

ADOPTED: February 5, 2020
PUBLISHED: February 10, 2020
Office of the City Clerk

6-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 1/22/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be reserved for vehicles displaying a Wisconsin State Handicap placard or Disabled/Disabled Veteran license plates on the north side of Lawrence Street, from a point 168 feet west of Mason Street to a point 231 feet west of Mason Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: February 5, 2020

Timothy M. Hanna, Mayor
19-1150

Kami Lynch, City Clerk

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7-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 1/22/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the east side of Madison Street from Fremont Street to a point 75 feet north of Fremont Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: February 5, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

8-20

AN ORDINANCE REPEALING AND RECREATING SECTION 2-1 OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DESTRUCTION OF PUBLIC RECORDS.

(Finance Committee – 1/22/2020)

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

Section 1: That Section 2-1 of Chapter 2 of the Municipal Code of the City of Appleton, relating to destruction of public records, is hereby repealed and recreated to read as follows:

Sec. 2-1. Destruction of public records.

(a) ***General city records retention/disposition schedule.***

- (1) The purpose of this section is to establish a general city records retention/disposition schedule and authorize destruction of city records pursuant to the schedule. Records custodians may destroy a record prior to the time set forth in this schedule only if such record has been photographically reproduced as an original record or converted to optical disk format pursuant to W.S.A. § 16.61(7).
- (2) Where indicated in the records retention schedule, the State of Wisconsin Public Records Board has waived the required statutory 60-day notice for city records; therefore, for those records, notification to the State Historical Society of Wisconsin is not required prior to destruction.
- (3) The general City of Appleton Records Retention/Disposition Schedule, as approved by the State of Wisconsin Public Records Board setting forth records and retention periods, is hereby adopted, a copy of which is on file in the office of the City Clerk and made a part hereof by reference as though fully set forth herein.
- (4) Destruction of records pursuant to the approved retention/disposition schedule is contingent upon the restrictions to record destruction contained in Wis. Stats. § 19.35(5), (Open Records Law), and that no records shall be destroyed if litigation or audit involving those records has commenced.

- (5) Records not addressed by the City of Appleton Records Retention/Disposition Schedule are subject to a retention period of not less than seven (7) years as set forth in §19.21(5)(c), Stats.

(b) ***Police records.*** In addition to the General Retention/Disposition Schedule set forth in (a), the Police Department may destroy the following records of which they are the legal custodian and which are deemed obsolete by the Police Department, but not less than seven (7) years after the record was effective unless another period has been set by statute or by the State Public Records Board, then after such a shorter period. In addition, the Wisconsin Historical Society has waived the sixty- (60-) day notification period specified in Wisconsin State Statute §19.21 for the following types of police records:

- (1) Traffic accident reports.
- (2) Citizen contact warning tickets.
- (3) Telephone line recordings.
- (4) City of Appleton summonses for violation of city ordinances and all other supporting records pertaining thereto.
- (5) In-car video recordings and personal recording devices.
- (6) Weekly reports.
- (7) Ride-along records.
- (8) False alarm records.
- (9) Fingerprint records and mug shots.
- (10) Overtime vouchers.
- (11) Daily roster/schedule.
- (12) Daily alert bulletin.
- (13) Master cash register receipt rolls.
- (14) Offense reports/investigations.
- (15) State uniform traffic citations and all other supporting records pertaining thereto.
- (16) Overnight parking register.

- (17) Surveillance recordings from any booking room(s) or interview room(s).
- (18) Monitoring and surveillance recordings (includes traffic camera footage).

(c) **Other records.** The purpose of this section is to establish a library record retention schedule and authorize destruction of library records in accordance with that schedule. Record custodians may destroy a record prior to the time set forth in this schedule only if such a record has been photographically reproduced as an original record or converted to optical disk format pursuant to Wis. Stat. § 16.61(7).

(d) **Notice to Historical Society.** Prior to the destruction of any public record described in this section, at least sixty (60) days' notice shall be given the State Historical Society, unless otherwise indicated.

(e) **Limitation.** This section does not authorize destruction of any public record after a period less than that prescribed by statute or state administrative regulations.

(f) **Microfilm and similar devices.** Any public record may be kept and preserved by the use of microfilm or other reproductive device. Any photographic reproduction shall be deemed an original record for all purposes if it meets the applicable standards of W.S.A. § 16.61(7). Once reproduced by photographic reproduction, the original document may be destroyed or otherwise disposed of.

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

Dated: February 5, 2020

Timothy M. Hanna, Mayor
City Law A19-1150

Kami Lynch, City Clerk

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9-20

AN ORDINANCE AMENDING SECTION 24-10(a)(1) OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPLICABILITY AND JURISDICTION.

(Utilities Committee – 1/22/2020)

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

Section 1: That Section 24-10(a)(1) of Chapter 24 of the Municipal Code of the City of Appleton, relating to applicability and jurisdiction, is hereby amended to read as follows:

Sec. 24-10. Applicability and jurisdiction.

(a) ***Applicability.***

- (1) This ordinance applies to all land disturbing activities, including transportation facilities, within the City of Appleton except as provided under sub. (3).

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

Dated: February 5, 2020

Timothy M. Hanna, Mayor
City Law A19-1150

Kami Lynch, City Clerk

ADOPTED: February 5, 2020
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10-20

AN ORDINANCE AMENDING SECTION 24-35 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO EROSION AND SEDIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.

(Utilities Committee – 1/22/2020)

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

Section 1: That Section 24-35 of Chapter 24 of the Municipal Code of the City of Appleton, relating to erosion and sediment control plan, statement and amendments, is hereby amended to read as follows:

Sec. 24-35. Erosion and sediment control plan, statement and amendments.

(a) ***Erosion and sediment control plan.***

- (1) An erosion and sediment control plan shall be prepared and submitted to the City of Appleton Department of Public Works unless the project is required to also submit a site plan. If a site plan is required, the complete erosion and sediment control permit application and appropriate fee shall be submitted to the City of Appleton Community Development Department with the site plan submittal.
- (2) The complete erosion and sediment control plan shall be submitted in both hard copy and .pdf format.
- (3) The erosion and sediment control plan shall be prepared by a person who holds a registration issued by the Wisconsin Department of Regulation and Licensing in one (1) of the following categories:
 - a. Architect.
 - b. Engineer.
 - c. Land Surveyor.
 - d. Landscape Architect.

- (4) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 24-25 and other requirements of this ordinance.
- (5) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the site and the nature of the land disturbing activity. Sites of one (1) acre or more shall include the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - c. The intended sequence of land disturbing construction of the development site, including stripping; clearing and grubbing; excavation; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date when clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, establishment of permanent vegetation and removal of erosion and sediment controls.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. For sites less than one (1) acre of disturbed area, include BMPs meeting the provisions of Sec. 24-25(c)(2).
 - f. For sites with one (1) acre or more of disturbed area, provide calculations per WDNR Soil Loss Guidelines per Sec. 24-25(c)(3).
 - g. Location and description of the existing surface soil as well as subsoils, as indicated by USDA Natural Resource Conservation Service Soil Survey information.
 - h. Wherever permanent infiltration devices will be employed or were evaluated, the depth to the nearest seasonal high groundwater elevation or top of bedrock shall be identified per appropriate on-site testing.

- i. Name of the immediate named receiving water from the United States Geological Services 7.5 minute series topographic maps.
- (6) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than one hundred (100) feet per inch and at a contour interval not to exceed two (2) feet.
- a. Existing topography, vegetative cover, natural and engineered drainage patterns and systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on the site and on adjacent lands shall be shown. Any identified 100-year flood plains, flood fringes, floodways, and flood storage areas shall also be shown.
 - b. Boundaries of the parcel and the construction site.
 - c. Drainage patterns and approximate slopes before and after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location, dimensions and descriptions of major structural and non-structural controls identified in the erosion and sediment control plan.
 - f. Location of areas where stabilization BMPs will be employed.
 - g. Areas that will be vegetated following land disturbing construction activity.
 - h. Area(s) and location(s) of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland, within one-quarter mile downstream of the construction site.
 - i. Water courses and wetlands that may affect or be affected by runoff from the site.
 - j. On sites one (1) acre or larger an alphanumeric or equivalent grid overlying the entire construction site map.
 - k. Topography and drainage network of enough of the contiguous properties to show runoff patterns onto, through, and from the site.

- l. Location, dimensions and description of utilities, structures and pavements.
- m. Area(s) used for infiltration of post-construction stormwater runoff.

(7) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

- a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. Erosion and sediment control plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
- b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City of Appleton, structural measures shall be installed on upland soils.
- c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
- d. Trapping of sediment in channelized flow.
- e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
- f. Protection of downslope drainage inlets where they occur.
- g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
- h. Clean up of off-site sediment deposits.
- i. Proper disposal of building and waste materials, including but not limited to designated sites for concrete truck washout.

- j. Stabilization of drainage ways.
- k. Control of soil erosion from stockpiles.
- l. Installation of permanent stabilization practices within ten (10) days after final grading.
- m. Minimization of dust to the maximum extent practicable.

- (8) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(b) ***Erosion and sediment control plan statement.*** For each land disturbing construction site identified under Sec. 24-15, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City of Appleton. The control plan statement shall briefly describe the site, the development schedules and the best management practices that will be used to meet the requirements of the ordinance.

(c) ***Amendments.*** The applicant shall amend the plan if any of the following occur:

- (1) There is a change in design, construction, operation or maintenance at the site that has the reasonable potential for the discharge of pollutants and has not otherwise been addressed in the erosion and sediment control plan.
- (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (3) The City of Appleton notifies the applicant of changes needed in the plan.

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

Dated: February 5, 2020

Timothy M. Hanna, Mayor
City Law A19-1150

Kami Lynch, City Clerk

ADOPTED: February 5, 2020
PUBLISHED: February 10, 2020
Office of the City Clerk

11-20

AN ORDINANCE CREATING SECTION 10-50 OF CHAPTER 10 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MASSAGE THERAPY AND BODYWORK THERAPY.

(Safety and Licensing Committee – 1/22/2020)

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

Section 1: That Section 10-50 of Chapter 10 of the Municipal Code of the City of Appleton, relating to massage therapy and bodywork therapy, is hereby created to read as follows:

Sec. 10-50. Massage therapy and bodywork therapy.

(a) For purposes of this section, the definitions set forth in W.S.A. §460.01 are hereby adopted and incorporated as part of this section.

(b) No person may violate the prohibitions under W.S.A. §460.02 unless the person is licensed as required under W.S.A. Chapter 460 as required under W.S.A. §460.02.

(c) No person may employ or contract for the services of an individual to provide massage therapy or bodywork therapy who is required to be licensed under W.S.A. §460.02 unless the individual is licensed under W.S.A. Chapter 460.

(d) ***Penalties.*** Any person who shall violate any provision of this section may be subject to a forfeiture of no more than one hundred dollars (\$100) for the first offense and no more than two hundred fifty dollars (\$250) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

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

Dated: February 5, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: February 5, 2020
PUBLISHED: February 10, 2020
Office of the City Clerk

12-20

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 2/5/2020)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands generally located east of North Richmond Street and south of West Evergreen Drive (Tax ID #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05), including land recently annexed with the “Evergreen Heights” Annexation and including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41, from C-2 General Commercial District and temporary AG Agricultural District to PD/C-2 Planned Development General Commercial District #11-19. (Planned Development (PD) Rezoning #11-19 – Evergreen Heights)

LEGAL DESCRIPTION:

All of the City of Appleton parcels 31-6-5601-00, 31-6-5601-01, 31-6-5601-02, and all of the Town of Grand Chute parcels 10-1-0524-06, 10-1-0528-00, 10-1-0528-02 (to be annexed into Appleton, new parcel numbers will be provided), in the Northwest 1/4 of the Northwest 1/4 of Section 14, Town 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, Containing 347,428 square feet (7.976 acres), described as follows:

Commencing at the Northwest Corner of said Section 14;
thence S89°51'46"E, 115.00 feet along the North line of said Section;
thence S30°03'49"W, 38.08 feet to the intersection of the South right-of way line of Evergreen Drive and the East right-of-way line of N. Richmond Street and the Point of Beginning;
thence S89°51'46"E, 442.21 feet along said South right-of way line to the West right-of way line of Alvin Street;
thence S00°04'20"W, 566.50 feet along said West right-of way line;

thence 276.42 feet along the arc of a 60 foot radius curve to the left having a chord of S47°38'45"E, 89.21 feet along said right-of-way line to the north line of parcel 10-1-0528-00;
thence S89°46'39"E, 106.60 feet to the east line of said parcel;
thence S00°10'04"E, 308.60 feet along said East line to the North right-of-way line of Interstate 41;
thence N83°27'37"W, 216.09 feet along said right-of-way line to the City of Appleton Corporate Limits;
thence N00°10'04"W, 248.68 feet along said Corporate Limits to the Southerly Right of Way of Alvin Street;
thence 38.83 feet on the arc of a 60 foot radius curve to the right having a chord of N18°28'16"W, 38.16 feet along said corporate limits;
thence N89°46'39"W, 419.08 feet along said corporate limits to the East right-of-way line of N. Richmond Street;
thence N02°45'12"W, 121.13 feet along said right-of-way;
thence N01°14'02"E, 100.00 feet along said right-of-way;
thence N12°32'37"E, 101.98 feet along said right-of-way;
thence N01°18'27"W, 271.65 feet along said right-of-way;
thence N30°03'49"E, 38.67 feet along said right-of-way to the point of Beginning.
Including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41.

COMMON DESCRIPTION:

Generally located east of North Richmond Street and south of West Evergreen Drive (Tax ID #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05), including land recently annexed with the "Evergreen Heights" Annexation

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

Dated: February 5, 2020

Timothy M. Hanna, Mayor
City Law A19-1150

Kami Lynch, City Clerk

ADOPTED: February 5, 2020
PUBLISHED: February 10, 2020
Office of the City Clerk

13-20

AN ORDINANCE CREATING ARTICLE VI. OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CONVERSION THERAPY.

(Board of Health – 1/22/2020)

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

Section 1: That Article VI. of Chapter 7 of the Municipal Code of the City of Appleton, relating to conversion therapy, is hereby created to read as follows:

Sec. 7-300. Conversion therapy.

(a) ***Definitions.*** As used in this section:

Conversion therapy means any practices or treatments offered or rendered to patients, including psychological counseling, that seeks to change a person's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

Medical or mental health professional means any individual who is licensed by the State to engage in a profession related to physical or mental health, including any interns, trainees, or apprentices who provide medical or mental health services under the supervision of a licensed medical or mental health professional.

(b) ***Prohibited acts.*** It shall be unlawful for any medical or mental health professional to engage in conversion therapy with any person under 18 years of age.

(c) ***Referral to State.*** Allegations that a medical or mental health professional is in violation of this section shall be submitted in writing to the City Health Officer or their designee. The City Health Officer or their designee shall refer the written allegations to the State of Wisconsin Department of Safety and Professional Services, which regulates therapy services and professional counseling, for investigation and other actions it deems appropriate.

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

Dated: February 5, 2020

Timothy M. Hanna, Mayor
City Law A19-1150/AMEND013

Kami Lynch, City Clerk