

AN ORDINANCE AMENDING SECTION 15-26 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-26 of Chapter 15 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended to read as follows:

Sec. 15-26. Definitions.

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

Approved shall mean approved by the Director of Public Works unless specifically stated otherwise.

Bundle shall mean to securely tie with string or twine.

City shall mean the City of Appleton.

Collecting and transporting service means a municipal or privately operated agency, business or service for the collecting or transporting of solid waste for disposal or recycling purposes.

Composting means the process of decaying organic matter, such as leaves, garden debris, grass clippings, raw kitchen scraps and other vegetative materials capable of natural decomposition.

County shall mean Outagamie County unless specifically stated otherwise.

Department shall mean the Department of Public Works.

Disposable bag means a one-way disposable bag made of polyethylene, or other plastic material consisting of a minimum of one and one-half (1½) mils thickness. Bags shall not exceed a volume capacity of thirty (30) gallons. Whenever the term “disposable bag” or “bag” is used in this chapter, such words will mean disposal bag as herein described.

Dwelling unit shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking or eating of meals.

Eligible Electronic Devices shall include the following:

- (1) ***Consumer computers.*** High-speed data processing devices for performing logical, arithmetic, or storage functions that are marketed by the manufacturer for use by households or schools. Computers include traditional, desktop-style computers with a separate monitor and tower or box, laptop/notebook/netbook computers (any of these with a screen at least 7” in the longest diagonal direction are also video display devices); and servers used by a household or covered school. Consumer computer does **not** include an automated typewriter or typesetter; or a portable hand-held calculator or device.
- (2) ***Consumer printers.*** One of the following that is marketed by the manufacturer for use by households or schools: a desktop printer, including inkjet and laser printers that can be placed on a work surface; or a device that prints and has other functions, such as copying, scanning, or sending facsimiles, and that is designed to be placed on a work surface. Consumer printer does **not** include a calculator with printing capabilities or a label maker.
- (3) ***Consumer video display devices.*** Televisions or computer monitors with a tube or screen that is at least 7 inches in its longest diagonal measurement and that are marketed by the manufacturer for use by households or schools.

Computer monitor means an electronic device that is a cathode ray tube or flat panel display primarily intended to display information from a consumer computer or the Internet. Computer monitors include: CRT or flat-panel monitors used with a desktop computer; “all-in-one” desktop-style computers where the screen is integrated with the processor; laptop/notebook/netbook computers; and e-readers or other portable devices with screens of at least 7 inches in the longest diagonal direction that display information from the Internet or a processor.

Television means an electronic device, with a cathode ray tube or flat panel display, primarily intended to receive video programming via broadcast, cable, or satellite transmission or to receive video images from surveillance or similar cameras. All types of televisions with a screen of at least 7 inches in the longest diagonal direction including older box-style, CRT models; LCD displays; LED/OLED displays; plasma and rear projection.

The following are **not** considered consumer video display devices under the law: a television or computer monitor that is part of a motor vehicle and that is incorporated into the motor vehicle by, or for, a motor vehicle manufacturer or a franchised motor vehicle dealer (i.e., a computer monitor or television that was built into the vehicle before it was purchased); a television or computer monitor contained within a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or stove, dishwasher, room air conditioner, dehumidifier, or air purifier; any video display device that is not marketed for use by households

or schools (such as displays in equipment only used in specific industrial/commercial settings); digital photo frames; or portable DVD players

- (4) ***Computer peripherals.*** Keyboards or any other devices, other than a consumer printer, that are sold exclusively for external use with a consumer computer and that provide input into or output from a consumer computer, including, for example: external CD/DVD drives; external hard drives/backup drives; external modems; flash drives/memory sticks for use with computers; game controllers (joysticks, etc.) used with a computer; keyboards; mice; projectors (LCD, LED, etc.) used with a consumer computer; scanners; speakers used with a computer; and webcams or similar cameras specifically for a computer.
- (5) ***Fax Machines.***
- (6) ***DVD players.***
- (7) ***VCRs.***
- (8) ***Digital video players/recorders.***
- (9) ***Telephones with video displays.*** Cellular/mobile phones, including multifunction phones such as iPhones or BlackBerries. The following are **not** considered telephones with video displays under WDNR regulations: corded or cordless phones (phones that plug in to a phone jack in the wall).

Litter shall include any waste or other things, substances or materials such as garbage, rubbish, used tires, manure, stones, gravel, sand, earth, grass, hay, leaves, twigs, shrubs, branches, ashes, cinders, sawdust, sweepings, dirt, glass, earthenware, wire, nails, construction waste, liquid waste, ice, snow, paper and all other debris and discarded materials of similar nature.

Overflow refuse means refuse placed for collection in a disposable bag not placed inside a polycart or mechanically dumped container.

Person shall have the definition set forth in Appleton Municipal Code §1-2.

Polycart means a plastic container issued by the City of Appleton for the storage and collection of solid waste or recyclables.

Premises shall mean platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure. Premises include the following categories:

- (1) ***Residential, single-family premises.*** Any housing building containing a single-family dwelling unit. For the purposes of this chapter, any housing building with

less than five (5) dwelling units shall fall in this category. Each unit shall be regarded as a single-family dwelling unit.

- (2) ***Multi-family premises.*** All housing buildings having five (5) or more dwelling units.
- (3) ***Commercial or business premises.*** Any public or private place, building and/or enterprise devoted in whole or in part to a business enterprise whether non-profit or profit making in nature.
- (4) ***Institutional premises.*** Any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, motels and homes for the aging.

Recyclables means all materials designated by the Director of Public Works for inclusion in the City recycling program.

Salvageable materials shall mean discarded material no longer of value as intended, but which is stored or retained from salvage, sale or future reuse.

Solid wastes shall be as defined in §289.01(33), Wisconsin Statutes; it includes the following categories:

- (1) ***Brush*** means trimmings from shrubs and trees, tree limbs less than six (6) inches in diameter and stalks from garden plants. Brush does not include stumps, root balls or logs greater than six (6) inches in diameter.
- (2) ***Bulky wastes*** shall mean discarded articles of such dimension as are not normally collected with domestic waste including, but not limited to, furniture, small rugs, and tires, but would be considered domestic wastes. In general, bulky wastes are those wastes too large to be placed in a disposable bag or polycart, and approved by the director.
- (3) ***Commercial wastes*** shall mean wastes resulting from the operation of business enterprises including, but not limited to offices, stores, restaurants and similar businesses.
- (4) ***Construction and/or demolition waste*** shall mean waste resulting from building construction, demolition, alteration, repair or remodeling, including excavated material and waste such as concrete, stone, asphalt, soil, earth, dirt and brick.
- (5) ***Domestic waste*** shall mean garbage, refuse, ashes and other waste including, but not limited to metal, glass, paper, wood, rags, plastic, rubber, cloth, cans, bottles, litter, and small quantities of construction and/or demolition wastes, and limited nauseous and/or offensive wastes, with the understanding that these wastes resulting from human habitation and the usual routine of housekeeping of

residential units or incidental to its operation. Domestic waste does not include grass clippings, leaves, tree waste, or yard waste.

- (6) **Garbage** shall be as defined in §289.01(9), Wisconsin Statutes.
- (7) **Grass clippings** means the product of ordinary mowing and maintenance of lawns during the growing season.
- (8) **Hazardous waste** shall be as defined in Wisconsin Administrative Code NR 605.04.
- (9) **Industrial waste** shall be as defined in Wisconsin Statutes §281.01(5).
- (10) **Liquid waste** shall include drain oil, dirty or waste grease, paints, lacquers, varnishes, thinners, cleaning agents or solvents and other similar waste materials.
- (11) **Nauseous or offensive materials** are those which are unwholesome in nature or have an unpleasant smell or are otherwise nauseous or offensive, such as manure, filth, carcasses, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances and also object that may cause injury to any person or animal, or damage to vehicle tires such as nails, tacks, pieces of metal, wire, briar thorns, broken glass and other similar materials or substances.
- (12) **Refuse** shall mean miscellaneous combustible and noncombustible waste material resulting from housekeeping activities including, not limited to, ashes, glass, metals, rubber, street wastes, wood, cloth and litter.
- (13) **Tree waste** shall mean waste resulting from the care of trees, shrubs and bushes by pruning and/or wind and storm damage and/or trimming including branches, limbs, trunks and stumps.
- (14) **Vehicle waste** shall mean waste resulting from discarded items of a vehicle, including but not limited to, tires, mufflers, exhaust pipes, engine parts, and could include whole vehicles.
- (15) **Yard waste less than one inch in diameter** means all materials originating in the yard and garden which are capable of natural decomposition, exclusive of grass clippings.

Special collection tag shall mean a tag issued by the Department of Public Works for the collection of tires, appliances, overflow refuse or other materials specified by the Director.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

AN ORDINANCE AMENDING SECTION 15-28 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CONTAINERS.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-28 of Chapter 15 of the Municipal Code of the City of Appleton, relating to containers, is hereby amended to read as follows:

Sec. 15-28. Containers.

(a) Owners of a single-family premise shall be provided polycarts by the City for each premise. One polycart shall be for solid waste storage and the other shall be designated solely for the collection of recyclables. Only polycarts and bags marked with a special collection tag are permitted containers for solid waste collection for single-family residences. Recyclables shall only be disposed of in the designated polycart.

(b) Owners of multiple-family premises shall provide and maintain suitable containers having sufficient capacity to store a normal one- (1-) week accumulation or collection of garbage, refuse and recycling of all units.

(c) All containers used for the collection of solid waste material or recyclables shall be structurally sound and specifically designed for the storage of solid waste or recycling material. They shall be durable, rust resistant, nonabsorbent, watertight and easily cleaned. Containers used for solid waste and recycling storage or collection must have properly fitting covers unless specifically authorized by the Director of Public Works.

(d) One-way disposable bags made of polyethylene (minimum one and one-half (1½) mil)) properly secured, are acceptable containers for overflow refuse only when marked with a special collection tag.

(e) Garbage and refuse stored outside or on top of such containers will not be collected unless placed in a disposable bag and marked with a special collection tag. Bulky items such as furniture and carpets are exempted.

(f) Any container used for collection of solid waste or recyclable material shall be maintained in a clean, sanitary and structurally sound manner so as to prevent the creation of a nuisance or menace to public health and safety.

(g) The use of dumpsters for the storage or disposal of solid waste or recyclables for one-(1-) or two-(2-) family residences is prohibited; except for the temporary use of a dumpster in conjunction with an active building or razing permit, or the use of a dumpster for a period not to exceed fourteen (14) days and the household waste only.

(h) Any container deemed defective by the Director of Public Works may be removed as refuse by the City following notification to the occupant.

(i) Other types of containers conforming to the intent of this section and approved by the Director of Public Works may be used.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

3-22

AN ORDINANCE AMENDING SECTION 15-30 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PREPARATION OF SOLID WASTE AND RECYCLABLES.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-30 of Chapter 15 of the Municipal Code of the City of Appleton, relating to preparation of solid waste and recyclables, is hereby amended to read as follows:

Sec. 15-30. Preparation of solid waste and recyclables.

- (a) Domestic solid waste may be mixed and placed in a common container.
- (b) Domestic waste shall be drained of all free liquid, then wrapped, packaged and/or bundled.
- (c) Commercial waste must be drained and stored in approved containers.
- (d) Brush must be cut into four- (4-) foot lengths and tied in bundles. Bundles shall be no larger than two (2) feet in diameter and weigh no more than forty-five (45) pounds. Max branch diameter is three (3) inches.
- (e) Cardboard boxes shall be broken down and placed inside the recycling polycart for collection.
- (f) Ashes shall be thoroughly cooled before being placed for collection.

(g) All refuse shall be free of jagged or sharp edges, protruding nails, broken glass, protruding screws and any other hazardous condition.

(h) Overflow refuse (tires and other solid waste designated by the City) must be marked with a special collection tag.

(i) Recyclables must be cleaned and placed in a recycling container. Paper does not need to be separated from other recyclables.

(j) Grass clippings, brush, leaves, tree waste and yard waste may not be mixed with domestic or commercial wastes.

(k) Eligible Electronic Devices may not be placed for collection with either solid wastes or recyclables. They must be disposed of in a manner and at a location approved by the Wisconsin Department of Natural Resources.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

4-22

AN ORDINANCE AMENDING SECTION 15-31(b) OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PLACEMENT FOR COLLECTION.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-31(b) of Chapter 15 of the Municipal Code of the City of Appleton, relating to placement for collection, is hereby amended to read as follows:

Sec. 15-31. Placement for collection.

(b) All solid waste and recyclables shall be placed at the ground level next to the curb. During the winter months, containers must still be placed at ground level next to the curb. This may be accomplished by placing the containers in the driveway, or a suitable area can be shoveled out on the street side of the boulevard.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

5-22

AN ORDINANCE AMENDING SECTION 15-33 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO COLLECTION SERVICE.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-33 of Chapter 15 of the Municipal Code of the City of Appleton, relating to collection service, is hereby amended to read as follows:

Sec. 15-33. Collection service.

(a) ***Residences.*** Residential solid waste shall be collected one (1) time per week, and recycling every two (2) weeks, from dwelling units according to schedule established by the Director of Public Works. Solid waste set out for collection must originate at the residence being serviced; waste set out for collection that originated at a different property will not be collected.

(b) ***Commercial establishments.*** Commercial establishments shall privately contract for collection of solid waste and recycling. For existing commercial customers of the city using 90-gallon containers, solid waste shall be collected one (1) time per week.

(c) ***Industrial waste.*** The City does not collect industrial waste.

(d) ***Yard waste.*** Residential yard waste will be collected separately from all other waste. Times of collection shall be pursuant to a schedule on file in the Department of Public Works.

(e) ***Brush.*** Residential brush will be collected separately from all other waste. Times of collection shall be pursuant to a schedule on file in the Department of Public Works.

(f) ***Bulky Overflow.*** Residential bulky overflow shall be collected on the schedule on file with the Department of Public Works.

(g) ***Grass clippings.*** The City will not collect grass clippings.

(h) ***Toxic and hazardous waste.*** The City will not collect toxic and hazardous waste.

(i) ***Small dead animals*** shall be collected by the Department. Animals must be

placed in a disposable bag.

(j) ***Nauseous or offensive waste.*** Liquid, manure, and other offensive or harmful waste. All liquid, hazardous or toxic waste and certain nauseous or offensive waste shall be stored separately from all other waste in approved containers. Such containers shall be clearly labeled, rodent resistant, nuisance free, sealed and secured to prevent access by the public, or as otherwise provided in the rules of the Director and not contrary to any order from the City of Appleton Health Officer or Director of Inspections. Such waste shall be considered commercial waste, and need not be collected by the Department.

(k) ***Construction debris.*** Construction debris shall not be collected by the City. It shall be the responsibility of the owner and/or contractor to dispose of construction debris as provided by law.

(l) ***Disposal of infectious material.*** The removal of apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the City Health Officer. Waste shall be disposed of pursuant to Wisconsin Administrative Code NR 506.11.

(m) ***Hazardous and/or toxic waste.*** Placing or depositing any hazardous or toxic waste including, but not limited to, explosive materials such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, gasoline or other similar material in disposal bag, polycart or reusable container for collection is prohibited.

(n) ***Leaves.*** Leaves will be collected curbside during a fall collection period as designated by the Department of Public Works. Any person may alternatively transport leaves to a designated City recycling site for disposal. Persons so transporting leaves shall be responsible to cover or otherwise contain the leaves in a manner so as to prevent scattering or dumping of the leaves in transport. The Director of Public Works shall publish times the site shall be open for the disposal of leaves.

(o) ***Lead acid batteries.*** In this subsection, “lead acid battery” means any battery which is primarily composed of both lead and sulfuric acid, with a capacity of six (6) volts or more.

- (1) No person may place a used lead acid battery in mixed municipal solid waste.
- (2) No automotive battery retailers may dispose of a used lead acid battery except by delivery to the agent of a battery wholesaler, to a battery manufacturer for delivery to a secondary lead smelter, to a collection or recycling facility or to a secondary lead smelter.
- (3) Each battery improperly disposed under subsection (1) or (2) above shall constitute a separate violation.

- (4) Retailers and wholesalers of lead acid batteries shall provide for collection of used lead acid batteries for recycling as follows:
- a. Any person selling lead batteries at retail shall accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries offered by customers.
 - b. Any person selling lead acid batteries at wholesale shall accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries offered by customers. Any automotive battery wholesaler accepting batteries from any automotive battery retailer shall remove batteries from the retail point of collection not less than every ninety (90) days.

(p) ***Eligible Electronic Devices.*** The City will not collect eligible electronic devices. Eligible Electronic Devices left on the terrace shall be removed by the property owner.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

6-22

AN ORDINANCE AMENDING SECTION 15-34 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FEES.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-34 of Chapter 15 of the Municipal Code of the City of Appleton, relating to fees, is hereby amended to read as follows:

Sec. 15-34. Fees.

(a) All charges related to the disposal of solid waste shall be on file in the Department of Public Works. These shall include, but are not limited to, the amount to be charged for overflow bag tags, tires, can charges or any other permit or charge pursuant to this article.

(b) Unscheduled overflow collections or brush/yard waste collections shall result in the assessment of additional fees.

(c) Additional collection and disposal fees shall be assessed to

property owners who fail to properly dispose of Eligible Electronic Devices.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

7-22

AN ORDINANCE AMENDING SECTION 15-35 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PENALTY.
(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 15-35 of Chapter 15 of the Municipal Code of the City of Appleton, relating to penalty, is hereby amended to read as follows:

Sec. 15-35. Penalty.

Any person violating any provision of this article shall forfeit not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00)

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

8-22

AN ORDINANCE CREATING SECTION 20-44 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LEAD AND GALVANIZED WATER SERVICE LINE REPLACEMENT.
(Utilities Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-44 of Chapter 20 of the Municipal Code of the City of Appleton, relating to lead and galvanized water service line replacement, is hereby created to read as follows:

Section 20-44. Lead and galvanized water service line replacement.

(a) ***Intent and purpose.*** The Common Council of the City finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and/or galvanized water service lines in use within the city water utility system and in private systems, and to that end, declares the purposes of this section to be as follows:

- (1) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;
- (2) To reduce the lead in city drinking water to meet the Environmental Protection Agency (EPA) standards in city drinking water for the health of city residents;
- (3) To meet Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with EPA's Lead and Copper Rule.

(b) ***Authorization.*** This Section is enacted pursuant to §62.11(5) and §281.12(5), Wis. Stats., and as mandated by 42 U.S.C. Sec. 300g, of the Federal Safe Drinking Water Act, enforced by the EPA and with WDNR.

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

Customer-side water service line means the water conduit pipe running from the customer's meter to the curb stop which is the water utility shut-off valve usually located behind the curb on public property.

Director means the City of Appleton's Director of Public Works or their authorized representative.

EPA means the United States Environmental Protection Agency.

Lead and/or Galvanized Water Service Line means a water service line comprised of lead and/or galvanized piping.

Licensed contractor means a person, firm, corporation, or other entity licensed to perform plumbing work in the State of Wisconsin.

Notice means written notification provided to the property owner and, if different, the tenant or occupant of the property identified on the water utility bill.

Utility means the City of Appleton Water Utility.

Water Utility System Construction Project means a utility project whereby the lead and/or galvanized water service lines may be replaced as part of a utility project.

Water Service Line Replacement Program means a program developed by the City and/or Utility to offer financial assistance to property owners for the purpose of replacing lead and/or galvanized water service lines. It shall also be referred to as the “Replacement Program” within this section.

WDNR means the Wisconsin Department of Natural Resources.

(d) ***Identification of lead and galvanized service lines.***

- (1) Upon notice from the Utility, any person or entity who owns, manages or otherwise exercises control over a property connected to the Utility distribution system shall allow the Director to inspect the customer-side service line to determine the material of construction as authorized pursuant to Wis. Stats. §196.171 et. seq.
- (2) The Utility and/or the Director shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for inspection of the service line. If entry is refused, the Director may obtain a special inspection warrant under Wis. Stats. §66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the Utility any pertinent information regarding the piping on such property.
- (3) The Utility shall create and maintain a record of the location of all identified lead and/or galvanized service lines in the City of Appleton.
- (4) If the property has been identified as having lead and/or galvanized water service lines, the Utility shall provide written notice of the presence of lead and/or galvanized water service line.

(e) ***Replacement of lead and/or galvanized service lines.***

- (1) All lead and/or galvanized water service lines must be replaced regardless of whether on the Utility-side or the customer-side. As of the effective date of the ordinance from which this division is derived, no lead and/or galvanized service line will be allowed to connect to a Utility line once replaced.

- a. **Owner to Replace Lead and/or Galvanized Service Line.** Known existing lead and/or galvanized water service lines connected to the Utility shall be replaced with water service lines made of suitable material and at the owner's expense. Replacement shall be completed within one year (365 days) of written notification by the Utility unless an exception is granted pursuant to section (f)(2) of this section.

- b. **Service Line Replacement in conjunction with Water Utility System Construction.**
 1. *Notification to Property Owners.* Notice shall be provided detailing the utility-side replacement of lead and/or galvanized service lines. The notification shall occur in the calendar year prior to commencement of the construction.

 2. *Inspection Required.* The Director or their designee shall endeavor to inspect all water service line connections in which the material comprising the water service lines are unknown to the Utility. The Director may perform the inspection of the customer-side water service line for the presence of lead or galvanized pipe prior to the time that the Water Utility system is to be reconstructed. If there is a refusal or failure to permit the Director access to inspect the service line, the Director may pursue a special inspection warrant to compel inspection of the property, may discontinue service pursuant to section (h), and/or may impose a forfeiture pursuant to section (l), of this section.

 3. *Replacement.* In the event that a customer-side water service line is found to contain lead and/or galvanized pipe, the Director shall notify the owner, in writing, of that fact.
 - i. The affected property may contract with a licensed contractor to complete the replacement; or

 - ii. The property owner may request to be included in the Water Utility System Construction Project. The Utility shall include an alternative to the contract requesting unit bid prices for the calculation of the cost for customer-side water service line replacement. The property owner will be charged the entire cost of the removal and replacement if funded by the Utility. In addition, all restoration of the owner's property shall be the responsibility of the property owner (including, but not limited to top

soil, concrete, steps, asphalt, bushes, porches, and the like).

(f) ***Exceptions.***

- (1) The Utility may modify the inspection requirement set forth under section (d) if the customer submits a request in writing to the Director of Public Works. The Director of Public Works or their designee shall have sole discretion in whether to grant a request to modify the inspection requirements.
- (2) The Utility may modify the 365-day replacement requirement set forth under section (e)(1)a. if the customer submits a request in writing to the Director of Public Works detailing reasons for the delay. The Director of Public Works shall have sole discretion in whether to grant an extension of time for compliance.

(g) ***Financial Assistance.*** In the event funding is made available for the purpose of replacing customer-side water service lines, the City will establish a Water Service Line Replacement Program. A property owner may opt into the Program for the replacement of the lead and/or galvanized customer-side water service line under the terms of the Replacement Program. Eligibility requirements as well as conditions of participation for the Replacement Program will be kept on file in the Department of Public Works. Disputes regarding eligibility for financing may be appealed to the Utilities Committee, unless otherwise noted in the Replacement Program eligibility and participation policy.

(h) ***Authority to discontinue service.*** The Water Utility is authorized to discontinue water service to such property served by a lead and/or galvanized water service line after reasonable notice and in a manner consistent with the rules and regulations of the City of Appleton Utility and the Public Service Commission of Wisconsin governing discontinuance of water service.

(i) ***Penalties.*** Any person who violates any provision of this chapter, including failing to comply with the applicable customer-side water service line replacement requirements as set forth in this section, or directly or indirectly preventing or hindering the Appleton Water Utility employee from making an inspection, examination, removal, or installation, shall be fined not more than \$25 for each offense. Each day a violation continues may be considered a separate offense.

(j) ***Severability.*** If any subsection or portion of this chapter is for any reasons held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining portions of this chapter.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

9-22

AN ORDINANCE AMENDING SECTION 9-54(c) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEMERIT POINT SYSTEM; CALCULATING VIOLATIONS.

(Safety and Licensing Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-54(c) of Chapter 9 of the Municipal Code of the City of Appleton, relating to demerit point system; calculating violations, is hereby amended to read as follows:

Sec. 9-54. Demerit point system.

(c) *Calculating violations.* In determining the accumulated demerit points, the date of conviction shall be used as the basis for assigning demerit points per violation. Points shall be assigned only after conviction for violations.

Section 2: This ordinance shall be in full force and effect July 1, 2022.

10-22

AN ORDINANCE AMENDING SECTION 9-54(d) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEMERIT POINT SYSTEM; SUSPENSION AND REVOCATION OF LICENSE.

(Safety and Licensing Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-54(d) of Chapter 9 of the Municipal Code of the City of Appleton, relating to demerit point system; suspension and revocation of license, is hereby amended to read as follows:

Sec. 9-54. Demerit point system.

(d) *Suspension and revocation of license.* The Police Department shall notify the Safety and Licensing Committee of any convictions which result in the assessment of demerit points against any licensee. Following this notification, or the filing of a complaint pursuant to W.S.A. §125.12, the Committee shall hold a hearing if required by W.S.A. §125.12 or this section, and shall take the following action, after first determining the number of demerit points to be assessed against the licensee:

- (1) For demerit points totaling 25-149 within a 24-month period, a warning to the licensee of the consequences of additional violations. The licensee shall appear before the Safety and Licensing Committee and inform the Committee of the licensee's efforts to rectify the issues that caused the imposition of the demerit points.
- (2) For demerit points totaling 150-199 within a 24-month period, suspension of the license for a period of not less than ten (10) days nor more than ninety (90) days.
- (3) For demerit points totaling two hundred (200) or more within a 36-month period, revocation of the license. Whenever any license is revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises, and twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.

Section 2: This ordinance shall be in full force and effect July 1, 2022.

11-22

AN ORDINANCE AMENDING SECTION 9-628(d) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LICENSE AND STREET OCCUPANCY PERMIT REQUIRED.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-628(d) of Chapter 9 of the Municipal Code of the City of Appleton, relating to license and street occupancy permit required, is hereby amended to read as follows:

Sec. 9-628. License and Street Occupancy Permit required.

- (d) No more than eight (8) Licenses may be issued for on-street units.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

12-22

AN ORDINANCE AMENDING SECTION 9-640 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO VENDING OF PRODUCTS FROM VEHICLE OR OTHER ON-STREET UNIT IN THE PUBLIC STREETS.

(Municipal Services Committee – 12-15-2021)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-640 of Chapter 9 of the Municipal Code of the City of Appleton, relating to vending of products from vehicles or other on-street unit in the public streets, is hereby amended to read as follows:

Sec. 9-640. Vending of products from vehicles or other on-street unit in the public streets.

(a) No food shall be sold from a vehicle other or on-street unit in any public street in the City of Appleton except in compliance with the requirements of this section and §9-639 above.

(b) Any vehicle or other on-street unit used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.

(c) Each such vehicle or other on-street unit used for vending food shall be licensed for such use by the Department of Health.

(d) If such vehicle or other on-street unit is a motor vehicle, it must have valid license plates and registration as provided by Chapter 341 of the Wisconsin Statutes.

(e) A vehicle or other on-street unit which is operated for the purpose of selling food from the unit in the public streets shall be operated only by a person who shall have obtained a license under this division.

(f) In addition, the operator or the owner of any motor vehicle shall furnish proof of current insurance issued by an insurance company authorized to do business in the State of Wisconsin and shall maintain such insurance as a condition of licensing under this division. The insurance shall provide coverage for bodily injury, including accidental death, as well as for claims for property damage which may arise from the operations under the license. The policy limits of such insurance shall be the same as those required in §9-629 above.

(g) Amplified music or other sounds from any vehicle used for the purpose of vending products in the public streets shall comply with the applicable requirements of Chapter 12, Article IV of this code pertaining to noise.

(h) No sales shall be made from a vehicle except from the curbside of said vehicle.

(i) No sales shall be made within fifty (50) feet of the main entrance of a licensed food establishment during the hours said business is open to the public unless written permission is granted by an authorized representative of that establishment to the permit holder.

(j) No on-street unit may park adjacent to a sidewalk café or an establishment with a Street Occupancy Permit for tables and chairs when the tables and chairs are present on the amenity strip.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.