

AMENDED AGENDA
MEETING OF THE PLAN COMMISSION
of the City of Platteville
Monday, August 2, 2021 at 7:00 p.m.

Council Chambers – City Hall
75 N. Bonson Street

1. ROLL CALL
2. APPROVE MINUTES – July 6, 2021
3. CODE AMENDMENT – Chapter 24: Fire Prevention and Protection (PC21-CA03-10)
Consider a draft ordinance that makes changes to the regulations concerning the structure, organization, and duties of the Fire Department.
4. REVISIONS TO INTERGOVERNMENTAL PLANNING AGREEMENT (PC21-MI01-11)
Consider proposed amendments to the City and Town of Platteville Intergovernmental Planning Agreement, which is slated to expire in November.
5. CODE AMENDMENT – Chapter 5: Health
Consider draft changes to the regulations concerning weed and tall grass enforcement, and natural lawns.
6. RESCHEDULE SEPTEMBER MEETING DATE
7. ADJOURN

If you have concerns or comments related to an item on this agenda, but are unable to attend the meeting, please send the comments to carrollj@platteville.org or call 608-348-9741 x 2235.

PLAN COMMISSION
Tuesday, July 6, 2021

The regular meeting of the Plan Commission of the City of Platteville was called to order by Council President Barbara Daus at 7:00 PM in the Common Council Chambers of the Municipal Building.

ROLL CALL:

Present: Amy Seebth-Wilson, Robert Vosberg, Jennifer Collins, Mark Meyers, Isaac Shanley, Bill Kloster, Evan Larson (present at 7:10p), and Ellen Stelpflug (appeared by phone).

Excused: Barbara Daus,

APPROVAL MINUTES – June 7, 2021

Motion by Kloster, second by Seebth-Wilson to approve the June 7, 2021, minutes as presented. Motion carried 7-0 on a roll call vote.

REZONING – 130 Ellen Street (PC21-RZ01-09) – Consider a request to approve Rezoning of 130 Ellen Street to be a B-2 Central Business District. The applicant is purchasing the property at 130 Ellen Street and also owns adjacent property at 125 S. Water Street. The applicant would like to take part of the Ellen Street property and add it to the Water Street property to expand the parking that is available for the apartments. There were some questions raised about water run off and if a retaining wall would be built. The applicants indicated that there were plans for a retaining wall on the Northeast side of the lot. Motion by Kloster, second by Vosberg to recommend approval to the Common Council for the Rezoning of 130 Ellen Street. Motion carried 8-0 on a roll call vote.

ADJOURN:

Motion by Kloster, second by Seebth-Wilson to adjourn. Motion carried 8-0 on a roll call vote. The meeting was adjourned at 7:16 PM.

Respectfully submitted,

Candace Klaas, City Clerk

STAFF REPORT
Community Planning &
Development Department



Meeting Date: August 2, 2021

From: Joe Carroll, Community Development Director

Re: Proposed Amendments to Chapter 24 – Fire Protection and Prevention

Applicant: Staff submitted

Attached a draft ordinance that includes potential amendments to Chapter 24 – Fire Protection and Prevention. This draft is based primarily on recommendations that came from the Platteville Fire Department Comprehensive Analysis project, which was completed in February. The analysis included some recommended changes related to the governance and oversight, and organizational structure of the department. There are also changes to provide better and updated references to State and National fire codes, and also to better reflect the current functions and duties of the department.

This ordinance is being presented to the Plan Commission to provide an opportunity for citizen input prior to review and approval by the Council.

New Title – FIRE PREVENTION AND PROTECTION

24.05 FIRE DEPARTMENT ESTABLISHED

The City of Platteville fire department, known as Platteville Fire Department, shall be recognized as the fire department of the City of Platteville and shall be responsible for the duties of firefighting, rescue, fire prevention and education, and preserving life and property for the citizens and property within the Platteville Fire Department fire district.

Commented [JC1]: Is there a definition or boundary description of the fire district? Should we have that in the ordinance?

24.10 ORGANIZATION

- (a) *General.* The fire department shall consist of a full-time fire chief, and a further compliment of full-time paid members as determined by the Common Council. There shall be a further compliment of paid-on-call and/or volunteer members of the fire department as authorized by the Common Council.
- (b) *Regulation.* The organization and internal regulation of the fire department shall be governed by the provisions of this chapter and by policies and procedures adopted by the fire department and reviewed by the Police and Fire Commission, except as otherwise provided by law or ordinance.
- (c) *Chief of the Fire Department.* The Police and Fire Commission shall appoint the fire chief of the fire department, who shall hold office during good behavior, subject to suspension or removal by the commission for cause.
- (d) *Selection of Officers.* Officers of the fire department shall be appointed by the fire chief subject to approval by the Police and Fire Commission.
- (e) *Subordinates.*
 - (1) Volunteer members of the fire department shall be appointed by the fire chief subject to approval by the Police and Fire Commission.
 - (2) Full-paid members of the fire department shall be appointed by the fire chief subject to approval by the Police and Fire Commission as prescribed in Section 62.13, Wis. Stats.

24.15 APPROPRIATIONS

The Common Council shall appropriate funds for, but not limited to, department operations, apparatus, equipment, training, and fire prevention for the fire department to perform its duties.

24.20 COMPENSATION

The officers and members of the fire department shall receive such compensation from the City as is fixed annually by the Common Council within the fire department budget.

24.25 POWERS AND DUTIES OF FIRE CHIEF

- (a) *General Supervision.* The fire chief shall have command of the fire department and provide general supervision of the department, which shall be subject to and not conflict with this chapter and the department policies and procedures and shall enforce a rigid observance of this chapter, the department policies and procedures, and SPS 314 of the Wisconsin Administrative Code. The fire chief shall be responsible for the members and overall operation of the fire department.

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- (b) *Presiding Officer.* The fire chief, or designee, shall preside at department meetings, call special meetings, preserve order, and decide all points of order that may arise.
- (c) *Command at Incidents.* The fire chief or officer in command, shall have complete command of and entire responsibility for all fire department operations, plan the control of the same, direct the action of the fire department when it arrives at an incident and observes that the department does its duty.
- (d) *Additional Resources.* The fire chief, or designee, shall have the authority to request any additional resources from other jurisdictions under mutual aid or Mutual Aid Box Alarm System (MABAS) agreements.
- (e) *Enforcement of Fire Prevention Ordinances.* The fire chief, or designee, shall enforce all fire prevention ordinances of the City, state laws, and regulations pertaining to fire prevention.
- (f) *Incident Reporting.* The fire chief, or designee, shall prepare an incident report of every incident to which the department was called and shall enter in the report the information required by National Fire Incident Report System (NFIRS) and submit such completed report as required to the NFIRS reporting system.
- (g) *Apparatus and Equipment Inventory, Maintenance, and Use.* The fire chief shall:
 - (1) Keep an inventory of all apparatus and equipment.
 - (2) Order the repair of apparatus and equipment.
 - (3) Have control of the use of all apparatus used by the fire department and approve the use of apparatus or equipment that it may be used for responding to incidents, training, fire prevention, or other activities as deemed appropriate.

24.30 AUTHORITY OF FIRE DEPARTMENT AT INCIDENTS

- (a) *Command at Incidents.* The fire department shall operate under the incident command system and the fire chief or officer in command shall have complete command of and entire responsibility for all department operations, plan the control of the same, direct the action of the department when it arrives at an incident, and observe that the department does its duty.
- (b) *Police Powers at Incidents.* The fire department officers in command at any incident shall have full and complete police authority at incidents. Any fire department officer may order the arrest of any person who fails to give the right-of-way to the department in responding to an incident.
- (c) *Control at Incidents.* The fire department officers in command may prescribe certain limits in the vicinity of any incident within which no person except emergency personnel and others authorized by the officer in command may be within those limits. The officer in command may also cause the removal of any property whenever it becomes necessary for the preservation of property from an incident, or to prevent the spread of fire or damage, or to protect the adjoined property. During the progress of any incident, the officer in command may order the removal or destruction of any property necessary to prevent the further spread of fire or damage. The officer in command may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work or safety of the department during the progress of an incident.
- (d) *Entering Premises.*
 - (1) Any firefighter acting under the direction of the officer in command may enter upon the incident premise, premises adjacent to or in the vicinity of any building or other property on fire to extinguish such fire, and if any person hinders, resists, or obstructs a firefighter in the discharge

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of their duty, the person so offending may be charged with obstructing a firefighter in the discharge of their duties. This also applies to other types of emergency incident calls.

- (2) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire chief, or designee, may require a key box to be installed as per Section 24.70 of this code.
- (e) *Damage to Equipment.* No person shall willfully damage any hose, hydrant, fire apparatus, or any other equipment belonging to the fire department or City. Furthermore, no vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private driveway, or other place to be used at any incident without consent of the fire department office in command.

24.35 RESPONSIBILITY

The responsible party for every new and existing building, structure or premises shall construct, arrange, equip, maintain, and operate in accordance with this chapter to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions. Compliance with this chapter does not relieve the responsible party from compliance with other ordinances or Wisconsin Statutes and Administrative Rules.

24.40 ENFORCEMENT AND PENALTY.

- (a) *Enforcement.* The Authority Having Jurisdiction (AHJ) shall be authorized to ascertain and cause to be corrected any condition liable to cause fire or any violation of any law or order relating to the fire hazard or to the prevention of fire. This chapter shall be administered and enforced by the fire department fire chief, fire officers and fire inspectors.
- (b) *Notice of violations.* Whenever the AHJ determines violations of this chapter, a written notice shall be issued to confirm such findings.
- (c) *Serving Notice of Violation.* Any order or notice of violation issued pursuant to this chapter shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:
 - (1) Personal service.
 - (2) Emailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.
 - (3) Mailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.
- (d) *For Unattended or Abandoned Locations.* A copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:
 - (1) Emailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
 - (2) Mailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
 - (3) Published in a newspaper of general circulation wherein the property in violation is located.
- (e) *Duty to Correct.* Upon notification of a violation, the responsible party shall have the duty to correct the violation(s) within the time specified by the AHJ.

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(f) *Failure to Comply.* Any person who fails to comply with the provisions of this chapter, fails to carry out an order made pursuant to this chapter, or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by the AHJ.

(g) *Penalty.*

- 1) The fire chief, fire officers, and fire inspectors are authorized to issue citations for violations of the provisions of this chapter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined and set by the AHJ. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day upon which a provision of this chapter shall be violated shall constitute a separate offense.
- 2) The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment. The penalty for violation of any provision of this chapter shall be set forth in the forfeiture schedule adopted by Section 1.10 of city code.
- 3) Any person maintaining a fire deemed by the fire chief or fire chief's designee to be in violation of this ordinance shall immediately extinguish such fire. In addition to the forfeiture provided herein, in the event of a fire department response to the location of the fire, the person responsible shall be assessed a charge equal to the then current charge for a fire department response.

Commented [JC2]: Is the fee or amount of the charge identified in a fee schedule or other area? Is it the same as in Section 24.45?

24.45 COST RECOVERY FOR SPECIAL SERVICES AND MATERIALS

- (a) All costs for special services associated with an incident response including, but not limited to, firefighting foam, absorbents, and private vendor services, shall be recoverable by the City against the property owner of record.
- (b) When, in the opinion of the Authority Having Jurisdiction (AHJ), a danger exists, the AHJ shall be authorized to order the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, adjacent buildings, or nearby areas. The AHJ shall be authorized to employ the necessary resources to perform the required work in order to mitigate the danger. Costs incurred by the AHJ in the performance of emergency work shall be the responsibility of the property owner of record or other responsible party creating such danger.

24.50 HAZARDOUS MATERIALS INCIDENT RESPONSE REIMBURSEMENT

- (a) *Prohibited Discharges.* No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled on any public or private street, alley, public or private property, or onto the ground, surface waters, subsurface waters or aquifers, or within the City, except those areas specifically licensed for waste disposal or landfill activities and licensed to receive such materials, explosives, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (b) *Containment, Cleanup, and Restoration.* Any person, firm, or corporation in violation of Section 24.50 (a), shall so notify the fire department and begin immediate actions to contain, cleanup, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any

person, firm, or corporation fail to engage the necessary personnel and equipment to comply or complete the requirements of this section, the fire chief or the office of emergency government director may order the required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the City as action imposed by Section 24.50(c).

- (c) *Emergency Services Response.* Emergency services response includes, but is not limited to, fire service, emergency medical service, law enforcement, and public works. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this chapter. Actual and necessary expenses may include, but are not limited to, replacement of equipment damaged by the hazardous substance, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up, medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.
- (d) *Site Access.* Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to fire department personnel, law enforcement personnel, and office of emergency government personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up and restoration activities.
- (e) *Public Protection.* Should any prohibited discharge occur which threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect the health, safety, and welfare of the community, the fire chief, their designee, or the senior law enforcement official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the emergency government director or Common Council can take appropriate action.
- (f) *Enforcement.* The fire chief and emergency government director shall have authority to issue citations or complaints under this chapter.
- (g) *Civil Liability.* Any person, firm, or corporation in violation of this chapter shall be liable to the City for any expenses incurred by the City for loss or damage sustained by the City by reason of such violations.

24.55 CODES ADOPTED

- (a) *Adoption of National Fire Protection Association Code (NFPA 1), Fire Code.* The provisions of the NFPA 1, Fire Code, the referenced publications of NFPA 1 Chapter 2 and the Annexes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: A copy of National Fire Protection Code (NFPA) 1, Fire Code, is on file in the offices of the fire department and the legislative reference bureau. Copies of NFPA 1, Fire Code, may be purchased from the National Fire Protection Association at 11 Tracy Drive, Avon, MA 02322; and may be purchased or accessed free of charge at www.nfpa.org.

- (b) *Adoption of International Fire Code (IFC).* The provisions of the International Fire Code (IFC), the referenced publications of IFC Chapter 45 and the Appendixes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

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Note: A copy of the International Codes (ICC) adopted is on file in the offices of the fire department and the legislative reference bureau. Copies of the International Codes may be purchased from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, (708) 799-2300, website www.iccsafe.org.

- (c) *Adoption of Wisconsin Department of Safety and Professional Services Codes.* The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

SPS 305	Licenses, Certification and Registration
SPS 307	Explosive Materials and Fireworks Manufacturing
SPS 314	Fire Prevention
SPS 316	Electrical
SPS 318	Elevator Code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured Home Communities
SPS 328	Smoke Detectors and Carbon Monoxide Detectors
SPS 330	Fire Department Safety and Health Standards
SPS 334	Amusement Rides and Attractions
SPS 340	Gas Systems
SPS 343	Anhydrous Ammonia
SPS 361-366	Wisconsin Commercial Building Code
SPS 371	Solar Energy Systems
SPS 375-379	Buildings Constructed Prior to 1914

- (d) *Adoption of the Wisconsin Agriculture, Trade and Consumer Protection Codes.* The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

ATCP 93	Flammable and Combustible Liquids
ATCP 94	Petroleum Products

Note: Copies of the Wisconsin Department of Safety and Professional Services Codes and the Wisconsin Agriculture, Trade and Consumer Protection Codes respectively are available from: <https://docs.legis.wisconsin.gov/code/toc/spc> and <https://docs.legis.wisconsin.gov/code/toc/atcp>

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- (e) *Conflicting Provisions.* In case of a conflict between the provisions of this section or between this section and existing city ordinances, the strictest provisions shall apply.
- (f) *Penalty.* The failure or refusal of any person to obey the requirements of the Wisconsin Administrative Code provisions incorporated in this section by reference shall subject that person to penalties in the form of monetary forfeitures expressed therein or, if none, to the general penalty provisions under Chapter 1.10 of city code.

24.60 FIRE INSPECTIONS

- (a) *Statute Adopted.* Wis. Stats. 101.14 is hereby adopted by reference.
- (b) *Inspection Fees.*
 - 1) 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.
 - 2) An additional inspection fee shall be charged if a premise is required to be inspected more than once in a calendar year.
- (c) *Exemption From Fees.* All buildings, structures, and premises in the Platteville Fire Department fire district that is owned by the Platteville School District, University of Wisconsin—Platteville, Townships, and any other units of government, shall be exempt from initial inspection fee and first re-inspection fee. Fees charged for second and subsequent re-inspections shall apply. Furthermore, all buildings, structures, and premises owned by the City of Platteville and United States Government shall be exempt from any fees for fire inspections.
- (d) *Special Charge.* The fire inspection fee shall constitute a special charge against the real property for services rendered under Wis. Stats. § 66.0627. Any fees remaining overdue and 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 according to the fee schedule as established from time to time by a resolution of the Common Council.

24.65 FREQUENCY OF FIRE PREVENTION INSPECTIONS

In accordance with Wis. Adm. Code Section SPS 314.01(13)(b)7, fire prevention inspections of all public buildings and places of employment within the Platteville Fire Department fire district shall be conducted at least once per calendar year or more often as is ordered by the fire chief, provided the interval between such inspections shall not exceed fifteen (15) months.

24.70 KEY BOXES

- (a) Definitions. The following definitions shall govern this section:

“*Authority Having Jurisdiction (AHJ)*” means an individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. The AHJ as it pertains to this section refers to the chief or the chief’s designee.

“*Chief*” means the fire chief of the department.

“*Department*” means the Platteville Fire Department.

“*Key Box*” means a key vault of a type approved by the department, installed by the property owner, in an accessible location approved by the AHJ, for the purpose of containing keys or other access

Commented [JC3]: It may be better to have all the definitions in a separate “Definitions” section.

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devices for the department use only, to gain quick access to all areas of the premises without having to damage property.

"Public Building" means any structure, including the exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part, as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three or more tenants except for one and two family dwellings.

- (b) *Requirements for Access by the Department.* As required in Section 24.30(d)(2), when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire chief may require a key box to be installed in an accessible location as approved by the AHJ. The key box shall be of a type approved by the AHJ and shall contain master key(s) as required by the AHJ to gain necessary access. The type, number of, and location of key boxes shall be approved by the AHJ.
- (c) *Contents of Key Boxes.* The key box shall contain master key or keys or other devices to allow access as required by the AHJ.
- (d) *Notification in Event of Change in Means of Access.* If keys or devices for access are changed, new keys or devices shall be provided to the Department within three business days.
- (e) *Key Boxes Required.* The AHJ shall require key boxes in the following instances:
 - 1) In all public buildings that are locked for security reasons that have common corridors serving individuals.
 - 2) All buildings having an automatic fire alarm system or equipped with an automatic fire suppression system, except one, two or three family residential structures.
 - 3) All multiple family residential structures containing 3 or more living units, whether rental or condominiums.
 - 4) All commercial and industrial buildings not openly accessible 24 hours a day.
 - 5) The size or construction of a building, or the physical barriers or terrain around the building may dictate more than one key box at the discretion of the AHJ.
- (f) *Inspections.* During a fire safety inspection, the keys or other devices stored in a key box may be accessed to ensure access to all areas of the structure.
- (g) *Exception.* Any building or structure having on-site 24-hour security personnel may be exempted from the requirements of this section by the fire chief.
- (h) *New Construction.* All new construction subject to the requirements of this section shall have a key box installed prior to the issuance of a certificate of occupancy.
- (i) *Penalty.* Failure or refusal to comply may result in assessment of penalty in accordance with Section 1.10 of city code.

24.75 SMOKE DETECTORS AND FIRE PROTECTION DEVICES

- (a) Any building or structure occupied for sleeping purposes shall have smoke detectors installed and maintained in accordance with the laws of this state. Reference Wis. Admin. Code § SPS 321.09, § SPS 328, and § SPS 351.245.

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- (b) No unauthorized person shall tamper with, alter, or remove any detector, fire extinguisher, fire protection apparatus, or alarm system from any building, structure, or unit as required by this section or required by the laws of this state, except for necessary testing or maintenance.

24.80 BUILDING NUMBERING REQUIRED

- (a) All buildings in the City shall be numbered in accordance with the following:
 - 1) Numbers shall be easily seen from the street the building is addressed.
 - 2) Numbers shall contrast with their background, be of Arabic numbers or letters with a minimum of 4 inches in height with a minimum stroke width of 0.5 inch.
 - 3) Where access is by private road and/or the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.
 - 4) Multiple dwelling units shall have each individual apartment identified with Arabic numbers or letters with a minimum height of 3 inches.
 - 5) When practical, the required numbers shall be placed as close to the main entry door as possible but are not to be placed on garage doors or in similar locations on a building that may become covered or nonvisible.
- (b) All new buildings shall meet the minimum requirements of this section prior to occupancy being granted.
- (c) All existing buildings shall meet the minimum requirements of this section.

24.85 REQUIRED ACCESS FOR FIRE APPARATUS

- (a) General Requirements
 - 1) *Suitable Access.* All premises, public or private, which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with access roads and/or fire lanes with suitable gates so that all buildings on the premises are accessible for fire apparatus and/or firefighters.
 - 2) *Fire Lanes.* Fire lanes shall be provided on public or private property devoted to fire department use for all buildings used for human habitation or occupancy which are set back more than 100 feet from any roadway access or exceed 30 feet in height and are set back more than 50 feet from a roadway. Fire lanes may also be designated on those private roadways where it is found by the fire chief that such access is necessary for fire apparatus and/or firefighters.
 - 3) *Width.* Fire lanes shall be at least 20 feet in width with the closest edge of the lane at least 10 feet and no more than 30 feet from the building.
 - 4) *Dead-End Roads.* Any dead-end road more than 300 feet long shall be provided a turnaround at the closed end of the roadway.
 - 5) *Turning Radius.* Curves and turnarounds shall be designed for a 45-foot turning radius.
 - 6) *Designation, Marking and Maintenance of Fire Lanes.* The designation, marking and maintenance of fire lanes shall be accomplished as specified by the fire department. The current department of transportation standards for roadway marking shall be used as guidelines in designating and marking any fire lanes.

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- 7) *Accessibility.* Fire lanes and access roadways shall remain accessible to the fire department at all times of the year. During winter months, fire lanes shall be maintained by the property owner or occupant to include proper and timely snow and ice removal.

(b) Designated Fire Lanes

- 1) Designated fire lanes shall be marked with signs within 5 feet of the beginning and end of the fire lane, with spacing between signs not to exceed 75 feet. The curb shall be painted red; if there is no curb, a 4-inch wide stripe shall be painted the full length of the fire lane. Fire lane signs shall be affixed to a stationary pole or object and be plainly visible.
- 2) Roadways identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide red stripes.
- 3) It shall be unlawful for any person or firm to post a fire lane sign without the approval of the fire department. Vehicles parked in a fire lane shall be cited with a notice of violation using a City parking violation. This citation may be issued by a member of the police department or fire department who have been granted citation authorization.
- 4) Vehicles will be permitted to temporarily stop in a fire lane while actively loading or unloading provided the driver is present. When this requirement is met, a reasonable amount of time may be allowed for the completion of loading or unloading of a vehicle.

(c) Fire Lane Parking Regulated

- 1) *Removal of Parked Vehicle.* Any vehicle that is parked within a fire lane designated and marked in accordance with Section 24.85(b) shall be removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:
 - a. When a vehicle repeatedly violates fire lane regulations by habitually parking in a fire lane.
 - b. When a vehicle blocks the ingress/egress of a business, theater, nightclub, apartment complex, gymnasium, or place of public assembly.
 - c. When the vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and/or emergency medical services to respond to an emergency.
 - d. Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the fire chief or their designee. The police department may order the towing of a vehicle at any time that the above conditions exist.
- 2) *Obstructions other than Vehicles.* An inspection report with warning notice shall be issued to the property owner, occupant or responsible party requiring that if the obstruction is not removed within the specified time period, the fire department may cause the removal of the obstruction with the cost of removal billed to the person or firm responsible for the obstruction.
- 3) *Obstruction of a Fire Lane for Construction, Remodeling or Repair.* When it becomes necessary to obstruct a fire lane for construction, remodeling or repair, site approval shall be required and permission obtained from the fire department.

24.90 FIRE HYDRANTS

- (a) *Required.* When a municipal water system is available in any portion of a commercial, residential, or industrial area in which the building is set back more than 400 feet from the municipal fire hydrants, the owner shall install at their expense approved fire hydrants. The setback distance shall be

determined by measuring the travel distance from the municipal hydrant, along the centerline of a municipal street, private road suitable for travel by fire apparatus or fire lane.

- (b) *Location.* Hydrants determined to be necessary in accordance with Section 24.90(a) shall be freestanding and in compliance with the standards of the City water utility. A hydrant shall be located at the main entryway to such building or complex and additional hydrants shall be provided around the perimeter of the building or complex, so no hydrant is more than 400 feet from any other approved hydrant. No hydrant shall be placed within 25 feet of the building.
- (c) *Approval.* All water mains, hydrants and locations shall be approved by the fire department and City utility director and installed in compliance with the standards of the City and City water utility specifications.
- (d) *Maintenance.* All owners of private property who have private fire hydrants located upon their property which are not serviced, maintained, flushed, or tested by the City water utility shall on an annual basis service, flush, test, repair and maintain the private fire hydrant to ensure that the hydrant is in proper working order in the event of emergency use. Records of all annual service, testing, flushing, maintenance, and repairs shall be made available to the fire department upon request.

24.95 OPEN BURNING

(a) *Definitions.*

"*Open Fire*" means any fire involving any type of combustible material, whether for cooking pleasure, or any other purpose, located anywhere within the City of Platteville, on public or private property.

"*Outdoor Cooking Apparatus*" means a charcoal grill, gas grill, camping stove, or similar apparatus designed exclusively for cooking food.

"*Recreational Fire*" means any noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit.

"*Waste and Refuse*" means all rubbish, garbage and residual matter of any kind, including grass trimmings and leaves.

(b) *Prohibited Open Burning.*

- 1) No person shall burn or cause to be burned any leaves, grass, wood, rubbish, or other combustible material on any street, alley, or sidewalk within the City at any time.
- 2) The use of drums, barrels, or any containers used to burn leaves, yard waste, rubbish, garbage, other household wastes or hazardous materials upon any premises within the City is prohibited.
- 3) No person shall burn or cause to be burned any leaves, grass, wood, rubbish, structure, or other combustible material outdoors on any lot or parcel of land within the City at any time without a burning permit. The provisions of this subsection, however, shall not apply to controlled outdoor burning as set forth in paragraph (4) below, and to subsections (c) and (d) below.
- 4) A burning permit may be issued by the Fire Chief for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for a prescribed vegetation management burn shall be as set forth in the City of Platteville Fee Schedule. If inspection or supervision is required, inspection and supervision costs shall be billed to the owner of the property. If not paid within 60 days of billing, said costs shall be assessed against the property as

Commented [JC4]: It may be better to have all the definitions in a separate "Definitions" section.

Draft: July 26, 2021

a special charge pursuant to Wis. Stats. § 66.0627. Burning permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel, or occupancy to occupancy; however, burning permits may encompass multiple parcels under common ownership if part of a common vegetation management project.

- (c) *Outdoor Cooking Apparatus and Open Fires used for Cooking* are allowed only under the following circumstances:
- 1) Outdoor cooking apparatuses are allowed but are limited to charcoal and gas grills, freestanding fireplaces (clay or metal) or fire pits.
 - 2) Fire pits used for cooking must comply with all requirements of recreational fires.
 - 3) Use of outdoor cooking apparatuses on other than one or two-family dwelling decks is prohibited.
- (d) *Recreational Fires* are allowed only under the following circumstances:
- 1) Only clean and clear (unpainted, unfinished, untreated) wood, split firewood, tree limbs or charcoal may be burned. No rubbish, yard waste, leaves, garbage, household wastes or hazardous materials may be burned.
 - 2) No recreation fire shall be in area larger than three feet in diameter (three feet by three feet).
 - 3) Only one recreational fire or fire area may be constructed or maintained upon any premises.
 - 4) Shall be a minimum of 15 feet from any structure and/or other combustible material or 10 feet of any lot line unless approved by the fire chief.
 - 5) No accelerants such as gasoline, kerosene, or any other accelerant may be used, with the exception of charcoal lighter fluid.
 - 6) A fire extinguisher or water hose shall be available nearby at all times until the fire is completely extinguished.
 - 7) When burning, all burning material must be completely contained within the freestanding fireplace or fire pit and shall not extend beyond the confines of such container and the flame height shall not exceed 4 feet from the base of the fire.
 - 8) If a fire pit is used, the construction and use of the fire pit shall, in addition to the above requirements, comply with the following requirements:
 - a. The diameter of the pit shall not exceed three feet.
 - b. The depth of the pit shall be a minimum of six inches.
 - c. The rim of the pit shall be lined with rock, concrete, brick or steel.
 - 9) The smoke from the fire shall not create a nuisance for other properties or obstruction of vehicle travel due to decreased or diminished visibility.
 - 10) Any open fires shall be attended by a least one person eighteen (18) years old or older when lighting the fire and at all times until the fire is completely extinguished.
 - 11) Open flames and embers must be completely extinguished before the open fire is vacated.
- (e) Fires set by the Platteville Fire Department for practice and instruction of firefighters are allowed with authorization from the fire chief.

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- (f) The fire chief is granted the authority to issue burning permits at a fee established according to the fee schedule as established from time to time by a resolution of the Common Council. Such permit shall allow open burning other than those authorized in Sections 24.95(c-d). The fire chief shall not issue a permit to burn any material that could result in a health hazard. Each permit shall indicate what material will be burned, when the material can be burned, where it will be burned, where it can be burned, under what wind and other climatic conditions and shall include such other or further restrictions that the fire chief may require to protect the health and safety of the public.
- (g) The fire chief is granted the authority as a delegation of power by the Common Council under Section 323.11, Wis. Stats., to declare a fire emergency in the City, during which open flames are prohibited, for such period of time during which the emergency conditions exist or are likely to exist.
- (h) *Extinguishment*. The fire department may extinguish any fire ignited or maintained contrary to this section on authority of the fire chief or their designee.
- (i) *Liability*. Persons utilizing and maintaining open fires shall be responsible for any liability resulting from damage caused by such fires.
- (j) *Penalty*. Violations of this section are punishable under Chapter 1.10 of city code and citations for such violations may be issued by the fire chief or their designee as well as the police department.

24.100 COST RECOVERY FOR NUISANCE FIRE DEPARTMENT RESPONSES

Any person, industry, commercial property, apartment complex or other who shall cause for the response of the fire department that is deemed a nuisance to include, but not limited to, illegal burning, multiple false alarms, disorderly act, shall forfeit to the City the sum of all costs incurred for the response to the reported nuisance. The person, industry, commercial property, apartment complex or other entity responsible for the nuisance may also be assessed a charge equal to the current charge for a fire department response as established according to the fee schedule established from time to time by a resolution of the Common Council.

24.105 OUTDOOR SOLID OR LIQUID FUEL HEATING DEVICES

- (a) *Definitions*. For purposes of this section, an outdoor solid or liquid fuel heating device shall include any outdoor device or structure designed for solid or liquid fuel combustion and for the purpose of providing indoor heat including, but not limited to, combination fuel furnaces or boilers which burn solid or liquid fuel.
- (b) All outdoor solid or liquid fuel fired heating devices constructed or installed after February 2, 2017, including replacements of outdoor solid or liquid fuel fired heating devices constructed prior to that date, shall be considered a public nuisance within the City of Platteville and are hereby banned.

STAFF REPORT
Community Development Department



Date: August 2, 2021
From: Joe Carroll, Community Development Director
Re: Intergovernmental Agreement

The City and Town of Platteville Intergovernmental Planning Agreement was adopted in 2006. This agreement establishes the review and approval procedures for development projects located in the extraterritorial (ET) area surrounding the City. This agreement expires in November of this year, so we need to determine if the agreement should expire, if it should be reapproved as is, or if there are changes desired prior to reapproving.

Attached is the agreement with some suggested changes. These are my suggested changes based on experience administering the agreement over the years. Additional input has been requested from the Township, which will be combined with suggestions from the Plan Commission prior to submittal for review by the Council and Town Board.

Since this agreement was adopted, I have also received comments regarding the procedures and policies established in the intergovernmental agreement. The comments generally relate to a need to eliminate red tape and confusion related to the review and approval procedures. There are different regulations and approval procedures for the land in the ET zoning area, the ET plat review area outside this area, and the remainder of the Township outside these areas. Sometimes it is also difficult to determine what property is in or outside of these boundaries, and the boundaries occasionally split properties. This situation often leads to confusion as to what rules apply and who needs to approve various zoning and planning requests.

The ET zoning area and the ET plat review area can both legally extend up to 1-1/2 miles from the City limits, but can be less. The ET zoning area was originally established at $\frac{3}{4}$ of a mile from the City limits, but in some areas is much less. This boundary can only be changed by mutual agreement of the City and Township. The ET plat review area is established by statute at 1-1/2 miles from the City limits. This boundary automatically changes with changes to the City limits from annexations.

A potential solution to this problem is to modify these boundaries and make the boundary for the ET zoning area and the ET plat review area the same. We could make the boundary easy to describe and locate by following section lines, $\frac{1}{4}$ section lines, and/or major roads. An example of a potential boundary is attached.

Staff is looking for feedback and input regarding the requirements and procedures in the agreement, and potential boundary amendments.

City of Platteville and Town of Platteville Intergovernmental Planning Agreement

1. Intent of Agreement

- 1.1 This agreement is entered into by and between the City of Platteville (City) and the Town of Platteville (Town) for the management and coordination of land use activity in areas of mutual interest, as defined within this document.
- 1.2 The City and Town hereby establish these procedures to aid in the implementation of the Town and City of Platteville Smart Growth Comprehensive Plan, developed under Wisconsin Statute 66.1001.
- 1.3 This agreement, in conjunction with the Comprehensive Plan and implementing ordinances, shall establish the standards and procedures for review and action on proposed land use actions, land development, building and zoning permits, and other related matters that pertain to planning and development.
- 1.4 This agreement is intended to guide and accomplish a coordinated, adjusted, and harmonious development of the territory covered by the agreement which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

2. Authority

- 2.1 The City of Platteville and the Town of Platteville are authorized under the provisions of Wisconsin Statute 66.0301 to enter into intergovernmental agreements for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.
- 2.2 Wisconsin Statute 66.0307(7m) authorizes the City and Town of Platteville to, as part of a cooperative plan, adopt a zoning ordinance under s. 62.23 for all or a portion of the Town territory covered by the plan. The exercise of zoning authority by the Town under this subsection is not subject to s. 60.61(3) or s. 60.62(3).
- 2.3 Wisconsin Statute 236.10(4) authorizes the City and Town of Platteville to enter into an agreement under s. 66.0301 for the cooperative exercise of the authority to approve or review plats.
- 2.4 The City of Platteville and the Town of Platteville are authorized under the provisions of Wisconsin Statute 66.0305 to enter into intergovernmental agreements for the sharing of revenue derived from taxes or special charges.
- 2.5 The City of Platteville and the Town of Platteville are authorized under the provisions of Wisconsin Statute 66.0307 to enter into intergovernmental agreements to determine the boundary lines between themselves.

3. Utility Service In Extraterritorial Area

- 3.1 **Contiguous Properties Requesting Water and/or Sewer.** Contiguous properties for which the property owner requests sanitary sewer and/or water service, and the City agrees to provide such service, shall be annexed to the City before such service will be supplied.
- 3.2 **Non-Contiguous Properties Requesting Water and/or Sewer.** Non-contiguous properties for which the property owner requests sanitary sewer and/or water service, and the City agrees to provide such service, shall be required to execute an annexation agreement with the City before such service will be supplied. Such an agreement shall subject the property to annexation as soon as it becomes contiguous to the City.
- 3.3 **Properties with Private Systems Near a Public Main.**
- 3.3.1 **Failed Systems.** Any developed property that has a failed well or septic system and the structure served by the system is located within two-hundred feet (200') of a City water or sewer main would not be granted a permit to replace the system. Such a structure shall connect to the applicable City utility, and the property shall be annexed or the property owner shall sign an annexation agreement. Such an agreement shall subject the property to annexation as soon as it becomes contiguous to the City. Any other functioning private systems shall be allowed to remain in service until such time that they require replacement, at which time this section shall apply.
- 3.3.2 **New Systems.** Any new habitable structures that would be located within two-hundred feet (200') of a City water or sewer main would not be granted a permit to install an on-site well or septic system. Instead, such a structure shall connect to the public utility main. Such a property shall be annexed to the City prior to connecting to the public utility, or if the property is not contiguous, the property owner shall sign an annexation agreement that will subject the property to annexation as soon as it becomes contiguous to the City.
- 3.3.3 **Exceptions.** Property owners that may be forced to connect to a public main under this section and where, owing to special conditions, a literal enforcement of the provisions of this requirement will result in practical difficulty or unnecessary hardship, may appeal that requirement to the ET Zoning Board of Appeals, which shall decide the appeal following the procedures outlined in Section 6.6 of this Agreement.

4. Development Standards

- 4.1 **Standards for New Development within the Extraterritorial Plat Approval Area.** All land divisions and development within the City's Extraterritorial Plat Approval Area, as defined by Section 236.02 of Wisconsin Statutes, shall be designed in compliance with the City's Official Map, Comprehensive Plan, and applicable development regulations. In addition, the development shall comply with the following:

- a. No land may be developed and no land may be subdivided without provision for the dedication of right-of-way and/or easements for streets, public utilities, and planned stormwater management facilities as identified in the Official Map and Comprehensive Plan, or as determined necessary by the City Engineer.
- b. New roads shall be platted to comply with the layout requirements of Chapter 21 of the Municipal Code, and shall be built to the standards identified in Exhibit A of this agreement.

5. Revenue Sharing

5.1 **Road Improvement Reimbursement Fee.** If an annexation occurs during the term of this agreement that includes a portion of a Town road that has been paved or sealcoated within four (4) years of the annexation date, then the City shall pay to the Town a reimbursement fee to reflect the Town’s investment in the road. The fee shall be prorated based on the amount of time since the road improvements have been completed, and based on the amount of the road annexed. The fee shall be determined by reducing the overall cost of the road improvement by twenty-five percent (25%) per year between when the road was improved and when the property was annexed, and then reducing the cost to reflect the actual percentage of the road frontage being annexed. The City shall pay the fee to the Town on or before March 1 following the issuance of the City’s first tax bill to the annexed property.

5.1.1 **Fee Example.** The following is an example of how the Road Improvement Fee shall be calculated:

Facts: Platteville Road/Jane Doe Property Annexation	
Year Road Improved	2005
Total Cost of Road Improvement	\$ 8,000
Total Road Frontage Improved (both sides of road)	6,000 feet
Year Property Annexed	2007
Frontage of Road Annexed	1000 feet
Percent of Road Annexed	16.7 %

Road Improvement Reimbursement Fee equals \$8000 (total cost) x 0.5 (2 year proration) x 0.167 (% frontage) = \$668

5.1.2 **Fee Exemption.** An Annexation subject to this Section shall be exempt from paying the road reimbursement fees only if the Town Board and the City Council agree, in writing, to waive or modify the fee for a particular Annexation. The execution of any such agreement for one Annexation shall not act as a precedent for any subsequent similar Annexation.

5.2 **Parkland Development Fee.** The requirements of this section are established to insure that adequate parks and recreation sites are available to serve new residential development, and that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of additional needs created by the development, according to the provisions of Wisconsin Statute 66.0617.

- 5.2.1 **When Required.** Any development approval that enables the creation of additional dwelling units shall require payment of a park impact fee. The requirements shall apply to all lands within the City's extraterritorial plat approval area proposed for residential development.
- 5.2.2 **Fee Amount.** The amount of the fee shall be based on the park facilities needs and assessment study, and the future adoption of a park impact fee ordinance by the Township. The fee shall be paid for each unit at the time of building permit application.
- 5.2.3 **Use of Fees.** The City shall place any fees collected pursuant to the provisions of this section in a separate non-lapsing segregated fund to be used for development of parks, playgrounds, open space and related recreational facilities, as governed by Wisconsin Statute 66.0617.

6. Extraterritorial Zoning

- 6.1 **Extraterritorial Zoning Area.** The extraterritorial zoning area of the City of Platteville is currently defined in Chapter 25 of the City of Platteville Municipal Code. The City and Town of Platteville, hereby agree to extend the boundaries of the Extraterritorial Zoning Area of the City of Platteville, as shown on the map marked Exhibit B, which is attached and incorporated by reference. The boundary of this area can be permanently modified upon mutual agreement of the City and Town following the procedures in Wis. Stats. Section 62.23(7a), and this document.
- 6.2 **Zoning Regulations.** The regulations to be followed concerning zoning of the extraterritorial area identified above will be Chapter 25 of the City of Platteville Municipal Code.
- 6.3 **Joint Extraterritorial Committee.** The Joint Extraterritorial Committee, as mentioned in this document, shall consist of three (3) members of the City Council, and the three (3) members from the Town Board.
- 6.4 **Rezoning and Text Amendments.** The following review process shall be followed concerning requests to change the zoning of property within the extraterritorial zoning area, and requests to amend the text of the extraterritorial zoning regulations.
 - 6.4.1 Petitions for any change to the zoning district boundaries or amendments to the regulations shall be filed with the City Department of Planning & Community Development, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have Annexed the following:
 - (a) Plot Plan drawn to a scale of not less than 1:300 showing the area proposed to be rezoned, its location, its dimensions, adjacent zoning districts, and the location and existing use of all properties within two-hundred (200) feet of the area proposed to be rezoned.
 - (b) Owners' Names and Addresses of all properties adjoining the area proposed to be rezoned.

- (c) Additional Information required by the Joint Extraterritorial Committee or Community ~~Planning &~~ Development Director.
- 6.4.2 Upon receipt of the completed application form, other necessary materials, and the required application fee, the ~~Planning &~~ Development Director will place the request on the agendas for the City Plan Commission and Town Plan Commission. The City Plan Commission and Town Plan Commission will each review all proposed changes and amendments to the extraterritorial zoning map or text, and shall separately vote to recommend that the petition be granted as requested, modified, or denied. A majority of each Commission must vote in favor for the amendment to receive a favorable recommendation.
- 6.4.3 After the two Plan Commissions have made a recommendation, the ~~Planning &~~ Development Director will schedule a public hearing before the Joint Extraterritorial Committee. The City will provide a class 2 notice and give at least ten (10) days prior written notice to owners of land adjoining the area proposed to be rezoned.
- 6.4.4 The Joint Extraterritorial Committee will hold a public hearing and review all proposed changes and amendments to the extraterritorial zoning map or text. The Joint Extraterritorial Committee shall vote to approve the petition, approve with modifications, or deny. A minimum of four (4) members of the 6-member Joint Extraterritorial Committee must vote in favor for the amendment to pass, ~~with at least two (2) of the three (3) members from the City Council and at least two (2) of the three (3) members from the Town Board voting in favor of the proposed request.~~
- 6.5 **Conditional Use Permits.** The following review process shall be followed for approval of conditional uses within the extraterritorial zoning area.
- 6.5.1 Applications for conditional use permits shall be made to the City Department of Planning & Community Development on forms furnished by the City along with the required application fee to cover the public hearing and processing costs. The following information will need to be provided:
- (a) Name and Addresses of the applicant, owner of the site and all opposite and abutting property owners of record.
 - (b) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
 - (c) Site Plan 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, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the site plan shall show the location, and use of any abutting lands and their structures within forty feet (40') of the subject site.
 - (d) Additional Information as may be required by the Joint Extraterritorial Committee or Community ~~Planning &~~ Development Director.

- 6.5.2 Upon receipt of the completed application form, other necessary materials, and the required application fee, the ~~Planning &~~ Development Director will place the request on the agendas for the City Plan Commission and Town Plan Commission. The City Plan Commission and Town Plan Commission will each review the request and shall separately vote to recommend that the conditional use be approved as requested, modified, or denied. A majority of each Commission must vote in favor for the request to receive a favorable recommendation.

- 6.5.3 After the two Plan Commissions have made a recommendation, the ~~Planning &~~ Development Director will schedule a meeting before the Joint Extraterritorial Committee. The Joint Extraterritorial Committee shall hold a public meeting to review each conditional use application, after giving at least ten (10) days prior written notice to owners of land within two hundred feet (200') of the property. Following review of the conditional use application, the Joint Extraterritorial Committee shall approve, disapprove, or further conditionally approve the application. A minimum of four (4) members of the 6-member Joint Extraterritorial Committee must vote in favor for the amendment to pass, ~~with at least two (2) of the three (3) members from the City Council and at least two (2) of the three (3) members from the Town Board voting in favor of the proposed request.~~

- 6.6 **Extraterritorial Zoning Board of Appeals.** There is hereby established an Extraterritorial Zoning Board of Appeals for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of Chapter 25 of the Platteville Municipal Code, which are in harmony with its purpose and intent.
 - 6.6.1 **Membership**
 - (1) The ET Zoning Board of Appeals shall consist of six (6) members and two (2) alternate members; three (3) members and one (1) alternate member shall be residents of the City, and three (3) members and one (1) alternate member shall be residents of the Town. The City members shall be appointed by the President of the Common Council, subject to confirmation of the Common Council. The Town members shall be appointed by the Town Board Chairman subject to confirmation of the Town Board. The members shall be appointed for terms of three (3) years, except that of those first appointed two (2) shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. The alternate members shall serve three (3)-year terms.
 - (2) The Chairman of the ET Zoning Board of Appeals shall be selected by a majority vote of the members at the first meeting after the Board is constituted, and thereafter at the first meeting of the Board after the term of the Chairman has expired.
 - (3) The alternate member from the City shall be selected to fill the vacancy created when a regular City member cannot attend, and the alternate member from the Town shall be selected to fill the vacancy created when a regular Town member cannot attend.
 - (4) The City Community ~~Planning &~~ Development Director shall attend all meetings for the purpose of providing technical assistance when requested by the Board and shall serve as the Secretary. ~~The Secretary of the City Zoning Board of Appeals shall serve the same function~~ for the ET Zoning Board of Appeals.

- (5) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.
- (6) No member of the Board on completion of his or her term shall be eligible for reappointment thereon until at least a period of one (1) year shall have intervened between said terms as such Board member, but this provision shall not apply to a Board member who fills the unexpired term of a previous member.

6.6.2 Organization

- (1) The ET Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this ordinance. Upon receipt of the completed application form, other necessary materials, and the required application fee, the Development Director will place the request on the agenda for the Board. Meetings shall be ~~held at the call of the Chairman or of two (2) members and shall be open to the public.~~ Minutes of the meeting 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 fact. These records shall be filed in the Office of the City Clerk and shall be a public record.
- (2) A minimum of four (4) members of the Board must vote in favor to correct an error, grant a variance, make an interpretation or permit an accessory, temporary, unclassified, or unspecified use, ~~with at least two (2) of the three (3) members from the City and at least two (2) of the three (3) members from the Town voting in favor of the proposed request.~~
- (3) A minimum of four (4) members is required to constitute a quorum of the Board. In cases where there are only four (4) Board members present, the applicant shall have the option of delaying action on a request until a later meeting when a full membership is present.

6.6.3 Powers. The ET Zoning 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 an administrative official in the enforcement of Chapter 25, Section 3 of this Agreement, or of any ordinance adopted pursuant thereto.
- (2) To authorize upon appeal in specific cases such variance from the terms of the ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (3) To consider substitution of a nonconforming use with a more restrictive nonconforming use.

- (4) To hear and grant applications for temporary uses in any district, when such uses do not involve the erection of a substantial structure, are compatible with the neighboring uses and have been reviewed and recommended by the Joint ET Committee. The permit shall be temporary, revocable, subject to any conditions required by the Board, and shall be issued for not more than twelve (12) months.
- (5) The Board may, at any time, request assistance from other City or Town officers, departments, commissions and boards.

6.6.4 **Appeals.** The following review process shall be followed concerning appeals and requests for variances to the requirements of the zoning ordinance within the extraterritorial zoning area.

- (1) Appeals from the decision of the Building Inspector or Zoning Administrator concerning the enforcement of this ordinance may be made to the ET Zoning Board of Appeals by any person aggrieved or by any officer, department, board, or commission of the City or Town. Such appeals shall be filed with the Community Development Director ~~Zoning Coordinator~~ within thirty (30) days after the date of the decision of the Building Inspector or Zoning Administrator.

6.6.5 **Application.** Applications for appeals and/or variances shall be on a form supplied by the Zoning Administrator and shall be accompanied by the following:

- (1) The names and addresses of the appellant or applicant and all property owners of record within two hundred feet (200') of the property.
- (2) A site plan of the subject property showing all information necessary to establish the case for appeal or variance.
- (3) Additional information required by the Zoning Administrator, Joint ET Committee, Building Inspector or the Board.
- (4) Any other information that the applicant deems relevant in support of the application.
- (5) Application fee.

6.6.6 **Hearings.** The ET Zoning Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior to the hearing and shall give a class 1 notice. At the hearing the appellant or applicant may appear in person or by agent.

6.6.7 **Standards.** A variance from the provisions of this ordinance shall not be granted by the Board unless the variance request meets the following standards.

- (1) **Area Variance.** An area variance is defined as a request for a deviation from a zoning restriction governing area, setback, frontage, height, bulk or density.
 - (a) The proposed variance will not be contrary to the public interest or result in harm to the general public.

- (b) The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that is not shared by other properties in the area, and that limits the ability of the applicant to conform to the regulations.
 - (c) The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the ordinances governing area, setbacks, height, etc., would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome, in light of the purpose of the ordinance.
 - (d) The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
 - (e) The hardship must be unique to the property and not self-created.
- (2) **Use Variance.** A use variance is defined as a request to use the property for a purpose not permitted by the regulations.
- (a) The proposed variance will not be contrary to the public interest or result in harm to the general public.
 - (b) The property has a special condition or unique physical limitation, such as a steep slope, soil type, wetland areas, etc., that is not shared by other properties in the area, and that limits the ability of the applicant to conform to the regulations.
 - (c) The special condition or unique physical limitation creates an unnecessary hardship, which exists when compliance with the strict letter of the regulations results in the applicant having no reasonable use of the property in the absence of a variance. The variance should not conflict with the purpose of the zoning ordinance.
 - (d) The special condition or unique physical limitation must relate to the property and not to the owner, since a personal condition or preference of a landowner is not a condition affecting property.
 - (e) The hardship must be unique to the property and not self-created.

6.6.8 **Decision**

- (1) The ET Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days of the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Building Inspector, the Town Clerk, and the City Clerk.
- (2) Conditions may be placed upon any building permit ordered or authorized by the Board. Conditions may be placed on any decision made which does not involve a building permit.
- (3) Variances, substitutions, or use permits granted by the Board shall expire within twelve (12) months unless a building permit has been approved (if required) and substantial work has commenced pursuant to such grant.

- 6.6.9 **Review By Court of Record.** Any person or persons aggrieved by any decision of the ET Zoning Board of Appeals may appeal such decision to the Circuit Court of Grant County. All appeals must be filed with the court within thirty (30) days after receipt of a copy of the Board's decision by the applicant or appellant.
- 6.6.10 **Re-Appeals.** No appellant may resubmit the same or similar appeal in person or by agent for the same property within six (6) months after the decision by the Board.

7. Extraterritorial Plat Review / Land Divisions

- 7.1 **Plat Review Area.** The City of Platteville's extraterritorial plat approval jurisdiction is defined by Wis. Stats. Sec 236.02. This agreement applies to that part of the City of Platteville extraterritorial plat approval jurisdiction that is within the Town of Platteville. An approximate map of the current area is shown as Exhibit C.
- 7.2 **Land Division Regulations.** The regulations to be followed concerning the division of land within the extraterritorial plat review area identified above will be Chapter 21 of the City of Platteville Municipal Code and this agreement.
- 7.3 **Local and County Approval.** Any land division in the extraterritorial plat review area as defined above needs to get approval from the Joint Extraterritorial Committee and also from Grant County and the State of Wisconsin, following the provisions of Chapter 236 of the Wisconsin Statutes. There is no requirement as to the order in which the approvals are granted. The approval process for Grant County should be verified with the County Zoning Administrator.
- 7.4 **Subdivision/Land Division Approval.** The following review process shall be followed concerning requests to divide land within the extraterritorial plat review area, and requests to amend the text of the land division regulations that apply to this area.
- 7.4.1 **Preliminary Plat**
- 1) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat, supplemental data and such copies thereof as shall be required, to the City's Department of Planning & Community Development at least twenty-five (25) days prior to the meeting at which action is desired. The information will then be forwarded to the City and Town Plan Commissions.
 - 2) The City Plan Commission and Town Plan Commission will each review the request and shall separately vote to recommend that the preliminary plat be approved as requested, modified, or denied. A majority of each Commission must vote in favor for the plat to receive a favorable recommendation.
 - 3) The Joint Extraterritorial Committee shall hold a public hearing on the preliminary plat. Parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice. Approval of the preliminary plat shall entitle the subdivider to final approval of the general layout shown by such

plat if the final plat conforms substantially to such layout and conditions of approval have been met.

- 4) After review of the preliminary plat and negotiations with the subdivider on any changes deemed advisable, the Joint Extraterritorial Committee shall within forty (40) days of its submission, approve, approve conditionally, or reject the plat. A minimum of four (4) members of the 6-member Joint Extraterritorial Committee must vote in favor for the amendment to pass, ~~with at least two (2) of the three (3) members from the City Council and at least two (2) of the three (3) members from the Town Board voting in favor of the proposed request.~~ The subdivider shall be notified in writing of any conditions of approval or the reason for rejection.

7.4.2 Final Plat

- 1) The ~~Zoning Coordinator~~ Development Director shall forward the final plat to the Joint Extraterritorial Committee. The Committee shall approve or reject the final plat within sixty (60) days of its submission to the City unless time is extended by agreement with the subdivider. Reasons for rejection shall be stated in writing in the minutes of the Committee meeting and a copy thereof or other written statement of such reasons supplied to the subdivider.
- 2) If the original of the final plat has been filed with some other approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Committee will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved.

7.4.3 Minor Subdivision

- 1) When it is proposed to divide land into two (2) parcels or building sites, any one of which is less than four (4) acres in size, or when it is proposed to divide a block, lot or outlot in a recorded subdivision into not more than four (4) parcels or building sites, the subdivider may subdivide by use of a Certified Survey Map (CSM).
- 2) The ~~Zoning Coordinator~~ Development Director shall transmit copies of the map and letter of application to the City and Town Plan Commissions, and to all affected City boards, commissions, committees, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the City and Town Plan Commissions within fifteen (15) days from the date the Map is filed. The time limits set forth may be extended provided the applicant consents thereto.
- 3) The City Plan Commission and Town Plan Commission will each review the request and shall separately vote to recommend that the CSM be approved as requested, modified, or denied. A majority of each Commission must vote in favor for the CSM to be approved.

- 4) The Joint Extraterritorial Committee shall review this map to determine conformance with this ordinance and all other ordinances, rules, regulations, comprehensive plans and plan components that affect it. The Joint Extraterritorial Committee shall, within forty-five (45) days from the date of filing of the Map either approve, conditionally approve or reject said Map. A minimum of four (4) members of the 6-member Joint Extraterritorial Committee must vote in favor for the amendment to pass, ~~with at least two (2) of the three (3) members from the City Council and at least two (2) of the three (3) members from the Town Board voting in favor of the proposed request.~~
- 5) If the Map is rejected, the reasons therefore shall be stated in the minutes of the meeting and a written statement thereof forwarded to the subdivider. If the Map is approved, the Joint Extraterritorial Committee shall cause the City Clerk to so certify on the face of the original Map and return same to the subdivider.
- 6) The subdivider shall record the Certified Survey Map with the County Register of Deeds within thirty (30) days of its approval by the Joint Extraterritorial Committee and shall file three (3) true copies of said Map with the City.

8. Miscellaneous Provisions

- 8.1 **Term.** The term of this agreement is fifteen (15) years, starting from the date of approval by both parties, unless extended or modified by mutual agreement of the parties. The City and Town agree to discuss, consider, and as necessary jointly adopt amendments and updates to this Agreement no less frequently than following the five-year joint review of the City and Town of Platteville Smart Growth Comprehensive Plan.
- 8.2 **Violation.** No breach or violation of any of the terms of this Agreement by either party shall operate to void or terminate or provide grounds for termination of this Agreement, it being the intent of the parties that any such breach or violation shall only be redressed, enjoined or otherwise remedied by the exercise of any lawful, contractual enforcement remedies then available to be used by the aggrieved party to enforce the terms of the Agreement.
- 8.3 **Severable Provisions.** If any material part of this Agreement is held by a court of competent jurisdiction to be invalid or unconstitutional, the remainder of the Agreement shall not be affected thereby, and the parties shall have sixty (60) days in which to negotiate in good faith to remedy the unlawful or unenforceable provisions. If no agreement can be reached then the entire Agreement shall be null and void.
- 8.4 **Enforceability.** The enforceability of this Agreement will not be affected by changes in the forms of City or Town government or changes in elected officials. The parties agree that this Agreement shall be construed so as to be binding on their respective agents, successors and employees. The parties shall not directly or indirectly challenge the provisions or enforceability of this Agreement during its term.
- 8.5 **Legal Defense.** City and Town agree to co-fund any required legal defense of this agreement where both parties are named in a suit or otherwise jointly challenged. The amount of such co-

funding required from each community shall be in proportion to the total population of each jurisdiction for the previous year, as estimated by the Department of Administration, unless both parties subsequently agree otherwise.

8.6 **Construction.** This Agreement shall be liberally construed to accomplish its intended purposes. The parties acknowledge that the language contained in this Agreement is the product of numerous individuals representing the various interests. Therefore, ambiguities shall not be construed against the drafter of this document. This Agreement should be construed to give a reasonable meaning to each of its provisions, and a construction that would render any of its provisions meaningless, inexplicable, or mere surplusage is to be avoided.

IN WITNESS WHEREOF, the parties hereto have set their hands below.

CITY OF PLATTEVILLE, WISCONSIN

By: _____
Barbara Daus, Council President

By: _____
Adam Ruechel, City Manager

ATTEST:

Candace Klaas, City Clerk

TOWN OF PLATTEVILLE, WISCONSIN

By: _____
Valerie Martin, Town Board Member

By: _____
Dan Smith, Town Board Member

By: _____
Tom Weigel, Town Board Member

ATTEST:

Nate Niehaus, Town Clerk

Exhibit A
Minimum Design Standards for Town Roads in Extraterritorial Plat Approval Jurisdiction
(New Construction Only)

Design Class	Traffic Volume ADT Current	Roadway											
		Roadway Width (surface & shoulder)	Surfacing Width	Min. Shoulder Width	Min. Cul-de-sac Design Roadway Diameter	Surfacing Diameter	Horizontal Curve		% Grade		Min. Road Base	Min. Right-of-way Width	
						Des. Max.	Des. Max.	Des. Max.	Des. Max.				
T2	Under 100	24'	18'	3'	110'	90'				9	11	12"	66' (4 rods)
T3	100 - 250	26'	20'	3'	110'	90'				8	11	12"	66' (4 rods)
T4	251 - 400	32'	22'	5'	110'	90'		6°	12.5°	6	8	12"	66' (4 rods)
T5	401 - 1000	34'	22'	6'	110'	90'		5°	12.5°	5	8	12"	66' (4 rods)
T6	1001 - 2400	44'	24'	10'	110'	90'		4.5°	7.5°	5	7	12"	66' (4 rods)
T7	Over 2400	Use State Trunk Standards											

Source: Section 82.50(1) Wisconsin Statutes; Table V-6, Page 424, GDHS; and Chapter 21 Platteville Municipal Code.

Exhibit B

Extraterritorial Zoning Area

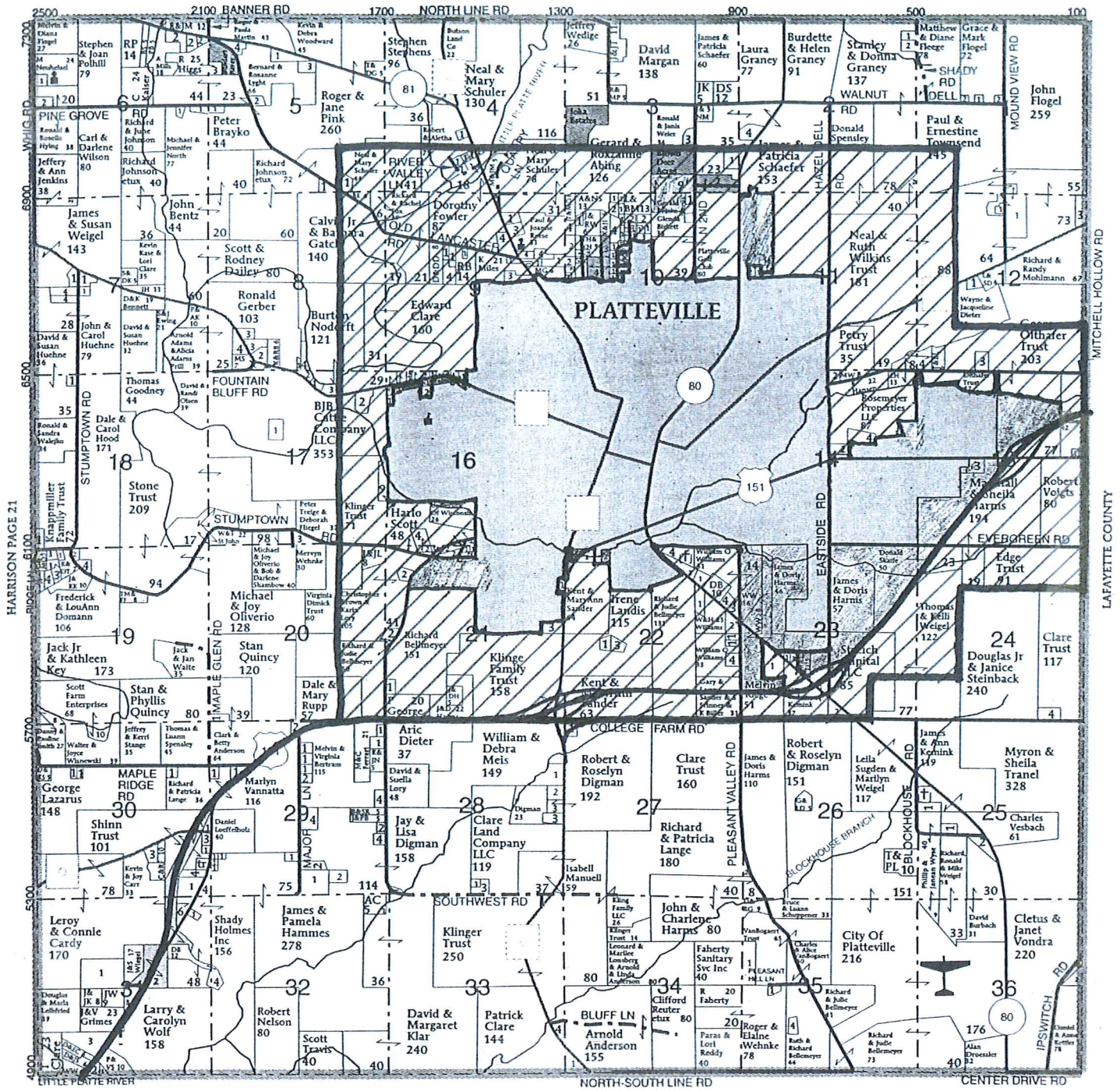
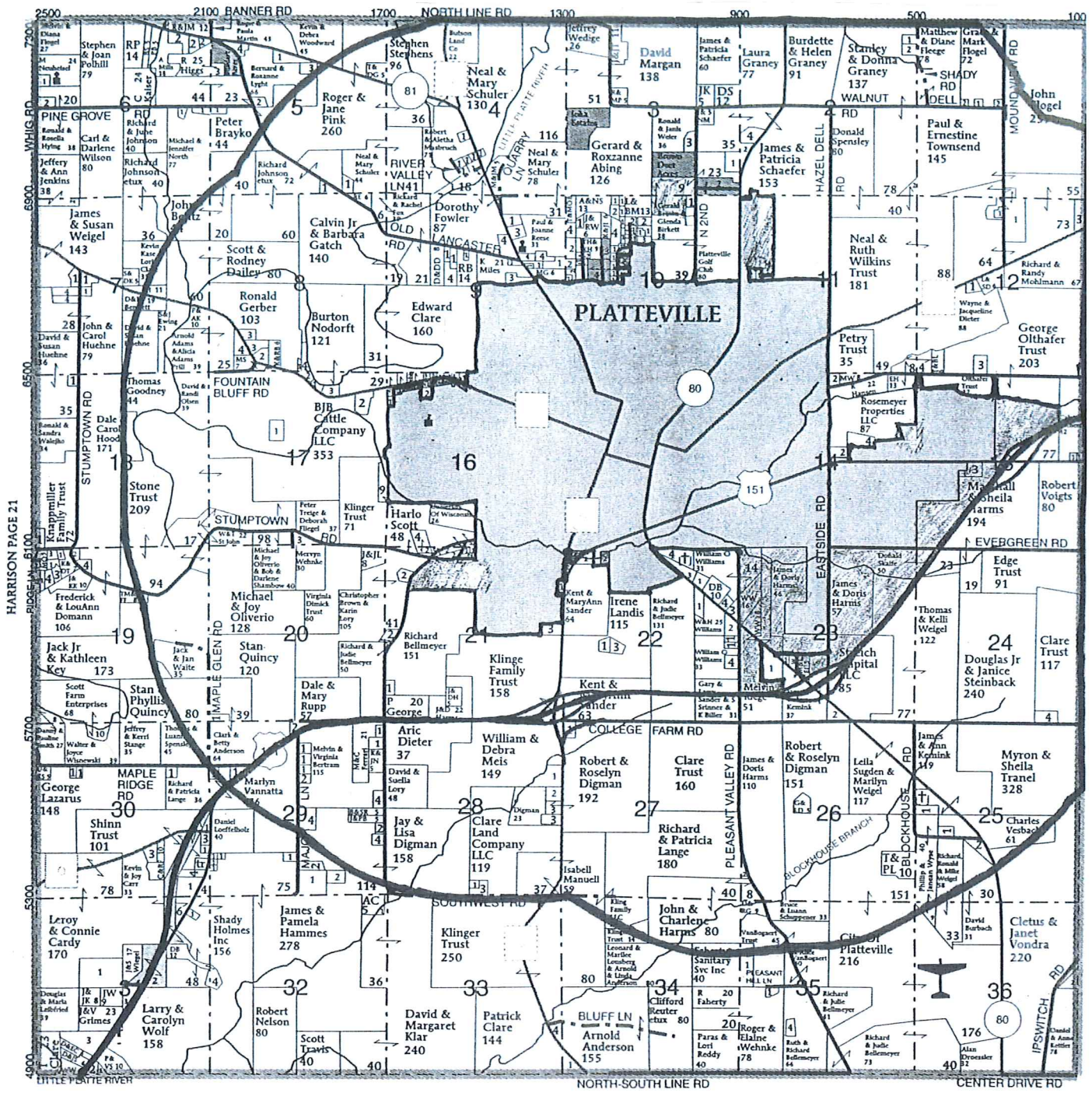


Exhibit C Extraterritorial Plat Review Area

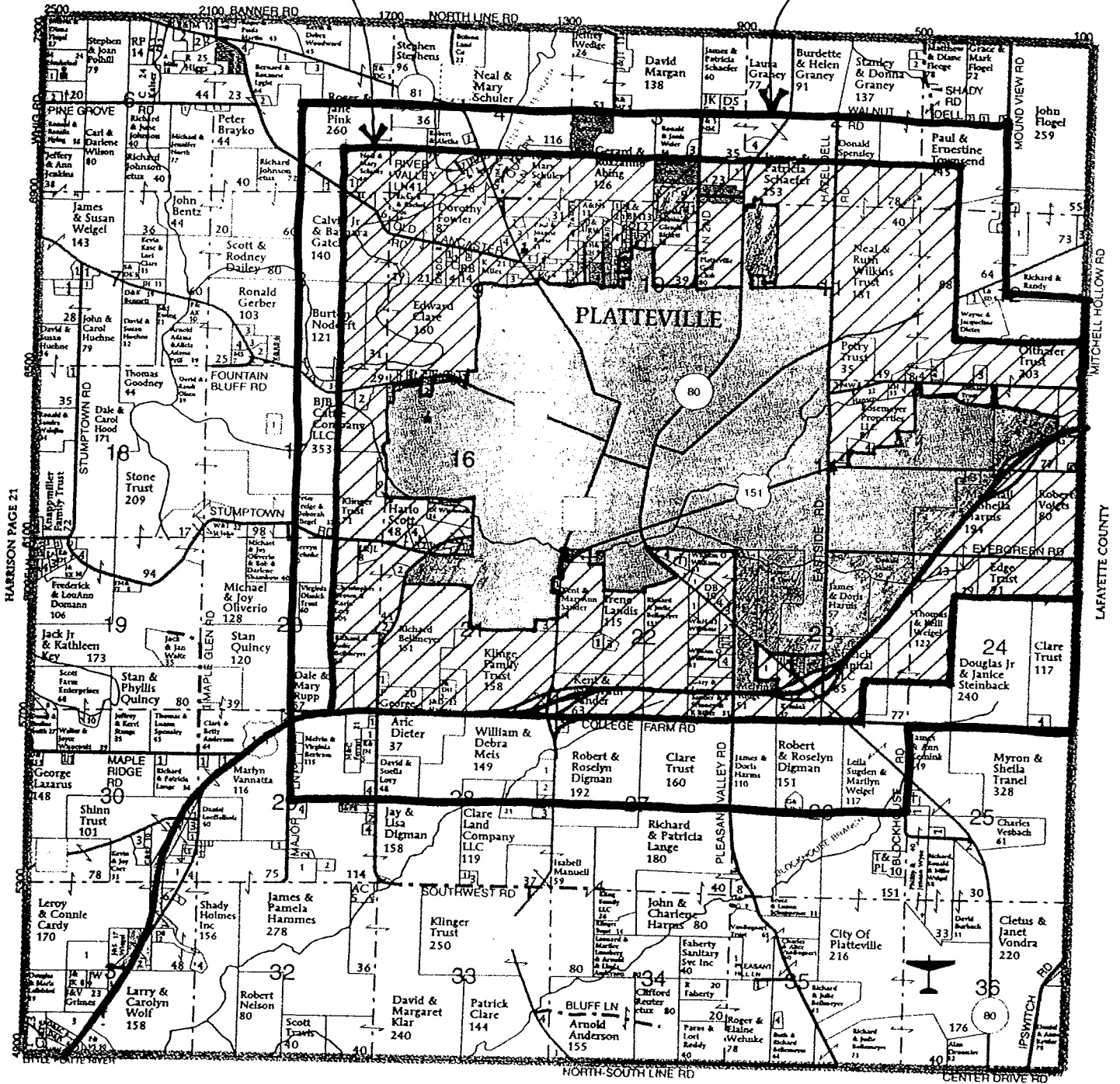


HARRISON PAGE 21

Extraterritorial Zoning Area

Existing Boundary

Proposed Boundary



HARRISON PAGE 21

LAFAYETTE COUNTY

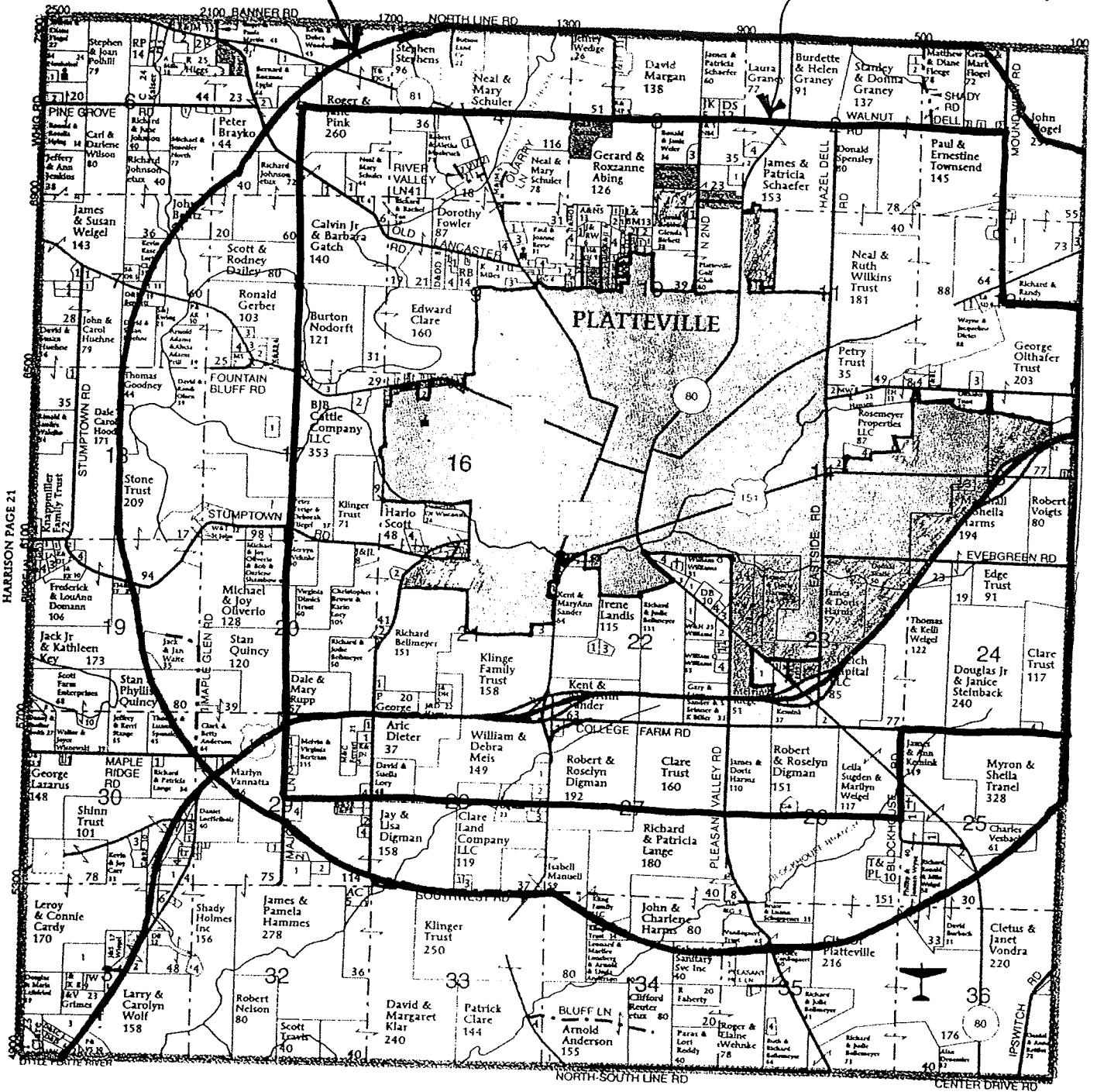
NORTH-SOUTH LINE RD

CENTER DRIVE RD

Extraterritorial Plat Review Area

Existing Boundary

Proposed Boundary



HARRISON PAGE 21

NORTH-SOUTH LINE RD

CENTER DRIVE RD

**THE CITY OF PLATTEVILLE, WISCONSIN
COUNCIL SUMMARY SHEET**

PLAN COMMISSION	TITLE: Review of Chapter 5, Health to the Platteville Municipal Code	DATE August 2, 2021
ITEM NUMBER: 4.		VOTE REQUIRED: Majority
PREPARED BY: Howard B. Crofoot, P.E., Director of Public Works		

Description:

Enclosed is an initial draft of changes to Chapter 5 – Health, specifically to Chapter 5.01 Weeds. There has been some concern from citizens that the list of “noxious weeds” in 5.01 (b) is incomplete and that section 5.01 (d) 4) that allows “natural lawns” is too vague.

Staff has proposed the changes using strikethrough and added language. This is for discussion only to provide feedback for staff to make other changes as desired.

Budget/Fiscal Impact:

Depending on how restrictive the Ordinance is, there may be additional costs for enforcement and for citizens to comply with new Ordinances.

Recommendation:

Review and provide feedback to staff regarding this draft for the September meeting.

Sample Affirmative Motions:

Attachments:

- Draft changes to Chapter 5.01 Weeds
- DNR Regulated Invasive Plants as of 06-17-2013

CHAPTER 5

HEALTH

5.01 WEEDS. (a) The provisions of Sections 66.0407 and 66.0517, as amended, of the Wisconsin Statutes relating to the regulation and control of weeds are hereby adopted by reference.

(b) The term “noxious weeds” as used herein shall include the following: **canada thistle** (*Cirsium arvense*), **leafy spurge** (*Euphorbia esula*), *field bindweed* (creeping jenny) (*Lysimachia nummularia*), whorled milkweed (*Asclepias verticillate*), bull thistle (*Cirsium vulgare*), common ragweed (*Ambrosia artemisiifolia*), giant ragweed (*Ambrosia trifida*), **wild parsnip** (*Pastinaca sativa*), nettles (*Urtica dioica*), burdock (*Articum*), wild hemp (marijuana) (*feral cannabis*), poison ivy (*Toxicodendron radicans*), poison oak (*Toxicodendron diversilobum*), jimsonweed (*Datura stramonium*), common cocklebur (*xanthium strumarium*), black nightshade (*Solanum nigrum*), **garlic mustard** (*Alliaria petiolate*), **creeping Charlie** (*Glechoma hederacea*), **dandelions** (*Taraxacum officinale*), any weed designated as ~~a noxious weed prohibited or restricted~~ by the Department of Natural Resources by rule, any other weed declared to be noxious by ordinance or resolution of the Common Council, and any growth of weeds, grasses or lawns over eight (8) inches in height, as defined in subsection (d). (Could change this to six or seven inches)
Note: the “noxious weeds” listed in BOLD above are also listed by the DNR as either Prohibited or Restricted as of 07/27/2021. Canada thistle, leafy spurge and Field bindweed are defined as “noxious weeds” in Wisconsin Statutes 66.0407.

(c) The Office of Weed Commissioner is hereby created. The powers and duties of the Weed Commissioner as set forth in this section are hereby conferred upon and combined with the Director of Public Works.

(d) No person shall permit or maintain any growth of weeds, grasses or lawns over eight (8) inches in height, measured from the ground surface, except those areas designated as follows: (This could be changed to six or seven inches)

- 1) Those areas more than 400-100 feet from property containing a residential dwelling unit.
- 2) All other areas more than 400-100 feet from a parcel containing a structure in use.
- 3) Cultivated flowers or gardens or natural lawns or unmanaged areas.

a. Natural lawns are those lawns that contain natural oak savannah prairie plantings native to the area. A natural lawn shall have a border of eight

(8) feet of mowed turfgrass on the owner's property that is immediately adjacent to another property owner, unless the adjoining owner waives the border requirement in writing. The owner of a natural lawn shall apply in writing to the Weed Commissioner with a map of the property showing the dimensions of the parcel, the location of buildings and property lines and showing the location and dimensions of the area to be designated as a natural lawn. The owner shall also provide a list of plantings and detail the methods for maintenance of the natural lawn. If said maintenance includes burning, the property owner shall get a waiver from the adjoining property owners within 100 feet of the natural lawn area, permission from the Fire Chief, and provide a Certificate of Insurance to the City that would cover losses to adjoining properties in the event that the burning becomes uncontrolled. Natural lawns shall be kept free of noxious weeds as defined in 5.01 (b). If the natural lawn is 200 square feet or less, the Weed Commissioner maintains the file during the life of the natural lawn. If the natural lawn is over 200 square feet, the Weed Commissioner shall provide notice to property owners within 200 feet of the designated natural lawn. Said notice shall include the map and procedure to contact the Weed Commissioner to request a Public Hearing. If any noticed property owner requests a Public Hearing, it shall go before the Plan Commission for review.

a.b. Unmanaged Areas are those areas in parks or other large tracts of land over 0.5 acres where the area is purposely unmanaged as a park, forested area or other unmanaged location. The Parks Division shall receive permission from the Parks, Recreation and Forestry Committee for any lands designated as a park that are unmanaged. For all other properties, the owner of an unmanaged area shall apply in writing to the Weed Commissioner with a map of the property showing the dimensions of the parcel, the location of buildings and property lines and showing the location and dimensions of the area to be designated as an unmanaged area. Unmanaged Areas shall be kept free of noxious weeds as defined in 5.01 (b). The Weed Commissioner shall provide notice to property owners within 200 feet of the designated Unmanaged Area. Said notice shall include the map and procedure to contact the Weed Commissioner to request a Public Hearing. If any noticed property owner requests a Public Hearing, it shall go before the Plan Commission for review.

- 4) Areas enrolled in federal or state agricultural set aside programs as of March 1, 1998. Such areas may be re-enrolled in these programs, subject to federal and state rules and regulations. Such areas must comply with applicable federal and state rules and regulations regarding mowing and noxious weeds.
- 5) Areas shown on city, state or federal wetland, floodplain maps or environmental corridor maps.

- (e) The Weed Commissioner shall enforce this section of the Municipal Code, and if any person shall fail to comply herewith, the Weed Commissioner shall, after 5 days written notice to the owner, cause the property to be mowed and report the cost thereof in writing to the City Clerk. The cost thereof shall be placed on tax rolls as a tax on the lands upon which such weeds, grasses, lawns or noxious weeds were cut, as set forth in Section 66.0517 of the Wisconsin Statutes.
- (f) An administration charge, as set by resolution by the Common Council, shall be added to bills where the property owner fails to mow his property and thereby causes 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.

5.02 BURNING REFUSE. (Repealed)

5.03 GARBAGE AND REFUSE ACCUMULATIONS, JUNK VEHICLES. (a) No person shall permit any garbage, rubbish or refuse matter to accumulate on premises occupied by him or on any unoccupied premises owned by him so as to render the premises unsanitary or detrimental to public health or safety.

- (b) No person shall permit any junked or abandoned vehicle to be stored or parked on any premises occupied by or owned by him. A vehicle shall be considered junked or abandoned if it is not licensed for the current license year or if it is not in operable condition for a consecutive period of 30 days. A vehicle which is not in compliance with Wisconsin Administrative Rules for Motor Vehicle Equipment (MVD 5) is not in operable condition.
- (c) If any person fails or neglects to remove any garbage, rubbish or refuse matter or any junked or abandoned vehicle on premises occupied by him or owned by him after being requested to do so in writing by an official of the City of Platteville, the City of Platteville may have such garbage, rubbish or refuse or junked or abandoned vehicle removed from said premises and, in addition to any penalty provided for the violation of this section, the occupant or owner of said premises shall pay the cost of such removal, in addition to an administration charge of \$40.00 per parcel and that any amount not paid within 30 days shall bear interest at the rate of one percent per month until fully paid.
- (d) No person owning, leasing, occupying or having charge of any premises shall place or allow to remain outdoors and exposed to the elements, any chair, sofa, bed, table or other related or similar furniture, which is not designed or intended for outdoor use and which may be susceptible to deterioration or which may provide a harborage for rodents. This section shall not apply to furniture which is placed outside as refuse for collection and disposal, or which is in an enclosed porch.

5.04 SWIMMING POOL FENCES. (a) No person, firm or corporation in possession of land in the City of Platteville, either as owner, purchaser under contract, lessee, tenant or licensee shall maintain a swimming pool thereon unless all the requirements of this section are complied with.

- (b) A swimming pool within the meaning of this section shall be any depression in the ground either temporary or permanent or a container of water either temporary or permanent and either above or below the ground in which water of more than 12 inches in depth is contained and which is used primarily for the purposes of bathing and swimming.
- (c) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses or has custody or control of or has the right to use any swimming pool located in the City of Platteville shall erect and maintain a fence or barriers at least 5 feet in height around such swimming pool and of such construction as to safeguard a child less than 10 years of age from falling into such swimming pool. All gates or other openings in such fence or barrier shall be of a self-latching nature and shall be closed and locked when the swimming pool is not in use.
- (d) All fences constructed in compliance with this section shall conform to all other ordinances in the City of Platteville relating to fences and shall be so constructed that no opening is allowed larger than 6 square inches. If wire is used, no material lighter than 12 gauge wire shall be allowed. If wood fencing is used, no less than one inch nominal boards shall be allowed. Fence structures must start not more than 3 inches above ground level.
- (e) Abandoned pools or unused pools situated on residential premises which are not occupied or dwelt in for periods of 30 days or more shall be completely drained or equipped with a secure swimming pool cover capable of supporting an adult weighing 150 pounds.
- (f) All swimming pools existing at the time of the passage of this section shall comply with the terms of this section within 90 days after its passage and publication as required by law.
- (g) Any person or persons violating the provisions of this section shall, upon conviction thereof, be fined not less than \$10 nor more than \$200, together with the costs of prosecution. Each day that a violation of this section shall continue shall be deemed a separate offense.

5.05 CLEAR WATER DRAINAGE. No landowner or tenant shall suffer or permit any drainage from roofs, patios, swimming pools, drain tiles, or any other clear water source on land owned or occupied by him into the sanitary sewer system of the City of Platteville. Under this section clear water sources shall be those sources of water wherein such water

is not used for sewage purposes. If any dispute or disagreement of any kind exists as to whether any source of water is a clear water source, the Director of Public Works is hereby authorized and empowered to make the final decision on such question.

5.50 PENALTY AND ENFORCEMENT. (a) Forfeiture Penalty. The penalty for violation of any provisions of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

(b) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$150.00.