling or attached to a detached private garage, with each of its three sides at least 50 percent open and completely covered by a roof, and used only for the storage of privately owned, licensed operable motorized vehicles owned and operated by current resident(s) of the property upon which the "private carport" is located. A private carport must meet or exceed all building and zoning requirements in this Code and must be constructed of materials similar to the building to which it is attached. In addition, no carports are to be approved which have corrugated roofing materials attached to steel posts, but must be made of similar materials which are as close as possible to materials that make up the main structure on the property and that are currently commercially available.

Reach, hydraulic, means a hydraulic reach along a river or stream is that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in the stream bed slope or vegetation.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Semi-nudity means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Specified anatomical areas means less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below the point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if opaquely covered.

Specified sexual activities means simulated or actual showing of human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; fondling or erotic touching of human genitals, pubic region, buttocks or female breast.

Specified criminal activity, sexually-oriented, means any sexually-oriented criminal offense, including prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity relating to an adult-oriented business; sexual assault; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half, means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Structure means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Structural alterations means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows, and other nonstructural components.

Tourist roominghouse means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boardinghouses or roominghouses not accommodating tourists or transients, or bed and breakfast establishments as otherwise defined in this Code.

Utilities means any public or private water supply or waste collection and/or disposal system, includ-

ing, but not limited to, septic systems, private and public wells and their attendant facilities, and public sewage collection systems.

Vision clearance means a triangular space at the street corner of a corner lot, or at the intersection of a public alley with a street, or within 15 feet of the point of intersection of a driveway in a front yard setback with a road right-of-way, or within 15 feet of the point of intersection of a driveway and an alley right-of-way unoccupied except as otherwise specifically authorized. Such space shall be determined by measuring from the point of intersection of the street lot lines along each street lot line, or street lot line and alley line, as the case may be, the distance required for the district in which the lot is located, forming a triangle by striking an imaginary line between said points of measurement.

Yard, front, means an open unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard or court, width of, means its least horizontal dimension at its lowest level.

Yard, rear, means an open space on the same lot with the main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side line of the lot. The depth of the rear yard shall be measured between the rear line of the lot, and rear line of the building.

Yard, side, means an open unoccupied space on the same lot with the main building, situated between the side of a building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there be no front yard the front boundary of the side yard shall be the front line of the lot, and if there be no rear yard the rear boundary of the side yard shall be the rear line

of the lot. The street side yard on a corner lot shall extend from the rear of the front yard to the rear line of the lot in every case.

(Code 1980, § 15.01)

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 115-2. Penalties, enforcement and citations.

(a) *Penalties*. Except as otherwise provided in this chapter, violations of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, and other materials which are incorporated by reference, are a Class C offense as provided in section 1-7.

(b) *Enforcement*. The enforcement of this chapter shall not be exclusively under the jurisdiction of the Department of Planning and Development. Any person otherwise qualified commence an action before the Municipal Judge shall be qualified to institute an action for the enforcement of this chapter.

(c) *Penalty for leasing to more than five unrelated persons*. Any person violating section 115-396 shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the County Jail, unless otherwise authorized by law, until payment of such forfeiture and the cost of prosecution, but not exceeding 90 days for each violation, but not exceeding 90 days for each violation.

(d) *Penalty for parking motor vehicles on the front yard*. Any owner/operator of any vehicle violating section 115-395 shall, upon conviction thereof, forfeit not less than \$10.00 for the first violation and not less than \$20.00 for the second violation along with the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution may be imprisoned in the County jail, unless otherwise authorized by law, until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

(e) *Citations*. The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) The Director of Planning.

- (3) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

(Code 1980, § 15.50)

Cross reference—General penalty for ordinance violations, § 1-7.

State law reference—Zoning enforcement, Wis. Stat. § 62.23(7)(f), (8).

Sec. 115-3. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this chapter shall govern.

(Code 1980, § 15.33)

State law references—Purpose of zoning ordinances, Wis. Stat. § 62.23(7)(c); conflicts with zoning ordinances, Wis. Stat. § 62.23(7)(g).

Sec. 115-4. Compliance.

Except as hereinafter provided, the following provisions shall apply to this chapter:

- (1) *Use.* No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located without full compliance with the terms of this chapter.
- (2) *Height.* No building shall be erected, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (3) *Area.* No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this chapter, nor shall density of population be increased by any manner except in conformity with the area regulations herein established. Replacement split-system air conditioning condensing units not to exceed

60,000 British Thermal Units (BTU's) or five tons of cooling capacity may be placed in the side yard and rear yard setback areas of the main building on lands zoned for residential use. No yard or open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building; and no yard or open space on any adjoining premises shall be considered as providing a yard or open space on a lot whereon a building is to be erected. In no case shall there be more than one building on one lot excepting as hereinafter provided.

(Code 1980, § 15.04(A)—(C))

Secs. 115-5—115-26. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 115-27. Department of Planning and Development.

The Department of Planning and Development is hereby appointed to administer the provisions of this chapter. The Department of Planning and Development shall exercise the following duties and powers:

- (1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.
- (2) Issue permits and inspect properties for compliance with this chapter and issue certificates of compliance when appropriate.
- (3) Keep records of all water surface profiles, floodplain zoning maps, floodplain zoning ordinances, nonconforming uses and changes thereto, permit applications, permits, appeals, variances and amendments related to floodplain zoning ordinance.
- (4) Submit copies of any required data, variances, amendments, case-by-case analyses, annual reports, and any other required information to the Department of Natural Resources. An annual summary showing

only the number and types of zoning actions taken by the County, City or village shall be submitted to that Department by the Department of Planning and Development.

- (5) Investigate, prepare reports and report violations of the floodplain zoning ordinance to the City Attorney with copies to the appropriate district office of the Department of Natural Resources.
- (6) Submit copies of text amendments and annual reports to the Federal Insurance Administration (FIA) office of FEMA.
- (7) Maintain on file a list of all documentations of certified elevations.
- (8) Notify adjacent communities, the Department of Natural Resources and the Federal Insurance Administration (FIA) office of Federal Emergency Management Agency (FEMA) prior to any alteration or relocation of a watercourse.

(Code 1980, § 15.28(A)(1)—(7), (9))

Sec. 115-28. Land use permit.

A land use permit shall be obtained from the Department of Planning and Development before any new land use, change in use or development as defined in section 115-1, subject to the provisions of this article, may be initiated. An application for a land use permit shall be made to the Department of Planning and Development upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) Name and address of the applicant and property owner;
- (2) Legal description of the property and type of proposed use;
- (3) A sketch showing the dimensions of the lot and locations of buildings from lot line, center line of abutting highways and high-water mark of any abutting watercourse;
- (4) All information concerning any private water or onsite sewage disposal system to be installed, including a sketch showing surveyed location of wells, streams, lakes, buildings, privies and septic tank systems within 100 feet of proposed sewage disposal site;

- (5) When a land use permit is required by article V, division 2 of this chapter, the fee shall be as established by resolution.

(Code 1980, § 15.28(A)(8)(a))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 115-29. Certificate of compliance.

No development as defined in this chapter shall take place, no vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until the applicant obtains a certificate of compliance from the Department of Planning and Development. The fee to be paid to the City for a certificate of compliance shall be as established by resolution. For land in the floodplain, the Department of Planning and Development shall require that the applicant submit a certification by a registered professional engineer or architect that the finished fill and building flood elevations and other floodplain regulatory factors were accomplished in compliance with appropriate floodplain zoning provisions and other floodplain regulations; the applicant shall submit such certification for all new construction and substantial improvements. In the event a variance has been granted relative to the elevation of the lowest habitable floor (including basement), or floodproofing measures for any new or substantially improved structures, the applicant must submit to the Department of Planning and Development the elevation (in relation to mean sea level) certified by a registered Wisconsin professional engineer or architect of the lowest habitable floor (including basement) and/or the elevation (in relation to mean sea level) to which the structure was floodproofed. Upon written request from the owner, the Department of Planning and Development shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this article certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions for this article.

(Code 1980, § 15.28(A)(8)(b))

Sec. 115-30. Other permits.

It is the responsibility of the applicant to secure all other necessary permits from all appropriate Federal, State and local agencies, including those required under Section 404 of the Federal Water Pol-

lution Control Act amendments of 1972, 33 USC 1334. A land use permit shall not be issued until all other necessary permits have been obtained.
(Code 1980, § 15.28(A)(8)(c))

Sec. 115-31. Survey; when required.

No building shall be erected, reconstructed, or structurally altered, which, when upon completion of the erection, reconstruction, or alteration, any portion of it shall abut upon a public street, alley, way or ground, unless and until upon application for a permit for such erection, reconstruction, or alteration, the applicant shall furnish a survey made by a qualified land surveyor in sufficient detail to show that the proposed construction will not in any way encroach upon any public lands.
(Code 1980, § 15.04(F))

Sec. 115-32. Proof of zoning letters.

A proof of zoning letter shall be provided by the Department of Planning and Development upon request after payment of a fee in the amount established by resolution.
(Code 1980, § 15.20)

Sec. 115-33. Nonconforming uses.

Except as provided in subsections (6) and (7) of this section:

- (1) *General.* The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:
 - a. No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this chapter. For the purpose of this section, the terms "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the

replacement of doors, windows and other nonstructural components. A nonconforming use may be expanded by no more than 120 square feet (60 square feet in a floodplain zoning district) for the purpose of constructing a handicap accessible bathroom provided that the addition, in combination with other modifications or additions to the building, does not exceed 50 percent of the present equalized assessed value of the building and conform with all other provisions of this Code, including building setback requirements.

- b. If a nonconforming use is discontinued for 12 consecutive months, any future use of the structure or building shall conform with the appropriate provisions of this chapter.
- c. A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Appeals, after public notice and hearing, to be no more harmful to the surrounding neighborhood, from the standpoint of the purposes of this chapter, than the existing nonconforming use; provided, however, the Board of Appeals shall not have authority to authorize structural alterations or additions to be made to the building or structures nor authorize an extension of a nonconforming use.
- d. The order of classification of uses from highest to lowest for the purposes of this section shall be as follows: Residence District uses, Multiple Dwelling District uses, Local Business District uses, Commercial District uses, Light Industrial District uses, Heavy Industrial District uses, as permitted under this chapter.
- e. A nonconforming use shall not be extended, but the extension of a use to any portion of a building, which portion is on the effective date of this chapter,

primarily arranged or designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use.

f. The remodeling involving structural alterations made in a nonconforming building shall not during its life exceed 50 percent of its assessed value, nor shall the building be enlarged, unless the use therein is changed to a conforming use.

1. No modification or additions shall be allowed to any existing structures which are not in compliance with permitted floodway standards or uses, unless such modifications or additions meet all the following criteria:

- (i) The modifications or additions to a structure will not increase the amount of obstruction to flood flows pursuant to article V, division 2 of this chapter;
- (ii) Any addition to a structure shall be floodproofed by means other than the use of fill to the flood protection elevation;
- (iii) No structural repairs, modifications or additions to a structure, which exceed over the life of a structure 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming use;
- (iv) If any nonconforming structure is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use is permitted in the floodway district and the structure meets the provisions of chapter 8, article

IV. For the purpose of this section, restoration is deemed impractical where the total cost of such restoration would exceed 50 percent of the present equalized assessed value of said structure.

- 2. No new onsite sewage disposal system or additions to existing onsite sewage disposal systems shall be allowed in a floodway area. Any replacement, repair or maintenance of an onsite sewage disposal system in a floodway area shall meet the applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 383.
- 3. No new well used to obtain water for ultimate human consumption or modifications to an existing well shall be allowed in a floodway area. Any replacement, repair or maintenance of a well in a floodway area shall meet the applicable provisions of local ordinances and Wis. Admin. Code chs. NR 111 and 112.
- 4. As requests are received for modifications or additions to nonconforming structures in the floodway, the City shall develop a list of those nonconforming structures, their assessed value and a list of the costs of those activities associated with changes to those structures enumerated in this section.

(2) *Flood storage zoning overlay district.* The applicable provisions of section 115-32 shall apply.

(3) *Regional flood fringe zoning overlay district.*

- a. All modifications or additions to any nonconforming structure, which do not exceed 50 percent of its present equalized assessed value, shall be protected by floodproofing measures. No structural modification or addition to any nonconforming structure, which

- over the life of the structure exceed 50 percent of its present equalized assessed value shall be allowed unless the use is permitted in the Regional Flood Fringe Zoning Overlay District and the structure meets the provisions of this Code.
- b. Where compliance with the provisions of subsection (3)a of this section would result in unnecessary hardship, and only where the structure will not be either used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedure in section 115-59(2), may grant a variance from those provisions, using the criteria listed below. Modifications or additions to structures or buildings which are protected to elevations lower than the flood protection elevation may be permitted if:
 1. Human lives are not endangered;
 2. Public facilities, such as water or sewer, are not to be installed;
 3. Flood depths will not exceed four feet; and
 4. Flood velocities will not exceed two feet per second.
 - c. Any new, addition to, replacement, repair or maintenance of an onsite sewage disposal system in a flood fringe area shall meet all the applicable provisions of all ordinances and Wis. Admin. Code ch. SPS 383.
 - d. Any new, addition to, replacement, repair or maintenance of a well in a flood fringe area shall meet the applicable provisions of this chapter and Wis. Admin. Code chs. NR 111 and 112.
 - e. If a variance is granted, the community shall notify the property owner that increased flood insurance premiums may result.
- (4) *Shallow depth floodplain zoning overlay district.* The provisions of subsection (3) of this section shall apply.
- (5) *Improvements to nonconforming buildings in the floodplain districts destroyed by a nonflood disaster.*
 - a. The term "nonconforming building" means as specified by rule by the Wisconsin Department of Natural Resources for purposes of floodplain zoning under Wis. Stat. § 87.30 and includes a building with a nonconforming use.
 - b. The term "nonconforming use" means as specified by rule by the Wisconsin Department of Natural Resources for purposes of floodplain zoning under Wis. Stat. § 87.30.
 - c. The term "nonflood disaster" means a fire or an ice storm, tornado, wind-storm, mudslide or other destructive act of nature, but excludes a flood.
 - d. Nonconforming buildings that are damaged or destroyed by a nonflood disaster shall be permitted to be repaired, reconstructed or improved in order to restore it after the nonflood disaster, except as provided in subsection (5)e of this section.
 - e. The repair, reconstruction or improvement of a nonconforming building shall not be permitted if the nonconforming building fails to meet one or more of the minimum requirements applicable to such a nonconforming building under 42 USC 4001 to 4129 or under the regulations promulgated thereunder.
 - (6) *Repair and maintenance of certain nonconforming structures.*
 - a. In this section:
 1. "Development regulations" means the part of this chapter that applies to elements including setback, height, lot coverage, and side yard.
 2. "Nonconforming structure" means a dwelling or other building that existed lawfully before this chapter was enacted or amended, but

that does not conform with one or more of the development regulations in this chapter.

- b. Nothing in this section prohibits, or limits based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(7) *Restoration of certain nonconforming structures.*

- a. Restrictions that are applicable to damaged or destroyed nonconforming structures in this chapter do not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to subsection (7)b of this section, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

- b. Such a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable State or Federal requirements.

(Code 1980, § 15.27)

State law reference—Nonconformities, Wis. Stat. § 62.23(7)(ab), (7)(h), (7)(hb), (7)(hc), (7)(hg).

Sec. 115-34. Frequency of rezonings and conditional use permit applications.

After a petition or ordinance for rezoning of property has been heard and denied, no other petition or ordinance by the same owner affecting the same property or portion thereof, requesting the same change in zoning shall be filed, introduced or heard for a period of one year from the date of said denial. This does not, however, prohibit a petition or ordinance for rezoning for property rezoned as part of a comprehensive rezoning wherein property owners

are allowed a onetime opportunity to rezone their property to the former zoning within a one-year period of time at no cost to them. After an application for a conditional use permit regarding certain property has been heard and denied, no other application requesting the same conditional use by the same owner at the same location can be filed or heard for a period of one year from the date of said denial.

(Code 1980, § 15.40)

State law reference—Zoning amendments, Wis. Stat. § 62.23(7)(d).

Secs. 115-35—115-56. Reserved.

DIVISION 2. BOARD OF ZONING APPEALS;
VARIANCES AND APPEALS*

Sec. 115-57. Created; membership.

A Board of Appeals is hereby established. The Board shall consist of five members and two alternates who shall be appointed by the Mayor, subject to confirmation of the Council. The members of the Board shall serve without compensation. The Mayor shall designate one of the members Chair. The City Clerk shall serve as Secretary of the Board. The term of office of the members of the Board shall be for three years, with no more than two terms expiring the same year. The term of the alternates shall be for staggered terms of three years. Annually, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

(Code 1980, § 15.29(A))

State law reference—Board of Appeals membership, Wis. Stat. § 62.23(7)(e)2.

Sec. 115-58. Organization.

The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter and Wis.

***Cross reference**—Boards and commissioners generally, ch. 2, art. X;

State law reference—Board of Zoning Appeals, Wis. Stat. § 62.23(7)(e).

Stat. § 62.23(7). Meetings shall be held at the call of the Chair and at such other times as the Board may determine and shall be open to the public. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of facts. The records shall be immediately filed in the office of the Secretary and shall be a public record. A copy of any decision granting a variance from floodplain regulations within any floodplain area shall be mailed to the Department of Natural Resources. A representative from the Department of Planning and Development shall attend all meetings for the purpose of providing technical assistance to the Board.

(Code 1980, § 15.29(B))

Cross reference—Charter ordinance relative to quorum and vote required for Board to act, app. A, § 18.

State law reference—Similar provisions, Wis. Stat. § 62.23(7)(e)3.

Sec. 115-59. Powers.

The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Department of Planning and Development in the administration of this chapter.
- (2) To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. A variance:
 - a. Shall be consistent with the spirit and intent of this chapter.
 - b. Shall not permit any change in established flood elevations or profiles.
 - c. Shall not be granted for a use that is common to a group of adjacent lots or premises. (In such a case, this chapter would have to be amended through proper procedures.)
 - d. Shall not be granted unless it is shown that the variance will not be contrary to
 - e. the public interest or damaging to the rights of other persons or property values in the area.
 - f. Shall not be granted for actions which require an amendment to the floodplain zoning provisions of this chapter.
 - g. Shall not have the effect of allowing or expanding a use or structure which is prohibited in that zoning district by the floodplain zoning provisions of this chapter or Wis. Admin. Code ch. NR 116.
 - h. Shall not be granted solely on the basis of economic gain or loss.
 - i. Shall not be granted for a self-created hardship.
 - j. Shall not permit a lower degree of flood protection in the Floodway District.
 - k. Should not allow any floor or crawlspace below Regional Flood Elevation for residential or commercial structures as required by Wis. Admin. Code ch. NR 116.
- (3) To hear and decide interpretations of the zoning regulations and the boundaries of the zoning districts. The following procedure shall be used by the Board of Appeals in disputes of a floodplain zoning district boundary:
 - a. Flood district boundaries. When the location of the Flood Zoning Overlay or Floodway district boundaries are established by flood maps or engineering studies pursuant to section 115-110, the flood elevations or "flood profiles" for the point in question shall be the governing factor in locating the district boundary. If no elevation or profiles are available to the Board, any other available evidence may be examined.
 - b. In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Appeals and if he chooses, submit his own technical evidence. If the Board determines that the district boundary

as mapped is incorrect, the person contesting the location of the boundary may then proceed to petition La Crosse City Council for a map amendment, pursuant to section 115-87.

- (4) To permit a change of nonconforming use to another of the same classification where the Board, after public hearing thereon, deems that the proposed use will be no more harmful to the surrounding neighborhood, from the standpoint of the purposes of this chapter, than the existing nonconforming use; provided, however, the Board of Appeals shall not have authority to authorize structural alterations or additions to be made to the building or structures nor authorize an extension of a nonconforming use.
- (5) To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district.
- (6) The Board may reverse, affirm wholly or partly modify the requirements appealed from, and may direct the issue of a permit.
- (7) The Board may request assistance from other City officers, departments, commissions and boards.
- (8) The Chair, or in his absence the Acting Chair, may administer oaths and compel the attendance of witnesses.
- (9) To permit uses listed in section 115-153(a) in the Heavy Industrial District in accordance with the provisions of said section.
- (10) To permit a private garage to house more than three noncommercial automobiles, as an accessory building to a dwelling, hospital, school or other public or semi-public institution, provided that the lot whereon such garage is to be located shall contain an area of not less than 2,000 square feet per motor vehicle housed.
- (11) If recommended by the Public Service Commission of Wisconsin, to permit, in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, a building or premises to be erected or used

by a public service corporation or for a public purpose in any location and for any purpose which is reasonably necessary for the public convenience and welfare.

- (12) When a variance is granted from the provisions of the floodplain regulations, the applicant shall be notified in writing by the Chair or Secretary of the Board of Appeals that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

(Code 1980, § 15.29(C))

State law reference—Similar provisions, Wis. Stat. § 62.23(7)(e)7.

Sec. 115-60. Appeals.

(a) *Appeals procedure.* Appeals from the decision of the Department of Planning and Development concerning the literal enforcement of this chapter may be made by any office, department, board or bureau of the City. Every appeal shall be filed with the secretary with a complete copy to Department of Planning and Development on forms provided by the Department of Planning and Development and the City Clerk's Office, within the time limit provided by rules of the Board. The Secretary of the Board shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. Such appeals shall include the following:

- (1) Name and address of the appellant or applicant and all owners of property in the City of La Crosse within 100 feet of the property which is the subject of the appeal.
- (2) Map showing the location, boundaries, dimensions, uses and size of the following: subject site, existing and proposed structures, existing and proposed easements; streets and other public ways, off-street parking areas, and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the map shall show the location and use of any abutting land and their structures within 20 feet of the subject site. Additional information may be required as specified in the forms provided by the Department of Planning and Development and City Clerk's Office.

- (3) If the appeal seeks a variance or determination to place a structure, except a fence, within four feet or less of a property line, then the applicant shall submit with its application or appeal an affidavit in recordable form that is signed by the adjacent property owner agreeing to the location of the joint lot line. A copy of the affidavit shall be presented to the Director of Planning and Development.
- (4) Additional information required by the Board of Appeals Department of Planning and Development.
- (5) Fee receipt from the Director of Finance/Treasurer in the amount established by resolution.

(b) *Hearings.* The Board of Appeals shall fix a reasonable time and place for the hearing of the appeal, give public notice as required by State statute, and shall give due notice to the parties in interest including the Department of Planning and Development and Department of Natural Resources if such appeal involves floodway or floodplain zoning provisions. At the hearing, the appellant may appear in person, by agent or by attorney.

(c) *Decision.* The Board of Appeals shall decide all appeals within a reasonable time after the final hearing and shall transmit a signed copy of the Board's decision to the appellant and to the Department of Natural Resources if such appeal involves Floodway or Flood Plain Zoning provisions.

(d) *Shoreland-wetland zoning.* As to appeals involving provisions in chapter 109:

- (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Wis. Stat. ch. 985 specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
- (2) A copy of such notice shall be mailed to the parties in interest and the appropriate dis-

trict office of the Department at least ten days prior to all public hearings on issues involving shoreland-wetland zoning.

- (3) The final disposition of an appeal to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed.
- (4) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department of Natural Resources within ten days after the decision is issued.

(Code 1980, §§ 15.29(D)—(F), 15.36(E)(4)(C), (E)(4)(D))

State law reference—Appeals, Wis. Stat. § 62.23(7)(e)4—(7)(e)6.

Sec. 115-61. Review by Court of Record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to the Court of Record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after filing of the decision in the office of the Board of Appeals.

(Code 1980, § 15.29)

State law reference—Appeals to court, Wis. Stat. § 62.23(7)(e)10.

Secs. 115-62—115-80. Reserved.

DIVISION 3. AMENDMENTS*

Sec. 115-81. Authority.

(a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the Common Council may, by ordinance, change or supplement the regulation established by this chapter or amendments thereto. Such changes or amendments shall be subject to the review and recommendation of the City Plan Commission.

***State law reference**—Zoning amendments, Wis. Stat. § 62.23(7)(d).

(b) Official amendments are required for any changes in the official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinance. Amendments of official floodway lines shall meet the provision of Wis. Admin. Code § NR 116.12. Actions which require an amendment by the City include, but are not limited to, the following:

- (1) Any change in the official floodway lines or in the boundary of the floodplain area;
- (2) Settlement of conflicts between the water surface profiles and floodplain zoning maps;
- (3) Any fill or encroachment into the floodway which will result in raising the elevation of an area in the floodway to a height at or above the elevation of the regional flood;
- (4) Any fill or encroachment that will cause a change in the water surface profiles of the regional flood; and
- (5) Any upgrading of floodplain zoning ordinances in accordance with Wis. Admin. Code § NR 116.05.

(Code 1980, § 15.34(A))

Sec. 115-82. Initiation.

A change or amendment to the text of this chapter may be changed in accordance with State law. A change or amendment to the zoning map may be initiated by the Common Council, City Plan Commission or by a petition of one or more of the owners of property within the area proposed to be changed.

(Code 1980, § 15.34(B))

Sec. 115-83. Petitions.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk on completed forms provided by the City Clerk by not later than 5:00 p.m. on the Friday preceding the regularly scheduled Council meeting and in any event no later than noon on Wednesday preceding the regularly scheduled Council Meeting. All applications which miss the Friday deadline must have approval from the Council Member representing that District or the Mayor to file prior to Wednesday deadline. The form shall be correctly answered in its entirety. The Department of Planning and Development may require the following data be provided with any petitions to change any flood district

boundary or floodplain regulation. Any petitioner who misses the Friday deadline must complete a notarized form which states that the petitioner has contracted the Council Member of the District, or has obtained a written waiver by the Mayor, and will personally contact those property owners required to be provided notice of the rezoning no later than the first publication date, which date shall be included in the form. The City Clerk shall provide said petitioner who misses the deadline a list of those property owners being required to receive such notice and the date of the first required publication. The City Clerk shall notify the Council Member of the affected district of such late filing.

- (1) Two copies of an aerial photograph, or a plan which accurately locates the floodplain proposal with respect to the floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;
- (2) The following additional information as is deemed necessary by the Department of Natural Resources for evaluation of the effects of the proposal upon flood flows and to determine the effects on the boundaries of the floodway and, where applicable, the regional flood elevation.
 - a. A typical valley cross section showing the channel of the stream, the floodplain adjoining each side of the channel, cross sectional area to be occupied by the proposed development and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site, location and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream.

- d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(Code 1980, § 15.34(C))

Sec. 115-84. Recommendations.

The City Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied.

(Code 1980, § 15.34(D))

Sec. 115-85. Common Council action.

(a) *Hearings.* The City Council shall hold a public hearing upon each proposed amendment as provided by Wis. Stat. § 62.23(7)(d).

(b) *Common Council action.* Following such hearings and after careful consideration of the City Plan Commission's recommendation, the Common Council shall vote on the passage of the proposed change or amendment.

(Code 1980, § 15.34(E), (F))

Sec. 115-86. Protest.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by 20 percent or more of the property owners within said rezoning or 200 feet radius excluding right-of-way such changes or amendments shall not become effective except by the favorable vote of three-fourths of the full Common Council membership.

(Code 1980, § 15.34(G))

State law reference—Protests, Wis. Stat. § 62.23(7)(d)2m,

Sec. 115-87. Amendment procedure relative to floodplain regulations and districts.

Copies of any amendment affecting any floodplain zoning district or regulation proposed to City Council shall be forwarded by the City Clerk, together with the first notice of the public hearing thereon, to the main office and appropriate district office of the Department of Natural Resources, and the Federal Emergency Management Agency. The amendment procedure shall comply with the provisions of Wis. Stat. § 62.23. No amendment to the text

or maps shall become effective until approved by the Department of Natural Resources, the Federal Emergency Management Agency and, in the case of map amendments, until an official letter of map amendment has been issued by the Federal Emergency Management Agency. Approval by the Federal Emergency management Agency is also not necessary for the map amendment made for the La Crosse River Valley Floodplain Study.

(Code 1980, § 15.34(H))

Sec. 115-88. Fees.

All petitions for amendments of this chapter shall be accompanied by a fee in the amount established by resolution upon filing of zoning amendment petition.

(Code 1980, § 15.34(I))

Sec. 115-89. Issuance of building permits during pendency of rezonings.

The Department of Planning and Development shall not issue any building permit for lands that are in the process of being considered for rezoning by the Council after 5:00 p.m. on the Friday preceding the introduction at a Council Meeting of an amendment to this chapter. Persons desiring to obtain a building permit during the pendency of a rezoning may request of the Judiciary and Administration Committee of the Common Council a hearing. At least ten days' notice of the hearing shall be given to applicant and other interested parties. At said hearing, the Judiciary and Administration Committee may authorize the issuance of a building permit. This provision shall not apply to comprehensive rezonings unless the Council otherwise directs.

(Code 1980, § 15.34(J))

Sec. 115-90. Property owner notification

All rezoning amendments, except as otherwise provided by the Common Council for comprehensive rezonings, shall require written notification by regular mail to the owners of record of land included in such change located with 200 feet radius excluding right-of-way.

(Code 1980, § 15.34(K))

Secs. 115-91—115-108. Reserved.

ARTICLE III. ZONING DISTRICTS ESTABLISHED; ZONING MAP*

Sec. 115-109. Districts established.

(a) In order to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to: Lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, panic and other dangers; reduce the hazard of flood to life and property; protect floodplain occupants from a flood which is or may be caused by their own land use and which is or may be undertaken without full realization of the danger; protect the public from extraordinary financial expenditures for flood control and relief; protect the storage capacity of floodplains; assure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate an adequate provision of public facilities and utilities, stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community and historic properties; and implement the community's general plan or plan components, the City of La Crosse is hereby divided into Basic Zoning Districts and Zoning Overlay Districts.

- (1) Agricultural District.
- (2) Exclusive Agricultural District.
- (3) R-1, Single Family Residence District.
- (4) R-3, Special Residence District
- (5) R-2, Residence District.
- (6) R-4, Low Density Multiple Dwelling District.
- (7) R-5, Multiple Dwelling District.
- (8) R-6, Special Multiple Dwelling District.
- (9) Washburn Residential Neighborhood District
- (10) Local Business District.
- (11) Community Business District.

- (12) Commercial District.
- (13) M-1, Light Industrial District.
- (14) Heavy Industrial District.
- (15) Public Utility District.
- (16) Parking Lot District.
- (17) Planned Development District.
- (18) Public and Semi-Public District.
- (19) Conservancy District.
- (20) Flood Zoning Overlay Districts.
 - a. FSD, Flood Storage Zoning Overlay District.
 - b. Regional Flood Fringe Zoning Overlay District.
 - c. SDPD, Shallow Depth Flood Plain Zoning Overlay District.
 - d. GFD, General Flood Plain Zoning Overlay District.
 - e. FW, Floodway District.
 - f. Floodway Fringe Zoning Overlay District.
 - g. PCFP, Pammel Creek Overlay District.
- (21) Historic Zoning Overlay District.
- (22) Shoreland-Wetland District (See chapter 109).

(b) Districts 1 through 19, as shown above, shall be considered Basic Zoning Districts and Districts 20a, 20b, 20c, 20d, (21) and (22) shall be considered Zoning Overlay Districts. Failure to include the complete title of a district when referencing a district does not invalidate the district reference. (Code 1980, § 15.02(A))

Sec. 115-110. Map.

The City is hereby divided into 20 Basic Zoning Districts and six Zoning Overlay Districts, and the boundaries of such districts are shown upon the Master Zoning Map on file in the office of the Department of Planning and Development, except as provided otherwise in this chapter, which map is hereby incorporated by reference.

- (1) The boundaries of the Flood Zoning Overlay Districts are those boundaries designated

*State law reference—Zoning districts authorized, Wis. Stat. § 62.23(7)(b).

as the Special Flood Hazard Areas (SFHAs) subject to Inundation by the one percent Annual Chance Flood on FEMA FIRM Maps dated January 6, 2012 and should the City fall out of compliance in its maintenance of the Pammel Creek Flood Control Project, then the FEMA Flood Boundary and Floodway map 555562, panel Numbers 0006 and 0007 dated May 15, 1985 will apply pursuant to Wis. Admin. Code § NR 116.17(2).

- (2) The boundary of the Floodway District shown on the Master Zoning maps includes, but is not limited to, all lands designated as "floodway" on the FIRM maps dated January 6, 2012, as revised or annotated from time to time by the Federal Emergency Management Agency prepared for the City of La Crosse by the Federal Emergency Management Agency.
- (3) The report "Flood Insurance Study, La Crosse County Wisconsin, and incorporated areas Federal Emergency Management Agency - Flood Insurance Study Number 55063CV001B and 55063CV002B dated January 6, 2012" referred to herein as Flood Plain Report, prepared for La Crosse County and the City of La Crosse by the Federal Emergency Management Agency, is hereby incorporated into this chapter by reference and together with the FIRM Maps referenced in Subsections (1) and (2) of this section shall be used to determine the elevations of the Base Flood.
- (4) The FIRM (Flood Insurance Rate Maps) dated January 6, 2012, as revised or annotated from time to time by the Federal Emergency Management Agency prepared for La Crosse County and the City of La Crosse by the Federal Emergency Management Agency are hereby incorporated into this chapter by reference.

(Code 1980, § 15.02(B))

Sec. 115-111. Boundaries of districts.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Master Zoning Map, the following rules shall apply:

- (1) The district boundaries are either streets, alleys or lot lines unless otherwise shown

and where the districts designated on the Master Zoning Map are bounded approximately by street, alley or lot lines, said street, alley or lot line, respectively, shall be construed to be the boundary of such district.

- (2) Where the district boundaries are neither streets, alleys or lot lines, unless otherwise clearly indicated on the Master Zoning Map, they shall be determined by use of the scale on said Master Zoning Map.

(Code 1980, § 15.32)

Sec. 115-112. Annexed territory.

Unless otherwise provided for by the Common Council, all new territory annexed to the City shall temporarily be subject to the zoning regulations and classifications of any County zoning ordinance with respect to the territory at the time of annexation until definite district boundaries and regulations for such annexed territory are adopted by the Council; provided, however, that definite district boundaries and regulations for such annexed territory shall be adopted by the Council within 90 days from the date of annexation to the City. No building permits shall be issued during the period of time when temporary zoning is provided with the annexation in accordance with Wis. Stat. § 66.0217(8), unless such temporary zoning is the same as that provided at the time of filing of the petition.

(Code 1980, § 15.31)

Sec. 115-113. Zoning of vacated streets and alleys.

All public streets and alleys hereinafter vacated in accordance with the provisions of Wis. Stat. § 66.1003 shall be automatically placed in the same zoning district as the land to which it is contiguous and to which it will be attached upon completion of the vacation proceedings unless designated otherwise by the Common Council.

(Code 1980, § 15.04(H))

Secs. 115-114—115-139. Reserved.

ARTICLE IV. BASIC ZONING DISTRICT REGULATIONS

Sec. 115-140. Agricultural district.

(a) *Statement of purpose.* This section applies to the agricultural district. The agricultural district is established to preserve, in agricultural uses, lands

suitable to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. Change of zoning from agriculture to any other zoning district shall be made only when compatible with the Comprehensive Plan.

(b) *Use regulations.* The following uses are permitted in the agricultural district:

- (1) Single-family detached dwellings.
- (2) Agricultural uses, but not including commercial dairies, commercial dog kennels, commercial feeding of garbage or offal to swine or other animals, commercial hatcheries and commercial mink, fox and other furbearing animal farms, and rat farms. Buildings or structures used for shelter or feeding of livestock shall be located not less than 150 feet from any lot in a residence district.
- (3) Churches.
- (4) Convents and monasteries.
- (5) Fire stations.
- (6) Golf courses, but not including commercially operated par three or miniature golf courses or golf driving ranges, provided clubhouses and maintenance buildings shall be located not less than 300 feet from any lot in a residence district.
- (7) Institutions for the aged and for children.
- (8) Parks and playgrounds.
- (9) Accessory uses, including but not limited to the following:
 - a. Athletic fields and playfields, noncommercial, including stadiums or grandstands.
 - b. Dwelling units and lodging rooms in detached buildings for persons regularly employed on the premises and their immediate families.
 - c. Farm dwellings appurtenant to a principal agricultural use.
 - d. Home occupations.
 - e. Professional offices in homes.
 - f. Roadside stands.

- g. Signs as regulated in chapter 111.
- h. Temporary buildings for storage of building materials and equipment and construction purposes when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.

(10) Conditional uses as provided in article VI of this chapter.

(c) *Height regulations.* Height regulations shall be the same as in the Multiple Dwelling District.

(d) *Area regulations.* Area regulations shall be the same as in the Residence Dwelling District.

(e) *Vision regulations.* Vision regulations shall be the same as in the Residence Dwelling District.

(f) *Access.* Every lot shall front or abut for a distance of at least 30 feet on a public street. (Code 1980, § 15.23)

Sec. 115-141. Exclusive Agricultural District.

(a) *Purposes.* This section applies to the exclusive agricultural district. The purposes of the Exclusive Agricultural District are to:

- (1) Preserve agricultural land for food and fiber production;
- (2) Protect productive farms;
- (3) Maintain a viable agricultural base to support agricultural processing and service industries;
- (4) Prevent conflicts between incompatible uses;
- (5) Reduce costs of providing services to scattered nonfarm uses;
- (6) Pace and shape urban growth; and
- (7) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stat. ch. 71, subch. IX (Wis. Stat. § 71.57 et seq.).

(b) *Permitted uses.* The following are permitted uses unless regulated as special exceptions under subsection (c) of this section:

- (1) *Agricultural uses.* Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game

- management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits; nuts and berries; sod farming and vegetable raising.
- (2) *Agriculturally-related residences.* Residence allowed uses are those for an owner of at least a 35-acre parcel; a person who earns the majority of his or her gross income from operating, or the parent or child of the resident owner of the parcel who operate the farm. Pre-existing nonfarm residences may continue and may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements of this chapter. The residential use may not be changed to a different residential use, such as from a single-family to multi-family dwelling, or to another use such as commercial, unless the parcel is rezoned.
- (3) *Other agriculturally-related structures and improvements.* No structure or improvement may be built unless consistent with agricultural uses as defined in Wis. Stat. § 91.01(2).
- (4) *Permitted utility uses.* Gas and electronic utility uses not requiring authorization under Wis. Stat. § 196.491 are permitted uses.
- (c) *Special exceptions.*
- (1) Agricultural-related, religious, other utility uses which are not permitted uses, institutional or governmental uses which do not conflict with agricultural use and are found necessary in light of alternative locations available for such uses.
- (2) *Standards applicable to special exceptions.* The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special exceptions. In passing upon applications for special exceptions, the Board of Appeals shall consider the following relevant factors:
- a. The statement of purposes of this chapter.
 - b. Potential for conflict with agricultural use.
 - c. Need of the proposed use for a location in an agricultural area.
 - d. Availability of alternative locations.
 - e. Compatibility with existing or permitted uses on adjacent lands.
 - f. Productivity of the lands involved.
 - g. Location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - h. Need for public services created by the proposed use.
 - i. Availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - j. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
- (3) *Conditions which may be attached to special exceptions.* Upon a consideration of information supplied at the public hearing and a review of the standards in subsection (c) of this section, the following conditions may be attached to the granting of a special exception: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls and time of operation; air pollution controls, erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and interest of this chapter. Violations of these conditions shall constitute a violation of this chapter as provided in section 115-401.
- (d) *Minimum lot, height and yard requirements.*
- (1) *Minimum lot size.*
- a. The minimum lot size to establish a residence or farm operation is 35 acres, except as provided in subsection (d)(1)b—d of this section.
 - b. The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm

operation or parents or children of the farm operator shall be 20,000 square feet.

- c. Where an additional residence for persons specified in subsection (b) of this section is located on a farm without creating a separate parcel, the residence shall be at least 25 feet from other residences.
- d. The minimum lot size for farm residences or structures existing before adoption of the ordinance from which this chapter is derived and which are separated from a larger parcel through farm consolidation shall be 20,000 square feet.

(2) *Height.*

- a. The maximum height of a farm dwelling shall be 35 feet.
- b. The maximum height of other structures shall be two times their distance from the nearest lot line.

(3) *Yards.*

- a. The minimum side and rear yards for farm dwellings and accessory structures shall be six feet from the nearest lot lines.
- b. Highway setbacks for farm dwellings and structures shall be as specified in chapter 103 and this chapter.

- (4) *Minimum lot size, height and yard requirements for special exceptions.* The minimum lot size, height and yard requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than six feet from a lot line and shall be set back at least the distance specified in this chapter.

(e) *Standards for rezoning.* The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider that:

- (1) Adequate public facilities to serve the development are present or will be provided;

- (2) Providing these facilities will not be an unreasonable burden to local government;
- (3) The land is suitable for development; and
- (4) Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

(Code 1980, § 15.37)

Sec. 115-142. R-1 Single Family Residence District Regulations.

(a) *Scope and use regulations.* This section applies to the R-1 district. In the Single Family (R-1) Residence District, no building shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1) One-family dwellings.
- (2) Accessory buildings including one private garage and/or one private carport when such carports are attached to a dwelling or attached to a detached private garage, subject to size and location requirements in section 115-390. A detached carport is subject to the same requirements as a detached private garage as long as the private garage and/or carport or combination thereof do not exceed 1,000 square feet in area.
- (3) Subject to the provisions of subsections (a) and (b) of this section, two-family dwellings provided that such were in existence on September 13, 1984, and provided further that such two-family dwelling may be replaced with a two-family dwelling if such replacement has no more than two bedrooms in each dwelling unit.
 - a. No additional bedrooms may be added to any two-family dwellings in existence on September 13, 1984.
 - b. If the unit density is decreased or the property is not used as a two-family dwelling for 12 consecutive months or more then the unit density may not be converted to a two-family dwelling. For the purpose of this subsection, the term "used" means occupied, undergoing

- active renovation with the appropriate building permits, or an affidavit stating the units are actively being marketed for rent and having proof of publication of rental advertising, signage on the premises or rental magazine.
- c. A two-family dwelling that was originally constructed as a two-family dwelling and in existence on September 13, 1984, shall not lose its legal nonconforming status until such time the entire structure is demolished by natural or manmade causes. A replacement single-family structure shall be permitted meeting all other requirements of this Code. Once a building is converted to a single-family dwelling, it shall not be converted back to a two-family dwelling.
- (4) Two or more family dwellings provided that such were in existence on April 10, 1997, have not discontinued the number of dwelling units for a period of 12 months or more, and are located within the area bounded by 9th Street-Farnam Street-east-west alley north of Green Bay Street-West Avenue, and provided further that such two or more family dwellings may be replaced by another two or more family dwellings as long as such replacement shall not contain more units or bedrooms than existed on April 10, 1997 and other applicable building and zoning code requirements for the R-1 District are met.
- (5) Schools, public and parochial.
- (6) Public libraries and parks.
- (7) Churches in existence on August 10, 1989.
- (8) Family day care homes.
- (9) Home occupations provided that any such home occupation shall be situated in the main building.
- (10) Conditional uses as provided in article VI of this chapter.
- (b) *Height regulations.* Height regulations shall be the same as in the Residence District.
- (c) *Area regulations.*
- (1) *Front yard, side yard and rear yard.* Front yard, side yard and rear yard regulations applicable in the Residence District shall apply to the Single Family Residence District.
- (2) *Lot area.* Every lot in the Single Family Residence District of record before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the Single Family Residence District of record between August 27, 1938, and September 15, 1966, shall have an area of not less than 5,000 square feet. Every lot in the Single Family Residence District not of record September 15, 1966, shall have an area of not less than 7,200 square feet.
- (d) *Vision clearance.* Vision clearance shall be the same as in the Residence District.
- (e) *Access.* Every lot shall front or abut for a distance of at least 30 feet on a public street. (Code 1980, § 15.05)
- Sec. 115-143. R-2 Residence District Regulations.**
- (a) *Scope and use regulations.* This section applies to the R-2 District. In the Residence (R-2) District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses.
- (1) One family dwellings.
- (2) Two-family dwellings containing no more than three bedrooms in each dwelling unit.
- (3) Accessory buildings including one attached or one detached private garage per full dwelling unit shall be permitted per parcel where such private garages will not conflict with any other requirement of this Code.
- (4) Churches in existence on August 10, 1989.
- (5) Schools, public and parochial.
- (6) Public libraries, parks, or community centers not conducted for profit.

- (7) Home occupations, provided that any such home occupation shall be situated in the main building.
- (8) Family day care homes.
- (9) Conditional uses as provided in article VI of this chapter.
- (10) Three or more family dwellings provided that such were in existence on April 10, 1997, have not discontinued the number of dwelling units for a period of 12 months or more, and provided further that such three or more family dwellings may be replaced with a three or more family dwelling as long as such replacement shall not contain more units or bedrooms than that which existed on April 10, 1997, and as long as all other building and zoning code requirements for the R-2 District are met.

(b) *Height regulations.* In the Residence District, no building shall be hereafter erected or structurally altered to exceed 35 feet or 2½ stories in height, except as provided in section 115-390.

(c) *Area regulations.*

- (1) *Exceptions for existing nonconforming primary structures.*
 - a. Any existing nonconforming primary structure that does not meet current front, rear, or side yard setbacks, may be permitted to construct, on the existing building or structure footprint (foundation line), building alterations or remodeling so long as the newly constructed area does not extend further into the setbacks that the existing building or structure footprint.
 - b. Additions may be permitted to an existing primary building or primary structure provided that the addition does not encroach further into a required setback than currently exists along any building line extended.
 - c. Existing primary building entrance projections (stoops), into the front, rear, or side yard setbacks that do not meet the criteria of subsection (a) of this section may be replaced with a similar projec-

tion constructed building entrance projection is constructed to the same dimensions or smaller.

- (2) *Front yards.* On every lot in the Residence District, there shall be a front yard having a depth of not less than 25 feet, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and walks.

(3) *Side yards.*

- a. On every lot in the residence district there shall be two side yards, one on each side of the building, and, except as hereinafter provided, neither of such side yards shall be less than six feet in width, and provided further that for any main building other than a one-family dwelling neither of such side yards shall be less than seven feet in width, except that lots occupied by each attached dwelling unit which is located within a single structure, which is attached along a lot line which is approximately perpendicular to the street right-of-way line, shall not be required to meet this requirement other than the outer side yards of the structure in which the two attached dwelling units are located shall not be less than seven feet in width.
- b. On any lot having a width of less than 44 feet, and of record on August 27, 1938, the width of no side yard shall be less than that heretofore prescribed less one-fourth foot for each foot said lot is less than 44 feet in width, pro-

vided further, however, that no side yard shall be less than four feet in width in any case.

- c. The side yard regulations in subsections (3)a. and b. of this section shall apply to all lots including corner lots, except that in the case of a reversed corner lot which faces intersecting streets, the side yard on the street side of such reversed corner lot shall have a width of not less than 50 percent of the front yard depth required on the lots in the rear of such reversed corner lot, and no accessory building on such reversed corner lot shall project beyond the front building line of the lots in the rear of such reversed corner lot; provided, however, that this regulation for reversed corner lots shall not have the effect of reducing the buildable width for the main building to less than 26 feet, or for an accessory building to less than 20 feet, on any lot of record August 27, 1938.
- (4) *Rear yards.* On every lot in the Residence District, there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided such rear yard need not exceed 30 feet in depth and shall not in any case be less than 15 feet in depth.
- (5) *Lot area.* Every lot in the residence district of record before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the residence district of record between August 27, 1938, and September 15, 1966, shall have an area of not less than 5,000 square feet. Every lot in the residence district not of record September 15, 1966, shall have an area of not less than 7,200 square feet. Provided, however, the lot area requirements contained in this subsection shall not apply to lots occupied by each dwelling unit within a structure containing two attached dwelling units which are attached along a lot line which is located approximately perpendicular to the street right-of-way line so long as the lot of record before division and upon which the single structure is located contains not less than 7,200 square

feet. Provided further, however, in no event shall there be less than 1,200 square feet of lot area per unrelated person or per bedroom, enclosure, or other room used for sleeping purposes.

(d) *Vision clearance.* The vision clearance of this district shall not be less than 20 feet, determined by measuring 20 feet each way from the corner lot at the street intersection on each street lot line, or in the case of an alley, ten feet determined by measuring ten feet along the street line and ten feet along the alley line, in the case of other than a corner lot, 15 feet from the front property line, and in the case of a driveway is along the driveway and is 15 along the street.

(e) *Access.* Every lot shall front or abut for a distance of at least 30 feet on a public street. (Code 1980, § 15.06)

Sec. 115-144. R-3 Special Residence District regulations.

(a) *Scope and use regulations.* This section applies to the R-3 District. In the Special Residence (R-3) District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1) One family dwellings.
- (2) Two-family or three-family dwellings containing no more than three bedrooms in each dwelling unit.
- (3) Four or more family dwellings provided that such were in existence on April 10, 1997 and provided further that such four or more family dwellings may be replaced with a four or more family dwelling as long as such replacement shall not contain more units than that which existed on April 10, 1997, and as long as all other building and zoning code requirements for the R-3 District are met.
- (4) Accessory buildings including one attached or detached private garage per dwelling unit.
- (5) Churches in existence on August 10, 1989.
- (6) Schools, public and parochial.
- (7) Community centers not conducted for profit.

- (8) Home occupations, provided that any such home occupation shall be situated in the main building.
- (9) Family day care homes.
- (10) Conditional uses as provided in article VI of this chapter.

(b) *Height regulations.* In the Special Residence District, no building shall be erected or structurally altered to exceed 35 feet or 2½ stories in height, except as provided in section 115-390.

(c) *Area regulations.*

- (1) *Front yards.* On every lot in the Special Residence District there shall be a front yard having a depth of not less than 25 feet, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and walks.
- (2) *Side yards.*

- a. On every lot in the Special Residence District, there shall be two side yards, one on each side of the building, and except as hereinafter provided, neither of such side yards shall be less than six feet in width, and provided further that for any main building other than a one-family dwelling neither of such side yards shall be less than seven feet in width, except that lots occupied by each attached dwelling unit which is located within a single structure, which is attached along a lot line which is approximately perpendicular to the street right-of-way line, shall not be required to meet this requirement other than the outer side yards of the structure in

which the two attached dwelling units are located shall not be less than seven feet in width.

- b. On any lot having a width of less than 44 feet, and of record on August 27, 1938, the width of no side yard shall be less than that heretofore prescribed less one-fourth foot for each foot said lot is less than 44 feet in width; provided further, however, that no side yard shall be less than four feet in width in any case.
- c. The side yard regulations in subsections (2)a and b of this section shall apply to all lots including corner lots, except that in the case of a reversed corner lot which faces intersecting streets, the side yard on the street side of such reversed corner lot shall have a width of not less than 50 percent of the front yard depth required on the lots in the rear of such reversed corner lot, and no accessory building on such reversed corner lot shall project beyond the front building line of the lots in the rear of such reversed corner lot; provided, however, that this regulation for reversed corner lots shall not have the effect of reducing the buildable width for the main building to less than 26 feet, or for an accessory building to less than 20 feet, on any lot of record August 27, 1938.
- (3) *Rear yards.* On every lot in the Special Residence District, there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided such rear yard need not exceed 30 feet in depth and shall not in any case be less than 15 feet in depth.
- (4) *Lot area.* Every lot in the Special Residence District before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the Special Residence District of record between August 27, 1938 and September 15, 1966 shall have an area of not less than 5,000 square feet. Every lot in the Special Residence District not of record September 15, 1966 shall have an area of not

less than 7,200 square feet. Provided, however, the lot area requirements contained in this subsection shall not apply to lots occupied by each dwelling unit within a structure containing two attached dwelling units which are attached along a lot line which is located approximately perpendicular to the street right-of-way line so long as the lot of record before division and upon which the single structure is located contains not less than 7,200 square feet. Provided further, however, in no event shall there be less than 1,800 square feet of lot area per family dwelling.

(d) *Vision clearance.* The vision clearance of the Special Residence District shall not be less than 20 feet, determined by measuring 20 feet each way from the corner lot at the street intersection on each street lot line, or in the case of an alley, ten feet determined by measuring ten feet along the street line and ten feet along the alley line, and in the case of other than a corner lot, 15 feet from the front property line

(e) *Access.* Every lot shall front or abut for a distance of at least 30 feet on a public street. (Code 1980, § 15.39)

Sec. 115-145. Low Density Multiple Dwelling District regulations.

(a) *Scope and use regulations.* This section applies to the R-4 District. In the Low Density Multiple Dwelling (R-4) District, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1) One-, two-, three- and four-family dwellings.
- (2) Accessory buildings including one attached or detached private garage per dwelling unit.
- (3) Multiple dwellings containing more than four dwelling units in existence on (the effective date of the ordinance from which this chapter is derived).
- (4) Churches and convents.
- (5) Schools, public and parochial.

- (6) Museums, public libraries, parks or community centers not conducted for profit.
- (7) Home occupations, provided that any such home occupation shall be situated in the main building.
- (8) Family day care homes.
- (9) Conditional uses as provided in article VI of this chapter.
- (10) Five or more family dwellings provided that such were in existence on April 10, 1997 and provided further that such five or more family dwellings may be replaced with a five or more family dwelling as long as such replacement shall not contain more units than that which existed on April 10, 1997 and as long as all other building and zoning code requirements for the R-4 District are met.

(b) *Height regulations.* In the Low Density Multiple Dwelling District, no building shall be hereafter erected or structurally altered to exceed 35 feet or 2½ stories in height except as provided in section 115-390.

(c) *Area regulations.*

- (1) *Front yards.* On every lot in the Low Density Multiple Dwelling District, there shall be a front yard having a depth of not less than 20 feet, provided that where lots comprising 40 percent or more of the frontage on one side of the block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings or, if there is only one adjacent main building, the front yard depth of said main building shall govern, provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 20 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such area as may be required for driveways and walks.
- (2) *Side yards and rear yards.* The side yard and rear yard regulations applicable in the Residence District shall apply in the Low Density Multiple Dwelling District.

- (3) *Lot area per family.* Every building hereafter erected or structurally altered in the Low Density Multiple Dwelling District shall be provided with a lot area of not less than 1,800 square feet per family.
- (4) *Lot area.* Every lot in the Low Density Multiple Dwelling District of record before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the Low Density Multiple Dwelling District of record between August 27, 1938, and September 15, 1966, shall have an area of not less than 5,000 square feet. Every lot in the Low Density Multiple Dwelling District not of record September 15, 1966, shall have a lot area of not less than 7,200 square feet.

(d) *Vision clearance.* The vision clearance of this District shall not be less than 20 feet determined by measuring 20 feet each way from the corner lot at the street intersection on each street lot line, or in the case of an alley, ten feet determined by measuring ten feet along the street line and ten feet along the alley line, and in the case of other than a corner lot, 15 feet from the front property line.
(Code 1980, § 15.24)

Sec. 115-146. Multiple Dwelling District regulations.

(a) *Scope and use regulations.* This section applies to the R-5 District. In the Multiple Dwelling (R-5) District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1) Any use permitted in the Low Density Multiple Dwelling (R-4) District.
- (2) Multiple dwellings; boardinghouses, roominghouses, fraternities and sororities occupied by less than six persons.
- (3) Conditional Uses as provided in article VI of this chapter.

(b) *Height regulations.* In the multiple dwelling districts, no building shall hereafter be erected or structurally altered to exceed 45 feet or three stories in height, excepting as provided in section 115-390.

(c) *Area regulations.*

- (1) *Front yards.* On every lot in the Multiple Dwelling District there shall be a front yard having a depth of not less than 20 feet, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 20 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and walks.
- (2) *Side yards and rear yards.* The side yard and rear yard regulations applicable in the Residence District shall also apply in the multiple dwelling district.
- (3) *Courts.* In the Multiple Dwelling District, every court required by this chapter shall have a width not less than its length; provided, however, that such court need not exceed 24 feet in width.
- (4) *Lot area per family.* Every building hereafter erected or structurally altered shall be provided with a lot area of not less than 1,500 square feet per family.
- (5) *Lot area.* Every lot in the Multiple Dwelling District of record before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the multiple dwelling district of record between August 27, 1928, and September 15, 1966, shall have an area of not less than 5,000 square feet. Every lot in the multiple dwelling district not of record September 15, 1966, shall have an area of not less than 7,200 square feet.

(d) *Vision clearance.* The vision clearance of this district shall not be less than 20 feet, determined by measuring 20 feet each way from the corner lot at the street intersection on each street lot line, or in the case of an alley, ten feet determined by measuring

ten feet along the street line and ten feet along the alley line, and in the case of other than a corner lot, 15 feet from the front property line.

(e) *Access.* Every lot shall front or abut for a distance of at least 30 feet on a public street. (Code 1980, § 15.07)

Sec. 115-147. R-6 Special Multiple Dwelling District.

(a) *Scope and use regulations.* This section applies to the R-6 District. In the Special Multiple Dwelling (R-6) District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1) Any use permitted in the Multiple Dwelling (R-5) District.
- (2) Conditional uses as provided in article VI of this chapter.

(b) *Height regulations.* In the Special Multiple Dwelling District, no building shall hereafter be erected or structurally altered to exceed 100 feet or ten stories in height, excepting as provided in section 115-390.

(c) *Area regulations.*

- (1) *Front yards.* On every lot in the Special Multiple Dwelling District, there shall be a front yard having a depth of not less than 15 feet or the established setback permitted under section 115-143(c)(1).
- (2) *Side yards and rear yards.* The side yard and rear yard regulations applicable in the Residence District shall also apply in the Special Multiple Dwelling District, except that the side yard width shall be increased by one foot for each story of a building or part thereof above the second story.
- (3) *Courts.* The court regulations applicable in the Multiple Dwelling District shall also apply to the Special Multiple Dwelling District.

(4) *Lot area per family.* Every building hereafter erected or structurally altered shall be provided with a lot area of not less than 400 square feet per family.

(5) *Lot area.* Lot area regulations applicable in the Multiple Dwelling District shall also apply to the Special Multiple Dwelling District.

(d) *Vision clearance.* The vision clearance regulations applicable in the Multiple Dwelling District shall also apply to the Special Multiple Dwelling District.

(e) *Access.* The access regulations applicable in the Multiple Dwelling District shall also apply to the Special Multiple Dwelling District. (Code 1980, § 15.15)

Sec. 115-148. Washburn Neighborhood Residential District.

(a) *Purpose.* This section applies to the Washburn Neighborhood Residential District. The purpose of this section is to foster the City's Comprehensive Plan to provide for livable neighborhoods for City residents. The Washburn Neighborhood Zoning District is created to encourage people to work and live in the City of La Crosse. This district will provide areas for recreational activities and social activities. It will encourage single-family dwellings.

(b) *Use regulations.* In the Washburn Neighborhood Residential District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses, including uses customarily incidental to any of the permitted principal uses:

- (1) Any use permitted in the Single Family (R-1) District.
- (2) Conditional uses as provided in article VI of this chapter.
 - a. Washburn Residential Zoning District Boundaries. The Washburn Residential Zoning District Boundary in general is as follows (for an exact description,

please view the map or contact the Department of Planning and Development at 789-7512):

Beginning at the southwest corner of the District at the intersection of Jackson Street and 5th Avenue S north to the intersection of 5th Avenue S and Mississippi Street, then west to the centerline of the alley between 4th St S and 5th Avenue S, then north along said alley to Cameron Avenue, then east to 5th Avenue S, then north to Cass St, then east to the alley lying between 7th St S and 8th St S, then north along said alley to King St, then east to 8th St S, then north to the La Crosse Public Library, Main Branch, then east to 9th St S, then north to Main St, then east to the alley lying between 11th St N and West Avenue, then south along said alley to King Street, then east to West Avenue S, then south to Cass Street, then west to 11th Street S, then south to Cameron Street, then east to West Avenue S, then south to Ferry St, then west to 11th Street S, then north to Division Street, then west to 10th Street S, then south to the alley between Division Street and Ferry Street, then west to the north/south alley between 9th Street S and 10th Street S, then south to Ferry Street, then west to 9th Street S, then north to Division Street, then west to 8th Street S, then south to Ferry Street, then east to 9th Street S, then south to Market Street, then east to the alley between 7th Street S and 8th Street S, then south to Winnebago Street, then east to 8th Street S, then south to Mississippi Street, then west to 7th Street S, then south to Jackson Street, then west to the point of beginning at 5th Avenue S and Jackson Street.

- b. Areas Excluded. The following areas are excluded from the Washburn Residential Zoning District:

Beginning at the intersection of Winnebago Street and 6th Street S, north

on 6th Street S to its intersection with Market Street, then east on Market Street to the alley located between 6th Street S and 7th Street S, then south along said alley to the southern border of 17-30124-20 (LORD & RODOLF LOT 36 BLOCK 6), then east along the southern border of said lot to 7th Street S, then south to the intersection of 7th Street S and Winnebago Street, then west back to the point of beginning at the intersection of Winnebago Street and 6th Street S.

- c. Area to be rezoned to R-1:

Beginning at Market Street and the alley lying between 5th Avenue S and 6th Street, north along the said alley to the intersection of the alley with Ferry Street, then east along Ferry Street to a line extending north from the eastern border of 17-30076-60 (Washburn House) (ALBERT JENKS SUBD LOT 6), then south along the eastern border of said lot to its southeast corner, then west and south to the centerline of the alley terminus located between 6th Street S and 7th Street S, then south along said alley to its intersection with Market Street, and then back to the point of beginning at the intersection of Market Street and the alley lying between 5th Avenue S and 6th Street.

- d. Area to be rezoned to R-4:

Beginning at the intersection of Jackson Street and 4th Street S, north to the intersection of 4th Street S and Mississippi Street, then east to the intersection of 5th Avenue S and Mississippi Street, then south to the intersection of 5th Avenue S and Jackson Street, then back to the point of beginning at the intersection of Jackson Street and 4th Street S.

(c) *Height regulations.* In the Washburn Neighborhood Residential District no building shall hereafter be erected or structurally altered to exceed 35 feet or 2½ stories in height, excepting as provided in section 115-390.

(d) *Area regulations.*

- (1) *Front yards.* On every lot in the Washburn Neighborhood Residential (R-7) District, there shall be a front yard having a depth of not less than 25 feet, provided that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings, the required front yard depth shall be the average of the front yard depths of the two adjacent main buildings, or if there is only one adjacent main building the front yard depth of said main building shall govern; provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet in any case. The entire front yard shall be graded and sodded or seeded in a manner which will produce an acceptable lawn excepting such areas as may be required for driveways and walks.

(2) *Side yards.*

- a. On every lot in the Residence District, there shall be two side yards, one on each side of the building, and, except as hereinafter provided, neither of such side yards shall be less than six feet in width, and provided further that for any main building other than a one-family dwelling neither of such side yards shall be less than seven feet in width, except that lots occupied by each attached dwelling unit which is located within a single structure, which is attached along a lot line which is approximately perpendicular to the street right-of-way line, shall not be required to meet this requirement other than the outer side yards of the structure in which the two attached dwelling units are located shall not be less than seven feet in width.
- b. On any lot having a width of less than 44 feet, and of record on August 27, 1938, the width of no side yard shall be less than that heretofore prescribed less one-fourth foot for each foot said lot is less than 44 feet in width; pro-

vided, further, however, that no side yard shall be less than four feet in width in any case.

- c. The side yard regulations in subsections (2)a and b of this section shall apply to all lots including corner lots, except that in the case of a reversed corner lot which faces intersecting streets, the side yard on the street side of such reversed corner lot shall have a width of not less than 50 percent of the front yard depth required on the lots in the rear of such reversed corner lot, and no accessory building on such reversed corner lot shall project beyond the front building line of the lots in the rear of such reversed corner lot; provided, however, that this regulation for reversed corner lots shall not have the effect of reducing the buildable width for the main building to less than 26 feet, or for an accessory building to less than 20 feet, on any lot of record August 27, 1938.

- (3) *Rear yards.* On every lot in the residence district, there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided such rear yard need not exceed 30 feet in depth and shall not in any case be less than 15 feet in depth.
- (4) *Lot area.* Every lot in the residence district of record before August 27, 1938, may have an area of less than 5,000 square feet. Every lot in the residence district of record between August 27, 1938, and September 15, 1966, shall have an area of not less than 5,000 square feet. Every lot in the Residence District not of record September 15, 1966, shall have an area of not less than 7,200 square feet. Provided, however, the lot area requirements contained in this subsection shall not apply to lots occupied by each dwelling unit within a structure containing two attached dwelling units which are attached along a lot line which is located approximately perpendicular to the street right-of-way line so long as the lot of record before division and upon which the single structure is located contains not less than 7,200 square

feet; provided, further, however, in no event shall there be less than 1,200 square feet of lot area per unrelated person or per bedroom, enclosure, or other room used for sleeping purposes.

(e) *Vision clearance.* The vision clearance of this district shall not be less than 20 feet, determined by measuring 20 feet each way from the corner lot at the street intersection on each street lot line, or in the case of an alley, ten feet determined by measuring ten feet along the street line and ten feet along the alley line.

(f) *Access.* Every lot shall front or abut for a distance of at least 30 feet on a public street.

(g) *Architectural control.* As part of the conditional use application process for new multifamily buildings, it is recommended that the potential developer(s) meet with Department of Planning and Development staff to discuss architectural detail, green space, etc.

(1) *Purpose.* The purpose of this section is to encourage the physical development of properties located within the Washburn Neighborhood Residential (R-7) Zoning District in a way that it will provide a higher degree of aesthetic satisfaction through architectural design and the preservation of natural beauty thereby providing for the well-being of its occupants as well as for greater economic stability through preservation and enhancement of property values. The regulation of the architectural appearance of all structures to be erected, except for single-family dwellings, and the substantial improvement of all existing structures which would affect their exterior appearance, except for single-family dwellings, and of the site on which they are to be placed is hereby undertaken with this purpose in mind.

(2) *Special application procedure.* Pre-application conference required: At least 30 days prior to filing for a building permit with the Department of Planning and Development, the owner or agent making such petition shall meet with the Department of Planning and Development to discuss the proposed building project including the purpose of the architectural review. This pre-application con-

ference will be coordinated by the Department of Planning and Development and a building permit application cannot be applied for unless this required pre-application conference is held.

(3) Approval required for building permit. No building permit shall be issued for any new structure, except for one- or two-family dwellings, or for the substantial improvement of existing structures which would affect their exterior appearance, except for single-family dwellings, in the Washburn Neighborhood Residential (R-7) Zoning District unless it has received the approval of the Design Review Board.

(4) Design Review Board.

a. The Design Review Board shall be composed of the members of the City Plan Commission. All members shall serve without compensation. The secretarial work of the Board shall be done by an employee of the Department of Planning and Development, and the office of the Department of Planning and Development shall be considered the office of the Board.

b. The Design Review Board shall meet during the regularly scheduled City Plan Commission meeting or at a special meeting to hear and review any applicable development submitted to it pursuant to the provisions of this section.

c. The Design Review Board shall keep records of all its proceedings and its decisions and shall be stated in writing, including the specific reasons for refusing approval.

(5) Submittal of plans to Design Review Board. In order to ensure that no applicable development would be in conflict with the provisions of this section, the Director of Planning and Development shall submit to the Design Review Board the plans for all applicable new construction and substantial improvement to existing structures, including adequate elevations or sketches and site plans, including landscaping, to enable the Board to judge the development's appear-

ance. Building permits for any applicable development shall not be issued by the Department of Planning and Development unless the Design Review Board has approved such plans. The Design Review Board shall act on all applicable building plans at the regular meeting of the City Plan Commission. If there has been no required pre-application conference held, the Design Review Board shall not schedule a meeting. Plans must be submitted to the Department of Planning and Development at least seven days prior to the Design Review Board meeting.

- (6) Appeal. Any person aggrieved by the decision of the Design Review Board may appeal the same to the Common Council's Judiciary and Administration Committee.
 - (7) The plan review fee shall be as established by resolution.
- (Code 1980, § 15.45)

Sec. 115-149. Local Business District.

(a) *Scope and use regulations.* This section applies to the Local Business District. In the Local Business District, no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this chapter, for any of the following uses:

- (1) Animal or veterinary hospital or animal sales shop or stable.
- (2) Automobile trucking or transfer service or storage yard.
- (3) Blacksmith or horseshoeing shop.
- (4) Bottling works.
- (5) Building materials yard or warehouse.
- (6) Cabinet making or carpenter shop.
- (7) Carpet or rug cleaning employing more than 12 persons on the premises.
- (8) Cigar manufacture, employing more than five persons on the premises.
- (9) Cement or lime warehouse.
- (10) Cleaning or dyeing establishment employing more than 12 persons on the premises.
- (11) Coal, coke or wood yard.
- (12) Cold storage warehouse.
- (13) Commission house or wholesale produce business.
- (14) Contractor's storage yard or plant.
- (15) Dairy, wholesale.
- (16) Electric power plant or substation.
- (17) Enameling, painting, plating, japanning, shel-lacking or lacquering shop.
- (18) Hatchery or pigeon raising.
- (19) Ice plant or storage of more than five tons capacity.
- (20) Laundry employing more than five persons on the premises.
- (21) Machine shop, tin shop, sheet metal shop, plumbing shop, welding shop, or pattern shop employing more than three persons on the premises.
- (22) Monument works employing more than three persons on the premises.
- (23) Any kind of manufacture or treatment, other than personal service shops, or the manufacture or treatment of products purely incidental to the conduct of a retail business conducted on the premises.
- (24) Any use excluded from the Light Industrial District, except dwellings above the first story, crematories permitted by a conditional use permit under section 115-349, and dwellings on the first story or below permitted by conditional use permit under section 115-343.
- (25) General garages where motor driven vehicles are equipped, repaired, hired, sold or stored.
- (26) Conditional uses as provided for in article VI of this chapter.
- (27) Used car lot.
- (28) Parking lots, unless the parking lot is an accessory use to a primary structure on the same lot.

(b) *Height regulations.* No building hereafter erected or structurally altered in the Local Business District shall exceed 45 feet or three stories in height.

(c) *Area regulations.*

(1) *Side yards.* In the Local Business District no side yard shall be required except as follows:

- a. Buildings erected for dwelling purposes exclusively shall comply with the side yard regulations of the residence district.
- b. Where a lot abuts upon the side of a lot in the Residence District or Multiple Dwelling District, there shall be a side yard of not less than six feet in width.
- c. Every side yard that is provided where not required by these regulations shall be not less than six feet in width except that the Fire Chief may allow a side yard setback between zero feet and six feet if it is determined that said setback shall not jeopardize fire safety.

(2) *Rear yards.* On every lot in the Local Business District, there shall be a rear yard having a depth of not less than 20 feet.

(3) *Outer courts.* In the Local Business District, no outer court abutting upon the side of an adjoining lot shall be less than six feet in width and no outer court not abutting upon an adjoining lot shall be less than ten feet in width for a court one story in height and 30 feet or less in length. For each additional story of height, the width of every such court shall be increased one foot and for any additional length the width of every court shall be further increased at the rate of one foot in ten feet.

(4) *Inner courts.* In the Local Business District, no inner court shall be less than 16 feet in width nor shall the width of any such court be less than one-half of its height.

(5) *Lot area per family.* Every building hereafter erected or structurally altered in the Local Business District shall be provided with a lot area of not less than 1,000 square feet per family; provided, however, that this regulation shall not apply to bed and breakfast

establishments, motels, hotels or apartment hotels, where no cooking is done in any individual room, suite or apartment; provided, however, this requirement of having a lot area of not less than 1,000 square feet per family shall not pertain to high density residential units in the Central Business District defined as the area between Cameron Avenue, the Mississippi River, the La Crosse River and Seventh Street.

(d) *Vision clearance.* The vision clearance of this district shall not be less than ten feet, determined by measuring ten feet each way from the corner lot at the street intersection on each street lot line; provided, however, upon review by the City Traffic Engineer and approval by the Board of Public Works, a vision clearance of less than ten feet may be approved for high density residential properties located in the Central Business District defined as the area between Cameron Avenue, the Mississippi River, the La Crosse River and Seventh Street once it has been reviewed by the City Traffic Engineer and approved by the Board of Public Works.

(Code 1980, § 15.08)

Sec. 115-150. Community Business District.

(a) *Scope and use regulations.* This section applies to the Community Business District. In the Community Business District, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter except for the following uses:

- (1) Business and professional offices.
- (2) Clubs and lodges.
- (3) Financial institutions.
- (4) Hotels and motels.
- (5) Newspaper offices.
- (6) Plazas and observation decks.
- (7) Private indoor recreation and cultural facilities.
- (8) Public passenger transportation terminals such as heliports, bus and rail depots.
- (9) Public recreation and cultural facilities.
- (10) Radio broadcasting studios.

- (11) Residences above the first story.
- (12) Restaurants and other places serving food or drink.
- (13) Retail and personal or business service establishments.
- (14) Swimming pools.
- (15) Television broadcasting studios.
- (16) Theaters.
- (17) Public buildings.
- (18) Conditional uses as provided in article VI of this chapter.

(b) *Height regulations.* No building hereafter erected or structurally altered in the Community Business District shall exceed 160 feet in height.

(c) *Area regulations.*

- (1) *Side yards.* In the Community Business District, no side yards shall be required except that every side yard that is provided where not required by these regulations shall be not less than six feet in width.

(d) *Vision clearance.* The vision clearance requirements for this district shall be the same as those required for the Local Business District.
(Code 1980, § 15.09)

Sec. 115-151. Commercial District.

(a) *Scope and use regulations.* This section applies to the Commercial District. In the Commercial District, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter, except for the following uses:

- (1) Any use permitted in the Local Business District.
- (2) General garages.
- (3) Conditional uses as provided in article VI of this chapter.
- (4) Bakeries in which no more than 10,000 square feet are devoted to manufacturing purposes on the premises.
- (5) Used car lots.

(b) *Height regulations.* No building hereafter erected or structurally altered in the Commercial District shall exceed 100 feet or eight stories in height.

(c) *Area regulations.*

- (1) *Side yards.* The side yard regulations applicable in the local business district shall also apply in the Commercial District.

- (2) *Rear yards.* On every lot in the Commercial District, there shall be a rear yard having a depth of not less than nine feet; provided, however, that each story of a building used in any part for dwelling purposes shall be provided with a rear yard having a depth of not less than 20 feet. A residential attached or detached garage is permitted in the C-2 Commercial Zoning District on lots that are smaller than 7,200 square feet provided that there is not an existing garage on the lot or parcel and the commercial building has residential dwellings. The size of an attached garage cannot be larger than the footprint square footage of the principal building or structure and a detached garage cannot be larger than 600 square feet. Said garage is required to meet the side yard setbacks under this chapter and cannot be in the front yard setback. There must be a minimum of a six foot rear yard setback for an attached or detached garage and the location of the garage and setbacks must be approved by the City of La Crosse Fire Department.

- (3) *Outer courts.* The outer court regulations applicable in the Local Business District shall also apply in the Commercial District.

- (4) *Inner courts.* In the Commercial District, no inner court shall be less than 16 feet in width nor shall the width of any such court be less than one-third of its height.

- (5) *Lot area per family.* The lot area per family regulations applicable in the Local Business District shall also apply in the Commercial District.

(d) *Vision clearance.* The vision clearance requirements for this district shall be the same as for the Local Business District.
(Code 1980, § 15.10)

Sec. 115-152. Light Industrial District.

(a) *Scope and use regulations.* This section applies to the Light Industrial District. In the Light Industrial District, no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this chapter, for any of the following uses:

- (1) Acetylene gas manufacture or storage.
- (2) Acid manufacture.
- (3) Alcohol manufacture.
- (4) Ammonia, bleaching powder or chlorine manufacture.
- (5) Arsenal.
- (6) Asphalt manufacture or refining.
- (7) Auto wrecking or junkyard.
- (8) Bag cleaning.
- (9) Blast furnace.
- (10) Boiler works.
- (11) Brewery or malt house.
- (12) Brick, tile or terra cotta manufacture.
- (13) Candle manufacture.
- (14) Celluloid manufacture.
- (15) Cement, lime, gypsum, or plaster of Paris manufacture.
- (16) Coke ovens.
- (17) Concrete mixing or product manufacture.
- (18) Cooperage works.
- (19) Creamery, milk condensing, cheese factory.
- (20) Crematory.
- (21) Creosote treatment or manufacture.
- (22) Disinfectant manufacture.
- (23) Distillation of bones, coal or wood.
- (24) Dye stuff manufacture.
- (25) Explosives or fireworks, manufacture or storage.
- (26) Exterminator or insect poison manufacture.
- (27) Emery cloth or sand paper manufacture.
- (28) Fat rendering.
- (29) Fertilizer manufacture.
- (30) Fish smoking or curing.
- (31) Forge Plant.
- (32) Garbage, offal or dead animal reduction or dumping.
- (33) Gas (illuminating or heating) manufacture.
- (34) Glue, size or gelatin manufacture.
- (35) Iron, steel, brass or copper foundry or fabricating plant.
- (36) Lamp black manufacture.
- (37) Match manufacture.
- (38) Oil cloth or linoleum manufacture.
- (39) Oiled or rubber good manufacture.
- (40) Ore reduction.
- (41) Paint, oil, shellac, turpentine or varnish manufacture.
- (42) Paper or pulp manufacture.
- (43) Planing mills.
- (44) Potash works.
- (45) Pyroxylin manufacture.
- (46) Refining or wholesale storage of petroleum or petroleum products, or retail storage of petroleum in tanks exceeding 2,000 gallons capacity.
- (47) Rock crushing.
- (48) Rolling mills, feed grinding.
- (49) Rubber or gutta-percha manufacture or treatment.
- (50) Sauerkraut or pickle manufacture.
- (51) Shoe polish manufacture.
- (52) Salt works.
- (53) Smelting of copper, tin, zinc, or iron ores.
- (54) Soap manufacture.
- (55) Soda or washing compound manufacture.
- (56) Stable, riding academy, livestock corral, or barn for livestock.
- (57) Stockyards, slaughter of animals, or abattoir.

- (58) Stone quarry or mill.
- (59) Storage or baling of scrap paper, iron, rags or junk.
- (60) Stove polish manufacture.
- (61) Sulphuric, nitric, or hydrochloric acid manufacture.
- (62) Tallow, grease or lard manufacturing or refining from animal fat.
- (63) Tanning, curing or storage of raw hides or skins.
- (64) Tar distillation or manufacture.
- (65) Tobacco (chewing) manufacture or treatment.
- (66) Vinegar manufacture.
- (67) Wool pulling or scouring.
- (68) Yeast plant.
- (69) In general, those uses which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
- (70) Dwelling, except for one owner or a watchman or a caretaker employed on the premises, and members of their families; provided, however, that any dwelling in existence and situated on any premises zoned light industrial on November 26, 1957, shall be exempt from the ordinary restrictions applying to nonconforming uses.

(b) *Height and area regulations.* The height and area regulations applicable in the Commercial District shall also apply in the Light Industrial District.

(c) *Vision clearance.* The vision clearance requirements for this district shall be the same as for the Local Business district.
(Code 1980, § 15.11)

Sec. 115-153. Heavy Industrial District.

(a) *Scope and use regulations.* This section applies to the Heavy Industrial District. In the Heavy Industrial District, buildings and land may be used for any purpose whatsoever not in conflict with any ordinance of the City, provided, however, no dwelling shall be constructed in such district except a dwelling for one owner, a watchperson or a caretaker em-

ployed on the premises and for members of such person's family; provided, further, however, that no building or occupancy permit shall be issued for any of the following or other extremely nauseous, obnoxious, offensive, dangerous or unwholesome uses until and unless the location of such use shall have been approved as a conditional use by the Common Council as provided in subsections (a)(15), and (16) and (17) of this section, or by the Board of Zoning Appeals after a public hearing shall have been held thereon, and any such decision by the Board of Zoning Appeals shall be consistent with the purpose, spirit and intent of this chapter, and provided further, however, that any dwelling in existence situated on any premises zoned heavy industrial on November 26, 1957, shall be exempt from the ordinary restrictions applying to nonconforming uses.

- (1) Acid manufacture.
- (2) Automobile or machinery wrecking, salvaging or rebuilding.
- (3) Cement, lime, gypsum or plaster of Paris manufacture.
- (4) Distillation of bones.
- (5) Explosives, manufacture or storage.
- (6) Fat rendering or rendering works.
- (7) Fertilizer manufacture.
- (8) Forge plant.
- (9) Garbage, offal or dead animal reduction or dumping.
- (10) Glue manufacture.
- (11) Junkyard.
- (12) Petroleum refining.
- (13) Smelting of tin, copper, zinc, or iron ores.
- (14) Stockyards, abattoir, or slaughtering of animals.
- (15) Garbage, trash or recycling transfer facilities only when approved as a Conditional Use by the Common Council, as provided in article VI of this chapter.
- (16) Biodiesel production made from waste fats and oils when such facility is approved as a conditional use by the Common Council as provided in article VI of this chapter.

(17) Metallic or nonmetallic (sand and gravel) loading and unloading facilities including facilities located along rail yards or sidings, port or waterfront areas or trucking terminals and sites and only when such facility is approved as a conditional use by the Common Council as provide in article VI of this chapter. The notification for this use shall include notification within 1,000 feet and the conditional use permit fee shall be as established by resolution.

(b) *Height regulations.* No building hereafter erected or structurally altered shall exceed 100 feet in height, and no building used in any part for dwelling purposes shall hereafter be erected or structurally altered to exceed 35 feet or 2½ stories in height.

(c) *Area regulations.*

(1) *Yards and courts.* The side yard, rear yard, outer court and inner court regulations applicable in the Commercial District shall also apply in the Heavy Industrial District.

(2) *Lot area per family.* Every building hereafter erected or structurally altered in the industrial district shall be provided with a lot area of not less than 2,500 square feet per family.

(d) *Vision clearance.* The vision clearance requirements for this district shall be the same as for the Local Business District.

(Code 1980, § 15.12)

Sec. 115-154. Public Utility District.

(a) *Regulations in Public Utility Districts.* This section applies to the Public Utility District. Regulations of height of buildings and other structures, yards, area, and use shall be specifically set forth in the establishment of such a district by the Council by amendment, otherwise by the Board of Appeals by certificate of variance.

(b) *Lang Drive Substation.* The building, maintenance, and operation of an electrical power company substation and distribution station, and all appurtenances thereto, together with the necessary driveways, and ingress and egress to the same, is hereby authorized and permitted on a tract or parcel of land bounded on the West by the east line of Lang Drive, on the north by the north boundary line of Government Fraction Lot Six, on the south by the

south line of Government Fraction Lot Six, and on the east by a line parallel to the east line of Lang Drive and 600 feet east thereof. The building, maintaining, and operating of an electrical power substation and distribution station shall be construed as including:

- (1) Substation building, contents, driveways, sidewalks, and fencing.
- (2) Electric wires, cables, poles, towers, and all necessary guys for the support thereof; transformers, switch gear units, and appurtenances necessary to the operation of such substation.

(c) *Bluffview Place Telephone Substation.*

(1) The building, maintenance and operation of a telephone company substation and all appurtenances thereto together with the necessary driveways that ingress and egress to the same, is hereby authorized and permitted on a tract of land to wit:

a. Commencing at the NE corner of Block 5 of Glendale Addition; thence north 88 degrees 11' east along the north line of said Block 5 extended, 25 feet to the east line of 28th Street and the point of beginning of this description; thence continuing north 88 degrees 11' east along said extended north line 80.02 feet to the Westerly ROW of the C. B. & Q. Railroad; thence southerly along said ROW line on the arc of a 23,018.3 foot radius curve, concave to the east, the chord of which bears south 6 degrees 16' east and measures 150.45 feet; thence south 88 degrees 11' West 90.58 feet to the east line of 28th Street; thence north two degrees West along said east line 150 feet to the point of beginning.

b. The building, maintaining and operating of a telephone company substation shall be construed as including substation building contents, driveways, sidewalks, fencing and all other appurtenances necessary to the operation of such telephone substation.

- (2) Height regulations shall be the same as in the Local Business District.
 - (3) Area regulations shall be the same as in the Local Business District.
- (Code 1980, § 15.13)

Sec. 115-155. Parking Lot District.

(a) *Scope and use regulations.* This section applies to the Parking Lot District. In the Parking Lot District, no land shall be used except for the following uses:

- (1) The parking of motor vehicles without monetary charge as an incident to any lawful Residential, Multiple Dwelling, Local Business, Commercial or Industrial use;
 - (2) Parking of motor vehicles for monetary charge paid to an individual.
- (b) *Regulations.*
- (1) Such areas are not to be used for sales, repair work or service of any kind;
 - (2) Entrances and exits are to be approved by the Council upon approval of each addition to the Parking Lot District;
 - (3) No advertising signs or material is to be located on the lot except a sign not to exceed three feet by three feet may be installed to indicate that the lot is a parking lot and to further indicate the name of the owner or lessee thereof;
 - (4) All parking is to be kept back of a setback line established two feet from the lot line on each side;
 - (5) The surface of the parking lot is to be smoothly graded, hard surfaced, and adequately drained;
 - (6) Any lights used to illuminate such parking area shall be so arranged as to reflect the light away from any residential zone;
 - (7) Bumper guards must be provided;
 - (8) The vision clearance requirements for this district shall be the same as for the Local Business District.
- (Code 1980, § 15.14)

Sec. 115-156. Planned Development District.

(a) *Purpose.* This section applies to the Planned Development District.

- (1) The Planned Development District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicular traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The Planned Development District under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community.
- (2) This is a zoning district that may be developed only in accordance with a specific comprehensive development plan. The approved specific comprehensive development plan is an integral part of this zoning district and all development shall comply with said plan. The Planned Development District is designed and intended to enable and encourage the development of large tracts of land or urban infill sites which are planned under unified ownership or control, or lands which by reason of existing or planned land uses are appropriate for development under this section, so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area.
- (3) The unified and planned development of a site under a specific comprehensive development plan in an individual, single entity, partnership or corporate ownership or control or in common ownership under the Condominium Ownership Act set forth in Wis. Stat. ch. 703 (condominiums) may be permitted by the City upon specific petition, with such development encompassing one or

more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section have been met.

(b) *Use regulations.* In the Planned Development District, such development may encompass one or more principal uses or structures and related accessory uses or structures with a continuity of design and development, under a unified specific and precise comprehensive development plan, where the implementation of said plan is conducted by single, partnership, corporate, limited liability company, condominium or association ownership. The use or uses of each Planned Development District shall be individually or specifically approved, and may be a use permitted in the Single Family Residence, Residence, Multiple Dwelling, Local Business, Commercial, Light Industrial, Heavy Industrial, Public and Semi-Public, Public Utility, or Parking Lot Districts, or a combination of uses permitted in different zoning districts. There may be provided within Planned Development Districts a combination of land uses, including a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound land planning principles and development techniques; and in such a manner as to be properly related to each other, the surrounding community, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.

(c) *Area regulations.* Areas designated as Planned Development Districts shall be under single or unified ownership or control as specified above and shall contain a minimum gross development area as follows:

<i>Planned Development</i>	<i>Minimum Area of Principal Uses</i>
Residential Planned Development	Two acres
Commercial Planned Development	Two acres
Industrial Planned Development	Two acres
Mixed Compatible Use	Two acres

(d) *Other regulations.* Height, yard, vision, setback, parking, lot coverage, and other related standards applicable to similar uses in other comparable

zoning districts shall be considered by the City Plan Commission and the Council in establishing specific regulations for each Planned Development District. In the Planned Development District there shall be no predetermined specific lot area, lot width, height, bulk or floor area ratio, yard, usable open space, sign and off-street parking requirements, but such requirements as are made a part of an approved specific and precise comprehensive development plan and shall be, along with the plan itself, construed to be and enforced as a part of this section. For Residential Planned Development Districts over ten acres in gross area, there shall be a minimum of 20 percent of the gross acreage dedicated for useable permanent open space, which open space area shall not include land set aside for utility easements (with the exception of easements which provide permanent open space), rights-of-way, roadway or lot area. Areas of steep slopes and wetlands which are permanently reserved for open space may be included in the calculation of open space. For all other Planned Developments over ten acres, which do not include a residential component, the open space requirement shall be ten percent. All Planned Developments less than ten acres in gross area shall provide for useable permanent open space in an amount to be determined by the City, which amount shall be based on location, site conditions and proposed land use. The petition for zoning shall be accompanied by written terminology, graphic material, and will illustrate the conditions that the modified standards will produce, so as to enable the City Plan Commission and the Council to make the determination that the modification will produce a living environment, landscape quality and lifestyle superior to that produced under existing standards. The individual regulations for each such District created shall be adopted and published in ordinance form. All other applicable regulations, including, but not limited to, those applicable regulations continued in chapter 113 shall apply and be reviewed as part of the development review process.

(e) *Special application procedure for Planned Development District.*

- (1) *Pre-petition conference.* At least 30 days prior to filing the petition for approval of the designation of a Planned Development District, the owner or his agent making such petition shall meet with the Department of Planning and Development and City Engi-

neer's Office to discuss the scope and proposed nature of the contemplated development. This pre-petition conference will be coordinated by the Department of Planning and Development. A letter of intent shall be submitted to the Department of Planning and Development prior to the pre-petition conference which letter of intent shall include a preliminary sketch of the project.

- (2) *The petition.* Following the pre-petition conference, the owner or his agent may file a petition with the Office of the City Clerk for an amendment to the City's Master Zoning Map requesting designation as a Planned Development District. The procedure for rezoning to a planned development district shall be as required for any other change in zoning district boundaries, except that in addition thereto, the rezoning may only be considered in conjunction with a comprehensive development plan and shall be subject to the following additional requirements. The comprehensive development plan may be in the form of a general development plan in order to receive concept approval therefore requiring a two-step process or in the form of a combined general and specific comprehensive development plan in order to receive final approval in a simultaneous, single step approval process. Such petition shall be accompanied by a permit fee in the amount established by resolution, as well as ten copies of the following information:

- a. *General Development Plan.* A General Development Plan encompassing all of the property which the developer owns or controls which includes a statement which sets forth the relationship of the proposed Planned Development District to the City's adopted General Plan for the La Crosse Area or any adopted component thereof and the general character of and the uses to be included in the proposed Planned Development District, including the following information:

1. Total area to be included in the Planned Development District, area of open space in acres and

percent, proposed uses of land keyed to the comparable existing zoning districts, residential density computations (gross and net), proposed number of dwelling units, the approximate location of different types or densities of dwelling units, population analysis, availability of or requirements for municipal services and utilities and any other similar data pertinent to a comprehensive evaluation of the proposed development.

2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services including proposed restrictive covenants.
4. Any proposed departures and requested waivers from the standards of development as set forth in other City zoning regulations, land division ordinance, sign ordinance and other applicable regulations.
5. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
6. A sketch plan depicting the proposed lot layout, street configuration, utilities, and open space.
7. A legal description of the boundaries of lands included in the proposed Planned Development District.
8. A description of the relationship between the lands included in the

- proposed Planned Development District and surrounding properties.
9. The location of institutional, recreational and open space areas, common areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 10. Characteristics of soils related to contemplated specific uses.
 11. Existing topography on site with contours at no greater than two-foot intervals City Datum where available.
 12. General landscaping treatment.
- b. *Referral and hearing.*
1. Within 60 days after completion of the filing of the petition for rezoning under a general development plan, the City Plan Commission shall forward the petition to the Common Council with recommendations, that the plan be approved as submitted, approved with modifications or disapproved. A public hearing shall be held prior to Common Council action on the proposed rezoning.
 2. Approval of the rezoning and related general development plan shall establish the basic right of use for the area when in conformity with the general development plan as approved, which shall be an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific comprehensive development plan, and shall not make permissible any of the uses as proposed until a specific comprehensive development plan is submitted and approved for all or a portion of the area included within the general development plan. If a specific comprehensive development plan is not filed within
- 18 months of the date of approval by the Common Council, the approval shall become null and void and a new petition and approval process shall be required to reobtain general development plan approval. If the general development plan and comprehensive development plan are approved at the same time and construction has not commenced within 12 months of the date of approval by the Common Council, the approval shall become null and void and a new petition and approval process shall be required to obtain general development plan and specific comprehensive development plan approval.
- c. *Specific comprehensive development plan.* Within 18 months of the date of approval by the Common Council of a general development plan, a specific comprehensive development plan must be submitted for review and approval by the appropriate City officials and committees including the City Plan Commission and Common Council which shall include all information required in subsection (e)(2)a of this section, as well as the following detailed construction and engineering plans and related detailed documents and schedules:
1. A plat plan including all information required for a preliminary plat and applicable provision of Wis. Stat. ch. 236, together with areas to be reserved for vehicular and pedestrian traffic, utilities, parking, public uses and easements. For commercial, industrial, public or semi-public, or mixed use developments, a detailed site plan showing the dimensions and locations of all proposed structures, areas to be reserved for vehicular and pedestrian traffic, utilities, parking, public uses and easements.

2. A legal description of the boundaries of lands included in the proposed Planned Development District.
 3. A description of the relationship between the lands included in the proposed Planned Development District and surrounding properties.
 4. The location of public and private roads, driveways and parking facilities.
 5. The size, arrangement and location of any individual building sites and proposed building groups on each individual lot (not applicable to single-family attached or detached residential projects).
 6. The location of institutional, recreational and open space areas, common areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 7. The type, size and location of all temporary advertising signs and permanent entrance features or signs.
 8. Detailed landscaping plans including plant listings.
 9. Final architectural plans, elevations and drawings and sketches illustrating the design and character of proposed structures (not applicable to single-family attached or detached residential projects).
 10. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities in the form of engineering plans.
 11. The existing and proposed location of all private utilities or other easements.
 12. Characteristics of soils related to contemplated specific uses.
 13. Existing topography on-site with contours at no greater than two-foot intervals City Datum.
 14. Provide for anticipated uses of adjoining lands, whether owned by the developer or not, in regard to roads, surface water drainage, utilities, and compatibility with existing adjacent land uses.
 15. If the development is to be staged, a staging plan describing each stage of the development and how it will function by itself and the relationship to other development stages/units within the district or on adjacent property.
 16. All restrictive covenants.
 17. Proposed erosion control plan and final grading plan in conformance with article II of chapter 105.
 18. All conditions agreed to by the applicant which are not included in the written documentation required under subsection (2)c.1 through 12 of this section shall be part of the development plan.
- d. *Additional material.* Additional material and information shall be provided for specific types of uses when petitioning for a change in zoning under a general development plan as follows, with the exception that the standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development shall only be required to be submitted as part of a specific comprehensive development plan:
1. Wherever residential development is proposed within a Planned Development District, the general development plan shall contain at least the following information:
 - (i) The approximate number of dwelling units proposed by type of dwelling and the density (i.e., the number of

- dwelling units proposed per gross and net acre for each type of use).
- (ii) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development.
2. For Planned Development Districts or portions thereof for which a commercial development plan is proposed, the general development plan shall contain at least the following information:
 - (i) The approximate retail sales floor area and total area proposed for commercial development.
 - (ii) The types of uses proposed to be included in the development, which uses shall be consistent with the commercial zoning district.
 - (iii) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development.
 3. For Planned Development Districts or portions thereof for which an industrial development is proposed, the general development plan shall contain at least the following information:
 - (i) The approximate total area proposed for such use.
 - (ii) The types of uses proposed to be included in the development. (Generally those industrial, office, laboratory and manufacturing uses shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which by reason of value in relation to size and weight of merchandise received and shipped, generate a minimum of truck traffic.)
 - (iii) The anticipated employment in the entire development and in each major portion thereof. This may be stated as a range.
 - (iv) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, signs, and nuisance controls intended for the development.
4. For Planned Development Districts or units thereof containing institutional, recreational or other public or quasi-public development, the general development plan shall contain the following information:
 - (i) General types of uses proposed in the entire development and each major section thereof.
 - (ii) Significant applicable information with respect to enrollment, residence employment, attendance, or other social or economic characteristics of development.
 - (iii) The standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation, off-street parking and loading, and signs intended for the development.
 5. For Planned Development Districts or units thereof containing more than one land use as outlined in subsection (2)d.1 through

4 of this section, the general development plan shall contain the information as appropriate for the proposed use.

- (3) *Consideration and approval of application.* Prior to referral to the City Plan Commission and any Standing Council Committee, the application shall be referred to the Department of Planning and Development and the City Engineer's Office, which two Departments shall verify all variations from this chapter applicable to similar uses in other districts and all variations from chapter 113 as submitted by the petitioner and shall make a report and recommendations for the benefit of the City Plan Commission and the Council.
- (4) *Basis for approval.*
- a. The Department of Planning and Development, in making its recommendations to the City Plan Commission and the Council, shall consider:
1. Whether the petitions for the proposed Planned Development District have indicated that they intend to begin construction of the designation Planned Development within 18 months following the approval of the petition for a Planned Development District and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.
 2. Whether the proposed Planned Development District is consistent in all respects to the purpose of this section and to the spirit and intent of this chapter; is in conformity with the general plan for the La Crosse Area or component plans thereof for community development; would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood; and, that the benefits and improved design of the resultant

development justifies the establishments of a Planned Development District.

3. Whether the proposed site shall be provided with adequate drainage facilities for surface waters and stormwaters.
4. Whether the proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
5. Whether any undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, all City utilities, street maintenance and maintenance of public areas by the proposed development.
6. Whether the streets and drive-ways on the site of the proposed development shall be adequate to serve the residents of the proposed development and would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.
7. Municipal public water and sanitary sewer facilities shall be provided.
8. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved comprehensive development plan either by private reservations and maintenance agreements, covenant, financial surety, special assessment or by dedication to the public. Stormwater conveyance and detention systems shall not be dedicated to the public with the exception of storm sewer within public right-of-way.
9. Adequate guarantee is provided for permanent maintenance and

ownership of waterways, stormwater conveyance and detention systems including ponds, etc., either by private reservations and maintenance agreements, covenants, financial surety or special assessment. Water and sanitary sewer systems shall be dedicated to the public when constructed in conformance to the City's design criteria.

- b. Usual procedures shall otherwise be followed, recognizing that specific regulations are to be approved for each such district which may be at variance with other general ordinances. The City Plan Commission and the Council may also establish requirements and limitations so as to reduce traffic congestion and hazards, establish adequate landscaping, buffering and screening, and eliminate undesirable effects on nearby development.

(f) *Changes or additions.* Any subsequent change or addition to the plans or uses shall first be submitted for approval to the City Plan Commission. Any requested change or amendment need only include the pertinent portion of the plan and drawings to delineate the amendment to the plan and need not include those items or plans that are not being changed or modified. Said changes or additions made in accordance with this subsection shall not substantially modify the previously approved specific comprehensive development plan to the extent that the same is not inconsistent with said changes or additions. The specific comprehensive development plan shall not be approved or modified, unless adopted by two-thirds vote of the members of the Council.

(g) *Plat or certified survey map.*

- (1) All Planned Developments are required to follow the subdivision procedures set forth in chapter 113, including the requirements for filing a preliminary and final plat. Within six months of the approval of a Planned Development District or any amendment thereto through the approval of a specific comprehensive development plan, the owner shall record in the Register of Deeds office either

a final plat in compliance with Wis. Stat. ch. 236 and chapter 113 for the applicable phase of the development or a certified survey map in accordance with Wis. Stat. § 236.34, whichever may apply, except when there already is a plat or certified survey map recorded.

- (2) Proof of such recording shall be filed with the City Clerk within said six months.

(h) *Building permits.*

- (1) No building permits shall be issued for any structure not in strict compliance with the approved specific comprehensive development plans, drawings and regulations as approved by the Council. Subsequent alterations, changes or amendments shall require the same prior approvals as the original zoning.
- (2) Certificates of Compliance shall be withheld until the recording of a plat or certified survey map as set forth in subsection (g)(1) of this section.

(i) *Construction.*

- (1) A certified copy of the final approved comprehensive development plan shall be filed in the Department of Planning and Development and the Office of the City Clerk prior to issuance of any form of development permits including building permits and if no construction has begun within 18 months of the approval of said plan, the plan shall lapse and be of no further effect. The Council may extend the period for the beginning of construction or the establishment of use prior to the expiration date in conformance with subsection (f) of this section. Failure to comply with the approved comprehensive development plan shall justify action to rezone the area or part thereof.
- (2) All construction within a phase shall be completed within three years of final approval. This period may be extended by the Council for good cause. Failure to comply with the time periods in this section shall justify action to rezone the area or part thereof.

(Code 1980, § 15.16)

Sec. 115-157. Public and Semi-Public District.

(a) *Scope and use regulations.* This section applies to the Public and Semi-Public District. In the Public and Semi-Public District, no land shall be used except for the following uses:

- (1) Governmental offices and facilities.
- (2) Elementary and secondary public and private educational facilities.
- (3) Historical structures.
- (4) Public parks, community gardens and plazas.
- (5) Off-street parking and loading facilities.
- (6) Public auditoriums.
- (7) Hospitals and clinics occupied by a minimum of 25 physicians or dentists practicing medicine or practicing dentistry.
- (8) Conditional uses as provided in article VI of this chapter.
- (9) Post-secondary public and private educational facilities.
- (10) Publicly owned and operated airports and aviation-related facilities as well as non-aviation related facilities, provided that chapter 8 is adhered to.
- (11) Restaurants and concessions that are located on City-owned park land and subject to approval by the Board of Park Commissioners.

(b) *Height restrictions.* No building hereafter constructed or structurally altered shall exceed 120 feet in height.

(c) *Area regulations.* Except as otherwise provided in subsection (e) of this section, all new buildings or additions to existing buildings shall be set back at least ten feet from all public rights-of-way plus one additional foot for each five feet of building height exceeding 35 feet.

(d) *Vision clearance.* The vision clearance requirements for this district shall be the same as for the Local Business District.

(e) *Modification.* The City Plan Commission may modify the area regulations as well as the required off-street parking after review of any and all site

plans as well as considering the impact to the surrounding neighborhood. Such modification shall only be made after the public hearing and upon notification to the property owners within 300 feet of any proposed new structure with such notice being given. (Code 1980, § 15.17)

Sec. 115-158. Conservancy District.

(a) *Statement of purpose.* This section applies to the Conservancy District. The Conservancy District is established to preserve and perpetuate in an open state certain areas, such as lakes and waterways, wetlands and marshes, floodplains and stream beds, certain agricultural lands, slopes, and other areas of aesthetic value which, because of their unique physical features, are deemed desirable and functional as natural drainageways, water retention and erosion control areas, natural habitat for plant and animal life, green belts and other multipurpose uses beneficial to the community. The regulations of the Conservancy District are intended not only to preserve and perpetuate certain open space land and water areas for multiple-purpose uses consistent with the intent and purpose of this chapter, but to also protect the community from the costs which may be incurred when unsuitable development occurs in certain areas. Development in the Conservancy District is limited in character, although certain agricultural, commercial, and recreational uses are permitted when controlled by specific limitations. Civic development by the City of La Crosse is permitted without specific limitation where benefit by such development of landshore and shoreland areas accrues to the community as a whole.

(b) *Use regulations.* In the Conservancy District, no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for the following uses:

- (1) Orchards, tree farms, tree nurseries and other tree crop agricultural uses provided that harvesting does not remove protective watershed tree cover.
- (2) Public, semi-public and/or private wild game preserves, wildlife areas and bird sanctuaries.

- (3) Public or semi-public parks and/or recreation areas, forest reserves, forest experimental stations and historic areas.
- (4) Fishing, public fish hatcheries, stream bank and lakeshore protection, and water retention uses.
- (5) Conditional uses as provided in section 115-344.
- (6) Notwithstanding any other provisions of this section, the repair, maintenance, replacement, or upgrades to existing utility infrastructure so long as such activity is confined to the same utility corridor owned or controlled by the utility.

(c) *Height regulations.* No structure shall exceed 25 feet in height at its greatest distance from the natural slope of the ground.

(d) *Area regulations.*

- (1) No use permitted in this district shall be located on a lot of less than five acres.
- (2) No structure shall be located less than 50 feet from any property line.

(e) *Vision clearance.* The vision clearance requirements for this district shall be the same as for the Local Business District.
(Code 1980, § 15.18)

Secs. 115-159—115-184. Reserved.

ARTICLE V. OVERLAY ZONING DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 115-185—115-206. Reserved.

DIVISION 2. FLOODPLAIN ZONING

Subdivision I. In General

Sec. 115-207. Title.

This division shall be known as the Floodplain Zoning Ordinance for the City of La Crosse, Wisconsin.
(Code 1980, § 15.03(A)(4))

Sec. 115-208. Definitions.

Unless specifically defined, words and phrases in this division shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The term "may" is permissive; "shall" is mandatory and is not discretionary.

A-Zones means those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective flood profiles, depending on the availability of data for a given area.

Accessory structure or use means a facility, structure, building or use which is accessory or incidental to the principal use of the property, structure or building.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as a part of FIS and depicted on a FIRM.

Base flood elevation means an elevation equal to that which reflects the height of the base flood as defined in this section.

Basement means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Building. See *Structure*.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this division.

Campground means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary

shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Certificate of compliance means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this division.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

City means the City of La Crosse, a municipal body authorized to enact, administer and enforce this chapter. See also *Municipality*.

Crawlways or *crawl/space* means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Development means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of the percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DNR means the Wisconsin Department of Natural Resources.

Dryland access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Encroachment means any fill, structure, equipment, building, use or development in the floodway.

Existing manufactured home park or subdivision means a parcel of land, divided into two or manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of the ordinance from which this division is derived. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Expansion to existing mobile/manufactured home park means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.

Federal Emergency Management Agency (FEMA) means the Federal agency that administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation or runoff of surface waters from any source;
- (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan, Lake Superior or the Mississippi River; or
- (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Flood Hazard Boundary Map means a map designating approximate flood hazard areas. Flood haz-

ard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Rate Map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood profile means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation means an elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. See also *Freeboard*.

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodfringe means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

Floodplain means land which has been or may be covered by floodwater during the regional flood. It

includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodproofing means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Habitable structure means any structure or portion thereof used or designated for human habitation.

Hearing notice means publication or posting meeting the requirements of Wis. Stat. ch. 985. For appeals, a Class 1 notice, published at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, one each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic structure means any structure that is either:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- (3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

Increase in regional flood height means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 feet, based on a comparison of existing conditions and proposed conditions which are directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land use means any nonstructural use made of unimproved or improved real estate. (See also: *Development*.)

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Manufactured home park means manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mobile recreational vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Municipality or *municipal* means the City governmental units enacting, administering and enforcing this chapter.

NAVD or *North American Vertical Datum* means elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or *National Geodetic Vertical Datum* means elevations referenced to mean sea level datum, 1929 adjustment.

New construction, for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations were adopted by the City of La Crosse and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming structure means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use; however, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this division for the area of the floodplain which it occupies (such as a residence in the floodway).

Nonflood disaster means a fire, ice storm, tornado, wind storm, mudslide, or other destructive act of nature, excluding floods.

Obstruction to flow means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map means that map, adopted and made part of this division, as described in section 115-255, which has been approved by the DNR and FEMA.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary high-water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Person means an individual, or group of individuals, corporation, partnership, association, municipality or State agency.

Private sewage system means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reach, hydraulic, means that portion of the river or stream extending from one significant change in

the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in the stream bed slope or vegetation.

Reasonably safe from flooding means base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional flood means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storage capacity of a floodplain means the volume of space above an area of floodplain that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

Structural alterations means any change in the supporting members of a building, such as the bearing walls, columns, beams, or girders.

Structure means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision means has the meaning given in Wis. Stat. § 236.02(12).

Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The terms does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows, and other nonstructural components.

Unnecessary hardship means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this division.

Utilities means any public or private water supply or waste collection and/or disposal system, including but not limited to: septic systems, private and public wells, and their attendant facilities, and public sewage collection systems.

Variance means an authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this division.

Violation means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water surface profile means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

Well means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Code 1980, § 15.03(K))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 115-209. Statutory authorization.

This division is adopted pursuant to the authorization in Wis. Stat. §§ 62.23 and 62.231, and the requirements in Wis. Stat. § 87.30.

(Code 1980, § 15.03(A)(1))

Sec. 115-210. Findings of fact.

Uncontrolled development and use of the floodplains and rivers of the City would impair the public health, safety, convenience, general welfare and tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent

and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.
(Code 1980, § 15.03(A)(2))

Sec. 115-211. Statement of purpose.

This division is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(Code 1980, § 15.03(A)(3))

Sec. 115-212. Amendments.

(a) *General.* The City may change or supplement the floodplain zoning district boundaries and this division in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.

- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 feet or more.
- (5) Any upgrade to a floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05, or otherwise required by law, or for changes by the City.
- (6) All channel relocations and changes to the maps to alter the floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Consult the FEMA web site—www.fema.gov—for the map change fee schedule.

(b) *Procedures.* Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stat. § 62.23. Such petitions shall include all necessary data required by sections 115-282.

- (1) The proposed amendment shall be referred to the City Clerk for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the DNR Regional Office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 62.23.
- (2) No amendments shall become effective until reviewed and approved by the DNR.
- (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 feet or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify all local units of government before the amendment can be approved by the Common Council.
- (4) For amendments in areas with no water surface profiles, the Department of Planning and Development or Board of Appeals shall consider data submitted by the DNR, the

Department of Planning and Development's visual on-site inspections and other available information. (See section 115-255).
(Code 1980, § 15.03(I))

Sec. 115-213. Enforcement and penalties.

Any violation of the provisions of this division by any person shall be unlawful and shall be referred to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a penalty of not less than \$20.00 nor more than \$50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30.

(Code 1980, § 15.03(J))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 115-214. Areas to be regulated.

This division regulates all areas that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Areas covered by the regional flood are identified as A-Zones on the Flood Insurance Rate Map (FIRM), which can be found in the Department of Planning and Development, City Engineer's Office, at the La Crosse Public Library, at www.cityoflacrosse.org and at www.fema.gov.

(Code 1980, § 15.03(B)(1))

Sec. 115-215. Compliance.

Any development or use within the areas regulated by this division shall be in compliance with the terms of this chapter, and other applicable local, State, and Federal regulations.

(Code 1980, § 15.03(B)(6))

Sec. 115-216. Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this division and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction,

maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.
(Code 1980, § 15.03(B)(7))

Sec. 115-217. Abrogation and greater restrictions.

(a) This division supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. § 62.23 or 87.30, which relate to floodplains. If another ordinance is more restrictive than this division, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This division is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this division imposes greater restrictions, the provisions of this division shall prevail.

(Code 1980, § 15.03(B)(8))

Sec. 115-218. Interpretation.

In their interpretation and application, the provisions of this division are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this division required by Wis. Admin. Code ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of the ordinance from which this division is derived or in effect on the date of the most recent text amendment of this division.

(Code 1980, § 15.03(B)(9))

Sec. 115-219. Warning and disclaimer of liability.

The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by manmade or natural causes. This division does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this division create liability on the part of, or a cause

of action against, the City or any officer or employee thereof for any flood damage that may result from reliance on this chapter.
(Code 1980, § 15.03(B)(10))

Sec. 115-220. Severability.

Should any portion of this division be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.
(Code 1980, § 15.03(B)(11))

Sec. 115-221. Annexed areas for cities and villages.

The La Crosse County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City for all annexed areas until the City adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the City's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Department of Planning and Development. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway. Definite district boundaries and regulations for such annexed territory shall be adopted by the Council within 90 days from the date of annexation to the City. No building permits shall be issued during the period of time when temporary zoning is provided with the annexation in accordance with Wis. Stat. § 66.0217(8), unless such temporary zoning is the same as that provided at the time of filing the petition.
(Code 1980, § 15.03(B)(12))

Sec. 115-222. Nonconforming uses.

(a) *General.*

- (1) *Applicability.* If these standards conform to Wis. Stat. § 62.23(7)(h), for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this division or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this division may continue subject to the following conditions:

- a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this division. The terms "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this division.
- c. The City shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

- d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceeds 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this division. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 115-281(3)a. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this section.
- e. 1. Except as provided in subsection (a)(2)b of this section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current division requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equal or exceeds 50 percent of the structure's present equalized assessed value.
2. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR 60), or under the regulations promulgated thereunder.
- f. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with section 115-280(3)a, flood resistant materials are used, and construction practices and floodproofing methods that comply with section 115-223(e) are used.
- (b) *Floodway areas.*
- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
- a. Has been granted a permit or variance which meets all division requirements;
 - b. Meets the requirements of subsection (a) of this section;
 - c. Will not increase the obstruction to flood flows or regional flood height;
 - d. Any addition to the existing structure shall be floodproofed, pursuant to section 115-223(e), by means other than the use of fill, to the flood protection elevation;
 - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking or limited storage.

- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all City ordinances and Wis. Admin. Code ch. SPS 383.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all City ordinances and Wis. Admin. Code chs. NR 811 and 812.

(c) *Floodfringe areas.*

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the City, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in sections 115-281(3) and 115-223(e), except where subsection (c)(2) of this section is applicable. If a variance is granted, the City shall notify the property owner that increased flood insurance premiums may result.
- (2) Where compliance with the provisions of subsection (a) of this section would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in section 115-223(c) may grant a variance from those provisions of subsection (c)(1) of this section for modifications or additions, using the criteria listed below. Modifications or additions

which are protected to elevations lower than the flood protection elevation may be permitted if:

- a. No floor is allowed below the regional flood elevation for residential or commercial structures;
 - b. Human lives are not endangered;
 - c. Public facilities, such as water or sewer, will not be installed;
 - d. Flood depths will not exceed two feet;
 - e. Flood velocities will not exceed two feet per second; and
 - f. The structure will not be used for storage of materials as described in section 115-281(3)(e).
- (3) If neither the provisions of subsection (c)(1) or (2) of this section can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
 - a. Meets all other regulations and will be granted by permit or variance;
 - b. Does not exceed 60 square feet in area; and
 - c. In combination with other previous modifications or additions to the building, does not equal or exceeds 50 percent of the present equalized assessed value of the building.
 - (4) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.
 - (5) All new wells, or additions to, replacement, repair or maintenance of a well shall meet the applicable provisions of this division and Wis. Admin. Code chs. NR 811 and 812.

(d) *Flood storage areas.* No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in section 115-282(2)c are met.

(e) *Shallow depth floodplain areas.* The applicable provisions of subsection (c) of this section shall apply.

(f) *Existing mobile home parks and subdivisions.* Where, in any Flood Zoning Overlay District, the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced:

- (1) The lots must be filled to an elevation which shall be not less than one foot below the flood protection elevation for the particular area;
- (2) The lowest floor of the mobile home must be at or above the flood protection elevation for the particular area; and
- (3) Adequate surface drainage and access for a hauler must be provided.

(Code 1980, § 15.03(G))

Sec. 115-223. Administration.

(a) *Zoning administrator.*

- (1) The Department of Planning and Development and the office of the City Engineer are authorized to administer this division and shall have the following duties and powers:
 - a. Advise applicants of the division provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - b. Issue permits and inspect properties for compliance with provisions of this division, and issue certificates of compliance where appropriate.
 - c. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - d. Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;

- 2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
- 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances, and amendments; and
- 4. All substantial damage assessment reports for floodplain structures.

e. Submit copies of the following items to the DNR regional office:

- 1. Within ten days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
- 2. Copies of any case-by-case analyses, and any other information required by the DNR including an annual summary of the number and types of floodplain zoning actions taken; and
- 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments. Information on conducting substantial damage assessments is available on the DNR website: <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

f. Investigate, prepare reports, and report violations of this division to the Department of Planning and Development and City Attorney's office for prosecution. Copies of the reports shall also be sent to the DNR regional office.

g. Submit copies of text and map amendments and biennial reports to the FEMA regional office.

h. Request for floodplain letters of determination for lenders, companies, homeowners, insurance agents and others

shall be provided upon request after payment of the fee established by resolution.

(2) Land use permit. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Department of Planning and Development shall include:

- a. General information.
 - 1. Name and address of the applicant, property owner and contractor;
 - 2. Legal description, proposed use, and whether it is new construction or a modification
- b. Site development plan. A site plan, drawn to scale, shall be submitted with the permit application form and shall contain:
 - 1. Location, dimensions, area and elevation of the lot;
 - 2. Location of the ordinary high-water mark of any abutting navigable waterways;
 - 3. Location of any structures with distances measured from the lot lines and street center lines;
 - 4. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - 5. Location and elevation of existing or future access roads;
 - 6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - 7. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study-either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

- 8. Data sufficient to determine the regional elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of section 115-280 or 115-281 are met; and
- 9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to section 115-276. This may include any of the information noted in section 115-280(3)a.

- c. Data requirements to analyze developments. The applicant shall provide all survey data and computations required to show the effects of the project on the flood heights, velocities and the floodplain storage, for all subdivision proposals, as "subdivision" is defined in Wis. Stat. ch. 236 and other proposed developments exceeding five acres in area or where the estimated cost exceeds \$125,000.00. The applicant shall provide:
 - 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 - 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 - 3. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

- d. Expiration. All permits issued under the authority of this division shall expire one year after issuance.

(3) Certificate of compliance. No land shall be occupied or used, and no building which is

hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Department of Planning and Development, except where no permit is required, subject to the following provisions:

- a. The certificate of compliance shall show that the building or premises, or part thereof, and the proposed use, conform to the provisions of this division;
 - b. Application for such certificate shall be concurrent with the application for a permit;
 - c. If all division provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;
 - d. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of subsection (e) of this section.
- (4) Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under section 404 of the Federal Water Pollution Control Act, Amendments of 1972, and 33 USC 1344.

(b) *Zoning agency.*

- (1) The Department of Planning and Development shall:
 - a. Oversee the functions of the office of the Zoning Administrator; and
 - b. Review and advise the City on all proposed amendments to this division, maps and text.

- (2) The Department of Planning and Development shall not:

- a. Grant variances to the terms of this division in place of action taken by the Board of Appeals; or
- b. Amend the text or zoning maps in place of official action taken by the City.

(c) *Board of Appeals.* A Board of Appeals is hereby established. The Board shall consist of five members and two alternates who shall be appointed by the Mayor, subject to confirmation by the Council. The members of the Board shall serve without compensation. The Mayor shall designate one of the members as Chair. The City Clerk shall serve as Secretary of the Board. The term of office for the members of the Board shall be for three calendar years, with no more than two terms expiring the same year. The term of the alternates shall be for staggered terms of three years. Annually, the Mayor shall designate one of the alternate members as First Alternate and the other as Second Alternate. The First Alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The Second Alternate shall so act only when the First Alternate so refuses or is.

- (1) Organization.

- a. The Board shall organize and adopt rules of procedure for its own government in accordance with this chapter and Wis. Stat. § 62.23(7)(e).
- b. Meetings shall be held at the call of the Chair and at such other times as the Board may determine and shall be open to the public.
- c. The Chair, or in his/her absence, the acting Chair, may administer oaths to and compel the attendance of witnesses.
- d. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of facts.
 1. The records shall be immediately filed in the office of the Secretary and shall be a public record.

2. A copy of any decision granting a variance from floodplain regulations within any floodplain area shall be mailed to the DNR.
 - e. A concurring vote of four members of the Board shall be necessary to:
 1. Correct any error;
 2. Grant a variance;
 3. Make an interpretation; and
 4. Permit a utility, temporary, classified, or substitute use.
 - f. A representative from the Inspections Department shall attend all meetings for the purpose of providing technical assistance to the Board.
- (2) Powers and duties. The Board of Appeals shall hear:
- a. Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this division.
 - b. Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - c. Variances. Hear and decide, upon appeal, variances from the standards in this division.
- (3) Appeals to the Board.
- a. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the City affected by any decision of the Inspections Department or other administrative officer. Such appeal shall be taken within 30 days unless otherwise within the time provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
 - b. Notice and hearing for appeals including variances.
 1. Notice. The Board shall:
 - (i) Fix a reasonable time for the hearing;
 - (ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - (iii) Ensure that the notice shall be mailed to the parties in interest and the DNR regional office at least ten days in advance of the hearing.
 2. Hearing. Any party may appear in person or by agent. The Board shall:
 - (i) Resolve boundary disputes according to subsection (c)(4) of this section.
 - (ii) Decide variance applications according to subsection (c)(5) of this section.
 - (iii) Decide appeals of permit denials according to subsection (d) of this section.
 - c. Decision. The final decision regarding the appeal or variance application shall:
 1. Be made within a reasonable time;
 2. Be sent to the DNR regional office within ten days of the decision;
 3. Be a written determination signed by the chair and/or secretary of the Board;
 4. State the specific facts which are the basis for the Board's decision;
 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
 - (i) The Board may request assistance from other City officers, departments, commissions, and boards.
 - d. Review by Court of Record. Any person or persons aggrieved by any decision of the Board may present to the Court of Record a petition duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after filing of the decision in the office of the Board of Appeals.
- (4) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - c. If the boundary is incorrectly mapped, the Board shall inform the Inspections Department or the person contesting the boundary location to petition the City for a map amendment according to section 115-212.
- (5) Variance.
- a. The Board may, upon appeal, grant a variance from the standards of this division if an applicant convincingly demonstrates that:
 1. Literal enforcement of this division will cause unnecessary hardship;
 2. The hardship is due to adoption of this division and unique property conditions, not common to adjacent lots or premises. In such cases, the division or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this division in section 115-211.
 - b. In addition to the criteria in subsection (i), to qualify for a variance under FEMA regulations, the following criteria must be met:
 1. The variance may not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of this division as stated in section 115-211.
 - c. A variance shall not:
 1. Grant, extend or increase any use prohibited in the zoning district.
 2. Be granted for a hardship based solely on an economic gain or loss.
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this division or map(s) required in section 115-212(a).

- 6. Permit a lower degree of flood protection in the Floodway District.
 - 7. Allow any floor or crawlspace below the Regional Flood Elevation for residential or commercial structures as required by Wis. Admin. Code ch. NR 116.
 - 8. Have the effect of allowing or expanding a use or structure which is prohibited in that zoning district by the provisions of this division or those of Wis. Admin. Code ch. NR 116.
 - 9. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase the flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.
- (d) *To review appeals of permit denials.*
- (1) The Inspections Department or Board shall review all data related to the appeal. This may include:
 - a. Permit application data listed in subsection (a)(1) of this section.
 - b. Floodway/floodfringe determination in section 115-282(1)d.
 - c. Data listed in section 115-280(3)a.2 where the applicant has not submitted this information to the Department of Planning and Development.
 - d. Other data submitted with the application, or submitted to the Board with the appeal.
 - e. Fee receipt from the Director of Finance/Treasurer in the amount of established by resolution).
 - (2) For appeals of all denied permits, the Board shall:
 - a. Follow the procedures set forth in subsection (c) of this section;
 - b. Consider Department of Planning and Development recommendations; and
 - c. Either uphold the denial or grant the appeal.
 - (3) For appeals concerning increases in regional flood elevation, the Board shall:
 - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.
- (e) *Floodproofing.*
- (1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
 - (2) Floodproofing measures shall be designed to:
 - a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b. Protect structures to the flood protection elevation;
 - c. Anchor structures to foundations to resist flotation and lateral movement; and
 - d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
 - (3) Floodproofing measures could include:
 - a. Reinforcing walls and floor to resist rupture or collapse caused by water pressure or floating debris.

- b. Adding mass or weight to prevent flotation.
- c. Placing essential utilities above the flood protection elevation.
- d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- e. Constructing water supply wells and waste treatment systems to prevent the entry of floodwaters.
- f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(f) *Public information.*

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) All real estate transfers should show what floodplain zoning district any real property is in.

(Code 1980, § 15.03(H))

Sec. 115-224. General development standards.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this division.

(Code 1980, § 15.03(B)(13))

Secs. 115-225—115-252. Reserved.

Subdivision II. Floodplain Districts and Map

Sec. 115-253. Official maps and revisions.

(a) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it becomes effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Planning and Development, City Engineer's Office, at the La Crosse Public Library, at <http://www.cityoflacrosse.org> and at <http://www.fema.gov>. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) Official Map. The floodplain maps produced as part of the "Flood Insurance Study, La Crosse County Wisconsin, and incorporated areas Federal Emergency Management Agency - Flood Insurance Study Number 55063CV001B and 55063CV002B" dated January 6, 2012" referred to herein as Flood Plain Report, prepared for La Crosse County and the City of La Crosse by the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Community Number 55562 and Panel Numbers 55063C0144D, 55063C0163D, 55063C0232D, 55063C0234D, 55063C0242D, 550630251D, 55063252D, 55063C0253D, 55063C0254D, 55063C0256D, 55063C0258D, 55063C0261D, 55063C0262D, 55063C0263D, 55063C264D, 55063C0268D, 55063C0352D, and 55063C0356D dated January 6, 2012 with Community Number 555562 and Panel Numbers 0006 and 0007 dated May 15, 1985.

(Code 1980, § 15.03(B)(2))

Sec. 115-254. Establishment of districts.

(a) The regional floodplain areas are divided into six districts as follows:

- (1) The Floodway District (FW) (Zone AE on the FIRM) is designated as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so

that the one percent annual chance flood can be carried is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

- (2) The Floodfringe District (FF) (Zone AE on the FIRM map; outside of the floodway) is that portion of the floodplain between the regional flood limits and the floodway.
- (3) The General Floodplain District (GFP)(un-numbered A-zones on the FIRM map) are those areas that have been or may be covered by floodwater during the regional flood.
- (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- (5) The Shallow Depth Flood Plain Overlay District (SDFP) shall mean those areas where the maximum depth of flooding does not exceed one foot in depth nor six hours in duration during the regional flood.
- (6) The Pammel Creek Flood Fringe Zoning Overlay District (PCFP) consists of an area adjacent to the Pammel Creek Flood Control Project which is regulated as an area outside of the floodplain. The area depicted on the City's Zoning Map as the PCFP shall not be subject to the provisions of section 115-276 or 115-223 so long as the PCFP complies with Wis. Admin. Code § NR 116.17(2). Community Number 55063C0144C, 55063C0163C, 55063C0232C, 55063C0234C, 55063C0253C, 55063C0254C, 55063C0256C, 55063C0258C, 55063C0261C, 55063C0262C, 55063C0263C, 55063C0264C, 55063C0268C, 55063C0352C, and 55063C0356C, and map dated May 15, 1985, with Community Numbers 555562 and Panel Numbers 0006 and 0007 dated May 15, 1985, and any amendments thereto including the following:

- a. An approved emergency action plan shall be in effect for the area behind the levee or floodwall.

- b. The City shall provide notification to all persons receiving construction permits in the district levee or floodwall that they are in an area protected by the levee or floodwall which is subject to flooding if the levee or floodwall is overtopped.

- (b) Within these districts, all uses not listed as permitted uses shall be prohibited. (Code 1980, § 15.03(B)(3))

Sec. 115-255. Locating floodplain boundaries.

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections (1) or (2) of this section. If a significant difference exists, the map shall be amended according to section 115-212. The Department of Planning and Development may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Department of Planning and Development and/or City Engineer's Office shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Department of Planning and Development and an applicant over the district boundary line shall be settled according to the following criteria:

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional base flood elevations shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to section 115-212(a)(6).
- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department of Natural Resources.

(Code 1980, § 15.03(B)(4))

Sec. 115-256. Removal of lands from floodplain.

Compliance with the provisions of this division shall not be grounds for removing land from the

floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to section 115-212.

- (1) This procedure does not remove the requirements for the mandatory purchase of flood insurance.
 - (2) The property owner must contact FEMA to request a letter of map change (LOMC).
- (Code 1980, § 15.03(B)(5))

Secs. 115-257—115-275. Reserved.

Subdivision III. Floodplain District Regulations

Sec. 115-276. Hydraulic and hydrologic analyses

(a) Except as allowed in subsection (c) of this section, no floodplain development shall:

- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
- (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 feet.

(b) The Department of Planning and Development shall deny permits if it is determined that the proposed development will obstruct flow or increase regional flood heights 0.01 feet or more, based on the officially adopted FIRM, or other adopted map, unless the provisions of subsection (c) of this section are met.

(c) Obstructions or increases equal to or greater than 0.01 feet may only be permitted if amendments are made to this division, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 115-212.

- (1) This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map.
 - (2) Any such alterations must be reviewed and approved by FEMA and the DNR.
- (Code 1980, § 15.03(C)(1))

Sec. 115-277. Watercourse alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the DNR and FEMA regional offices, and required the applicant to secure all necessary State and Federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Department of Planning and Development shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(Code 1980, § 15.03(C)(2))

Sec. 115-278. Wis. Stat. chs. 30 and 31 development.

Development which requires a permit from the DNR, under Wis. Stat. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or this division are made according to section 115-212.

(Code 1980, § 15.03(C)(3))

Sec. 115-279. Public or private campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services.
- (2) A land use permit for the campground is issued by the Department of Planning and Development.
- (3) The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all

persons in the campground. This procedure shall include a written agreement between the campground owner, the City emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used, the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in subsection (4) of this section to remain in compliance with all applicable regulations, including those of the State Department of Health Services and all other applicable regulations.
- (6) Only camping units are allowed.
- (7) Manufactured homes, manufactured cabins, park model homes, or other recreational abodes that are not recreational vehicles, as well as all appurtenant structures, such as decks, porches, gazebos and sheds associated with recreational vehicles are prohibited in the campground district.
- (8) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (9) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (10) The City shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (11) All camping units that remain in place for more than 180 consecutive days must meet

the applicable requirements in either section 115-280 or 115-281 for the floodplain district in which the structure is located.

- (12) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (13) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Code 1980, § 15.03(C)(4))

Sec. 115-280. Floodway District (FW).

The Floodway District, located in Zone AE in the FIRM Map, is designated as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that one percent annual chance flood can be carried.

- (1) *Applicability.* This section applies to all floodway areas on the floodplain zoning maps identified pursuant to section 115-282.
- (2) *Permitted uses.* The following open space uses are allowed in the floodway district and the floodway area of the general floodplain district, if they are not prohibited by any other ordinance; they meet the standards in subsections (3) and (4) of this section; and all permits or certificates have been issued:
 - a. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - b. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to subsection (3)d of this section.

- d. Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections (3) and (4) of this section.
 - e. Extraction of sand, gravel or other materials that comply with subsection (3)d of this section.
 - f. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stat. chs. 30 and 31.
 - g. Public utilities, streets and bridges that comply with subsection (3)c of this section.
- (3) *Standards for developments in floodway areas.*
- a. *General.*
 - 1. Any development in floodway areas shall comply with subdivision III of this article and have a low flood damage potential.
 - 2. Applicants shall provide the following data to determine the effects of the proposal according to section 115-276:
 - (i) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (ii) An analysis calculating the effects of this proposal on regional flood height.
 - 3. Department of Planning and Development shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 feet or more, based on the data submitted for subsection (3)a.2. of this section.
 - b. *Structures.* Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - 1. The structure is not designed for human habitation and does not have a high flood damage potential;
 - 2. It must be anchored to resist flotation, collapse and lateral movement;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. It must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.
 - c. *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by permit, if:
 - 1. Adequate floodproofing measures are provided to the flood protection elevation; and
 - 2. Construction meets the development standards of section 115-276.
 - d. *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:
 - 1. The requirements of section 115-276 are met;
 - 2. No material is deposited in the navigable channel unless a permit is issued by the DNR pursuant to Wis. Stat. ch. 30 and a permit pursuant to section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344 has been issued, if applicable, and the other requirements of this section are met;
 - 3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - 4. The fill is not classified as a solid or hazardous material.

- (4) *Prohibited uses.* All uses not listed as permitted uses in subsection (2) of this section are prohibited, including the following uses:
- a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
 - b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and DNR-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 383;
 - e. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and 812;
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under Wis. Code § NR 110.15(3)(b);
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Code 1980, § 15.03(D))

Sec. 115-281. Floodfringe District (FF).

Zone AE on the FIRM Map; outside the floodway which is covered by floodwaters during the regional flood and is associated with standing water rather than flowing water.

- (1) *Applicability.* This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to section 115-282(1)d.

- (2) *Permitted uses.* Any structure, land use, or development is allowed in the floodfringe district if the standards in section 115-281(3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates have been issued.

- (3) *Standards for development in floodfringe areas.* Section 115-276 shall apply in addition to the following requirements according to the use requested.

- a. *Residential uses.* Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area shall meet or exceed the following standards:
 1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The DNR may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;
 2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 3. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (3)a.4 of this section.
 4. In developments where existing street or sewer line elevations make compliance with subsection (3)a.3 of this section impractical, the City may permit new development and substantial im-

- provements where access roads are at or below the regional flood elevation, if:
- (i) The City has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - (ii) The City has a natural disaster plan approved by Wisconsin Emergency Management and the DNR.
- b. *Accessory structures or uses.*
 1. Except as provided in subsection (3)a.2 of this section, an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 2. An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000.00 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of section 115-280(3)b.1—4 and subsection (3)f of this section.
 - c. *Commercial uses.* Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of subsection (3)a of this section. Subject to the requirements of subsection (3)f of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - d. *Manufacturing and industrial uses.* Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation in compliance with the other floodproofing measures in section 115-223(e). Subject to the requirements of subsection (3)e of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
 - e. *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation in compliance with the other floodproofing measures in section 115-223(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
 - f. *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans and:
 1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with section 115-223 to the flood protection elevation;
 2. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
 - g. *Sewage systems.* All on-site sewage disposal systems shall be floodproofed, pursuant to section 115-223, to the flood protection elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

- h. *Wells.* All wells shall be floodproofed, pursuant to section 115-223, to the flood protection elevation and shall meet the provisions of Wis. Admin. Code NR chs. 811 and 812.
- i. *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. *Deposition of materials.* Any deposited material must meet all the provisions of this division.
- k. *Manufactured homes.*
 - 1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - 2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - (i) Have the lowest floor elevated to the flood protection elevation; and
 - (ii) Be anchored so they do not float, collapse or move laterally during a flood;
 - (iii) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in subsection (3)a of this section.
 - 3. All mobile homes to be placed on a site located in any floodplain zoning district shall be placed to prevent the flotation, collapse or

lateral movement of the structure due to flooding. Such mobile homes shall be anchored according to the following specifications:

- (i) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long shall require one additional tie per side;
- (ii) Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points and mobile homes less than 50 feet long shall require four additional ties per side;
- (iii) All components of the anchoring system shall be capable of carrying 4,800 pounds; and
- (iv) Any additions to the mobile home shall be similarly anchored.

- I. *Mobile recreational vehicles.* All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsection (3)k.2(ii) and (iii) of this section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Code 1980, § 15.03(E))

Sec. 115-282. Other floodplain districts.

Other floodplain districts may be established under this division and reflected on the floodplain zoning map. These districts may include General Floodplain Districts and Flood Storage Districts.

(1) *General Floodplain District (GFP)* (un-numbered A-Zones on the FIRM Map—no base flood elevations determined):

- a. *Applicability.* The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
- b. *Permitted uses.* Pursuant to subsection (1)d of this section, it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (section 115-280(2)) and floodfringe areas (section 115-281(2)) are allowed within the general floodplain district, according to the standards of subsection (3) of this section, provided that all permits or certificates under section 115-223(a) have been issued.
- c. *Standards for development in the General Floodplain District.* Section 115-280 applies to floodway areas, section 115-281 applies to floodfringe areas. The rest of this subsection applies to either district.
- d. *Determining floodway and floodfringe limits.* Upon receiving an application for development within the general floodplain district, the Department of Planning and Development shall:
 1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments,

along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;

2. Require the applicant to furnish any of the following information deemed necessary by the DNR to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (i) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (ii) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (iii) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (iv) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
3. Transmit one copy of the information described in subsection (1)d.2(i) and (ii) of this section to the DNR Regional Office along with a written request for technical assistance to establish regional flood elevations and, where

applicable, floodway data. Where the provisions of section 115-223(c)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(2) *Flood Storage District.* The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

- a. *Applicability.* The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the Official Floodplain Zoning Maps.
- b. *Permitted uses.* Any use or development which occurs in a flood storage district must meet the applicable requirements in section 115-281(3).
- c. *Standards for development in Flood Storage Districts.*
 - 1. Development in a flood storage district shall not cause an increase equal to or greater than 0.01 feet in the height of the regional flood.
 - 2. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

- 3. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District on this waterway is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per section 115-212(a).
- 4. No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

(3) *Shallow Depth Flood Plain Zoning Overlay District (SDFP).* The SDFP shall mean those areas where the maximum depth of flooding does not exceed one foot in depth nor six hours in duration during the regional flood. Therefore, the applicable provisions of section 115-281(3)a and b shall apply.

(Code 1980, § 15.03(F))

Secs. 115-283—115-312. Reserved.

DIVISION 3. HISTORIC ZONING OVERLAY DISTRICT

Sec. 115-313. Designation of Historic Districts.

(a) Pursuant to the provisions of Wis. Stat. § 62.23(7)(em), the Heritage Preservation Commission may, after notice and public hearing, recommend Historic Districts or rescind such recommendation. At least 20 days prior to such hearing, the Commission shall notify the owners of record, who are owners of property in such proposed district, the owners of the property immediately adjacent extending 100 feet therefrom, and the owners of property directly opposite thereto extending 100 feet from the street frontage of such opposite property. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall also be

published as Class 1 Notice, under the Wisconsin Statutes. At least 20 days prior to the public hearing, the Commission shall also notify the following: Council Members(s) of the proposed Historic District, Mayor, Director of Public Works, Redevelopment Authority, Parks, Recreation Department, and Department of Planning and Development. Each may respond to the Commission with its comments on the proposed designation or rescission at or prior to such hearing.

(b) The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and receive records and documentation as it deems necessary. The Commission may conduct additional public hearings or an independent investigation into the proposed designation or rescission. Within 60 days after the close of the public hearing(s), the Commission may recommend creation or amendment of a Historic District. The Commission shall cause any recommendation for designation or rescission to be submitted to the Common Council for referral to the City Plan Commission and approval by the Common Council.

(c) Historic districts may also be initiated by property owners wishing to be included within an Historic District. All Historic Districts shall be subject to prior review and recommendation of the Heritage Preservation Commission, City Plan Commission and subject to final approval by the Common Council in accordance with applicable State and City zoning procedure.

(Code 1980, § 15.38(A))

Sec. 115-314. Zoning of historic properties.

The historic or historic zoning overlay district designation shall constitute a change in zoning for historic preservation purposes and shall be included as such on the official land use or zoning map. The historic zoning shall be in addition to the existing underlying land use zoning.

(Code 1980, § 15.38(B))

Sec. 115-315. Creation of Historic Districts and preservation plan.

(a) A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the City which:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, State or community;

- (2) Is identified with historic personages or with important events in National, State or local history;
- (3) Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction, or of indigenous materials or craftsmanship;
- (4) Is representative of the notable works of master builders, designers, or architects who influenced their age; or
- (5) Has yielded, or may be likely to yield, information important to history or prehistory.

(b) For preservation purposes, the Heritage Preservation Commission shall in conjunction with the creation of a Historic District, with the assistance of the Department of Planning and Development, prepare a historic preservation plan.

- (1) Each historic preservation plan shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.
- (2) The Historic District plan shall distinguish between buildings that contribute to the distinctive architectural or special historic character of the Historic District as a whole and therefore should be preserved (contributing buildings) and those buildings that fail to so contribute (noncontributing buildings). The plan shall also distinguish between a unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, known as an improvement parcel, and an unimproved area of land to be known as a noncontributing parcel.

(c) The development of a Historic District plan may include the following:

- (1) All new structures or additions should be constructed to a height visually compatible with the contributing buildings and environment with which they are visually related.

- (2) The gross volume of any new structure or addition should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (3) In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (4) The proportions and relationships between doors and windows in the street facade should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (5) The materials used in the final facade should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (6) The texture inherent in the facade should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (7) The design of the roof should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (8) The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the contributing buildings and environment with which it is visually related.
 - (9) The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
 - (10) Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
- (d) Notice and review of the Historic District designation shall include any proposed Historic Preservation plan, including review by the City Plan Commission and final approval by the Common Council. (Code 1980, § 15.38(C))

Sec. 115-316. Interim control.

No building permit shall be issued by the Department of Planning and Development for alteration, construction, demolition, or removal of any property or structure within a proposed Historic District from the date of the first notice of public hearing by the Heritage Preservation Commission until final disposition by the Heritage Preservation Commission or the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 120 days.

(Code 1980, § 15.38(D))

Sec. 115-317. Conformance with regulations.

(a) Every owner of a historic structure, historic site or contributing building in a Historic District shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this division. The City Council may appoint the Department of Planning and Development to enforce this division. The duties of inspection shall include periodic inspection of designated historic structures, historic sites and Historic Districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of any contributing buildings. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the Inspection Officer may obtain a warrant of entry pursuant to Wis. Stat. § 66.0119 and take any other reasonable measures to further enforcement of this article.

(b) Every owner of a contributing building or a historic site in a Historic District shall, if economically feasible, keep in good repair all of the exterior portions of such contributing building and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such contributing building to fall into a state of disrepair, including but not limited to:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;

- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of exterior plasters or mortar;
- (5) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The peeling of paint, rotting, holes, and other forms of decay;
- (7) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(c) The purpose of this section is to prevent the demolition of a building or structure by neglecting it.

(d) If any property owner claims it is not economically feasible to comply with the provisions of this section, such property owner may appeal to the Heritage Preservation Commission. The decision of the Heritage Preservation Commission shall be subject to review by the Common Council.
(Code 1980, § 15.38(E))

Sec. 115-318. Emergency conditions.

In any case where the Department of Planning and Development determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a contributing building in a Historic District, the Department of Planning and Development may order the remedying of these conditions without the approval of the Commission. The Department of Planning and Development shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, the Department of Planning and Development shall make every effort to carry out the intent of this division and to use any guidelines of the Commission when remedying the emergency conditions.
(Code 1980, § 15.38(F))

Sec. 115-319. Design standards for the Historic Overlay District known as the Tenth and Cass Neighborhood District.

(a) *Purpose.* Pursuant to this division, the purpose of this section is to foster the City's Comprehensive Plan to identify the City's historic and architectural resources for designation and protection, to establish a coordinated preservation program and to provide tools to protect significant resources. The local district designation of the Tenth and Cass Neighborhood Historic District is created to encourage preservation of the historic resources of the district, which district was named to the National Register of Historic Places in 2000. This subsection will provide design standards and review procedures to guide preservation, rehabilitation, new construction, relocation and demolitions within the Tenth and Cass Neighborhood Historic District (District).

(b) *Boundaries.* The Tenth and Cass Neighborhood Historic District boundary is as follows (generally described as the area between King Street, Ninth Street, Cameron Avenue and Eleventh Street):

Beginning at the southwest corner of Cass Street and South 11th Street, then south along the west curb line of South 11th to the alley that bisects this block longitudinally, then west along the rear lot lines of 1024, 1018, 1010 and 1004 Cass Streets, then continuing west across South 10th Street to the east curb of South 10th, then proceeding south along the east lot line of 324 South 10th Street to the northwest corner of the intersection of South 10th and Cameron Avenue, then west along the north curb line of Cameron Avenue to the alley west of 923 Cameron, then north along the west lot line of 923 Cameron to the alley at the rear of the property, then east a short distance to the southwest corner of the lot of 924 Cass, then north along the west lot line of 924 Cass to the south curb line of Cass Street, then continuing north across Cass Street to the north curb line of Cass Street, then west along the north curb line to the alley at the rear of 236 South 9th Street, then proceeding north along the rear lot lines of 236, 224, 220, 212-214 and 204-210 South 9th Street, then east along the north line of 204-210 South 9th Street to the west curb line of S. 9th Street, then proceeding east across South 9th Street to the east curb line of South 9th, then north along

the 9th Street curb line to the southeast corner of the intersection of South 9th Street and King Street, then east along the south curb line of King Street to the northeast corner of the lot of 916-920 King Street, then proceeding north across King Street to the north curb line of King Street and the southwest corner of the lot of 929 King Street, then north along the west boundary of said property to the northwest corner of the lot associated with 136-138 South 10th Street, then east along said lot line to the northeast corner of the lot and the west curb line of S. 10th Street, then south along said curb line to the northeast corner of the lot associated with 929 King Street, then proceeding east across South 10th Street to the east curb line of South 10th and the northwest corner of the lot at 1003 King Street, then continuing east along the rear [north] lot line of said property to the east lot line of 1003 King, then continuing south to the north curb line of King Street, then proceeding south across King Street to the alley and the rear [east] lot line of 203 South 10th Street, then continuing south along the rear lot lines of 203, 209 and 221 South 10th Street to the northeast corner of the lot associated with 237 S. 10th Street, then east along the rear lot line of 1024 Cass Street to the northeast corner of said lot, then south along the east lot line of said property to the north curb line of Cass Street, then proceeding south across Cass Street to the south curb line of Cass Street and the northwest corner of the lot associated with 1024 Cass Street, then continuing east along the south curb line of Cass Street to the point of beginning at the southwest corner of the intersection of Cass and South 11th Streets.

(c) *Height regulations.* In the Tenth and Cass Neighborhood Historic District, no building shall hereafter be erected or structurally altered to exceed 35 feet or 2½ stories in height, except as provided in section 115-390. In any request for a variance as provided in section 115-390, the Historic Preservation Commission shall consider that proportions of new construction should respect the average height and width of the majority of the buildings on the block face.

(d) *Regulation of construction, renovation, rehabilitation, relocation and demolition.*

- (1) No owner or person in charge of a structure within the district shall renovate, rehabilitate,

alter, move any building or demolish all or any part of the exterior of such property or construct any improvement unless a certificate of appropriateness or certificate of appropriateness for demolition has been granted. The Department of Planning and Development shall not issue a permit for any such work unless a certificate of appropriateness or certificate for appropriateness for demolition has been granted. If work begins prior to obtaining the necessary permits, a stop work order may be issued by the Department of Planning and Development.

- (2) Certificate of appropriateness.
 - a. Prior to obtaining any building permit, an application for a certificate of appropriateness shall be filed with the Department of Planning and Development along with a fee in the amount established by resolution.
 - b. The Department of Planning and Development shall have available upon request applications for certificates of appropriateness and a handout, approved by the HPC, identifying the information and documentation needed in order to complete the application. Applications shall include drawings, photographs, plans or other complete documentation to fully illustrate the property and the proposed work. The HPC shall determine the application requirements.
 - c. Administrative review of minor work. The Director of Planning and Development may issue a certificate of appropriateness after review of a completed application if the project concerns minor work. Minor work includes the following and as further defined by the HPC in its handout: re-roofing with similar materials; repair or replacement of porches, windows, siding, trim and doors if new materials match existing; installation or removal of door and window openings in rear elevations; chimney reconstruction if completed with similar materials; exterior cleaning, refinishing and tuckpointing; construc-

- tion of retaining walls, fences and landscaping; screening of parking lots and dumpsters; other work as designated minor by the HPC.
- d. HPC review of major work. Upon the filing of any application for major work, the HPC shall consider said application within 45 days of receipt of the completed application by the Department of Planning and Development. Major work includes the following and as further defined by the HPC in its handout: construction of garages or carriage houses; roof alterations and skylights; alterations to the front or side elevations visible from the public street; additions; alterations to windows, siding, entries, and trim; masonry finishing; construction of chimneys; erection of signs; site design; new construction; and relocation.
 - e. In making its decision about issuing a certificate of appropriateness involving new construction, renovation or rehabilitation, the HPC shall consider the design review standards set forth in this subsection. Alterations to building interiors and the choice of exterior paint colors are not subject to design review.
 - f. In making its decision about issuing a certificate of appropriateness for relocation, the HPC shall consider that the structure be of an age, architectural style and massing consistent with existing structures within the district.
 - g. The HPC shall issue a certificate of appropriateness or deny the application within 45 days of the filing of the application, unless the time period is otherwise extended by written agreement between the HPC and the applicant.
 - h. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by applicable Federal, State or local code.
- (3) Certificate of appropriateness for demolition.
 - a. An application for a certificate of appropriateness for demolition shall be filed with the Department of Planning and Development. The Department of Planning and Development shall have available, upon request, applications for certificates of appropriateness for demolition and a handout, approved by the HPC, identifying the information and documentation needed in order to complete the application.
 - b. The HPC shall issue a certificate of appropriateness for demolition or deny the application within 45 days of the filing of the application, unless the time period is otherwise extended by written agreement between the HPC and the applicant.
 - c. In determining whether to issue a certificate of appropriateness for demolition, the HPC shall:
 1. Consider factors such as whether the structure is of historical significance, the state of repair of the building, and whether denial of a permit would create a significant economic hardship for the owner.
 2. Issue the certificate only if the owner can demonstrate that the building is structurally unsound and/or that denial of a demolition permit would create a significant economic hardship for the owner.
 - (4) Nothing contained in this subsection shall prohibit the demolition or alteration of any structure within the district pursuant to order of any governmental agency or court, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the HPC shall be required.

(e) *Design review standards for renovation and rehabilitation.* These standards specify appropriate maintenance, renovation, and repair of elements on properties within the district.

(1) *Masonry walls and foundations.*

a. *Repair.*

1. When there is evidence of deterioration, masonry walls and other masonry features should be repaired by repointing of mortar joints.
2. Brick, stone and mortar should be replaced with the materials used in original construction or materials that closely resemble the original.
3. Repointing of mortar should match the original brick and mortar joint profile, including width and depth. Mortar should duplicate the original in color, texture and strength. Mortar mixtures should duplicate the original composition in lime, sand, and cement proportion.
4. Repair stucco by duplicating the original material in strength, composition, color and texture.
5. Artificial stone, brick veneer, or vinyl or aluminum products should not be applied over masonry surfaces.
6. The term "color" in this section, refers to matching the existing or overall color, to the extent practicable.

b. *Cleaning.*

1. Clean masonry walls only if necessary to halt deterioration or remove heavy soiling.
2. When cleaning is necessary, the gentlest cleaning method shall be used, as appropriate, such as low pressure water, mild detergents and soft brushes.
3. Surface cleaning tests must be conducted to determine the most

appropriate cleaning method. Adequate time must be allowed to observe the results of the test to determine the gentlest cleaning method.

4. Sandblasting or abrasive cleaning is prohibited.

c. *Painting.*

1. Masonry should not be painted (or stuccoed) if it has not been painted historically.
2. Paint should not be removed from historically painted masonry unless the removal is historically appropriate and the removal can be accomplished without damage to the masonry.
 - (i) Remove damaged or deteriorated paint only to the next layer, using the gentlest method (such as handscraping) prior to repainting.

(2) *Wood siding and shingles.*

a. *Repair.*

1. Wood siding should be maintained with paint or stain.
2. Deteriorated wood siding should be replaced with new material resembling the original in width, thickness, profile and texture.
 - (i) Siding should match the original pattern (usually horizontal placement) except where vertical or diagonal siding was used.
 - (ii) Wood shingles or other material should not be used to replace horizontal wood siding.
 - (iii) If replacement of wood siding is not feasible for financial or other reasons, the HPC may approve an alternative material.

- b. *Exterior trim.*
 - 1. Exterior features such as corner boards, frieze boards, drip caps or other features should be included in repairs and/or new siding.
 - 2. Decorative siding treatments, such as shingles in gable ends, should be retained in repairs and/or new siding. If replacement is necessary, new shingles should match the original in width, pattern, thickness, profile and texture.
- c. *Vinyl, aluminum and manufactured siding.*
 - 1. Vinyl, aluminum and other types of manufactured siding are not recommended for buildings in the district.
 - 2. If the HPC determines that the original siding is not salvageable, it may consider the following options:
 - (i) Replacement of original siding with a modern cementitious product (such as "Hardiplank") that duplicates the original in width, pattern, thickness, profile and texture;
 - (ii) Original exterior features such as corner boards, frieze boards, window surrounds or other trim should be retained as noted above; if replacement is necessary, features should be duplicated to match the original as closely as possible.
 - (iii) If the original siding is already covered with substitute siding and renovation is needed, it is preferable to remove the substitute siding and repair the original siding and exterior trim features.
- (iv) If the original siding is already covered with substitute siding and only repairs are needed, retain the substitute siding and repair as necessary.
- d. *Paint.* Original wood siding and replacement hardboard siding should be maintained with paint or stain.
- (3) *Roofs, chimneys and dormers.*
 - a. *Roofing repair.*
 - 1. When partial roofing repairs are necessary, replacement roofing should match the existing in composition, size, shape and texture.
 - 2. If the HPC determines that retention of the original roof is not feasible, new asphalt or fiberglass shingles may be used.
 - 3. Metal roofs are typical in La Crosse and may be approved by the HPC for appropriate properties.
 - 4. Rolled roofing should be used only on flat or slightly sloped roofs not visible from the street.
 - b. *Alterations to roof shape.*
 - 1. The original roof type, slope and overhangs should be preserved.
 - 2. Alterations to the roof shape on the side and rear should be compatible with the architectural character of the building.
 - 3. The shape of dormers should not be altered unless compatible with the original design.
 - 4. Dormers or other features may be added to restore a building to its original appearance, based on evidence indicating such features.
 - 5. New dormers, roof decks, balconies or other additions should not be added on the front or sides visible from the street. These ad-

ditions may be acceptable on the rear or sides of the buildings not readily visible from the street.

6. Skylights should not be installed on the front roof plane or sides visible from the street. When used, they should be flat and as close to the roof plane as possible. "Bubble" skylights should not be used.

c. *Chimneys.*

1. Chimneys should be retained and repaired whenever possible.
2. If chimneys require rebuilding, original details such as decorative panels and corbels should be replicated to match the original as closely as possible.
3. When rebuilding, effort should be made to use salvaged brick that matches the original in color and texture. Mortar should be matched to the original in strength, color and joint tooling.

(4) *Entries and doors.*

a. *Maintain and conserve.*

1. Features of historic entries, including doors, door surrounds and hardware are the focal point of the façade and should be maintained.
2. Original features of the entry, such as hoods, columns, sidelights, fanlights and transoms should be retained.
3. If replacement is necessary, historic trim details should be retained.

b. *Size and shape.*

1. The original size of the door opening should not be enlarged, reduced, or shortened in height to fit a new door.

c. *Doors.*

1. Historic doors should be repaired rather than replaced.

2. If replacement of historic doors is necessary, replace with salvaged doors, or with a replacement door that is compatible with the material, design and hardware of the older door.

3. Fiberglass doors and/or other alternatives that resemble wood doors, may be used if approved by the HPC.

4. Steel replacement doors are not acceptable at front entrances; they should be used only at rear or side entrances that are not visible from the street.

5. Historic door surrounds and trim should not be removed when replacement doors are installed.

6. Windows in doors should be glass, rather than Plexiglass.

d. *New entries.*

1. New doors should not be added at locations where they did not originally exist. If required to meet safety codes, doors should be added at the rear or side of buildings where they are not readily visible from the street.

2. Sliding glass doors or French doors should be added only at the rear or sides of buildings where they are not readily visible from the street.

e. *Storm and screen doors.*

1. Original storm and screen doors should be preserved and maintained when feasible.

2. New doors should be compatible with the interior door in size and shape.

3. New doors should preferably be constructed of wood; doors of aluminum with an anodized finish in colors complementary to the building may also be acceptable.

(5) *Windows.*a. *Maintain and conserve.*

1. Existing window openings should be retained. Window openings should not be filled in with wood, brick, or any other materials.
2. Retain all decorative trim around windows, including lintels, pediments and hoods.
3. If replacement of trim is necessary, maintain the appearance of the original material.
4. New window openings should not be added on principal elevations.
5. If new windows are required, wood windows are preferred. (If metal is chosen, it should have a baked enamel or other appropriate factory finish.)
6. Sash should be replaced with the same size and number of panes as the original sash. New sash, if required, should match the original. Replacement of double-hung windows with single panes of glass or crank-out windows is not appropriate.
7. The HPC may require samples/examples of replacement windows to determine whether an option is an appropriate replacement.

b. *Decorative glass.*

1. Decorative windows (stained, colored, or leaded glass) should be preserved in their original location, size and design with original materials and pattern.
2. Decorative windows should be repaired rather than replaced.
3. Decorative windows that are not original to a building should not be added to principal elevations.

c. *Storm, screen and security windows.*

1. Repair or replicate wood storm windows and screens when possible.

2. If metal storm windows are required, they should have a baked enamel factory finish.
3. Storm windows and screens should be sized to fit the window opening and should match the divisions of the historic sash (center divide at same location as sash).
4. Security bars should not be used in windows on principal facades; historic trim or features should not be removed for security bars or other security features.

d. *Shutters.*

1. Shutters should not be installed on buildings where they were not originally used.
2. Where appropriate, shutters should appear to be operable and mounted to the window casing.
3. Shutters should be constructed of wood.

(6) *Porches and steps.*a. *Repair and replacement.*

1. Retain and conserve porches, steps and handrails that are original and/or appropriate to the dwelling.
2. If partial replacement or rebuilding is necessary, reconstruct the porch using historical research to determine an appropriate design.
3. Porches on the front of buildings should not be enclosed.
4. Reopening of previously enclosed front porches is encouraged when appropriate to the original dwelling.

b. *Porch elements.*

1. Posts, columns and railings should be preserved and maintained.
2. If partial replacement or rebuilding is necessary, use material to match the original in dimensions

and detailing. Elaborate details on posts may be simplified, if necessary.

3. Railings and balusters should be replaced or rebuilt in the original space, section and profile as the original.
4. Replacement balusters on a porch railing should be appropriate for the dwelling's style and period.
5. Metal posts and metal railings should not be used to replace wooden porch materials.
6. Wood porch floors should be replaced with wood rather than concrete.
7. Open sections of the porch foundation may be filled in with materials such as lattice panels that are appropriate for the age and style of the dwelling. Research should be conducted to identify appropriate materials.

c. *Steps and stairs.*

1. Steps and stairs should be retained in their original location and configuration.
2. Wood and concrete steps should be repaired to match the original.
3. If new steps are necessary, wood and concrete steps should have treads, risers and handrails to match the original.
4. Concrete steps should not be used to replace wooden steps.

(7) *Decorative trim.*

a. *Repair and replacement.*

1. New material used to repair or replace deteriorated trim should match the original as closely as possible.
2. Deteriorated trim or features should be photographed or documented before being removed for repair or replacement so that

the feature can be used as a pattern in selecting replacement materials.

3. With HPC approval, elaborate trim may be replaced with simplified trim that matches the old in design and placement.
4. New trim should be added only when there is clear evidence that such trim was original to the dwelling, or when there is documentation that similar trim was used on other dwellings of that style and age.
5. Wood epoxy may be used to repair deteriorated or damaged trim if approved by the HPC.

(f) *Design review standards for new construction.* These guidelines apply to additions to existing houses, including additions of porches or decks; (accessory buildings), including carriage houses; and a complete new structure.

(1) *General design considerations.*

- a. New construction of primary buildings, such as dwellings, should reflect the historic and architectural character of the district in building scale, massing, proportions and materials. New construction should reflect its own era, however, and not attempt to be falsely "historic."
- b. Additions should reflect the building scale, massing, proportions and materials of the original building. Additions should be designed to blend with character of the original building.
- c. Accessory buildings should reflect the general style of the primary building but are not required to replicate the style in detail.

(2) *Building placement.*

- a. Placement of new buildings and additions should reflect the placement of surrounding buildings on the block face.

- b. New construction shall meet the established front yard setback line, or fall within the range established for that block face.
 - c. New construction shall conform to the established side yard setback pattern for that block face.
- (3) *Building massing and proportions.*
- a. *Height and width.* The proportions of new construction should respect the average height and width of the majority of buildings on the block face.
- (4) *Building elements.*
- a. *Windows and doors.*
 - 1. Most windows within the district have a vertical orientation, with proportions of 2 or 3 to 1 (height to width). The proportion, size, rhythm and detailing of windows and doors in new construction should be compatible with that of adjacent buildings, but need not exactly replicate them.
 - 2. Internal window divisions (mullions) should match the original building on walls facing the street. On nonstreet facades or rear walls, one-over-one wood sash may be substituted for more complex mullion patterns.
 - 3. Window openings should be recessed, to create a pattern of light and shadow.

(See "Renovation" standards on window material.)
 - b. *Roofs.* Roofs of new buildings or additions should be compatible in pitch, shape and materials with the principal building or nearby buildings. No vents, skylights, or other openings should be located on the front roof plane or sides visible from the street.
 - c. *Decks.* Unenclosed decks are incompatible with the character and historical period of the district. Decks shall be constructed only at the rear of buildings or where they are least conspicuous from the public way. Decks should not extend beyond the width of the building.
- d. *Entries.* Entries should be located on the facade facing the public way. Entries to new principal buildings should be articulated with a porch or portico similar in character to nearby buildings.
 - e. *Exterior details.* Exterior details such as building trim or window and door hardware should be generally compatible with the style and materials of the original building, but need not replicate every detail of the original building.
- (5) *Building materials.* Building materials used in new construction should conform to those used on existing contributing buildings within the district: masonry, wood siding and wood shingles. However, if approved by the HPC, synthetic siding may be used on accessory buildings such as carriage houses to simulate horizontal lapsiding. Cementitious siding ("Hardiplank") is the most satisfactory in simulating wood siding.
- (6) *Additions.* Exterior additions to existing buildings can radically alter their appearance. Additions that are visible from a public street or sidewalk should be designed with scale, shape and materials that are consistent with those of the existing building. However, the addition should not be "disguised" as original: the use of the same wall plane, roof line or cornice height as the original building is not recommended.
- a. Additions on sides of buildings are discouraged, while additions at the rear of a building should not extend beyond the width of the building.
 - b. The roof of an addition should be lower in height than the main roof of the existing building, but compatible in pitch, shape and materials.
 - c. The foundation of an addition should match the material or appearance of the original foundation, and should also match the foundation sill height of the

existing structure to present an unbroken line around the building's ground-level perimeter.

(7) *Accessory buildings.* Accessory buildings include carriage houses, garages and other small buildings.

a. *Carriage houses.* Carriage houses are among the character-defining features of the Tenth and Cass Neighborhood Historic District. Originally designed as small barns, they now generally function as garages, although their height allows for other uses such as home offices. As a unique type of accessory building, carriage houses in the City's older neighborhoods are subject to special provisions in this chapter, allowing greater height and building coverage. This chapter provides general design guidance for carriage houses: "The architecture of the accessory structure shall be historically compatible with the architecture of the primary structure appropriate to the period. The architecture of the accessory structure is not required to match the architecture of the primary structure so long as the architecture is appropriate to the period." The following standards apply to carriage houses and other accessory buildings as well.

1. Placement on lot. Outbuildings shall be located in rear yards with vehicular access from the alley, in keeping with the established pattern.
2. Wooden garage doors are recommended but not required. Metal doors, where used, should be simple in shape and without ornamentation.
3. Windows should generally match the shape of windows on the principal building, but may be smaller in size, consistent with the scale of the building, and may employ

simpler divisions (one-over-one wood sash, or windows with fixed, simulated muntins).

4. Materials similar to those of the principal building are preferred. However, if approved by the HPC, synthetic cementitious siding (such as "Hardiplank") or vinyl siding may be used to simulate wood siding, with a profile and lap exposure similar to that of the principal building.

(g) *Site design.* Most houses within the district, with or without porches, are set back a relatively even distance from the street. Front yards are typical of many residential neighborhoods: many have lawns extending to the sidewalk, while others have low ornamental fences or stone walls at the edge of the sidewalk. Some lawns slope upwards slightly from the street level. Many houses have foundation plantings, and mature shrubs are found within most yards. Boulevards with evenly spaced canopy trees are located between the sidewalk and the street. All these elements give a pedestrian scale to the street and create a transition between public and private spaces. Driveways are typically concrete and single-lane in width. Most driveways take access from alleys to detached carriage houses or garages or parking areas at the rear of each lot. There is currently only one off-street surface parking lot within the district; providing parking for an adjacent medical office outside the district. The "alleyscape" differs from the streetscape. Alleys bisect every block within the district, and provide access to most garage and parking areas, with the exception of outbuildings on a few corner lots. Most rear yards are separated from the alley by a fence or wall, usually higher than those in the front yard and by the wall of the carriage house or garage. Improvements or changes in site design should be consistent with the pattern described above.

- (1) Off-street parking shall be located to the rear of the principal building, in locations that are least visible from the street.
- (2) Surface parking areas visible from the street shall be fenced with ornamental iron or painted wooden fences or low stone walls. Fencing within front yards shall be no higher than four feet.

- (3) Wooden or ornamental iron fences are encouraged along rear lot lines abutting the alley.
- (4) Front yards may remain open to the street or may be fenced, if desired, with ornamental iron or painted wooden fences or low stone walls. Fencing shall be no higher than four feet, in order to allow visibility into front yards.
- (5) Air conditioners, heat pumps, and other outdoor equipment should be located where they are least visible from the street.
- (6) In planting strips along the street, canopy trees should be added to "fill in" locations where they are lacking.

(h) *Appeal.* Applicants may appeal any HPC decision to the Common Council. An appeal shall be in writing specifying the grounds upon which the appeal is based and shall be filed with the City Clerk within 30 days of the date of the decision of the HPC that is being appealed.
(Code 1980, § 15.38(G))

Secs. 115-320—115-341. Reserved.

ARTICLE VI. CONDITIONAL USES

Sec. 115-342. Conditional use permit.

(a) *Permit.* The Common Council may authorize the Department of Planning and Development to issue a conditional use permit for conditional uses after review in a public hearing provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighboring community.

(b) *Application.* An application for a conditional use permit may include the description of one or more parcels of land. Applications for conditional use permits shall be made to the City Clerk on completed forms furnished by the City Clerk by not later than 5:00 p.m. on the Friday preceding the regularly scheduled Council meeting, provided, however, in no event shall any applications be taken later than noon on Wednesday preceding the regularly scheduled Council Meeting. All applications which miss the Friday

deadline must have approval from the Council Member representing that district or the Mayor to file prior to Wednesday deadline. Any applicant who misses the Friday deadline must complete a notarized form which states that the applicant has contacted the Council Member of the District, or has obtained a written waiver by the Mayor, and will personally contact those property owners required to be provided notice of the application no later than the publication date, which date shall be included in the form. The City Clerk shall provide said applicant who misses the deadline a list of those property owners being required to receive such notice and the date of the required publication. The City Clerk shall notify the Council Member of the affected district of such late filing. All applications shall include the following:

- (1) Name and address of the applicant, owner of the site, architect, professional engineer, contractor and all owners of record within a 200 foot radius excluding right-of-way and said record owners shall be notified of the application not less than seven days prior to the Judiciary and Administration Committee Meeting.
 - (2) Description of the subject site, type of any structure proposed, operation or use of any structure for the site, number of employees, detailed plan showing the proposed use of the site and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a registered land surveyor at a scale not less than one inch equals 50 feet.
 - (4) Additional information as may be required by the Common Council, City Engineer, Zoning, Building, Plumbing or Health Inspectors.
 - (5) Fee in the amount established by resolution.
- (c) *Receipt and approval.*
- (1) The Common Council shall review the detailed site plan, existing and proposed structures and uses, architectural plans, neighborhood uses, parking areas including consideration of whether utilization for parking will decrease the City's property tax base, driveway locations, highways access, traffic

generation and circulation, drainage, sewerage and water systems, and the proposed operation.

(2) Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, increased yards, parking requirements or payments in lieu of property taxes may be required by the Common Council upon its finding that these are necessary to fulfill the purpose and intent of this chapter. Compliance with all of this chapter, such as lot width and area, yards, height, parking, traffic, highway access and performance standards shall be required of all conditional uses.

(3) Approval criteria. No application for a conditional use shall be recommended, approved, or granted by the City Plan Commission unless the Commission shall find all of the following:

- a. Use is consistent with adopted plans of the City;
- b. Use complies with all applicable standards of this chapter, including any applicable standards of this article;
- c. Use will not result in significant adverse impacts to other property in the vicinity of the subject tract or on the natural environment, including air, water, wetlands, flood-prone areas, wildlife or significant vegetation;
- d. Use will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:
 - 1. Noise, glare from lights, late-night operations, odors, and litter; and
 - 2. Privacy and safety issues;
- e. Any differences in appearance or scale (from the surrounding area) will be mitigated through setbacks, screening, landscaping, or other design features;
- f. Compliance with this entire chapter, such as lot width and area, yards, height,

parking, traffic, highway access, and performance standards shall be required of all conditional uses;

- g. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare;
- h. That the City will be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the costs of providing such services;
- i. That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
- j. That the establishment of the conditional use will not impede normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- k. That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided;
- l. That appropriate measures to address transportation demand have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets; and
- m. That the conditional use shall conform to all applicable regulations of the district in which it is located.

(Code 1980, § 15.26(A)—(C), (AA))

Sec. 115-343. Residential uses.

The following residential and quasi-residential uses shall be conditional uses and may be authorized as provided herein:

- (1) Fraternities, sororities, private clubs, boardinghouses, roominghouses and all types of cooperative housing occupied by six or more persons in the Multiple Dwelling (R-4) and Special Multiple Dwelling (R-5) Districts.
- (2) Mobile home parks in the Multiple Dwelling (R-4) and Special Multiple Dwelling (R-5) Districts provided that they conform to the following requirements:
 - a. Minimum mobile home park size: five acres.
 - b. Minimum lot size per mobile home: 4,000 square feet.
 - c. Minimum width of mobile home lot: 40 feet.
 - d. Maximum height of mobile home: 15 feet.
 - e. Minimum distance between mobile homes or buildings within mobile home park: 20 feet.
 - f. Minimum distance between mobile home and service road: 15 feet.
 - g. Minimum setback from property lines of mobile home park: 40 feet.
 - h. Each mobile home park shall be well drained, properly graded and free from stagnant pools of water.
 - i. All mobile home lots shall abut upon a private driveway of not less than 30 feet in width which shall have unobstructed access to a public street or highway.
 - j. Each mobile home shall be served by a water supply and a sewerage disposal system, each connected to the public water and sewerage system.
 - k. All drives, parking areas and walkways shall be hard surfaced.
 - l. Each mobile home shall be securely anchored to the ground by its axle with an anchor so designed that it will hold the mobile home securely in place in winds with a velocity up to 100 miles per hour.
 - m. No mobile home sales office or other public or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office serving the mobile home park are permitted.
 - n. A mobile home is defined as a portable dwelling intended for occupancy as a year-around permanent residence. A "mobile home park" is defined as a tract of land designated, maintained, intended or used for the purpose of supplying the location or accommodations for mobile homes and shall include all buildings or uses intended to service the mobile home park.
 - o. All mobile homes to be placed on a site located in any floodplain zoning district shall be placed to prevent the flotation, collapse or lateral movement of the structure due to flooding. Such mobile homes shall be anchored according to the following specifications:
 1. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than 50 feet long shall require one additional tie per side;
 2. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, and mobile homes less than 50 feet long shall require four additional ties per side;
 3. All components of the anchoring system shall be capable of carrying 4,800 pounds; and
 4. Any additions to the mobile home shall be similarly anchored.
 - p. The requirements set forth in article V, division 2 of this chapter for existing

- mobile home parks and mobile home subdivisions shall also apply to new mobile home parks and to expansions to existing mobile home parks and subdivisions when they are located in the Flood Zoning Overlay Districts.
- (3) Adult day care providers, nursing and care homes in the Residence (R-2), Multiple Dwelling (R-4), Low Density Multiple Dwelling (R-3) and Special Multiple Dwelling (R-5) Districts, and nursing and care homes in the Single Family (R-1) Residence District, provided that they were in existence on August 26, 1989.
- (4) Multiple dwellings in the Community Business District provided that:
- a. Off-street parking be provided in accordance with the standards set forth in section 115-393;
 - b. That lands upon which multiple dwellings are constructed contain no less than one dwelling unit for each 400 square feet of land area;
 - c. That no part or portion of any multiple dwelling shall be erected, constructed or extended nearer than 20 feet from the front line of any parcel on which it is constructed and that this 20 foot setback shall be entirely graded and sodded or seeded between side lot lines to the building face in a manner that will produce an acceptable lawn excepting only such areas as may be required for driveways or walks;
 - d. That no part or portion of any multiple dwelling shall be erected, constructed or extended nearer than ten feet to any interior side lot line. The combined total side yards for any interior parcel shall be not less than 30 feet. All side yards shall be entirely graded and sodded or seeded except only such area as may be required for driveways or walks.
- (5) Two-family dwellings containing more than three bedrooms in the in the Residence (R-2) and Special Residence (R-3) District.
- (6) Bed and breakfast establishment in the Residence (R-2), Special Residence (R-3), Low Density Multiple (R-4), Multiple Dwelling (R-5), Special Multiple Dwelling (R-6), Local Business Districts, the Washburn Residential District and historic buildings in the Public and Semi-Public Districts provided that, in addition to off-street parking spaces required in section 115-393, one parking space shall be provided for each of the rooms which are available for rent, and further provided said establishment complies with any and all applicable sign ordinances. When allowed, bed and breakfast establishments shall be subject to the following additional requirements:
- a. An approved floor plan shall be kept on file with the Department of Planning and Development.
 - b. The owner shall reside on site. An owner shall be an individual with 25 percent or greater interest in the inn.
 - c. The use is considered a commercial activity and requires site plan approval by City Plan Commission.
 - d. Parking shall not be detrimental to nearby properties due to excess noise, odor, glare or other factors.
 - e. Nothing which contributes to the historic nature of the neighborhood in which the bed and breakfast inn is located may be removed to provide additional space for the inn or parking for the inn.
 - f. There shall be no other bed and breakfast inn within 400 feet of the property. This distance requirements may be reduced by the Common Council with a determination that public health, safety and welfare shall be preserved. The inn shall be located only in a historically significant structure.
 - g. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, entrances for persons with disabilities and other features may be added to protect public safety.

- h. No interior modification shall be injurious to this historic character of the structure, including but not limited to, floors, woodwork, chair rails, stairways, fireplaces, windows, doors, cornices, festoons, molding, and light fixtures.
 - i. Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.
 - j. The bed and breakfast establishment shall provide a minimum of one parking space per bed and breakfast sleeping room and a minimum of two parking spaces for the use of the operator and family of the operator provided, however, the City Plan Commission may determine it sufficient for less parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. Parking requirements must be met on the site of the bed and breakfast establishment dwelling and must comply with the off-street parking requirements in section 115-393.
 - k. Signs shall conform to the requirements of chapter 111.
 - l. The structure that is requested to be licensed shall be designated as a historic structure pursuant to the provisions of article II of chapter 20.
 - m. The minimum size structure containing the bed and breakfast establishment shall be 2,000 square feet of normal residential space, exclusive of garages and storage sheds. Lavatories and bathing facilities shall be available to all persons staying at any bed and breakfast establishment.
- (7) Dwellings occupied by an owner, operator or manager of a business which are used or intended to be used for living, sleeping, cooking and eating in the Local Business, Community Business and Commercial Districts on not more than 25 percent of the first floor where the remaining 75 percent or more of such first floor is used by such occupant for Local Business, Community Business or Commercial Business uses. Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking and eating in the Local Business, Community Business and Commercial Districts.
- (8) In addition to those zoning districts where day care centers are not prohibited, day care centers which are licensed by the Wisconsin Department of Children and Families and which for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day may be permitted as a conditional use within public or private schools or churches as defined in section 115-1 in the Single Family, Residence, Multiple Dwelling, Low Density Multiple Dwelling and Special Multiple Dwelling District so long as the requisite off-street parking requirements are met with the hours of operation to be provided for in the conditional use permit approval.
- (9) Notwithstanding the residence requirements of article III of this chapter, a dwelling unit in the Single Family Residence District (R-1) or the Residence District (R-2), may provide family day care home services by a person other than a resident provided, no other dwelling unit on the same parcel is licensed as a family day care home. All other requirements or conditions, however, as defined in section 115-1 shall apply along with the following:
- a. Applicant shall secure and maintain a family child care license from the State of Wisconsin;
 - b. All structures and facilities shall be designed and used in such manner as not to be detrimental to adjacent and surrounding property nor to the safety and welfare of the children. The Council may require additional screening, setbacks or other design considerations to prevent adverse impacts between the day care center and adjacent properties;

- c. Minimum parking shall be one space per staff person, one space minimum;
 - d. Applicants may be required to obtain a certificate by La Crosse County if under four children;
 - e. No signage shall be permitted;
 - f. All permits issued under this section shall be reviewed annually initially after six months and, thereafter, every two years by the City Plan Commission and Common Council to correspond with the State licensing requirements.
- (10) Administrative offices and services of an elementary or secondary public, parochial or private school system in the Single Family Residence District, Residence District and Multiple Dwelling District.
- (11) Facilities for the presentation of periodic theatrical performances and instruction or classes for dramatic arts shall be a conditional use in Residential Districts R-2 through R-6 in places of assembly that existed prior to April 1, 2000, having a lawful capacity of more than 100 people and that provide adequate parking either on-site or through satellite lots.
- (12) A professional home office occupying no more than two rooms in the dwelling, for a professional occupation such as an attorney, architect, consultant, physician or accountant may be permitted as a conditional use in all residential zoning districts except the Single Family Residence District; provided, however, that no more than one non-member of the household employee (in addition to the proprietor) shall be permitted. The owner of the home-based professional business shall reside on the premises. The requirements of a conditional use permit provided for herein are not intended to supersede or conflict with the provisions of allowing a home occupation as defined in section 115-1.
- (13) Washburn District conditional use residential uses.
- a. In the Washburn Neighborhood Residential District, two or more family dwellings may be permitted as a conditional use provided such dwelling units are compatible with the surrounding neighborhood with respect to such matters as parking, greenspace, design, maintenance, density, landscaping and other attributes consistent with the Washburn Neighborhood Residential District. In the event of natural disaster which causes more than 50 percent damage to a building located within the zoning district, consideration shall be given to the contractual circumstances of the property owner including, without limitation, financial, contractual agreements which existed prior to September 20, 2004, the expected use of the property by the owner of the property at the adoption of the ordinance from which this article is derived and the historic use of the property. Such conditional uses may be permitted although such land may have been used for single family or residences in the past provided such uses are consistent with the neighborhood attributes and above criteria.
 - b. In the Washburn Neighborhood Residential District the expansion of a non-conforming commercial use may be permitted as a conditional use provided such expansion is limited to 1,000 square feet or less, does not require the applicant to provide additional off-street parking spaces, and said expansion does not occur over an adjacent parcel or lot line. The expansion of a nonconforming commercial use shall be limited to professional office uses only.
- (14) Undeveloped residential lots which are combined to create a single lot must obtain a conditional use permit, except those lots that are less than 7,200 square feet.
- (15) A second accessory structure or replacement accessory structure may be permitted on an adjacent vacant lot under the same ownership in the Single Family Residence District notwithstanding the requirement that

there be a principal dwelling or house on one of the lots and provided said accessory structure meets the following:

- a. Architectural standards provided for in the carriage house provision of this Code.
 - b. The vacant lot is a lot of record.
 - c. The construction of a new accessory structure or replacement accessory structure does not prevent the building of a principal dwelling or house on said vacant lot in the future.
 - d. The Heritage Preservation Commission and City Plan Commission must review final architectural and design plans prior to issuance of a building permit.
 - e. The location of said accessory structure or replacement accessory structure shall meet all other requirements of the R-1 Single Family Residence District.
- (16) In the Single Family Residence District (R-1), property owners may apply for a conditional use permit to create separate living quarters meeting all provisions of the building code to allow for a separate and distinct living quarters consisting of a separate entrance/exit, kitchen facilities and separate restroom for either an infirmed family member or the caretaker for such person. All other requirements and conditions of section 115-142 shall be applied along with the following:
- a. All structures and facilities shall be designed and used in such manner so as not to be detrimental to adjacent and surrounding property nor to the safety and welfare of the occupants. The Council may require additional screening, setbacks or other design considerations to prevent adverse impacts to adjacent properties.
 - b. Minimum parking shall be one space provided for said caretaker.
 - c. Said conditional use permit expires upon sale or transfer of property or at

such time as care is no longer needed for said infirmed person or at such time the caretaker no longer resides on said property.

- d. It shall be demonstrated that said property will be converted back to a single-family residence upon expiration of the conditional use permit.
- e. Evidence must be provided by a health care provider that said infirmed person is in need or a caretaker.
- f. The separate and distinct living quarters shall be connected by at least one internal entry way.

(Code 1980, § 15.26(D))

Sec. 115-344. Recreational uses.

The following recreational uses shall be conditional uses and may be permitted as specified: bridle paths and hiking trails, toboggan runs, ski resorts, archery ranges and accessory buildings in the Conservancy District except that Class "A" cabarets shall not be permitted.

(Code 1980, § 15.26(E))

Sec. 115-345. Public, semi-public, charitable and medical uses.

The following public, semi-public, charitable and medical uses shall be conditional uses and may be authorized as provided herein:

- (1) Philanthropic and Eleemosynary Institutions in the Residence (R-2), Special Residence (R-3), Low Density Multiple Dwelling (R-4) Multiple Dwelling (R-5), and Special Multiple Dwelling (R-6) Districts, excluding post-secondary educational facilities, providing all principal structures and uses are not less than 25 feet from any lot line. Setback requirements for existing structures may be waived by the Common Council during the conditional use permit process.
- (2) Community centers in the Low Density Multiple Dwelling (R-4), Multiple Dwelling (R-5) and Special Multiple Dwelling (R-6) Districts provided that all principal structures and uses are not less than 25 feet from any lot line.

(3) Churches in the Single Family Residence (R-1) and Residence (R-2) Districts. (Code 1980, § 15.26(F))

Sec. 115-346. Alteration, addition or repair.

Any alteration, addition, or repair to any nonconforming structure permitted by this chapter shall be protected by floodproofing measures as required by this Code. (Code 1980, § 15.26(G))

Sec. 115-347. Commercial uses.

The following commercial uses shall be conditional uses and may be authorized as provided herein.

- (1) The handling of rawhides or furs provided that such activity is:
 - a. Purely incidental to a retail business selling finished leather and fur products;
 - b. That such activity is located within the same building as is the retail business selling finished leather and fur products;
 - c. Conducted entirely in-doors and screened in such a manner that the handling of rawhides and furs cannot be seen from outside the structure in which such activity takes place; and
 - d. Limited to a period of ten days insofar as the storage or handling of any rawhide or fur which is stored or handled on the premises.
- (2) Breweries of fermented malt beverages with an annual production of less than 1,000 barrels per year and wineries for the production and bottling of wine that include a wine tasting room and are no larger than 5,000 square feet shall be a conditional use in the Local Business, Community Business and Commercial Districts. The storage of all items or materials utilized for the production of fermented malt beverages and wine shall be in an enclosed building unless otherwise approved by the Common Council.

- (3) Printing operations may be permitted as a conditional use in the Community Business and Commercial Districts.
- (4) The use of land zoned Commercial (C-2) for staging and interim placement of large manufactured products prior to shipping, mixed use commercial/office uses and outdoor storage of equipment and materials used for heavy moving. Such conditional use, if permitted, shall require the land be maintained in a slightly condition and screened with landscaping and/or fencing with a site and landscaping plan approved by the City Plan Commission prior to occupancy. Such use shall also be subject to such other conditions and requirements as may be considered by the Common Council.
- (5) In the Local Business District (C-1), and Commercial District (C-2), where it abuts R-1 through R-4 zoned property, small scale urban agricultural uses may be permitted after obtaining a conditional use permit.
 - a. The following uses shall constitute small scale urban agriculture uses:
 - 1. Wholesale/retail sale of produce and bedding plants grown on the premises, where the retail sales area is no larger than 200 square feet;
 - 2. Composting and vermicomposting for greenhouse house use and retail sale;
 - 3. Aquaponics;
 - 4. Educational programs on nutrition, meal planning, growing, preparing and preserving produce; demonstration projects for establishing high-yield, small-space gardens and produce; sustainable building, renewable energy and business practices;
 - 5. Partnering with licensed incubator kitchens to produce "value-added" products such as sauces from produce grown on the premises.

- b. The following uses shall require additional review by the City Plan Commission and Common Council and may be permitted by conditional use permit after an evaluation of whether the addition of the following uses are compatible with surrounding residential uses and neighborhoods:
1. On-site production kitchen.
 2. Retail store for local farm produce, compost and gardening supplies grown or manufactured off-site.
 3. Restaurant/cafe.
 4. Construction of buildings or structures for classes and fro meeting and event space available for rent to the general public.
- (6) In all residential zoning districts, the use of structures that were originally constructed and used as commercial structures for limited retail stores and personal service businesses may be permitted by a conditional use permit. It is the purpose and intent of this section to allow for limited commercial uses that are primarily suited to neighborhoods and are within walking distance (one-quarter mile) of the establishment. A neighborhood compatible uses will have little impact to the neighborhood and will "fit in" with the residential character and therefore require little if any off-street parking.
- a. The following prerequisites shall be met prior to applying for a conditional use permit:
1. The owner shall file documentation that the structure was originally constructed as a commercial structure and produce a historic record of commercial use which shall then be verified by the City.
 2. The structure shall not be greater than 3,000 feet in total square footage and not more than 1,500 square feet shall be devoted to the retail area for the proposed use.
- b. Applicants for a conditional use permit shall supply all information required in article VI of this chapter and other information as instructed by the Common Council, City Plan Commission or the Department of Planning and Development and shall include the following information:
1. The location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings to be demolished and any mitigation plan to offset loss of either tax base or housing opportunities.
 2. A site plan showing building location, signage location, lighting, landscaping plans, off-street parking, loading areas, ingress, egress, and existing or proposed screening.
 3. Building elevations (pictures or drawings) showing proposed use and character of the building frontage and any building or facade renovation and remodeling plans.
 4. Detailed signage and lighting plans.
 5. A floor plan to include the square footage devoted to commercial or retail purposes, the hours of operation, locations for loading and unloading of raw materials and products produced at the site.
 6. A narrative outlining why the proposed use is compatible and conforms to any neighborhood plan, Comprehensive Plan or master plan.
- c. After meeting the prerequisites above, a conditional use permit application may be submitted for a property located in any residential zoning district for the following uses: (Drive-ins or drive-through facilities are prohibited for any use.)
1. The following uses may be considered for use in a residential

- neighborhood and because of their nature require no off-street parking: (If the following uses are proposed to have three or more employees at one time then a 500-foot notification is required and off-street parking shall be provided.)
- (i) Ice cream and candy/confectionery store.
 - (ii) Non-adult-oriented used bookstore.
 - (iii) Barber shops and beauty parlors.
 - (iv) Pet grooming establishment.
 - (v) Photography studio.
 - (vi) Butcher shop.
 - (vii) Bakery.
 - (viii) Bike/skate shop.
 - (ix) Artisan shop.
 - (x) Repairing/alterations of clothing apparel shop.
2. The following uses may be considered for use in a residential neighborhood and because of their nature require adequate off-street parking and also require a notification radius of 500 feet:
- (i) Restaurants, cafes, coffee house, tea room or delicatessens, limited to indoor seating for 25 persons and outdoor seating is limited to 12 customers, drive-ins or drive-through facilities are prohibited.
 - (ii) New or used clothing and apparel.
 - (iii) Shoe repair.
 - (iv) Art gallery, framing, and stationary stores.
 - (v) Florist shop.
 - (vi) Antique shop.
 - (vii) Neighborhood grocery store.
 - (viii) Variety and dry goods store.
- d. In determining whether to grant such conditional use permit, the Plan Commission and Common Council shall consider any decrease in neighborhood values and character by permitting such use and review the proposed use for neighborhood compatibility in terms of lighting, signage, interior layout plan, outdoor seating, accessory uses, demolition of structures, loss or gain of property values and tax base, landscaping, site plans, parking and loading and traffic impacts, hours of operation and other such factors particular to the use and immediate surrounding properties.
1. In determining whether to grant such conditional use permit, the Plan Commission and Common Council shall find that the proposed use will not have a substantial negative impact upon surrounding properties or the neighborhood in terms of lowering property values, increasing noise or traffic congestion, or otherwise affecting the existing or planned character of the District.
 2. In determining whether to grant such conditional use permit, the Plan Commission and Common Council shall find that the proposed use will have a net positive economic impact upon the City and the neighborhood in terms of jobs generated, the investment of private capital, the generation of additional spin-off economic activity and significant net tax revenues.
- e. After examining the proposed use and its probable impacts or benefits, the Plan Commission and Common Council may approve the use and operation of the business as a conditional use and may impose restrictions upon the property that include but are not limited to:
1. Hours of operation.

2. Annual review.
3. Sunset provisions.
4. Privacy fencing.
5. Signage restrictions.
6. Landscaping and screening requirements.
7. Lighting limitations and parameters.
8. Parking requirements and screening.
9. Fences, walls, and screening. Where the side or rear lot line abuts or is located across an alley from any residential zoning district there shall be a fence or landscape screening. Fences must be in conformance of section 115-398. An opaque privacy fence or vegetative screening of a minimum of five feet and no more than six feet in height may be required if requested by an abutting residential property owner. Such fence shall be placed on the property line and shall run from the front setback line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the City Clerk's office.
10. Parking and loading. The off street parking and loading requirements shall be determined on a case by case basis, must be met on the site of the business establishment and shall provide for a minimum of one parking space for the owner and one space for an employee and additional adequate space for any associated residential use of the property. The City Plan Commission may determine it sufficient for less parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. Parking shall not be detrimental to nearby residential properties due to excess noise, odor, glare or other factors. Nothing which contributes to the residential character of the neighborhood in which the business is located may be removed to provide additional parking space for the business.
11. Signage. Any signage that can be viewed from the public street or sidewalk is strictly regulated and shall conform to the following requirements:
 - (i) Any outdoor advertising display signs shall be attached to and be parallel with the wall of the building.
 - (ii) A maximum of two wall signs are permitted, one on the street facing side of the building and one on either side of the building.
 - (iii) The maximum height of the sign facing the street shall not be more than two feet in height and shall not be more than 75 percent of the width of the building and in no case shall be more than 40 square feet in total.
 - (iv) The maximum size of the sign on the side of the building shall be 12 square feet.
 - (v) Only indirect lighting is permitted and there shall be no internally lit signs.
 - (vi) There shall be no projecting signs.
 - (vii) All signs shall pertain only to the use conducted within the building.
 - (viii) Digital or lighted signs, including window signs, are prohibited, except for one lighted sign that cannot be digital or flashing and is only lit during business hours in-

dicating the business is "open" and which shall not exceed two square feet.

- (ix) Awning signs are permitted and shall only be constructed of fabric and shall not be internally lit.
 - (x) One sandwich board sign is permitted if placed in accordance with the City's sandwich board policy.
 - (xi) All exterior wall signs, awning signs and window signs shall require Commercial Design Review Committee approval prior to issuance of a sign permit.
12. Design review. Any substantial modifications to the exterior appearance of the structure shall require Commercial Design Review Committee approval.
 13. An approved building, site and elevation plan, landscaping plan, signage and lighting plan and interior floor plan shall be kept on file with the Department of Planning and Development.
 14. Recording. The conditional use permit shall be recorded with the County Register of Deeds at the owner's expense.

(Code 1980, § 15.26(H))

Sec. 115-348. Funeral homes and crematories.

Funeral homes and crematories shall be conditional uses and may be authorized in the Residence (R-2), Low Density Multiple Dwelling (R-3), Multiple Dwelling (R-4) and Special Multiple Dwelling (R-5), Local Business and the Commercial Districts, provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.

(Code 1980, § 15.26(I))

Sec. 115-349. Cemeteries.

Cemeteries shall be conditional uses and may be authorized in the Single Family Residence (R-1),

Residence (R-2), Special Residence (R-3) Low Density Multiple Dwelling (R-4), Multiple Dwelling (R-5) and Special Multiple Dwelling (R-6) Districts provided all principle structures are located not less than 25 feet from any lot line.

(Code 1980, § 15.26(J))

Sec. 115-350. Recycling centers and garbage and trash or recycling transfer stations.

(a) Recycling centers as defined in section 10-517 shall be conditional uses and may be authorized in the Local Business and Commercial Districts.

(b) Garbage, trash or recycling transfer stations used for the purpose of unloading or reloading garbage, trash or recyclable materials shall be a conditional use in the Heavy Industrial District, provided:

- (1) The location is at least 500 feet from a floodplain, wetland, endangered and protected flora and fauna habitats, sites of historical, archeological or cultural significance, prime agricultural land, park land or preserve.
- (2) The location and operation complies with Federal regulations for operation in proximity to airports.
- (3) All of the property owners within 500 feet agree with the placement of the transfer station as proposed.

(c) Inspection powers. The Recycling Coordinator or an authorized certified agent may at all reasonable hours enter upon any premises for which a conditional use permit has been issued for the operation of a garbage, trash or recycling transfer station for inspection purposes. No person shall interfere with or refuse to permit access to any such premises to the Recycling Coordinator while in performance of their duties.

(Code 1980, § 15.26(K))

Sec. 115-351. Horticulture retail sales.

In the Agricultural District, the retail sale of horticultural products or nursery plants and related accessory merchandise shall be a conditional use provided:

- (1) Any building utilized for such retail sales shall not exceed 1,500 square feet in area.

- (2) The retailing structural building must be not less than 50 feet from the property line.
 - (3) Any outdoor advertising signage for such horticultural retail facility may not exceed 150 square feet in aggregate.
- (Code 1980, § 15.26(L))

Sec. 115-352. Mini-warehouse buildings.

Mini-warehouses or storage buildings utilized on a commercial basis for the storage of miscellaneous personal property or vehicles shall be permitted as a conditional use in the Heavy Industrial District. The application for the same shall include a site and building plan along with a statement as to the use for the buildings.

(Code 1980, § 15.26(M))

Sec. 115-353. Parking lots not on the same parcel or lot as the principal use or parking lots which require the moving or demolition of structures.

(a) In addition to meeting the requirements provided in section 115-393, parking lots for the parking of motor vehicles which are:

- (1) Not on the same original parcel or original lot, whether of record or not, as that of the principal use; or
- (2) Which necessitate the moving or demolition of any structure or building in all zoning districts except the light industrial and heavy industrial districts, shall require the granting of a conditional use permit by the Common Council.

(b) The application for such conditional use permit shall state the location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings, the size of the parking lot, the purpose of the parking lot, and such other information as may be required by the Common Council. In determining whether to grant such conditional use permit, the Council shall consider any decrease in neighborhood values by permitting such use, any landscaping or site plans of such proposed parking lot and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than

eight feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall be placed on the property line and shall run from the front set back line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the City Clerk's office.

(Code 1980, § 15.26(O))

Sec. 115-354. Convenience stores and other nonresidential uses for elderly and public housing.

Convenience stores, beauty salons and other non-residential uses for the residents of elderly housing or public housing exclusively used by the residents of such facilities may be permitted as a conditional use in the special multiple dwelling district. The application for the conditional use permit shall include the number of square footage devoted to the nonresidential use, the hours of operation, persons operating the convenience store, beauty salon or other nonresidential use, and persons that would use such facility. The building for the nonresidential use shall be four stories or more in height with the nonresidential facility on the first floor or ground level. The total area of the nonresidential activity shall not exceed 500 square feet and such conditional use shall be only for the tenants, residents and employees of the building.

(Code 1980, § 15.26(P))

Sec. 115-355. Tourist roominghouses.

Tourist roominghouses shall be a conditional use in the Local Business, Community Business, Commercial, Public and Semi-public, Agriculture, Residence (R-2), Special Residence (R-3), Low Density Multiple (R-4), Multiple Dwelling (R-5) and Special Multiple Dwelling (R-6) and Washburn Residential Districts provided that, in addition to off-street parking spaces required in section 115-393, one parking space shall be provided for each of the rooms which are available for rent, and further provided said establishment complies with any and all applicable sign ordinances, and further provided that such tourist roominghouse is located in a structure that is designated as a historic structure pursuant to the provisions of article II of chapter 20, and further provided that such tourist roominghouse, if separate from the principal building on the site, is considered an acces-

sory use. The owner of such tourist roominghouse must reside on the same parcel as the tourist roominghouse. This restriction may be waived by the Council for tourist roominghouses in the Local Business, Community Business, Commercial Districts, and the Washburn Residential District. All exterior renovations and modifications to the tourist roominghouse must be reviewed by the Heritage Preservation Commission for a certificate of appropriateness.

(Code 1980, § 15.26(Q))

Sec. 115-356. Demolition permits for green space.

(a) Purpose. The purpose of this section is to prevent avoiding the provisions of section 115-354, pertaining to parking lots, and because of the reasons for such section. It is the intent of the City Council to provide for compatible neighborhoods that enhance the welfare of the City, including maintaining the City's tax base.

(b) Prior to the issuance of a demolition or moving permit for any commercial or residential structure in all zoning districts except the Heavy Industrial or Light Industrial District, the issuance of a conditional use permit by the Common Council shall be required. A conditional use permit is not required for the demolition or moving of an accessory structure nor for demolition or moving permit applications which include plans for a replacement structure of equal or greater value.

(c) A conditional use permit is not required for the demolition of structures for the City's Replacement Housing Program or dilapidated and blighted properties and replace them with higher taxable value structures and improve neighborhoods and not green space. A conditional use permit is not required for the demolition of structures on City-owned property that is already tax exempt and the property has been identified by the Common Council for tax base development or the property is already tax exempt such as a park is already used for municipal public purposes including green space. The issuance of a building permit by the Department of Planning and Development shall be required prior to any such demolition or wrecking permit being issued. Any such replacement structure shall be completed within two years of the issuance of any demolition or moving permit. The

application for such conditional use permit shall state the location, current use of the property, whether the structure(s) are proposed for demolition or moving, the proposed use of the vacant land, landscaping or fencing plan, any mitigation plan to offset loss of either tax base or housing opportunities, conformance with any area plan, neighborhood plan, Comprehensive Plan or master plan, and any other such information as may be required by the Common Council. In determining whether to grant such conditional use permit, the Council shall consider any decrease in neighborhood values by permitting such use, and landscaping or site plans of the proposed green space and the characteristics of the surrounding neighborhood. An opaque privacy fence of a minimum of five feet and no more than eight feet in height may be required in residential zoned districts if requested by an abutting residential property owner. Such fence shall be placed on the property line and shall run from the front setback line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the City Clerk's office.

(Code 1980, § 15.26(R))

Sec. 115-357. Community festival facilities.

Community festival facilities shall be a conditional use in the Community Business District for nonprofit, governmental or commercial events such as, but not limited to, Oktoberfest, Jazzfest, school related events, community music and cultural events, fundraisers, wedding receptions or parties. All buildings and structures shall be in accordance with a site plan or master plan as approved by the Common Council.

(Code 1980, § 15.26(S))

Sec. 115-358. Private garages for residents in the Community Business District.

Private garages for residents living above the first story in the Commercial District and the Community Business District may be permitted as a conditional use permit. Final City Plan Commission approval is required of the garage plans prior to issuance of a building permit. The following general guidelines shall apply to any such conditional use permit request:

- (1) Garage must be located off of an alley with no frontage on the street.

- (2) The "Fire District" regulations apply for garages located in the City's Fire District.
 - (3) The building must have brick siding to match adjacent buildings and the principal structure and consist of building materials meeting the requirements of the Fire District.
 - (4) Accessory garages must have similar roof pitches and window treatments of the surrounding buildings.
 - (5) If a proposed garage is within the National Register of Historic Places District, final approval of architectural or building plans is to be given by the Heritage Preservation Commission after approval of the conditional use permit by the Common Council.
 - (6) No residential, commercial, or industrial uses are permitted in the accessory garage.
 - (7) The garage shall not be available for rent to the general public or other property owners as it is to be used strictly by the owner or residential tenant of the building for which the CUP is granted.
 - (8) Accessory garages may not exceed 20 feet in height.
 - (9) Garages may be attached or detached from the principal structure.
- (Code 1980, § 15.26(T))

Sec. 115-359. "Class B" beer and liquor license establishments.

(a) A conditional use permit (CUP) shall be required for premises seeking a Combination "Class B" beer and liquor license within the Central Business District, hereafter referred to as the "District." For the purposes of this article, the district shall consist of that area lying between La Crosse Street on the North and Cass Street on the South, the Mississippi River on the West and 7th Street on the east. A conditional use permit shall not be required for premises holding a combination "Class B" beer and liquor license on April 1, 2002. A Conditional Use Permit shall also be required for the granting of or transfer of a combination "Class B" beer and liquor license within the district to a premises not licensed on April 1, 2002. If a combination "Class B" beer and liquor

license for a premises within the district is not actively utilized for a 90-day period a conditional use permit shall be required prior to utilization of such license.

(b) The purpose of this regulation is to promote the redevelopment goals within Downtown La Crosse as recommended in the CityVision 2000 Master Plan, and to encourage a mixture of land uses as well as times of use within the District. Further, in 2001, a Downtown Study Committee recommended that the purpose of any restrictions was "not to reduce, limit or expand the current license quota, but to attempt to balance the mix of entertainment and retail establishments in this area." In making its determination, the City Plan Commission and the La Crosse Common Council may consider the character and intensity of operation, location, screening, number of existing combination "Class B" beer and liquor licensed premises on the block face of the proposed conditional use permit, and other relevant aspects of the proposal in accordance with the above studies or plan and any amendments thereto, and may impose conditions as necessary and prudent in connection therewith, including:

- (1) The proposed use will not have a substantial negative impact upon surrounding properties or the District in terms of lowering property values, increasing noise or traffic congestion, or otherwise affecting the existing or planned character of the District.
- (2) The proposed development will have a net positive economic impact upon the City and the District in terms of jobs generated, the investment of private capital, the generation of additional spin-off economic activity and significant net tax revenues.
- (3) Applicants for a conditional use within the District shall supply all information required in this article (floor plan, site plan, and other information as instructed by the Department of Planning and Development) and shall include the following information:
 - a. The estimated or actual percent of gross receipts of beer, wine and liquor sold in relation to total goods sold;
 - b. A sketch of the floor plan showing the location of coolers and display space for off-sale merchandise, the square footage to be devoted to the sales and

storage of beer, wine, and liquor and the total square footage of all sales and storage areas;

- c. A site plan of the site showing building location, off-street parking, ingress, egress, and existing or proposed screening;
- d. Building elevations showing proposed use and character of the building frontage and any building or facade renovation and remodeling plans; and
- e. Such other information as requested by the Director of Planning and Development which is necessary in accordance with applicable State or local zoning codes.

(Code 1980, § 15.26(U))

Sec. 115-360. Moped dealers.

Except for those existing businesses that currently sell and repair lawn mowers and/or snowmobiles, moped dealers may be permitted as a conditional use in the Local Business District. The term "moped" shall mean as defined in Wis. Stat. § 340.01(29m). Existing businesses that sell and/or repair lawnmowers and/or snowmobiles as of April 8, 2004, may also sell and repair mopeds without obtaining a conditional use permit. The engines for the mopeds shall be up to 50 cubic centimeters.

(Code 1980, § 15.26(V))

Sec. 115-361. Biodiesel renewable fuel production facilities.

In the Heavy Industrial District, biodiesel renewable fuel production facilities which may manufacture fuel for motor vehicles from waste fats and oils, including soybean oil, may be permitted as a conditional use permit provided plans and required information relative to said facility are submitted, reviewed and approved by the City Fire Department, Planning and Development and Water and Sewer Utilities. The Common Council may, in addition, provide for reasonable conditions and approvals.

(Code 1980, § 15.26(W))

Sec. 115-362. Digital displays

(a) A conditional use permit is required prior to a conversion of a static off-premises advertising sign (billboard) to a digital display, LCD, electronic message unit, LED display off-premises sign as defined in chapter 111. A public hearing is required by the City Plan Commission and Judiciary and Administration Committee and the notice of the hearings shall be provided to all property owners within 2,500 feet of the proposed conversion location and to the Common Council and the media. All of the standards in chapter 111 pertaining to the conversion of off-premises advertising signs to electronic, digital, LED, LCD type displays shall apply to any conditional use permit issued under this section.

(b) A conditional use permit is required for signs that contain digital display, LCD, electronic message unit, LED technology at the Airport Industrial Park or in the "Arts District." All of the standards in chapter 111 pertaining to such signs shall apply to any conditional use permit issued under this section. In recognition that electronic message unit signs are not permitted elsewhere in the downtown area except in the Arts District by conditional use permit and that arts venues are being given latitude for such signs, the City may impose additional conditions to regulate their use. A marquee sign (may consist of two sign faces for a V-shaped sign) or one flat wall sign may be permitted in the Arts District for venues dedicated to visual or performance arts and may overhang a sidewalk with a street privilege permit. This does not include bars or restaurants where live entertainment is occasionally performed. Additional conditions or special conditions may be required including but not limited to items such as longer hold times or architectural/artistic enhancements under this section. For monument signs, pedestrian scale signage appropriate to the surroundings and special conditions may also be applied. There shall not be more than one electronic sign per parcel or arts venue. The City shall not be exempt from this section.

(Code 1980, § 15.26(X))

Sec. 115-363. Nonmetallic sand and gravel processing facilities.

Nonmetallic sand and gravel processing facilities including any of the following activities; sand and

gravel washing or drying, processing, loading or unloading, storing, and transportation facilities shall comply with the following requirements:

- (1) Submit an approved air pollution permit from the Wisconsin DNR.
 - a. If an air pollution permit is not required, the applicant shall submit a letter stating the reasons an air pollution permit is not required.
- (2) Submit a stormwater management plan for the proposed site which shall be reviewed for compliance with the City's stormwater regulations by the City Engineer's Office.
- (3) Submit a fugitive dust control plan that shall address the following elements:
 - a. Description of the operation.
 - b. Provide a map of activities.
 - c. List the activities which may produce both dust and particulates e.g. crushing, grinding, bagging, storing, transferring, loading and unloading, conveyors and drop points.
 - d. List of equipment on site or readily obtainable for cleanup to reduce fugitive dust: Watering truck/wagon or dedicated sprinkler system, frontend loader/trucks (cleaning up spillage), brooms, sweepers/vacuums, sealants for building/equipment, list of chemicals and/or additives for dust control and the MSDS.
 - e. Site roadways and plant yard.
 1. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area. The dust on the site shall be controlled by applications of water or other approved fugitive dust control compounds per Wis. Admin Code NR 415.075.
 2. All paved yards shall be swept or vacuumed daily with PM-10 approved sweepers and whenever fugitive is observed to control emissions, and any material spillage shall be cleaned up immediately.
3. Fugitive dust should not cross the property boundary, and fugitive emissions from haul roads will not exceed 20 percent opacity at the source.
4. Truck washing equipment or tracking pads/grizzly pads/shakers, or a combination of both, should be installed at each exit to remove build up material on tires or undercarriage.
- f. Operation facilities.
 1. The drop distance from each transfer point shall be reduced to the minimum the equipment can achieve. The transfer point from the re-circulating belt to the feed belt shall be equipped with an enclosed chute.
 2. Plant equipment and enclosures shall be inspected on a regular basis for physical integrity. Any equipment or seal leaks shall be repaired as soon as practicable, but no later than 48 hours after being identified.
 3. Processing equipment (including dryers, washers, and screeners) and stockpiles within 500 feet of any residential or business district shall be enclosed by a structure.
- g. Storage piles.
 1. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.
 2. Stockpiles shall be observed daily and watered whenever fugitive dust is observed to control emissions. After application, a follow-up observation shall be performed to ensure the effectiveness of the control measure. Equipment to apply water or dust suppressant shall be available at the site, or on call for the use at the site, within a given operating day.

- 3. Stockpiles within 500 feet of any residential or business district shall be enclosed by a structure. Stockpiles greater than 500 feet from a Residential or Business District and undisturbed for more than one week shall be covered.
 - 4. Encrusting agents approved by the WI DNR or covering shall be used on piles intended for long term storage or inactivity. Non-toxic antifreeze additives approved by the DNR can be used to control dust when temperatures are below 32 degrees Fahrenheit.
- h. Truck traffic.
- 1. Vehicles shall be loaded to prevent their contents from dropping, leaking blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within six inches of the top of any side board, side panel or tail gate. Otherwise, the haul trucks shall be covered, treated or secured to prevent the escape of materials likely to become airborne during transport, prior to any transportation off site.
 - 2. Excess dust and/or spillage of material off-site shall be cleaned up and returned to the facility or properly disposed of.
 - 3. Truck route designation. All trucks entering and leaving such facilities shall enter and exit La Crosse on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.
 - 4. Trip generation. The frequency of loads entering and leaving the facility, as well as the weight of loads shall be identified.
- i. Inspection.
- 1. List the maximum intervals for inspection and routine maintenance of fugitive dust control equipment, including a description of the items or conditions that will be checked.
 - 2. List the schedules for watering, treating and periodic cleaning of roads, trafficable areas and storage piles.
 - 3. The provisions and procedures of this plan are subject to adjustment if following an inspection and written notification, the City finds fugitive dust management practices do not meet requirements and/or permitted emission limits are not being met.
- j. Staff responsible for implementation of plan.
- 1. All staff members will be required to notify the operations manager of excessive fugitive emissions when observed. This will include a description of the source of the excessive emission. The operations manager will be responsible for directing dust control measures. The plan shall include the names and contact information for the operations manager and secondary contacts when the manager is not available or not on site.
 - 2. Records of daily inspections, visible emissions observations, equipment repairs, and dust suppressant activities shall be kept on file and be made available to the City upon request. The plan shall include a draft copy of the daily fugitive dust control reporting forms and other regular checks. The forms shall be dated and initialed by the person performing the checks.
- (4) Hours of operation. Hours of operation for truck traffic and equipment/machinery with back-up alarms shall be limited to 7:00 a.m.-10:00 p.m.

- (5) Landscaping and screening. Sufficient landscaping and screening, including but not limited to fences, walls and/or vegetative screens, as approved by the City of La Crosse, may be required to mitigate visual impacts and to provide wind breaks.
 - (6) Any other applicable State or Federal permits shall be obtained and placed on file with the City of La Crosse. Any reports generated to fulfill permit requirements shall be submitted to the City of La Crosse.
 - (7) Exemptions. The following entities and uses are exempt from requiring a permit for non-metallic sand and gravel processing facilities.
 - a. Government entities.
 - b. Construction overburden or fill stockpiles located on an active construction site.
 - 1. The 500 yards is to be measured cumulatively for "pass thru" stockpiles, such as when stockpiling for the purpose of changing mode of transportation or ownership of material and off-site construction stockpiles.
 - c. Sand stockpiles from dredging operations.
 - d. Operations that are preempted by Federal law.
- (Code 1980, § 15.26(Y))
- Sec. 115-364. Community living arrangements.**
- (a) *Conditional use procedures.*
 - (1) Any exceptions to the provisions of this section sought by the agent of a community living arrangement facility or adult family home shall request such permission of the City by following the City's conditional use permitting procedures.
 - (2) The owner/operator of a proposed community living arrangement shall submit the following with the application for a conditional use permit:
 - a. A building plan as required by this chapter, plus:
 - 1. The layout of the building and any planned additions, including size and layout of rooms;
 - 2. The total square footage of the building and total living space and square feet;
 - 3. The number of bedrooms and the number of beds per bedroom;
 - 4. Handicap and emergency access and exit;
 - b. A site plan as required by this chapter, including:
 - 1. Location and the "footprint" of building(s) and structure(s);
 - 2. Off-street parking areas; and
 - 3. Proposed landscaping.
 - c. A drainage plan, landscape plan, and utility plan as required by this chapter.
- (3) The application for a residential conditional use permit shall also be accompanied by an operational plan which includes: the name and address of the CLA operator; the proposed operation and supervision, including the type of CLA and any programs offered; the number of employees; the proposed bed capacity and total number of occupants of the structure, including any residents not under residential care.
 - (4) Upon receipt of all necessary information and permit fee, the Department of Planning and Development may request the Wisconsin Department of Children and Families to inspect the proposed CLA and review the proposed operation. Approval of the Department may be a condition of approval of the conditional use permit. The same shall apply to any other applicable agency or department, such as the Federal Veterans Administration where appropriate. Comments or reports on the proposed CLA received from such agencies will be considered. The CLA conditional use permit request must confirm compliance with Wis. Admin. Code ch. DCF 57, Wis. Stat. ch. 50, and all other applicable licensing regulations of the Wisconsin Department of Children and Family Services and any other relevant agency, as is appropriate to the facility seeking the conditional

use permit. The CLA must confirm compliance with all applicable State and local Housing Building, and Fire Codes.

- (5) The application will also confirm adequate off-street visitor and employee parking. The City may require more parking than is normally required if special characteristics of the CLA warrant such additional parking.
- (6) In the business zoning districts, all proposed residential uses are to be above the first floor.
- (7) There shall be no outdoor signs on or near the facility and the CLA's exterior appearance and proposed operation must be compatible with the surrounding residences when it is in a residential district or surrounding uses when it is in a business or other district.
- (8) When the proposed CLA is not within one-half-mile (2,640 feet), measured from property line to property line, of a public park, the CLA shall provide 75 square feet of open recreational space on the property per bed.
- (9) The City shall use the following factors when reviewing the proposed capacity (density) of the CLA:
 - a. Per person living space requirements of Wis. Admin. Code ch. DCF 57, the Federal Veterans Administration ("VA") Regulations, the City of La Crosse minimum housing code requirements and any other applicable requirements. In no case shall the City approve a capacity which would provide less living space per person than State, local or VA requirements;
 - b. The ambulatory and physical nature of residents;
 - c. The densities of residential uses within the surrounding neighborhood;
 - d. The density data available from the U.S. Census Bureau for the City;
 - e. Densities of other CLA's the City has reviewed since adoption of this section;
 - f. Densities of other similar CLAs in the City;
 - g. The type of CLA building and room layout;
 - h. The proposed living and working space arrangements for residents, house parents and other employees;
 - i. The area and configuration of the CLA lot;
 - j. Any comments from the Wisconsin Department of Children and Family Services, the VA, La Crosse County, City representatives, and other applicable agencies.
- (10) The City shall also consider other issues which may have an adverse social, economic, or environmental impact, or effect on the health, safety or welfare of abutting or neighboring properties or the City as a whole.
 - (b) *Conditional use review standards.*
 - (1) *Statement of purpose.* The development and execution of this chapter is based upon the division of the City into districts, within which districts the use of land and buildings, and size and location of buildings and structures in relation to the use of land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development, and operation of such uses. Such uses are classified as conditional uses and fall into two categories:
 - a. Uses publicly operated or traditionally affected with a public interest.
 - b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique prob-

lems with respect to their impact upon neighboring property or public facilities.

- (2) The following provisions are established to regulate these conditional uses which require special consideration:

a. *Standards.* No application for a conditional use shall be recommended, approved or granted by the City Plan Commission unless the Commission shall find all of the following:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare.
2. That the City will be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the costs of providing such services.
3. That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
4. That the establishment of the conditional use will not impede normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.
6. That appropriate measures to address transportation demand have been or will be taken to provide adequate ingress and egress, in-

cluding all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

7. That the conditional use shall conform to all applicable regulations of the district in which it is located.
8. That when applying the above standards to an application by a community living arrangement the City Plan Commission shall:
 - i. Bear in mind the City's general intent to accommodate community living arrangements in applying these criteria.
 - ii. Exercise care to avoid an over-concentration of community living arrangements which could create an institutional setting and seriously strain the existing social structure of the community. Considerations relevant to the determination include:
 - A. The distance separating the proposed community living arrangement from other such facilities.
 - B. The capacity of the community living arrangement and the percentage by which the facility will increase the population of the aldermanic district and/or the City.
 - C. The total capacity of all community living arrangements in the City.
 - D. The impact on the City of other community living arrangements.

- E. The success or failure of integration into communities or other community living arrangements operated by the individual or group seeking the conditional use permit.
- F. The ability of the City to meet the special needs, if any, of the applicant facility.

(Code 1980, § 15.26(Z))

Secs. 115-365—115-389. Reserved.

ARTICLE VII. SUPPLEMENTAL REGULATIONS

DIVISION 1. GENERALLY

Sec. 115-390. Height and area regulations.

The foregoing height and area regulations shall be subject to the following exceptions and regulations:

(1) *Height.*

- a. On through lots the height of the building may be measured from the mean elevation of the finished grade along the front of the building considering the end facing either street as the front.
- b. Chimneys, cooling towers, elevator bulkheads, scenery lofts, monuments, domes, spires, parapet walls, similar structures and necessary mechanical appurtenances may be erected to any height in accordance with existing or hereafter adopted ordinances of the City.
- c. One-family dwellings in the residence district may be increased in height by not more than ten feet when two side yards each not less than 15 feet in width are provided, but no such building shall exceed three stories in height.

- d. Height of accessory buildings. The purpose of this subsection is to regulate the height and design of accessory buildings or structures.

- 1. The overall maximum vertical distance of detached residential (R1—R6) accessory buildings, excluding carriage house accessory structures, shall not exceed 17 feet from the lowest floor elevation to the highest point of the structure with the overall wall height not to exceed ten feet and the main garage doors not exceeding eight feet in height from the lowest floor elevation. Detached garage roofs shall be framed to a pitch of not less than one-third or four and 12 cut.

- 2. A carriage house accessory structure may exceed 17 feet from the lowest floor elevation to the highest point of the structure only in accordance with the provisions of this subsection. The purpose of this subsection is to promote the livability of older neighborhoods by permitting unique designs of accessory buildings that are architecturally compatible with the primary structure. This is to ensure that the proposed accessory structure is in keeping with the historic nature of the primary structure and surrounding properties. Application must be made to and plans must be approved by the Heritage Preservation Commission prior to any building permit being issued under this subsection.

- (i) In order to exceed 17 feet in height; the primary structure must meet one of the following requirements:

- A. It is located west of Losey Boulevard to the Mississippi River and

- north of Green Bay Street to the La Crosse River Marsh.
- B. It was originally constructed prior to 1930.
 - C. It is potentially eligible, eligible or listed on the National Register of Historic Places, listed on the State Register of Historic Places or locally designated by the City of La Crosse Heritage Preservation Commission.
- (ii) An applicant must abide by the following submittal process:
- A. Consultation with City of La Crosse Department of Planning and Development.
 - B. File preliminary plans of the proposed accessory structure with the Heritage Preservation Commission at least 20 days prior to their next regularly scheduled meeting.
 - C. After approval of the preliminary plans by the Heritage Preservation Commission, the applicant must then submit the final plans for such accessory structure for approval by the Heritage Preservation Commission at least 20 days before their next regularly scheduled meeting. Preliminary plans can be approved as final plans if the Heritage Preservation Commission approves them without modifications.
- (iii) The following design and size requirements shall apply to all accessory structures exceeding the 17 feet height restriction:
- A. In no case shall an accessory structure exceed the height of the primary structure measured from the ground grade directly adjacent to each structure to the highest point of each structure.
 - B. If the footprint of the primary structure is less than 1,000 square feet; the footprint of the accessory structure shall not exceed 576 square feet (24 feet by 24 feet). If the footprint of the primary structure is more than 1,000 square feet, the footprint of the accessory structure shall not exceed more than 60 percent of the footprint of the primary structure. The design of the accessory structure must be in proper scale for the property and have an appropriate site relation to the primary structure as well as surrounding structures.
 - C. The architecture of the accessory structure shall be historically compatible with the architecture of the primary structure appropriate to the period.

The architecture of the accessory structure is not required to match the architecture of the primary structure so long as the architecture is appropriate to the period.

- D. In no case shall an accessory structure occupy more than 35 percent of the rear yard and shall be setback no less than two feet from the rear and side property lines. This is measured from the roofline.
- E. Design requirements shall be more restrictive for carriage house accessory structures whose primary structures are on the National Register of Historic Places and shall also incorporate such historic elements such as hardware, which includes door handles, hinges, etc., main garage doors, ornamental decoration, detailed window components and design, detailed roof components and design and materials used for siding. New construction should draw upon the design elements of the historic buildings, while not directly imitating them.
- F. The value of the carriage house must be equal to or greater than 25 percent of the assessed value of the

applicant's primary structure or 30 percent of the average assessed value of all single-family dwellings in the City, whichever is less. This is to ensure compatibility with the existing and surrounding historic properties. Said minimum assessed value requirement may be waived when appropriate.

- (iv) The Heritage Preservation Commission is authorized to develop all the necessary application forms and design guidelines that applicants must comply with in order to construct a new accessory structure exceeding 17 feet in height.

3. In no case shall sanitary plumbing be permitted in an accessory structure.

- e. Buildings erected or constructed after July 1, 2002, in the area bounded by Cameron Street, Eighth Street, La Crosse River and Mississippi River within the multiple dwelling, special multiple dwelling, community business, commercial, light industrial, heavy industrial, planned development or public and semi-public district shall have a minimum of two stories in height. City park land and structures thereon within said boundaries shall be exempt from the provisions of this subsection. The requirements of this subsection may be modified or waived upon application to the City Plan Commission. Applications shall be considered after a public hearing duly noticed in advance.

(2) *Area.*

- a. A public or semi-public building, not conducted for profit, need not be provided with a front yard having a depth

of more than 20 feet, or a rear yard having a depth of more than ten feet, or with side yards other than those required by this chapter between the building and a street or those required by the chapter between the building and a lot held in a separate ownership, except such yards or other open spaces as may be required by other laws or ordinances.

- b. A public or semi-public building, not conducted for profit, which is partially or completely destroyed by fire or other uncontrollable cause may be reconstructed on the same portion of the lot which it stood at the time of such fire or other calamity.
- c. In all residential zoning districts the aggregate building area of all detached accessory buildings shall not exceed 35 percent of the area of the rear yard of the parcel upon which they are to be built, up to a maximum 1,000 square feet of aggregate area of detached accessory buildings; provided, however, that the maximum aggregate area of all residential accessory buildings shall in no case exceed the gross finished floor area of the dwelling unit, excluding unfinished basement areas, to which they are accessory. Such detached residential accessory buildings may be placed in the rear, or side yard when not in conflict with any other requirement of this Code. Detached accessory buildings in the rear yard shall maintain minimum rear yard and side yard setbacks of two feet including roof line. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the principle structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, a shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint.
- d. Accessory buildings on through lots that extend through from street to street may waive the requirements for a rear yard by furnishing on such through lot, in open space areas other than those required by setback regulations, an equivalent amount of required open rear yard space in lieu of furnishing such required open space in the rear yard.
- e. Encroachments into required yards. The purpose of this subsection is to regulate the placement of projections and emergency rescue platforms including the design of emergency rescue platforms. The fee to be paid to the City for review of a rescue platform by the Heritage Preservation Commission shall be as established by resolution. Open uncovered handicap access ramps shall be exempt from the yard requirements contained in this subsection, provided a building permit has been issued by the Department of Planning and Development and provided further, this exception shall apply only to retrofitting existing residential uses and not for newly constructed residential or commercial structures or uses.
 - 1. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimneys, flues, buttresses, ornamental features, covered stoops, and eaves, provided, however, that none of the aforesaid projections shall project into a required yard or court more than

- 24 inches and a covered stoop may not project into a required yard or court more than 60 inches. A covered stoop is defined as a structure that is less than 12 square feet in area and is intended to provide ingress and egress to a building.
2. Where it is not practicable to install a second internal ingress/egress stairway for a dwelling unit above the first floor, an exterior emergency rescue platform with a landing not to exceed three feet by three feet outside of emergency fire egress windows and doorways, and stairways serving such egress windows and doorways are permitted in the interior side yard setback area and rear yard. Emergency rescue platforms and stairway must be painted, stained or trimmed to match the color scheme of the house and trim so as to blend in with the existing structure.
 3. Exterior emergency rescue platforms and any stairway serving egress windows and egress doorways shall not be erected on any street side of a building. Any request to construct an emergency rescue platform and/or stairway on a street side shall be heard by the City Heritage Preservation Commission. In order to receive approval by the Heritage Preservation Commission, plans and renderings must be submitted along with a fee in the amount established by resolution to the Commission for their consideration. The plans for the emergency rescue platform and/or on a street side stairway must be accommodated in such fashion so as to appear as part of and consistent with the architecture of the original architecture of the dwelling. Such plans would include, but not be limited to, being painted, stained and trimmed in the same color scheme of the dwelling and should also include such modifications as porches, balustraded balconies, verandas, porticos, pent roofs, black wrought iron galleries, bay windows or other such period additions that might be appropriate.
 4. Notwithstanding the provisions of section 103-328, a window capable for egress onto an adjacent roofline with a cut/pitch of six-twelve or less is a satisfactory substitute for an emergency rescue platform, provided the roofline is four feet or more and the drip edge is not in excess of 15 feet above the grade level. A window leading out to such adjacent roof line and intended to be an emergency egress may be no more than an average of 30 inches from the bottom of the egress window of the subject roof and must have a window sticker denoting the emergency egress window with a Maltese Cross available from the Fire Department and the Department of Planning and Development at no charge. Egress windows shall also be sufficient egress and acceptable as a second exit onto a landing or rescue platform or staircase, if said landing or rescue platform has guardrails at least 36 inches in height.
 - f. Tunnels or underground passageways between buildings used for residential purpose may be constructed for any lawful purpose. In no event shall any such tunnel, regardless of size, use or intended use cause several otherwise unconnected structures or buildings to be considered a single structure.
 - g. A second garage may be permitted on single-family-zoned residential lots in a

Historic District and in accordance with the provisions of this subsection. The purpose of this subsection is to promote the livability of historically designated neighborhoods by permitting unique designs of accessory building that are architecturally compatible with the primary structure. Application must be made to and plans must be approved by the Heritage Preservation Commission prior to any building permit being issued under this subsection.

1. In order to construct a second garage, the primary structure must be located in an area that is designated as a Historic District by the City or the National Park Service.
2. An applicant must abide by the following submittal process.
 - (i) Consultation with the Department of Planning and Development.
 - (ii) File preliminary plans of the proposed accessory structure with the Heritage Preservation Commission at least 20 days prior to their next regularly scheduled meeting along with a fee in the amount established by resolution.
 - (iii) After approval of the preliminary plans by the Heritage Preservation Commission, the applicant must then submit the final plans for such accessory structure for approval by the Heritage Preservation Commission at least 20 days before their next regularly scheduled meeting. Preliminary plans can be approved as final plans if the Heritage Preservation Commission approves them without modifications.
3. The following requirements shall apply to all accessory structures acting as a second garage:
 - (i) The value of the second garage must be equal to or greater than 25 percent of the assessed value of the applicant's primary structure or 30 percent of the average assessed value of all single-family dwelling in the City, whichever is less. This is to ensure compatibility with the existing and surrounding historic properties.
 - (ii) In no case shall the second garage exceed the height of the primary structure measured from the ground grade directly adjacent to each structure to the highest point of each structure.
 - (iii) The aggregate square footage of the primary garage and the square footage of the second garage may not exceed 1,200 square feet. On lots greater 15,000 square feet in area, the aggregate of the primary garage and the second garage shall not exceed 1,400 square feet.
 - (iv) The architecture of the second garage shall be historically compatible with the architecture of the primary structure appropriate to the period. The architecture of the accessory structure is not required to match the architecture of the primary structure so long as the architecture is appropriate to the period.
 - (v) In no case shall the second garage occupy more than 35 percent of the rear yard and shall be setback no less

than two feet from the rear and side property lines. This is measured from the roofline.

- (vi) One of the garages needs to be attached to the residential structure.

- 4. The Heritage Preservation Commission is authorized to develop all the necessary application forms and design guidelines with which applicants must comply in order to construct a second garage exceeding 17 feet in height.

- h. A residential attached or detached garage is permitted on lots of record in the R-1 thru R-6 and Washburn Residential zoning districts that are smaller than 5,000 square feet provided that there is not an existing garage on the lot or parcel. The size of an attached garage cannot be larger than the footprint square footage of the dwelling and a detached garage cannot be larger than 500 square feet. Said garage is required to meet the side yard setbacks under this chapter and cannot be in the front yard setback. There must be a minimum of a four foot rear yard setback for an attached garage and the location of the garage and setbacks must be approved by the City of La Crosse Fire Department.

(3) Vision clearance.

- a. The requirements of vision clearance shall not apply at a height of six feet or more above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists.
- b. Structures in the vision clearance area which do not now conform with the requirements of this chapter and which existed previous to December 19, 1958, shall be considered as a nonconforming use and shall be governed by provisions of this chapter relating to nonconforming uses.

- c. Sign supports and other objects of narrow width which do not exceed ten inches in diameter and which do not impair corner vision may, at the discretion of the Department of Planning and Development, be permitted in the vision clearance area.

- d. Trees and objects of natural growth within the vision clearance areas previous to December 19, 1958, shall be permitted to remain.

- e. Structures or objects of natural growth within the required 15 foot vision clearance areas previous to July 14, 2005, shall be permitted to remain.

(Code 1980, § 15.25)

Sec. 115-391. Vision clearance.

No structure or object of natural growth shall hereafter be maintained or allowed to grow higher in the vision clearance area than 36 inches above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists. This provision shall likewise apply to alley vision clearance areas.

(Code 1980, § 15.04(D))

Sec. 115-392. Window area.

Every room in which one or more persons live, sleep, work, or congregate, except storage rooms, bathrooms, toilet compartments, hallways, stairways, rooms where the nature of the occupancy does not require direct light and air from the outside, or rooms serviced by standard air conditioning equipment, shall have a minimum window area equal to one-tenth of the floor area of the room. Such required windows shall open directly upon either a street, alley, front yard, side yard, rear yard, or outer court, except that windows located in rooms not devoted to residence use may open directly upon an inner court, located on the same lot with the building and conforming to the requirements prescribed by this chapter as to its minimum dimension.

(Code 1980, § 15.04(E))

Sec. 115-393. Off-street parking.

(a) In all zoning districts except Light Industrial and Heavy Industrial, and excepting that area located within the following boundaries, to wit:

Beginning at the southwest corner of La Crosse Street and 7th Street; thence southerly along the west line of 7th Street to the north line of Cass Street; thence westerly along said north line to the west line of Second Street; thence northerly along said west line to the south line of the Harborview Area; thence westerly along said south line to the Mississippi River east bank; thence northerly along said east bank to the La Crosse River; thence northeasterly along the river to a point where 7th Street if extended would intersect; thence south along the west line of 7th Street extended to the point of beginning, and;

Beginning at the intersection of the southerly right-of-way line of St. James street and the southerly extended alley centerline of Block 19 of the North La Crosse Addition; thence north across St. James Street and along the centerlines and extensions thereof of alleys in Blocks 19, 12, 9 and 2 of the North La Crosse Addition; thence continue north along the centerlines of alleys in Blocks 3 and 6 of Northern Addition to the easterly extended line of Lot 9, Block 6 of the Northern Addition; thence west to the northeast corner of said Lot 9 of Block 6; thence continuing west along the north line of Lot 9 to the northwest corner of Lot 9 also being a point on the east right-of-way line of Caledonia Street; thence south along the east right-of-way line of Caledonia Street to a easterly extended line six feet south of the north line of Lot 13, Block 7 of the Northern Addition; thence west parallel to the north line of said Lot 13 to the west right-of-way line of Caledonia Street; thence continue west parallel to said north line of Lot 13 to the centerline of the alley in Block 7 of said Northern Addition; thence south along the centerlines and extensions thereof of alleys in Block 7 and 2 of Northern Addition; thence continue south along the centerlines and extensions thereof of alleys in Blocks 3, 8 and 13 of the North La Crosse Addition and continuing south to the south right-of-way line of Wall Street; thence east along the south line of Wall Street to the west right-of-way line of Caledonia Street; thence south along said west right-of-way line of Caledonia Street to the south

right-of-way line of St. James Street; thence east along the south right-of-way line of St. James Street to the point of beginning. The properties located within this boundary must have a C1-Local Business, C2-Commercial, or C3-Community Business zoning and have dedicated commercial space on the ground floor in order to be exempt from the off-street parking requirements. Subsection (g) of this section is not waived for the area described in this subsection.

(b) For all buildings and structures erected and all uses of land established after September 10, 1970, accessory parking facilities shall be provided as required hereinafter. However, where a building permit has been issued prior to September 10, 1970, and provided that construction is begun within 12 months of September 10, 1970, and diligently prosecuted to completion, parking facilities as required hereinafter need not be provided unless required by subsection (l) of this section.

(c) When the intensity of use of any nonresidential building, structure or premises is increased through the addition of dwelling units, storage, seating capacity or other units of measurement specified herein for required parking facilities, parking facilities as required herein shall be provided for such increase in intensity of use. When the intensity of use of any residential structure or premises is increased through the addition of dwelling units or other units of measurement specified herein for required parking facilities, off-street parking spaces shall be provided not only for the increase in the intensity of use but also for the dwelling units which existed prior to the increased intensity of use.

(d) No building or structure lawfully erected or used lawfully established prior to September 10, 1970, shall be required to provide such additional parking facilities as required in subsection (c) of this section, unless and until the aggregate increase in units of measurement shall equal not less than 15 percent of the units of measurement existing on September 10, 1970, in which event parking facilities required herein shall be provided for the total increase.

(e) Adequate access to a public street shall be provided for each parking space.

(f) Size of each parking space shall not be less than 8.5 feet in width and 17 feet in length exclusive of access drives or aisles. The design of the off-street parking area in which more than four spaces are required shall be approved by the City Engineer in order to ensure that it is of usable shape and condition. In reviewing the design of the parking area which shall be drawn to scale by the applicant, the City Engineer shall utilize the parking area design standards set forth in Harris-Barrier Parking Techniques, 1970 Edition, as a guide in making a decision to approve or not to approve. Failure to provide the off-street parking area according to the plans approved by the City Engineer shall be considered a violation of this chapter. No access drives, driveways or parking spaces shall be located in any Residential or Multiple Dwelling zone to provide access or parking to uses other than those permitted in a Residential or Multiple Dwelling zone. All off-street parking areas provided shall be maintained in usable condition at all times.

(g) Except as to those properties that receive an exception from the Common Council, after due notice and public hearing, and property used exclusively as one- and two-family dwellings for areas bounded by the Mississippi River, 7th Street, Cameron Avenue and the La Crosse River, all off-street parking, loading, storage, waste receptacle and recycling container storage areas, and driveway areas shall be graded and surfaced with asphalt, decorative paver brick, concrete or other impervious or pervious pavement material and properly drained in accordance with plans approved by the City Engineer's Office by June 1, 2007. Any parking area for five or more vehicles shall also be cleared of any accumulation of snow or ice. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for five or more vehicles shall also be cleared of any accumulation of snow or ice.

(h) Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.

(i) Curbs or barriers shall be installed on any parking area for more than five vehicles so as to prevent vehicles from extending over any lot line.

(j) Off-street parking spaces for uses in the Single Family Residence, Special Residence, Low Density Multiple Dwelling, Multiple Dwelling and Special Mul-

tiple Dwelling zones shall not be located between the front building line and the street line. On corner lots, this restriction also shall apply to the space between the side street line and the side building line. Required off-street parking space, including access drives and aisles, shall not cover more than 75 percent of the lost area in which such off-street parking space is permitted. No parking is permitted in the front setback area of any commercially zoned property (C-1, C-2 or C-3) if the principle use is for residential dwelling purposes.

(k) The number of parking spaces required as shown in the following list:

- (1) Uses, minimum parking requirements, units of measurement:

One-family Dwellings and Mobile Homes, two parking spaces for each dwelling unit. Two-family Dwellings, two parking spaces for each dwelling unit; provided, however, should any dwelling unit contain three or more bedrooms there shall be provided one additional parking space for each additional bedroom or enclosed room which may be utilized for sleeping purposes, whichever number is larger. Multifamily Dwellings, 1.5 parking spaces for each dwelling unit; provided, however, should any dwelling unit contain three or more bedrooms there shall be provided one additional parking space for each additional bedroom or enclosed room which may be utilized for sleeping purposes, whichever number is larger; provided, however, the maximum number of parking spaces required for Multifamily Dwellings shall not exceed four per dwelling unit.

Hotels, motels and tourist homes, one parking space for each dwelling unit or guest room, plus one parking space for each three employees.

Boardinghouses, one parking space for each two beds plus one parking space for each three employees.

Private clubs and lodges (without sleeping facilities), one parking space for each 150 square feet of floor area.

Private clubs and lodges (with sleeping facilities), one parking space for each guestroom, plus one parking space for each three employees.

Fraternities, sororities and dormitories, one parking space for each three beds (exclusive of those beds occupied by persons enrolled in an institution of learning, prohibited by administrative order of that institution from bringing motor vehicles onto such premises).

Hospitals, one parking space for each two beds, plus one parking space for each three employees.

Sanitariums, rest and nursing homes, one parking space for each five beds, plus one parking space for each three employees.

Medical and dental clinics, three parking spaces for each doctor.

Funeral Homes, six parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises.

Places of assembly and recreation, including stadiums, arenas, auditoriums, (other than church, college or institutional school) convention halls, theaters, places of worship, and other similar places of assembly, one parking space for each five seats.

Schools (including nursery, elementary and junior high), one parking space for each two employees.

High schools, one parking space for each two employees, plus one parking space for each student authorized by school officials to drive private automobiles to school to attend regularly scheduled classes.

Colleges and universities, one parking space for each two employees, plus one parking space for each three full-time students allowed private automobiles and who are not residing in school approved dormitories or fraternities and sororities.

Business, professional and trade schools, one parking space for each two employees plus one parking space for each three stu-

dents based on the maximum number of students attending classes on the premises at any one time during any 24-hour period.

Financial institutions, business, government and professional offices, one parking space for each 300 square feet of floor area.

Retail stores or personal service establishments (except those listed separately), restaurants, bars, places of entertainment and similar establishments, one parking space for each 150 square feet of floor area.

Drive-in banks, self-service automobile laundries, or similar drive-in establishments, three stacking places per teller or customer window. Automobile Laundry (excluding self-service automobile laundries), 20 stacking spaces for each wash rack, plus one parking space for each three employees.

Bowling alleys, five parking spaces for each alley, plus such additional spaces as are required for affiliated uses - bars, restaurants, and the like.

Manufacturing and processing plants, laboratories, wholesale houses, one parking space for each two employees and one parking space for each vehicle used in the conduct of the enterprise.

Day care centers licensed by the Wisconsin Department of Children and Families which for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day shall provide off-street parking at the rate of two parking sites for the first ten children and one additional site for each ten additional children or part thereof. One parking space shall also be provided in addition for each two employees.

(2) Uses not listed.

In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.

For the above uses, parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(l) The number of off-street parking spaces serving a building or use which was in existence on March 9, 1972, or was provided voluntarily after March 9, 1972, shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this chapter for a similar new building or use, unless a surety bond as specified in section 2-3 is posted with the City. Such existing off-street parking spaces shall not be utilized to satisfy the off-street parking requirements required in subsection (k) of this section. (Code 1980, § 15.04(G))

Sec. 115-394. Area required for rubbish containers.

On all premises on which there will be constructed, after the effective date of the ordinance from which this chapter is derived, a new building which will house six or more dwelling units or any existing building converted to six or more dwelling units after such date, or any roominghouse, fraternity or sorority house having six or more occupants, there shall be provided a sufficient area as determined by the Department of Planning and Development for rubbish collection containers. Such areas shall not be located in the front or street side yard and shall be accessible by motorized vehicles or other motorized equipment. Such areas shall not be a required off-street parking area and shall be shown on the plot plan submitted at the time of application for a building permit.

(Code 1980, § 15.04(J))

Sec. 115-395. Front yard and corner lot parking restrictions.

(a) It shall be unlawful to park any automobile, truck, motorcycle, boat, trailer or other motor vehicle of any kind in the front yard of premises in a Single Family Residence District, residence district, multiple dwelling district, low density multiple dwelling district and the special multiple dwelling district. On corner lots, this restriction also shall apply to the space between the side street line and the side building line. For the purpose of this subsection, surfaced access driveways and existing paved parking areas adjacent and contiguous to the main driveway as of March 17, 2001 are exempt from the restrictions of this subsection for that portion in the front yard area or side yard area of corner lots.

(b) For parcels located along a State, Federal, or four-lane arterial street where no alley access is present, an area no larger than 48 inches wide and 18 feet long and located parallel, adjacent and contiguous to the main existing driveway, but not to include the egress and public right-of-way (boulevard), may be installed. All proposed additional vehicle parking areas must be reviewed by the Heritage Preservation Commission before a permit is issued by the Department of Planning and Development. To maintain the aesthetics of the front yard, and mitigate additional stormwater runoff, the surface of the additional parking area shall be constructed with permeable materials or techniques that allow grass growth. Brick pavers that do not allow grass growth, but allow stormwater infiltration, may also be used. Permeable paving includes a base course that allows for the movement of water and air around the paving materials for precipitation and stormwater to infiltrate through to the soil below. A City of La Crosse building permit is required as defined in section 103-34 which shall be set at the same rate as a flat permit fee in section 103-34.

(Code 1980, § 15.04(K))

Sec. 115-396. Number of tenants.

It shall be unlawful for any owner of any dwelling unit to lease or enter any lease of any one dwelling unit to more than five persons not related by blood, marriage, adoption or legal guardianship living together as a single housekeeping unit and using common cooking facilities, or more than ten persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State Department of Children and Families.

(Code 1980, § 15.04(L))

Sec. 115-397. Earth satellite station dish antennas.

The unregulated installation and use of earth satellite station dish antennas create a health and safety problem to properties and persons within the City, and the Common Council feels that it is in the best interest of the citizens of the City that the placement of these dish antennas be regulated so as to promote the public health, safety and general welfare of the City for the purpose of providing adequate light and air, preventing overcrowding of

land, to conserve the value of buildings and encourage the most aesthetic and appropriate use of land throughout the City. Ground-mounted and building-mounted earth satellite station dish antennas are permitted as accessory uses provided that the following applicable requirements are met:

- (1) Earth satellite station dish antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of corrosive-resistant materials.
- (2) Earth satellite dish antennas shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (3) Ground-mounted dish antennas shall meet the height requirements for accessory structures in the zoning district in which they are located. Building-mounted dish antennas shall not exceed the maximum height regulations of the zoning district in which they are located.
- (4) Earth satellite station dish antennas in the single family residence, residence and multiple dwelling districts shall not exceed ten feet in diameter.
- (5) Ground-mounted earth satellite station dish antennas shall meet all setback and yard requirements for accessory structures in the district in which they are located; provided, however, in the single family residence, residence and multiple dwelling districts each earth satellite station dish antenna shall be set back at least 25 feet from the front property line.
- (6) Not more than one earth satellite station dish antenna shall be permitted on a lot or parcel in the single family residence or residence district except that this prohibition shall not apply to zero lot line lots.
- (7) The installation of an earth satellite station dish antenna shall require a building permit. The property owner, lessor, or installer of any earth satellite station dish antenna shall submit, to the Department of Planning and Development, plans which indicate the appearance, proposed location and installation method of the dish antenna. A fee in the amount established by resolution shall accompany all applications for a permit. Earth satellite station dish antennas shall be located to minimize their visual impact on surrounding properties. If a property owner in a single family residence, residence or multiple dwelling zoning district proposes a building-mounted antenna location in which the antenna would be visible from the front lot line, that property owner must demonstrate that reception would not be possible from a less conspicuous location.
- (8) All earth satellite station dish antennas, and the construction and installation thereof, shall conform to applicable City building code and electrical code regulations and requirements. Prior to the issuance of a building permit for a building-mounted earth satellite station dish antenna that exceeds six feet in diameter, the applicant shall submit a plan or document prepared by a registered professional engineer which certifies that the proposed dish antenna installation is structurally sound.
- (9) No advertising messages will be allowed on the dish or framework other than the manufacturer's identification in the single family residence, residence and multiple dwelling districts. In other zoning districts, each earth satellite station dish antenna shall comply with all applicable sign and advertising regulations.
- (10) Any earth satellite dish antenna existing on the date of the adoption of the ordinance from which this chapter is derived shall be

permitted to remain as installed, notwithstanding any other provisions of this chapter.

(Code 1980, § 15.04(M))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 115-398. Fences and hedges.

(a) *Fences defined.* For the purpose of this Section, a "fence" is herein defined as a barrier consisting of vegetation, wood, stone, vinyl, brick, fieldstone, wrought iron, or metal intended to prevent ingress or egress. For the purposed of this section, the term "fence" shall include plantings, such as hedges and shrubbery in the front yard. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

- (1) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chainlink (with a minimum thickness of nine gauge and a required top rail support), stockade or board-on-board wood. With the exception of a fence that sits atop decorative retaining wall or decorative stone wall which is a part of the fence, no fence or fence panels shall be constructed with multiple building materials or more than one pattern of the same materials on any given lot line (for example, a wooden stockade fence cannot be constructed with a wooden picket fence as part of the same fence). This shall not prohibit two intersecting fences from having different materials if the fences are owned by different property owners.
- (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as, but not limited to, railroad ties, doors, landscape timbers or utility poles, shall not be used for, or in the construction of a fence.
- (3) Agricultural/farm fences shall only be permitted in agriculturally zoned or used districts and can only exceed six feet with a conditional use permit.

(4) Fences associated with baseball and/or softball fields and surrounding tennis courts may be erected in conformance with accepted industry standards. A Fence Permit shall be required for such installation.

(5) The La Crosse Regional Airport shall be allowed to erect chainlink fences for security purposes up to ten feet in height plus up to three strands of barbed wire. The three strands of barbed wire may face away from airport property. A fence permit shall be required for such installation.

(b) *Fences categorized.* Fences shall be categorized into six classifications:

- (1) *Boundary fence.* A fence placed on or within three feet of the property lines of adjacent properties.
- (2) *Protective fence.* A fence constructed to enclose a hazard to the public health, safety and welfare.
- (3) *Architectural or aesthetic fence.* A fence constructed to enhance the appearance of the structure or the landscape.
- (4) *Hedge.* A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary in the front yard.
- (5) *Picket fence.* A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (6) *Dog kennel fence.* A chainlink enclosure which is enclosed on three or four sides in the side or rear yard of a property.

(c) *Height and setback of fences regulated.*

- (1) Residential fences are permitted up to the property lines in Residential Districts but shall not, in any case, exceed a height of six feet without a conditional use permit, shall not exceed 48 inches in height from grade in the front, side, or rear yard setback abutting a public sidewalk, shall not encroach into any vision corner and shall not be closer than three feet to any public right-of-way along a public alley. The height of any fence shall be

measured as an average and shall not include the posts or pillars to which a fence is attached.

- a. Decorative wrought iron, brick, stone, PVC or painted picket style fences less than 48 inches (average) in height from grade or decorative lot corner landscape may be placed up to the property line in Residential Districts and shall not violate vision corner ordinances pursuant to this section.
- b. Chainlink and unpainted/unstained fencing is not permitted in residential front, side or rear yards abutting a public sidewalk.
- c. A fence located in an interior side yard between dwellings shall not exceed four feet in height. However, a fence may be erected to a height of six feet if the entire fence is constructed of wrought iron or similar open construction or if the area above four feet is at least 50 percent open. An example of the latter is a fence that is opaque to a height of four feet and is topped with not more than two feet of lattice. Any interior side-yard fence may be erected to a height of six feet if it is located more than ten feet from the side wall of the adjacent neighboring dwelling.
- d. A fence located in a rear yard abutting a public sidewalk may be erected to a height of six feet if the entire fence is constructed of wrought iron or similar open construction or if the area above four feet is at least 50 percent open. An example of the latter is a fence that is opaque to a height of four feet and is topped with not more than two feet of lattice. A fence as specified above may be located in a side yard on the street side of a corner lot behind the principal structure.
- e. All fences must be constructed and maintained in a good state of repair and appearance. The finished side or decorative side of a fence shall face adjoining property.
- f. Any fences adjacent to or encroaching into alley right-of-way that are required to be removed for construction related causes during a City alley project may be reconstructed within the three-foot setback, provided they are reconstructed outside of the right-of-way using the property line established by the Engineering Department during the project without the requirement of a Certified Survey Map.
 - (2) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.
 - (3) Property owners shall locate fences no closer than three feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owners property, unless an affidavit in recordable form is provided signed by the adjacent property owners agreeing to maintain the opposite side of the fence or agreeing to permit the owner of the fence to maintain said fence. This requirement can be waived if a maintenance free fence is installed.
 - (4) In the case of a proposed fence installation within three feet of a lot line where no record of a fence existed, a survey prepared by a registered land surveyor or professional engineer is required to obtain a building permit. No survey is required if a recordable affidavit signed by all affected property owners establishes an agreed upon lot line. No permit shall be issued for a fence three feet or closer to a lot line until the adjacent property owners have been notified in writing by the Department of Planning and Development and 15 days have passed. If a recordable affidavit is provided, the 15 day period can be waived.
 - (d) *Fences on nonresidential property.* Fences are permitted on the property lines in all commercial zoning districts but shall not exceed eight feet in height in commercial zoning districts and ten feet in

height for property zoned Light or Heavy Industrial and shall be of an open type similar to woven wire, chainlink or wrought iron fencing.

(e) *Prohibited fences.* No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten feet above grade and project toward the fenced property and away from public area.

- (1) No person shall construct or install:
 - a. Any wire or chainlink-type fence with the cut or salvage end of the fence exposed at the top.
 - b. A fence which creates a hazard to users of the street, sidewalk or to nearby property.
 - c. An incomplete fence, consisting only of posts and supporting members.
 - d. A fence on a vacant lot or parcel.
 - e. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
 - f. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four foot intervals. Such fence shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days or, in the case of a construction project, shall only be for the duration of said construction project.
 - g. Nonconforming fences and hedges. Any fence or hedge existing on the effective date of this Code of Ordinances shall not be modified, enlarged, extended or replaced, except in strict compliance with all of the requirements of this chap-

ter. The replacement of a nonconforming fence as to height, setbacks (vision corner requirements shall still be met), or fence material type may be made provided that the fence material be the same or higher grade as outlined below:

Ascending order of fence types:

- 1. Chainlink.
- 2. Chainlink with PVC coating.
- 3. Stained treated wood.
- 4. Cedar.
- 5. Vinyl.
- 6. Wrought iron or aluminum.
- 7. Field stone or brick (does not include split face block).
- h. Fences required under conditional use permits. An opaque fence of six feet in height may be required on property for which a conditional use permit is granted in those cases in which such a fence is determined to be beneficial to the health, safety, or welfare of the public or adjoin property owners. Such fence shall comply with material requirements as specified hereunder.
- i. Permit required. A City of La Crosse Building Permit is required for any newly installed fence or for a total fence replacement as defined in section 103-34 which shall be set at the same rate as a Flat Permit Fee in section 103-34.
- j. Vision clearance. No fence, structure, post, pillar or object of natural growth shall hereafter be maintained or allowed to grow higher in the vision clearance area than 36 inches above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists. This provision shall likewise apply to alley vision clearance areas.
 - 1. The requirement of vision clearance shall not apply at a height of six feet or more above the high-

- est grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists.
2. Objects of narrow width, which do not exceed ten inches in diameter, which do not impair corner vision, may, at the discretion of the Department of Planning and Development, be permitted in the vision clearance area.
 3. Right-of-way. All permanent fences shall be located outside the public right-of-way.
 4. Public nuisance. Obstruction to visual clearance, as regulated by this section, shall be deemed to be a public nuisance and the Department of Planning and Development and City Attorney are authorized to abate said nuisance.
- (2) Obstruction of ingress/egress area of a dwelling.
- a. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of six feet shall be maintained between any solid fence and any such window or opening in a dwelling.
 - b. The Fire Department and the Department of Planning and Development may approve a fence adjacent to a required ingress/egress opening of a dwelling between four feet and six feet if the fence has one of the following features:
 1. For basement ingress/egress openings, the fence opening or gate shall be the width of the ingress/egress opening or four feet whichever is greater with no ability to lock or secure said gate, or a four foot wide approved breakaway fence panel and the area on both sides of the gate/fence shall continuously be free from all obstruction including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.
 2. For ingress/egress opening above grade, the fence opening or gate shall be the width of the ingress/egress opening or four feet whichever is greater with no ability to lock or secure said gate, or a four foot wide approved breakaway fence panel, or the top of the fence shall be no taller than the bottom of the sill of the ingress/egress opening and the area on both sides of the gate/fence shall continuously be free from all obstructions including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.
- (3) Fences permitted without a permit. The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:
- a. Snow fencing shall be permitted in all districts not exceeding four feet in height provided it is removed between May 1 and November 1 of each year. No snow fence shall extend into the street right-of-way line unless installed by the City or a contractor having a permit from the City.
 - b. Agricultural/farm fences are limited to agriculturally zoned or used districts. An agricultural/farm fence is a fence consisting of chicken wire, deer fence, hog wire, high tensile, wire strand and barbed wire used in the agricultural, farming and livestock business, specifically for livestock, animal, and bird control.
 - c. Fences not exceeding two feet in height shall be permitted in all districts. Such fences shall not be placed in any man-

ner which presents a hazard to pedestrians on any public or private sidewalk.

- d. Underground electrical fences are permitted in all districts.

(Code 1980, § 15.04(N))

Sec. 115-399. Limits on fill placed on parcels or lots.

(a) A land use permit is required for all fill in the floodplain and the cost of such permit shall be as established by resolution.

(b) No lot or parcel shall be filled to a height exceeding two feet three inches above the base flood elevation for those parcels located in the floodplain zoning districts.

(c) If fill exceeds two feet above the grade of adjoining properties, the abutting property owners shall be notified in writing by the City. A land use permit is required and the permit approval is subject to a review by the City's Design Review Committee to determine if the proposed fill is contrary to the public interest and considering any impacts to the abutting property owners. For properties not located in the floodplain, no lot or parcel shall be filled to a height exceeding two feet above the grade of adjoining properties and in no case shall the final grade of the parcel allow any stormwater runoff to be directed to any adjacent or abutting lot or parcel in accordance with section 103-336(c).

(d) The height of any retaining wall or poured wall system shall not exceed two feet above the base flood elevation and shall not be closer than three feet to a lot line on all four sides unless an affidavit signed by the abutting property owners is presented to the Department of Planning and Development and shall have the exterior side of the retaining wall be of decorative CMU or poured wall with a form that has a decorative finish and there shall be shrubs and plantings placed on all four sides of said retaining wall within the three foot setback area. Such retaining walls must also meet the existing vision clearance ordinances. Fill in the three-foot setback may be allowed to the same neighboring property grade. Fill placed inside the poured retaining wall shall be clean porous sand or other earthy material such as subsoil. All retaining walls constructed for the purpose of

creating a building site for a structure or building shall be a decorative poured masonry wall or decorative CMU.

(e) The maximum of any grade on a driveway as part of a retaining wall or poured wall system shall be eight percent.

(f) One hundred percent of all water from roof drains, rain gutters, and spouts shall be directed to rain gardens and no stormwater runoff shall impact an abutting property and shall not be directed toward abutting private property nor shall it be directed to or across public property including sidewalks, streets or alleys in any manner unless a recorded drainage easement is recorded to allow water to be drained to a rain garden on neighboring property. Rain water may be directed to a City boulevard if said boulevard is converted to a bio-retention cell, is not directed across a sidewalk, and prior approval is given by the Board of Park Commissioners or Board of Public Works and a formal maintenance agreement is recorded on the deed of the contributing property requiring maintenance of the bio-retention cell.

(Code 1980, § 15.04(O))

Sec. 115-400. Adult-oriented establishments.

Adult-oriented establishments shall be permitted in the M2 Districts. These regulations are intended to reduce high-risk sexual behavior and to aid in the surveillance and detection of unlawful activities within these premises.

- (1) *Prohibited.* No adult-oriented business shall be located within 1,000 feet of the following:
 - a. Residentially zoned property;
 - b. Residentially used property;
 - c. Public or private educational facilities;
 - d. Religious centers;
 - e. Public park or recreational areas;
 - f. Day care center;
 - g. Youth center;
 - h. Public library;
 - i. Public museum;
 - j. The Interstate 90 right-of-way; or
 - k. Another adult-oriented business.

- (2) *Outdoor activities.* Any outdoor activities associated with the adult-oriented business are prohibited. The adult-oriented business shall be conducted entirely within an enclosed building.
- (3) *Signs.* Signs associated with the adult-oriented businesses shall comply with chapter 111. There shall be no outdoor sign or interior sign visible from the exterior of the building which features or depicts sexual conduct or a facsimile thereof.
- (4) *Multiple uses prohibited.* There shall not be more than one adult-oriented use allowed at any given location.
- (5) *Other requirements.* The adult-oriented business shall comply with all applicable local, State, and Federal laws, rules, and ordinances regulating such uses.
- (6) *Nonconforming uses.* If two or more adult-oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the adult-oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.
- (7) *Private viewing of adult entertainment.*
- a. Any adult-oriented establishment having available for customers, patrons, or members any booth, room, or cubicle for the private viewing of any adult entertainment shall comply with all of the requirements of subsection (7)b of this section.
 - b. Each such booth, room, or cubicle shall:
 1. Be totally accessible to and from aisles and public areas of the adult-oriented establishment, and shall be unobstructed, in total or in part, by any door, curtain or portal partition.
 2. Be separated from all adjacent booths, rooms, and cubicles and any nonpublic areas by a partition. All partitions shall be solid and without any openings, and shall extend from the floor to a height of not less than six feet. All partitions shall be light colored, non-absorbent, smooth textured and easily cleanable.
 3. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying such booth, room, or cubicle.
 4. Have a floor which is light colored, non-absorbent, smooth textured and easily cleanable.
 5. Be lighted in such a manner that a person in the booth, room, or cubicle is reasonably visible from the adjacent public rooms or areas, but such lighting shall not be of such intensity as to prevent the viewing of videotapes, motion pictures, or other offered entertainment.
- (Code 1980, § 15.04(P))

Sec. 115-401. Community living arrangements.

(a) *Location requirements.* Community living arrangements shall be subject to the criteria listed in this section. Agents of a facility may apply for an exception to these requirements. Exceptions shall be granted at the discretion of the City. Any exception shall come in the form of a conditional use permit and the City will use its conditional use process and its evaluation criteria to decide such an application.

- (1) No community living arrangement may be established within 2,500 feet of any other such facility.
- (2) The City may prohibit additional community living arrangements from locating in the City when the total capacity of such community living arrangements exceeds 25 persons, or one percent of the City's population, whichever is greater.
- (3) The City may prohibit additional community living arrangements from being located within any aldermanic district when the capacity of community living arrangements in that dis-

strict reaches 25 persons or one percent of the aldermanic district's population, whichever is greater.

- (4) A foster home or treatment foster home that is the primary domicile of a foster parent or a treatment foster parent and that is licensed under Wis. Stat. § 48.62 shall be a permitted use in all residential areas and is not subject to subsections (1) through (3) of this section, except that foster homes and treatment foster homes operated by corporations, churches, associations or public agencies shall be subject to the constraints contained in subsections (1) through (3) of this section.
- (5) Any adult family home as described in Wis. Stat. § 50.01(1)(b), meaning a place where three or four adults who are not related to the operator of a facility reside and receive care, treatment or services in that facility and the care, treatment or services are above the level of room and board and may include up to seven hours per week of nursing care per resident, may not be established within 2,500 feet of any other adult family home or any community living arrangement.
- (6) An adult family home, as defined in subsection (5) of this section, that meets the criteria established in that subsection and is licensed under Wis. Stat. § 50.033(1m)(b) is permitted to locate in the City without restriction as to the number of adult family homes in the City, and may locate in any residential zone, without being required to obtain special zoning permission, except as provided in this chapter's annual review provision.
- (7) Where a community living arrangement has a capacity for eight or fewer persons being served by the facility's program, and where the CLA meets the criteria established in subsections (1) through (3) of this section, and is licensed, operated or permitted under the authority of the Wisconsin Department of Health Services or the Wisconsin Department of Children and Families, that facility is entitled to locate in any residential zone, without being required to obtain any further special zoning permission except as provided in the annual review provision of this chapter.
- (8) In all cases where a community living arrangement has a capacity for nine to 15 persons being served by the facility's program, and meets the criteria established in subsections (1) through (3) of this section, and is licensed, operated or permitted under the authority of the Wisconsin Department of Health Services or the Wisconsin Department of Children and Families, that facility is entitled to locate in any residential area except areas zoned exclusively for single-family or two-family residences, except as provided in the annual review requirements of this chapter, but the facility is entitled to apply for special zoning permission to locate in those areas.
- (9) In all cases where a community living arrangement has a capacity for serving 16 or more persons, meets the criteria contained in subsections (1) through (3) of this section, and is licensed, operated or permitted under the authority of the Wisconsin Department of Health Services or the Department of Children and Families, that facility may apply for special zoning permission to locate in areas zoned for residential use.
 - (b) *Annual review.*
 - (1) Not less than 11 months, nor more than 13 months, after the first licensure of an adult family home under Wis. Stat. § 50.033 or a community living arrangement, and every year thereafter, the Common Council may make a determination as to the effect of the adult family home or community living arrangement on the health, safety and/or welfare of the City's residents.
 - (2) This residential impact determination shall be made after a hearing before the Common Council. The City shall provide at least 30 days' notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the facility may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other

witnesses called. The Common Council may call witnesses and may issue subpoenas. All witnesses shall be sworn by the Common Council. The Common Council shall take notes of the testimony and shall mark and preserve all exhibits. The Common Council may, and upon request of the facility's representatives, shall, cause the proceedings to be recorded by a stenographer or by a recording device, the expense thereof to be paid by the City. Within 20 days after the hearing, the Common Council shall mail or deliver to the facility its written determination stating the reasons therefore. The determination shall be a final determination.

- (3) If the Common Council determines that the existence in the City of a licensed adult family home or a community living arrangement poses a threat to the health, safety and/or welfare of the City's residents, the Common Council may order the adult family home or community living arrangement to cease operation until special zoning permission is obtained. This order is subject to judicial review pursuant to Wis. Stat. § 68.13, except that a free copy of the transcript of any hearing at which the determination is made may not be provided to the adult family home or community living arrangement. The adult family home or community living arrangement must cease operation within 90 days after the date of the order, or the date of final judicial review of the order, or the date of the denial with special zoning permission, whichever is later.

(c) *Pre-licensure community involvement.* Prior to the initial licensure of a residential care center for children and youth operated by a child welfare agency or group home or a community-based residential facility by the State of Wisconsin, the applicant for licensure must make a good faith effort to establish a community advisory committee consisting of representatives from the proposed facility, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with Wis. Stat. § 48.68(4) or 50.03(4)(g), as applicable, with the local government representative being the local Common Council Member.
(Code 1980, § 15.42)

Sec. 115-402. Signs, canopies, and awnings over public sidewalks.

(a) *Awnings.* It shall be unlawful to permit any awning to project more than ten feet or the width of the sidewalk, whichever is lesser, from the front of any building, or to fall lower than nine feet from the surface of the public sidewalk when in use, except the Heritage Preservation Commission may approve a waiver of the nine-foot height requirement when the awning is located in a Historic District or the area bounded by the Mississippi River, the La Crosse River, 7th Street, and Cameron Avenue. The Board of Public Works may approve a waiver of the nine-foot height requirement when located in all other areas of the City.

(b) *Signs, canopies and overhead sidewalk heaters.* No sign, advertising device, overhead sidewalk heater, or canopy shall project more than ten feet or the width of the sidewalk, whichever is the lesser, over any sidewalk, and the bottom of each such sign, advertising device, overhead sidewalk heater, or canopy shall be at least nine feet above the level of the sidewalk over which it projects. All such signs, advertising devices, overhead sidewalk heaters, and canopies shall be securely fastened and shall in no way encroach upon the public sidewalk or street.

(Code 1980, § 5.06)

Cross reference—Street privilege permit, § 40-103 et seq.

Sec. 115-403. Planned Development District; traditional neighborhood development.

(a) Proposed developments contemplated by an applicant to include design features described as "traditional neighborhood development" in Wis. Stat. § 66.1027(1)(c) may be considered for approval at locations determined appropriate by the City under this section, including appropriate conditions.

(b) A document identified as "A Model Ordinance For Tradition Neighborhood Development," dated December, 2000, published by the University Extension pursuant to Wis. Stat. § 66.1027(2), shall serve as a non-exclusive guidebook to assist in further defining the various aspects of this form of urban design, along with such other sources of guidance the Plan Commission and local governing body may choose to consult.

(Code 1980, § 15.43)

Secs. 115-404—115-434. Reserved.DIVISION 2. WIRELESS COMMUNICATIONS
FACILITIES**Subdivision I. In General***Sec. 115-435. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory facility means a structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for mechanical cooling equipment, air conditioning, ventilation, or auxiliary electric generators. Also known as an "equipment enclosure."

Alternative support structure structures means and includes, but not limited to, clock towers, steeples, silos, light poles, water towers, free-standing chimneys, utility poles and high voltage towers, buildings, or similar structures that may support telecommunications facilities.

Amateur radio means wireless communication technology used by licensed private individuals or nonprofit entities for noncommercial communication.

Antenna means a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

Antenna array means two or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for commercial communications purposes.

Applicant means any person, firm, or entity seeking to place a wireless communication facility (WCF) within the boundaries of the City.

***State law reference**—Mobile siting tower regulations, Wis. Stat. § 66.0404.

Building mounted antenna means any antenna, other than an antenna with its supports resting on the ground, directly attached to or affixed to a building.

Camouflage means the use of shape, color, and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. The term "camouflage" does not mean invisible, but rather appearing as part or exactly like the structure used as a mount.

City means the City of La Crosse, Wisconsin.

Co-location means a telecommunications facility comprised of a single monopole, lattice tower, building, or other alternative support structure supporting multiple antennas, dishes, or similar wireless communications facilities owned or used by more than one public or private entity.

Concealment means fully hidden from view. For example, a wireless communication facility (WCF) is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof.

Developed street means any public right-of-way classified as an alley (in commercial areas only), residential access street, collector street, minor arterial, or principal arterial and which is partially or fully developed and devoted to transportation use by the public at large.

Disguised means a wireless communication facility (WCF) that has been changed to appear to be something other than what it really is. For example, WCFs are sometimes disguised to appear as trees or flagpoles.

Engineer means any engineer licensed by the State of Wisconsin.

Equipment enclosure means a structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for mechanical cooling equipment, air conditioning, ventilation, or auxiliary electric generators. Also known as an "accessory facility."

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Ground mounted antenna means any antenna with its base placed directly on the ground.

Guyed structure means a telecommunications structure that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Height means the vertical distance measured from pre-existing ground level to the highest point on the wireless communication facility (WCF), including but not limited to the antenna or antenna array.

Lattice tower means a wireless communication support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides.

Licensed carrier means any company licensed by the Federal Communications Commission (FCC) to build wireless communication facilities (WCFs) and operate personal wireless services. Also called a provider.

Mast means a type of wireless facility support structure that is thinner and shorter than a monopole. Masts are typically outfitted with dual polarized antenna(s) rather than "top hat" arrays frequently found on monopole facilities.

Micro-cell means a transmitter-receiver system used to communicate to a subscriber's handset and having a typical range of 600 to 1,000 meters.

Monopole tower or monopole means a vertical support structure, consisting of a single vertical metal, concrete, or wooden pole, driven into the ground or attached to a foundation.

Mount means any mounting device or bracket which is used to attach an antenna or antenna array to a street pole, building, alternative support structure, or monopole.

Panel antenna means a directional antenna designed to transmit and/or receive signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees.

Personal wireless services or PWS means any of the technologies as defined by Section 704(a)(7)(c)(i) of the Federal Telecommunications Act of 1996, including cellular, personal communications ser-

vices (PCS), enhanced specialized mobile radio (ESMR), specialized mobile radio (SMR), and paging. See *Wireless communication facilities*.

Radome shield means a plastic housing within which antennas are placed. The fiberglass-like plastic material is signal transparent, thereby allowing concealed antennas to operate.

Satellite dish means a device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TeleVision Receive Only satellite systems (TVROs), Direct Broadcast Satellite systems (DBSs), and satellite microwave antennas.

Stealth means a wireless industry term for hidden or undetectable. Often combines elements of camouflage, concealment, and disguise.

Street pole means telephone, electric, cable television, or similar poles located in a developed street right-of-way.

Temporary wireless communication facility means a nonpermanent wireless communication facility (WCF) installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a WCF facility or for providing emergency communications during a natural disaster or other emergencies which may threaten the public health, safety and welfare. Examples of temporary WCF facilities include, but are not limited to, placement of an antenna upon a fully extended bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a WCF.

Utility pole mounted antenna means an antenna attached to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, or other approved similar structure.

View corridor means scenic views of natural and built areas and features, including, but not limited to: tree-covered hillsides; the "feathered edge" along ridgelines surrounding the City; views of the built environment which contain significant architectural

or historical features; natural features such as lakes, rivers, or streams; an area of landscaping of local or regional significance; or a public art work.

Whip antenna means an omni-directional antenna designed to transmit and/or receive signals in a 360-degree pattern.

Wireless communication means any wireless services as defined in the Federal Telecommunications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), Global System of Mobile communication (GSM), paging, television broadcast, or commercial radio facilities and similar services that currently exist or may be developed. See *Personal wireless service (PWS)*.

Wireless communication facility (WCF) means any unstaffed facility for the transmission and/or reception of personal wireless services.
(Code 1980, § 15.41(B))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 115-436. Penalties.

Any person who violates any provision of this division shall forfeit not exceeding \$1,000.00 for each offense. Each day during which a violation continues shall be deemed to constitute a separate offense.
(Code 1980, § 15.41(P))

Cross reference—General penalty for ordinance violations, § 1-7.

Sec. 115-437. Purpose and intent.

The purpose of this article is to establish regulations for the location, use, and height of wireless communication facilities within the City of La Crosse. The following regulations have been designed to protect the health, safety, and general welfare of the City's residents and property owners, as well as the visual character of the City and its surrounding environs. This section is also intended to minimize the visual impact of wireless communication facilities in the community by encouraging shared use of existing and future communication facilities; the use of existing tall buildings and other alternative support structures; and to minimize adverse visual effects from communication facilities by requiring careful siting, design (including camouflage, concealment,

and disguise), and appropriate landscaping. It is further intended that the City of La Crosse shall apply these regulations to accomplish the following:

- (1) Minimize adverse visual effects of wireless communication facilities through design and siting standards.
 - (2) Maintain and ensure that a nondiscriminatory, competitive, and broad range of telecommunication services and high quality telecommunication infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the City of La Crosse law enforcement, fire, and emergency response network.
 - (3) Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of citizens of the City of La Crosse.
 - (4) Protect environmentally sensitive areas by regulating the location, design, and operation of telecommunication facilities.
 - (5) Accommodate the needs of amateur radio operators.
- (Code 1980, § 15.41(A))

Sec. 115-438. Severability.

If any clause, section, or other part of this division shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this division shall not be affected thereby, but shall remain in full force and effect.
(Code 1980, § 15.41(R))

Sec. 115-439. Exemptions.

- (a) The following services and installations shall be exempt from this division:
- (1) Television antennas, satellite dishes, receive only antennas, amateur radio facilities, mobile services providing public information coverage of news events or of a temporary or emergency nature;
 - (2) Ground mounted antennas not exceeding 45 feet in height;

- (3) Building mounted antennas not exceeding 15 feet above the highest part of the building to which they are attached; and
- (4) Utility pole mounted antennas not exceeding 15 feet above the highest part of the utility pole to which they are attached.

(b) Exemptions under this chapter are subject to all other applicable provisions of this Code. See section 115-397 for satellite dish regulations. (Code 1980, § 15.41(C))

Sec. 115-440. Variances.

Applications for variances shall be reviewed by the Board of Zoning Appeals per division 2 of article II of this chapter.

- (1) *General regulations.* All wireless communications facilities shall comply with all applicable FCC and FAA regulations. All facilities shall also comply with all applicable local zoning, building, and electrical codes. In addition, the following regulations shall apply:
- (2) *Co-location requirement.* At all times, shared use of existing monopole or lattice towers, including conforming and legal nonconforming towers, shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of an antenna(s) on pre-existing structures shall be considered.
 - a. All applicants must attempt, in good faith, the co-location of wireless communication facilities (WCFs) on already existing towers, or monopoles, or alternative support structures.
 - b. If such co-location is not feasible, said applicant must provide documentation of good faith attempt to co-locate facilities (in the form of written proposals and denials). No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower, structure, or alternative technology can accommodate the applicant's needs. Evidence submitted shall address the following:
 - 1. That no existing towers or structures are located within the geo-

- graphic area that meets the applicant's engineering requirements.
- 2. That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- 3. That existing towers or structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
- 4. That the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing tower or structure, or that the antenna(s) on the existing tower or structure would interfere with the applicant's proposed antenna.
- 5. That other limiting factors that render existing towers or structures unsuitable are demonstrated.
- 6. That alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.
- 7. In the event that the applicant claims an inability to co-locate, the City shall require a third party independent review by a radio frequency engineer licensed and registered by the State of Wisconsin.
- c. An applicant intending to share use of an existing tower or structure, including conforming and legal nonconforming towers, shall be required to document approval from an existing tower or structure owner to share use of the facility. The applicant shall pay reasonable fees and costs of adapting an existing tower or structure to a new shared use.
- d. An applicant intending to share use of an existing tower or structure, includ-

ing conforming and legal nonconforming towers, or locate an antenna and supporting electrical and mechanical equipment on a pre-existing building or structure shall be required to submit to the Department of Planning and Development the following information for review and approval prior to issuance of a wireless communication facility permit:

1. Documentation of the intent from the owner of the existing facility to allow shared use.
2. A site plan which shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking, and landscaping. Any methods used to conceal the modification of the existing facility, as required in subsection (5) of this section, shall be indicated on the site plan.
3. An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tower, building, or structure, and explaining what modifications, if any, will be required in order to certify to the above.
4. A copy of its Federal Communications Commission (FCC) license.

(3) *Stealth facilities.* Stealth facilities shall be allowed only after the applicant has demonstrated that co-location on existing structures is not feasible. The goal of stealth facilities is to minimize obtrusive, intrusive, or incompatible sightings. Examples of facilities promoting the use of "stealth technology" shall consist of, but not be limited to the following:

- a. Microcells within steeples;
- b. Camouflaged antenna arrays located on existing buildings or alternative support structures;

c. Dual polarized antenna(s) located on streetlights or utility poles.

(4) *New tower/future shared use.*

- a. Applications for the installation of new monopoles shall only be considered after the applicant has attempted to co-locate on existing facilities and use stealth facilities. No new lattice towers, or other similar guyed or un-guyed structures shall be erected within the City.
- b. All new monopole facilities shall be restricted to a maximum height of 75 feet. The applicant shall design the proposed new communications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Department of Planning and Development a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other communications providers in the future. This letter shall be filed with the Department of Building and Inspections Department of Planning and Development prior to the issuance of a conditional use permit and/or wireless communication facility permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the approval for siting the new tower. The letter shall commit the tower owner and owner's interest to:

1. Respond within 90 days to a request for information from a potential shared use applicant.
2. Negotiate in good faith concerning future requests for shared use of the new tower by other communications providers.
3. Allow shared use of the new tower if another communications provider agrees in writing to pay reasonable charges. The charges may include but are not limited to a pro rata share of the cost of site

- selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (5) *Visibility.* Wireless facilities shall meet the following requirements:
- a. The use of "stealth" practices shall be encouraged to minimize the visual impact of wireless facilities. This includes the use of camouflage, concealment, and disguise.
 - b. Where applicable, facilities shall be of a galvanized finish or painted gray above the adjacent surrounding tree-line and/or development, and painted gray, green, black, or similar colors designed to blend into the adjacent natural surroundings and/or development unless other standards are required by the Federal Aviation Administration (FAA). Facilities shall be designed and sited so as to avoid, wherever possible, application of FAA lighting and painting requirements.
 - c. Accessory facilities shall be designed using materials, colors, textures, screening, and landscaping that will help to camouflage, conceal, or disguise the facilities in an effort to blend them into the adjacent natural setting and/or adjacent development.
 - d. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (6) *Screening and fencing.* Buffer/screen planting and security fencing shall be required as follows:
- a. An eight-foot high security fence shall completely surround the tower, equipment, building(s), guy wires, and anchors (if required).
 - b. An evergreen screen shall be planted that consists of either a hedge, planted three feet from the fencing, maximum, or a row of evergreen trees planted ten feet from the fencing, maximum. All plants should be a minimum of four feet in height at the time of planting.
 - c. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Mitigation shall be required where preservation is not practical.
 - d. Required plants shall be maintained in a healthy condition at all times. Any plant that dies shall be replaced with another living plant that is comparable to the existing plant materials or plant materials specified in the approved landscape plan within 90 days after notification by the City. The Department of Planning and Development may extend this period up to an additional 90 days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner, shall be in violation of this section of the regulations.
 - e. At the discretion of the Director of Planning and Development, applicants may use alternatives to fencing/ screening provided that the alternatives are compatible with the surroundings and provide adequate security.
- (7) *Lighting.* Towers and antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(8) *Setback.* In order to ensure public safety, the minimum distance from the base of any ground mounted monopole tower to any property line or easement line, public right-of-way, habitable dwelling, business or institutional use, or public recreational area shall be a distance equal to at least 40 percent of the height of the tower from any adjoining property line or easement line. The applicant wishing to site a new monopole tower may negotiate an easement with adjoining property owners to establish said setback provided a deed restriction is recorded which prevents any development or building within said easement. All other associated accessory equipment, buildings, guy wires, and anchors shall meet the minimum yards required for an accessory building within the zoning district in which the facility is to be located. Facilities located on alternative support structures are not required to meet the setback requirements of this section.

(9) *Signage.* No signs shall be allowed on an antenna or tower, other than safety or warning signs. No permittee shall place or allow to be placed signs, symbols, or banners attached to, painted, or inscribed upon any wireless communication facility (WCF). Flags may be used in an effort to disguise wireless facilities. A permittee may place not more than one sign measuring 12 inches by 12 inches upon or near the WCF which:

- a. States that trespassers will be prosecuted (if applicable);
- b. Lists the names and telephone numbers of persons to be contacted in the event of an emergency;
- c. Identifies the permittee or person responsible for operating the WCF; and/or
- d. Contains information necessary and convenient for the permittee or person operating the WCF to identify the WCF.

Nothing in this subsection (9) shall be construed to prohibit the placement of safety or warning signs upon any portion of the WCF which are required by law or which are designed to apprise emergency response personnel and the employees and agents of

PWS providers of particular hazards associated with equipment located upon the WCF.

(10) *Historic sites.* Historic sites shall be deemed viable sites. Wireless communication facilities may be permitted within or on historic sites on the condition that the placement of the facility shall not compromise the historic significance or appearance of the site. Historic Preservation Board approval shall be required for WCFs on historic sites within the City.

(11) *Trees.* Applicants must indicate in their application all trees which they intend to remove from the site. Removed trees shall be replaced on a one to one basis.

(12) *Utility poles.* Protrusions from the face of the pole should be no greater than the diameter of the pole itself, and in no case greater than 12 inches. The pole should be no wider than the minimum necessary to support the proposed equipment. If antennas are enclosed in a radome shield on top of the pole, the shield should have a maximum overhang of four inches. The pole shall be no wider than the minimum necessary to support the proposed equipment.

(Code 1980, § 15.41(D))

Sec. 115-441. Nonconforming uses.

(a) *Nonconforming use.* Wireless communication facilities in existence prior to the adoption of these regulations and are not in accordance with provisions of these regulations shall be deemed legal nonconforming uses or structures. Nonconforming WCFs shall be allowed to continue their usage as they presently exist. Routine maintenance and installation of shared use equipment such as additional antennas and associated equipment shall be permitted on such pre-existing facilities.

(b) *Expansion of nonconforming use.* Existing wireless communication facilities that are installed in accordance with provisions of this division shall not be deemed to constitute the expansion of a nonconforming use or structure.

(c) *Rebuilding nonconforming wireless communication facilities.* Any nonconforming wireless facility that is obsolete, damaged, or destroyed may be rebuilt subject to the following:

- (1) The applicant must satisfy the requirements found in the general regulations of this subdivision.
- (2) Permits to reconstruct the facility shall comply with the current applicable regulations, and shall be obtained within 180 days from the date the facility is demolished, damaged, or destroyed. If no permit is obtained, or if said permit expires, the wireless communication facility shall be deemed abandoned and all remedies pursuant to section 115-442 shall be applicable.

(Code 1980, § 15.41(E))

Sec. 115-442. Maintenance of facilities.

(a) Each permittee shall maintain its wireless communication facility (WCF) in a good and safe condition and preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable Federal, State, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.

(b) Modification. Any proposed change or addition to any wireless communication facility (WCF) shall require the issuance of a new WCF permit,

pursuant to the requirements of this chapter. This provision shall not apply to routine maintenance of a WCF, nor to the replacement of any portion of the WCF with identical equipment.

(Code 1980, § 15.41(K))

Sec. 115-443. Abandonment, revocation, hearings.

(a) Abandonment. Any wireless communication facility (WCF) no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the City with a copy of any notice to the FCC of the intent to cease operations and shall have 90 days from the date of ceasing operations to remove the WCF and any related facilities. In the case of co-location, this provision shall not become effective until all users cease operations. Any WCF not in use for a period of 12 consecutive months shall be deemed a public nuisance and may be removed by the City at the owner's expense.

(b) The cost of razing the facility may be charged in full or in part against the real estate upon which the facility is located, and if that cost is so charged it is a lien upon the real estate and may be assessed and collected as a special tax. Any portion of the cost charged against the real estate that is not reimbursed from funds withheld from an insurance settlement may be assessed and collected as a special tax.

(Code 1980, § 15.41(L))

Secs. 115-444—115-469. Reserved.

Subdivision II. Permits

Sec. 115-470. Permit and zoning regulations.

All wireless communication facilities shall require a wireless communication facility permit. The following restrictions shall be adhered to:

<i>Zoning District</i>	<i>Facility</i>	
	<i>Stealth Design (Microcells, alternative support structures, etc.)</i>	<i>Monopoles</i>
Agricultural (A1)	Wireless communication facility permit (WCFP)	CUP. Maximum Height of 75 ft. WCFP may be sought following approval of CUP Local Business (C1) Commercial (C2) Community Business (C3)

<i>Zoning District</i>	<i>Facility</i>	
	<i>Stealth Design (Microcells, alternative support structures, etc.)</i>	<i>Monopoles</i>
Light Industrial (M-1)	Wireless communication facility permit	CUP. Maximum height of 75 ft. WCFP may be sought following approval of CUP
Conservancy (P4)	CUP, WCFP	Prohibited
Exclusive Agriculture	Conditional use permit (CUP), WCFP	CUP. Maximum Height of 75 ft. WCFP may be sought following approval of CUP
Floodway	Prohibited	Prohibited Industrial (M2)
Industrial PUD	Wireless communication facility permit	Wireless communication facility permit
Parking Lot	Wireless communication facility permit	CUP. Facilities limited to alternative support structures. May not extend more than 15 feet above the supporting structure. WCFP may be sought following approval of CUP Planned Unit Development
(PUD)	Wireless communication facility permit	CUP. Maximum height of 75 ft. WCFP may be sought following approval of CUP
Public/Semi-Public (PS)	Wireless communication facility permit	CUP. Facilities limited to alternative support structures. May not extend more than 15 feet above the supporting structure. WCFP may be sought following approval of CUP
Public Utility	Wireless communication facility permit	CUP. Facilities limited to alternative support structures. May not extend more than 15 feet above the supporting structure. WCFP may be sought following approval of CUP
Residential (R1-R3)	CUP, WCFP	Prohibited
Residential (R4-R6)	Wireless communication facility permit	Prohibited

Code 1980, § 15.41(F))

Sec. 115-471. Applications.

(a) *Wireless communication facility permit and/or conditional use permit required.* No person shall construct, operate, or continue to operate a wireless communication facility within the City without a wireless communication facility permit and/or conditional use permit (when required) issued under this chapter, unless exempted from such permit requirement by the provisions of this chapter. Application for the permit shall be to the Department of Planning and Development on forms required by the Department of Planning and Development. The permit shall be issued by the Department of Planning and Development.

(b) *Application for approval.* Each request for the approval of a wireless communications facility shall include the following information:

- (1) Conditional use permit. All information required under article VI of this chapter.
- (2) Wireless communication facility permit:
 - a. A completed application form, signed by the owner, the owner's agent, or the contract purchaser. If the owner's agent signs the application, he or she shall also submit written information regarding the nature of their corporation or employer. If the contract purchaser signs the application, he or she shall also submit the owner's written consent to the application.

- b. A recorded plat, recorded boundary survey, or plat of survey, Certified Survey Map (CSM), or American Land Title Association (ALTA) survey of the parcel on which the facility will be located, and a copy of the legal description of the parcel on which the facility will be located. The legal description, tax parcel number, and address of the parcel of land on which the facility will be located.
- c. The identity of the owner of the parcel and, if the owner is other than a real person, the complete legal name of the entity, a description of the type of entity, and written documentation that the person signing on behalf of the entity is authorized to do so.
- d. A scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the Department of Planning and Development, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
 - 1. The location and dimensions of all proposed improvements, including the maximum height above ground of the facility (also identified in height above sea level).
 - 2. The design of the facility, including the specific type of support structure and the design, type, location, size, height, and configuration of all proposed antennas and other equipment.
 - 3. The topography within 2,000 feet of the proposed facility, in contour intervals not to exceed ten feet.
 - 4. The height of all trees within 100 feet of any proposed monopole or tower relied upon to establish the proposed height and/or screening of the monopole or tower.
- e. All existing and proposed setbacks, parking, fencing and landscaping.
- f. The location and design of all proposed accessways.
- g. Residential structures, zoning district boundaries, and parcels subject to conservation easements within 2,000 feet of the facility.
- h. The proximity of the facility to commercial and private airports and helipads.
- i. Color photographs of the site.
- j. For any proposed monopole or tower, color photographs taken of a balloon test, which shall be conducted as follows:
 - 1. The applicant shall contact the Department of Planning and Development within 30 days after the date the application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within 60 days after the date the application was submitted, and the applicant shall provide the Department with at least seven days prior notice; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the Department.
 - 2. The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.
 - 3. The balloons shall be of a color or material that provides maximum visibility.
 - 4. The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by

the Department of Planning and Development. The applicant shall identify the camera type, film size, and focal length of the lens for each photograph.

g. Radio frequency emission certification (in conformance with FCC guidelines). (Code 1980, § 15.41(G))

Sec. 115-472. Co-location.

Applicants intending to share the use of an existing tower, including conforming or legal nonconforming towers, or locate an antenna and supporting electrical and mechanical equipment on a pre-existing building or structure shall submit the following:

- (1) Documentation of the intent from the owner of the existing facility to allow shared use.
- (2) A site plan which shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking, and landscaping. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.
- (3) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tower, building, or structure, and explaining what modifications, if any, will be required in order to certify the above.
- (4) A copy of its Federal Communications Commission (FCC) license.

(Code 1980, § 15.41(H))

Sec. 115-473. Approval/denial.

All application approvals and denials shall be provided in written form by the Department of Planning and Development.

(Code 1980, § 15.41(I))

Sec. 115-474. Fees.

Except as otherwise provided, each permittee shall pay to the City, in consideration of the issuance

of a wireless communication facility permit authorizing the occupancy and use of City streets, public ways, and public places, the following:

- (1) A one-time permit initiation fee in the amount established by resolution.
- (2) Where the proposed site for the wireless communication facility is property of the City of La Crosse or within the public right-of-way, the City shall require the applicant to sign a lease, with the fee to be determined by the Board of Public Works. If any terms of the lease or permit are violated by the permittee, the City reserves the right to charge the permittee penalties.
- (3) Each permit granted pursuant to this chapter shall contain a condition which requires the permittee to reimburse the City for all direct and indirect expenses reasonably incurred in connection with the modification, amendment, or transfer of the permit.
- (4) Each permittee shall be required to reimburse the City for all direct and indirect expenses not otherwise covered by permit application fees reasonably incurred while reviewing, inspecting, and supervising the construction, installation, and/or maintenance of a wireless communication facility (WCF) authorized by a permit granted pursuant to this chapter.
- (5) Costs incurred by the City in response to any emergency at the WCF shall be included within the reimbursable expenses set forth in this section.
- (6) Except as provided in Wis. Stat. § 116-474, the City reserves the right to acquire the services of an RF engineer to serve as a neutral reviewing party. Applicants of permits shall be required to reimburse the City for expenses related to this neutral party review.

(Code 1980, § 15.41(J))

Cross reference—Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 115-475. Indemnification and insurance.

(a) The permittee shall indemnify and hold harmless the City, its officers, boards, commissions, agents, and employees against and from any and all claims,

demands, causes of action, actions, suits, proceedings, and damages, including costs or liabilities of the City with respect to its employees, of every kind and nature whatsoever, including, but not limited to, damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost and expense resulting or arising out of any of the same, including any attorney's fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expenses for any damages resulting from the operation, construction, or maintenance of the system.

(b) The permittee shall, at the sole risk and expense of the permittee, upon demand of the City, made by and through the City Attorney, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise brought or instituted or had by third parties or duly constituted authorities, against or affecting the City, its officers, boards, commissions, agents, or employees, and arising out of or pertaining to the exercise or the enjoyment of the wireless communication facility permit or conditional use permit issued to permittee or granting thereof by the City.

(c) The permittee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand rendered, made, or issued against permittee, the City, its officers, boards, commissions, agents, or employees in any of these premises, and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking, or other assurance required hereunder, provided that neither permittee nor City shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding without first obtaining the consent of the other.

(d) The permittee shall file with the City Clerk and shall, during the term of its permit, maintain in full force and effect at its own expense insurance as provided in section 2-2. All performance bonds, shall be issued by companies authorized to do business in the State of Wisconsin
(Code 1980, § 15.41(Q))

Sec. 115-476. Revocation or termination of permit.

A permit issued pursuant to this chapter may be revoked for the following reasons:

- (1) Construction and/or maintenance operation of a wireless communication facility (WCF) at an unauthorized location;
- (2) Construction or operation of a WCF in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
- (3) Misrepresentation or lack of candor by or on behalf of an applicant, permittee, or wireless communications service provider in any application or written or oral statement upon which the City substantially relies in making the decision to grant, review, or amend any permit pursuant to this chapter;
- (4) Abandonment of a WCF as set forth in this chapter;
- (5) Failure to relocate or remove facilities as required in this chapter; or
- (6) Failure to promptly cure a violation of the terms or conditions of the permit.

(Code 1980, § 15.41(M))

Sec. 115-477. Notice and duty to cure.

In the event that the City believes that grounds exist for revocation of a permit, the permittee shall be given written notice of the apparent violation or non-compliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the permittee a reasonable period of time not exceeding 30 calendar days to furnish evidence:

- (1) That corrective action has remedied the violation or noncompliance;
- (2) That rebuts the alleged violation or noncompliance; and/or
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(Code 1980, § 15.41(N))

Sec. 115-478. Hearing.

(a) In the event that a permittee fails to provide evidence reasonably satisfactory to the City, the City may revoke the permit. The permittee may appeal the decision to revoke the permit to the Board of Zoning Appeals. The Board of Zoning Appeals shall provide the permittee with notice and a reasonable opportunity to be heard concerning the matter and a public hearing shall be conducted.

(b) Within ten calendar days of completion of the hearing, the Board of Zoning Appeals shall issue a written decision revoking the wireless communication facility (WCF) permit or imposing such lesser sanctions as may be deemed appropriate under the circumstances.

(c) In making its decision, the Board of Zoning Appeals shall apply the following factors:

- (1) Whether the misconduct was egregious;
- (2) Whether substantial harm resulted;
- (3) Whether the violation was intentional;
- (4) Whether there is a history of prior violations of the same or other requirements;
- (5) Whether there is a history of overall compliance; and
- (6) Whether the violation was voluntarily disclosed, admitted or cured.

(d) In the case of permit revocation, the Board of Zoning Appeals may authorize the Department of Planning and Development to remove the wireless communications facilities and/or accessory facilities pursuant to those procedures found in section 115-474.

(Code 1980, § 15.41(O))

Secs. 115-479—115-509. Reserved.

DIVISION 3. MULTIFAMILY HOUSING DESIGN STANDARDS

Sec. 115-510. Intent and scope.

The following standards were established to improve the appearance, quality, and functions of multifamily housing and shall apply in the following zoning districts: Washburn Residential District, R-2 District

through R-6 District, Traditional Neighborhood District, and Planned Development District in La Crosse. These standards shall apply to newly constructed buildings renovations exceeding 50 percent of the equalized assessed value of the structure (at the time of reconstruction/renovation), all multifamily housing that is moved to vacant lots, and additions. The property owner of an existing non multifamily structure that is being remodeled or renovated for use as a multifamily housing building shall meet the requirements of this section and obtain Development Review Committee approval for building design and site plans as a condition of obtaining any rezoning or building permit. These regulations shall not apply to owner-occupied zero lot line "twin-dominium" units that have been approved by the Common Council as part of a developer's agreement or Planned Development District rezoning so long as the lot split was completed prior to issuance of a building permit. This regulations shall not apply to building renovations using the Secretary of Interior Standards for historic buildings; the standards contained in this section shall supersede all other City of La Crosse ordinances as the relate to multifamily development, and if there is conflict, this article shall control, unless specifically stated.
(Code 1980, § 15.46(A))

Sec. 115-511. Review procedures.

(a) These design standards will be administered as part of the building permit process, and documents required by these standards must be submitted to the Department of Planning and Development. A pre-application meeting with the Department of Planning and Development staff is required prior to submittal for the purpose of reviewing the requirements of this article. Seven complete sets of the following shall be submitted to the Department of Planning and Development as part of the application. Electronic copy of plan sheets for subsection (b)(1) and (2) of this section may also be submitted. Incomplete submissions will not be accepted.

(b) Submittal requirements.

- (1) All architectural plan sets typically required for building permit application.
- (2) Site plan including the size and location of parking lots, bicycle parking areas, pedestrian sidewalks, outdoor recreational spaces,

trash and smoking receptacles, vending machines, trash and recycling receptacles, landscaping fences, exterior lights, parking lot snow storage areas, garages and accessory buildings, etc.

- (3) Exterior light fixture locations and specification sheets.
- (4) Photos of at least four nearby buildings and four street views of nearby blocks.
- (5) A street facade diagram (elevation and materials).
- (6) A completed design standards checklist and a completed LEED checklist.
- (7) A landscaping plan and an erosion control plan.
- (8) Nothing in these design standards is intended to prevent the use of materials, systems, methods, or devices of equivalent or superior quality, strength, effectiveness, attractiveness, durability, and safety in place of those prescribed by this committee that demonstrates equivalency and the materials, systems, method, or device is approved for the intended purpose.

(c) Design review process and review timeline. There is hereby established a Design Review Committee which shall consist of the following Department Heads: Director of Planning and Development Fire Department, Police Department, Public Works, Water and Sanitary Sewer Utility, and City Engineer. Meeting notices shall be sent to all Common Council Members. All requests for approval shall be reviewed within ten business days. The review timelines shall be provided to instructions to applicants. Designs may receive approval, conditional approval or denial. Developers may attend Design Reviews. Exceptions to the standards may be allowed on a case-by-case basis, consistent with the overall purpose of this article. All requests for exceptions to the standards shall be requested in writing with the original request for approval. In the case of a request for an exception, notification of the time, date and location of the meeting where such request is being considered shall be provided to all neighbors within 200 feet of said project. A fee in the amount established by resolution shall be paid to the City Clerk at the time of said submittal to provide for notification of the neighbors

and a Class II notice in the La Crosse Tribune. Any request for exceptions shall be routed to the Design Review Committee, City Plan Commission, Judiciary and Administrative Committee, and Common Council for consideration and final determination as a legislative enactment. The Department of Planning and Development shall also make available to all applicants at the time of the pre-application meeting; a copy of this division, a design standards handbook, and checklist.

(d) At the time of application for complete approval to the Design Review Commission, a Multi-family Development Design Review Fee in the amount established by resolution must be paid. (Code 1980, § 15.46(B))

Sec. 115-512. Parking lot design and parking standards.

(a) Intent to minimize the visual impact of parking areas as seen from the living units, from adjacent properties, and from the street; to enhance pedestrian access, circulation and safety by reducing curb cuts and driveways that cut across sidewalks; to minimize the volume and maximize the quality of stormwater runoff; to provide adequate but not excessive parking for residents; to prohibit the use of satellite parking lots; to prohibit parking in side or front yards; to provide the adequate snow storage; to discourage the reliance on single occupant vehicles (SOVs); to encourage the use of mass transit and other alternative means of transportation; to reduce the reliance on petroleum based or reliant paving materials and methods; and to parking lots due to lack of any trees or plants.

(b) No parking stall may be closer to the street than the building setback line or the building on same parcel, whichever is further from the street. This provision may be waived for duplex structures where alley access is not present.

(c) Properties served by an alley will not be allowed a driveway connecting to the street.

(d) Parking areas shall be separated from primary buildings by a landscaped buffer at least 15 feet in width.

(e) Minimum setback for parking stalls and drives is five feet from all property lines and that setback must be green space. A five-foot green space buffer

along the rear lot line adjacent to an alley is not required; however, the side yard five foot green space buffer shall extend all the way to the alley. Parking for adjacent properties may be combined into continuous pave lots, eliminating the required setback at the shared property line, provided that 100 percent of the lost green space is replaced elsewhere on the parcel (e.g., with a ten-foot setback along the opposite lot line).

(f) A parking lot for more than 12 vehicles shall incorporate at least 288 square feet of planting islands at least eight feet in width (face of curb to face of curb). Planting islands may be either parallel to the parking spaces or perpendicular to the parking spaces. As parking lot size increase, and additional planting island is required at the ration of one planting island for every 20 automobile parking spaces.

(g) As an alternative to the prescriptive requirements of subsections (d), (e), and (f) of this section, development under this division may be allowed to cluster the landscaped buffers, green space, and planting islands where the total of this space shall be a minimum of 15 percent of the lot area and must be located in the rear yard. In no case shall any of the lot area in the front yard setback or side yard setbacks be used when using this alternative. This provision does not apply to section 115-515 for outdoor recreation space and shall not be counted in the 15 percent or 20 percent respectively; however, that outdoor recreation space may be added to the buffers, green space, and planting islands.

(h) Buffers, setbacks, and planting islands may be used for stormwater infiltration. See the stormwater standards for infiltration requirements.

(i) All drives, parking, and vehicular circulation areas shall be paved and graded for proper stormwater management. Lots shall utilize concrete curb and gutter to direct stormwater and protect landscaping except for lots fewer than eight spaces. The use of pervious pavement for stormwater infiltration is highly encouraged. For duplexes where no alley exists and parking is therefore permitted in the front of the building, curb and gutter are not required.

(j) The minimum off-street parking requirement for all multifamily housing is one space per bedroom.

(k) Parking spaces shall not be less than 8.5 feet in width and 17 feet in length. The full dimensions of this rectangle must be maintained in angled parking designs.

(l) Drive aisle widths vary depending upon the angle of park; the following minimum standards apply:

- (1) 45 degrees: 12 foot, ten inch aisle.
- (2) 55 degrees: 13 foot seven inch aisle.
- (3) 65 degrees: 15 foot four inch aisle.
- (4) 75 degrees: 17 foot ten inch aisle.
- (5) 90 degrees: 22 foot aisle.

(m) Parking lots shall be permitted to be increased in size by no more than five percent, provided at least 25 percent of the parking lot and pedestrian sidewalks consist of paving blocks (plastic or concrete honeycomb grid) planted with grass.

(n) Parking lots shall be located on the same lot as the principle structure.

(o) Raised curbs, parking blocks or stops, decorative bollards and/or fences, trees and/or shrubs shall be utilized along the edge or parking lots to prevent motor vehicles from being parked on green space buffer, outdoor recreation space, bike parking areas, sidewalks and side and front yards. In the event the original protective measures are inadequate to preventing inappropriate parking, additional measures shall be taken.

(p) Parking lot snow storage area(s).

- (1) Parking lot snow storage area(s) shall be designated in the parking lot and/or green space buffers.
- (2) Snow storage shall not be allowed in the required outdoor recreation space.
- (3) Snow storage areas shall not be located near parking lot entrances and impede driver vision near, or cause melting snow or ice to drain onto sidewalks or into neighboring properties.
- (4) If these green space buffer(s) are no longer capable of storing snow, the property owners shall arrange for the excess snow to be removed.

(q) Light-colored and/or reflective surface coatings should be considered to reduce the "heat island" effect of traditional asphalt parking lots.

(r) Low-impact paving materials and methods that utilize non-petroleum-based (or reliant paving systems) to reduce smog-forming emissions of volatile organic compounds (VOCs) are encouraged.

(s) Porous paving materials (paving blocks with decorative grave, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters) and methods that reduce stormwater runoff are encouraged.

(t) The provisions of section 115-393 that are superseded by this section are as follows: (f), (i), (k) and the portion of subsection (j) that reads as follows: "Required off-street parking space, including access drives and off-street parking space, including access drives and aisles, shall not cover more than 75 percent of the lot area in which such off-street parking space is permitted."

(u) Parallel parking, also known as stacked parking, is prohibited when determining the layout of off-street parking spaces in the off-street parking lot. Parallel parking is defined as a method of parking a vehicle in a parallel line, with one vehicle in the back of another vehicle with the front bumper of each vehicle facing the back bumper of the other vehicle. (Code 1980, § 15.46(C))

Sec. 115-513. Pedestrian circulation.

(a) The intent of this section is to promote resident safety and comfort by providing adequate and convenient pedestrian access to and from and within the site.

(b) There shall be a paved pedestrian route from the sidewalk or street to the main building entrance, and from the parking area to the nearest building entrance. Buildings with more than one entrance shall provide a designated pedestrian route between those entrances (e.g., from front to back). Routes of the entrances (e.g., between patio doors and the parking lot, or around corners) should be anticipated and either paved for use or obstructed by landscape features to prevent use.

(c) Pedestrian routes shall be paved with concrete or other approved material. Asphalt or similar bituminous material shall not be allowed for pedestrian routes.

(d) Porous paving materials (paving blocks with decorative gravel, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters) and methods that reduce stormwater runoff are encouraged.

(Code 1980, § 15.46(D))

Sec. 115-514. Building mechanics service elements and resident amenities.

(a) The intent of this section is to minimize the negative visual impacts of service elements on adjoining streets, public spaces and adjacent properties; to minimize noise, odor, and litter; and to provide adequate amenities for residents of rental housing.

(b) The design and location of the following items shall be indicated on building and/or site plans, illustrated with spec sheets as appropriate, and submitted with the design standards checklist:

- (1) Utility mechanicals.
- (2) Building mechanicals.
- (3) Trash and recycling containers.
- (4) Bicycle parking.

(c) Service areas, utility meters, and building mechanical shall not be located on the street side of the building, nor on a side wall closer than ten feet to the street side of the building. Screening of meters and mechanicals is encouraged, regardless of location. Cable, conduit and phone lines shall not be visible on the exterior with the exception of conduit running directly to the meter/utility boxes at the time of initial occupancy. After occupancy, every effort should be made to minimize such exterior add-ons.

(d) Trash and recycling containers, including cans and dumpsters, shall have covers and be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but no higher than six feet; however, roofed enclosures may exceed this limit.

(e) Every building entrance that services more than two units should feature one covered trash can with at least a 15-gallon capacity and designed as a

decorative outdoor trash can and one smoking materials receptacle, or combination thereof designed for the safe disposal of smoking materials. If located at an entrance that faces a public street, these receptacles shall be screened from view and/or designed to fit with the architecture and materials of the building.

(f) Location of heating and cooling appliances.

- (1) Heating appliances such as furnaces and hot water heaters shall be located inside the building, preferably in a walk-in basement or utility room.
- (2) High energy gas appliances shall have the air intakes and exhaust vents located on the sides or rear of the building where they do not interfere with any sidewalks, are no likely to be blocked or damaged by pedestrian traffic, snow or the removal of snow, and away from any trees or shrubs that would be harmed by the exhaust heat and gases.
- (3) Window-mounted air conditioners shall not be permitted in any window facing the street.
- (4) "Magic-Pac" air conditioner/heat pump units are preferred on street facing facades.
- (5) When located in a wall facing the street, wall mounted air conditioners shall be masked and blend in with the exterior siding and finishes. Masking techniques can include casing to match the exterior or by limiting the amount of protrusion from the wall.
- (6) If heat pumps or air conditioners are located on the ground, they shall be on one side or the rear of the building and screened with evergreens or decorative screening that matches or compliments the exterior siding of the building, such that proper clearances are maintained for the manufacturer's warranty.
- (7) If heat pumps or air conditioners are located on the roof, they shall be on one side or the rear of the building and screened with decorative screening that matches or compliments the exterior siding of the building.

(g) Bicycle parking.

- (1) Bike parking shall be provided at one space per three bedrooms.

- (2) Bicycle parking (to accommodate four bicycles) shall be nominally at least nine by six feet or 54 square feet and increase by the same ratio to accommodate the number of bike spaces.
- (3) In exterior applications ribbon racks or bike racks specifically designed for bike parking are required.
- (4) In exterior applications bike parking areas should be located inside the building or near building entries and shall not be permitted in the front yard, shall not interfere with pedestrian circulation, and shall be well-lit.
- (5) If the area for bike parking is designed using standards provided in section 115-516, then the up to 100 percent of the space taken for the bike parking shall count as buffer green space but not as outdoor recreation space.
- (6) Bikes are not permitted to be stored, locked, or chained on decks, patios, fences or other exterior location other than a bike rack specifically designed for bike parking.
- (7) The base for bike racks should be concrete to endure their stability; however, the remaining bicycle parking area shall be porous paving materials (paving blocks with decorative gravel or wood mulch, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters) to reduce stormwater runoff.

(h) Outdoor vending machines shall not be allowed.

(Code 1980, § 15.46(E))

Sec. 115-515. Landscaping, open space and plantings.

(a) The intent of this section is to promote quality in landscape design and to mitigate undesirable views; to create inviting and usable open spaces around which building are organized and that promote a sense of security and community to provide pleasant and safe pedestrian circulation; and to provide shade and cool the building and outdoor recreational space. The following standards apply:

- (1) A landscape design and planting plan shall be developed for all building and for build-

ings with four or more units or with a ground floor area(s) in excess of 10,000 square feet this plan shall be stamped by a registered landscape architect prior to submittal to the City. The plan shall address all parts of the parcel and shall indicate all planned parts landscape materials and their location, minimum size, quantity, and maintenance requirements.

- (2) All portions of the site not covered by buildings, paving material, or other planned and approved surfaces shall be considered "landscaped area" and shall be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:
- a. One shade tree per 40 linear feet of lot frontage;
 - b. One tree placed in the boulevard per 40 linear feet of lot frontage; and
 - c. Not less than one tree and ten shrubs per 610 square feet of landscaped area.

(Example: A 60 foot lot with 2,200 square feet of unpaved surfaces requires one boulevard tree, one shade tree, three additional shade or ornamental trees, and 30 shrubs.)

(b) All plant material used shall meet the minimum standards established by the American Association of Nurserymen as published in the American Standards for Nursery Stock and shall meet the following minimum requirements:

- (1) Deciduous trees: three inches dbh (diameter at breast height).
- (2) Ornamental trees: two inches dbh.
- (3) Evergreen trees: five feet height.
- (4) Shrubs: five-gallon container.
- (5) Vines and perennials: one-gallon container.

(c) Boulevard trees will be supplied by the City Forester if requested and shall conform and shall conform to City of La Crosse street tree standards. Approved trees include: sugar maple, Norway maple, white or bur oak, linden, sycamore, red oak, pine oak, native beech. The above street tree species are also recommended for any tree planted within ten feet of a driveway or parking area.

(d) Prohibited trees: poplar, box elder, catalpa, mountain ash, willows, birch, conifers, hackberry, and elm.

(e) Existing healthy trees should be preserved to the greatest extent practicable; however, invasive or nuisance trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow Best Management Practices to ensure their survival.

(f) Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel.

(g) Where visible from the street and within 50 feet of the right-of-way, parking areas shall be screened by a continuous row of shrubs or natural landscape screening technique that will reach a maximum height of 36 inches within two years from planting. Shrubs or hedges taller than 36 inches are strongly discouraged for safety reasons.

(h) Each multifamily site shall include a minimum of 200 square feet of outdoor recreational space at ground level suitable for outdoor recreation (grilling, sitting, sunbathing, playing catch, etc.). For multifamily sites with more than two units, the outdoor recreational space shall increase by 25 square feet per bedroom (e.g. four units with four bedrooms each yields 200 square feet plus 25 square feet times eight yields another 200 square feet for a total of 400 square feet. This area may be divided into multiple distinct spaces, but no single outdoor recreational space may be smaller than 100 square feet nor narrower than eight feet in any direction. No area in the front yard or side yard setbacks will be counted toward the total outdoor recreational space. Outdoor recreation space immediately adjacent to parking stall is discouraged, and in a two foot buffer around the parking stall measured from the face of the curb) will not be counted toward the total outdoor recreation space. Areas used for stormwater infiltration or bike parking or garbage and recycling receptacles or heat pumps or air conditioners will not be counted toward the required outdoor recreation space.

(i) Buildings shall be organized in relation to open spaces such as yards and courts to create a balance of useable open space and efficient circulation and parking. This standard shall not override the establishment of an orderly, positive, and urban character of the relationship of building to streets.
(Code 1980, § 15.46(F))

Sec. 115-516. Walls and fences.

(a) The intent of this section is to provide for the coordination of design and location of walls and fences to maximize the positive interrelationship of buildings, public streets, and open space and to avoid the predominance of long, unarticulated walls or fences, and to prevent residents or guests from walking through planting or parking vehicles in green buffer space or outdoor recreational space. The following standards shall apply:

- (1) Walls and fences located in the front yard setback shall not exceed four feet in height above the finished grade. Walls and fences located in the side and back yards shall not exceed six feet in height, except they may have arbors incorporated above the fence up to eight feet in height provided there is at least a nominal 1.75 feet of open space between the top of the fence and the bottom of the arbor. Where a fence and a retaining wall in the front yard setback together exceed four feet in height, the fence shall be at least 50 percent transparent to retain the visual connection between street and building.
- (2) The design and materials for walls and fences shall be coordinated with the design and materials of the principal buildings and should have substantially the same detail. This is not intended to require identical materials and design.
 - (1) Green treated lumber fences shall not be permitted unless stained or painted.
 - (2) Plastic coated chainlink fences shall only be permitted in side yards and backyard, but shall not extend nearer to the street than the front of the building nor used in the side yard on a corner property.

(3) Smooth faced concrete bricks and blocks used to construct a wall shall be covered with brick or some other decorative block or dimensional material such as a stained block product. Painted or colored smooth faced concrete brick or blocks shall not be considered decorative block.

(b) Walls and fences exceeding four feet in height and/or 50 feet in length shall provide variety and articulation at intervals not exceeding 25 feet through at least one of the following methods:

- (1) Changes in plane of not less than two feet;
 - (2) Expression of structure, such as post, column, or pilaster;
 - (3) Variation of material.
- (Code 1980, § 15.46(G))

Sec. 115-517. Stormwater infiltration and control.

(a) The intent of this section is to protect local waterways by:

- (1) Maximizing the amount of stormwater that can be infiltrated on site; and
- (2) Minimizing the amount of pollutants carried off site by stormwater.

(b) A stormwater management and erosion control plan shall be required for all new construction, shall be coordinated with the landscaping and open space plan, and shall be designed by either a registered landscape architect, architect, or a professional civil engineer.

(c) Any parking lot with three or more stalls shall be designed such that at least 80 percent of stormwater flows first into a rain garden or infiltration basin for the purpose of infiltrations prior to leaving the site. Approved rain gardens must be able to retain water to a depth of one foot and the total area of all parking lot rain gardens shall equal at least ten percent of the total area of all impervious parking and driveway surfaces.

(d) Stormwater shall not be directed onto or across adjacent properties or across sidewalks. Rooftop stormwater shall not be discharged within five feet of

a sidewalk unless an intervening landscape element is used to promote infiltration, such as a rain garden.

(e) All sites greater than 20,000 square feet in size shall be required to infiltrate 100 percent of the water from a two-year storm. This could be achieved with porous paving, rain gardens, and/or infiltration.

(f) Stormwater detention and infiltration facilities shall be designed as visual and open space amenities that enhance the overall appearance of the site. (Code 1980, § 15.46(H))

Sec. 115-518. Exterior lighting.

(a) The intent of this section is to enhance daytime and night time appearances; to establish a safe environment for residents; and to minimize light pollution, glare, and light trespass onto adjacent properties. The use of the multiple solar or low watt compact florescent lights that decorate the property and are located and directed where people need to see in the dark are encouraged.

(b) All exterior lights shall be designed for residential use. Spec sheets with pictures must be submitted with the design standards checklist for each exterior light to be used.

(c) Pedestrian lighting shall clearly indicate the path of travel, shall minimize dark spots along that path, and shall utilize coordinated light fixtures.

(d) The maximum height of wall mounted parking lot light fixtures shall be 16 feet above the ground. Pole-mounted fixtures are acceptable but not required and will have a maximum height of 16 feet from the ground to the top of the fixture.

(e) Fixtures shall be of full-cut-off (FCO) design to minimize glare and spillover.

(f) No overhead light source (i.e., the lamp or reflector) shall be visible from the property line. Shields may be employed, if necessary, to meet this requirement. The maximum allowable luminance measured 25 feet beyond the property line shall be 0.5 horizontal footcandles (HFC).

(g) Recommended lighting levels for parking lots and pedestrian routes: (horizontal luminance measured in footcandles):

- (1) Average: 2.4 footcandles.
- (2) Minimum: 1.0 footcandles.

(3) Uniformity Ratio (bright spots to dark spots): 4:1.

(h) Each exterior entry to individual or multiple units and garages shall have an exterior light.

(i) Exterior lighting with automatic controls (dusk to dawn lighting) shall be provided so the house number(s) are visible from the street, and for units with individual exterior entries, so the unit number(s) are visible to pedestrians on the sidewalks.

(j) Exterior lighting with automatic controls shall be provided for all sidewalks and parking lots so pedestrians can safely make their way to and from the building.

(k) Motion sensor lights shall be permitted, but placed no higher than 16 feet above the ground level. Motion sensor flood or spot lights shall have shrouds, be limited to two bulbs and 150 watts each, pointed at least 30 degrees downward and not directly into windows or doors of neighboring buildings. (Code 1980, § 15.46(I))

Sec. 115-519. Patios, porches, decks, and rooftop gardens/decks.

(a) The intent of this section is to increase resident safety, comfort and privacy by providing individual outdoor spaces for each unit;

(b) Every unit is encouraged to have its own patio or balcony; however, on street facing sides of the building the patio or balcony shall be incorporated in the architectural facade of the building and may encroach into the building setback area but not more than 25 percent.

(c) Ground level patios or decks are not permitted facing a street, unless landscaped screening is present on at least two sides of the patio or deck. Front porches are permitted as an architectural feature.

(d) Exterior stairs leading to a deck or balcony are not permitted, unless located entirely in the rear yard. Exterior corridors visible from a street are not permitted. If used, exterior corridors must be covered by the building roof and must be located within the footprint of the building foundation.

(e) Rooftop green roofs or rooftop patios and decks are permitted and shall have a railing height of at least 42 inches. Only outdoor furniture is permitted.

(Code 1980, § 15.46(J))

Sec. 115-520. Building design; form, scale and context.

(a) The intent of this section is to encourage building design (forms, scale, and context) that will result in high quality, orderly, and consistent street spaces, compatible relationships to adjoining sites, and an urban character; to create buildings that provide human scale, interest, and are architecturally cohesive, yet varied, in their overall form, scale and context; to protect the architectural character and cohesiveness of existing neighborhoods. Neighborhood form, scale, and context standards are not intended to apply where there is no established character or where character has been substantially altered by undesirable development (i.e., Modern multifamily housing buildings that do not meet or come close to these design standards, older housing stock that has been significantly altered from its original design or purpose, or was poorly designed, constructed or situated, and/or allowed to deteriorate, commercial development such as mini-warehouses or strip malls, parking lots, etc.).

(b) All building plans for buildings greater than 50,000 cubic feet (cubic content) or with four or more units shall be prepared and approved by a registered architect.

(c) Photos of at least four street views of nearby blocks shall be submitted with the design standards checklist.

(d) Buildings shall be designed to provide human scale, interest, and variety. The following techniques may be used to meet this objective:

- (1) Variation in the building form related to the scale of individual dwelling units or rooms of such as recessed or projecting bays, shifts in massing, or distinct roof shapes;
- (2) Diversity of window size, shape, or patterns that relate to interior functions;
- (3) Emphasis of building entries through projecting or recessed forms, detail, color, or materials;

- (4) Variation of material, material modules, expressed joints and details, surface relief, color, and texture to break up large building forms and wall surfaces. Such detailing could include sills, headers, belt courses, reveals, pilasters, window bays, and similar features.

(e) For buildings taller than two stories, design techniques shall be used to minimize the apparent height of the building and shall be identified by the architect.

(f) Where the allowable building is more than 50 percent wider than adjacent buildings, one of the following techniques shall be employed to minimize the apparent width of the primary facade:

- (1) Articulate the facade with projections or bays.
- (2) Use architectural elements such as porches, bay windows, and covered entries to interrupt the facade.

(g) The total area of windows and doors on the street-facing facade, including trim, shall not be less than 20 percent of the total area of the facade, excluding gables. The first floor facade shall include windows to provide visual interest and visual connection to the street (ground floor covered parking behind the street facade is strongly discouraged, and the window requirement will be enforced in all cases). A diagram illustrating compliance with this standard shall be submitted with the design standards checklist.

(h) Buildings shall be built to the front yard setback line or further from the street than the minimum setback such that they reinforce the existing pattern on the street (average of adjacent properties). In the R-4, R-5, and R-6 zoning districts, the front yard setback may be reduced to 15 feet unless along a State Trunk Highway, major arterial or major collector street.

(i) Multifamily buildings proposed for the Washburn Residential District, R-2 District, Traditional Neighborhood District, or that are in an R-3 to R-6 District that are on or across from any block that is currently made up of 50 percent or more parcels that are zoned R1, shall not be more than 15 feet taller nor three times larger in square footage than the nearest single-family residential dwellings.

(j) Multifamily buildings within Historic Districts or adjacent to any designated historic building must first receive DRC review and approval prior to submittal to the Heritage Preservation Commission for their review. Approval by the Heritage Preservation Commission is necessary prior to the issuance of any building permit. The developer can appeal to the City Plan Commission if denied by the Heritage Preservation Commission.
(Code 1980, § 15.46(K))

Sec. 115-521. Building entrances.

(a) The intent of this section is to promote resident safety; to enliven the street; to minimize noise and light near adjacent residential buildings and to avoid the "sideways motel" appearance.

(b) The primary entrance to the building shall be on the front elevation and the door shall face the street.

(c) No building shall be allowed more than two entrances on any single facade (same facade plan) except in the a case of row houses, wherein each 2-3 store unit is separated from neighboring units by a common wall. Where recesses and projections of entrances are used, more than two entrances may be permitted.

(d) Building entrances shall be emphasized through projecting or recessing forms, detail, color, or materials.

(e) Main entrances shall be covered at least three feet from the door. Entrance features may encroach into the front yard setback a maximum of three feet.
(Code 1980, § 15.46(L))

Sec. 115-522. Details, trim, doors and windows.

(a) The intent of this section is to provide visual interest and architectural character.

(b) All openings shall be articulated or appropriately trimmed through the use of materials such as shutters, flat or arched lintels, projecting sill, or surrounds.

(c) Exterior windows and doors.

(1) All windows shall be in keeping with the architectural character of the building.

(2) All windows shall have an interior locking or securing mechanism.

(3) All windows that open shall come with an insect resistant screen.

(4) Glass block shall not count toward the 20 percent of the window area.

(d) Exterior entry doors.

(1) Exterior entry doors for individual units shall be residential in style (real or decorative styles, rails, or panels), solid or insulated. If the door does not have a translucent window lower than five feet, it shall have a security peephole.

(2) All exterior doors shall have hardware matching the style of the building.

(3) All exterior sliding glass doors shall have an insect resistant screen door.

(4) Exterior entry doors for multiple units may be residential in style (real or decorative styles, rails or panels), solid or insulated, or may be commercial in style (glass).

(5) If an exterior garage or accessory building entry door faces a street, alley, or public sidewalk, the garage entry door shall be residential in style (real or decorative stiles, rails, or panels).

(6) Exterior sliding glass doors onto patios on the ground floor shall only be located on the side and/or rear of the building. Exterior sliding glass doors onto balconies shall be permitted to be located on the front.

(Code 1980, § 15.46(M))

Sec. 115-523. Roofs and roof lines.

(a) Intent. To provide visual interest and architectural character.

(b) Roofs featuring gabled ends with a width greater than 25 feet must have a minimum pitch of $\frac{5}{12}$. Eaves shall extend at least 24 inches beyond the exterior wall. Rakes shall extend at least 12 inches beyond the exterior wall. If there are eaves, they must be 18 inches for a $\frac{6}{12}$ pitch roof or less.

(c) All buildings with pitched roofs featuring gable ends must have a minimum pitch of $\frac{5}{12}$ and must feature one or more gables facing the street. Dor-

mers may be used to meet this requirement. This provision shall not be construed to mean that hip roofs, gambrel roofs, mansard, colonial, or another roof style is appropriate to the architectural style of the building (e.g., prairie school) and the roof element contains additional architectural elements such as dormers, long overhangs, windows or other feature.

(d) Flat roofs are permitted, and must incorporate a parapet wall on all sides. The parapet should include architectural details appropriate to the building design that create a positive visual termination for the building (a "top").

(e) Large roofs shall be articulated with dormers, shifts in height, cupolas, eyebrows, chimneys, or other features that will minimize the apparent bulk of the building and provide character. A large roof is any roof with a ridgeline 40 feet or greater in length. If gutters or roof drains are used they cannot allow for drainage onto sidewalks or neighboring properties. (Code 1980, § 15.46(N))

Sec. 115-524. Exterior materials.

(a) The intent of this section is to maintain neighborhood architectural character and to encourage the use of attractive and high quality materials with low life-cycle costs.

(b) The use of identical materials on all sides of the building is encouraged, however higher-quality materials on street-facing facades and complementary materials on other facades is acceptable.

(c) Use of decorative accessories and trim in the form of frieze boards, vertical corner trim, drip caps, gable vents, shingles, and shakes are highly encouraged.

(d) Premium vinyl siding with a thickness of at least 0.044 is permitted. No vinyl j-channel shall be exposed or visible from the street. Vinyl less than 0.044 thick, plywood, chipboard, T1-11, asphalt siding, and smooth-faced concrete block are prohibited as exterior finish materials.

(e) Changes in color and materials should generally occur between horizontal bands and shall be used to clearly establish "base," "middle," and "top" portions of the building.

(f) Natural wood shall be painted or stained, unless it is cedar, redwood, or some other naturally weather resistant species and is intended to be exposed. Treated wood shall be painted or stained.

(g) Colors and designs.

(1) Since the selection of building colors has significant aesthetic and visual impact upon the public and neighboring properties, as well as an impact on the energy use and comfort of the residents, designs, and color shall be selected in general harmony with the overall existing neighborhood.

(2) Neutral or natural colors for the primary siding with brighter or darker colors for accent and trim that provide for a more interesting building and are cooler in the summer are preferred.

(3) Complimentary multicolor and textured roofing materials that provide for a more interesting building and are cooler in the summer are preferred.

(4) Overall location on the lot and the exterior design shall be balanced and fit with the natural landscape of the lot and general neighborhood.

(Code 1980, § 15.46(O))

Sec. 115-525. Garages, carports and accessory buildings.

(a) The intent of this section is to improve the visual impact of garages, carports and accessory buildings facing the street, and to prevent storage doors from facing the street, and to maximize pedestrian safety.

(b) Street-facing garages or carports are not permitted on lots served by an alley.

(c) The cumulative length of all garage doors facing the street shall not exceed 50 percent of the total length of the street-facing elevation unless architecturally justified.

(d) Garages, carports, and accessory buildings shall be architecturally compatible and be constructed of the same materials as the primary buildings.

(e) Garages shall have at least one window that contains no less and 576 square inches per two parking stalls.

(f) Unattached garages shall have and least one service door.
(Code 1980, § 15.46(P))

Sec. 115-526. Building construction.

(a) The intent of this section is to improve resident comfort and energy efficiency.

(b) Soundproofing shall be used in all shared walls and floors between separate units to reduce sounds transmission between units and shall have a minimum standards Sound Transmission Class (STC) meeting the requirements of Section 1207 of the International Building Code.

(c) Energy and resource-efficient design is required for all sites and buildings. Buildings shall be constructed and finished in ways that can minimize the amount of water and energy consumed by residents, building materials should come from renewable sources, indoor environmental quality should be maximized, and constructions water should be minimized. Guidelines for these design considerations are available form LEED for Home or LEED for New Construction. LEED is Leadership in Energy and Environmental design, an initiative of the U.S. Green Building Council. For more information contact planning staff or see <http://www.usgbc.org/>. All buildings and sites qualify for LEED for Homes certification, meeting 30 of the possible 108 points and must meet State Building Code requirements. See <http://usgbc.org/>. A completed LEED checklist must be submitted with the design standards checklist to demonstrate compliance with this standard.
(Code 1980, § 15.46(Q))

Sec. 115-527. Building, property and landscape maintenance.

(a) The intent of this section is to ensure ongoing maintenance of building, property improvements, and landscaping materials.

(b) All residential multifamily structures and buildings that are developed and constructed under this article shall maintain the property through and ongoing maintenance program. The maintenance program is to include all exterior aspects of the devel-

opment and include, but is not limited to, parking lots, building mechanicals, service elements, resident amenities, landscaping, open space and plantings, walls and fences, stormwater facilities, exterior lighting, patios and decks, exterior finishes, windows, architectural details, and accessory structures.

(c) The project shall be maintained over the life of the development in a like-new condition with an on-going maintenance program and is subject to inspection by the City at any time. Failure to maintain the project may subject the property to fines as permitted under this chapter.
(Code 1980, § 15.46(R))

Secs. 115-528—115-547. Reserved.

**DIVISION 4. COMMERCIAL DEVELOPMENT
DESIGN STANDARDS**

Sec. 115-548. Intent and scope.

The following standards are established to improve the appearance, quality, and function of commercial structures, avoid "off-the-shelf" projects and shall apply to new commercial construction throughout the City in all Commercial Zoning Districts, the Traditional Neighborhood Development District and Planned Development District, as well as all property zoned Light Industrial (M-1) located adjacent to an arterial or collector street. These standards shall apply to newly constructed buildings, renovations exceeding 50 percent of the equalized assessed value of the structure at the time of reconstruction/renovation, and additions or alterations that significantly change the exterior facade and penetrations of the building (does not include nonstructural repairs or ordinary maintenance repairs such as internal and external painting, decorating, paneling and the replacement of doors and other nonstructural components). The property owner of an existing structure that is being remodeled or renovated for use as a commercial structure shall meet the requirements of this section and obtain Development Review Committee approval for building design and site plans as a condition of obtaining any rezoning or building permit. These regulations shall not apply to structures that have been approved by the Common Council as part of a developer's agreement or Planned Development District rezoning so long as the devel-

oper's agreement or rezoning was completed prior to issuance of a building permit. These regulations shall not apply to building renovations using the Secretary of Interior Standards for historic buildings. The standards contained in this section shall supersede all the City of La Crosse ordinances as they relate to commercial construction and development, and if there is a conflict, this article shall control, unless specifically stated.
(Code 1980, § 15.47(A))

Sec. 115-549. Review procedures.

(a) These design standards will be administered as part of the building permit process and documents required by these standards must be submitted to the Department of Planning and Development.

- (1) The applicant is encouraged to meet with City staff at the schematic stage, the design stage, and at the submittal stage.
- (2) A pre-application meeting with the Department of Planning and Development staff is required prior to submittal of building and development plans for the purpose of reviewing the requirements of this division. Other members of the Design Review Committee will be encouraged to attend the pre-application meeting to facilitate the development review process. Developers are strongly encouraged to obtain Design Review Committee approval prior to submitting plans to the State for State review and approval.
- (3) Seven complete sets of the following shall be submitted to the Department of Planning and Development as part of the application. Electronic copies of plan sheets for shall also be submitted. Incomplete submissions will not be accepted.

(b) Submittal requirements.

- (1) All architectural and engineering plan sets typically required for building permit application including: site plan including the size and location of building, drive-through facilities, parking lots with access points defined, utilities, connection points, stormwater facilities, signage locations, bicycle parking areas, pedestrian sidewalks, trash and smoking receptacles, vending machines, outdoor

refuse and recycling receptacles, landscaping fences exterior lights, parking lot snow storage areas, garages and accessory buildings, etc.

- (2) Exterior light fixture locations and specification sheets in accordance with section 115-556.
- (3) Photos of at least four nearby buildings and four street views of nearby blocks.
- (4) Building elevations including materials
- (5) A completed design standards checklist and completed LEED for new buildings checklist in accordance with section 115-475. LEED Certification of a completed project is encouraged but not required by the Commercial Development Design Standards ordinance.
- (6) A landscaping plan (section 115-553), a stormwater management plan (section 115-555), and an erosion control plan.
- (7) Nothing in these design standards is intended to prevent the use of materials, systems, methods, or devices of equivalent or superior quality, strength, effectiveness, attractiveness, durability, and safety in place of those prescribed by this division that demonstrates equivalency and the materials, systems, method or device is approved for the intended purpose.
- (8) At the time of application for complete approval to the Design Review Commission, a commercial development design review fee must be paid in the amount established by resolution.
- (9) A Traffic Impact Analysis shall be required for the proposed development based on trip generation standards of the Institute of Transportation Engineers (ITE) as determined by the City Traffic Engineer.

(c) Design review process and review timeline. There is hereby established a Design Review Committee which shall consist of the following Department Heads: Planning and Development, Fire Department, Police Department, Public Works, Water and Sanitary Sewer Utility, and City Engineer and a license Architect. Meeting notices shall be sent to all

Common Council Members. All requests for approval shall be reviewed within ten business days. The review timelines shall be provided in instructions to applicants. Designs may receive approval, conditional approval or denial. Developers/applicants are required to attend Design Review Committee meetings. Exception to the standards may be allowed on a case-by-case basis, consistent with the overall purpose of this division. All requests for exceptions to the standards shall be requested in writing with original request for approval. In the case of a request for an exception, notification of the time, date and location of the meeting where such request is being considered shall be provided to all neighbors within 200 feet of said project. A fee of in the amount established by resolution shall be paid to the City Clerk at the time of said submittal to provide for notification of the neighbors and publication of a Class II notice. Any request for exception shall be routed to the Design Review Committee, City Plan Commission, Judiciary and Administrative Committee, and Common Council for consideration and final determination as a legislative enactment. The Department of Planning and Development shall also make available to all applicants at the time of pre-application meeting; a copy of this division, a design standards handbook, and checklist.
(Code 1980, § 15.47(B))

Sec. 115-550. Parking lot design and parking standards.

(a) The intent of this section is to follow "New Urbanist" principles where buildings are strongly encouraged to be placed close to the street to enhance customer and tenant use of mass transit and to reinforce the existing building setback pattern; to minimize the visual impact of parking areas as seen from the street; to enhance pedestrian access, circulation and safety by reducing curb cuts and approaches that cut across sidewalks; to minimize the volume and maximize the quality of stormwater runoff; to provide adequate but not excessive parking for customers and tenants; to prohibit the use of satellite parking lots (unless it can be demonstrated that shared parking will be beneficial to multiple property owners and does not result in "gap tooth" effect on a block face); to prohibit parking in side or front yards to provide for adequate snow storage; to discourage the reliance on single occupant vehicles (SOVs); to

encourage the use of mass transit and other alternative means of transportation; to reduce the reliance on petroleum based paving materials and methods; and to reduce the "heat island" effect of traditional paved parking lots due to lack of trees or plants.

(b) No parking stall may be closer to the street than the building setback line or the building on the same parcel, whichever is further from the street unless the applicant can demonstrate that there are no practical alternatives related specifically to the site.

(c) All points of ingress and egress will be evaluated by the City Traffic Engineer to determine if ingress and egress should be allowed directly to the street or via an alley.

(d) Parking areas shall be separated from primary buildings by a landscaped buffer.

(e) Minimum setback for parking stalls and drives is five feet from all property lines with the exception of the alley (in order to accommodate landscaping or drainage swales). Parking for adjacent properties may be combined into continuous paved lots, eliminating the required setback at the shared property line, provided that 100 percent of the lost green space is replaced elsewhere on the parcel (e.g. with a ten-foot setback along the opposite lot line).

(f) A parking lot for more than 12 vehicles shall incorporate at least 288 square feet of planting islands at least eight feet in width (face of curb to face of curb). Planting islands may be either parallel to parking spaces or perpendicular to the parking spaces. As parking lot size increases, an additional planting island is required at the ratio of one planting island for every 20 automobile parking spaces. No less than five percent of the islands shall be interior to the parking lot.

(g) Landscaping buffers, green space, and planting islands must total a minimum of ten percent of the lot

(h) Buffers, setbacks, and planting islands are encouraged to be used for stormwater infiltration. See the stormwater standards for infiltration requirements.

(i) All approaches, parking and vehicular circulation areas shall be paved and graded for proper stormwater management. The use of pervious pavement for stormwater infiltration is highly encouraged.

(j) In structures not needing approval by the Wisconsin Department of Safety and Professional Services, parking spaces shall not be less than 8.5 feet in width and 17 feet in length. The full dimensions of this rectangle must be maintained in angled parking designs. Drive aisle widths vary depending upon the angle of parking space; the following minimum standards apply and shall be consistent with requirements of the City Engineer's Office adopted standards:

- (1) 45 degrees: 12-foot, ten-inch aisle.
- (2) 55 degrees: 13-foot seven-inch aisle.
- (3) 65 degrees: 15-foot four-inch aisle.
- (4) 75 degrees: 17-foot ten-inch aisle.
- (5) 90 degrees: 22-foot aisle.

(k) Where maximums on parking ratios exist, parking surfaces and drive isles shall be permitted to be increased in size by no more than five percent, provided at least 25 percent of the parking lot and pedestrian sidewalks consist of paving blocks (plastic or concrete honeycomb grid) planted with grass.

(l) Parking lots shall be located on the same lot as the principle structure (unless it can be demonstrated that City Engineer's Office space buffers, outdoor recreation space, bike parking areas, sidewalks and side and front yards. In the event the original protective measures are inadequate to preventing inappropriate parking, additional measures shall be taken.

(m) Parking lot snow storage area(s).

- (1) Parking lot snow storage area(s) shall be designated in the parking lot and/or green space buffers.
- (2) Snow storage areas shall not be located near parking lot entrances and impede driver vision.
- (3) If these green space buffer(s) are no longer capable of storing snow, the property owner shall arrange for the excess snow to be removed.

(4) To the greatest extent possible, melting snow or ice should not drain over sidewalks or across neighboring properties.

(n) Light-colored and/or reflective surface coating should be considered to reduce the "heat island" effect of traditional asphalt parking lots.

(o) Environmentally friendly paving materials and methods are encouraged, including but not limited to using recycled asphalt tires and roofing shingles as part of the mix or base.

(p) Porous paving materials such as paving blocks with decorative gravel, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters and methods that reduce stormwater runoff are encouraged.

(q) The off-street parking provisions for all commercial development shall be in conformance with section 115-393, including access drives and aisles, shall not cover more than 75 percent of the lot area in which such off-street parking space is permitted. (Code 1980, § 15.47(C))

Sec. 115-551. Pedestrian circulation.

(a) The intent of this section is to promote public safety and comfort by providing adequate and convenient pedestrian access to and from and within the site.

(b) There shall be a paved pedestrian route from the sidewalk or street to the main building entrance, and from the parking area to the nearest building entrance.

(c) Pedestrian routes shall be paved with concrete or bituminous material shall not be allowed for pedestrian routes.

(d) Porous paving materials and methods that reduce stormwater runoff are encouraged. (Code 1980, § 15.47(D))

Sec. 115-552. Building mechanical service elements.

(a) The intent of this section is to minimize the negative visual impacts of service elements on adjoining streets, public spaces and adjacent properties; to minimize noise, odor, and litter; and to provide adequate amenities for building users.

(b) The design and location of the following items shall be indicated on building and/or site plans, illustrated with spec sheets as appropriate, and submitted with the design standards checklist:

- (1) Utility meters.
- (2) Building mechanicals.
- (3) Trash and recycling containers.
- (4) Bicycle parking.
- (5) Outdoor seating areas.
- (6) Solar and wind facilities.
- (7) Dish antennas (not permitted to hang off the side of buildings).
- (8) Transformers.
- (9) Back-up generators.

(c) Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on the side wall closer than ten feet to the street side of the building. The location of emergency back-up generators and transformers shall be coordinated between the City, the developer and the utility company. Screening of meters, generators, transformers, and mechanicals is required when visible from the street with an approved screen device. Screening materials shall match building materials. Cable, conduit and phone line shall not be visible on the exterior with the exception of conduit running directly to the meter/utility boxes at the time of initial occupancy. Mailboxes are permitted within ten feet of the front of the building if not visible from the street.

(d) Trash and recycling containers, including cans and dumpsters, shall have covers and be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but no higher than six feet, however roofed enclosures may exceed this limit.

(e) If a building owner chooses to provide a trash receptacle and/or a smoking materials receptacle, it shall be decorative if located at the entrance that faces a public street, these receptacles shall be screen from view and/or designed to fit with the architecture and materials of the building.

(f) Location of heating and cooling appliances.

- (1) High energy gas appliances shall have the air intakes and exhaust vents located on the sides or rear of the building where they do not interfere with any sidewalks, are not likely to be blocked or damaged by pedestrian traffic, snow or the removal of snow, and ways from any trees or shrubs that would be harmed by the exhaust heat and gases.
 - (2) Window-mounted air conditioners shall not be permitted.
 - (3) PTAC air conditioner/heat pump units must be designed into the architecture of the building.
 - (4) If heat pumps or air conditioners are located on the ground, they shall be on one side or the rear of the building and screened with evergreens or decorative screening that matches or compliments the exterior siding of the building, such that proper clearances are maintained for the manufacturer's warranty.
 - (5) If heat pumps or air conditioners are located on the roof, they shall be placed, painted and/or screened so as to minimize the visual impact to the street.
- (g) Bicycle parking.
- (1) Bicycle parking using bike racks specifically designed for bike parking shall be provided at one space per ten automobile parking spaces or one space per 20 employees, whichever is greater, and should be located near building entries. Shall not interfere with pedestrian circulation, and shall be well-lit. Bikes are not permitted to be stored, locked or chained on decks, patios, fences or any other exterior location other than a bike rack specifically designed for bike parking.
 - (2) Bicycle parking (to accommodate four bicycles) shall be nominally at least nine by six feet or 54 square feet and increase by the same ratio to accommodate the number of bike spaces.
 - (3) The base for bike racks should be concrete to ensure their stability, however the remaining bicycle parking area shall be porous

paving materials (paving blocks with decorative gravel or wood mulch, or properly spaced cobbles, brick, and natural stone with grass planted in between in small clusters) to reduce stormwater runoff but shall not result in standing water. If an area for bike parking is designed using these standards, then up to 100 percent of the space taken for the bike parking shall count as green space.

(Code 1980, § 15.47(E))

Sec. 115-553. Landscaping open space and plantings.

(a) The intent of this section is to promote quality in landscape design and to mitigate undesirable views; to create inviting and useable open spaces around which buildings are organized and that promote a sense of security and community to provide pleasant and safe pedestrian circulation; and to provide shade and cool the building. Buildings shall be organized in relation to open spaces such as yards and courts to create efficient circulation and parking. This standard shall not override the establishment of an orderly, positive, and urban character of the relationship of buildings to streets.

(b) A landscape design and planting plan shall be prepared and submitted for all buildings. Landscape prepared and submitted for all buildings. Landscape plans for developments shall be prepared and signed by a Landscape Architect, nurseryman, or professional site planner with educational training or work experience in land analysis and site plan preparation prior to submittal to the City.

- (1) No building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Director of Planning and Development, unless a financial guarantee acceptable to the City has been submitted.
- (2) Landscape surety. The owner shall provide the City with a cash deposit, bond, or approved letter of credit in accordance with section 2-3.
- (3) The City may allow an extended period of time for completion of all landscaping if the

delay is due to conditions which are reasonably beyond the control of the developer. Extensions may not exceed nine months, and extensions may be granted due to seasonal weather conditions. When an extension is granted, the City may require such additional security and conditions as it deems necessary.

(c) The plan shall address all parts of the parcel and shall indicate:

- (1) Details of all proposed vegetative landscaping materials, including placement, common and botanical names, caliper/height or container size and quantity and maintenance requirements.
- (2) Details of proposed nonvegetative landscaping and screening materials.
- (3) Planting and construction schedule for completion of landscaping and screening plans.
- (4) Estimated cost from a landscaper on a bid or estimate form of the proposed landscaping.

(d) All portions of the site not covered by buildings, paving material, or other planned and approved surfaces shall be considered "landscaped area and shall have a minimum of four inches of top soil and be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:

- (1) One tree placed in the boulevard per 40 linear feet of lot frontage
- (2) Not less than two trees and eight shrubs per 600 square feet of landscaped area.

These are minimum standards. More plantings are encouraged.

(e) All plant material used shall meet the minimum standards established by the American Association of Nurserymen as published in the American Standards for Nursery Stock and shall meet the following minimum requirements:

- (1) Deciduous trees: two inches dbh (diameter at breast height).
- (2) Ornamental trees: two inches dbh.
- (3) Evergreen trees: five feet height.
- (4) Shrubs: five gallon container.

(5) Vines and perennials: one gallon container.

(f) Boulevard trees will be installed by the City Forester at City expense if the developer attends City tree school. If the developer installs boulevard trees they shall conform to City street standards. A complete list of trees and shrubs and other reliable plant material that has been approved by the City Forester is available in the Department of Planning and Development.

(g) Existing healthy trees should be preserved to the greatest extent practicable and shall be indicated on grading and landscape plans submitted for plan review; however, invasive trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow Best Management Practices to ensure their survival.

(h) Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel.

(i) Screening and buffers. The following standards shall apply:

- (1) Provide a five- to six-foot-high solid screen to separate parking lots from abutting residential uses or other noncompatible uses. A solid landscape screen is defined as an evergreen or nearly evergreen mixture (minimum of 65 percent evergreen) of shrubs, bushes, or trees that produce a dense, sight-obscuring screen at least five to six feet in height within three years of planting. Berms may be included in this definition as long as the maximum height of the berm is five feet; both sides of the berm are planted with evergreen or nearly evergreen shrubs or bushes so that the total height of landscaping and berm will be at least six feet within three years of planting; and top of the berm plantings form a dense, sight-obscuring screen within the same three-year period.
- (2) Provide a minimum three-foot-high visual relief screen when adjacent to a street in the form of a hedge, fence, planter, berm, dividers, shrubbery and trees or any combination. The visual relief screen shall extend the

length of the parking lot. Three feet in height shall be measured from surface of the parking lot and may be negotiable depending on the elevation of the parking lot in relation to the sidewalk and/or street. All landscaping to form such a visual relief shall be a minimum height of two feet at time of planting. Bark or other loose material shall not be placed on berms in these areas since it may be displaced on the street or sidewalk.

(j) Maintenance.

- (1) The property owner shall be responsible for maintenance and replacement of trees, shrubs, grass, ground covers, loose bark or gravel, and sod which are part of the approved landscape plan. If any such plant materials are not maintained or replaced, the City may utilize the required surety to replace the newly planted or protected landscaping or to deem this to be a Municipal Code violation and issue an order to correct.
- (2) The owner is responsible for keeping trees in a plumb position. When staking or securing trees is done, it shall occur so as not to create any hazards or unsightly obstacles.
- (3) Plants must be maintained to be kept in sounds, healthy and vigorous growing conditions and free of disease, insect eggs and larvae.
- (4) A sprinkler or lawn irrigation system shall be required in the front yard and boulevard of all developments if lawn or sod is proposed. This standard does not apply to boulevards if sprinkler or lawn irrigation systems are not needed for the front yard.

(Code 1980, § 15.47(F))

Sec. 115-554. Walls and fences.

The intent of this section is to provide for the coordination of design and location of walls and fences to maximize the positive interrelationship of buildings and public street, and to avoid the predominance of long, unarticulated walls or fences, and to prevent pedestrians from walking through planting. The following standards shall apply:

- (1) Walls and fences located in the front yard setback shall not exceed six feet in height

above the finished grade and shall be at least 50 percent transparent to retain the visual connection between street and building.

(2) The design and materials for walls and fences shall be coordinated with the design and materials of the principal buildings and should have substantially the same detail. This is not intended to require identical materials and design.

- a. Pressure treated lumber fences shall not be permitted unless stained or painted.
- b. All chainlink fences must be plastic coated and shall only be permitted in side yards and backyard, and shall not extend nearer to the street than the front of the building nor used in the side yard on a corner property.
- c. Smooth faced concrete (CMV) blocks or non-architectural poured walls used to construct a wall shall be covered with brick or some other decorative block or dimensional material such as a stained block product. Painted or colored smooth faced concrete bricks or blocks shall not be considered decorative block.

(3) Walls and fences shall provide variety and articulation at each end and at intervals not exceeding 25 feet through at least one of the following methods:

- a. Changes in plane of not less than one foot;
- b. Expression of structure, such as post, column, or pilaster;
- c. Variation of material; or
- d. Landscaping.

(Code 1980, § 15.47(G))

Sec. 115-555. Stormwater infiltration and control.

(a) The intent of this section is to protect local water ways by:

- (1) Maximizing the amount of stormwater that can be infiltrated on site; and

- (2) Minimizing the amount of pollutants carried off site by stormwater.

(b) A stormwater management and erosion control plan shall be required for all new construction, shall be coordinated with the landscaping and open space plan, and shall be designed by either a registered landscape architect, architect or a professional civil engineer in accordance with the City of La Crosse's Stormwater Management Ordinance and shall include a maintenance plan and agreement.

(c) Until such time as the City adopts a stormwater management ordinance, the City shall adopt chapter 29 of the La Crosse County Code regulating stormwater with the following exceptions:

- (1) A separate stormwater permit is not required. Chapter 29 rules apply as part of the Commercial Design Review process.
- (2) Sections 29.05(2), regarding the County applicability of standards is deleted.
- (3) Section 29.06(3)(d), exemption mg runoff rate control on infill development is deleted.
- (4) Section 29.07(3)(a), (b), regarding permit application form and fee are deleted.
- (5) Sections 29.10(1), (2), (3), (9), regarding permit application, fee ,approval and duration are deleted.
- (6) Section 29.12(2)(c); "Release of any required financial assurance" is modified to read "Release of Occupancy Permit by the Department of Planning and Development".
- (7) Section 29.13 requiring financial assurance is deleted.
- (8) Section 29.16 regarding appeals is deleted.
- (9) Section 29.17 regarding amendments is deleted.
- (10) Section 29.18 regarding fees is deleted.

(d) For parcels less than one-quarter acre in size, the City shall work with the property owner/developer/ applicant to develop a practical site specific stormwater management plan that allows for flexibility in the use of stormwater treatment devices including rain barrels, rain gardens, swales, cisterns, drain tiles, soil amendments, porous pavements, grass pavers for overflow parking areas, etc.

(e) The use of bio-cells, living roofs and rain gardens is encouraged due to their aesthetic as well as utilitarian benefits.

(f) Newly concentrated stormwater, such as that from rooftops, impervious surfaces, or swales, shall not be directed onto or across adjacent properties or across sidewalks. Rooftop stormwater shall not be discharged within five feet of a sidewalk unless an intervening landscape element is used to promote infiltration, such as a rain garden.

(g) Stormwater detention and infiltration facilities shall be designed as visual and open space amenities that enhance the overall appearance of the site. (Code 1980, § 15.47(H))

Sec. 115-556. Exterior lighting.

(a) The intent of this section is to enhance daytime and night time appearances; to establish a safe environment, and to minimize light pollution, glare and light trespass onto adjacent properties. The use of solar, LED or low watt compact florescent lights that decorate the property and are located and directed where people need to see in the dark are encouraged.

(b) All exterior lights shall be designed for commercial use. A lighting plan showing lighting levels on-site and at the property line as well as spec sheets with pictures must be submitted with the design standards checklist for each exterior light to be used.

(c) Pedestrian lighting shall clearly indicate the path of travel, shall minimize dark spots along that path, and shall utilize coordinated light fixtures.

(d) The maximum height of wall mounted parking lot light fixtures shall be 16 feet above the ground. Pole-mounted fixtures are acceptable but not required and will have a maximum height of 30 feet from the ground to the top of the fixture. Fixtures shall be of full-cut-off (FCO) design to minimize glare and spillover.

(e) Ornamental lighting to light the building facade is permitted, provided that the light source is not visible from the property line and is designed to minimize glare and spillover.

(f) No overhead light source (i.e., the lamp or reflector) shall be visible from the property line. Shields may be employed, if necessary, to meet this requirement. The maximum allowable luminance measured 25 feet beyond the property line shall be 0.05 horizontal footcandles (HFC).

(g) Lighting levels for parking lots and pedestrian routes: (horizontal luminance measured in footcandles):

- (1) Average: 2.4 footcandles.
- (2) Minimum: 1.0 footcandles.
- (3) Uniformity ratio (bright spots to dark spots): 4:1.
- (4) Maximum average: 5.0 footcandles.

(h) Each exterior entry to structures on the property shall have an exterior light.

(i) For properties adjacent to residential uses, motion sensor flood or spot lights shall have shrouds, be limited to two bulbs pointed at least 30 degrees downward and not directly into windows or doors of neighboring building and the light sources shall not be visible from the street. (Code 1980, § 15.47(T))

Sec. 115-557. Patios, porches, decks, and rooftop gardens/decks.

(a) For commercial developments that include a residential component, the intent of this section is to increase resident safety, comfort and privacy by providing individual outdoor spaces for each unit.

(b) Every residential unit is encouraged to have its own patio or balcony and shall be incorporated into the architectural facade of the building and may encroach into the building setback area but not more than 25 percent. Commercial structures are also permitted to have exterior balconies. No patio or balcony can hang over a sidewalk.

(c) For commercial developments, ground level patios or decks for customer seating are permitted in the setback areas and should include some screening for noise.

(d) Exterior stairs leading to a deck or balcony are permitted provided that they are decorative and are architecturally compatible with the building and constructed of compatible materials. Exterior corridors visible from a street are not permitted.

(e) Rooftop green roofs or rooftop patios and decks are permitted and if intended for occupied use shall have a railing height or parapet of at least 42 inches. Only outdoor furniture is permitted. (Code 1980, § 15.47(J))

Sec. 115-558. Building design; form, scale and context.

(a) The intent of this section is to encourage building design (forms, scale and context) that will result in high quality, orderly, and consistent street spaces, compatible relationships to adjoining sites, and an urban character; to create buildings that provide human scale, interest, and are architecturally cohesive yet varied, in their overall form, scale and context; and to protect the architectural character and cohesiveness of surrounding buildings.

(b) Photos of at least four street views of nearby blocks shall be submitted with the design standards checklist.

(c) Buildings shall be designed to provide human scale, interest, and variety. The following techniques may be used to meet this objective:

- (1) Variation in the building form such as recessed or projecting bays, shifts in massing, or distinct roof shapes.
- (2) Emphasis of building entries through projecting or recessed forms, detail, color, or materials.
- (3) Variation of material, material modules, expressed joints and details, surface relief, color, and texture to break up large building forms and wall surfaces. Such detailing could include sills, headers, belt courses, reveals, pilasters, window bays, and similar features.

(d) For all nonmanufacturing or retail buildings, where the allowable building is more than 50 percent wider than adjacent buildings, one the following techniques shall be employed to minimize the apparent width of the primary facade:

- (1) Articulate the facade with projections or bays.

- (2) Use architectural elements such as column, canopies, glass, changes in materials, and covered entries to interrupt the facade.

(e) The first floor facade shall include windows to provide visual interest and visual connection to the street. The total area of windows and doors on the street-facing facade, including trim, shall not be less than 20 percent of the total area of the facade, excluding gables.

(f) Buildings shall be built to the front yard setback line. In highway commercial areas, the building setback shall not be greater than 25 feet and no parking is permitted in the front yard setback area.

(g) Commercial buildings within Historic Districts or adjacent to any designated historic building must first receive DRC review and approval prior to submittal to the Heritage Preservation Commission for their review. Approval by the Heritage Preservation Commission is necessary prior to the issuance of any building permit. The developer can appeal to the City Plan Commission if denied by the Heritage Preservation Commission.

(Code 1980, § 15.47(K))

Sec. 115-559. Building entrances, details, trim, doors and windows.

(a) The intent of this section is to provide visual interest and architectural character; to promote resident safety; to enliven the street; and to minimize noise and light near adjacent residential buildings.

(b) The primary entrance to the building shall be covered at least three feet from the door. Entrance features may encroach into the front yard setback a maximum of three feet. Building entrances shall be emphasized through projecting or recessing forms, detail, color or materials. Buildings shall be oriented toward the street with pedestrian access.

(c) All openings shall be articulated or appropriately trimmed through the use of materials such as flat or arched lintels, projecting sills, or surrounds.

(d) Exterior windows and doors.

- (1) All windows shall be in keeping with the architectural character of the building.
- (2) All windows shall have an interior locking or securing mechanism.

- (3) For mixed used developments that include residential units, exterior entry doors for individual units shall be residential in style (real or decorative styles, rails or panels) solid or insulated or multiple units may be commercial in style (glass). If the door does not have a translucent window lower than five feet, it shall have a security peephole.
(Code 1980, § 15.47(L))

Sec. 115-560. Roofs and roof lines.

(a) The intent of this section is to provide visual interest and architectural character.

(b) Any roof style such as hip, gambrel, mansard, colonial, flat or another roof style is permitted so long as the roof pitch is appropriate to the architectural style of the building (e.g., prairie school) and the roof element contains additional architectural elements such as dormers, long overhangs, windows or other feature.

(c) Flat roofs are permitted, and must incorporate a parapet wall on all sides, unless the rear side of the building is sloped for drainage. The parapet should include architectural details appropriate to the building design that create a positive visual termination for the building (a "top").

(d) A minimum of 50 percent of a buildings linear roof drip edge should fall to ground surfaces that do not contain impervious surface. If gutters or roof drains are neighboring properties and shall be directed to rain garden(s) designed to retain a 0.5 inch-one-hour rainfall. For information regarding directing clean roof water to rain gardens, the Wisconsin DNR and UW-Extension have extensive publications on the proper calculation for the size and planting materials for rain gardens in Wisconsin.
(Code 1980, § 15.47(M))

Sec. 115-561. Exterior materials.

(a) The intent of this section is to maintain architectural character and to encourage the use of attractive and high quality materials with low life-cycle costs.

(b) The use of identical materials on all sides of the building is encouraged; however, higher-quality materials on street-facing facades and complementary materials on other facades are acceptable.

(c) Use of decorative accessories and trim is highly encouraged.

(d) Vinyl, plywood, chipboard, T1-11, asphalt siding, non-architectural metal siding and smooth-faced concrete block are prohibited as exterior finish materials unless the architect can demonstrate that the materials are appropriate to the design of the building. Treated wood shall be painted or stained.

(e) Natural wood shall be painted or stained, unless it is cedar, redwood or some other naturally weather resistant species and is intended to be exposed.

(f) Colors and designs.

(1) Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, as well as an impact on the energy use and comfort of customers and tenants, designs and color shall be selected in general harmony with the overall existing neighborhood.

(2) Neutral or natural colors for the primary siding material with brighter or darker colors for accent and trim that provide for a more interesting building and are cooler in the summer are preferred.

(3) Complimentary multicolor and textured roofing materials that provide for a more interesting building and are cooler in the summer are preferred.

(Code 1980, § 15.47(N))

Sec. 115-562. Garages and accessory buildings.

(a) The intent of this section is to improve the visual impact of garages, and accessory building facing the street, and to prevent storage doors and overhead doors from facing the street, and to maximize pedestrian safety.

(b) Street-facing overhead doors on garages are not permitted on lots served by an alley.

(c) The cumulative length of all garage doors facing the street shall not exceed 50 percent of the total length of the street-facing elevation unless architecturally justified.

(d) All accessory buildings shall be architecturally compatible and be constructed of the same materials as the primary buildings all changes to the approved plans such as the addition of an accessory structure shall be approved by the Design Review Committee if not submitted at the time of initial review.

(Code 1980, § 15.47(O))

Sec. 115-563. Building construction.

(a) The intent of this section is to improve customer and tenant comfort and promote energy efficiency and recycling.

(b) Energy and resource-efficient design is required for all sites and buildings. Buildings shall be demolished, constructed and finished in ways that can minimize the amount of water and energy consumed. Building materials should come from renewable sources, indoor environmental quality should be maximized, and construction waste should be minimized using a construction site recycling program. Guidelines for these design consideration are available from LEED Guidelines for New Construction. LEED is Leadership in Energy and Environmental Design, an initiative of the U.S. Green Building Council. For more information contact planning staff or see <http://www.usgbc.org/>. LEED certification of completed projects is encouraged but not required. All buildings and sites should attempt to qualify for LEED for new construction, meeting 30 of the possible 108 points and must meet State Building Code requirements. See <http://www.usgbc.org/>. A completed LEED checklist must be submitted with the design standards checklist to demonstrate compliance with the standard.

(Code 1980, § 15.47(P))

Sec. 115-564. Building, property and landscaping maintenance.

(a) The intent of this section is to insure ongoing maintenance of buildings, property improvements and landscaping materials.

(b) All commercial structures and buildings that are developed and constructed under this division shall maintain the property through an ongoing maintenance program. The maintenance program is to include all exterior aspects of the development and include but is not limited to parking lots, building

mechanicals, service elements, customer and tenant amenities, landscaping open space and plantings, wall and fences, signage, stormwater facilities, exterior lighting, patios and decks, exterior finishes, windows, architectural detail, and accessory structures.

(c) The project shall be maintained over the life of the development in a like-new condition with an on-going maintenance program that adheres to the intent of the original building plans and is subject to inspection by the City at any time. Failure to maintain the project may subject the property to fines as permitted under this chapter and the City of La Crosse Stormwater Management Ordinance.

(Code 1980, § 15.47(Q))

Secs. 115-565—115-591. Reserved.

DIVISION 5. SMALL ENERGY WIND SYSTEMS

Sec. 115-592. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the Director of Planning and Development.

Meteorological tower (met tower) means and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Micro or small scale turbines means turbines that are sized in order to fit on top of building and are usually less than ten feet in height.

Owner shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this division.

Rotor diameter means the cross sectional dimension of the circle swept by the rotating blades.

Small wind energy system means a wind energy system that:

- (1) Is used to generate electricity;
- (2) Has a nameplate capacity of 100 kilowatts or less;
- (3) Has a total height of 170 feet or less;
- (4) Has a Meteorological tower; and
- (5) Has Micro towers placed on buildings.

Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower means the monopole, freestanding, or guyed structure that supports a wind generator.

Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by the Wis. Stat. § 66.0403(l)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

(Code 1980, § 15.48(A))

Cross reference—Definitions and rules of construction, § 1-2.

Sec. 115-593. Penalties.

(a) Any person who fails to comply with any provision of this division or a building permit issued pursuant to this division shall be subject to enforcement and penalties as stipulated in section 115-470.

(b) Nothing in the section shall be construed to prevent the City from using any other lawful means to enforce this division.

(Code 1980, § 15.48(H))

Sec. 115-594. Purpose.

The purpose of this division is to oversee the permitting of small wind energy systems and preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stat. § 66.0401).

(Code 1980, § 15.48(intro.))

Sec. 115-595. Severability.

The provisions of this division are severable, and the invalidity of any section, subdivision, paragraph, or other part of this division shall not affect the validity or effectiveness of the remainder of the division.

(Code 1980, § 15.48(I))

Sec. 115-596. Compliance.

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with manufacturer's requirement and this division or with any condition contained in a building permit issued pursuant to the division. Small wind energy systems installed prior to the adoption of this division are exempt.

(Code 1980, § 15.48(F))

Sec. 115-597. Administration and enforcement.

(a) This division shall be administered by the Administrator or other official as designated.

(b) The Administrator may enter any property for which a building permit has been issued under this division to conduct an inspection to determine whether the condition stated in the permit have been met.

(c) The Administrator may issue orders to abate any violation of this division.

(d) The Administrator may issue a citation for any violation of this division.

(e) The Administrator may refer any violation of this division to legal counsel for enforcement.

(Code 1980, § 15.48(G))

Sec. 115-598. Standards.

A small wind energy system shall be a conditional use in all residential districts and a permitted use in all other zoning districts, except those properties included within the Bluffland Preservation Program where these systems are prohibited, which are the Floodway Zoning District, the Conservancy District and Shoreland-Wetland Districts subject to the following requirements:

- (1) *Setbacks.* A wind tower for a small wind system shall be set back a distance equal to its total height from:
 - a. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

- b. Any overhead utility lines, that are within the falling arc of the entire small wind energy system plus ten feet unless written permission is granted by the affected utility;
 - c. All property lines, unless written permission is granted from the affected land owner or neighbor.
- (2) *Access.*
- a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
- (3) *Electrical wires.* All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall not be suspended in the air.
- (4) *Lighting.* A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (5) *Appearance, color, and finish.* The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise indicated in the building permit.
- (6) *Signs.* All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system shall be prohibited.
- (7) *Code compliance.* A small wind energy system including tower shall comply with all applicable State construction and electrical codes, and the National Electrical Code.

- (8) *Utility notification and interconnection.* Small wind energy systems that connect to the electrical utility shall comply with the Wis. Admin. Code ch. PSC 119.
- (9) *Met towers.* Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- (10) *Airport Clear Zone.* Must meet all requirements of the airport zoning height restriction when installed within the Airport Clear Zone. (Code 1980, § 15.48(B))

Sec. 115-599. Permit requirements.

(a) *Building permit.* A building permit shall be required for the installation of a small wind energy system.

(b) *Documents.* The building permit application shall be accompanied by a plot plan which includes the following:

- (1) Property lines and physical dimensions of the property;
- (2) Location, dimensions, and types of existing major structures on the property;
- (3) Location of the proposed wind system tower;
- (4) The right-of-way of any public road that is contiguous with the property;
- (5) Any overhead utility lines;
- (6) Wind systems specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
- (7) Tower foundation blueprints or drawings;
- (8) Tower blueprint or drawing;

(c) *Fees.* The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit for a permitted accessory use.

(d) *Expiration.* A permit issued pursuant to this division shall expire if:

- (1) The small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or

- (2) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.
(Code 1980, § 15.48(C))

Sec. 115-600. Building permit procedure.

(a) An owner shall submit an application to the Administrator for a building permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in section 115-599.

(b) The Administrator shall issue a permit or deny the application within one month of the date on which the application is received.

(c) The Administrator shall issue a building permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this division.

(d) If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy with the application.

(e) If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Wis. Stat. ch. 68. The applicant may resubmit if the deficiencies specified by the Administrator are resolved.

(f) The owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete, and full use authorized as signed by pertinent authority.
(Code 1980, § 15.48(E))

Sec. 115-601. Abandonment.

(a) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. The Administrator shall

withdraw the notice of abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

(b) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense within three months receipt of Notice to Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the owner's expense.
(Code 1980, § 15.48(D))

Appendix A

CHARTER ORDINANCES*

- Sec. 1. Elective officers designated.
- Sec. 2. Primary elections.
- Sec. 3. Term of office of Mayor; salary.
- Sec. 4. Number and compensation of Council Members.
- Sec. 5. City Clerk; term of office and duties generally.
- Sec. 6. Appointment of Airport Manager.
- Sec. 7. City Assessor.
- Sec. 8. Appointment of City Attorney.
- Sec. 9. Appointment and term of office of City Engineer.
- Sec. 10. Department of Finance/Treasurer; Appointment of Director of Finance/
Treasurer; service as Treasurer and Comptroller.
- Sec. 11. Appointment and term of Director of Human Resources.
- Sec. 12. Appointment of Director of Planning and Development.
- Sec. 13. Appointment and term of Director of Public Works.
- Sec. 14. Appointment and term of Director of Information and Technology.
- Sec. 15. Board of Public Works; composition and compensation.
- Sec. 16. Powers of Board of Park Commissioners; appointment and term of
Director of Parks and Recreation.
- Sec. 17. Zoning Board of Appeals; quorum and required vote.

*State law reference—Charter ordinances, Wis. Stat. § 66.0101.

Sec. 1. Elective officers designated.

(a) The provisions of Wis. Stat. § 62.09(1) insofar as they relate to the composition of the Common Council and Wis. Stat. § 62.09(3) insofar as they relate to the City Clerk are hereby made inapplicable to the City of La Crosse.

(b) The elective officers of the City shall be the Mayor, Clerk and one Council Member for each district.

Sec. 2. Primary elections.

Pursuant to Wis. Stat. § 8.11(b), when three (3) or more candidates file nomination papers for a city office a primary election shall be held for the nomination of candidates for such office.

Sec. 3. Term of office of Mayor; salary.

(a) The provisions of Wis. Stat. § 62.09(5)(b) insofar as they relate to the term of the Mayor and Wis. Stat. § 62.09(6) insofar as they relate to the compensation of the Mayor are hereby made inapplicable to the City of La Crosse.

(b) The regular term of office of the Mayor shall be four years. The Mayor shall be paid such salary as the Common Council shall provide.

(c) The regular term of office for the Mayor shall commence on the third Tuesday of April in the year of the Mayor's election after taking and filing the official oath for such office.

Sec. 4. Number and compensation of Council Members.

(a) The provisions of Wis. Stat. § 62.09(1) insofar as they relate to the number of Aldermen and the title of Aldermen and Wis. Stat. § 62.09(6) insofar as they relate to the compensation of Aldermen are hereby made inapplicable to the City of La Crosse.

(b) There shall be seventeen Council Members. Council Members shall be paid such salaries as shall be provided by the Common Council. Such salaries may be changed in the same manner as the salaries of other officers elected or appointed for a definite term.

(c) Regular term of office of Council Members shall commence on the third Tuesday of April in the year of their election after the taking and filing of the official oath of office.

Sec. 5. City Clerk; term of office and duties generally.

(a) The provisions of Wis. Stat. § 62.09(5) insofar as they relate to the City Clerk are made inapplicable to the City of La Crosse. The provisions of Wis. Stat. § 62.09(11) insofar as they are interpreted to be an exclusive enumeration of the duties of the City Clerk are hereby made inapplicable to the City of La Crosse.

(b) The regular terms of office of the City Clerk shall be four years. Such officer shall be paid such salary as the Common Council shall provide and shall perform such duties as provided by law, and those other duties as the Common Council requests to be performed from time to time.

(c) The regular term of office for the City Clerk shall commence on the third Tuesday of April in the year of the Clerk's election after the taking and filing of the official oath for such office.

Sec. 6. Appointment of Airport Manager.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the appointment and term of the Airport Manager are hereby made inapplicable to the City of La Crosse.

(b) The Aviation Board shall appoint the Airport Manager from a list of qualified applicants. Such appointment shall be subject to the confirmation of the Common Council with removal for cause by vote of the Common Council.

Sec. 7. City Assessor.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the City Assessor are hereby made inapplicable to the City of La Crosse.

(b) The City Assessor shall be appointed by the Common Council from a list of qualified applicants and shall hold office for an indeterminate term subject to removal for cause by vote of the Common Council.

Sec. 8. Appointment of City Attorney.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the City Attorney are hereby made inapplicable to the City of La Crosse.

(b) The City Attorney shall be appointed by the Common Council from a list of qualified applicants and shall hold office for an indeterminate term subject to removal for cause by a vote of the Common Council.

Sec. 9. Appointment and term of office of City Engineer.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the appointment and term of office of the City Engineer are hereby made inapplicable to the City of La Crosse.

(b) The City Engineer shall be appointed by the Mayor subject to the approval of the Common Council. The City Engineer shall hold office for an indeterminate term subject to removal by the Common Council for cause by vote of the Common Council.

Sec. 10. Department of Finance/Treasurer; Appointment of Director of Finance/Treasurer; service as Treasurer and Comptroller.

(a) The provisions of Wis. Stat. § 62.09(1), (3) and (5)(e) insofar as they relate to the appointment and term of office of the Treasurer and Comptroller hereby made inapplicable to the City of La Crosse.

(b) There shall be a Director of Finance/Treasurer who shall be appointed by the Common Council and shall hold office for an indeterminate term subject to removal by the Common Council for cause by vote of the Common Council. The Director of Finance/Treasurer shall be selected from a list of qualified applicants.

(c) The duties of the Comptroller and Treasurer, as prescribed by the Wisconsin Statutes, shall be performed by the Director of Finance/Treasurer. In addition the supervision of all purchasing is vested in the Department of Finance/Treasurer.

Sec. 11. Appointment and term of Director of Human Resources.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the appointment and term of office of the Director of Human Resources are hereby made inapplicable to the City of La Crosse.

(b) The Director of Human Resources shall be appointed for an indeterminate term by the Mayor from a list of qualified applicants. Such appointment shall be subject to confirmation by the Common Council with removal for cause by vote of the Common Council.

Sec. 12. Appointment of Director of Planning and Development.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the appointment and term of the Director of Planning and Development are hereby made inapplicable to the City of La Crosse.

(b) The Director of Planning and Development shall be appointed by the Mayor for an indeterminate term from a list of qualified applicants. Such appointment shall be subject to confirmation by the Common Council with removal for cause by vote of the Common Council.

Sec. 13. Appointment and term of Director of Public Works.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the appointment and term of the Director of Public Works are hereby made inapplicable to the City of La Crosse.

(b) The Director of Public Works shall be appointed by the Mayor for an indeterminate term from a list of qualified applicants. Such appointment shall be subject to confirmation by the Common Council with removal for cause by vote of the Common Council.

Sec. 14. Appointment and term of Director of Information and Technology.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e) insofar as they relate to the appointment and term of the Director of Information and Technology are hereby made inapplicable to the City of La Crosse.

(b) The Director of Information and Technology shall be appointed by the Mayor for an indeterminate term from a list of qualified applicants. Such appointment shall be subject to confirmation by the Common Council with removal for cause by vote of the Common Council.

Sec. 15. Board of Public Works; composition and compensation.

(a) The provisions of Wis. Stat. § 62.14(1), (3) are hereby made inapplicable to the City of La Crosse.

(b) Membership. The Mayor, City Planner, City Engineer, Director of Public Works and two Council Members shall constitute the Board of Public Works. The Council Members of said Board shall be elected by the Council on the 3rd Tuesday in April in odd numbered years. The Director of Finance and Purchase shall be an alternate only as needed for a quorum.

(c) Members of the Board of Public Works shall receive no additional compensation for their services on the Board.
(Charter Ord. No. 9, § I; Charter Ord. No. 14, § I; Charter Ord. No. 29; Charter Ord. No. 22)

Sec. 16. Powers of Board of Park Commissioners; appointment and term of Director of Parks and Recreation.

(a) The provisions of Wis. Stat. § 62.09(3) and (5) insofar as they relate to the appointment and term of the Director of Parks and Recreation and Wis. Stat. § 27.09(2) are hereby made inapplicable to the City of La Crosse.

(b) The Director of Parks and Recreation shall be appointed by the Board of Park Commissioners for an indeterminate term from a list of qualified applicants. Such appointment shall be subject to confirmation by the Common Council with removal for cause by the Common Council.

Sec. 17. Appointment and term of La Crosse Center Manager.

(a) The provisions of Wis. Stat. § 62.09(3) and (5)(e), insofar as they relate to the appointment and term of the La Crosse Center Manager, are hereby made inapplicable to the City of La Crosse.

(b) The La Crosse Center Manager shall be appointed by the La Crosse Center Board for an indeterminate term from a list of qualified applicants. Such appointment shall be subject to confirmation by the Common Council with removal for cause by vote of the Common Council.

Sec. 18. Board of Zoning Appeals; quorum and required vote.

(a) The provisions of Wis. Stat. § 62.23(7)(e)(3m) are hereby made inapplicable to the City of La Crosse.

(b) The concurring vote of four members of the Board of Zoning Appeals shall be necessary to correct any error, grant a variance, make an interpretation, or permit an unclassified or substitute use. A quorum of the Board of Zoning Appeals is four of the members.

Appendix B

COUNCIL RULES

Rule I.	Regular meetings.
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Rule VI.	Committee of the Whole.
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Rule XXI.	Increases in number of full-time positions for current budget year.
Rule XXII.	Sanctions for nonattendance at meetings.
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Rule XXIV.	Annual Council Calendar.

Rule I. Regular meetings.

Regular meetings of the Common Council shall be held on the second Thursday of each month.

Rule II. Special meetings.

Special meetings of the Common Council may be ordered by the Common Council or may be called by the Mayor, or in case of his/her refusal to act, by any five (5) Council Members.

Rule III. Calling meeting to order.

At the hour appointed for any Regular or Special Council meeting the Mayor, or in his/her absence the President of the Council shall call the meeting to order. The Clerk shall then call the roll and announce whether or not a quorum be present. If a quorum be present, the Council shall then proceed with its business. If no quorum be present, that fact shall be entered on the journal and the Council shall adjourn to such time as those present shall decide.

Rule IV. Order of business.

The order of business shall be as follows:

- (1) Approval of the minutes of the previous meeting.
- (2) Report of Director of Finance/Treasurer.
- (3) Notices and discussions.
- (4) Bills, accounts and estimates.
- (5) Appointments.
- (6) Reports of standing committees.
- (7) Reports of special committees.
- (8) Unfinished business.
- (9) New business.

Rule V. Committees.

(a) Following each organization meeting of the Common Council on the third Tuesday in April and no later than within ten (10) days thereof, the President of the Common Council shall appoint the standing committees of the Council and each committee shall elect a Chair and Vice-Chair. The Council President shall further be responsible for appointing eight (8) members to one standing committee and nine (9) members to one standing committees. Once Council

Members have been appointed to a standing committee during the regular two-year session, a Council Member may voluntarily agree to be reappointed to another standing committee if the Council President approves of said reappointment.

(b) The committees to be appointed in accordance with this rule shall include the following standing committees: Finance and Personnel and Judiciary and Administration. Unless there is a vacancy on the Council, the Council Member who is elected President of the Council shall appoint himself/herself a member of one of the standing committees and shall vote thereon. The Council President may, should there be a vacancy on the Council, appoint himself/herself to a standing committee to fill a vacancy on such committee or delay his or her appointment to a standing committee until the vacancy is filled. Immediately after appointment of the committees, the members of each committee shall meet and elect its officers. The Chair shall preside at all subsequent meetings of the committee and in his/her absence, the Vice-Chair shall preside. City staff shall record all votes taken by the committee on matters referred to it and the City Clerk shall keep a permanent record of such votes.

(c) Matters concerning ordinances, judiciary, annexations, re-zonings, conditional uses and policy matters concerning police, fire, licenses, health, contracts, La Crosse Center, airport or other departments, agencies, boards or commissions, congressional or state legislative matters, quiet zones, waiver of 2,500-foot rule, plans and specs, schools, lighting, buildings, telephone, power, plats and railroads shall be referred to the Judiciary and Administration Committee.

(d) Matters concerning bonds, sinking funds, TIF, salaries, insurance, special claims, current bills, purchase of supplies and equipment, printing, personnel matters, residency, property acquisition and sales, leases, land use license, purchases for grounds, street and alley easements, parks, playgrounds, public buildings, assessments, parking, transit and water utilities, CDBG, ISTE, claims and all other expenditures or budgetary matters shall be referred to the Finance and Personnel Committee.

(e) All matters pending before the Council and undisposed of at any meeting shall be referred to the appropriate committee unless otherwise directed by the Council.

(f) Meetings of the Judiciary and Administration Committee shall be held on Tuesday of the week immediately preceding each regular meeting of the Council.

(g) Meetings of the Finance and Personnel Committee shall be held on Thursday of the week immediately preceding each regular meeting of the Council.

(h) All public hearings pertaining to matters in each respective committee's hands shall be held at the time of their scheduled meeting. Public hearings before the respective standing committees shall be limited to 15 minutes for the proponents, 15 minutes for the opponents and three-minute rebuttal for each side unless such time is extended by a majority vote of the committee. With respect to those matters that require a public hearing per state law, federal law or ordinance, those matters shall not be subject to the same time limitations and shall be subject to reasonable limitations as approved on a case-by-case basis by a majority of the standing committee before which such required public hearing is held. All speakers at a public hearing of the standing committees shall speak no more than three (3) minutes unless waived by the Chair or a majority of the committee.

(i) The Mayor, Chair or majority of a committee may call special meetings of a standing committee.

Rule VI. Committee of the Whole.

(a) Meetings of the Committee of the Whole shall be held the Tuesday immediately preceding the monthly Council meetings, except for the committee of the whole meetings which fall on the same day as the spring election when Council members are elected in April and general election in November which committee of the whole meeting will be held on the Monday preceding the monthly Council meeting. The President of the Council shall call the meeting to order and the Chair of each standing committee shall report on all matters before their committee which may be voted on by one (1) vote as approval of the respective committee reports, except those matters that consist of items for which the public has requested to speak on, that require a public hearing, or are items the Mayor or a Common Council member wishes to speak on, which shall be voted on separately.

(b) The City Clerk and/or City Attorney shall provide an agenda for the Committee of the Whole meeting to consist of the various items pending before the standing committees along with the recommendation of the standing committee and the vote of each respective standing committee. The City Clerk and/or City Attorney shall provide such agenda for the Committee of the Whole Meeting by mail on the Friday preceding such Committee of the Whole Meeting as complete as possible.

(c) In the absence of the Council President the Chair of the Judiciary and Administration Committee shall call the meeting to order, and in the absence of the Chair of the Judiciary and Administration Committee the Chair of the Finance and Personnel Committee.

(d) The Mayor may preside at special Committee of the Whole meetings.

(e) The procedure for public hearings before the Committee of the Whole shall be as follows:

- (1) The proponents shall be allowed a maximum of fifteen (15) minutes of speaking time. After this allotted time, the Council may ask questions of the proponents and the proponents may respond, but not engage in further debate.
- (2) The opponents shall then be allowed a maximum of fifteen (15) minutes of speaking time. After this allotted time, the Council may ask questions of the opponents and the opponents may respond, but not engage in further debate.
- (3) Each side shall then be allowed an additional three (3) minutes for rebuttal.
- (4) After the proponents and opponents have used their speaking time, the Council may ask further questions of the speakers who may respond, but may not engage in further debate.
- (5) No speaker's time shall be extended except by a majority vote of the Council members present.
- (6) The floor will then be closed to public participation and open for Council discussion.
- (7) Any person who desires to submit written statements for forwarding to the Council prior

to the Council meeting must submit nineteen (19) copies to the City Clerk by 4:00 P.M. preceding the Council meeting.

- (8) All speakers at a public hearing of the Committee of the Whole shall speak no more than three (3) minutes unless waived by the Chair or a majority of the Committee.

Rule VII. Executive Committee.

The Chair of all standing committees of the Council, the President of the Council and the Mayor shall constitute a special committee of which the Mayor shall be Chair and which shall be known as the Executive Committee. Such committee shall hold a meeting at any reasonable time upon the request of the Mayor, or any two members of said committee, and shall act as a liaison committee and further aid in development of programs for the good of the City.

Rule VIII. Ordinances.

Each ordinance shall receive two (2) readings previous to its passage, but shall not have its second reading on the same day as the first reading. Unless otherwise directed by the Council, all resolutions shall be reduced to writing before being introduced, shall be acted on by the Council only at a subsequent meeting not held the same day and only upon report of the appropriate Council committee, provided, however, resolutions awarding public construction contracts are exempt from this provision. All ordinances and resolutions shall be introduced by the Mayor or no more than two Council Members. All ordinances and resolutions shall be in as complete a detail as possible when introduced. All legislation to be introduced to the Common Council shall be provided to the Legal Department no later than Friday at noon preceding the Common Council Meeting at which it will be introduced, with a copy to the Department of Finance/Treasurer if it involves City finances. Applications for conditional use permits and ordinances rezoning property may not be introduced unless submitted to the City Clerk's Office by no later than 12:00 noon on the Wednesday previous to the regular Thursday Common Council Meeting.

Rule IX. Speaking more than twice on same question.

No person shall speak more than twice upon any question without first obtaining leave of the Council.

Rule X. Roll call votes.

After all members who wish have spoken, a roll call shall be called upon the request of any member and the City Clerk or presiding secretary shall then record the votes.

Rule XI. Reconsiderations.

Any member voting on the prevailing side may move a reconsideration at the same or succeeding meeting and if a majority of members present shall be in favor of a reconsideration, the subject shall be before the Council for further action. Reconsideration by a member on the prevailing side may also be requested at a special Council meeting following action on the question provided the item for reconsideration is placed on the agenda of such special Council meeting.

Rule XII. Duty of City Clerk.

It shall be the duty of the City Clerk, in addition to his/her other duties, to record all ordinances passed by the Council in a suitable book and to furnish the Chairs of the committees, all Council Members, and other City officers with the resolutions and other matters that may be referred to them and to perform all such other clerical duties as may be required by the Council.

Rule XIII. Robert's Rules of Order.

Except where governed by these rules or other sections of the Municipal Code, or the laws of the State of Wisconsin, the business of the Council shall be conducted in accordance with Robert's Rules of Order Revised.

Rule XIV. Amendment to rules.

These rules may be amended at any regular meeting of the Council with a concurrence of two-thirds ($\frac{2}{3}$) of the members present, provided the amendment be introduced in writing at a previous meeting.

Rule XV. Suspension of rules and deadline for applications for conditional use permits and rezoning.

These rules of procedure and order of business shall be invariably adhered to unless the same be

temporarily suspended by a minimum of two-thirds vote of the members of the Council voting on the proposed suspension.

Rule XVI. Notice of meetings.

All Council Members, the Mayor, and Board of Public Works, shall receive notices of any regular or special meeting of the Council and also notice of regular or special committee meetings which notice shall be forwarded through the mail, unless the time shall not be sufficient to secure the delivery thereof before the meeting covered by such notice.

Rule XVII. Notices of referred matters; inquires by department heads and other officials relative to attendance at meetings.

The City Clerk shall seasonably send notices of referred matters before the Council to all Council Members, to all members of the Boards, Commissions and other officials who may have matters pending before the Council, and it is further expressly made the duty of such department or official having charge of any referred matter to determine when such matter will be considered by the committee in charge and to make inquiry from the Chair of the committee to ascertain whether it will be necessary or desirable for someone from such department or such official to attend the meeting to inform the Council upon the subject to be considered.

Rule XVIII. Matters tabled by standing committee.

Should a matter referred to a standing committee of the Council be tabled or held in such committee, such shall be reported to the Council by the committee chair and the Council may by a majority vote take up the matter.

Rule XIX. Limitations on standing committee meeting on same day or evening.

No more than two (2) regular monthly standing Committee meetings (Judiciary and Administration Committee and Finance and Personnel Committee) shall take place on the same day or evening, provided, however, if two (2) regular monthly standing

Committee meetings are scheduled on the same day or evening, they shall be scheduled at least one (1) hour apart.

Rule XX. President of Council to be ex officio member of standing committees; right of Council President to vote at meetings of standing committees.

President of council to be ex officio member of standing committees; right of Council President to vote at meetings of standing committees.

In addition to being an ex officio member of the standing committees and voting member of one of the standing committees, the Council President may act as a voting member of any standing committee in cases where a quorum is not present in order that such standing committee may conduct business.

Rule XXI. Increases in number of full-time positions for current budget year.

Any change to the Finance and Personnel Committee recommended annual operating budget that increases the number of full-time city employee positions or any proposed additions of full-time employee positions that occur during the term of the city's annual operating budget shall require an affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the Common Council members present at the time that such proposed increase or addition is considered.

Rule XXII. Sanctions for nonattendance at meetings.

Those Council Members who are consecutively absent for a period of sixty days or more from Council meetings, Committee of the Whole and standing committee meetings shall not receive their salary and expenses for said corresponding period of time for said absence unless said absences are for good cause as determined by the Council President with the right to appeal to the entire council, including matters beyond the control of the Council Member.

Rule XXIII. Increases in number of full-time positions for succeeding budget year.

Except as provided in Wis. Stat. § 43.58(4), as amended and superseded, and any other applicable state law, any new regular full-time position created

by the City of La Crosse for the succeeding budget year shall be referred by the Director of Human Resources to the August Finance and Personnel Committee, Committee of the Whole, and Common Council, prior to the budget going before Council. Approval of positions shall require a majority vote.

Rule XXIV. Annual Council Calendar.

An Annual Council Calendar shall be created by the City Clerk each year and adopted by reference at the annual budget meeting held in November of each calendar year by majority vote of those present.

Appendix C

FEE SCHEDULE

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
<i>Special Meeting Fees</i>			
2-34	Common Council - per occurrence (plus per diem, if any)		\$500.00
2-34	Committee of the Whole - per occurrence (plus per diem, if any)		\$500.00
2-34	Any other governmental body - per occurrence (plus per diem, if any)		\$250.00
<i>General Fees</i>			
2-261	Photocopying public records - per page		\$0.25
2-261	If staff time exceeds \$50.00, add actual cost staff time to locate records.		
2-261	Minimum amount for which cash deposit for locating and copying records required		\$5.00
2-291	Loan Origination Fee - Upper Floor Renovation		\$500.00
<i>Alcoholic Beverage License Fees</i>			
4-45	Intoxicating liquor expanded premises, special event		\$65.00
4-46, 46-110	Intoxicating liquor operator's license fee: Two-year period		\$30.00
4-46, 46-110	Intoxicating liquor operator's license fee: Provisional license		\$15.00
4-46, 46-110	Intoxicating liquor operator's license fee: Temporary license		\$15.00
4-73	Intoxicating liquor license fees: "Class A"		\$500.00
4-73	Intoxicating liquor license fees: "Class B"		\$500.00
4-73	Intoxicating liquor license fees: "Class C"		\$100.00
4-73	Intoxicating liquor license late fee - per day		\$20.00
4-81	Intoxicating liquor license transfer fee		\$10.00
4-109	Fermented malt beverages expanded premises, special events license fee		\$65.00
4-111	Keg deposit		\$50.00
4-143	Fermented malt beverage license fee: Class "A" beer		\$100.00
4-143	Fermented malt beverage license fee: Class "B" beer		\$100.00
4-143	Fermented malt beverage license fee: Special Class "B" beer/wine (temporary Class "B") (picnic)		\$10.00
4-146	Temporary "Class B" license at picnic or gathering - per picnic/gathering		\$10.00
4-151	Fermented malt beverage license transfer fee		\$10.00
<i>Pet License Fees</i>			
6-7	Dog or cat impound fee		\$1.00
6-15	Pigeon loft license fee		\$30.00
6-16	License fee to keep chickens: License		\$10.00
6-16	License fee to keep chickens: Late fee		\$25.00
6-69	Dog or cat license fee: Each unneutered male dog		\$21.00
6-69	Dog or cat license fee: Each unneutered male cat		\$21.00
6-69	Dog or cat license fee: Each unspayed female dog		\$21.00
6-69	Dog or cat license fee: Each unspayed female cat		\$21.00
6-69	Dog or cat license fee: Each neutered male dog		\$11.00
6-69	Dog or cat license fee: Each neutered male cat		\$11.00
6-69	Dog or cat license fee: Each neutered female dog		\$11.00
6-69	Dog or cat license fee: Each neutered female cat		\$11.00
6-69	Duplicate dog or cat license fee		\$2.00

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Section	License/Fee	Last Increase	Fee
6-71	Penalty for late payment of dog or cat license fee		\$25.00
6-72	Animal census, additional fee for unlicensed animal		\$5.00
6-103	Commercial animal establishment change of ownership fee		\$10.00
6-104	Pet shop permit		\$25.00
6-105	Grooming shop permit		\$25.00
6-106	Kennel or cattery permit: 12 or fewer dogs and/or cats in the aggregate		\$35.00
6-106	Kennel or cattery permit: Each additional dog and/or cat over 12		\$3.00
6-107	Animal training school permit		\$25.00
<i>Business License Fees</i>			
10-75	Beer garden license fee: Class A, B & C		\$110.00
10-75	Beer garden license fee: Class D		\$210.00
10-138	Cabaret license fee: Indoor cabaret		\$100.00
10-138	Cabaret license fee: Outdoor cabaret		\$110.00
10-138	Cabaret license fee: Special event outdoor cabaret		\$225.00
10-171	Retail cigarette and tobacco dealer license fee		\$100.00
10-228	Dance hall license fee		\$100.00
10-256	Roller rink, theater, vaudeville moving picture or other entertainment license fee: House capacity of 500 or less		\$75.00
10-256	Roller rink, theater, vaudeville moving picture or other entertainment license fee: House capacity of 501 to 1,000 or less		\$125.00
10-256	Roller rink, theater, vaudeville moving picture or other entertainment license fee: House capacity over 1,000		\$175.00
10-256	Roller rink		\$100.00
10-300	Circus, carnival, caravan and menagerie license fee: Seating capacity of less than 3,000		\$150.00
10-300	Circus, carnival, caravan and menagerie license fee: Seating capacity of over 3,000 to 6,000		\$225.00
10-300	Circus, carnival, caravan and menagerie license fee: Seating capacity of over 6,000		\$400.00
10-300	Circus, carnival, caravan and menagerie license fee: Carnivals and traveling exhibitions - per day per location.		\$100.00
10-361	Escort service license application fee		\$250.00
10-366	Escort service license renewal: Renewal fee		\$200.00
10-366	Escort service license renewal: Late penalty fee		\$100.00
10-425	Outdoor food stands and mobile food units, license fee		\$50.00
10-484	Junk dealer license fee: Junk dealer license fee		\$150.00
10-484	Junk dealer license fee: Itinerant junk dealer license fee		\$100.00
10-557	Recyclers' license fee: Recycling processing facility		\$100.00
10-557	Recyclers' license fee: Recycling center		\$100.00
10-557	Recyclers' license fee: Recycling pick up station		\$100.00
10-557	Recyclers' license fee: Recycling reverse vending machine		\$100.00
10-592	Public vehicle for hire operator's duplicate license fee		\$5.00
10-593	Public vehicle for hire operator's license fee		\$30.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
10-624	Public motor vehicle for hire license: License fee - per vehicle		\$50.00
10-624	Public motor vehicle for hire license: Duplicate decal fee		\$5.00
10-686	Horse drawn vehicle fees: License (up to three vehicles)		\$50.00
10-686	Horse drawn vehicle fees: Permit, daily permit per vehicle		\$25.00
10-735	Close out sale license fee		\$150.00
10-788	Direct seller permit fee		\$50.00
10-788	Trade show license fee		\$100.00
10-826	Pawnbroker, secondhand dealer and jewelry dealer license fee: Pawnbroker - for one year		\$210.00
10-826	Pawnbroker, secondhand dealer and jewelry dealer license fee: Secondhand dealer - for one year		\$27.50
10-826	Pawnbroker, secondhand dealer and jewelry dealer license fee: Secondhand jewelry dealer - for one year		\$30.00
10-826	Pawnbroker, secondhand dealer and jewelry dealer license fee: Secondhand article dealer/mall/flea market - for two year period.		\$165.00
<i>Vehicle Fires Fee</i>			
14-3	Fee for response to vehicle fires: Actual expenses for vehicle, labor and special materials along with towing and/or disposal		See Fee description.
14-3	Fee for response to vehicle fires: minimum charge		\$500.00
<i>Alarm System Fees</i>			
14-58	Burglar or robbery alarm agent permit fee		\$12.00
14-58	Burglar or robbery alarm business license fee		\$24.00
14-58	Alarm user permit fee: Commercial, industrial or multi-use		\$12.00
14-58	Alarm user permit fee: Residential only		\$6.00
14-58	Alarm user permit fee: Over the age 65 and primary resident of alarm residence		\$1.00
14-58	Burglar or robbery alarm system monitoring permit fee		\$24.00
14-58	Burglar or robbery proprietary alarm system permit fee		\$24.00
14-103	Fire alarm system false alarm fee: First false alarm		No fee
14-103	Fire alarm system false alarm fee: Second and third false alarm - each		\$50.00
14-103	Fire alarm system false alarm fee: Fourth, fifth and sixth false alarm - each		\$200.00
14-103	Fire alarm system false alarm fee: Each false alarm after the sixth false alarm - each		\$400.00
14-103	Fire alarm system false alarm fee: Late fee for any unpaid accounts after 30 days of invoice		\$20.00
<i>Private Waste Hauler License Fee</i>			
16-2	Private waste hauler license fee		\$150.00
<i>Explosive Permit Fee</i>			
18-2	Explosive permit fee - for six months		\$125.00
<i>Annual Fire Prevention Fee</i>			
18-27	Residential multi-family - per apartment building		\$10.00
18-27	Motel/hotel - per guest room		\$5.00

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Section	License/Fee	Last Increase	Fee
18-27	High life safety facilities ¹ : Under 5,000 square feet ²		\$92.75
18-27	High life safety facilities ¹ : 5,000 to 25,000 square feet ²		\$198.00
18-27	High life safety facilities ¹ : 25,001 to 50,000 square feet ²		\$275.25
18-27	High life safety facilities ¹ : 50,001 to 75,000 square feet ²		\$369.00
18-27	High life safety facilities ¹ : 75,001 to 100,000 square feet ²		\$463.00
18-27	High life safety facilities ¹ : 100,001 to 125,000 square feet ²		\$555.25
18-27	High life safety facilities ¹ : 125,001 to 150,000 square feet ²		\$683.50
18-27	High life safety facilities ¹ : More than 150,000 square feet ² : Base fee		\$683.50
18-27	High life safety facilities ¹ : More than 150,000 square feet ² : Per each additional 25,000 square feet		\$98.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: Under 5,000 square feet ²		\$50.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: 5,000 to 25,000 square feet ²		\$98.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: 25,001 to 50,000 square feet ²		\$146.25
18-27	All other buildings subject to the Wisconsin Commercial Building Code: 50,001 to 75,000 square feet ²		\$210.25
18-27	All other buildings subject to the Wisconsin Commercial Building Code: 75,001 to 100,000 square feet ²		\$245.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: 100,001 to 125,000 square feet ²		\$291.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: 125,001 to 150,000 square feet ²		\$342.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: More than 150,000 square feet ² : Base fee		\$324.00
18-27	All other buildings subject to the Wisconsin Commercial Building Code: More than 150,000 square feet ² : Per each additional 25,000 square feet		\$50.00
18-27	Administrative fee for any fees remaining unpaid as of May 1 of each year, which fees shall be placed on annual tax roll for collection:		\$20.00
	¹ Hospitals, nursing homes, community-based residential facilities		
	² Square footage refers to floor area of any building or structure		
<i>Petroleum/Chemical Tank Removal Permit fee</i>			
18-69	Permit fee for petroleum/chemical tank removals: First tank		\$100.00
18-69	Permit fee for petroleum/chemical tank removals: Each additional tank from same site		\$50.00
18-69	Permit fee for petroleum/chemical tank removals: Failure to obtain permit prior to initiation of removal		Double permit fee
<i>Fireworks Permit Fee</i>			
18-102	Fireworks permit fee		\$300.00
<i>Recreational Fire Permit Fee</i>			
18-103	Recreational fire permit fee - per year		\$20.00
<i>Historic Preservation Fees</i>			

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
20-90	Historic designation by Heritage Preservation Commission fee		\$25.00
20-92	Certificate of recommendation for historical sites by the Heritage Preservation Commission		\$25.00
20-93	Application for certificate of appropriateness for demolition by Heritage Preservation Commission		\$100.00
20-141	Salvage vessels that are eligible for or on National Register of Historic Places		\$50.00
<i>Miscellaneous Permit Fees</i>			
32-106	Street privilege permit fee for alcohol consumption at an event		\$150.00
32-134	Construction noise permit fee		\$50.00
32-137	Petition for neighborhood quiet zone fee (minimum fee)		\$50.00
<i>Street and Sidewalk Fees</i>			
34-111	Boulevard improvement application fee		\$35.00
34-112	Boulevard modification mitigation fee - per square foot (This shall be increased \$0.05 per square foot each January beginning January 1, 2007)		\$1.00
40-3	Sidewalk construction permit fee		\$25.00
40-4	Driveway construction fee: Driveway construction permit fee		\$25.00
40-4	Driveway construction fee: If permit is obtained after commencement of work, double permit fee.		Double permit fee
40-8	Snow removal by board of public works: Per foot per snowfall event		\$2.50
40-8	Snow removal by board of public works: Administrative fee per parcel		\$50.00
40-13	Dumpster street fees: Dumpster street permit fee - per week		\$35.00
40-13	Dumpster street fees: Failure to obtain permit before commencement of work		Double permit fee
40-33	Street opening/excavation fees: Street opening or excavation permit fee		\$35.00
40-33	Street opening/excavation fees: Failure to obtain permit before commencement of work		Double permit fee
40-108	Street privilege permits: Long term permit fee: Annual fee (default)		\$50.00
40-108	Street privilege permits: Long term permit fee: Application fee		\$50.00
40-108	Street privilege permits: Long term permit fee: Newsbox: First newsbox		\$50.00
40-108	Street privilege permits: Long term permit fee: Newsbox: Each additional newsbox at same location		\$15.00
40-108	Street privilege permits: Long term permit fee: Vending Machine: First vending machine		\$50.00

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Section	License/Fee	Last Increase	Fee
40-108	Street privilege permits: Long term permit fee: Vending Machine: Each additional vending machine at same location		\$15.00
40-108	Street privilege permits: Long term permit fee: Boathouses and/or houseboats		\$1,200.00
40-108	Street privilege permits: Long term permit fee: Off-premises sign		Greater of \$3,600.00 or 5% of gross income of sign
40-108	Street privilege permits: Short term permit fee: Application fee and base fee for first five days		\$35.00
40-108	Street privilege permits: Short term permit fee: Each additional day beyond first five days (maximum aggregate 89 days) - per day		\$2.00
40-108	Fee when work is commenced before permit issued		Double permit fee
40-108	Street privilege permits: Appeal (to Common Council) fee		\$250.00
40-133	Building permit moving fee - per building size: 750 square feet or less		\$100.00
40-133	Building permit moving fee - per building size: Over 750 square feet		\$200.00
40-192	Parade permit fee - per number of units or participants, whichever is greater: Less than 200		\$50.00
40-192	Parade permit fee - per number of units or participants, whichever is greater: 200 - 500		\$100.00
40-192	Parade permit fee - per number of units or participants, whichever is greater: 501 - 5,000		\$250.00
40-192	Parade permit fee - per number of units or participants, whichever is greater: More than 5,000		\$500.00
<i>Taxation Fees</i>			
42-49	Room tax or lodging permit fee: Permit fee		\$5.00
42-49	Room tax or lodging permit fee: Reinstatement fee after revocation or suspension		\$10.00
42-52	Delinquent room tax return late fee		\$10.00 Traffic and Vehicle Fees
44-37	Traffic related services fees: Implementation of findings and order - per lineal foot		\$1.00
44-37	Traffic related services fees: Preparation of findings and orders - per block		\$25.00
44-37	Preparation of traffic control plans: Per two-lane block		\$25.00
44-37	Preparation of traffic control plans: Per four-lane block		\$50.00
44-37	Review of traffic control plans - per incident		\$25.00
44-37	Traffic calming application fee - per incident		\$25.00
44-37	Traffic calming implementation fee: Per incident		\$25.00
44-37	Traffic calming implementation fee: Per intersection		\$100.00
44-37	Traffic study application fee - per incident		\$25.00
44-37	Traffic study implementation fee: Per block		\$25.00
44-37	Traffic study implementation fee: Per intersection		\$100.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
44-78	Oversize load permit fee: Notice provided more than 72 hours in advance		\$25.00
44-78	Oversize load permit fee: Notice provided less than 72 hours but more than 24 hours in advance		\$50.00
44-78	Oversize load permit fee: Notice provided less than 24 hours in advance		\$100.00
44-108	Special parking permit fee-physicians and owners of emergency vehicles - per month		\$10.00
44-108	Special parking permit fee-trade vehicles - per month		\$30.00
44-175	Storage fee to be paid by purchaser of impounded vehicle - per day		\$10.00
44-176	Fee for list of abandoned vehicle to be sold		\$5.00
44-179	Fee for disabled or inoperative vehicles not removed by owner		\$25.00
44-222	Bicycle registration fee		\$2.00
44-222	Bicycle registration fee: Replacement of lost or damaged tags		\$1.00
<i>Water Service/Plumbing Permit Fees</i>			
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: Up to \$2,000.00		\$30.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: \$2,000.00 to \$5,000.00: Base fee		\$30.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: \$2,000.00 to \$5,000.00: Per \$1,000.00 or part thereof		\$20.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: \$5,000.01 to \$10,000.00: Base fee		\$120.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: \$5,000.01 to \$10,000.00: Per \$1,000.00 or part thereof		\$14.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: \$10,000.01 to \$50,000.00: Base fee		\$190.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: \$10,000.01 to \$50,000.00: Per \$1,000.00 or part thereof		\$6.40
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: Over \$50,000.00: Base fee		\$400.00
46-26	Water service installation permit fee, plumbing permit - based on valuation of plumbing work: Over \$50,000.00: Per \$1,000.00 or part thereof		\$12.00
<i>Sewer Service Charges</i>			
46-149	Category A, quarterly facilities charge - per metering device, excluding deduct meters		\$9.75

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Section	License/Fee	Last Increase	Fee
46-149	Category A, volume unit price - per 100 cubic feet		\$0.62
46-149	Category B, quarterly facilities charge - per metering device, excluding deduct meters		\$9.75
46-149	Category B, volume unit price - per 100 cubic feet		\$0.62
46-149	Category B, BOD unit price - per pound		\$0.175
46-149	Category B, SS unit price - per pound		\$0.142
46-149	Category C, fixed disposal charge - per load		\$10.00
46-149	Category C, volume charge: Holding tank discharge - per Mgal		\$3.25
46-149	Category C, volume charge: Septic tank discharge - per Mgal		\$22.00
46-149	Category C, volume charge: Grease trap disposal - per Mgal		\$22.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 5/8"		\$6.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 1"		\$12.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 1-1/2"		\$25.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 2"		\$35.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 3"		\$50.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 4"		\$75.00
46-149	Deduct meter - quarterly fixed charged based on meter size: 6"		\$100.00
Boating/Marina Fees			
48-3	Marine shipping enclosures and dock walls permit fee - based on valuation of work: Under \$1,001.00		\$6.00
48-3	Marine shipping enclosures and dock walls permit fee - based on valuation of work: \$1,001.00 to \$10,000.00: For the first \$1,000.00		\$6.00
48-3	Marine shipping enclosures and dock walls permit fee - based on valuation of work: \$1,001.00 to \$10,000.00: For each additional \$1,000.00 or part thereof		\$3.00
48-3	Marine shipping enclosures and dock walls permit fee - based on valuation of work: \$10,000.00 and over: For the first \$10,000.00		\$33.00
48-3	Marine shipping enclosures and dock walls permit fee - based on valuation of work: \$10,000.00 and over: For each additional \$1,000.00 or part thereof		\$1.00
48-26	Waterway markers and regulatory signage permit fee: Waterway marker in Pool 8: Per buoy marker per year		\$10.00
48-26	Waterway markers and regulatory signage permit fee: Waterway marker in Pool 7: Per buoy marker per year		\$5.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
48-26	Waterway markers and regulatory signage permit fee: Permitted signs (both pools) - per sign per year		\$10.00
48-27	Boat launching fee: Daily, La Crosse resident		\$3.00
48-27	Boat launching fee: Daily, nonresident		\$5.00
48-27	Boat launching fee: Annual fee, La Crosse resident		\$10.00
48-27	Boat launching fee: Annual fee, La Crosse resident for any additional boats owned by the same person with proof of ownership		\$5.00
48-27	Boat launching fee: Annual fee, nonresident		\$15.00
48-27	Boat launching fee: Annual fee, nonresident for any additional boats owned by the same person with proof of ownership		\$7.50
48-30	House boats and boat houses license fee - per year		\$15.00
<i>Comprehensive Plan Fees</i>			
101-61	Fee for request to amend Comprehensive Plan		\$200.00
<i>Building Permit Fees</i>			
103-3	Initial compliance and second compliance inspection fee		no charge
103-3	Third and subsequent compliance inspection fee		\$50.00
103-3	Missed Appointment/Failure to Allow Access fee		\$50.00
103-34	Minimum fee unless stated otherwise		\$50.00
103-34	Plan review fees: Existing one- and two-family dwellings		\$16.00
103-34	Plan review fees: New one- and two-family dwellings		\$41.00
103-34	Plan review fees: All commercial		\$102.00
103-34	Plan review fees: All commercial that have been State plan reviewed		\$51.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Deck-wood patio		\$31.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Residential yard shed		\$31.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Garage, detached		\$51.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Razing/wrecking		\$31.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Swimming pool		\$31.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): State seal cost		\$38.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Footing and foundation only		\$50.00
103-34	Flat permit fees (includes plan review and a land use and occupancy permit): Roofing permit		\$31.00
103-34	Residential building construction - per project square foot, no maximum fee (includes the attached garage and unfinished basement)		\$0.31
103-34	Commercial, industrial and institutional projects: Minimum permit fee		\$51.00

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Section	License/Fee	Last Increase	Fee
103-34	Commercial, industrial and institutional projects: Razing/wrecking		\$31.00
103-34	Commercial, industrial and institutional projects: Project square footage: Per square foot		\$0.54
103-34	Commercial, industrial and institutional projects: Project square footage: Maximum fee		\$40,680.00
103-34	Commercial, industrial and institutional projects: Shell only permit - per square foot		\$0.30
103-34	Commercial, industrial and institutional projects: Original tenant build out - per square foot		\$0.30
103-34	Miscellaneous: Airport height permit fee		\$41.00
103-34	Miscellaneous: Certificate of occupancy permit		\$31.00
103-34	Miscellaneous: Parking lot permit		\$41.00
103-34	Reinspection fee for missed appointments or extra inspection for non-compliance with inspector's orders (payable in full prior to re-inspection being performed)		\$50.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: New residential dwellings: Residential/agricultural up to three dwelling units, each unit		\$203.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: New residential dwellings: Residential condominiums four or more units, each building, base		\$407.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: New residential dwellings: Residential condominiums four or more units, each building, each unit		\$102.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: New residential dwellings: Multi-family residential four or more units, each building, base		\$407.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: New residential dwellings: Multi-family residential four or more units, each building, each unit		\$51.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: New commercial, industrial, institutional buildings - per square foot (500 minimum)		\$0.03
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural addition: Residential/agricultural up to three dwelling units, each unit		\$81.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural addition: Residential condominiums 4+ units, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural addition: Multi-family residential 4+ units, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural addition: Commercial, industrial, institutional buildings - per square foot (150 minimum)		\$0.03
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural alteration: Residential/agricultural up to three dwelling units, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural alteration: Residential condominiums four or more units, each building, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural alteration: Multi-family residential four or more units units, each building, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Structural alteration: Commercial, industrial, institutional buildings - per square foot (100 minimum)		\$0.03
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Nonstructural alterations, tenant build-out; finished basement: Residential/agricultural up to three dwelling units, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Nonstructural alterations, tenant build-out; finished basement: Residential condominiums four or more units, each building, each unit		\$81.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Nonstructural alterations, tenant build-out; finished basement: Multi-family residential four or more units, each building, each unit		\$81.00

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Section	License/Fee	Last Increase	Fee
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Nonstructural alterations, tenant build-out; finished basement: Commercial, industrial, institutional buildings - per square foot (100 minimum)		\$0.03
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Accessory structures (garages, sheds, etc.): Residential/agricultural up to three dwelling units, each unit		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Accessory structures (garages, sheds, etc.): Residential condominiums four or more units, each building, each unit		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Accessory structures (garages, sheds, etc.): Multi-family residential four or more units, each building, each unit		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Accessory structures (garages, sheds, etc.): Commercial, industrial, institutional buildings		\$51.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Porch, deck, patio, canopy, gazebo: Residential/agricultural up to three dwelling units, each unit		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Porch, deck, patio, canopy, gazebo: Residential condominiums four or more units, each building, each unit		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Porch, deck, patio, canopy, gazebo: Multi-family residential four or more units, each building, each unit		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Porch, deck, patio, canopy, gazebo: Commercial, industrial, institutional buildings		\$31.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Plumbing: Residential/agricultural up to three dwelling units, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Plumbing: Residential condominiums four or more units, each building, each unit		\$10.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Plumbing: Multi-family residential four or more units, each building, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Plumbing: Commercial, industrial, institutional buildings		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: HVAC addition/upgrade: Residential/agricultural up to three dwelling units, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: HVAC addition/upgrade: Residential condominiums four or more units, each building, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: HVAC addition/upgrade: Multi-family residential four or more units, each building, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: HVAC addition/upgrade: Commercial, industrial, institutional buildings		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Electrical addition/upgrade: Residential/agricultural up to three dwelling units, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Electrical addition/upgrade: Residential condominiums four or more units, each building, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Electrical addition/upgrade: Multi-family residential four or more units, each building, each unit		\$10.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Electrical addition/upgrade: Commercial, industrial, institutional buildings		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Fireplace: Residential/agricultural up to three dwelling units, each unit		\$20.00

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Section	License/Fee	Last Increase	Fee
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Fireplace: Residential condominiums four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Fireplace: Multi-family residential four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Fireplace: Commercial, industrial, institutional buildings		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Exterior siding; roofing; windows; sign: Residential/Agricultural up to three dwelling units, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Exterior siding; roofing; windows; sign: Residential condominiums four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Exterior siding; roofing; windows; sign: Multi-family residential four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Exterior siding; roofing; windows; sign: Commercial, industrial, institutional buildings		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Swimming pool: Residential/agricultural up to three dwelling units, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Swimming pool: Residential condominiums four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Swimming pool: Multi-family residential four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Swimming pool: Commercial, industrial, institutional buildings		\$20.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Building demolition/move offsite: Residential/agricultural up to three dwelling units, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Building demolition/move offsite: Residential condominiums four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Building demolition/move offsite: Multi-family residential four or more units, each building, each unit		\$20.00
103-34	Service charges for inspection and appraisal of new construction, remodeling and additions by the city assessor: Building demolition/move offsite: Commercial, industrial, institutional buildings		\$20.00
103-34	Expedited review fee for any of the building permit fees listed above		Double base fee
103-34	Double the permit fee for any work commenced before a permit is obtained.		
103-34	Double the permit fee when an applicant seeks expedited review of a permit application.		
103-36	Fee for appeals to board of building and housing appeals		\$100.00
103-101	Annual inspection/re-inspection (all facilities requiring annual inspections)		\$31.00
103-107	Permit fee for placement of semitrailers on lands not zoned residential - per unit		\$25.00
103-107	Permit fee for semitrailers allowed by special permission or variance on lands not zoned residential - per location or address		\$50.00
103-134	Fee for appeals to board of electrical examiners		\$10.00
103-137	Electricians and fire alarm installers licenses fees: Class A license original issuance		\$80.00
103-137	Electricians and fire alarm installers licenses fees: Class A license renewal		\$25.00
103-137	Electricians and fire alarm installers licenses fees: Temporary journeyman electrician		\$32.00
103-137	Electricians and fire alarm installers licenses fees: Fire alarm contractor		\$80.00
103-137	Electricians and fire alarm installers licenses fees: Fire alarm installer		\$32.00
103-137	Electricians and fire alarm installers licenses fees: Plant		\$200.00
103-137	Electricians and fire alarm installers licenses fees: Industrial electrician		\$32.00
103-137	Electricians and fire alarm installers licenses fees: Plant electrician		\$32.00

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Section	License/Fee	Last Increase	Fee
103-137	Electricians and fire alarm installers licenses fees: Application fee		\$16.00
103-137	Electricians and fire alarm installers licenses fees: 30 to 90 day late renewal		Double license fee
103-137	Electricians and fire alarm installers licenses fees: 90 to 180 day late renewal		Double license fee plus \$50.00 penalty
103-137	Electricians and fire alarm installers licenses fees: No renewal over 180 days late.		
103-138	Electrical permit fees, based on valuation of electrical work: Up to \$800.00		\$28.00
103-138	Electrical permit fees, based on valuation of electrical work: \$801.00 to \$2,000.00		\$44.00
103-138	Electrical permit fees, based on valuation of electrical work: \$2,001.01 to \$3,000.00		\$80.00
103-138	Electrical permit fees, based on valuation of electrical work: \$3,001.01 to \$4,000.00		\$96.00
103-138	Electrical permit fees, based on valuation of electrical work: \$4,000.01 to \$5,000.00		\$112.00
103-138	Electrical permit fees, based on valuation of electrical work: \$5,001.01 to \$6,000.00		\$120.00
103-138	Electrical permit fees, based on valuation of electrical work: \$6,000.01 to \$7,000.00		\$136.00
103-138	Electrical permit fees, based on valuation of electrical work: \$7001.01 to \$8,000.00		\$144.00
103-138	Electrical permit fees, based on valuation of electrical work: \$8001.01 to \$9,000.00		\$160.00
103-138	Electrical permit fees, based on valuation of electrical work: \$9001.01 to \$10,000.00		\$176.00
103-138	Electrical permit fees, based on valuation of electrical work: \$10,000.01 to \$50,000.00: Base Fee		\$192.00
103-138	Electrical permit fees, based on valuation of electrical work: \$10,000.01 to \$50,000.00: Each \$1,000.00 additional valuation or fraction thereof		\$6.40
103-138	Electrical permit fees, based on valuation of electrical work: Valuations greater than \$50,000.00: Base Fee		\$400.00
103-138	Electrical permit fees, based on valuation of electrical work: Valuations greater than \$50,000.00: Each \$1,000.00 additional valuation or fraction thereof		\$4.00
103-138	Electrical permit fees, based on valuation of electrical work: When work is commenced before a permit is obtained (Other penalties may also be invoked.)		Double permit fee
103-138	The plant license fee shall include the annual permit fee.		
103-169	HVAC permit fees: Plan review fee		\$30.00
103-169	HVAC permit fees: Flat fees: 1 & 2 family furnace/replacement		\$35.00
103-169	HVAC permit fees: Flat fees: 1 & 2 family central air/replacement		\$35.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
103-169	HVAC permit fees: Other HVAC work (based on project valuation): Up to \$5,000.00		\$50.00
103-169	HVAC permit fees: Other HVAC work (based on project valuation): \$5,000.01 to \$10,000.00: Base fee		\$50.00
103-169	HVAC permit fees: Other HVAC work (based on project valuation): \$5,000.01 to \$10,000.00: Each additional \$1,000.00 valuation or part thereof		\$6.40
103-169	HVAC permit fees: Other HVAC work (based on project valuation): Greater than \$10, 000.00: Base fee		\$50.00
103-169	HVAC permit fees: Other HVAC work (based on project valuation): Greater than \$10, 000.00: Each additional \$1,000.00 valuation or part thereof		\$5.00
103-169	HVAC permit fees: Heating work up to \$5,000.00		\$50.00
103-169	HVAC permit fees: When work is commenced before a permit is obtained		Double permit fee
103-195	Gasfitters license examination fee		\$20.00
103-195	Gasfitters license fee: Class A or Class B		\$80.00
103-195	Gasfitters license fee: Class C		\$20.00
103-195	Gasfitters license fee: Reinstatement of expired Class A or B license		\$32.00
103-195	Gasfitters license fee: Reinstatement of expired Class C license		\$20.00
103-200	Filing fee for certificate of approval for gas burners and gas burner equipment having an input capacity of 400,000 BTU per hour or less		\$15.00
103-229	Plumbing permit fees, based on work valuation: \$2000.00 or under		\$30.00
103-229	Plumbing permit fees, based on work valuation: \$2,000.01 to \$5,000.00: Base fee		\$30.00
103-229	Plumbing permit fees, based on work valuation: \$2,000.01 to \$5,000.00: Per \$1,000.00 or part thereof		\$20.00
103-229	Plumbing permit fees, based on work valuation: \$5,000.01 to \$10,000.00: Base fee		\$120.00
103-229	Plumbing permit fees, based on work valuation: \$5,000.01 to \$10,000.00: Per \$1,000.00 or part thereof		\$14.00
103-229	Plumbing permit fees, based on work valuation: \$10,000.01 to \$50,000.00: Base fee		\$190.00
103-229	Plumbing permit fees, based on work valuation: \$10,000.01 to \$50,000.00: Per \$1,000.00 or part thereof		\$6.40
103-229	Plumbing permit fees, based on work valuation: Over \$50,000.00: Base fee		\$400.00
103-229	Plumbing permit fees, based on work valuation: Over \$50,000.00: Per \$1,000.00 or part thereof		\$12.00
103-229	Plumbing permit fees: New sewer connection		\$40.00
103-229	Plumbing permit fees: Sewer relay		\$32.00
103-229	Plumbing permit fees: New water connection		\$40.00
103-229	Plumbing permit fees: Water relay		\$32.00

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Section	License/Fee	Last Increase	Fee
103-229	Where construction is commenced before a permit is issued		Double permit fee
103-269	Roominghouse license late license fee - per license		\$10.00
103-273	Property maintenance inspections - per inspection		\$100.00
103-297	Fee for appeals to Board of Building and Housing Appeals		\$100.00
103-337	Roominghouse license fee		\$30.00
103-370	Vacant building registration program fees: Re-registration		\$250.00
103-370	Vacant building registration program fees: Additional registration fee: If the property has not conformed to the building maintenance and security standards the registration fee will increase to \$500.00 and incrementally increase thereafter up to \$1,000.00 by \$250.00 per registration		
103-371	Vacant building registration inspection fees: First inspection		\$50.00
103-371	Vacant building registration inspection fees: First reinspection		\$50.00
103-371	Vacant building registration inspection fees: Second reinspection		\$200.00
103-371	Vacant building registration inspection fees: Third reinspection		\$350.00
103-371	Vacant building registration inspection fees: Fourth reinspection		\$525.00
103-402	Annual Registration Application Fee: Single		\$25.00
103-402	Annual Registration Application Fee: Duplex		\$30.00
103-402	Annual Registration Application Fee: Triplex		\$35.00
103-402	Annual Registration Application Fee: 4-plex		\$40.00
103-402	Annual Registration Application Fee: 5-8 plex		\$45.00
103-402	Annual Registration Application Fee: 9-15 plex		\$50.00
103-402	Annual Registration Application Fee: 16-26 plex		\$55.00
103-402	Annual Registration Application Fee: 27-47 plex		\$60.00
103-402	Annual Registration Application Fee: 48 and over plex		\$65.00
103-403	Registration application late fee: Per each late application		\$100.00
103-408	Registration reinstatement fee		\$150.00
103-439	Appeal fee		\$100.00
<i>Erosion Control Permit Fees</i>			
105-28	For areas disturbed which consist of no greater than one-half acre, provided the existing slope is no greater than 20 percent		\$60.00
105-28	For disturbed areas greater than one-half acre or areas with existing slopes greater than 20 percent		\$120.00
105-28	Annual permits		\$200.00
105-28	Beginning January 1, 2010, and each January 1 thereafter, the above erosion control permit fees shall automatically increase by the Consumer Price Index for All Urban Consumers (CPI-U).		
<i>Mobile Home Park License Fee</i>			

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
107-31	Issuance or renewal fee : Per each 50 spaces or fraction thereof		\$100.00
107-31	License transfer fee		\$10.00
<i>Sign Fees</i>			
111-9	Sign contractors license - annually		\$100.00
111-36	Signs permits: Plan review fee, all signs		\$30.00
111-36	Signs permits: Off-premises signage: Initial permit fee: Base Fee		\$30.00
111-36	Signs permits: Off-premises signage: Initial permit fee: For each additional \$1,000.00 or fraction thereof project value		\$7.00
111-36	Signs permits: Off-premises signage: Annual permit fee - per face		\$10.00
111-36	Signs permits: On-premises sign permit: Up to 30 square feet in area		\$30.00
111-36	Signs permits: On-premises sign permit: 30 square feet or more in area: Base Fee		\$30.00
111-36	Signs permits: On-premises sign permit: 30 square feet or more in area: For each additional \$1,000.00 or fraction thereof project value		\$7.00
111-89	Traffic safety study and environmental impact assessment fee for conversion of static off-premises signs to EMU or digital displays		\$300.00
<i>Subdivision Fees</i>			
113-13	Preliminary plat		\$250.00
113-13	Preliminary plat reapplication fee		\$50.00
113-13	Final plat review fee		\$150.00
113-13	Final plat reapplication fee		\$50.00
113-13	Public site fee		\$100.00
113-13	Certified survey map: First application for review		\$100.00
113-13	Certified survey map: Reapplication for additional review of same certified survey map		\$50.00
113-179	Reimbursement of developer's stormwater drainage facilities costs: The City shall reimburse the subdivider for all costs associated with the construction of storm sewers including catch basins and inlets which exceed a sum greater than an amount which is calculated by multiplying \$1000.00 times the acreage contained in the plat. If the sum to be paid for storm sewers including catch basins and inlets is less than an amount which is calculated by multiplying \$1000.00 times the acreage contained in the plat, the difference between the cost of such construction and the amount so calculated shall be paid to the City of La Crosse and placed in a special sewer construction account.		
<i>Zoning Fees</i>			
115-28	Land use permit fee		\$30.00
115-29	Floodplain certificate of compliance		\$20.00
115-32	Proofs of zoning letter		\$25.00

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Section	License/Fee	Last Increase	Fee
115-60	Appeals fee		\$200.00
115-60	Application for variance fee		\$200.00
115-88	Zoning amendment fee. The fee received for a zoning amendment later than 5:00 p.m. on the Friday preceding the regularly scheduled council meeting and before Wednesday at noon before the regularly scheduled council meeting shall be twice the amount of the regular fee.		\$350.00
115-148	Washburn Neighborhood Residential District plan review fee		\$50.00
115-153	Heavy Industrial District fee for conditional use permit for metallic or nonmetallic (sand and gravel) loading and unloading facilities including facilities located along rail yards or sidings, port or waterfront areas or trucking terminals and sites		\$600.00
115-156	Planned Development District, petition of zoning map amendment		\$500.00
115-223	Floodplain letters of determination		\$20.00
115-319	Tenth and Cass Neighborhood Historic Overlay District certificate of appropriateness fee		\$25.00
115-342	Conditional use permit fee. The fee for conditional use permit applications received later than 5:00 p.m. on the Friday preceding the regularly scheduled council meeting and before Wednesday at noon before the regularly scheduled council meeting shall be twice the amount of the regular fee.		\$250.00
115-390	Rescue platform review by Heritage Preservation Commission fee		\$25.00
115-390	Application fee for second garage review by Heritage Preservation Commission		\$25.00
115-397	Satellite antenna permit fee		\$15.00
115-399	Floodplain fill land use permit fee		See § 115-28, supra.
115-474	Wireless communication permit initiation fees: For each new site		\$5,000.00
115-474	Wireless communication permit initiation fees: For each co-location site		\$3,000.00
115-474	This amount shall increase by 4% each year beginning on January 1 of that year.		
115-511	Multifamily design exemption request fee		\$300.00
115-511	Multifamily design review fee: Duplex or triplex		\$50.00
115-511	Multifamily design review fee: 4-plex		\$100.00
115-511	Multifamily design review fee: 5 to 8 unit		\$200.00
115-511	Multifamily design review fee: 9 to 15 unit		\$250.00
115-511	Multifamily design review fee: 16 to 24 unit		\$350.00
115-511	Multifamily design review fee: 25 or more unit		\$500.00
115-549	Commercial design review fee: Notification of neighbors fee		\$300.00

APPENDIX C—FEE SCHEDULE

Section	License/Fee	Last Increase	Fee
115-549	Commercial design review fee: Less than 50,000 cubic feet		\$250.00
115-549	Commercial design review fee: 50,000 cubic feet or over		\$500.00
115-549	Commercial design review fee: Third party architect		\$500.00

CODE COMPARATIVE TABLE

1980 CODE

This table gives the location within this Code of those sections of the 1980 Code, as amended through April 16, 2014.

1980 Code Section	Section this Code	1980 Code Section	Section this Code
1.01	2-1	2.20(A)	26-1
1.02	2-31	2.21(A)	2-186
2.027	2-32	2.21(C)	2-187
2.03(A)	2-57	2.22(A)	8-21
2.03(B)	2-59	2.22(B)	8-22
2.04(A)	28-1	2.22(C)(1)	8-51
2.04(C)	28-2	2.22(C)(2)	8-23
2.04(D)	28-2	2.22(C)(3)	8-23
2.04(F)	28-3	2.23(A)	2-402
2.04(G)	28-4	2.23(B)	2-403
2.05(B)	2-77	2.23(C)	2-403
2.05(C)	2-78	2.23(D)	2-403
2.06(A)	2-213	2.23(E)	2-404
2.06(B)	2-214	2.24(A)	2-552
2.07(A)	2-445	2.24(B)	2-551
2.07(B)	2-445	2.24(C)	2-553
2.07(C)	2-446	2.25	2-585
2.07(D)	2-447	2.26	38-1
2.07(F)	2-448	2.27(A)	20-23
2.07(G)	2-449	2.27(B)	20-21
2.08(B)	2-467	2.27(C)	20-52
2.08(D)	2-468	2.27(D)	20-56
2.08(E)	2-469	2.27(E)	20-90
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