

ORDINANCE NO. 13-10

AN ORDINANCE REPEALING AND RECREATING SECTIONS 3.20(a), 3.38, 3.39, 4.09(C), 4.11(B), 4.11(C), 4.11(E), 6.01(B), 6.09(B), 21.10(H)(3), 22.0514(D)(2)(A)(8), 22.08(C)(2), 22.07(E)(3), 22.07(E)(4), 23.08(B), 23.09(B)(1), 23.11(C), 23.17(B), 24.02(B), 24.05(B), 24.05(D), 31.14(4)(C), 31.15(C)(1), 31.15(C)(2), 31.16(E), 31.19, 31.20(B), 31.25(C), 32.02(3)(D), 32.02(7)(E), 32.02(9), 36.06, 36.07(1), 36.13, 39.12, 39.14(10), 39.14(13), AND 41.07(3)(C) - REPLACING FEE LANGUAGE IN THE CITY OF PLATTEVILLE MUNICIPAL CODE

The Common Council of the City of Platteville do ordain as follows:

Section 1. Section 3.20(a) Use of Civic Memorial Building is hereby repealed and recreated as follows:

3.20 USE OF CIVIC MEMORIAL BUILDING AND SENIOR CENTER. (a) The rental rates for the use of the Auditorium, Common Council Chambers, and GAR Room of the Civic Memorial Building and the Senior Citizen Center shall be established by the Common Council and amended from time to time via resolution.

Section 2. Section 3.38 Fee for Processing Fingerprint Cards is hereby repealed and recreated as follows:

3.38 FEE FOR PROCESSING FINGERPRINT CARDS. Applicants requesting the processing of fingerprints for firearms or other applications or permits by officers of the City shall be assessed a fee established by the Common Council and amended from time to time via resolution.

Section 3. Section 3.39 Fee for Processing Temporary Wisconsin License Plates is hereby repealed and recreated as follows:

3.39 FEE FOR PROCESSING TEMPORARY WISCONSIN LICENSE PLATES. Individuals requesting application for vehicle title and the processing of temporary Wisconsin license plates by employees of the City shall be assessed a fee established by the Common Council and amended from time to time via resolution.

Section 4. Section 4.09(c) Shoveling Sidewalks is hereby repealed and recreated as follows:

- (c) A per parcel administration charge, in an amount as set from time to time by a resolution of the Common Council, shall be added to bills where the property owner fails to shovel the public sidewalk, requiring the City to perform the work and that any amount not paid within 30 days shall bear interest at the rate of one percent per month until fully paid.

Section 5. Section 4.11(b) Street Excavations is hereby repealed and recreated as follows:

- (b) Application for Permit. Not less than three days prior to a proposed excavation, opening or altering of any such street or alley the person performing the work shall submit to Public Works an application therefor on a form provided by the City, which application shall include the following:
 - 1. Statement as to purpose of proposed opening;

2. Exact location, size, and depth of opening;
3. As nearly as known the date on which said work is to be done;
4. A signed acknowledgment as to notice of the proposed opening by the following local utilities or by their duly authorized agents:
 - A. Telephone Company
 - B. Electric Light and Power Company
 - C. Gas Company
 - D. City Water and Sewer Department
5. Signature of person making application and date.

In the event of emergency, work may proceed, with permit and notification following without delay.

Section 6. Section 4.11(c) Street Excavations is hereby repealed and recreated as follows:

- (c) Bond. The person performing the work to be done on the street shall comply with Section 66.0425, Wisconsin Statutes, and shall, as part of such compliance, have or place on file with the City Clerk a bond in the amount as set from time to time by a resolution of the Common Council running to the City of Platteville to secure the performance of the requirements of this section.

By Section 66.0425, Wisconsin Statutes, public service corporations organized under Chapter 185 and cooperative associations organized under Chapter 185 to render or furnish telephone, gas, light, heat or power are not required to file said bond.

Section 7. Section 4.11(e) Street Excavations is hereby repealed and recreated as follows:

- (e) Permit Fee. Upon the return of the application form, the Director of Public Works or his agent shall notify the applicant of the action thereon, and if it has been approved, shall thereafter issue such permit. The permit fee in the amount as set forth from time to time by a resolution of the Common Council shall be included in the back filling cost set forth in Section 4.11(g). The estimated cost of back filling and street repair shall be provided at the time the permit is issued.

By Wisconsin Statutes 66.0425, public service corporations organized under Chapter 185 are not required to pay the permit fee.

Section 8. Section 6.01(b) Dog License is hereby repealed and recreated as follows:

- (b) License fees shall be established by the Common Council and amended from time to time via resolution for all dogs. The owner of a dog 5 months of age or over who fails to obtain a license prior to

April 1 of each year or within 30 days of acquiring ownership of a licensable dog or who fails to obtain a license on or before the dog reached a licensable age shall pay a late fee.

Section 9. Section 6.09(b) Kennels is hereby repealed and recreated as follows:

(b) An annual kennel license application shall be filed with the City Clerk and shall include the kennel owner's name, the kennel operator's name if different than the owner, the kennel address, the kennel capacity, a brief description of the kennel facility, whether the kennel is for personal or business use, the owner's signature and date. The fee for a kennel license shall be established by the Common Council and amended from time to time via resolution. The license shall be for one year and shall expire on December 31 of each year.

Section 10. Section 21.10(H)(3) Dedications of Public Parks and Other Public Sites is hereby repealed and recreated as follows:

- (3) The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be as set from time to time by the Council via resolution.

Section 11. Section 22.0514(D)(2)(a)(8) R-LO Limited Occupancy Residential Overlay District is hereby repealed and recreated as follows:

8. An application fee in an amount as set from time to time by a resolution of the Common Council shall be submitted to cover the rezoning costs of establishing the district.

Section 12. Section 22.08(C)(2) Mobile Home Parks is hereby repealed and recreated as follows:

- (2) Mobile Home Park License – It shall be unlawful for any person to operate upon property owned or controlled by him within the City of Platteville a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by a fee for each space in the existing or proposed park. The fee shall be in the amount as established from time to time by resolution of the Common Council. The annual license shall expire yearly on June 30th.
 - (a) It shall be the full responsibility of the mobile home park licensee to collect the parking permit fee as described in 22.08(C)(1), from each mobile home owner. Said fees shall be paid to the City Treasurer on or before the 15th day of the month for which such fees are due.

Section 13. Section 22.07(E)(3) Planned Unit Development District (PUD) is hereby repealed and recreated as follows:

- (3) General Development Plan (GDP): The Applicant shall provide the Community Planning & Development Director with a draft GDP packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. The submittal packet shall include an application fee in the amount as established from time to time by resolution of the Common Council, and shall contain

all of the following items prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for GDP review:

Section 14. Section 22.07(E)(4) Planned Unit Development District (PUD) is hereby repealed and recreated as follows:

- (4) Specific Implementation Plan: After the effective date of the rezoning to PUD/GDP, the Applicant shall file an application for a Specific Implementation Plan (SIP) with the Plan Commission. This submittal shall include an application fee in the amount as established from time to time by a resolution of the Common Council, and shall contain all of the following items, prior to its acceptance by the Community Planning & Development Director and placement of the item on a Plan Commission agenda for SIP review:

Section 15. Section 23.08(b) Occupancy Permits is hereby repealed and recreated as follows:

- (b) Fees. The fee for an Occupancy Permit shall be in the amount as established from time to time by resolution of the Common Council. This fee shall be in addition to any penalties provided for in Section 23.18.

Section 16. Section 23.09(b)(1) Permit Issuance is hereby repealed and recreated as follows:

- (1) Pursuant to this Section where the Building Inspector requires plans, the fee for plan review shall be in the amount as established from time to time by a resolution of the Common Council.

Section 17. Section 23.11(c) Moving Buildings is hereby repealed and recreated as follows:

- (c) Fees for Permit. The fees for moving permits shall be in the amount as established from time to time by a resolution of the Common Council.

Where police officers or other City personnel are required to expend substantial additional time in connection with such move, then the fees therein set forth shall be increased accordingly to cover the cost to the City.

Section 18. Section 23.17(b) Administration is hereby repealed and recreated as follows:

- (b) Revocation. If the Building Inspector finds at any time that any applicable ordinances, laws, codes, plans, or specifications are not being complied with and that the holder of the permit refuses to comply after a written warning or instruction, he shall revoke the permit by written notice posted at the site of the work. When any permit is revoked it shall be unlawful to do any further work thereunder until the permit is re-issued, except such work as the Building Inspector may order to be done as a condition precedent to the re-issuance of the permit, or as he may require for the preservation of human life and safety. The re-issuance of any permit shall carry a fee in the amount as established from time to time by a resolution of the Common Council.

Section 19. Section 24.02(b) Permit For Burning Building By Platteville Volunteer Fire Department is hereby repealed and recreated as follows:

- (b) Application for Permit. Application for the permit shall be made to the City Clerk and shall be accompanied by a fee in the amount as established from time to time by a resolution of the Common Council and shall state the location of the building, the owner thereof, and the names and addresses of the owners of real estate within 200 feet of the lot lines of the lot upon which the building proposed to be burned is located. All such applications shall be made at least three weeks prior to the Council meeting at which the permit will be acted upon. Small buildings not over one story with dimensions of 20 feet by 20 feet or less shall be granted a permit for a fee in the amount as established from time to time by a resolution of the Common Council.

Section 20. Section 24.05(b) Fire Inspections is hereby repealed and recreated as follows:

- (b) Inspection Fees. A fire inspection fee is hereby established according to the fee schedule as established from time to time by a resolution of the Common Council.

An initial inspection fee (up to one hour) is included in the license fee paid for premises subject to the licensing requirements of Chapter 36 Intoxicating Liquor, Fermented Beverages, and Other Beverages.

An additional inspection fee shall be charged if a premise is required to be inspected more than once in a calendar year.

Section 21. Section 24.05(d) Fire Inspections is hereby repealed and recreated as follows:

- (d) Special Charge. The fire inspection fee shall constitute a special charge against the real property for the services rendered under Wisconsin Statutes 66.0627. Any fees remaining unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge per parcel in the amount as established from time to time by a resolution of the Common Council.

Section 22. Section 31.14(4)(c) Direct Seller Permit is hereby repealed and recreated as follows:

- (c) At the time the registration form is returned, a fee as established by the Common Council and amended from time to time via resolution shall be paid to the Clerk to cover the cost of processing said registration.

Section 23. Sections 31.15(c)(1) Vending on City Property is hereby repealed and recreated as follows:

- (1) Annual Permit. Annual permits shall be issued on the 1st day of May each year or thereafter when applied for, and they shall expire on the 30th day of April following its issuance. The fee for an annual permit shall be established by the Common Council and amended from time to time via resolution.

Section 24. Sections 31.15(c)(2) Vending on City Property is hereby repealed and recreated as follows:

(2) Event Permit. Event permits shall be issued for up to 3 days and the permit shall set forth the date of expiration. The fee for an event permit shall be established by the Common Council and amended from time to time via resolution.

Section 25. Section 31.16(e) Junk Dealers is hereby repealed and recreated as follows:

(e) Every junk dealer shall pay an annual license fee established by the Common Council and amended from time to time via resolution. Upon loss or destruction of a license, the City Clerk shall issue a duplicate at no charge.

Section 26. Section 31.19 Taxi License Fee and Term is hereby repealed and recreated as follows:

31.19 LICENSE FEE AND TERM. There shall be a license fee established by the Common Council and amended from time to time via resolution for each vehicle used as a taxi and for each driver that operates a taxi vehicle. Said licenses shall expire annually on December 31.

Section 27. Section 31.20(b) Bicycle Licenses is hereby repealed and recreated as follows:

(b) Every owner of a bicycle used on the streets within the City shall, within ten days after acquiring the bicycle, file with the Police Department a complete description of such bicycle upon a blank form to be provided for the purpose, which filing of description shall constitute a registration of such bicycle. Such registrations shall be serially numbered and be kept on file by the Police Department as a public record. The fee for such registration shall be established by the Common Council and amended from time to time via resolution. Such a registration shall be non-expiring and shall continue until the Police Department is notified of any changes.

Section 28. Section 31.25(c) Firework Dealer's License is hereby repealed and recreated as follows:

(c) License Fee and Term. Each application shall be accompanied by a license fee established by the Common Council and amended from time to time via resolution, which shall be non-refundable. The license term shall be for one year from the date of issuance.

Section 29. Section 32.02(3)(d) Licensing Provisions is hereby repealed and recreated as follows:

(d) *Application fee.* Each application shall be accompanied by a nonrefundable fee in the amount as established from time to time by a resolution of the Common Council to defray the costs of processing and investigating of the application. If the application for a license is approved and a license is granted, half of the application fee shall be applied as a credit towards the annual license fee required for the first year pursuant to section 32.02(7)(e) of this ordinance.

Section 30. Section 32.02(7)(e) Licensing Provisions is hereby repealed and recreated as follows:

(e) *Annual license fees.* The annual license fees under this ordinance for an adult entertainment establishment shall be in the amount as included in the fee schedule established from time to time by a resolution of the Common Council.

1. The annual license fees collected under this ordinance are declared to be regulatory fees which are collected for the purpose of examination and periodic inspection of adult entertainment establishments pursuant to this ordinance and the administration thereof.
2. The fees shall be based upon the information contained in the license application, subject to verification, by inspection, of the several departments delegated responsibility pursuant to section 32.02(2).
3. The fee schedule may be revised pursuant to resolution adopted by the Common Council when necessary to ensure the fees cover the costs of administering and enforcing this article.

Section 31. Section 32.02(9) Licensing Provisions is hereby repealed and recreated as follows:

- (9) CHANGED NAME. No licensee may change the name of an adult entertainment establishment unless and until he satisfies each of the following requirements:
- (a) Gives the City Clerk thirty (30) days' notice in writing of the proposed name change;
 - (b) Pays the City Clerk a change-of-name fee in the amount as established from time to time by a resolution of the Common Council.

Section 32. Section 36.06 License Fees is hereby repealed and recreated as follows:

36.06 LICENSE FEES. The fees for the following licenses in the City of Platteville shall be established by the Common Council and amended from time to time via resolution:

- (1) Class "A" license to sell fermented malt beverages
- (2) Class "B" license to sell fermented malt beverages
- (3) Temporary "Class B" license to sell fermented malt beverages at picnics or similar gathering under s. 125.26(6), Wis. Stats
- (4) Temporary "Class B" license to sell wine at picnics or similar gathering under s. 125.51(10), Wis. Stats
- (5) Retail "Class A" license to sell intoxicating liquors
- (6) "Class B" liquor license, which shall include the authorization to sell, deal, and traffic in intoxicating liquors in the original package or container in quantities not exceeding 4 liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off premise.

- (7) Reserve "Class B" liquor license, which shall include the authorization to sell, deal, and traffic in intoxicating liquors in the original package or container in quantities not exceeding 4 liters at any one time and to be consumed off the premises so licensed, except that wine may be sold in the original package or otherwise in any quantity to be consumed off premise shall be the minimum fee of \$10,000 in addition to the annual "Class B" liquor license fee as established by Wis. Stats. 125.51(3)(e)2. Bona fide clubs and lodges situated and incorporated in the state for at least six years that apply for reserve "Class B" licenses are exempt from paying the minimum \$10,000 initial issuance fee, as provided in Wis. Stats. Section 125.51(3)(e)(3).
- (8) Wholesaler's license
- (9) "Class C" retailer's license to sell wine by the glass or in an opened original container for consumption on the premises where sold. Such licenses may only be issued for restaurants if:
 - (a) The sale of alcohol beverages accounts for less than 50% of the gross receipts, and
 - (b) The premises does not have a barroom, and
 - (c) The municipality's quota of "Class B" licenses is filled.
- (10) Pro Rata Fees: Licenses to sell fermented malt beverages and intoxicating liquors, as described above, shall not be granted for less than one year, except as follows: The fee for a Class "A" beer, "Class A" liquor, "Class B" liquor, Class "B" beer, and "Class C" wine license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued. Reserve "Class B" license fees and operators' license fees are not subject to the pro rata fees.

Section 33. Section 36.07(1) Operators' License is hereby repealed and recreated as follows:

- (1) An operator's license for all premises licensed to traffic in fermented malt beverages and intoxicating liquors may be issued by the Council. A written application, including the fee for a one or two year license as established by the Common Council and amended from time to time via resolution shall be filed with the City Clerk stating the name, residence, age and sex of the applicant together with such pertinent information as the Clerk shall require. Upon the approval of an application by the Council, the City Clerk shall, issue to the applicant a license to expire on June 30 next ensuing or on the second-ensuing June 30.

Section 34. Section 36.13 Provisional Licenses is hereby repealed and recreated as follows:

36.13 PROVISIONAL LICENSES. (1) The City Clerk may issue provisional operators' licenses to qualified applicants under the standards set forth in Section 36.09 and following a police record check showing that the applicant is not disqualified from holding an operator's license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a license fee as established by the Common Council and amended from time to time via resolution, a provisional operator's license shall be issued and shall expire 60 days after its issuance or when a license under Section 36.07 is issued to the holder, whichever is sooner. A provisional license may only be issued to a person who has applied for an operator's license under Section 36.07.

- (2) The City Clerk may issue provisional retail licenses as provided by Section 125.185, Statutes, to qualified applicants under the standards set forth in Section 36.09 and following a police record check showing that the applicant is not disqualified from holding a retail license. Upon filing by the applicant of a receipt showing the payment to the City Treasurer of a license fee as established by the Common Council and amended from time to time via resolution, a provisional retailer's license shall be issued and shall expire 60 days after its issuance or when a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license under Section 36.01 is issued to the holder, whichever is sooner. A provisional retail license may only be issued to a person who has applied for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license and authorizes only the activities allowed under that type of license. However, a provisional "Class B" liquor license may not be issued in excess of the City's quota. No person may hold more than one provisional retail license for each type of license applied for per year.

Section 35. Section 39.12 Removal of Illegally Parked Vehicles is hereby repealed and recreated as follows:

39.12 REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street, alley or other public grounds in violation of any City ordinance is hereby declared to be a public nuisance and a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of a police officer, Platteville Community Service Officers, and the Director of Public Works or his/her designee(s), to a position where parking, stopping or standing is not prohibited. Any police officer, Platteville Community Service Officers, and the Director of Public Works or his/her designee(s), after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this code, is authorized to remove such vehicle to a position where parking is not prohibited and may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer, or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle at his own facility or at a City provided facility. A storage fee in an amount as set from time to time by a resolution of the Common Council shall be charged if impounded on City property. The City shall pay the towing charge and the owner or operator of the vehicle shall pay the City for the cost of towing and impounding, if impounded on City property, and such fees, charges, and costs shall be added to the amount of the penalty set forth in Section 39.50 of this code, except that during snow emergencies no towing fee shall be charged or assessed against the owner of any vehicle removed under the emergency powers granted by Section 39.11(3) of this code.

If a vehicle has been impounded by the City and is not claimed by the owner within 48 hours, it shall be deemed an abandoned vehicle and the procedures set forth in Section 39.14 shall apply.

Section 36. Section 39.14(10) Removal of Illegally Parked Vehicles is hereby repealed and recreated as follows:

- (10) Purchaser to Remove Vehicle. The purchaser of any vehicle on sealed bid or auction sale under subsection (7) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee for each day the vehicle has remained in storage after the second business day subsequent to the sale date. The storage fee shall be in an amount as set from time to time by a resolution of the Common Council. 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.

Section 37. Section 39.14(13) Removal of Illegally Parked Vehicles is hereby repealed and recreated as follows:

- (13) Exemption. 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 Police Department of the location of the vehicle and shall transfer and deliver clear title for said vehicle to the City together with a fee to offset the cost of towing and junking charges and shall be exempt from the provision of this ordinance. The fee shall be in an amount as set from time to time by a resolution of the Common Council.

Section 38. Section 41.07(3)(C) Parade Permit is hereby repealed and recreated as follows:

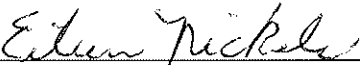
- (c) Fee. There shall be paid, at the time of filing the application for a parade permit, a fee as established by the Common Council and amended from time to time via resolution. The Common Council shall have the authority to waive the fee upon request of this person applying for permit.

Section 39. All other provisions of Chapter 3, 4, 6, 21, 22, 23, 24, 31, 32, 36, 39, and 41 remain in full force and effect unless specifically modified herein.

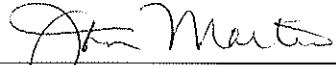
Section 40. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Approved and adopted by the Common Council of the City of Platteville, on a vote of 6 to 0 this 28th day of May, 2013.

CITY OF PLATTEVILLE,


By: Eileen Nickels, Council President

Attest:


By: Jan Martin, City Clerk

Published: June 5, 2013