

ORDINANCE NO.: _____

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

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 10-460 is hereby amended to read as follows:

- (a) Except as provided in subsection (b), no~~Ne~~ premises established after April 1, 1992, shall be used for carrying on the business of junk dealing within a distance of 1,000 feet from land zoned for single family residence district, residence district, multiple dwelling district, special multiple dwelling district, or low density multiple dwelling district.
- (b) Waiver of 1,000 foot requirement.
- (1) Except as provided in subsection (2), the Common Council may grant a waiver to the 1,000 foot requirement by simple majority vote.
 - (2) Prior to granting any waiver, all property owners within 1,000 feet shall be notified by first class mail. If any property owner within 1,000 feet objects to the waiver, then the Common Council may only grant the waiver by 2/3 supermajority vote of the entire Common Council.
 - (3) Any waiver granted shall be for a period not to exceed 5 years. A waiver may be renewed upon application not less than 90 days prior to the waiver's expiration. Renewal requests may be granted upon simple majority vote by the Common Council without further notification to property owners within 1,000 feet.
 - (4) All waivers are non-transferable and valid only for the original requester. Any attempted transfer of a waiver shall render it null and void, including, without limitation, a change in corporate ownership. Any successor-in-interest may apply for its own waiver by complying with subsections (1) and (2).
 - (5) After notice and hearing, the Common Council may revoke any waiver upon finding non-compliance with any federal, state or local statute, regulation, ordinance, law or other requirement.
 - (6) Any premises established prior to [publication date] may obtain a waiver upon simple majority vote of the Common Council without notification to property owners within 1,000 feet subject to renewal as provided herein.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

Timothy Kabat, Mayor

Teri Lehrke, City Clerk

Passed:

Approved:

Published: