



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Common Council

Wednesday, February 7, 2018

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[18-0147](#) Common Council Meeting Minutes of January 17, 2018
Attachments: [CC Minutes 1-17-18.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[18-0131](#)

Approve the following parking changes related to the "East Residential Zone" near Lawrence University:

*No parking on the west side of Rankin Street between College Avenue and Alton Street.

*No parking on the north side of South Street from South Court to the first driveway west of South Court.

Attachments: [Parking changes East Residential Zone.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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[18-0132](#)

Approve Resolution for Outagamie County Landfill Siting Negotiation Process.

Attachments: [Resolution Outagamie Cty Landfill.pdf](#)
[Map of proposed Northwest Landfill.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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[18-0133](#)

Appleton Street, from 200' south of Lawrence Street to College Avenue, be reconstructed with concrete pavement and curb and gutter to a width of 45' from back of curb to back of curb. The reconstruction of Appleton Street will implement concepts from the approved Downtown Mobility Study. Appleton Street will be converted from its existing one-way, southbound only designation, into a two-way street. The new, two-way, Appleton Street will consist of 1 travel lane, in each direction, bike lanes along both sides of the street, and dedicated turn lanes at Lawrence Street and College Avenue. On-street parking along this portion of Appleton Street will be eliminated as part of this reconstruction project. An indented loading zone will be constructed adjacent to Houdini Plaza.

Attachments: [Appleton St from 200' south of Lawrence St to College Ave.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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- [18-0134](#) Request to postpone the Oneida Street Bridge/Appleton Street/Pedestrian Ramp/Stairs/Rocky Bleier Run and Jones Park Parking Lot Projects until we have further clarity on what may be developed on the Trinity Bluff Site.

Attachments: [Postpone projects related to Trinity Bluff Site.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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- [18-0135](#) Approve proposed parking restriction on the 200 block of S. Rankin Street.

Attachments: [Parking restrictions-200 block of S. Rankin St.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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- [18-0136](#) Approve proposed parking restriction on Rail Road near Derks Park.

Attachments: [Parking restrictions on Rail Rd near Derks Park.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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- [18-0137](#) Install Stop Control on Locust Street at Fifth Street.

Attachments: [Intersection control Locust St-Fifth St.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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- [18-0138](#) Install Stop Control on Madison Street at McKinley Street.

Attachments: [Intersection traffic control Madison St-McKinley St.pdf](#)

Legislative History

1/22/18	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [18-0116](#) Request to Approve Changes to Appleton Municipal Code Chapter 6

Attachments: [Chapter 06 Fire - Redlined \(Official Form\) 01-12-2018.pdf](#)

[Chapter 06 Fire - Clean \(Official Form\) 01-12-2018.pdf](#)

[Memo RE Proposed Changes to Chapter 6 .pdf](#)

Legislative History

1/24/18 Safety and Licensing approved
 Committee

[18-0092](#) Operator's Licenses

Attachments: [Operator's Licenses for 1-24-18 S & L.pdf](#)

Legislative History

1/24/18 Safety and Licensing recommended for approval
 Committee

[18-0098](#) "Class B" Beer/Liquor License application of DCMX LLC, d/b/a
Gingerootz Asian Grille, Mylee Xiong, Agent, 2920 N. Ballard Rd.,
contingent upon approval from all departments.

Attachments: [Gingerootz Asian Grille application.pdf](#)

Legislative History

1/24/18 Safety and Licensing recommended for approval
 Committee

[18-0093](#) "Class B" Beer/Liquor License application of Jong Seng Lee and Patria
Lee Vang, d/b/a Shadows Food & Spirit, 211 S. Walter Ave., contingent
upon approval from all departments.

Attachments: [Shadows Food & Spirit application.pdf](#)

Legislative History

1/24/18 Safety and Licensing recommended for approval
 Committee

[18-0094](#) Secondhand Article Dealer License Renewal application of Active Bike &
Fitness, Mark A. Fluette, Applicant, 1131 N. Badger Ave., contingent upon
approval from all departments.

Legislative History

1/24/18 Safety and Licensing recommended for approval
 Committee

[18-0097](#) "Class A" Beer/Liquor License - Change of Agent of Ultimate Mart LLC
d/b/a Pick N Save #8187, Shane E. Fischer, Agent, 511 W. Calumet St.,
contingent upon approval from the Police Department.

Legislative History

1/24/18 Safety and Licensing recommended for approval
 Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[18-0088](#)

Request to approve the Creekside Estates Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [Staff Report Creekside Estates Final Plat 1-23-18.pdf](#)

Legislative History

1/23/18 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[18-0110](#)

Action Item: Request Approval of the Updated Athletic Facilities - Rental and Fee Schedule Policy

Attachments: [2018 Athletic Facilities Rental and Fee Schedule Policy Memo.doc](#)

[2018 Athletic Facilities Policy - Redlined.pdf](#)

[2018 Athletic Facilities Policy - FINAL.pdf](#)

Legislative History

1/22/18 Parks and Recreation approved
 Committee

5. MINUTES OF THE FINANCE COMMITTEE

[18-0119](#)

Request to award Unit T-18 Telulah Avenue Sewer & Water Main Reconstruction No. 1 to Kruczek Construction, Inc in the amount of \$1,477,778 with a 5% contingency of \$73,889 for a project total not to exceed \$1,551,667.

Attachments: [Award of Contract Unit T-18.pdf](#)

Legislative History

1/22/18 Finance Committee recommended for approval

[18-0120](#)

Request to approve Finance Committee Report 1-P-18 for Sanitary Laterals

Attachments: [Report 1-P-18.pdf](#)

Legislative History

1/22/18 Finance Committee recommended for approval

[18-0128](#)

Resolution introduced by Alderperson Baranowski at January 17, 2018 Common Council meeting relating to short-term loan to Appleton Redevelopment Authority for the construction of the Fox Cities Exhibition Center.

Resolution #1-R-18

Submitted by: Alderperson Baranowski - District 5

Whereas, the City of Appleton approved a short-term loan not to exceed \$31,000,000 to the Appleton Redevelopment Authority (ARA) for the construction of the Fox Cities Exhibition Center and,

Whereas, the short-term loan is to be repaid upon ARA's closing of long-term financing for the project and,

Whereas an estimate of the amount of interest income not received due to the amounts paid to fund the Fox Cities Exhibition Center, projecting through March 1, 2018, would be approximately \$237,500 therefore,

Be it resolved, the City of Appleton is repaid from the hotel room tax fund, upon ARA's closing of long-term financing for the project, any and all interest income it would have earned on the funds the City loaned to ARA for the Fox Cities Exhibition Center project.

Legislative History

1/22/18

Finance Committee

recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE[18-0090](#)

Request to approve recommended funding of \$15,000 for 2018 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached documents

Attachments: [Memo to CEDC on ADI Sponsorships 2018.pdf](#)
[Proposed City Sponsorships for ADI 2018.pdf](#)

Legislative History

1/24/18

Community & Economic
Development Committee

recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

- [18-0099](#) Preliminary Resolution 1-P-18 for Sanitary Sewer Laterals be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [1-P-18.pdf](#)

Legislative History

1/23/18 Utilities Committee recommended for approval

- [18-0104](#) Request to add Sanitary Sewer and Storm Sewer construction on Durkee Street between Atlantic Street and Summer Street to our 2018 Reconstruction Program.

Attachments: [Durkee Street Sanitary Sewer and Storm Sewer Construction.pdf](#)

Legislative History

1/23/18 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

- [18-0012](#) Approve the Memorandum of Understanding Between The City of Appleton, Valley Transit and Community Care Inc. for Specialized Transportation Services for 2018

Attachments: [2018 Contract Valley Transit and Community Care.pdf](#)

Legislative History

1/24/18 Fox Cities Transit Commission approved

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

- [18-0150](#) Consolidated Action Items
18-0126 (Finance Committee)
18-0117 (Safety & Licensing Committee)

- [18-0126](#) Request to apply for the FEMA FY17 Assistance to Firefighter's Grant for personal protective equipment

Attachments: [Intent to Apply - FY2017 Assistance to Firefighter's Grant - 1-18-18.pdf](#)

Legislative History

1/22/18 Finance Committee recommended for approval

- [18-0117](#) Request to Apply for the FEMA FY17 Assistance to Firefighter's Grant for Personal Protective Equipment

Legislative History

1/24/18	Safety and Licensing Committee	recommended for approval
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N. ITEMS HELD

O. ORDINANCES

- [18-0149](#) Ordinances 16-18 to 18-18

Attachments: [Ordinances going to Council 2-7-18.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, January 17, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Lobner

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Director of Human Resources Matz, Director of Information Technology Fox, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, and Valley Transit General Manager Mc Donald

The following were excused:

Fire Chief Vander Wyst, Health Officer Eggebrecht

F. PUBLIC PARTICIPATION

The following spoke during public participation:

Chris Burns, W6068 Nolan Drive - Item 17-1684 Alcohol on Commercial Quadricycles

Keith Scott, 6087 E Lyngaas - Exhibition Center Financing Items

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-0081](#)

Common Council Meeting Minutes of December 19, 2017

Attachments: [CC Minutes 12-19-17 Special.pdf](#)**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

[18-0080](#)

Common Council Meeting Minutes of December 20, 2017

Attachments: [CC Minutes 12-20-17.pdf](#)**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[18-0082](#)

National Wear Red Day Proclamation

The Proclamation was presented[18-0083](#)

Appointment to the Library Board

Aldersperson Croatt moved, seconded by Aldersperson Baranowski, that the appointment of Margaret Mann be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[17-2023](#)

Public Hearing - Rezoning #8-17

Attachments: [RZ #8-17 Public Hearing Notice.pdf](#)

The Public Hearing was held. There were no participants during the Public Hearing.

[17-2024](#)

Public Hearing for Text Amendment to Chapter 23 Zoning Ordinance and Map - Article X. Floodplain Zoning

Attachments: [PH Notice Text Amendment.pdf](#)

The Public Hearing was held. There were no participants during the Public Hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[17-1684](#)

Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

Attachments: [Resolution #22-R-17 Social Station.pdf](#)
[22-R-17; Alcohol Consumption on the Social Station MEMO to SL .pdf](#)
[Green Bay Ordinance- Comm. Quadricycle.pdf](#)
[Commercial Quadricycle Resolution Options S&L 1-9-18.pdf](#)

Alderperson Baranowski moved, seconded by Alderperson Lobner, that the Resolution be approved to reflect the Safety & Licensing Committee's amendments on January 10th. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

[18-0078](#)

Approve the financing recommendation made by Baird for the Fox Cities Exhibition Center

Attachments: [Baird FCEC Presentation 1-8-18.pdf](#)
 [Room Tax Collections.pdf](#)
 [FCEC Financing Comparison Memo 011518.pdf](#)
 [FRED Graph.pdf](#)
 [Private Placement Bonds.pdf](#)
 [Term Sheet 10.26.17.pdf](#)

Motion by Alderperson Lobner, seconded by Alderperson Baker to approve the financing recommendation.

Alderperson Coenen referred this item back to the Finance Committee.

[18-0111](#)

Suspend the Council Rules and Convene into the Committee of the Whole acting as the Finance Committee

Alderperson Plank moved, seconded by Alderperson Dannecker, that the Common Council convene into the Committee of the Whole. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson Kathleen Plank, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Nay: 4 - Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski and Alderperson Patti Coenen

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

[18-0078](#)

Approve the financing recommendation made by Baird for the Fox Cities Exhibition Center

Attachments: [Baird FCEC Presentation 1-8-18.pdf](#)
 [Room Tax Collections.pdf](#)
 [FCEC Financing Comparison Memo 011518.pdf](#)
 [FRED Graph.pdf](#)
 [Private Placement Bonds.pdf](#)
 [Term Sheet 10.26.17.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Baker, that the financing recommendation be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Nay: 2 - Alderperson Curt Konetzke and Alderperson Patti Coenen

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

18-0107**Report of COW**

Motion by Alderperson Baranowski, seconded by Alderperson Baker to Rise and Report. Roll Call. Motion carried 14/0.

Alderperson Konetzke moved, seconded by Alderperson Coenen, to approve the Report of the Committee of the Whole (Item 18-0078) as amended by substitution to read: Approve the concept of bond financing for the Fox Cities Exhibition Center and immediately solicit bond proposals from multiple sources.

Roll Call. Motion failed by the following vote:

Aye: 2 - Alderperson Curt Konetzke and Alderperson Patti Coenen

Nay: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

Alderperson Lobner moved, seconded by Alderperson Baker, to approve the Report of the Committee of the Whole (Item 18-0078). Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Nay: 2 - Alderperson Curt Konetzke and Alderperson Patti Coenen

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Baranowski moved, Alderson Croatt seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

Excused: 1 - Alderson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0029](#)

Approve Amendment No. 2 to SRF Consulting Group, Inc. for additional services related to the Railroad Quiet Zone Feasibility & Implementation Plan in an amount of \$3,000 for a revised not to exceed contract of \$31,856.

Attachments: [Railroad Quiet Zone.pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-2037](#)

Operator's License application of Cueren M. Egeland, W750 County Road VV, Seymour

Attachments: [Cueren M. Egeland.pdf](#)
[SL Denial 1-10-18.pdf](#)

The recommendation to deny the license was approved.

[17-2032](#)

"Class B" Beer/Liquor License application of Tudy Wilder LLC, d/b/a Wilder's Bistro, 2639 S. Oneida St. Suite 1, Terrance A. Wilder, Agent, contingent upon approval from all departments.

Attachments: [Wilder's Bistro application.pdf](#)

This Report Action Item was approved.

[17-2033](#)

Class "B" Beer License application of McFleshman's Brewing Co LLC, Bobby L. Fleshman, Agent, 115 S. State St., contingent upon approval from all departments.

Attachments: [McFleshmans Brewing Co application.pdf](#)

This Report Action Item was approved.

[17-2034](#)

Secondhand Article Dealer License Renewal application of The Attique Resale, James A. Boylan, 415 N. Oneida Street, contingent upon approval from all departments.

This Report Action Item was approved.

[17-2041](#)

Operator Licenses

Attachments: [Operator's Licenses for 1-10-18 S & L.pdf](#)

This Report Action Item was approved.

[18-0003](#)

"Class B" Beer/Liquor License temporary change of premise description of Dairyland Brew Pub, Dorri Schmit, 1216 E. Wisconsin Avenue, January 27, 2018 or February 10, 2018, contingent upon approval from all departments.

Attachments: [Change of Description - Dairyland Brew Pub.pdf](#)

This Report Action Item was approved.

[18-0020](#)

"Class A" Liquor License application of Fishtail LLC, Buddi S. Subedi, 415 S. Memorial Drive, contingent upon approval from all departments.

Attachments: [Memorial Petroleum.pdf](#)

This Report Action Item was approved.

[18-0034](#)

Secondhand Article Dealer License Renewal application of Heid Music, Kristin J. Masarik, Applicant, 308 E. College Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[17-1902](#)

Request to approve the proposed Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-206(b)(1)(i) Official maps and revisions, as identified in the attached staff report

Attachments: [StaffReport_ZOText&MapAmendment_FloodplainZoning_12-12-17.pdf](#)

This Report Action Item was approved.

[17-1907](#)

Request to approve Rezoning #8-17 for Creekside Estates, as shown on the attached maps, from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning #8-17_Creekside Estates_12-12-17.pdf](#)

This Report Action Item was approved.

[17-1909](#)

Request to approve the Creekside Estates Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_Preliminary Plat_Creekside Estates_12-12-17.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[18-0077](#)

Resolution #23-R-17

Resolution Regarding Financing Option for the Fox Cities Exhibition Center

Submitted by: Alderperson Plank - District 7 & Alderperson Baranowski
- District 5

Referred to: Mayor's Office

Be It Resolved:

Upon receipt of work preformed by R.W. Baird with respect to financing of the Fox Cities Exhibition Center, a report of their findings be presented to the Finance Committee and/or the full Common Council in a timely manner.

The presentation will be conducted by a representative employed by R.W. Baird. The City Attorney and Finance Director of the City of Appleton will be present for consultation.

The Finance Committee and/or Common Council will then determine and authorize the financing mechanism to be used to fund the Fox Cities Exhibition Center.

This Report Action Item was approved.[18-0079](#)

Resolution #24-R-17

Resolution Regarding Pledge & Security Agreement with Respect to Financing of the Fox Cities Exhibition Center

Submitted by: Alderperson Plank - District 7 & Alderperson Baranowski
- District 5

Referred to: Attorney's Office

Be It Resolved:

The Finance Committee and/or Common Council, with consultation from the Office of the City Attorney of Appleton, review the Pledge and Security Agreement document authorizing financing of the Fox Cities Exhibition Center.

Upon this review, the Common Council will approve the document in final form prior to its execution.

This Report Action Item was approved.

[18-0007](#)

Request to approve short-term loan not to exceed \$31,000,000 to the Appleton Redevelopment Authority (ARA) for the construction of the Fox Cities Exhibition Center to be repaid upon ARA's closing of long-term financing for the project which is anticipated in early 2018.

Attachments: [FCEC Financing - ARA Loan 2018.pdf](#)

This Report Action Item was approved.

[18-0008](#)

Request to approve the following 2017 Budget adjustment:

Facilities Management Capital Projects Fund

Fire Station #4 Repair Project	+\$23,000
MSB Fire Protection System Upgrade Project	- \$23,000

to reallocate funds for the emergency repairs of the garage floor at Fire Station #4.

Attachments: [2017 Fire Station #4 Emergency Repairs and Budget Adjustment .pdf](#)

This Report Action Item was approved.

[18-0021](#)

Request to approve payment to von Briesen & Roper, S.C. for real estate services performed under the "Hourly Services" provision of the Phase III agreement related to the construction of the Fox Cities Exhibition Center and approve the following related 2017 Budget adjustment:

Exhibition Center Capital Projects Fund

Consulting Services	+ \$489
Debt Proceeds/Room Tax	+ \$489

to provide funding for real estate services related to the construction of the Fox Cities Exhibition Center.

Attachments: [von Briesen Bill 10-31-17.pdf](#)

This Report Action Item was approved.

[18-0031](#)

Request to approve Rocky Bleier Run/Water Street Relocation Order.

Attachments: [Rocky Bleier-Water St - Relocation Order \(FINAL\).pdf](#)

This Report Action Item was approved.

[18-0046](#)

Request to approve accepting the professional construction management services of Miron Construction for the Jones Park renovation conditioned upon Miron's offer to donate their fee.

Attachments: [2018 Jones Park Renovation Sole Source \(002\).pdf](#)

This Report Action Item was approved.

[18-0048](#)

Request to approve Rocky Bleier Run/Water Street Relocation Order (north side of street).

Attachments: [Rocly Bleier Run \(north side of street\) - Relocation Order 1.pdf](#)

This Report Action Item was referred back to the Finance Committee

[18-0049](#)

Request to approve North Edgewood Estates Development Agreement.

Attachments: [Coenen Dev Agrm - City - Clean - 01-05-2018.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[18-0040](#)

Request to overhire for the Waste Water Operations Supervisor position to be able to train the new employee prior to retirement date of current employee.

Attachments: [Ops Supervisor Overhire 01-05-09.pdf](#)

This Report Action Item was approved.

[18-0041](#)

Request from Police to approve the Support Services Division to be moved from the Assistant Chief to the Investigative Services Captain. Also to create two Lead positions, one in the Communication Specialist Unit and one in the Records Unit.

Attachments:

[Police TO reorg memo.pdf](#)

[Police Lead Positions memo request Allcox.pdf](#)

[Police TO approved 3-1-17.pdf](#)

[Police TO draft Jan 2018.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[18-0085](#)

Ordinances 1-18 to 15-18

Attachments:

[Ordinances going to Council 1-17-18.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

City of Appleton – Resolution #1-R-18

January 17, 2018

Submitted by: Alderperson Baranowski – District 5

Referred to: Finance Committee

Whereas, the City of Appleton approved a short-term loan not to exceed \$31,000,000 to the Appleton Redevelopment Authority (ARA) for the construction of the Fox Cities Exhibition Center and,

Whereas, the short-term loan is to be repaid upon ARA's closing of long-term financing for the project and,

Whereas an estimate of the amount of interest income not received due to the amounts paid to fund the Fox Cities Exhibition Center, projecting through 3/1/18, would be approximately \$237,500 therefore,

Be it resolved, the City of Appleton is repaid from the hotel room tax fund, upon ARA's closing of long-term financing for the project, any and all interest income it would have earned on the funds the City loaned to ARA for the Fox Cities Exhibition Center project.

R. OTHER COUNCIL BUSINESS

[18-0084](#)

Explanation of next steps regarding the financing of the Fox Cities Exhibition Center

This Item was presented

S. ADJOURN

Alderperson Konetzke moved, seconded by Alderperson Baranowski, that the meeting be adjourned at 8:03 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

Kami Lynch, City Clerk



"...meeting community needs...enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS

**Engineering Division
100 North Appleton Street
Appleton, WI 54911
Phone (920) 832-6474
Fax (920) 832-6489**

January 8, 2018

Dear Property Owner:

Thanks to all of you that either attended the October 24, 2017 neighborhood meeting and/or provided your thoughts via email. Jake Woodford and I really appreciate the passion we witnessed regarding the proposed 2-hour time limit parking. Based on the feedback we received, the following are the next steps for the two neighborhoods:

"North Residential Zone" (North of College Avenue)

The feedback for this neighborhood was an overwhelming desire to keep parking status quo. Therefore, I will report out to the Municipal Services Committee that we are proposing no changes to the parking in this neighborhood.

"East Residential Zone" (South of College Avenue)

Based on the feedback we received from this neighborhood we are recommending the two following changes (see attached map):

- Create a No Parking zone on the west side of Rankin Street between College Avenue and Alton Street.
- Create a No Parking zone on the north side of South Street from South Court to the first driveway west of South Court.

These recommendations will be made to the Municipal Services Committee at their Monday, January 22, 2018 meeting. The meeting will be held in Committee Room 6A, Sixth Floor, City Center at 4:30 pm. Please feel free to attend this meeting to share any thoughts/concerns you have regarding the proposed changes.

Sincerely,

Paula Vandehey, P.E.
Director of Public Works

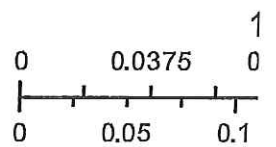
Attachment

c: Alderperson Joe Martin
Alderperson Vered Meltzer
Jake Woodford, Lawrence University

ArcGIS Web Map



 Proposed NO PARKING



RESOLUTION

Common Council Approval for Landfill Siting Negotiation Process

WHEREAS, Outagamie County through application is planning to acquire a permit from the Wisconsin Department of Natural Resource (WDNR) to operate a solid waste landfill within Outagamie County and with its address 1419 Holland Road, Appleton WI 54911, and

WHEREAS the City of Appleton is a municipal jurisdiction within Outagamie County, Wisconsin, and

WHEREAS the City of Appleton is an affected municipality with its boundary within 1,500 feet of the proposed landfill, and

WHEREAS the Outagamie County proposed landfill is located on a parcel of land approximately 100 acres in size, in the western half of Section 17, T21N, R18E, Village of Little Chute, Outagamie County, Wisconsin.

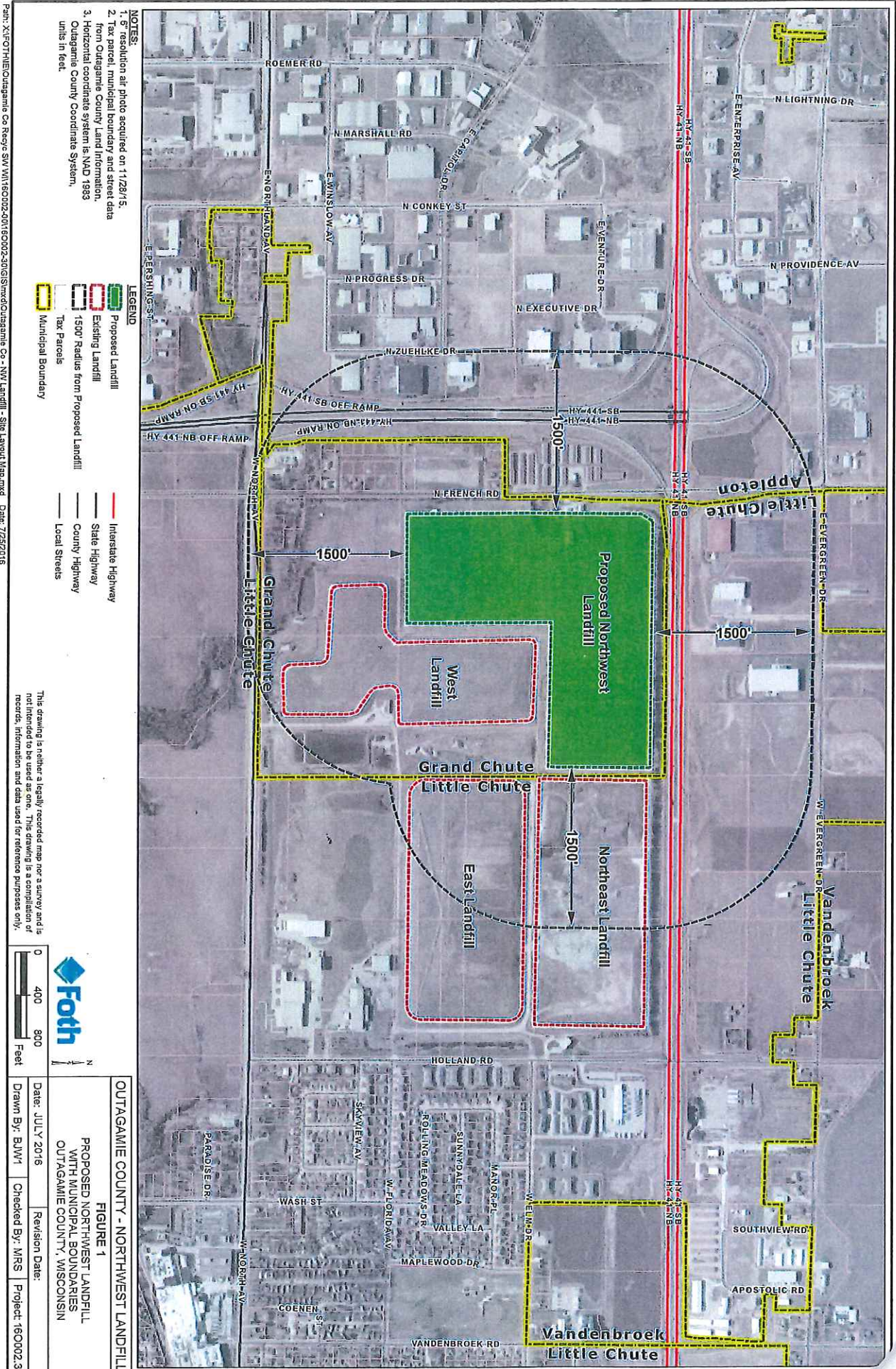
NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Appleton, Outagamie County, Wisconsin, that the City of Appleton requests to negotiate and, if necessary, arbitrate with Outagamie County for the proposed landfill development and operational use, and

BE IT FURTHER RESOLVED by the Common Council for the City of Appleton, Outagamie County, Wisconsin, that the City of Appleton appoints the following representatives to negotiate for the City of Appleton: City Attorney James Walsh and Public Works Director Paula Vandehey.

Adopted: _____

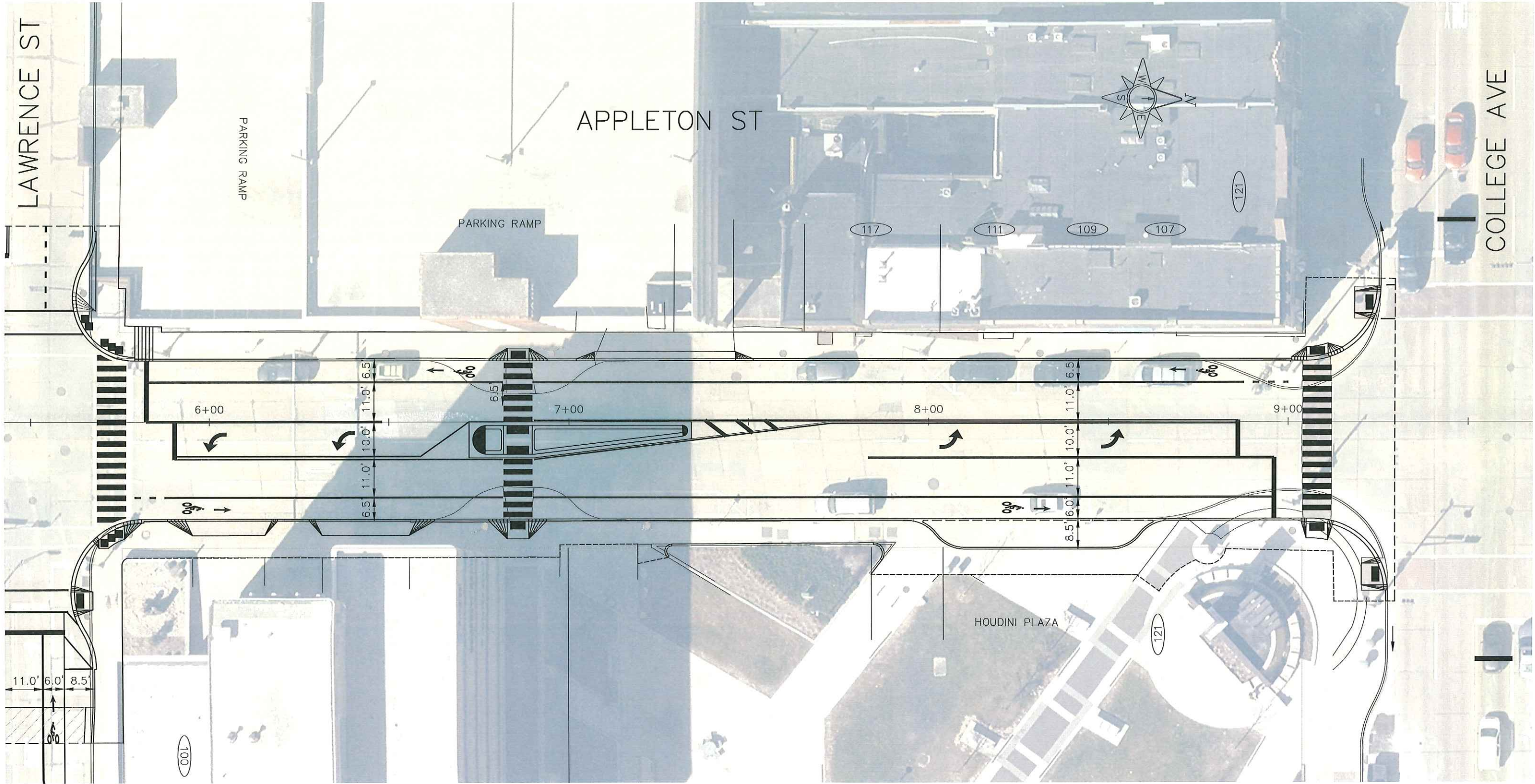
Timothy M. Hanna, Mayor

Kami Lynch, City Clerk



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

Date: JULY 2016	Revision Date:
Drawn By: BW1	Checked By: MMS
Project: 160002.30	





MEMO

"...meeting community needs...enhancing quality of life."

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works

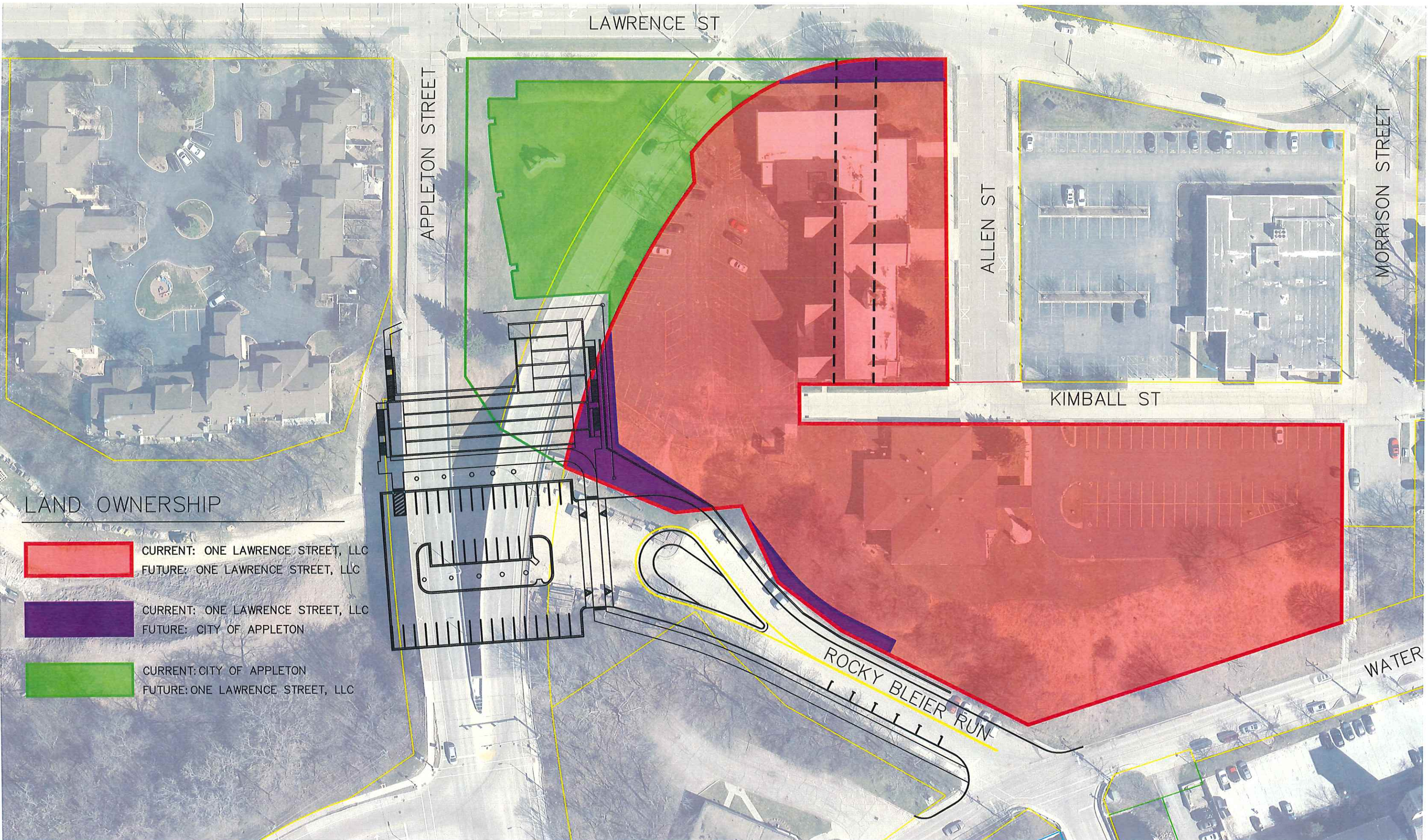
DATE: January 17, 2018

SUBJECT: Request to postpone the Oneida Street Bridge/Appleton Street/Pedestrian Ramp/Stairs/Rocky Bleier Run and Jones Park Parking Lot Projects until we have further clarity on what may be developed on the Trinity Bluff Site.

The 2018 Budget includes the Oneida Street Bridge/Appleton Street/Pedestrian Ramp/Stairs/Rocky Bleier Run and Jones Park Parking Lot Projects. This past week the City of Appleton received proposals for Library/Mixed Use Projects including one for the Trinity Bluff Site. As shown on the attached map, the City project as proposed requires some land acquisition from the property owner which appears to conflict with their proposed project plans.

Because all of these projects are deeply integrated, we recommend postponing the above listed projects until we have further clarity on what may be developed on the Trinity Bluff Site.

Attachment



LAND OWNERSHIP



CURRENT: ONE LAWRENCE STREET, LLC
FUTURE: ONE LAWRENCE STREET, LLC



CURRENT: ONE LAWRENCE STREET, LLC
FUTURE: CITY OF APPLETON



CURRENT: CITY OF APPLETON
FUTURE: ONE LAWRENCE STREET, LLC



"... meeting community needs ... enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric Lom, City Traffic Engineer
Date: January 17, 2018
Re: Proposed parking restriction on the 200 block of S. Rankin Street
Follow-Up to Six-Month Trial Period

In early 2017, my office received complaints about safety issues arising when cars were parked on *both* sides of the 200 block of S. Rankin Street. This block is unusually narrow (22 feet). Because of this, when many cars were parked on both sides, the roadway became very difficult to navigate with a smaller vehicle. More importantly, it became virtually impossible for larger emergency vehicles to navigate.

In an effort to address this important safety issue, we initiated a six-month trial to test the effect of a *No Parking* zone on the west side of this block, extending from Alton Street to the dead end.

We believe this change has improved safety in this area. Additionally, we have received no negative feedback from the neighborhood regarding this change. As such we recommend making the change permanent.

To accomplish this, the following ordinance action is required:

1. **Create:** "Parking be prohibited on the west side of Rankin Street from Alton Street to a point 150 feet south of Alton Street."



DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric Lom, City Traffic Engineer
Date: January 17, 2018
Re: Proposed parking restriction on Rail Road near Derks Park
Follow-Up to Six-Month Trial Period

Alderperson Baranowski recently received numerous concerns about safety issues on Rail Road in the area of Derks Park. During the summer months, park users were parking on *both* sides of Rail Road. Children were often observed darting into traffic when their parents would park on the opposite side of the street from the park (the north side of the street), which presented a safety concern.

In an effort to address this, an extension of the existing *No Parking* restriction was tested on the north side of Rail Road, extending from Kensington Drive to the first residential property to the west. While there was some concern this restriction would have the unintended effect of pushing the problem further west, we have received no negative feedback to that effect.

We believe this change has improved safety in this area. Additionally, we have received no negative feedback from the neighborhood regarding this change. As such we recommend making the change permanent.

To accomplish this, the following ordinance action is required:

1. **Create:** "Parking be prohibited on the north side of Rail Road from Kensington Drive to a point 425 feet west of Kensington Drive."



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DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric Lom, Traffic Engineer
Date: January 17, 2018
Re: Intersection traffic control at the Locust Street / Fifth Street intersection

As a part of a normal review, the Traffic Section recently reviewed the traffic control at the intersection of Locust Street and Fifth Street, and subsequently initiated a six-month trial period to change from yield control to two-way stop control. This intersection is located one block west of Memorial Drive and one block south of Spencer Street. The land use in this area is primarily residential.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the estimated entering volume of this intersection is fairly low, at approximately 1000 vehicles per day. A review of crash records indicated two crashes for the recent five-year period of 2013 through 2017. The critical approach speed for the intersection was found to be approximately 10 mph. Both streets are classified as *local*.

While this intersection does not meet the crash or volume thresholds identified above, the critical approach speed is below standard. As such, we recommend maintaining the two-way stop control that was implemented for the trial period.

To accomplish this, the following ordinance action is required:

1. **Create:** "Install Stop signs on Locust Street at Fifth Street."



DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric Lom, Traffic Engineer
Date: January 17, 2018
Re: Intersection traffic control at the Madison Street / McKinley Street intersection

As a follow-up to a citizen concern, the Traffic Section recently reviewed the traffic control at the intersection of Madison Street and McKinley Street, and subsequently initiated a six-month trial period to change from yield control to two-way stop control. This intersection is located two blocks east of Oneida Street and two blocks north of Fremont Street. The land use in this area is primarily residential.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the estimated entering volume of this intersection is fairly low, at approximately 800 vehicles per day. A review of crash records indicated two crashes for the recent five-year period of 2013 through 2017. The critical approach speed for the intersection was found to be approximately 11 mph. Both streets are classified as *local*.

While this intersection does not meet the crash or volume thresholds identified above, the critical approach speed is below standard. As such, we recommend maintaining the two-way stop control that was implemented for the trial period.

To accomplish this, the following ordinance action is required:

1. **Create:** "Install Stop signs on Madison Street at McKinley Street."

AN ORDINANCE REPEALING AND RECREATING CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE PREVENTION AND PROTECTION.

(Safety and Licensing Committee – XX-XX-XX (Date))

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

Section 1: That Chapter 6 of the Municipal Code of the City of Appleton, relating to fire prevention and protection, is hereby repealed and recreated as follows:

ARTICLE I. IN GENERAL

Sec. 6-1. Intent of chapter.

It is the intent of this chapter to prescribe regulations consistent with the nationally recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the adequacy of exit systems.

Sec. 6-2. Fire equipment.

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or his/her authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted herein, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purpose, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the Water Department which supplies water to such hydrants or other valves.

(c) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum three- (3-) foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(d) Where on-site fire hydrants are required on private property, the City shall annually

inspect, flush and, if necessary, paint said hydrants for the fee per hydrant on file with the City Clerk's Office. The owner shall be notified of any repairs or maintenance necessary, and it shall be the owner's responsibility to see that any repair or maintenance is performed in accordance with the National Fire Protection Association Standard 25, the City Water Utility's standard operating procedures and the American Water Works Standards for fire hydrant maintenance. The property owner or agent must call between April 1 and October 1 of each year to schedule the annual flush and inspection.

(e) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the City upon request.

Sec. 6-3. Enforcement by Fire Chief.

The Fire Chief shall be responsible for fire protection. This chapter shall be enforced by the Fire Chief, designated by the City and the State as the "authority having jurisdiction", in all matters concerning this chapter and related fire prevention activities. The Fire Chief may appoint a Fire Marshal or other designee who will act on the Chief's behalf in matters concerning fire prevention.

Sec. 6-4. Police assistance.

Whenever requested to do so by the Fire Chief or his/her designee, the Chief of Police shall assign such available police officers as in his/her discretion may be necessary to assist the Fire Department in enforcing the provisions of this chapter.

Sec. 6-5. Right of entry.

(a) For purposes of this section, the authorized representative shall include all members of the Fire Prevention Program and all officers of the Fire Department.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Fire Chief or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief or his/her authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the Fire Chief by this chapter.

(c) If such building or premises is occupied, the Fire Chief or authorized representative shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief or his/her authorized representative, shall have recourse to every remedy provided by law to secure entry.

(d) If the owner or occupant denies entry, the Fire Chief or his/her authorized representative shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any building or premises, shall fail or neglect, after proper request is made as provided herein, to promptly permit entry therein by the Fire Chief or his/her authorized representative for the purpose of inspection and examination pursuant to this chapter.

Sec. 6-6. Removal of fire hazards.

(a) Whenever an inspection by the Fire Chief reveals a fire hazard, the Fire Chief may provide a notice, in writing, upon the owner or occupant of the property giving the owner or occupant sufficient time in which to remove the hazard. If the fire hazard is not removed within the time prescribed, it shall be deemed a nuisance and the Fire Chief shall have the hazard removed by the City and the cost of removal reported to the Director of Finance and spread on the tax roll as a special charge against the property, as prescribed in §12-32 et seq.

(b) Within ninety (90) days after the removal of any flammable/combustible liquids tank, all barreled sludge or liquids must be removed from the property.

Sec. 6-7. Vacation of buildings.

(a) The Fire Chief is hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated by him.

(b) Where the public is exposed to immediate danger, the Fire Chief is hereby empowered and directed to order the immediate closing and vacating of the building or structure.

Sec. 6-8. Investigation of fires.

The Fire Department shall promptly investigate ~~promptly~~ the ~~cause~~, origin, cause, and circumstances of ~~each and every~~ all fires occurring in the jurisdiction of the City ~~involving loss of life or injury to person or destruction or damage to property~~. If it appears ~~to the Fire Department that the cause of the fire may be the result of a criminal act, such fire is of suspicious origin, they shall take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion.~~ The Fire Department shall inform the Police Department and the State Fire Marshal of all suspicious fires and seek their assistance wherever necessary or required by law in determining the origin and cause of the fire.

Sec. 6-9. Inspections generally.

The Fire Chief or his/her designee shall provide for the inspection of every public building and place of employment in accordance with W.S.A. §101.14 and shall comply with the provisions thereof. The Fire Chief shall, on a time schedule to be determined by the Common Council, report information regarding these inspections. Violations identified during inspections shall be recorded and kept on file in accordance with W.S.A. §101.14. Owners or occupants who do not show for a scheduled inspection appointment may be charged a fee. Repeated inspections or re-inspections resulting from continued non-compliance may subject an occupancy or property to a re-inspection fee and/or remedies as outlined in §6-75 "Repeat violation rule".

~~Sec. 6-10. Reserved.~~

Sec. 6-110. Fire inspection required before occupancy.

No person shall occupy or change the occupancy of a building or structure covered under Wisconsin Administrative Code, SPS Chapters 350-365 the Wisconsin Commercial Building Code, or the locally adopted International Fire Code used by or for public assembly, industrial, institutional, multifamily, office, or mercantile purposes until such building or structure has been inspected by the Fire Department.

Sec. 6-121. Burning trash, rubbish, garbage, yard waste, etc.

(a) No person shall build, maintain or allow to be operated or maintained on a premises controlled by him/her, any waste burner, refuse burner, trash burner or other similar appliance unless such device is permitted with the approval of the Inspections Supervisor and the Fire Chief, or his/her designee.

(b) No person shall operate an outside incinerator, burn garbage, or leaves within the City.

Sec. 6-132. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.

(a) No open outdoor fires, including fires confined within outdoor fireplaces and outdoor cooking fires, with the exception of fires fueled by natural gas, propane or charcoal in commercially manufactured appliances or a non-commercially manufactured appliance approved by the Fire Chief or his/her designee, shall be started by any person unless a permit is first obtained from the Fire Department. No permit shall be granted for open burning for multifamily occupancies without separate private yards for each tenant, nor without the property owner's permission, in a public right-of-way, alley or other public thoroughfare.

- (1) Daily permits are available for bonfires, brush burns, wildland management burns, outdoor fireplaces and cooking fires.
- (2) Annual permits are available for recreational fires in outdoor fireplace appliances. (January 1 through December 31).
- (3) Annual and single day permits are valid 6:00 a.m. to 10:00 p.m. Sunday through Thursday, 6:00 a.m. to 12:00 a.m. Friday, Saturday, and any day/evening preceding a federal holiday.
- (4) No permit will be issued for any fire within ten (10) feet of any building, structure, fence, combustible material or property line.
- (5) Only those fuels and appliances approved by the Fire Chief or his/her designee shall be used.
- (6) Burning is to be attended at all times by a person at least eighteen (18) years of age, with an approved means of extinguishing the fire available for use at the location of the fire.

(b) Barbecue grills, kettles, outdoor hibachis.

- (1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:
 - a. Single family dwellings.
 - b. Permanently piped natural gas fired barbecue grills, where dwellings, balconies, and decks are protected by automatic sprinkler system.
- (2) Cylinders having water capacities greater than 2½ lb. (1 kg) [nominal 1 lb. (0.5 kg) LP-Gas capacity] shall not be located on balconies above the first floor that are attached to a multiple family dwelling of three (3) or more living units.

(c) No person shall install, use or maintain a woodfire furnace, stove or boiler that is not located within a building intended for habitation by humans within the City limits. This prohibition shall apply to furnaces, stoves or boilers installed after the effective date of this ordinance.

(d) The Fire Chief or his/her designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of nine miles per hour (9 m.p.h.) as measured by the Outagamie County Emergency Communication Center.

Sec. 6-14~~3~~. Careless smoking prohibited.

(a) It is unlawful for any person, by reason of careless, willful or wanton conduct in smoking or in the use of lighters or matches in smoking to set fire to any bedding, carpet, curtains, draperies, furniture, household equipment or other goods or chattels or to any building.

(b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every place renting rooms for the accommodations of the public. Such printed notices shall also be posted in any place of public assembly where smoking is permitted.

~~Sec. 6-15. Posting of no smoking signs.~~

~~———The Fire Chief shall post or cause to be posted no smoking signs in retail establishments where flammable or combustible materials are handled or sold and the act of smoking or striking a match or lighter device presents a fire hazard. Such signs shall be plainly visible on a contrasting background and shall be posted conspicuously in all areas where such hazards exist. Such sign shall bear the words “No Smoking” across the top in large letters, state the authority by which they are posted in smaller letters, and bear the signature of the Fire Chief.~~

~~(Code 1965, §19.06(3); Ord 1-91, §1(19.06(3)), 1-9-91; Ord 23-09; §1, 1-13-09)~~

~~Sec. 6-16. Portable fire extinguishers.~~

~~———All public buildings within the City and wherever flammable and combustible materials including dusts, solids, liquids and gases are sold, manufactured, handled or processed, shall have a~~

~~fire extinguisher with a minimum rating of 2A 10 BC. One (1) fire extinguisher shall be required for each three thousand (3,000) square feet or fraction thereof and at least one (1) per each floor. (Ord 1-91, §1(19.15), 1-9-91; Ord 23-09, §1, 1-13-09)~~

Sec. 6-17. Sale of defective fire extinguishers.

~~_____ No person shall sell or trade any form, type or kind of fire extinguisher which is not approved or which is not in proper working order, or the contents of which do not meet the requirements of city and state fire and building codes. However, this shall not apply to the sale or trade of fire extinguishers to any person or firm engaged in the business of selling or handling of such extinguishers or the sale or exchange of obsolete or damaged equipment for junk. (Ord 1-91, §1(19.16), 1-9-91; Ord 23-09, §1, 1-13-09)~~

Sec. 6-18~~54~~. Key-Lock box.

(a) Every newly constructed building, except one- and two-unit family dwellings or additions to an existing building previously without a lock box, shall be equipped with a lock box consistent with the specifications set forth in (c) within this section.

(b)_____ When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes, the Fire Chief or his/~~her~~ designee may require a key-lock box to be installed ~~in an accessible location~~ consistent with the specifications set forth in (c) within this section.

(c)_____ The key-lock box shall be a type approved by the Fire Department and shall contain keys to gain necessary access as required by the Fire Department. The lock box shall be installed by the property owner at a location approved by the Fire Department. The lock box shall be installed within an appropriate time, as determined by the Fire Chief or his/ her designee.

Sec. 6-19~~56~~. Fire Department signs.

It shall be illegal for anyone to remove, mutilate or destroy any legally required sign posted by the Fire Department or required sign to be posted by the owner, manager or operator of any occupancy open to the public.

Sec. 6-201~~67~~. Fire alarms.

(a) Every public building, dwelling or place of employment containing either a manual, sprinkler activated or fire detector activated alarm system shall comply with this section.

(b) New or upgraded fire alarm systems at large buildings or buildings with multiple occupancies shall provide outside strobe lights indicating the occupancy or area of fire alarm activation and if applicable, the location of the Fire Department connection. The location of these strobe lights is to be determined by the Fire Chief or designee.

(c) The Fire Department will be contacted immediately upon activation of an alarm by on-site personnel or a monitoring agency so not to cause a delay in alarm. Any monitoring agency shall be licensed or approved by either Factory Mutual (FM) or Underwriters Laboratories (U.L.). All systems shall be maintained in operable condition as specified in the International Fire Code. If the alarm or

fire sprinkler system becomes inoperative for any reason, the Fire Department shall be notified and the provisions of the International Fire Code, Section 901.7 and subsequent revisions shall apply.

(d) False alarms and fees.

- (1) Words and phrases defined in §12-121 are used in the same sense in this section unless a different definition is specifically provided.
- (2) If the Fire Department responds to a false alarm, the party responsible for the false alarm shall pay the city a fee according to the schedule of fees kept on file with the City Clerk's Office.
- (3) If the Fire Department is cancelled by the emergency communications center while responding to an alarm, the party responsible for causing the alarm may still be assessed the false alarm fee.
- (4) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.
- (5) The party responsible or the alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Fire Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision, within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

Sec. 6-~~21~~187. Malls.

The mall manager or designee shall notify the Fire Department prior to any use of a mall common space for any intended use other than exiting. Examples of other uses would be trade shows, exhibitions, or public assemblies.

Sec. 6-~~22~~198. Violations.

It is unlawful for any person to violate any provision of this chapter or to fail to obey any rule, regulation or order of the Fire Chief or his/her designees.

Secs. 6-~~23~~19 – 6-30. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 6-31. Generally.

The Fire Department shall be a paid department, consisting of such officers and members as the Common Council may establish from time to time. The Department shall be charged with providing response to fires, hazardous material spills, medical emergencies, rescue of people in distress and other

dangerous conditions. The Department shall also provide for fire investigation, prevention, inspection, code compliance, and other services designed to maintain fire and life safety within the community.

Sec. 6-32. Duties of Fire Chief.

It shall be the duty of the Fire Chief to:

- (1) Direct the operation of the Fire Department subject to the rules and regulations which may be adopted by the Common Council or the Police and Fire Commission;
- (2) Issue and enforce such orders as in his/her judgment may be best for the protection of property and the extinguishing of fires;
- (3) Enforce all ordinances, rules and regulations of the Common Council governing the Fire Department;
- (4) Report the condition of the Fire Department at the end of each year and make further reports when ordered to do so by the Common Council or the Police and Fire Commission;
- (5) Report promptly to the Police and Fire Commission any member of the Fire Department who may have disobeyed his/her order or violated any of the laws or rules governing the Department;
- (6) Keep a record and report to the Police and Fire Commission the absence of any member of the Fire Department from fires, together with any dereliction of duty or violation of any of the rules and regulations of the Department.

In the absence or disability of the Fire Chief, the Deputy Chief shall perform his/her duties.

Sec. 6-33. Wearing of name tag and badge.

The members of the Fire Department of the City, when on duty, shall wear the badge or insignia and name tag of the office on the outside of the outermost garment, conspicuously displaying the badge and name tag so the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be exposed.

Secs. 6-34 – 6-42. Reserved.

ARTICLE III. PERMITS

Sec. 6-43. Required.

(a) It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code, without first having obtained such permit.

(b) Permits are required for the following:

- (1) ***Floor finishing*** (required for floor finishing or surfacing operations exceeding three hundred fifty (350) square feet using Class I or Class II liquids).
- (2) ***Lumber yards*** (where more than one hundred thousand (100,000) board feet of lumber is to be stored or used inside of the facility);
- (3) ***Vehicle tire rebuilding plants*** (for any tire recapping or rebuilding operation);
- (4) ***Magnesium use*** (for the melting, casting, heat treating machining or grinding of more than ten (10) pounds of magnesium per working day);
- (5) ***Cryogenic liquids*** (for the production, storage or sale of cryogenic liquids);
- (6) ***Combustible fibers*** (for the storage and handling of combustible fibers in quantities in excess of one hundred (100) cubic feet);
- (7) ***Dust explosion hazard*** (for the operation of any grain elevator or bleacher, flour, starch or feed mill, malt house, wood flour manufacturing plant, or plant pulverizing aluminum, coal, cocoa magnesium, spices, sugar or other material producing dust which, if mixed with air in the proper portions becomes explosive and may be ignited by flame or spark);
- (8) ***Fumigation and thermal insecticidal fogging*** (this process is not to start without a permit);
- (9) ***Flammable and combustible bulk storage*** (storage in excess of fifty-five (55) gallons on permanent basis above or below ground);
- (10) ***Open burning*** (where permits are required by the State or this code, §6-13);
- (11) ***Tents, membrane structure, canopies*** (to operate or erect a tent or membrane structure or canopy in excess of two hundred (200) square feet unless it is used exclusively for camping or on the premises of a one- (1-) or two- (2-) family dwelling which is not covered under this Code);
- (12) ***Fireworks/pyrotechnic displays*** (for the discharge of any fireworks as defined by W.S.A. §167.10. Such discharge shall conform to any state law or this code and any regulations);
- (13) ***Explosives***
 - a. Any person conducting blasting operations in the City shall notify the Fire Department of the time and location of the blast. Notification shall be made on proper forms provided by the State. A permit shall be obtained after notification and prior to blasting;
 - b. Any person storing explosive materials, as defined in Wisconsin Administrative Code, International Fire Code, Section 3302.1, in the city shall obtain a permit. Such explosives shall be stored in an approved

manner;

(14) ***Cellulose nitrate plastics:***

- a. All retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds of cellulose nitrate plastics shall obtain a permit from the Fire Chief;
- b. A permit shall be obtained from the Fire Chief for the manufacture of articles of cellulose nitrate plastics, including the use of cellulose nitrate plastics in the manufacture or assembling of other articles;
- c. Cellulose nitrate motion picture film (a person may not store, handle, or keep on hand more than twenty-five (25) pounds without obtaining a permit. A person may not sell, lease or otherwise dispose of any cellulose nitrate film to any person not having a permit issued by the Fire Chief or his/her designee to handle, use or display the film);

(15) ***Recyclables storage*** (any outside storage area, or warehouse used for the bulk storage of paper for sale or recycling);

(16) ***Storage tanks***

- a. Removal of underground storage tanks (UST) or above ground storage tanks (AST) in either commercial or residential properties as required by Wisconsin Administrative Code, SPS 310;
- b. Upgrades of underground storage tanks (UST) or above ground storage tanks (AST) flammable/combustible liquid storage systems;

(17) Installation, storage or use of liquid petroleum gases systems with a cumulative total of one hundred twenty-five (125) gallons or larger water capacity.

Sec. 6-44. Temporary special permits.

When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this code, the Fire Chief is authorized, based on applicable data, to issue a temporary special permit for the duration of the hazard.

Sec. 6-45. Application.

Applications for permits shall be made to the Fire Chief and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the Fire Chief and fees as may be required by his/her jurisdiction.

Sec. 6-46. Fees.

Fees shall be established for the permits, certificates, approvals and other functions performed under this code and shall be payable to the City. Such fees shall accompany each application for such

permit, approval, certificate or other fee-related code provision. The fee amount for the required permits, certificates, approvals and other functions performed under this Code shall be maintained on a schedule filed with the City Clerk.

Sec. 6-47. Issuance and posting.

(a) The Fire Chief or his/her designee shall review all applications submitted and determine compliance with applicable provisions of this code and issue or revoke permits based on his/her findings as required.

(b) A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder as specified by the Fire Department.

Sec. 6-48. Fee for failure to obtain permit.

The fee for failure to obtain a permit required under §6-43 of this Code is triple the permit fee described in that section when a permit is obtained. Payment of any fee shall not relieve any person of the penalties that may be imposed for violation of this chapter.

Sec. 6-49. Non-resident fees for Fire Department services.

When the Fire Department is called upon to extinguish a vehicle fire or extricate a person, and where the subject vehicle is registered to an owner with a permanent address located outside of the Appleton city limits, the registered owner shall pay a service fee to the City, the amount of which shall be on file with the City Clerk.

Sec. 6-50. Recovery of costs associated with technical rescue responses.

(a) ~~*Structural collapse*~~*Technical rescue* *reimbursement for costs of emergency services response. A technical rescue response includes, but is not limited to, structural collapse, confined space, trench rescue, water rescue, ice rescue, or rope rescue.* Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. Any person or property owner who ~~causes damage to a structure resulting in the need for~~necessitates a technical rescue response ~~placement by the department of shoring/stabilizing systems to prevent further damage to life or property and on-going safety to the public,~~ may be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment ~~or materials necessary for the construction of shoring or stabilizing systems,~~ maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, and charges associated with personnel and equipment necessary for the ~~construction and placement of such shoring and stabilizing system~~technical rescue response.

(b) *Appeal.* A person or property owner has the right to appeal the assessment of charges for an emergency service response. Any person or property owner appealing the assessment of charges shall file a written objection with the Fire Chief within thirty (30) days of receiving the bill. Upon receipt of the written objection, the matter shall be placed on the Agenda for the Safety and Licensing Committee at its next regularly scheduled meeting. The Safety and Licensing Committee shall make a recommendation to the Common Council, which shall grant or deny the request.

Secs. 6-51 – 6-55. Reserved.

ARTICLE IV. STANDARDS AND REQUIREMENTS

Sec. 6-56. Adoption of codes and standards.

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
- (2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
- (3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
- (4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
- (5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
- (6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
- (7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2009 Edition, hereinafter “IFC” is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 of the IFC is not included as part of the adoption of the IFC, nor is Chapter 34.
- (2) The Appendices A is not included as part of the adoption of the IFC.

(c) The following editions of the National Fire Protection Codes and Standards are hereby adopted by reference and made part of the City Fire Prevention Code with the same force and effect as though set forth herein in full:

NFPA 11, Low Expansion Foam, 2002 Edition;

NFPA 12, Carbon Dioxide Extinguishing Systems, 2000 Edition;

NFPA 12A, Halon 1301 Fire Extinguishing Systems, 2004 Edition;

NFPA 13, Installation of Sprinkler Systems, 2007 Edition;

NFPA 13D, Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2007 Edition;

NFPA 13R, Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2007 Edition;

NFPA 14, Standpipe Private Hydrant and Hose Systems, 2007 Edition;

NFPA 15, Water Spray Fixed Systems, 2007 Edition;

NFPA 16, Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems, 2003 Edition;

NFPA 17, Dry Chemical Extinguishing Systems, 2002 Edition;

NFPA 17A, Wet Chemical Extinguishing Systems, 2002 Edition;

NFPA 20, Installation of Stationary Pumps, 2007 Edition;

NFPA 24, Private Fire Service Mains, 2007 Edition;

NFPA 25, Water Based Fire Protection Systems, 2002 Edition;

NFPA 30, Flammable and Combustible Liquids Code, 2003 Edition;

NFPA 30A, Motor Fuel Dispensing Facilities, 2003 Edition;

NFPA 30B, Aerosol Products, Manufacture and Storage, 2007 Edition;

NFPA 31, Installation of Oil Burning Equipment, 2006 Edition;

NFPA 33, Spray Application Using Flammable or Combustible Materials, 2007 Edition;

NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 Edition;

NFPA 50, Bulk Oxygen Systems at Consumer Sites, 2001 Edition;

NFPA 50A, Gaseous Hydrogen Systems at Consumer Sites, 1999 Edition;

NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites, 1999 Edition;

NFPA 51B, Welding, Cutting, Other Hot Work, 2003 Edition;

NFPA 54, National Fuel Gas Code, 2006 Edition;

NFPA 55, Compressed and Liquefied Gases in Portable Cylinders, 2003 Edition;

NFPA 69, Explosion Prevention Systems, 2002 Edition;

NFPA 72, National Fire Alarm Code, 2002 Edition;

NFPA 80, Fire Doors and Fire Windows, 2007 Edition;

NFPA 92A, Smoke Control Systems, 2006 Edition;

NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 Edition;

NFPA 105, Standard for the Installation of Smoke-Control Door Assemblies, 2007 Edition;

NFPA 204, Smoke and Heat Venting, 2002 Edition;

NFPA 385, Tank Vehicles for Flammable and Combustible Liquids, 2000 Edition;

NFPA 430, Liquid and Solid Oxidizers, 2000 Edition;

NFPA 490, Storage of Ammonium Nitrate, 2002 Edition;

NFPA 654, Prevention of Fire and Dust Explosions from Manufacturing Combustible Particulate Solids, 2006 Edition;

NFPA 1123, Fireworks Display, 2006 Edition;

NFPA 1124, Fireworks and Pyrotechnic Articles, 2006 Edition;

NFPA 1126, Use of Pyrotechnics before a Proximate Audience, 2006 Edition;

NFPA 1221, Communications, Emergency Services, 2007 Edition;

NFPA 1961, Fire Hose, 2002 Edition;

NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings and Nozzles; and the Service Testing of Fire Hose, 2003 Edition;

NFPA 1963, Fire Hose Connections, 2003 Edition;

NFPA 2001, Clean Agent Fire Extinguishing Systems, 2004 Edition;

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

Sec. 6-57. Automatic sprinkler systems.

(a) **Intent of section.** The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protection equipment, constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

(b) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

Approved shall mean that the material, workmanship and installation of the sprinkler system complies with the regulations as set down in the National Fire Protection Association standards for the installation of automatic sprinkler systems in effect at the date of installation and approved by Fire Chief.

Area shall mean the gross ground floor area of a building or when a building is divided by approved firewalls, each section so divided shall be considered an area.

Authority having jurisdiction shall be the Fire Chief or whomever the Chief designates to enforce this chapter, the laws of the state pertaining to the prevention of fires and public safety and approving equipment, installation or procedure as outlined in National Fire Protection Association Codes and Standards.

Automatic sprinkler equipment shall mean a system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

Fire-resistive construction shall mean a building is of fire resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible materials as specified in Wisconsin Commercial Building Code.

Housing for the elderly shall mean a residential occupancy building where the occupancy is limited to primarily elderly people meeting specific age criteria as specified by the financing or owning agency.

Institutional buildings shall mean and include convents, monasteries, children's homes, homes for the aged, nursing homes, convalescent homes, asylums, mental hospitals and jails.

(c) **Buildings and areas where required.** Every building constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or part for the following purposes:

~~(1) As defined in Wisconsin Commercial Building Code, Factory Group F, Business Group B, and Mercantile Group M buildings if:~~

~~a. Over twelve thousand (12,000) square feet in area on one (1) floor.~~

~~b. Over one (1) story in height and exceeding nine thousand (9,000) square feet per floor.~~

~~c. Over three (3) stories.~~

~~(2) As defined in Wisconsin Commercial Building Code, Storage Group S garages (storage or repair), throughout garages if over ten thousand (10,000) square feet in area.~~

~~(3) Hotels and motels:~~

~~a. In buildings of one (1) story in height, sprinklers are to be installed to meet requirements of Standard 13 of the National Fire Protection Association Appendix in cellars, store rooms, work shops, hallways, stairways. Sprinklers installed in corridors shall be spaced up to the maximum of fifteen (15) feet along the corridor, with one (1) sprinkler opposite the center of any door or pair of adjacent doors opening onto the corridor, and with an additional sprinkler spaced inside each adjacent room above the door opening. When the sprinkler in the adjacent room provides full protection for that space, an additional sprinkler is not required in the corridor adjacent to the door.~~

~~b. Sprinklers are to be installed throughout all hotels and motels of two (2) stories or more in height.~~

~~(41) Multifamily dwellings of three (3) units or more exceeding four thousand eight hundred (4,800) square feet per floor and dormitories, except housing for the elderly, shall be protected by one (1) of the following automatic sprinkler systems:~~

~~a. Option #1 shall include the protection of the areas within the living unit by an automatic fire sprinkler system complying with Standard 13D of the National Fire Protection Association and the protection of windowless floor levels and storage areas as specified in Wisconsin Commercial Building Code, by an automatic fire sprinkler system with Standard 13 of the National Fire Protection Association. All sprinkler heads used in Option #1 shall be of the residential type.~~

~~b. Option #2 shall include the protection of all areas within the building by an automatic fire sprinkler system complying with Standard 13 of the National Fire Protection Association and equipped with residential type sprinkler heads in the living units.~~

~~(5) Theaters and assembly halls:~~

~~a. In every theater and assembly hall where a proscenium curtain is required, automatic sprinklers shall be provided under the stage, under the stage roof and in the dressing rooms but not in the automatic smoke outlet.~~

~~b. Automatic sprinklers are to be installed throughout all such buildings of nonfire resistive construction if such place of assembly is located above the first floor,~~

~~whether or not there is a stage.~~

~~c. Automatic sprinklers are to be installed throughout all basement areas used for assembly and exiting hallways from such assembly area.~~

(26) Educational Group E occupancies:

- a. In basements, kitchens, shops and other spaces where combustibles are stored or handled.
- b. In other than fire resistive buildings.
 1. Ten thousand (10,000) square feet or over.
 2. Two (2) stories and up exceeding six thousand (6,000) square feet in area.
 3. Three (3) stories and up in height.

(d) ***Application to existing buildings.*** Where the Fire Chief finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this section will apply.

(e) ***System types and approval of plans.*** Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. Four (4) copies of plans shall be submitted approved plans stamped "Conditionally Approved" and three (3) copies shall be returned to owner and the other kept on file at the Fire Department.

(f) ***Alternative materials and methods.***

- (1) ~~The Fire Chief may modify any of the provisions of this section upon application in writing by the owner or lessee or his/her duly authorized representative where there are practical difficulties in the way of carrying out the strict letter of this section, provided that the spirit of this section shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be granted or allowed and the decision of the Fire Chief shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.~~

- ~~(2)~~ The Fire Chief, on notice to the Inspections Supervisor, may approve any alternate material or method, provided he/she finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the material, method of work performance or operation is, for the purpose intended at least the equivalent of that prescribed in this section in quality, strength,

effectiveness, fire resistance, durability and safety, provided, however, that any approval under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the Wisconsin Administrative Code.

(23) The Fire Chief may require tests as proof of compliance with the intent of this section, such tests to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

(34) If technical expertise is unavailable within the Department because of new technology, process, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the Department, the Fire Chief may require the owner or the person in possession or control of the building or premises to provide without charge to the Department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety organization acceptable to the Fire Chief and the owner and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

~~(5) Buildings having an area exceeding the area limitations in this code may be constructed without complete fire sprinkler systems provided the building is divided into areas less than the specified area limitations by at least a two (2) hour rated fire barrier shall extend from the foundation to the underside of the roof deck. Structural framing members may continue through or over the separation wall provided the framing and supporting elements are of noncombustible or one (1) hour fire resistive combustible construction. All openings in the separation wall shall be protected by fire resistive door assemblies.~~

(g) **Inspection.** Every automatic sprinkler system required under this section shall be tested and inspected upon installation, according to the National Fire Protection Association Standards in effect at time of installation.

(h) **Maintenance.**

(1) The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed. Testing and maintenance of such systems shall be performed according to Standard 25, of the National Fire Protection Association. Copies of all tests results shall be furnished to the Fire Chief of the Fire Department.

(i) **Water.** Where an automatic sprinkler system is required, the supply shall be from the city water supply. Testing of the water supply shall be conducted by using the two (2) hydrants closest to the property being sprinkled. Tests over two (2) years old will not be accepted unless approved by the Fire Chief after taking into consideration growth, size and changes in the general area. The

sprinkler contractor will take all readings with the Director of Public Works approval and assistance in hydrant use. The Fire Chief will be informed of all testing twenty-four (24) hours in advance and be given an opportunity to observe testing.

~~Sec. 6-58. Reserved.~~

Sec. 6-598. Welding and cutting operations.

In addition to the International Fire Code, all welding and cutting operations shall also comply with this code.

(a) Before welding or cutting operations have begun in areas not designed or approved for that purpose, specific authorization shall be obtained from the owner of the premises or his/her duly authorized agent.

(b) When welding or cutting operations are performed above or within thirty-five (35) feet of construction or material exposed to the operation or within thirty-five (35) feet of floor, ceiling or wall openings so exposed:

- (1) Such construction or combustible material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide;
- (2) Such floor, ceiling or wall shall be protected by noncombustible shields or covers.

(c) A firewatcher shall be provided to watch the fire, make use of portable fire extinguishers or fire hose and perform similar fire prevention and protection duties. The firewatcher shall remain on the job at least thirty (30) minutes after the welding or cutting operation has been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Fire Marshal.

(d) One (1) or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.

(e) Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust or loose combustible stocks are present when sparks or hot metal from the welding operation may cause ignition or explosion of such material.

(f) Except as otherwise provided in this section, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or made inert or purged.

(g) Hot tapping may be permitted on tanks or pipelines by the owner-operator thereof.

(h) Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is being done close to automatic heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

Sec. 6-6059. Outside storage of recyclables and building material.

Scrap or old lumber and old building material shall not be stored or kept in a residential area. Storage of scrap lumber or other materials in other than residential areas shall be handled to conform to recognized safe practices for lumber yard storage of IFC. Recyclables stored outside shall conform to IFC.

Sec. 6-61. Apartment buildings.

~~All apartment buildings containing three (3) or more dwelling units shall meet the following fire prevention requirements:~~

- ~~(1) Interior fire alarm systems required by Wisconsin Commercial Building Code, shall be installed according to the State Electrical Code.~~
- ~~(2) a. Fire alarm systems in accordance with this section shall be installed in all apartment buildings containing three (3) or more dwelling units with common areas constructed prior to April 1, 1995.~~
~~b. In all apartment buildings where fire alarms are not required by State, but are required by the City, alarms may be installed in accordance with the National Electrical Code, Article 760 Fire Protection Signaling Systems. Fire alarm break stations shall be installed at all required exits. Any apartments or dwelling units that are connected to a business occupancy must comply with §4-342 of this Code.~~
- ~~(3) All alarm break stations for interior alarms shall be identified with a sign stating that the Fire Department must be called when the break station is activated. Such signs shall be predominantly red in color and be permanently attached above the break station, be made of durable material and shall carry the 911 emergency number.~~
- ~~(4) Exit lights:~~
 - ~~a. Every required exit from each floor, other than those within private living units, shall be indicated by an approved illuminated red exit sign bearing the word "Exit" or "Out" in plain letters not less than five (5) inches in height.~~
 - ~~b. All wiring for exit signs shall conform to the State Electrical Code.~~
- ~~(5) Smoke and heat detection devices:~~
 - ~~a. Smoke detectors, combustion detectors or heat rise detectors shall be installed in boiler rooms and laundry areas and shall be connected to the local alarm system. Such detection devices shall be of a type approved by a recognized testing agency acceptable to the Fire Department and may be wired according to the National Electrical Code or the State Electrical Code.~~

- ~~_____ b. At least one (1) smoke detector installed at the head of every open stairway and at the door leading to every enclosed stairs on each floor level including the basement. One (1) detector also must be installed in each sleeping area. These detection devices are not required to be connected to the local alarm system.~~
- ~~_____ (6) Attic spaces shall be divided into area not in excess of three thousand (3,000) square feet and areas shall be divided in partitions having a one (1) hour fire resistive rating or better. Each area so divided shall be accessible from the living area below by an access panel of construction equal to the ceiling of the living area.~~
- ~~_____ (7) Fire extinguishers of FM (Factory Mutual) or UL (Underwriters Laboratory) approved type having at least a 2A 10 BC rating shall be provided. One (1) extinguisher shall be provided for each three thousand (3,000) square feet of floor area or portion thereof and there shall be at least one (1) extinguisher per floor and one (1) in the basement. Extinguishers shall be located so that all floor area is within seventy five (75) feet of an extinguisher measured along the hallway. They shall be hung on hangers or set on brackets or shelves so that the top of the extinguishers are not more than five (5) feet above the floor. All extinguishers shall be charged and tested in accordance with the instructions of the manufacturer.~~
- ~~_____ (8) Apartment buildings shall be modified to comply with (2), (3) and (5) above. (Code 1965, §19.11; Ord 1 91, §1(19.11), 1 9 91, Ord 65 99, §1, 9 19 99; Ord 23 09, §1, 1 13 09)~~

Sec. 6-6201. Smoke ~~dete~~ctors~~alar~~ms.

- (a) **Definitions.** For purposes of this section, the following definitions shall apply:

Dwelling shall mean a structure or part of a structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

Sleeping area shall mean the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke ~~dete~~ctor~~alar~~m shall mean a device which detects particles or products of combustion other than heat.

- (b) **~~Buildings affected.~~** ~~Any structure containing one (1) or more dwelling units containing sleeping areas.~~

- ~~_____ (c) **Location and installation of smoke ~~dete~~ctors~~alar~~ms.**~~

- (1) Each dwelling unit shall be provided with a minimum of one (1) approved

~~detector~~ smoke alarm installed in a manner and location consistent with its listing. The Fire Department Fire Prevention Division can be contacted for recommendations when an owner is concerned about the installation and number of ~~detectors~~ smoke alarms.

- (2) All existing dwelling units must meet the requirement of the State of Wisconsin Uniform Dwelling Code, Wisconsin Administrative Code, SPS 321.09 and 328.01 Smoke Detectors. Each dwelling unit shall be provided with a minimum of one (1) approved, listed and labeled smoke ~~detector~~ alarm sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

(~~cd~~) **Approval.** A smoke alarm or heat detector required under this section shall be approved by Underwriter's Laboratories, Factory Mutual or any other comparable testing firm.

(~~de~~) **Department inspection and order.** Inspection of new construction will be carried out by the Division of Inspections at its final inspection.

(~~fe~~) **Conveyance of property.** No person shall convey any real property which includes a dwelling unit to another unless there are installed in the dwelling unit approved smoke ~~detectors~~ alarms in accordance with (d) above. Any purchaser of real property found not to be in compliance with this subsection may bring an action in circuit court for damages. A violation of the provisions of this subsection shall not affect the conveyance of title or possession to the affected property.

Sec. 6-~~63~~21. Discharge of hazardous materials.

(a) **Prohibited discharges.** No person shall discharge or cause to be discharged, leaked, leached or spilled upon 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 to receive such material, any explosive, 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) **Spill notification.** Immediately upon discovery of a discharge involving any explosive, 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 the property owner, equipment operator, or discovering person shall notify the Appleton Fire Department of the discharge of a hazardous material.

(c) **Responsibility for containment, cleanup and restoration.** Any person in violation of (a) above shall, upon direction of any Fire Department officer, 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 being responsible for all expenses incurred. If any person fails to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the Fire Chief 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 required by (d) below.

(d) ***Reimbursement for costs of emergency services response.*** Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. A person 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 the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, 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, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(e) ***Site access.*** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff and to Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(f) ***Public protection.*** If any prohibited discharge occurs that 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 life and limb, the Fire Chief, his/~~her~~ assistant or the senior police 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 Common Council can take appropriate action.

(g) ***Enforcement.*** The Fire Chief, as well as the police officers, shall have authority to issue citations or complaints under this section.

(h) ***Civil liability.*** Any person in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.

Sec. 6-64~~32~~. Miscellaneous standards.

(a) Interior finishes, decorative materials and furnishings shall comply with International Fire Code, Chapter 8.

(b) Flame retardant solutions, processes and applicators must be approved by the Fire Chief.

~~Sec. 6-65. Flame-spread classification.~~

~~———— (a) ——— Interior wall and ceiling finishes shall be classified in accordance with ASTM E 84, and shall comply with Wisconsin Commercial Building Code, Section 803.~~

~~———— (b) ——— Interior floor finish and floor covering materials shall be classified in accordance with NFPA 253 and shall meet the requirements of Wisconsin Commercial Building Code, Section 804. (Ord 1-91, §1(Appendix), 1-9-91; Ord 23-09, §1, 1-13-09)~~

Sec. 6-66~~43~~. Fireworks and pyrotechnic devices.

(a) Definition: For the purpose of this section the following definition shall be applicable:

“Fireworks shall include all items under W.S.A. sec. 167.10(1) (intro), (e), (f), (i), (j), (k), (l), (m) and (n).”

(b) The provisions in this section shall apply to places where fireworks are stored or handled. Such premises shall be adequately equipped with fire extinguisher approved by the Fire Chief. Smoking is prohibited where fireworks are stored or handled.

(c) Every wholesaler, dealer or jobber keeping, storing, or handling fireworks of any description within the City shall notify the Fire Chief immediately upon receipt of such fireworks for the removal thereof from one (1) location to another and shall indicate the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within fifty (50) feet of any building used for dwelling purposes, or in any place of public assemblage, or within fifty (50) feet of any gasoline pump, gasoline filling station, or gasoline bulk station, or in any building in which gasoline or flammable liquid is sold in quantities in excess of one (1) gallon. The storage buildings for fireworks shall conform to Standard 1124 of the National Fire Protection Association Standards and Codes.

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits will not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

(e) The use of the pyrotechnic device shall be handled by a competent adult operator and shall be of such composition, character and be located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to property or endanger any persons.

(f) The display, storage and discharge of fireworks shall be regulated by and comply with all IFC, NFPA, state and local codes and nationally recognized standards.

(g) The outdoor use of pyrotechnic devices shall be regulated by §10-5 of this Code and W.S.A. §167.10.

Sec. 6-6754. Posted occupant load.

(a) Every room or space that is an assembly occupancy shall comply with International Fire Code.

(b) The number of persons in any building or portion thereof shall not exceed the amount determined as specified in the State building code, as surveyed by the Supervisor of Inspections, the Fire Chief, or his/her designee.

(c) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage as specified above. The Fire Chief, upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped with the assistance of the Police Department until such condition or obstruction is corrected. The manager or person in charge of the premises shall

be responsible for preventing overcrowding.

Sec. 6-68~~65~~65. Fire apparatus access roads.

(a) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

Fire apparatus access road means a hard surface designated and maintained to support the imposed loads of fire apparatus and shall be maintained so as to provide all-weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.

Street means any legally established public thoroughfare or all weather hard surface area thirty (30) feet or more in width unless otherwise approved by the Fire Department, whether designated or not by name such as avenue, boulevard, circle, court, drive, lane, place, road or way within fifty (50) feet of the building and maintained so as to provide all-weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.

(b) Fire apparatus access roads shall be provided according to the International Fire Code and this ordinance.

(c) Multi-family residential projects having more than fifty (50) dwelling units shall be provided with a minimum two (2) separate and approved streets or approved Fire Department access roads.

(d) When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may permit the installation of a fire protection system in lieu of a road, provided the system or systems are not otherwise required by this or any other code.

Sec. 6-69~~76~~76. Atrium furnishings.

(a) Atriums are defined as a floor opening two (2) or more stories that are covered at the top of the series of openings and is used for purposes other than an enclosed stairway, elevator hoist way or utility shaft used for plumbing, electrical, air conditioning or communication facilities.

(b) All decorative materials in atriums shall be noncombustible or shall be flame retardant treated and be so maintained. Devices generating an open flame shall be approved by the Fire Chief prior to use.

Sec. 6-70~~68~~87. Working plans of suppression/detection and control systems.

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in duplicate, before any equipment is installed or remodeled. Deviation from approved plans will require permission of the authority having jurisdiction.

(b) Fire protection system plans shall be drawn to an indicated scale of not less than 1/8" on sheets of uniform size with a plan of each floor or section. Plans must be easily duplicated and shall show all pertinent information as required by NFPA standards for plan submittals.

Sec. 6-71698. Plan review fee structure and requirements.

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

- (1) **Miscellaneous fee.** The miscellaneous fee shall be assessed for submission of plans for non-water based fire extinguishing systems, spray booth fire suppression systems and standpipe and hose systems. The miscellaneous fee will apply to such systems that are submitted separately from the automatic fire sprinkler system and/or fire alarm system. Where the plans for the automatic fire sprinkler systems and/or fire alarm systems are submitted with, for example, the kitchen exhaust hood fire suppression system plans, the fees will be based on the square footage of the project and no miscellaneous fee will be charged for review of plans of non-water based extinguishing systems.
- (2) **Multiple identical buildings.** In order to qualify for the multiple identical building fee, all buildings included in the project must be identical, and plans for such buildings must be submitted at the same time. The fee for submittal of plans for the first building shall be determined in accordance with the fee schedule on file with the City Clerk's Office. The fee for each remaining identical building shall be twenty-five percent (25%) of the appropriate fee.
- (3) **Shell buildings.** When an application is submitted for a property where only the shell of the property has been completed, the fee will be calculated at fifty percent (50%) of the appropriate fee set forth in the fee schedule on file with the City Clerk's Office on the basis of the total gross area of the building. When an application is submitted for the construction of the interior of a building where the shell has been previously granted a permit, the fee for the interior construction shall be calculated at fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office. Should the interior be completed in sections, the fee shall be calculated at the percentage of the area being completed, cumulative interior fee not to exceed fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office.
- (4) **Fire doors/shutters.** Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters already reviewed as part of an ongoing project.
- (5) **Re-submission fee.** A fee shall be assessed for review of plans submitted following denial of plan approval.
- (6) **Re-inspection fee.** The inspection of work performed under an approved plan is

included in the fee for plan reviews. This fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, fifty dollars (\$50.00) minimum, shall be assessed due to system failure during the initial inspection.

- (7) ***Fee for initiation without a permit.*** Penalty for failure to obtain a permit before starting work shall automatically double the applicable fees, and all work shall cease until the proper permits have been attained.

Sec. 6-~~720~~69. Maintenance, approval and registration of installed fire protection systems.

(a) ***Maintenance.*** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to Fire Prevention of the Fire Department.

(b) ***Approvals.*** All fire extinguishing systems, including automatic sprinkler systems, classes I, II, III combined stand pipes, Halon systems, and other special automatic extinguishing systems and basement pipe inlets, shall be approved in accordance with §6-71 and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.

- (c) (1) ***Registration.*** All installers of fire protection components, including, but not limited to, agencies monitoring alarm integrity, shall register with the Fire Department pertinent contact information including, but not limited to, address, phone number and name of responsible person. Registry information shall be updated with AFD within ten (10) days of any change to information previously provided.
- (2) A fee may be assessed to any registered installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

Sec. 6-7~~3~~10. Notification of special public assembly events.

- (a) For the purpose of this section, public assembly is defined as an event which exceeds

one hundred (100) people.

(b) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the use of buildings or spaces not approved for public assembly in accordance with the Wisconsin State Building Code and the IFC.

(c) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the placement of temporary seating in an area not otherwise approved for such seating.

(d) Notification is not required if a plan indicating occupancy capacity, seating arrangements, location and width of exit ways and aisles is submitted to the Fire Department and pre-approved by the Fire Chief or his/her designee.

Note: Building owners may pre-approve a building or space within the building for special events by submitting an approved plan. This exception allows for multiple special events.

Sec. 6-74~~21~~21. Fire division walls and occupancy separation wall identification.

Building owners shall identify fire division walls and occupancy separation walls in accordance with the Wisconsin Commercial Building Code.

Sec. 6-75~~32~~32. Repeat violation rule.

Whenever the Fire Chief or his/her designee shall find in any building, upon inspections or re-inspections, a repeat violation involving a fire detection, life safety component, or suppression system which is defective, inoperative, improperly maintained or operated the Fire Chief or designee may order the following remedies and/or a re-inspection fee.

(a) If the system includes one (1) or more exit light(s) which have not been illuminated during inspections, it may be ordered that any or all of the exit lights in such premises be equipped with self-illuminating lights or light equipped with light emitting diodes (LEDs).

(b) If the system includes one (1) or more self-closing fire door(s), any of which have been found to have been held open with non-approved hold open devices during inspections, it may be ordered that any or all of the fire doors in such premises be equipped with an automatic closing device.

(c) If the system includes one (1) or more battery operated smoke detector(s) which have been found to be inoperative during inspections, it may be ordered that the premises be equipped with long life (5 – 10 year battery life) smoke detectors.

- (1) If the same occupancy is subsequently found to have inoperative smoke detector(s) it may be ordered that the smoke detectors be hardwired into the electrical service of the premises.
- (2) If the premise is found to have no operable smoke detectors, the Fire Department may install smoke detectors and may charge the owner for the actual cost of the detectors and installation.

(d) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary locks, it may be ordered that such bolts, bars, chains, padlocks, or additional locking devices be immediately removed; and it may be further ordered that all emergency exit doors within the premises be equipped with panic door release hardware.

(e) This subsection shall not be construed as a limitation upon the powers of the Chief or his/her designee to issue orders for corrections of violations nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any applicable provision of the City of Appleton Municipal Code, Wisconsin Administrative Code or the Wisconsin Statutes.

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

Dated: _____

Timothy M. Hanna, Mayor

City Law: A17-1027

Kami Lynch, City Clerk

AN ORDINANCE REPEALING AND RECREATING CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE PREVENTION AND PROTECTION.

(Safety and Licensing Committee – XX-XX-XX (Date))

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

Section 1: That Chapter 6 of the Municipal Code of the City of Appleton, relating to fire prevention and protection, is hereby repealed and recreated as follows:

ARTICLE I. IN GENERAL

Sec. 6-1. Intent of chapter.

It is the intent of this chapter to prescribe regulations consistent with the nationally recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the adequacy of exit systems.

Sec. 6-2. Fire equipment.

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or his/her authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted herein, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purpose, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the Water Department which supplies water to such hydrants or other valves.

(c) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum three- (3-) foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(d) Where on-site fire hydrants are required on private property, the City shall annually

inspect, flush and, if necessary, paint said hydrants for the fee per hydrant on file with the City Clerk's Office. The owner shall be notified of any repairs or maintenance necessary, and it shall be the owner's responsibility to see that any repair or maintenance is performed in accordance with the National Fire Protection Association Standard 25, the City Water Utility's standard operating procedures and the American Water Works Standards for fire hydrant maintenance. The property owner or agent must call between April 1 and October 1 of each year to schedule the annual flush and inspection.

(e) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the City upon request.

Sec. 6-3. Enforcement by Fire Chief.

The Fire Chief shall be responsible for fire protection. This chapter shall be enforced by the Fire Chief, designated by the City and the State as the "authority having jurisdiction", in all matters concerning this chapter and related fire prevention activities. The Fire Chief may appoint a Fire Marshal or other designee who will act on the Chief's behalf in matters concerning fire prevention.

Sec. 6-4. Police assistance.

Whenever requested to do so by the Fire Chief or his/her designee, the Chief of Police shall assign such available police officers as in his/her discretion may be necessary to assist the Fire Department in enforcing the provisions of this chapter.

Sec. 6-5. Right of entry.

(a) For purposes of this section, the authorized representative shall include all members of the Fire Prevention Program and all officers of the Fire Department.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Fire Chief or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief or his/her authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the Fire Chief by this chapter.

(c) If such building or premises is occupied, the Fire Chief or authorized representative shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief or his/her authorized representative, shall have recourse to every remedy provided by law to secure entry.

(d) If the owner or occupant denies entry, the Fire Chief or his/her authorized representative shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any building or premises, shall fail or neglect, after proper request is made as provided herein, to promptly permit entry therein by the Fire Chief or his/her authorized representative for the purpose of inspection and examination pursuant to this chapter.

Sec. 6-6. Removal of fire hazards.

(a) Whenever an inspection by the Fire Chief reveals a fire hazard, the Fire Chief may provide a notice, in writing, upon the owner or occupant of the property giving the owner or occupant sufficient time in which to remove the hazard. If the fire hazard is not removed within the time prescribed, it shall be deemed a nuisance and the Fire Chief shall have the hazard removed by the City and the cost of removal reported to the Director of Finance and spread on the tax roll as a special charge against the property, as prescribed in §12-32 et seq.

(b) Within ninety (90) days after the removal of any flammable/combustible liquids tank, all barreled sludge or liquids must be removed from the property.

Sec. 6-7. Vacation of buildings.

(a) The Fire Chief is hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated by him.

(b) Where the public is exposed to immediate danger, the Fire Chief is hereby empowered and directed to order the immediate closing and vacating of the building or structure.

Sec. 6-8. Investigation of fires.

The Fire Department shall promptly investigate the origin, cause, and circumstances of all fires occurring in the jurisdiction of the City. If it appears that the cause of the fire may be the result of a criminal act, the Fire Department shall inform the Police Department and seek their assistance in determining the origin and cause of the fire.

Sec. 6-9. Inspections generally.

The Fire Chief or his/her designee shall provide for the inspection of every public building and place of employment in accordance with W.S.A. §101.14 and shall comply with the provisions thereof. The Fire Chief shall, on a time schedule to be determined by the Common Council, report information regarding these inspections. Violations identified during inspections shall be recorded and kept on file in accordance with W.S.A. §101.14. Owners or occupants who do not show for a scheduled inspection appointment may be charged a fee. Repeated inspections or re-inspections resulting from continued non-compliance may subject an occupancy or property to a re-inspection fee and/or remedies as outlined in §6-75 "Repeat violation rule".

Sec. 6-10. Fire inspection required before occupancy.

No person shall occupy or change the occupancy of a building or structure covered under Wisconsin Administrative Code, SPS Chapters 350-365 the Wisconsin Commercial Building Code, or the locally adopted International Fire Code used by or for public assembly, industrial, institutional, multifamily, office, or mercantile purposes until such building or structure has been inspected by the Fire Department.

Sec. 6-11. Burning trash, rubbish, garbage, yard waste, etc.

(a) No person shall build, maintain or allow to be operated or maintained on a premises controlled by him/her, any waste burner, refuse burner, trash burner or other similar appliance unless such device is permitted with the approval of the Inspections Supervisor and the Fire Chief, or his/her designee.

(b) No person shall operate an outside incinerator, burn garbage, or leaves within the City.

Sec. 6-12. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.

(a) No open outdoor fires, including fires confined within outdoor fireplaces and outdoor cooking fires, with the exception of fires fueled by natural gas, propane or charcoal in commercially manufactured appliances or a non-commercially manufactured appliance approved by the Fire Chief or his/her designee, shall be started by any person unless a permit is first obtained from the Fire Department. No permit shall be granted for open burning for multifamily occupancies without separate private yards for each tenant, nor without the property owner's permission, in a public right-of-way, alley or other public thoroughfare.

- (1) Daily permits are available for bonfires, brush burns, wildland management burns, outdoor fireplaces and cooking fires.
- (2) Annual permits are available for recreational fires in outdoor fireplace appliances. (January 1 through December 31).
- (3) Annual and single day permits are valid 6:00 a.m. to 10:00 p.m. Sunday through Thursday, 6:00 a.m. to 12:00 a.m. Friday, Saturday, and any day/evening preceding a federal holiday.
- (4) No permit will be issued for any fire within ten (10) feet of any building, structure, fence, combustible material or property line.
- (5) Only those fuels and appliances approved by the Fire Chief or his/her designee shall be used.
- (6) Burning is to be attended at all times by a person at least eighteen (18) years of age, with an approved means of extinguishing the fire available for use at the location of the fire.

(b) Barbecue grills, kettles, outdoor hibachis.

- (1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:
 - a. Single family dwellings.

b. Permanently piped natural gas fired barbecue grills, where dwellings, balconies, and decks are protected by automatic sprinkler system.

(2) Cylinders having water capacities greater than 2½ lb. (1 kg) [nominal 1 lb. (0.5 kg) LP-Gas capacity] shall not be located on balconies above the first floor that are attached to a multiple family dwelling of three (3) or more living units.

(c) No person shall install, use or maintain a woodfire furnace, stove or boiler that is not located within a building intended for habitation by humans within the City limits. This prohibition shall apply to furnaces, stoves or boilers installed after the effective date of this ordinance.

(d) The Fire Chief or his/her designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of nine miles per hour (9 m.p.h.) as measured by the Outagamie County Emergency Communication Center.

Sec. 6-13. Careless smoking prohibited.

(a) It is unlawful for any person, by reason of careless, willful or wanton conduct in smoking or in the use of lighters or matches in smoking to set fire to any bedding, carpet, curtains, draperies, furniture, household equipment or other goods or chattels or to any building.

(b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every place renting rooms for the accommodations of the public. Such printed notices shall also be posted in any place of public assembly where smoking is permitted.

Sec. 6-14. Lock box.

(a) Every newly constructed building, except one- and two-unit family dwellings or additions to an existing building previously without a lock box, shall be equipped with a lock box consistent with the specifications set forth in (c) within this section.

(b) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Fire Chief or his/her designee may require a lock box to be installed consistent with the specifications set forth in (c) within this section.

(c) The lock box shall be a type approved by the Fire Department and shall contain keys to gain necessary access as required by the Fire Department. The lock box shall be installed by the property owner at a location approved by the Fire Department. The lock box shall be installed within an appropriate time, as determined by the Fire Chief or his/ her designee.

Sec. 6-15. Fire Department signs.

It shall be illegal for anyone to remove, mutilate or destroy any legally required sign posted by the Fire Department or required sign to be posted by the owner, manager or operator of any occupancy open to the public.

Sec. 6-16. Fire alarms.

(a) Every public building, dwelling or place of employment containing either a manual, sprinkler activated or fire detector activated alarm system shall comply with this section.

(b) New or upgraded fire alarm systems at large buildings or buildings with multiple occupancies shall provide outside strobe lights indicating the occupancy or area of fire alarm activation and if applicable, the location of the Fire Department connection. The location of these strobe lights is to be determined by the Fire Chief or designee.

(c) The Fire Department will be contacted immediately upon activation of an alarm by on-site personnel or a monitoring agency so not to cause a delay in alarm. Any monitoring agency shall be licensed or approved by either Factory Mutual (FM) or Underwriters Laboratories (U.L.). All systems shall be maintained in operable condition as specified in the International Fire Code. If the alarm or fire sprinkler system becomes inoperative for any reason, the Fire Department shall be notified and the provisions of the International Fire Code, Section 901.7 and subsequent revisions shall apply.

(d) False alarms and fees.

- (1) Words and phrases defined in §12-121 are used in the same sense in this section unless a different definition is specifically provided.
- (2) If the Fire Department responds to a false alarm, the party responsible for the false alarm shall pay the city a fee according to the schedule of fees kept on file with the City Clerk's Office.
- (3) If the Fire Department is cancelled by the emergency communications center while responding to an alarm, the party responsible for causing the alarm may still be assessed the false alarm fee.
- (4) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.
- (5) The party responsible or the alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Fire Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision, within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

Sec. 6-17. Malls.

The mall manager or designee shall notify the Fire Department prior to any use of a mall common space for any intended use other than exiting. Examples of other uses would be trade shows, exhibitions, or public assemblies.

Sec. 6-18. Violations.

It is unlawful for any person to violate any provision of this chapter or to fail to obey any rule, regulation or order of the Fire Chief or his/her designees.

Secs. 6-19 – 6-30. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 6-31. Generally.

The Fire Department shall be a paid department, consisting of such officers and members as the Common Council may establish from time to time. The Department shall be charged with providing response to fires, hazardous material spills, medical emergencies, rescue of people in distress and other dangerous conditions. The Department shall also provide for fire investigation, prevention, inspection, code compliance, and other services designed to maintain fire and life safety within the community.

Sec. 6-32. Duties of Fire Chief.

It shall be the duty of the Fire Chief to:

- (1) Direct the operation of the Fire Department subject to the rules and regulations which may be adopted by the Common Council or the Police and Fire Commission;
- (2) Issue and enforce such orders as in his/her judgment may be best for the protection of property and the extinguishing of fires;
- (3) Enforce all ordinances, rules and regulations of the Common Council governing the Fire Department;
- (4) Report the condition of the Fire Department at the end of each year and make further reports when ordered to do so by the Common Council or the Police and Fire Commission;
- (5) Report promptly to the Police and Fire Commission any member of the Fire Department who may have disobeyed his/her order or violated any of the laws or rules governing the Department;
- (6) Keep a record and report to the Police and Fire Commission the absence of any member of the Fire Department from fires, together with any dereliction of duty or violation of any of the rules and regulations of the Department.

In the absence or disability of the Fire Chief, the Deputy Chief shall perform his/her duties.

Sec. 6-33. Wearing of name tag and badge.

The members of the Fire Department of the City, when on duty, shall wear the badge or

insignia and name tag of the office on the outside of the outermost garment, conspicuously displaying the badge and name tag so the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be exposed.

Secs. 6-34 – 6-42. Reserved.

ARTICLE III. PERMITS

Sec. 6-43. Required.

(a) It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code, without first having obtained such permit.

(b) Permits are required for the following:

- (1) ***Floor finishing*** (required for floor finishing or surfacing operations exceeding three hundred fifty (350) square feet using Class I or Class II liquids).
- (2) ***Lumber yards*** (where more than one hundred thousand (100,000) board feet of lumber is to be stored or used inside of the facility);
- (3) ***Vehicle tire rebuilding plants*** (for any tire recapping or rebuilding operation);
- (4) ***Magnesium use*** (for the melting, casting, heat treating machining or grinding of more than ten (10) pounds of magnesium per working day);
- (5) ***Cryogenic liquids*** (for the production, storage or sale of cryogenic liquids);
- (6) ***Combustible fibers*** (for the storage and handling of combustible fibers in quantities in excess of one hundred (100) cubic feet);
- (7) ***Dust explosion hazard*** (for the operation of any grain elevator or bleacher, flour, starch or feed mill, malt house, wood flour manufacturing plant, or plant pulverizing aluminum, coal, cocoa magnesium, spices, sugar or other material producing dust which, if mixed with air in the proper portions becomes explosive and may be ignited by flame or spark);
- (8) ***Fumigation and thermal insecticidal fogging*** (this process is not to start without a permit);
- (9) ***Flammable and combustible bulk storage*** (storage in excess of fifty-five (55) gallons on permanent basis above or below ground);
- (10) ***Open burning*** (where permits are required by the State or this code, §6-13);
- (11) ***Tents, membrane structure, canopies*** (to operate or erect a tent or membrane structure or canopy in excess of two hundred (200) square feet unless it is used exclusively for camping or on the premises of a one- (1-) or two- (2-) family dwelling which is not covered under this Code);

- (12) ***Fireworks/pyrotechnic displays*** (for the discharge of any fireworks as defined by W.S.A. §167.10. Such discharge shall conform to any state law or this code and any regulations);
- (13) ***Explosives***
- a. Any person conducting blasting operations in the City shall notify the Fire Department of the time and location of the blast. Notification shall be made on proper forms provided by the State. A permit shall be obtained after notification and prior to blasting;
 - b. Any person storing explosive materials, as defined in Wisconsin Administrative Code, International Fire Code, Section 3302.1, in the city shall obtain a permit. Such explosives shall be stored in an approved manner;
- (14) ***Cellulose nitrate plastics:***
- a. All retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds of cellulose nitrate plastics shall obtain a permit from the Fire Chief;
 - b. A permit shall be obtained from the Fire Chief for the manufacture of articles of cellulose nitrate plastics, including the use of cellulose nitrate plastics in the manufacture or assembling of other articles;
 - c. Cellulose nitrate motion picture film (a person may not store, handle, or keep on hand more than twenty-five (25) pounds without obtaining a permit. A person may not sell, lease or otherwise dispose of any cellulose nitrate film to any person not having a permit issued by the Fire Chief or his/her designee to handle, use or display the film);
- (15) ***Recyclables storage*** (any outside storage area, or warehouse used for the bulk storage of paper for sale or recycling);
- (16) ***Storage tanks***
- a. Removal of underground storage tanks (UST) or above ground storage tanks (AST) in either commercial or residential properties as required by Wisconsin Administrative Code, SPS 310;
 - b. Upgrades of underground storage tanks (UST) or above ground storage tanks (AST) flammable/combustible liquid storage systems;
- (17) Installation, storage or use of liquid petroleum gases systems with a cumulative total of one hundred twenty-five (125) gallons or larger water capacity.

Sec. 6-44. Temporary special permits.

When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this code, the Fire Chief is authorized, based on applicable data, to issue a temporary special permit for the duration of the hazard.

Sec. 6-45. Application.

Applications for permits shall be made to the Fire Chief and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the Fire Chief and fees as may be required by his/her jurisdiction.

Sec. 6-46. Fees.

Fees shall be established for the permits, certificates, approvals and other functions performed under this code and shall be payable to the City. Such fees shall accompany each application for such permit, approval, certificate or other fee-related code provision. The fee amount for the required permits, certificates, approvals and other functions performed under this Code shall be maintained on a schedule filed with the City Clerk.

Sec. 6-47. Issuance and posting.

(a) The Fire Chief or his/her designee shall review all applications submitted and determine compliance with applicable provisions of this code and issue or revoke permits based on his/her findings as required.

(b) A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder as specified by the Fire Department.

Sec. 6-48. Fee for failure to obtain permit.

The fee for failure to obtain a permit required under §6-43 of this Code is triple the permit fee described in that section when a permit is obtained. Payment of any fee shall not relieve any person of the penalties that may be imposed for violation of this chapter.

Sec. 6-49. Non-resident fees for Fire Department services.

When the Fire Department is called upon to extinguish a vehicle fire or extricate a person, and where the subject vehicle is registered to an owner with a permanent address located outside of the Appleton city limits, the registered owner shall pay a service fee to the City, the amount of which shall be on file with the City Clerk.

Sec. 6-50. Recovery of costs associated with technical rescue responses.

(a) *Technical rescue reimbursement for costs of emergency services response.* A technical rescue response includes, but is not limited to, structural collapse, confined space, trench rescue, water rescue, ice rescue, or rope rescue. Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. Any person or property owner who necessitates a technical rescue response may be responsible for reimbursement to the

responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment, maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, and charges associated with personnel and equipment necessary for the technical rescue response.

(b) ***Appeal.*** A person or property owner has the right to appeal the assessment of charges for an emergency service response. Any person or property owner appealing the assessment of charges shall file a written objection with the Fire Chief within thirty (30) days of receiving the bill. Upon receipt of the written objection, the matter shall be placed on the Agenda for the Safety and Licensing Committee at its next regularly scheduled meeting. The Safety and Licensing Committee shall make a recommendation to the Common Council, which shall grant or deny the request.

Secs. 6-51 – 6-55. Reserved.

ARTICLE IV. STANDARDS AND REQUIREMENTS

Sec. 6-56. Adoption of codes and standards.

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
- (2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
- (3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
- (4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
- (5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
- (6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
- (7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2009 Edition, hereinafter “IFC” is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 of the IFC is not included as part of the adoption of the IFC, nor is Chapter 34.
- (2) The Appendices A is not included as part of the adoption of the IFC.

(c) The following editions of the National Fire Protection Codes and Standards are hereby adopted by reference and made part of the City Fire Prevention Code with the same force and effect as though set forth herein in full:

NFPA 11, Low Expansion Foam, 2002 Edition;

NFPA 12, Carbon Dioxide Extinguishing Systems, 2000 Edition;

NFPA 12A, Halon 1301 Fire Extinguishing Systems, 2004 Edition;

NFPA 13, Installation of Sprinkler Systems, 2007 Edition;

NFPA 13D, Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2007 Edition;

NFPA 13R, Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2007 Edition;

NFPA 14, Standpipe Private Hydrant and Hose Systems, 2007 Edition;

NFPA 15, Water Spray Fixed Systems, 2007 Edition;

NFPA 16, Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems, 2003 Edition;

NFPA 17, Dry Chemical Extinguishing Systems, 2002 Edition;

NFPA 17A, Wet Chemical Extinguishing Systems, 2002 Edition;

NFPA 20, Installation of Stationary Pumps, 2007 Edition;

NFPA 24, Private Fire Service Mains, 2007 Edition;

NFPA 25, Water Based Fire Protection Systems, 2002 Edition;

NFPA 30, Flammable and Combustible Liquids Code, 2003 Edition;

NFPA 30A, Motor Fuel Dispensing Facilities, 2003 Edition;

NFPA 30B, Aerosol Products, Manufacture and Storage, 2007 Edition;

NFPA 31, Installation of Oil Burning Equipment, 2006 Edition;

NFPA 33, Spray Application Using Flammable or Combustible Materials, 2007 Edition;

NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 Edition;

NFPA 50, Bulk Oxygen Systems at Consumer Sites, 2001 Edition;

NFPA 50A, Gaseous Hydrogen Systems at Consumer Sites, 1999 Edition;

NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites, 1999 Edition;

NFPA 51B, Welding, Cutting, Other Hot Work, 2003 Edition;

NFPA 54, National Fuel Gas Code, 2006 Edition;

NFPA 55, Compressed and Liquefied Gases in Portable Cylinders, 2003 Edition;

NFPA 69, Explosion Prevention Systems, 2002 Edition;

NFPA 72, National Fire Alarm Code, 2002 Edition;

NFPA 80, Fire Doors and Fire Windows, 2007 Edition;

NFPA 92A, Smoke Control Systems, 2006 Edition;

NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 Edition;

NFPA 105, Standard for the Installation of Smoke-Control Door Assemblies, 2007 Edition;

NFPA 204, Smoke and Heat Venting, 2002 Edition;

NFPA 385, Tank Vehicles for Flammable and Combustible Liquids, 2000 Edition;

NFPA 430, Liquid and Solid Oxidizers, 2000 Edition;

NFPA 490, Storage of Ammonium Nitrate, 2002 Edition;

NFPA 654, Prevention of Fire and Dust Explosions from Manufacturing Combustible Particulate Solids, 2006 Edition;

NFPA 1123, Fireworks Display, 2006 Edition;

NFPA 1124, Fireworks and Pyrotechnic Articles, 2006 Edition;

NFPA 1126, Use of Pyrotechnics before a Proximate Audience, 2006 Edition;

NFPA 1221, Communications, Emergency Services, 2007 Edition;

NFPA 1961, Fire Hose, 2002 Edition;

NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings and Nozzles; and the Service Testing of Fire Hose, 2003 Edition;

NFPA 1963, Fire Hose Connections, 2003 Edition;

NFPA 2001, Clean Agent Fire Extinguishing Systems, 2004 Edition;

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

Sec. 6-57. Automatic sprinkler systems.

(a) ***Intent of section.*** The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protection equipment, constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

(b) ***Definitions.*** For the purpose of this section, the following definitions shall be applicable:

Approved shall mean that the material, workmanship and installation of the sprinkler system complies with the regulations as set down in the National Fire Protection Association standards for the installation of automatic sprinkler systems in effect at the date of installation and approved by Fire Chief.

Area shall mean the gross ground floor area of a building or when a building is divided by approved firewalls, each section so divided shall be considered an area.

Authority having jurisdiction shall be the Fire Chief or whomever the Chief designates to enforce this chapter, the laws of the state pertaining to the prevention of fires and public safety and approving equipment, installation or procedure as outlined in National Fire Protection Association Codes and Standards.

Automatic sprinkler equipment shall mean a system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

Fire-resistive construction shall mean a building is of fire resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible materials as specified in Wisconsin Commercial Building Code.

Housing for the elderly shall mean a residential occupancy building where the occupancy is limited to primarily elderly people meeting specific age criteria as specified by the financing or owning agency.

Institutional buildings shall mean and include convents, monasteries, children's homes, homes for the aged, nursing homes, convalescent homes, asylums, mental hospitals and jails.

(c) ***Buildings and areas where required.*** Every building constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or part for the following purposes:

- (1) Multifamily dwellings of three (3) units or more exceeding four thousand eight hundred (4,800) square feet per floor and dormitories, except housing for the elderly, shall include the protection of all areas within the building by an automatic fire sprinkler system complying with Standard 13 of the National Fire Protection Association and equipped with residential type sprinkler heads in the living units.
- (2) Educational Group E occupancies:
 - a. In basements, kitchens, shops and other spaces where combustibles are stored or handled.
 - b. In other than fire resistive buildings.
 1. Ten thousand (10,000) square feet or over.
 2. Two (2) stories and up exceeding six thousand (6,000) square feet in area.
 3. Three (3) stories and up in height.

(d) ***Application to existing buildings.*** Where the Fire Chief finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this section will apply.

(e) ***System types and approval of plans.*** Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. Four (4) copies of plans shall be submitted approved plans stamped "Conditionally Approved" and three (3) copies shall be returned to owner and the other kept on file at the Fire Department.

(f) ***Alternative materials and methods.***

- (1) The Fire Chief, on notice to the Inspections Supervisor, may approve any alternate material or method, provided he/she finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the

material, method of work performance or operation is, for the purpose intended at least the equivalent of that prescribed in this section in quality, strength, effectiveness, fire resistance, durability and safety, provided, however, that any approval under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the Wisconsin Administrative Code.

- (2) The Fire Chief may require tests as proof of compliance with the intent of this section, such tests to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.
- (3) If technical expertise is unavailable within the Department because of new technology, process, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the Department, the Fire Chief may require the owner or the person in possession or control of the building or premises to provide without charge to the Department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety organization acceptable to the Fire Chief and the owner and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

(g) **Inspection.** Every automatic sprinkler system required under this section shall be tested and inspected upon installation, according to the National Fire Protection Association Standards in effect at time of installation.

(h) **Maintenance.**

- (1) The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed. Testing and maintenance of such systems shall be performed according to Standard 25, of the National Fire Protection Association. Copies of all tests results shall be furnished to the Fire Chief of the Fire Department.

(i) **Water.** Where an automatic sprinkler system is required, the supply shall be from the city water supply. Testing of the water supply shall be conducted by using the two (2) hydrants closest to the property being sprinkled. Tests over two (2) years old will not be accepted unless approved by the Fire Chief after taking into consideration growth, size and changes in the general area. The sprinkler contractor will take all readings with the Director of Public Works approval and assistance in hydrant use. The Fire Chief will be informed of all testing twenty-four (24) hours in advance and be given an opportunity to observe testing.

Sec. 6-58. Welding and cutting operations.

In addition to the International Fire Code, all welding and cutting operations shall also comply with this code.

(a) Before welding or cutting operations have begun in areas not designed or approved for that purpose, specific authorization shall be obtained from the owner of the premises or his/her duly authorized agent.

(b) When welding or cutting operations are performed above or within thirty-five (35) feet of construction or material exposed to the operation or within thirty-five (35) feet of floor, ceiling or wall openings so exposed:

- (1) Such construction or combustible material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide;
- (2) Such floor, ceiling or wall shall be protected by noncombustible shields or covers.

(c) A firewatcher shall be provided to watch the fire, make use of portable fire extinguishers or fire hose and perform similar fire prevention and protection duties. The firewatcher shall remain on the job at least thirty (30) minutes after the welding or cutting operation has been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Fire Marshal.

(d) One (1) or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.

(e) Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust or loose combustible stocks are present when sparks or hot metal from the welding operation may cause ignition or explosion of such material.

(f) Except as otherwise provided in this section, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or made inert or purged.

(g) Hot tapping may be permitted on tanks or pipelines by the owner-operator thereof.

(h) Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is being done close to automatic heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

Sec. 6-59. Outside storage of recyclables and building material.

Scrap or old lumber and old building material shall not be stored or kept in a residential area. Storage of scrap lumber or other materials in other than residential areas shall be handled to conform to recognized safe practices for lumber yard storage of IFC. Recyclables stored outside shall conform to IFC.

Sec. 6-60. Smoke alarms.

(a) ***Definitions.*** For purposes of this section, the following definitions shall apply:

Dwelling shall mean a structure or part of a structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

Sleeping area shall mean the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke alarm shall mean a device which detects particles or products of combustion other than heat.

(b) ***Location and installation of smoke alarms.***

- (1) Each dwelling unit shall be provided with a minimum of one (1) approved smoke alarm installed in a manner and location consistent with its listing. The Fire Department Fire Prevention Division can be contacted for recommendations when an owner is concerned about the installation and number of smoke alarms.
- (2) All existing dwelling units must meet the requirement of the State of Wisconsin Uniform Dwelling Code, Wisconsin Administrative Code, SPS 321.09 and 328.01 Smoke Detectors. Each dwelling unit shall be provided with a minimum of one (1) approved, listed and labeled smoke alarm sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

(c) ***Approval.*** A smoke alarm or heat detector required under this section shall be approved by Underwriter's Laboratories, Factory Mutual or any other comparable testing firm.

(d) ***Department inspection and order.*** Inspection of new construction will be carried out by the Division of Inspections at its final inspection.

(e) ***Conveyance of property.*** No person shall convey any real property which includes a dwelling unit to another unless there are installed in the dwelling unit approved smoke alarms in accordance with (d) above. Any purchaser of real property found not to be in compliance with this subsection may bring an action in circuit court for damages. A violation of the provisions of this subsection shall not affect the conveyance of title or possession to the affected property.

Sec. 6-61. Discharge of hazardous materials.

(a) ***Prohibited discharges.*** No person shall discharge or cause to be discharged, leaked, leached or spilled upon 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 to receive such material, any explosive, 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) ***Spill notification.*** Immediately upon discovery of a discharge involving any explosive, 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 the property owner, equipment operator, or discovering person shall notify the Appleton Fire Department of the discharge of a hazardous material.

(c) ***Responsibility for containment, cleanup and restoration.*** Any person in violation of (a) above shall, upon direction of any Fire Department officer, 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 being responsible for all expenses incurred. If any person fails to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the Fire Chief 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 required by (d) below.

(d) ***Reimbursement for costs of emergency services response.*** Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. A person 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 the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, 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, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(e) ***Site access.*** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff and to Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(f) ***Public protection.*** If any prohibited discharge occurs that 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 life and limb, the Fire Chief, his/her assistant or the senior police 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 Common Council can take appropriate action.

(g) ***Enforcement.*** The Fire Chief, as well as the police officers, shall have authority to issue citations or complaints under this section.

(h) ***Civil liability.*** Any person in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.

Sec. 6-62. Miscellaneous standards.

(a) Interior finishes, decorative materials and furnishings shall comply with International

Fire Code, Chapter 8.

- (b) Flame retardant solutions, processes and applicators must be approved by the Fire Chief.

Sec. 6-63. Fireworks and pyrotechnic devices.

- (a) Definition: For the purpose of this section the following definition shall be applicable:

“Fireworks shall include all items under W.S.A. sec. 167.10(1) (intro), (e), (f), (i), (j), (k), (l), (m) and (n).”

(b) The provisions in this section shall apply to places where fireworks are stored or handled. Such premises shall be adequately equipped with fire extinguisher approved by the Fire Chief. Smoking is prohibited where fireworks are stored or handled.

(c) Every wholesaler, dealer or jobber keeping, storing, or handling fireworks of any description within the City shall notify the Fire Chief immediately upon receipt of such fireworks for the removal thereof from one (1) location to another and shall indicate the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within fifty (50) feet of any building used for dwelling purposes, or in any place of public assemblage, or within fifty (50) feet of any gasoline pump, gasoline filling station, or gasoline bulk station, or in any building in which gasoline or flammable liquid is sold in quantities in excess of one (1) gallon. The storage buildings for fireworks shall conform to Standard 1124 of the National Fire Protection Association Standards and Codes.

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits will not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

(e) The use of the pyrotechnic device shall be handled by a competent adult operator and shall be of such composition, character and be located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to property or endanger any persons.

(f) The display, storage and discharge of fireworks shall be regulated by and comply with all IFC, NFPA, state and local codes and nationally recognized standards.

(g) The outdoor use of pyrotechnic devices shall be regulated by §10-5 of this Code and W.S.A. §167.10.

Sec. 6-64. Posted occupant load.

(a) Every room or space that is an assembly occupancy shall comply with International Fire Code.

(b) The number of persons in any building or portion thereof shall not exceed the amount determined as specified in the State building code, as surveyed by the Supervisor of Inspections, the Fire Chief, or his/her designee.

(c) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage as specified above. The Fire Chief, upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped with the assistance of the Police Department until such condition or obstruction is corrected. The manager or person in charge of the premises shall be responsible for preventing overcrowding.

Sec. 6-65. Fire apparatus access roads.

(a) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

Fire apparatus access road means a hard surface designated and maintained to support the imposed loads of fire apparatus and shall be maintained so as to provide all-weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.

Street means any legally established public thoroughfare or all weather hard surface area thirty (30) feet or more in width unless otherwise approved by the Fire Department, whether designated or not by name such as avenue, boulevard, circle, court, drive, lane, place, road or way within fifty (50) feet of the building and maintained so as to provide all-weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.

(b) Fire apparatus access roads shall be provided according to the International Fire Code and this ordinance.

(c) Multi-family residential projects having more than fifty (50) dwelling units shall be provided with a minimum two (2) separate and approved streets or approved Fire Department access roads.

(d) When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may permit the installation of a fire protection system in lieu of a road, provided the system or systems are not otherwise required by this or any other code.

Sec. 6-66. Atrium furnishings.

(a) Atriums are defined as a floor opening two (2) or more stories that are covered at the top of the series of openings and is used for purposes other than an enclosed stairway, elevator hoist way or utility shaft used for plumbing, electrical, air conditioning or communication facilities.

(b) All decorative materials in atriums shall be noncombustible or shall be flame retardant treated and be so maintained. Devices generating an open flame shall be approved by the Fire Chief prior to use.

Sec. 6-67. Working plans of suppression/detection and control systems.

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in duplicate, before any equipment is installed or remodeled. Deviation from approved plans will require permission of the authority having jurisdiction.

(b) Fire protection system plans shall be drawn to an indicated scale of not less than 1/8" on sheets of uniform size with a plan of each floor or section. Plans must be easily duplicated and shall show all pertinent information as required by NFPA standards for plan submittals.

Sec. 6-68. Plan review fee structure and requirements.

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

- (1) ***Miscellaneous fee.*** The miscellaneous fee shall be assessed for submission of plans for non-water based fire extinguishing systems, spray booth fire suppression systems and standpipe and hose systems. The miscellaneous fee will apply to such systems that are submitted separately from the automatic fire sprinkler system and/or fire alarm system. Where the plans for the automatic fire sprinkler systems and/or fire alarm systems are submitted with, for example, the kitchen exhaust hood fire suppression system plans, the fees will be based on the square footage of the project and no miscellaneous fee will be charged for review of plans of non-water based extinguishing systems.
- (2) ***Multiple identical buildings.*** In order to qualify for the multiple identical building fee, all buildings included in the project must be identical, and plans for such buildings must be submitted at the same time. The fee for submittal of plans for the first building shall be determined in accordance with the fee schedule on file with the City Clerk's Office. The fee for each remaining identical building shall be twenty-five percent (25%) of the appropriate fee.
- (3) ***Shell buildings.*** When an application is submitted for a property where only the shell of the property has been completed, the fee will be calculated at fifty percent (50%) of the appropriate fee set forth in the fee schedule on file with the City Clerk's Office on the basis of the total gross area of the building. When an application is submitted for the construction of the interior of a building where the shell has been previously granted a permit, the fee for the interior construction shall be calculated at fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office. Should the interior be completed in sections, the fee shall be calculated at the percentage of the area being completed, cumulative interior fee not to exceed fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office.
- (4) ***Fire doors/shutters.*** Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters already reviewed as part of an ongoing project.

- (5) **Re-submission fee.** A fee shall be assessed for review of plans submitted following denial of plan approval.
- (6) **Re-inspection fee.** The inspection of work performed under an approved plan is included in the fee for plan reviews. This fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, fifty dollars (\$50.00) minimum, shall be assessed due to system failure during the initial inspection.
- (7) **Fee for initiation without a permit.** Penalty for failure to obtain a permit before starting work shall automatically double the applicable fees, and all work shall cease until the proper permits have been attained.

Sec. 6-69. Maintenance, approval and registration of installed fire protection systems.

(a) **Maintenance.** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to Fire Prevention of the Fire Department.

(b) **Approvals.** All fire extinguishing systems, including automatic sprinkler systems, classes I, II, III combined stand pipes, Halon systems, and other special automatic extinguishing systems and basement pipe inlets, shall be approved in accordance with §6-71 and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.

- (c) (1) **Registration.** All installers of fire protection components, including, but not limited to, agencies monitoring alarm integrity, shall register with the Fire Department pertinent contact information including, but not limited to, address, phone number and name of responsible person. Registry information shall be updated with AFD within ten (10) days of any change to information previously provided.
- (2) A fee may be assessed to any registered installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

Sec. 6-70. Notification of special public assembly events.

(a) For the purpose of this section, public assembly is defined as an event which exceeds one hundred (100) people.

(b) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the use of buildings or spaces not approved for public assembly in accordance with the Wisconsin State Building Code and the IFC.

(c) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the placement of temporary seating in an area not otherwise approved for such seating.

(d) Notification is not required if a plan indicating occupancy capacity, seating arrangements, location and width of exit ways and aisles is submitted to the Fire Department and pre-approved by the Fire Chief or his/her designee.

Note: Building owners may pre-approve a building or space within the building for special events by submitting an approved plan. This exception allows for multiple special events.

Sec. 6-71. Fire division walls and occupancy separation wall identification.

Building owners shall identify fire division walls and occupancy separation walls in accordance with the Wisconsin Commercial Building Code.

Sec. 6-72. Repeat violation rule.

Whenever the Fire Chief or his/her designee shall find in any building, upon inspections or re-inspections, a repeat violation involving a fire detection, life safety component, or suppression system which is defective, inoperative, improperly maintained or operated the Fire Chief or designee may order the following remedies and/or a re-inspection fee.

(a) If the system includes one (1) or more exit light(s) which have not been illuminated during inspections, it may be ordered that any or all of the exit lights in such premises be equipped with self-illuminating lights or light equipped with light emitting diodes (LEDs).

(b) If the system includes one (1) or more self-closing fire door(s), any of which have been found to have been held open with non-approved hold open devices during inspections, it may be ordered that any or all of the fire doors in such premises be equipped with an automatic closing device.

(c) If the system includes one (1) or more battery operated smoke detector(s) which have been found to be inoperative during inspections, it may be ordered that the premises be equipped with long life (5 – 10 year battery life) smoke detectors.

(1) If the same occupancy is subsequently found to have inoperative smoke detector(s) it may be ordered that the smoke detectors be hardwired into the electrical service of the premises.

- (2) If the premise is found to have no operable smoke detectors, the Fire Department may install smoke detectors and may charge the owner for the actual cost of the detectors and installation.

(d) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary locks, it may be ordered that such bolts, bars, chains, padlocks, or additional locking devices be immediately removed; and it may be further ordered that all emergency exit doors within the premises be equipped with panic door release hardware.

(e) This subsection shall not be construed as a limitation upon the powers of the Chief or his/her designee to issue orders for corrections of violations nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any applicable provision of the City of Appleton Municipal Code, Wisconsin Administrative Code or the Wisconsin Statutes.

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

Dated: _____

Timothy M. Hanna, Mayor
City Law: A17-1027

Kami Lynch, City Clerk



FIRE DEPARTMENT

700 North Drew Street • Appleton, WI 54911-5000
(920) 832-5810 • Fax (920) 832-5830

TO: Members of the Safety and Licensing Committee

FROM: Battalion Chief Joseph Strauss, Appleton Fire Department

DATE: January 5, 2018

RE: Proposed Changes to Appleton Municipal Code Chapter 6

The purpose of the proposed update to Chapter 6 is largely a result of the adoption of 2013 Wisconsin Act 270 in April of 2014 (See attached copy of Act 270). The last complete update to Chapter 6 was in January of 2009.

2013 Act 270 established a uniform commercial building code in Wisconsin, while allowing municipalities to grandfather certain fire detection, prevention, and suppression ordinances. Municipal ordinances could be grandfathered if, in addition to other criteria, DSPS determined "that the ordinance requires standards that are at least as strict as the rules promulgated by the department." As a result, Appleton Municipal Code Chapter 6 was submitted to the State of Wisconsin's Department of Safety and Professional Service (DSPS) for review. Our ordinances were reviewed and we were informed which ordinances were outside of the scope of enforcement by DSPS, as well as which ordinance could and could not be grandfathered by DSPS. Following notification of which ordinances were not grandfathered, the Appleton Fire Department initially filed an appeal to DSPS of all ordinances not grandfathered. We then received correspondence from DSPS to explain why the ordinances should be grandfathered. The Appleton Fire Department, working in conjunction with the City Attorney's office, conducted an in-depth analysis of those ordinances we sought to have grandfathered. This analysis indicated that several of the ordinances we initially appealed were actually less restrictive than available codes from the International Fire Code (IFC), the International Building Code (IBC), and/or National Fire Protection Association code (NFPA:1). As a result, we withdrew the appeal to several of the ordinances. However, four of the ordinances we maintained and justified our appeal and asked for a re-examination. Upon further review by DSPS, one additional ordinance was grandfathered. The entire process regarding the review of Chapter 6 by DSPS took nearly a year.

Although the Appleton Fire Department was, in practice, adhering to ACT 270 upon being enacted, we did not immediately request changes to the published version of Chapter 6. Past history of Wisconsin Acts have indicated that once actually placed into day-to-day operation, they may be revised or reversed. Essentially, we chose to take a “wait and see” approach before changes were made. Once we were comfortable that the provisions were permanent, the Appleton Fire Department began a review of Chapter 6 to see what changes needed to be made. During our review, we noted several ordinances that we also recommend either revising or eliminating. These ordinances include:

6-8. Investigation of fires.

In this ordinance, we cleaned up language as it related to collection of evidence. The Appleton Fire Department does not collect evidence. Evidence of a crime is to be collected by a law enforcement agency.

6-15. Posting of no smoking signs.

Due to the statewide no smoking ban in public buildings this ordinance is obsolete.

6-17. Sale of defective fire extinguishers.

There is no issue with this in Appleton. We believe that there is no longer a need for this ordinance.

6-18. Key box.

It is our desire to require all newly constructed buildings, except one- and two-unit family dwellings, and those buildings substantially remodeled, to install a key box, thus allowing the Appleton Fire Department better access during an emergency (fire or medical) call. The ordinance is also a benefit to the owner in that the cost of a key (lock) box would be a fraction of the cost of repairs to a door that would need to be forced open on a call. The ordinance currently written, in summary, only requires a lock box when access to a structure is “unduly difficult because of secured openings”.

6-50. Recovery of costs associated with technical rescue responses.

In this ordinance we are seeking to clean up existing language and expand the ability to seek reimbursement on all types of technical rescue responses - not limited to structural collapse rescues.

6-62. Smoke detectors.

In this ordinance, we are seeking to clean up terminology. Smoke "Alarms" is the most current terminology as opposed to Smoke "Detectors".

6-72. Maintenance, approval and registration of installed fire protection systems.

In this ordinance, we are seeking to add the ability to determine the required size of fire department connection.

Thank you for your consideration.

Operator's Licenses for 1/24/18 S & L

Approved

Aaron S. Cole	1412 N. Nicholas Street
Derek R. Craanen	1216 W. Spring Street
Amy M. Danke	1107 Dexter Street, New London
Phoranee Danthanachai	792 Olson Avenue
Jennifer A. Feltus	1502 N. Richmond Street
Brittany C. Gilbert	437 S. Lake Street, Neenah
Adriana Gonzales	220 W. Valley Road
Kelly S. Lamia	1006 Pendleton Parkway, #4, Neenah
Johnathan E. Maloney	584 Irish Road, Neenah
Brooke M. Martin	2709 Fieldstone Court, Kaukauna
Nicole Matenaer	913 W. Oklahoma Street
Brett W. Minut	1521 N. Superior Street
Sunny K. Patel	420 W. Northland Avenue
Rebekah A. Pszczuk	500 E. Winnebago Street, #304
Carrie A. Stevens	1806 E. Byrd Street
Ching Thao	1250 Wittmann Park Ln, #4, Menasha
Scott A. VanEvenhoven	3034 W. Hiawatha Drive
Kendra N. Zimmer	2 Embery Court
Zachary L. Zittlow	608 School Court, Menasha

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1 20 17 ;
ending June 30 20 18 ;

TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } Appleton
☒ City of }

County of Outagamie Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Xiong, Mylee

DCMX LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	Member	Mylee Xiong	W2374 Holly Ln Appleton 54915
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	Mylee Xiong		
Directors/Managers			

3. Trade Name Gingerootz Asian Grille Business Phone Number 920-738-9688
4. Address of Premises 2920 N Ballard Rd Post Office & Zip Code Appleton 54911

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date May 2017 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) The bar at Gingerootz Asian Grille Restaurant is where the beverages are sold and stored..

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
(b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 29 day of December, 20 17

Linda Maus
(Clerk/Notary Public)

My commission expires 7/23/2019



(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning Jan 1 20 18 ;
ending June 30 20 18

TO THE GOVERNING BODY of the: ☐ Town of }
☐ Village of } Appleton
☒ City of }

County of Douglas Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's WI Seller's Permit No.: <u>4561029638474823692969</u>	
FEIN Number: _____	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

1. The named ☐ INDIVIDUAL ☒ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Lee, Jong Seng ; Vang, Patricia Lee

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name Shadows Food + Spirit Business Phone Number 920-954-1230
4. Address of Premises 211 S. Walter Ave Post Office & Zip Code 54915

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☒ Yes ☐ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Beer held in coolers behind bar, kept in backroom storage
10. Legal description (omit if street address is given above): E. Harriet and Walter Ave
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
(b) If yes, under what name was license issued? Lue + Mai Lee
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 4 day of January

Carol Bolwerk
(Clerk/Notary Public) BOLWERK

My commission expires _____ Notary Public, State of Wisconsin

My Commission Expires January 23, 2021

Jong Seng Lee
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

Patricia Lee Vang
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 23, 2018

Common Council Meeting Date: February 7, 2018

Item: Final Plat – Creekside Estates

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Pat Hietpas, Emerald Valley Estates, LLC – Owner
Jason Mroz, Apple Tree Appleton Four, LLC – Applicant

Address/Parcel #: Cherryvale Avenue / 31-1-7509-03 and 31-1-7512-73

Petitioner's Request: The owner/applicant is proposing to subdivide the properties to accommodate a 13-lot single-family subdivision.

BACKGROUND

The Preliminary Plat for Creekside Estates consisting of 13 residential lots was approved by the Plan Commission on December 12, 2017 and the Common Council on January 17, 2018.

Rezoning #8-17 (R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District) for Creekside Estates was approved by the Plan Commission on December 12, 2017 and by the Common Council on January 17, 2018.

In 2002, a preliminary plat for Applecreek Estates was approved and the final plat for the First Addition to Applecreek Estates was approved in 2004. The subject parcels were part of this plat. The main parcel (31-1-7509-03) was identified as future park land. Based on past actions, it was determined that the City would not accept dedication of this land as park land. The applicant worked with the City Attorney's Office to formally resolve this issue. A Quit Claim Deed had been recorded.

The subject property was annexed to the City in 1997 as part of the Northeast Annexation, and a zoning classification of R-1A Single-Family District was assigned at that time. Parcel 31-1-7512-73 was rezoned from R-1A Single-Family District to R-2 Two-Family District in 2002.

STAFF ANALYSIS

Existing Conditions: The properties are currently undeveloped and zoned R-1B Single-Family District. The 9.9123 acre area will be divided into thirteen (13) single family lots and 2 outlots. Outlot 1 will be reserved for potential future development.

Comparison Between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout for these thirteen (13) lots in terms of shape, size, and location.

Zoning Ordinance Review Criteria: R-1B lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *All lots exceed this requirement. The proposed average lot size is 11,600 square feet.*
- Minimum lot width: Fifty (50) feet.
 - *All lots exceed this requirement. The proposed lots average lot width is 58 feet.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

Access and Traffic: The primary vehicular access to this subdivision is Cherryvale Avenue, which connects to Edgewood Drive to the north and Evergreen Drive to the south. No road dedication is needed with this plat and no new streets are proposed with this development.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east and west). The uses are generally residential and agricultural in nature. The Apple Creek drainage corridor is adjacent to the west and north subdivision boundaries.

2010-2030 Comprehensive Plan: Community & Economic Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map.

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code are \$300 per dwelling unit. The total park fee required for this development is \$3,900.

Technical Review Group Report (TRG): This item was discussed at the January 2, 2018 Technical Review Group Report meeting.

Department of Public Works Comments:

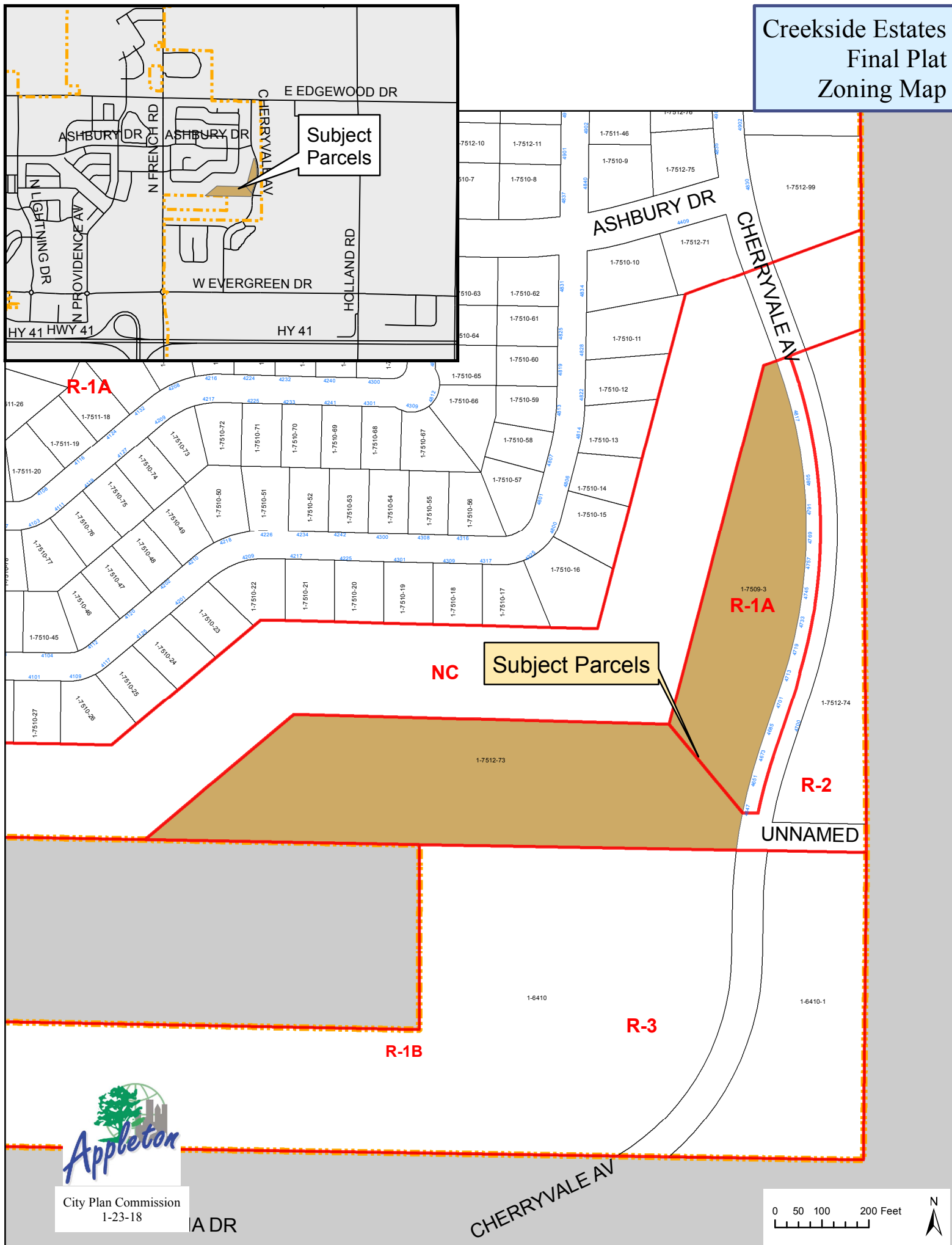
- Sign easement may be subject to vision triangle restrictions due to the potential of a future roadway to be located within the Road Reservation.

RECOMMENDATION

The Creekside Estates Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.
2. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer.
3. Complete and submit a stormwater utility service application to the Community and Economic Development with the Final Plat for the City of Appleton Public Works Department, Engineering Division review and approval.
4. Submit a Stormwater Permit Application with Stormwater Management Plan and supporting documentation (e.g. wetland delineation report) to the City of Appleton Public Works Department, Engineering Division. Additional comments may result from City consultant review of those items.
5. All requirements from the City of Appleton Public Works Department, Engineering Division, shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
6. A note shall be placed on the final plat noting ownership, use and maintenance of all outlots prior to the City affixing signatures on the Final Plat.
7. Park fees of \$3,900 shall be paid to the City of Appleton Finance Department prior to the City signatures being affixed to the Final Plat, unless otherwise stated in the Development Agreement.
8. Sign easement may be subject to vision triangle restrictions due to the potential of a future roadway to be located within the Road Reservation.
9. The legal instruments creating a property owner's association for the ownership or maintenance of common lands in the subdivision shall be provided after the Final Plat is recorded.

Creekside Estates Final Plat Zoning Map



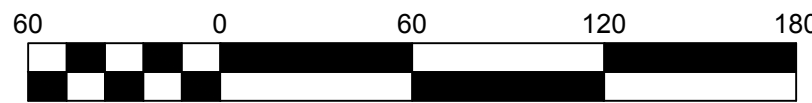
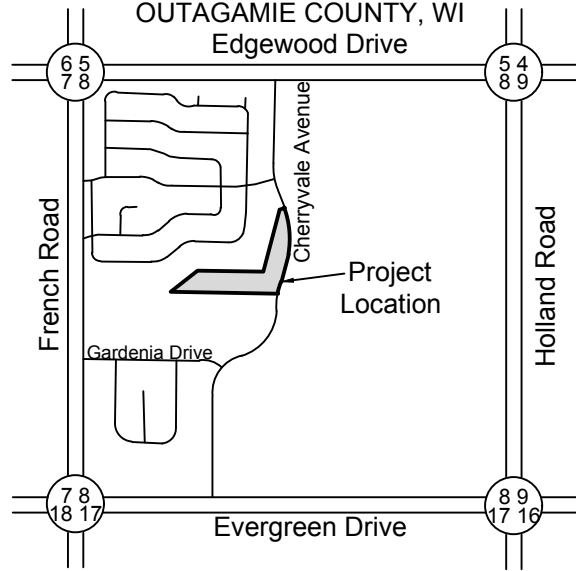
Creekside Estates
Final Plat
Aerial Map



City Plan Commission
1-23-18

LOCATION MAP

W 1/2 SEC 8, T 21 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI
Edgewood Drive



Bearings are referenced to the South line of the Northwest 1/4, Section 08, T21N, R18E, to bear S88°59'32"E, base on the Outagamie County Coordinate System.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**
CIVIL ENGINEERING CONSULTANTS

1811 Racine Street Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

James R. Sehlhoff, Wisconsin Professional Land Surveyor No. S-2692
jim@davel.pro

Date _____

Revision Date: Jan 12, 2018

File: 5220Final.dwg
Date: 01/12/2018
Drafted By: jim
Sheet: 1 of 2

West 1/4 Corner
Section 8, T21N, R18E
(Masonry Nail W/Washer, Found)

Town of Grand Chute
Zoning: Gen Ag
Lot 1
CSM 3566

N 88°59'32" W 1260.84'
(N88°59'41"W)
(1260.53')

City of Appleton
Zoning: AG
Part of Lot 2
CSM 3566

Center of Section
Section 8, T21N, R18E
(1-1/4" Rebar, Found)

Creekside Estates

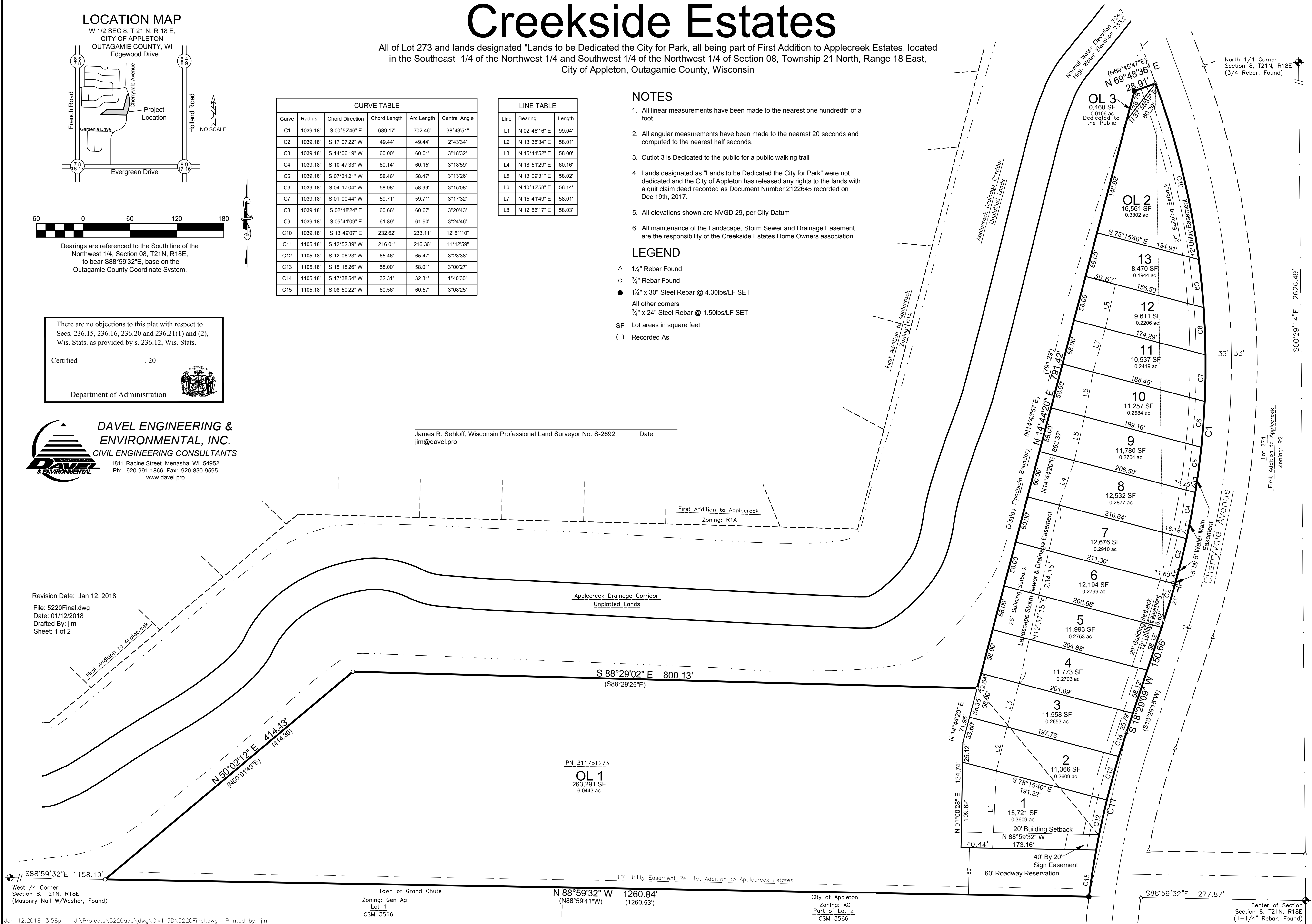
All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

NOTES

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- Outlot 3 is Dedicated to the public for a public walking trail
- Lands designated as "Lands to be Dedicated the City for Park" were not dedicated and the City of Appleton has released any rights to the lands with a quit claim deed recorded as Document Number 2122645 recorded on Dec 19th, 2017.
- All elevations shown are NVGD 29, per City Datum
- All maintenance of the Landscape, Storm Sewer and Drainage Easement are the responsibility of the Creekside Estates Home Owners association.

LEGEND

- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1/4" x 30" Steel Rebar @ 4.30lbs/LF SET
- All other corners
3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet
- () Recorded As



Creekside Estates

All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Emerald Valley Estates, LLC & Apple Tree Appleton Four, LLC, owner of said land, I have surveyed divided and mapped Creekside Estates; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 431,779 Square Feet (9.9128 Acres) of land more or less, described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the South line of the Northwest 1/4 of said Section 08, S88°59'32"E 1158.19 feet Southwest corner of Lot 273, First Addition to Applecreek Estates, thence, along the West line of said Lot 273, N50°02'12"E, 414.43 feet to the Northwest corner of said Lot 273; thence along the North line of said Lot 273, S88°29'02"E, 800.13 feet to the Northeast corner of said Lot 273; thence, along lands designated "Lands to be Dedicated the City for Park" N14°44'20"E, 791.42 feet; thence, continuing along said lands, N69°48'36"E 28.91 feet to a point on said West right of way line of Cherryvale Avenue; thence, along said West right of way line, 702.64 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 689.17 feet which bears S00°52'46"E; thence, continuing along said West right of way line, S18°29'09"W, 150.66 feet; thence, continuing along said West right of way line, 216.36 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 216.01 feet which bears S12°52'39"W to said South line of the Northwest 1/4; thence along said Southline N88°59'32"W 1260.84 feet the point of beginning, subject to all easements, and restrictions of record.

Given under my hand this ____ day of _____, 20____.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Apple Tree Appleton Four, LLC, Grantor, to:
Emerald Valley Estates, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee,
and
Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Apple Tree Appleton Four, LLC.

Managing Member Date

print name

Title

Emerald Valley Estates, LLC

Managing Member Date

print name

Title

Owner's Certificate

Apple Tree Appleton Four, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Apple Tree Appleton Four, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton
Department of Administration

Dated this ____ day of _____, 20____.

In the presence of: Apple Tree Appleton Four, LLC

By _____

print name _____

Title _____

State of Wisconsin)

_____)County) ss

Personally came before me this ____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

_____)My Commission Expires _____
Notary Public, Wisconsin

Watermain Easement Provisions

An easement for Watermain is hereby granted by:

Apple Tree Appleton Four, LLC, Grantor, to:
Emerald Valley Estates, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

The Grantor, their respective lessees, successors, heirs or assigns, shall have full use and enjoyment of the property referenced above provided that such use does not interfere with Grantee's right to install, replace, operate, maintain and repair said watermain and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said watermain and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain and associated appurtenances, that occur outside of the above described easement area. Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "watermain easement" Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Apple Tree Appleton Four, LLC.

Managing Member Date

print name

Title

Emerald Valley Estates, LLC

Managing Member Date

print name

Title

Owner's Certificate

Emerald Valley Estates, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Emerald Valley Estates, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton
Department of Administration

Dated this ____ day of _____, 20____.

In the presence of: Emerald Valley Estates, LLC

By _____

print name _____

Title _____

State of Wisconsin)

_____)County) ss

Personally came before me this ____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

_____)My Commission Expires _____
Notary Public, Wisconsin

City of Appleton Approval

Resolved, that the plat of Creekside Estates, in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC & Apple Tree Appleton Four, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

_____)Mayor Date

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

_____)Clerk Date

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

_____)City Treasurer Date

_____)County Treasurer Date

This Final Plat is contained wholly within the property described in the following recorded instruments:

the property owner of record:	Recording Information:	Parcel Number(s):
Apple Tree Appleton Four, LLC	Doc No. _____	Part 31-1-7512-73 & All of 31-1-7509-03
Emerald Valley Estates, LLC	Doc No. 2092715	Part 31-1-7512-73

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



File: 5220Final.dwg
Date: 12/22/2017
Drafted By: Jim
Sheet: 2 of 2
Revision Date: Dec 22, 2017



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**
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www.davel.pro



"...meeting community needs...enhancing quality of life."

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-5572 FAX (920) 993-3103
Email - dean.gazza@appleton.org

To: Parks and Recreation Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: January 22, 2018

Re: Action Item: Request Approval of the Updated Athletic Facilities – Rental and Fee Schedule Policy

Please find attached an updated Athletic Facilities – Rental and Fee Schedule Policy. This policy was first issued in 2008 and last updated in 2014.

The Parks, Recreation and Facilities Management Department has reviewed the policy and is recommending the following changes:

- Restrictions on the use of motorized vehicles such as UTV's and ATV's to be used only in designated areas. This has been added to prevent damage to property or persons.
- Restricting the use of diamond dry or drying agent materials. This has been added to prevent a myriad of products such as these to our fields without our knowledge or consent. Extensive use of these products can damage the fields and create extensive preparation work.
- Modify requirement for all outside clubs or organizations to pay for ball diamond usage. Currently, Little League is the only youth organization that does not pay for ball diamond usage. It is the intent of this policy to address requests for occasional use of the ball diamonds and to equitably administer the scheduling and use of the athletic fields. For organizations requesting usage of fields for an entire season, such as Little League, we would enter into a separate multi-year agreement at a negotiated fee. Currently, this is done with Panther Baseball at Memorial Park. It is important to note that other youth organizations in the community have to secure their own facilities including Appleton Soccer Club, Appleton Area Hockey Association, Pop Warner Football, Appleton East Jr. Patriots, Panthers (Youth) Baseball, etc. We are unable to justify why there is no charge for one group and a charge for another. Therefore, we are recommending this change to ensure all groups have equal opportunity for field usage and fees are administered equitably. Understanding that this would be a change for Little League we would ask that this policy not be effective until 1/1/2019 and would give Little League the first opportunity to enter into an agreement.
- Minor increases in rental fees.
- Language updates to make the policy easier to interpret and understand.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.

CITY OF APPLETON POLICY		TITLE: ATHLETIC FACILITIES - RENTAL AND FEE SCHEDULE POLICY
ISSUE DATE: June 18, 2008	LAST UPDATE: June 18, 2008 October 22, 2014	TEXT NAME SECTION: Parks, Recreation and Facilities Management
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 79 6
Reviewed by Attorney's Office Date: January 8, 2018	Parks and Recreation Committee Approval Date: October 22, 2014	Council Approval Date: November 5, 2014

I. Purpose:

The purpose of this policy is to ~~provide a policy~~ establish uniform standards for ~~to authorize~~ the Parks, Recreation and Facilities Management Department to equitably administer the scheduling and use of City of Appleton athletic facilities by the Parks, Recreation and Facilities Management Department- and other community groups, organizations and individuals. [This document also establishes a policy for ~~and also~~ administering](#) rules and regulations, policies, fees and charges for tournaments, community events and/or personal use. [This excludes separate agreements with clubs and organizations with consistent ongoing usage.](#)

II. Policy:

This policy authorizes the Parks, Recreation and Facilities Management Department to effectively schedule and manage City of Appleton outdoor athletic facilities, including ball diamonds, ~~tennis~~ courts and [multi-purpose fields](#) ~~soccer/rugby fields~~ in City parks. This policy also authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of athletic facilities within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively schedule, manage, protect facilities, and promote the wise use of the athletic facilities, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designee to:

- Designate those athletic facilities available for use by the community.
- Designate the types of activities allowed on the athletic facilities, including practices, games, matches, special events, etc.
- Schedule the athletic facilities to allow for the effective use and maintenance of all athletic facilities without compromising the integrity of the facilities.
- Limit and/or close athletic facilities for renovations, upgrades, other events/activities that may impact the facilities.
- Determine “normal and ordinary use guidelines” for athletic facilities consistent with established standards to manage the facilities for continued and consistent community use. “Normal and ordinary use guidelines” may impact scheduling and availability of athletic facilities.
- Cancel and/or relocate any reservation that [potentially has the potential to](#) threatens the integrity of the park and/or facility due to: [misrepresentation of information on the Facility](#)

Reservation Agreement, conditions of the facility or grounds that would potentially create an unsafe situation, and/or if ~~continued~~ use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility.

- Limit the number of weekend reservations for facilities for anyone or any group, organization or individuals that would dominate the use of a facility and/or restrict equal opportunities to reserve facilities by members of the public at large.
- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the facility so as to endanger public health and safety or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require insurance coverage with limits established by the City Risk Manager for activities or events that are beyond the scope of the “normal and ordinary use guidelines” established by the Parks, Recreation and Facilities Management Department.
- Require a security deposit and/or performance bond for activities or events that may impact the integrity of the facilities and require significant repairs to the facilities that would limit the future use of the facilities.

III. Definitions:

- **Athletic Facilities** – Ball diamonds, ~~soccer fields~~ multi-purpose fields, tennis courts, pickleball courts, basketball courts and other open space identified by the City of Appleton that are available for reservation.
- **Athletic Facility Preparation** – Necessary maintenance of athletic facilities for games and organized play. Maintenance may include, but is not limited to dragging and lining of ball diamonds, lining of soccer fields, watering infields, etc.
- ~~**Baseball Diamond** – Ball diamond with 90’ bases, 60’ pitching distance and 300’ outfield fences and designed for baseball.~~
- **Category A** – Local non-profit organizations that provide recreational services to the Appleton and Fox Cities community.
- **Category B** – For-profit or private groups and organizations.
- **Concession/Sales/Exchange of Money** - The sale of food, beverage and other associated products or the exchange of money at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Late Reservation** - Request for a reservation of city park facility and/or special area that is received less than five (5) business days before the reservation date.
- **Normal and Ordinary Use Guidelines of City of Appleton Parks** - Is defined by guidelines established and published by the Parks, Recreation and Facilities Management Department.
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- ~~**Session** – A designated period of time that is used to determine the rental fee for the ball diamonds at Appleton Memorial Park.~~
- **Special Event** - An event or activity that meets the City of Appleton’s requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.
- ~~**Softball Diamond** – Ball diamond with 60-65’ bases, 40-46’ pitching distances and 275’ outfield fences designed for adult softball and youth baseball/softball.~~
- **Tournament** – Athletic event such as baseball, softball, kickball, etc. that involves the rental of 24 or more ball diamonds at Appleton Memorial Park ~~for 2 or more sessions that~~ and includes multiple teams and games.

- ~~Youth Diamond~~ Ball diamond with 60-65' bases, 40-46' pitching distances and 200' outfield fences designed for youth baseball/softball.

IV. Use of Athletic Facilities:

The use of athletic facilities managed/maintained by the Parks, Recreation and Facilities Management Department is available to individuals, groups and organizations for exclusive use for practice, league play, and tournaments. The following shall direct the use of athletic facilities:

- All park ordinances shall apply to use of athletic facilities.
- Any additions or modifications to the athletic facilities shall be approved in writing by the Parks, Recreation and Facilities Management Director or designee.
- Individuals, groups and organizations must obtain a permit from the Parks, Recreation and Facilities Management Director or designee for exclusive use of any athletic facility.
- The display of any advertising, signs, etc. during exclusive use must be approved by the Parks, Recreation and Facilities Management Director or designee.
- Access to the athletic facilities will be limited to the times listed on the Facility Reservation Agreement form.
- The overnight storage of equipment, supplies, vehicles, etc. is prohibited unless approved by the Parks, Recreation and Facilities Management Director or designee.
- No games shall begin before 7:00 A.M. or end after 11:00 P.M. unless approved by the Parks and Recreation Committee.
- ~~The Parks, Recreation and Facilities Management Director or designee reserves the right to cancel and/or relocate any reservation if it threatens the integrity of the park and/or athletic facilities due to misrepresentation of information on the reservation request, unsafe facility conditions or weather conditions, or if continued use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility.~~
- The use of diamond dry or drying agent materials is prohibited on any athletic facility.
- The use of motorized vehicles (including Utility Task Vehicles [UTVs] and All-Terrain Vehicles [ATVs]) shall be subject to the following regulations:
 - Motorized vehicles. Operation of a motorized vehicle, UTV, or ATV in an area other than a park road or designated parking area, including trails, is prohibited except unless written permission from the Department Director or his/ her designee. The speed of motor driven vehicles or devices
 - The speed of a motorized vehicle shall be limited to ten (10) miles per hour.
 - No motorized vehicle, UTV or ATV shall be used to perform any field maintenance.
 - Anyone driving a motorized vehicle must possess a valid driver's license and be at least 18 years of age or older.
 - □ If it is anticipated that a motorized vehicle will be used, the tournament organizer shall provide a certificate of insurance for the vehicle with the City named as an additional insured.

V. Scheduling Priorities

The Parks, Recreation and Facilities Management Department will schedule athletic facilities according to the following priorities:

- All Parks, Recreation and Facilities Management Department programs (games, scheduled practices, matches, camps, instructional programs, etc.) will be the first programs scheduled at

athletic facilities. (i.e., youth ball diamonds in city parks will be scheduled for Parks, Recreation and Facilities Management Department programs before any other programs are scheduled).

- Appleton Area School District (AASD) ~~programs/~~athletic events will be the second programs scheduled at athletic facilities after all Parks, Recreation and Facilities Management Department programs have been scheduled. ~~(i.e., the use of the softball diamonds)~~ The use of softball diamonds at Linwood Park for AASD high school girls' softball games will be scheduled after all Parks, Recreation and Facilities Management Department youth baseball/softball games have been scheduled. AASD ~~programs/~~athletic events shall include games, matches, etc. that are associated with the respective school's participation in a conference or league.
- ~~Programs sponsored by Appleton Little League will be scheduled at athletic facilities after all Parks, Recreation and Facilities Management Department and AASD programs have been scheduled. The scheduling of programs by Appleton Little League will be limited to their "league" or "regular season" play. Athletic facility requests for tournaments, special events, etc. will be reserved according to this policy.~~
- ~~Programs sponsored by parochial middle and high schools in Appleton will be scheduled after all Parks, Recreation and Facilities Management Department, AASD, and Appleton Little League programs. The scheduling of programs by parochial middle and high schools in Appleton will be limited to their "league" or "regular season" play. Athletic facility requests for tournaments, special events, etc. will be reserved according to this policy.~~
- The scheduling of games/matches will take precedence over any practices scheduled.
- Any other requests for use of athletic facilities will be reserved according to this policy.
- The Parks, Recreation and Facilities Management Department will not schedule practice times for any private and/or not-for-profit organizations.

VI. Reservations:

The reservation of athletic facilities for use by the Parks, Recreation and Facilities Management Department, Appleton Area School District, and other groups and/or organizations shall follow this policy.

~~The reservation of athletic facilities shall be directed by the following policies and procedures:~~

- Reservations by the AASD or any other group priorities does not include preparation of infields for play. Reservations for weekday play made by the general public or private organizations will include preparation of infields for play as long as an approved facility reservation form has been submitted along with required fees. Infield preparations for reservations on the weekends for the general public or private organizations will be charged the ~~going~~established rate for weekend pay for Appleton Parks, Recreation & Facilities Management employees.
- All groups, individuals, and organizations reserving athletic facilities will be charged in accordance with the established rate schedule on file with the Parks, Recreation and Facilities Management Department and/or City Clerk. Reservations that meet certain criteria will be required to obtain a Special Events License.
- All reservations for the ball diamonds at Appleton Memorial Park that qualify as a "tournament" shall submit the necessary deposit with the reservation request. Full payment of the reservation fee shall be included with all other athletic facilities reservation requests. Reservations are not valid until a "Facility Reservation Agreement" form has been signed by all parties and the required deposits/payments have been made.

- Organizations/groups that have reserved athletic facilities at Appleton Memorial Park for ~~tournaments~~ ~~special events~~ shall have thirty (30) days after the date of the ~~special event~~ ~~tournament~~ to reserve the athletic facilities for the same weekend and/or date for the following year. After thirty (30) days, the Parks, Recreation and Facilities Management Department will make the athletic facilities available to other interested parties. The reservation may be cancelled if the appropriate facility rental fees are not paid within 30 days of receipt of invoice.
- The athletic facilities at Appleton Memorial Park will be held open for tournaments only for a period of 6 months to one year prior to the proposed date. The athletic facilities at Appleton Memorial Park will be available for all events, including non-tournament events on a first-come, first-served basis beginning 6 months ~~before~~ ~~prior to~~ the proposed date.
- All other reservations for athletic facilities are on a first-come, first-served basis and may be made no more than one (1) year in advance. Reservations for state, regional and/or national tournaments and/or events that must be scheduled more than one (1) year in advance may submit a written request to the Parks and Recreation Committee for approval.
- All applications for facility reservations must be made at least five (5) business days in advance of the reservation date. Applications not made before this time period will be charged an additional \$20.00 for each reservation.
- Groups and/or organizations may be required to reserve pavilions and/or special areas if the Parks, Recreation and Facilities Management Department determines the event or activity warrants the additional reservations to minimize impact on other facility users or enhance the event.
- Tournaments scheduled at Appleton Memorial Park ball diamonds will require a deposit of \$50.00 per ball diamond, per day. The remainder of the fees will be invoiced after the event and will be based on actual use of the facility, concession operations, use of supplies, ~~/services, /staff, and /equipment~~ usage not included in the fees listed ~~on the following pages, etc. within the A-thletic Facilities - Fees & Charges section of this policy~~
- Additional fees may be charged for additional cleaning to facility and grounds, repair of facility / grounds, and/ or excessive damage to equipment and/or City of Appleton property.
- This policy shall become effective ~~January 1, 2016~~, January 1, 2018 -and shall remain in effect until it is modified, changed, and/or repealed.

VII. Cancellation/Refunds:

A full refund of the deposit/rental fee will be made if the reservation for the athletic facility is cancelled more ~~that~~ than 90 days in advance of the event. A full refund of the deposit/rental fee for the cancellation of an athletic facility less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. Refunds are subject to a \$10.00 processing fee.

A full refund of the rental fee will be made if the reservation is cancelled by the Parks, Recreation and Facilities Management Department due to park closings, construction activities, etc. These refunds are not subject to the \$10.00 processing fee.

A refund of 50% of the deposit for reservation of the Appleton Memorial Park Ball Diamond Complex for tournaments will be issued if the entire tournament is cancelled due to weather.

~~R~~N~~o~~ refunds will not be issued for any individual athletic facility reserved on an hourly basis that is not used ~~for any reason.~~ (~~regardless of the reason (to include: w~~Weather, cancellation of game, etc.)

VIII. Athletic Facilities:

The following athletic facilities are available for reservation:

- Ball Diamonds
 - ☐ Appleton Memorial Park (AMP) – 7 diamonds. (The Miracle League Field is covered by a separate policy.)
 - ☐ Einstein Park – 1 youth ball diamond
 - ☐ Hoover Park – 1 youth ball diamond and 1 pony league baseball diamond
 - ☐ Jaycee Park – 1 youth ball diamond
 - ☐ Kiwanis Park – 1 youth ball diamond
 - ☐ Linwood Park – 1 youth ball diamond
 - ☐ Lions Park – 1 youth ball diamond
 - ☐ Telulah Park – 1 youth ball diamond
 - ☐ Woodland Park – 1 youth ball diamond
- ~~Football Fields – September through October Only.~~
 - ☐ ~~Appleton Memorial Park – (outfields of softball diamonds) Number of fields available is dependent on fall softball/baseball program use, field conditions, maintenance schedules, etc.~~
- Basketball Courts
 - ☐ Colony Oaks Park – 1 court
 - ☐ Erb Park – 1 court
 - ☐ Highview Park – 1 court
 - ☐ Jaycee Park – 1 court
 - ☐ Kiwanis Park – 1 court
 - ☐ Linwood Park – 1 court
 - ☐ Peabody Park – 1 court
 - ☐ Pierce Park – 1 court
 - ☐ Schaefer Park – 1 court
 - ☐ Summit Park – 1 court
- ~~Soccer Fields~~Multi-Purpose Fields
 - ☐ ~~Telulah Park – 1 field~~
 - ☐ ~~_____~~
 - ☐ ~~Hoover Park – 1 field~~
 - ☐ ~~_____~~
- Tennis Cecourts
 - ☐ Einstein Park – 2 courts
 - ☐ Erb Park – 42 courts
 - ☐ Pierce Park – 3 courts
 - ☐ Linwood Park – 2 courts
 - ☐ Summit Park – 2 courts
 - ☐ Green Meadows Park – 2 courts
 - ☐ Colony Oaks Park – 1 court
 - ☐ Highview Park – 1 court

- Pickleball Courts
 - Einstein Park – 2 courts
 - Summit Park – 2 courts
 - Green Meadows Park – 2 courts
 - Linwood Park – 2 courts
 - Highview Park – 1 court

IX. Fees and Charges

The Appleton Parks, Recreation and Facilities Management Department will maintain the athletic facilities on a regular basis. These maintenance activities are provided by the Parks, Recreation and Facilities Management Department Operations Division, Monday through Friday from 6:30 A.M. to ~~3:00~~ 2:30 P.M. and include the following:

- Ball Diamonds – Turf management, routine infield care, ~~striping foul lines in outfield~~, providing bases, general cleaning of the site, and maintenance of fencing, bleachers, benches, etc.
- Soccer Fields – Turf management and maintenance of any fencing, bleachers, goals, and benches.
- Tennis / Pickleball Courts – Maintenance of fencing, nets, surfacing, lines, signage, etc.
- Basketball Courts – Maintenance of fencing, nets, surfacing, lines, backboards and rims, signage, etc.

The Appleton Parks, Recreation and Facilities Management Department will administer the following fees and charges for the AASD, Appleton Little League, and ~~the parochial middle and high schools in Appleton~~: all other users of athletic facilities:

- The AASD will not be charged a fee for use of the Parks, Recreation and Facilities Management Department athletic facilities for their regular season program. The AASD will be invoiced for costs incurred by the Parks, Recreation and Facilities Management Department to provide any additional services that are not noted above. These additional services may include, but are not limited to, specific game preparation needs, weekend overtime ~~facility~~ supervisors, opening/closing of restroom facilities, etc.
- ~~Appleton Little League will not be charged a fee for use of the Parks, Recreation and Facilities Management Department athletic facilities for their regular season program. This organization will be invoiced for costs incurred by the Parks, Recreation and Facilities Management Department to provide any additional services that are not noted above. These additional services may include, but are not limited to, specific game preparation needs, weekend overtime facility supervisors, opening/closing of restroom facilities, etc.~~
- ~~The parochial middle and high schools in Appleton will not be charged a fee for use of the Parks, Recreation and Facilities Management Department athletic facilities for their regular season program. These schools will be invoiced for costs incurred by the Parks, Recreation and Facilities Management Department to provide any additional services that are not noted above.~~

Athletic Facilities - Fees & Charges

(Effective January 1, 2018)

Ball Diamond Tournament Rental Fees - Appleton Memorial Park (AMP) Only

A tournament shall be defined as a single event that requires 2 4 or more ball diamonds ~~and 3 or more sessions~~ at Appleton Memorial Park that includes multiple teams and games.

~~Individual Diamond Fee: (Tournament Fee)~~

~~Tournament Fees include: Facility Supervisor, Diamond rental, lights, field preparation before each session, Field preparation at the beginning of the day, scoreboards with remotes, P.A. system, 1 bag of chalk per diamond / per day, manual field drags, rakes, batter box form, field chalker.~~

<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
<u>Daily Fee - \$100 per diamond per day</u>	<u>Daily Fee - \$150 per diamond per day</u>
Session <u>\$50.00 per session</u>	Session <u>\$75.00 per session</u>
Daily..... <u>\$100.00 per day</u>	Daily <u>\$150.00 per day</u>

~~Sessions are defined as:~~

- ~~———— Morning Session — 7:00 AM — Noon~~
- ~~———— Afternoon Session — Noon — 5:00 PM~~
- ~~———— Evening Session — 5:00 PM to Close~~

~~A \$50.00 per field, per day deposit is required to reserve the ball diamonds at Appleton Memorial Park for a tournament. Patrons must complete the “Athletic Field Reservation Form” and submit with their deposit for the agreement to be approved.~~

Concession Stand Rental – Rental of concession stand(s) includes the following services: Garbage bags and minor cleaning supplies, toilet paper, paper towel, and one cleaning per day of restroom facilities. Concession stand #1 also includes the use of a chest freezer, soda cooler, and refrigerator.

~~Jones Building~~ Concession Stand #1 (Northeast concession stand in main building)- \$5.00 per hour or \$10050.00 per day.

~~West Restroom~~ Concession Stand #2 (West restroom concession stand)- \$5.00 per hour or \$50.00 per day.

Ball Diamond Rental Fees (non-tournament)

	<u>Category A (for-Profit)</u>	<u>Category B (for-profit)</u>
Ball Diamond Rental Fee	<u>\$2015.00 per hour</u>	<u>\$250.00 per hour</u>
AMP - Ball Diamond Lights	<u>\$150.00 per hour</u>	<u>\$2015.00 per hour</u>
AMP Jones Bldg. Concession	<u>\$5.00 per hour</u>	<u>\$10.00 per hour</u>
AMP West Restroom Concession	<u>\$5.00 per hour</u>	<u>\$10.00 per hour</u>
AMP Facility Supervisor	<u>\$10.00 per hour</u>	<u>\$15.00 per hour</u>

Ball Diamond Preparation Fees (other than tournament rental)

Weekday preparation without overtime.....No fee with paid reservation

Preparation beyond regular hours, Saturdays, Sundays

and Holidays for general public and private organizations.....Actual cost

~~All ball diamond rentals include 2 bags of chalk and 2 bags of drying agent. Additional chalk or drying agent will be charged at \$10.00 per bag.~~

Soccer Fields, Multi-Purpose Fields, Football Fields/ Tennis Courts, Basketball Courts, Pickleball Courts

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Soccer /Football Field		
Multi- Purpose Fields	\$25.00 per hour /	\$35.00 per hour
	\$250.00 per day	\$300.00 per day
	\$25.00 per hour	\$35.00 per hour
	\$250.00 per day	\$300.00 per day
Tennis, , Courts	\$5.00 per hour, per court	\$10.00 per hour, per court
Courts	\$50.00 per day, per court	\$75.00 per day, per court

Other permits that must be obtained at the Parks and Recreation Customer Service Area on the first floor of City Hall at least 5 working days prior to the event:

Tents over 200 square feet~~---~~\$15.00 per tent, per day

Fire Department inspection of the tent\$25.00 per tent

Selling or serving concessions\$20.00 per ~~day~~event

Utility locates.....\$50.00 per event

CITY OF APPLETON POLICY		TITLE: ATHLETIC FACILITIES - RENTAL AND FEE SCHEDULE POLICY
ISSUE DATE: June 18, 2008	LAST UPDATE: June 18, 2008 October 22, 2014	SECTION: Parks, Recreation and Facilities Management
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 7
Reviewed by Attorney's Office Date:	Parks and Recreation Committee Approval Date: October 22, 2014	Council Approval Date: November 5, 2014

I. Purpose:

The purpose of this policy is to establish uniform standards for the Parks, Recreation and Facilities Management Department to equitably administer the scheduling and use of City of Appleton athletic facilities by the Parks, Recreation and Facilities Management Department and other community groups, organizations and individuals. This document also establishes a policy for administering rules and regulations, policies, fees and charges for tournaments, community events and/or personal use. This excludes separate agreements with clubs and organizations with consistent ongoing usage.

II. Policy:

This policy authorizes the Parks, Recreation and Facilities Management Department to effectively schedule and manage City of Appleton outdoor athletic facilities, including ball diamonds, courts and multi-purpose fields in City parks. This policy also authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of athletic facilities within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively schedule, manage, protect facilities, and promote the wise use of the athletic facilities, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designee to:

- Designate those athletic facilities available for use by the community.
- Designate the types of activities allowed on the athletic facilities, including practices, games, matches, special events, etc.
- Schedule the athletic facilities to allow for the effective use and maintenance of all athletic facilities without compromising the integrity of the facilities.
- Limit and/or close athletic facilities for renovations, upgrades, other events/activities that may impact the facilities.
- Determine "normal and ordinary use guidelines" for athletic facilities consistent with established standards to manage the facilities for continued and consistent community use. "Normal and ordinary use guidelines" may impact scheduling and availability of athletic facilities.
- Cancel and/or relocate any reservation that has the potential to threaten the integrity of the park and/or facility due to: misrepresentation of information on the Facility Reservation Agreement, conditions of the facility or grounds that would potentially create an unsafe situation, and/or if use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility. Limit the number of weekend

reservations for facilities for anyone or any group, organization or individuals that would dominate the use of a facility and/or restrict equal opportunities to reserve facilities by members of the public at large.

- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the facility so as to endanger public health and safety or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require insurance coverage with limits established by the City Risk Manager for activities or events that are beyond the scope of the “normal and ordinary use guidelines” established by the Parks, Recreation and Facilities Management Department.
- Require a security deposit and/or performance bond for activities or events that may impact the integrity of the facilities and require significant repairs to the facilities that would limit the future use of the facilities.

III. Definitions:

- **Athletic Facilities** – Ball diamonds, multi-purpose fields, tennis courts, pickleball courts, basketball courts and other open space identified by the City of Appleton that are available for reservation.
- **Athletic Facility Preparation** – Necessary maintenance of athletic facilities for games and organized play. Maintenance may include, but is not limited to dragging and lining of ball diamonds, lining of soccer fields, watering infields, etc.
- **Category A** – Local non-profit organizations that provide recreational services to the Appleton and Fox Cities community.
- **Category B** – For-profit or private groups and organizations.
- **Concession/Sales/Exchange of Money** - The sale of food, beverage and other associated products or the exchange of money at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Late Reservation** - Request for a reservation of city park facility and/or special area that is received less than five (5) business days before the reservation date.
- **Normal and Ordinary Use Guidelines of City of Appleton Parks** - Is defined by guidelines established and published by the Parks, Recreation and Facilities Management Department.
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Special Event** - An event or activity that meets the City of Appleton’s requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.
- **Tournament** – Athletic event such as baseball, softball, kickball, etc. that involves the rental of 2 or more ball diamonds at Appleton Memorial Park that includes multiple teams and games.

IV. Use of Athletic Facilities:

The use of athletic facilities managed/maintained by the Parks, Recreation and Facilities Management Department is available to individuals, groups and organizations for exclusive use for practice, league play, and tournaments. The following shall direct the use of athletic facilities:

- All park ordinances shall apply to use of athletic facilities.

- Any additions or modifications to the athletic facilities shall be approved in writing by the Parks, Recreation and Facilities Management Director or designee.
- Individuals, groups and organizations must obtain a permit from the Parks, Recreation and Facilities Management Director or designee for exclusive use of any athletic facility.
- The display of any advertising, signs, etc. during exclusive use must be approved by the Parks, Recreation and Facilities Management Director or designee.
- Access to the athletic facilities will be limited to the times listed on the Facility Reservation Agreement form.
- The overnight storage of equipment, supplies, vehicles, etc. is prohibited unless approved by the Parks, Recreation and Facilities Management Director or designee.
- No games shall begin before 7:00 A.M. or end after 11:00 P.M. unless approved by the Parks and Recreation Committee.
- The use of diamond dry or drying agent materials is prohibited on any athletic facility.
- The use of motorized vehicles (including Utility Task Vehicles [UTVs] and All-Terrain Vehicles [ATVs]) shall be subject to the following regulations:
 - ❑ Operation of a motorized vehicle in an area other than a park road or designated parking area, including trails, is prohibited unless written permission is granted by the Department Director or his/ her designee.
 - ❑ The speed of a motorized vehicle shall be limited to ten (10) miles per hour.
 - ❑ No motorized vehicle shall be used to perform any field maintenance.
 - ❑ Anyone driving a motorized vehicle must possess a valid driver's license and be at least 18 years of age or older.
 - ❑ If it is anticipated that a motorized vehicle will be used, the tournament organizer shall provide a certificate of insurance for the vehicle with the City named as an additional insured.

V. Scheduling Priorities

The Parks, Recreation and Facilities Management Department will schedule athletic facilities according to the following priorities:

- All Parks, Recreation and Facilities Management Department programs (games, scheduled practices, matches, camps, instructional programs, etc.) will be the first programs scheduled at athletic facilities. (i.e., youth ball diamonds in city parks will be scheduled for Parks, Recreation and Facilities Management Department programs before any other programs are scheduled).
- Appleton Area School District (AASD) athletic events will be the second programs scheduled at athletic facilities after all Parks, Recreation and Facilities Management Department programs have been scheduled. The use of softball diamonds at Linwood Park for AASD high school girls' softball games will be scheduled after all Parks, Recreation and Facilities Management Department youth baseball/softball games have been scheduled. AASD athletic events shall include games, matches, etc. that are associated with the respective school's participation in a conference or league.
- The scheduling of games/matches will take precedence over any practices scheduled.
- Any other requests for use of athletic facilities will be reserved according to this policy.
- The Parks, Recreation and Facilities Management Department will not schedule practice times for any private and/or not-for-profit organizations.

VI. Reservations:

The reservation of athletic facilities for use by the Parks, Recreation and Facilities Management Department, Appleton Area School District, and other groups and/or organizations shall follow this policy.

- Reservations by the AASD or any other group priorities does not include preparation of infields for play. Reservations for weekday play made by the general public or private organizations will include preparation of infields for play as long as an approved facility reservation form has been submitted along with required fees. Infield preparations for reservations on the weekends for the general public or private organizations will be charged the established rate for weekend pay for Appleton Parks, Recreation & Facilities Management employees.
- All groups, individuals, and organizations reserving athletic facilities will be charged in accordance with the established rate schedule on file with the Parks, Recreation and Facilities Management Department and/or City Clerk. Reservations that meet certain criteria will be required to obtain a Special Events License.
- All reservations for the ball diamonds at Appleton Memorial Park that qualify as a “tournament” shall submit the necessary deposit with the reservation request. Full payment of the reservation fee shall be included with all other athletic facilities reservation requests. Reservations are not valid until a “Facility Reservation Agreement” form has been signed by all parties and the required deposits/payments have been made.
- Organizations/groups that have reserved athletic facilities at Appleton Memorial Park for tournaments shall have thirty (30) days after the date of the tournament to reserve the athletic facilities for the same weekend and/or date for the following year. After thirty (30) days, the Parks, Recreation and Facilities Management Department will make the athletic facilities available to other interested parties. The reservation may be cancelled if the appropriate facility rental fees are not paid within 30 days of receipt of invoice.
- The athletic facilities at Appleton Memorial Park will be held open for tournaments only for a period of 6 months to one year prior to the proposed date. The athletic facilities at Appleton Memorial Park will be available for all events, including non-tournament events on a first-come, first-served basis beginning 6 months prior to the proposed date.
- All other reservations for athletic facilities are on a first-come, first-served basis and may be made no more than one (1) year in advance. Reservations for state, regional and/or national tournaments and/or events that must be scheduled more than one (1) year in advance may submit a written request to the Parks and Recreation Committee for approval.
- All applications for facility reservations must be made at least five (5) business days in advance of the reservation date. Applications not made before this time period will be charged an additional \$20.00 for each reservation.
- Groups and/or organizations may be required to reserve pavilions and/or special areas if the Parks, Recreation and Facilities Management Department determines the event or activity warrants the additional reservations to minimize impact on other facility users or enhance the event.
- Tournaments scheduled at Appleton Memorial Park ball diamonds will require a deposit of \$50.00 per ball diamond, per day. The remainder of the fees will be invoiced after the event and will be based on actual use of the facility, concession operations, use of supplies, services, staff, and equipment usage not included in the fees listed within the Athletic Facilities - Fees & Charges section of this policy
- Additional fees may be charged for additional cleaning to facility and grounds, repair of facility / grounds, and/ or excessive damage to equipment and/or City of Appleton property.
- This policy shall become effective January 1, 2018 and shall remain in effect until it is modified, changed, and/or repealed.

VII. Cancellation/Refunds:

A full refund of the deposit/rental fee will be made if the reservation for the athletic facility is cancelled more than 90 days in advance of the event. A full refund of the deposit/rental fee for the cancellation of an athletic facility less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. Refunds are subject to a \$10.00 processing fee.

A full refund of the rental fee will be made if the reservation is cancelled by the Parks, Recreation and Facilities Management Department due to park closings, construction activities, etc. These refunds are not subject to the \$10.00 processing fee.

A refund of 50% of the deposit for reservation of the Appleton Memorial Park Ball Diamond Complex for tournaments will be issued if the entire tournament is cancelled due to weather.

Refunds will not be issued for any individual athletic facility reserved on an hourly basis that is not used – regardless of the reason (to include: weather, cancellation of game, etc.).

VIII. Athletic Facilities:

The following athletic facilities are available for reservation:

- Ball Diamonds
 - ❑ Appleton Memorial Park (AMP) – 7 diamonds. (The Miracle League Field is covered by a separate policy.)
 - ❑ Einstein Park – 1 youth ball diamond
 - ❑ Hoover Park – 1 youth ball diamond and 1 pony league baseball diamond
 - ❑ Jaycee Park – 1 youth ball diamond
 - ❑ Kiwanis Park – 1 youth ball diamond
 - ❑ Linwood Park – 1 youth ball diamond
 - ❑ Lions Park – 1 youth ball diamond
 - ❑ Telulah Park – 1 youth ball diamond
 - ❑ Woodland Park – 1 youth ball diamond
- Basketball Courts
 - ❑ Colony Oaks Park – 1 court
 - ❑ Erb Park – 1 court
 - ❑ Highview Park – 1 court
 - ❑ Jaycee Park – 1 court
 - ❑ Kiwanis Park – 1 court
 - ❑ Linwood Park – 1 court
 - ❑ Peabody Park – 1 court
 - ❑ Pierce Park – 1 court
 - ❑ Schaefer Park – 1 court
 - ❑ Summit Park – 1 court
- Multi-Purpose Fields
 - ❑ Telulah Park – 1 field

- ❑ Hoover Park – 1 field
- Tennis Courts
 - ❑ Einstein Park – 2 courts
 - ❑ Erb Park – 4 courts
 - ❑ Pierce Park – 3 courts
 - ❑ Linwood Park – 2 courts
 - ❑ Summit Park – 2 courts
 - ❑ Green Meadows Park – 2 courts
 - ❑ Colony Oaks Park – 1 court
 - ❑ Highview Park – 1 court
- Pickleball Courts
 - ❑ Einstein Park – 2 courts
 - ❑ Summit Park – 2 courts
 - ❑ Green Meadows Park – 2 courts
 - ❑ Linwood Park – 2 courts
 - ❑ Highview Park – 1 court

IX. Fees and Charges

The Appleton Parks, Recreation and Facilities Management Department will maintain the athletic facilities on a regular basis. These maintenance activities are provided by the Parks, Recreation and Facilities Management Department Operations Division, Monday through Friday from 6:30 A.M. to 2:30 P.M. and include the following:

- Ball Diamonds – Turf management, routine infield care, providing bases, general cleaning of the site, and maintenance of fencing, bleachers, benches, etc.
- Soccer Fields – Turf management and maintenance of any fencing, bleachers, goals, and benches.
- Tennis / Pickleball Courts – Maintenance of fencing, nets, surfacing, lines, signage, etc.
- Basketball Courts – Maintenance of fencing, nets, surfacing, lines, backboards and rims, signage, etc.

The Appleton Parks, Recreation and Facilities Management Department will administer the following fees and charges for the AASD, Appleton Little League, and all other users of athletic facilities:

- The AASD will not be charged a fee for use of the Parks, Recreation and Facilities Management Department athletic facilities for their regular season program. The AASD will be invoiced for costs incurred by the Parks, Recreation and Facilities Management Department to provide any additional services that are not noted above. These additional services may include, but are not limited to, specific game preparation needs, weekend overtime, opening/closing of restroom facilities, etc.

Athletic Facilities - Fees & Charges

(Effective January 1, 2018)

Ball Diamond Tournament Rental Fees - Appleton Memorial Park (AMP) Only

A tournament shall be defined as a single event that requires 2 or more ball diamonds at Appleton Memorial Park that includes multiple teams and games.

Tournament fees include: Diamond rental, lights, field preparation at the beginning of the day, scoreboards with remotes, P.A. system, 1 bag of chalk per diamond / per day, manual field drags, rakes, batter box form, field chalk.

Category A (non-profit)

Daily Fee - \$100 per diamond per day

Category B (for-profit)

Daily Fee - \$150 per diamond per day

A \$50.00 per field, per day deposit is required to reserve the ball diamonds at Appleton Memorial Park for a tournament. Patrons must complete the "Athletic Field Reservation Form" and submit with their deposit for the agreement to be approved.

Concession Stand Rental – Rental of concession stand(s) includes the following services: Garbage bags and minor cleaning supplies, toilet paper, paper towel, and one cleaning per day of restroom facilities. Concession stand #1 also includes the use of a chest freezer, soda cooler, and refrigerator.

Concession Stand #1 (Northeast concession stand in main building) \$100.00 per day.

Concession Stand #2 (West restroom concession stand) \$50.00 per day.

Ball Diamond Rental Fees (non-tournament)

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Ball Diamond Rental Fee	\$20.00 per hour	\$25.00 per hour
AMP - Ball Diamond Lights	\$15.00 per hour	\$20.00 per hour

Ball Diamond Preparation Fees (other than tournament rental)

Weekday preparation without overtime.....No fee with paid reservation

Preparation beyond regular hours, Saturdays, Sundays

and Holidays for general public and private organizations.....Actual cost

Multi-Purpose Fields, Tennis Courts, Basketball Courts, Pickleball Courts

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Multi- Purpose Fields	\$25.00 per hour / \$250.00 per day	\$35.00 per hour \$300.00 per day
Courts	\$5.00 per hour, per court \$50.00 per day, per court	\$10.00 per hour, per court \$75.00 per day, per court

Other permits that must be obtained at the Parks and Recreation Customer Service Area on the first floor of City Hall at least 5 working days prior to the event:

Tents over 200 square feet\$15.00 per tent, per day

Fire Department inspection of the tent\$25.00 per tent

Selling or serving concessions	\$20.00 per day
Utility locates.....	\$50.00 per event

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: ☒ **Finance Committee**
☐ **Municipal Services Committee**
☐ **Utilities Committee**

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:

T-18 Telulah Avenue Sewer & Water Main Reconstruction No. 1

Be awarded to:

Name: Kruczek Construction, Inc.
Address: 3636 Kewaunee Road
Green Bay, WI 54311

In the amount of : 1,477,777.77

With a 5 % contingency of : \$73,888.88

For a project total not to exceed : \$1,551,666.65

**** OR ****

In an amount Not To Exceed :

Budget: \$1,946,575.00
Estimate: \$1,803,396.00
Committee Date: 01/22/18
Council Date: 02/07/18

TELULAH AVENUE SEWER & WATERMAIN RECONSTRUCT. NO.

BID TABULATION

Unit T-18

December 29, 2017

ITEM	DESCRIPTION	Quantity	Units	Kruczek Const.		Van Straten Const.		Dorner Inc.		PTS Contractors, Inc.		Donald Hietpas & Sons, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1.	Furnish & Install 12" Water Main	3,515	lin.ft.	\$70.00	\$246,050.00	\$70.00	\$246,050.00	\$82.00	\$288,230.00	\$70.00	\$246,050.00	\$77.00	\$270,655.00
2.	Furnish & Install 8" Water Main	100	lin.ft.	\$100.00	\$10,000.00	\$70.00	\$7,000.00	\$148.00	\$14,800.00	\$69.00	\$6,900.00	\$145.00	\$14,500.00
3.	Furnish & Install 6" Hydrant Lead	75	lin.ft.	\$75.00	\$5,625.00	\$70.00	\$5,250.00	\$55.00	\$4,125.00	\$79.00	\$5,925.00	\$75.00	\$5,625.00
4.	Furnish & Install Hydrant	8	ea.	\$3,730.00	\$29,840.00	\$4,000.00	\$32,000.00	\$3,344.00	\$26,752.00	\$3,392.00	\$27,136.00	\$3,400.00	\$27,200.00
5.	Furnish & Install 12" Gate Valve with Box	15	ea.	\$2,600.00	\$39,000.00	\$4,000.00	\$60,000.00	\$2,486.00	\$37,290.00	\$2,500.00	\$37,500.00	\$2,625.00	\$39,375.00
6.	Furnish & Install 8" Gate Valve with Box	3	ea.	\$1,535.00	\$4,605.00	\$3,500.00	\$10,500.00	\$1,516.00	\$4,548.00	\$1,542.00	\$4,626.00	\$1,450.00	\$4,350.00
7.	Furnish & Install 6" Gate Valve with Box	9	ea.	\$1,100.00	\$9,900.00	\$2,000.00	\$18,000.00	\$1,099.00	\$9,891.00	\$1,113.00	\$10,017.00	\$1,050.00	\$9,450.00
8.	Furnish & Install 12" Bend	25	ea.	\$650.00	\$16,250.00	\$400.00	\$10,000.00	\$418.00	\$10,450.00	\$430.00	\$10,750.00	\$525.00	\$13,125.00
9.	Furnish & Install 8" Bend	12	ea.	\$300.00	\$3,600.00	\$200.00	\$2,400.00	\$212.00	\$2,544.00	\$329.00	\$3,948.00	\$275.00	\$3,300.00
10.	Furnish & Install 1" Service	900	lin.ft.	\$60.00	\$54,000.00	\$50.00	\$45,000.00	\$34.00	\$30,600.00	\$74.00	\$66,600.00	\$58.00	\$52,200.00
11.	Furnish & Install 2" Service	20	lin.ft.	\$65.00	\$1,300.00	\$55.00	\$1,100.00	\$126.00	\$2,520.00	\$96.00	\$1,920.00	\$75.00	\$1,500.00
12.	Furnish & Install 11/2" Service	20	lin.ft.	\$65.00	\$1,300.00	\$55.00	\$1,100.00	\$99.00	\$1,980.00	\$86.00	\$1,720.00	\$70.00	\$1,400.00
13.	Service Connection	96	ea.	\$240.00	\$23,040.00	\$300.00	\$28,800.00	\$762.00	\$73,152.00	\$371.00	\$35,616.00	\$495.00	\$47,520.00
14.	Curb Box (Complete)	97	ea.	\$415.00	\$40,255.00	\$300.00	\$29,100.00	\$210.00	\$20,370.00	\$573.00	\$55,581.00	\$695.00	\$67,415.00
15.	Furnish & Install 12" Sanitary Sewer	3,440	lin.ft.	\$75.75	\$260,580.00	\$75.00	\$258,000.00	\$88.00	\$302,720.00	\$79.00	\$271,760.00	\$93.50	\$321,640.00
16.	Furnish & Install 8" Sanitary Sewer	85	lin.ft.	\$95.00	\$8,075.00	\$75.00	\$6,375.00	\$77.00	\$6,545.00	\$71.00	\$6,035.00	\$85.00	\$7,225.00
17.	Reconnect Sanitary Lateral	103	ea.	\$110.00	\$11,330.00	\$300.00	\$30,900.00	\$179.00	\$18,437.00	\$117.00	\$12,051.00	\$475.00	\$48,925.00
18.	Furnish & Install 4" - 8" Sanitary Lateral	3,125	lin.ft.	\$64.00	\$200,000.00	\$40.00	\$125,000.00	\$59.00	\$184,375.00	\$71.00	\$221,875.00	\$69.00	\$215,625.00
19.	Furnish & Install Sanitary Manhole	112	vert.ft.	\$185.00	\$20,720.00	\$300.00	\$33,600.00	\$251.00	\$28,112.00	\$228.00	\$25,536.00	\$260.00	\$29,120.00
20.	Furnish & Install Sanitary Manhole Casting	10	ea.	\$760.00	\$7,600.00	\$800.00	\$8,000.00	\$373.00	\$3,730.00	\$540.00	\$5,400.00	\$375.00	\$3,750.00
21.	Furnish & Install Flowable Fill	20	Cu. Yds.	\$80.00	\$1,600.00	\$50.00	\$1,000.00	\$55.00	\$1,100.00	\$110.00	\$2,200.00	\$93.00	\$1,860.00
22.	Furnish & Install 21" Storm Sewer (RCP Class III)	415	lin.ft.	\$62.50	\$25,937.50	\$70.00	\$29,050.00	\$64.00	\$26,560.00	\$67.00	\$27,805.00	\$75.50	\$31,332.50
23.	Furnish & Install 18" Storm Sewer	500	lin.ft.	\$57.00	\$28,500.00	\$68.00	\$34,000.00	\$58.00	\$29,000.00	\$60.00	\$30,000.00	\$65.00	\$32,500.00
24.	Furnish & Install 15" Storm Sewer	1,120	lin.ft.	\$63.00	\$70,560.00	\$65.00	\$72,800.00	\$53.00	\$59,360.00	\$55.00	\$61,600.00	\$66.00	\$73,920.00

TELULAH AVENUE SEWER & WATERMAIN RECONSTRUCT. NO.

BID TABULATION

Unit T-18
December 29, 2017

ITEM	DESCRIPTION	Quantity	Units	Kruczek Const.		Van Straten Const.		Dorner Inc.		PTS Contractors, Inc.		Donald Hietpas & Sons, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
25.	Furnish & Install 12" Storm Sewer	1,125	lin.ft.	\$57.00	\$64,125.00	\$55.00	\$61,875.00	\$56.00	\$63,000.00	\$51.00	\$57,375.00	\$62.50	\$70,312.50
26.	Furnish & Install 12" Storm Lateral	40	lin.ft.	\$57.50	\$2,300.00	\$55.00	\$2,200.00	\$55.00	\$2,200.00	\$58.00	\$2,320.00	\$55.00	\$2,200.00
27.	Furnish & Install 6" Storm Lateral	2,640	lin.ft.	\$39.00	\$102,960.00	\$39.00	\$102,960.00	\$33.00	\$87,120.00	\$39.00	\$102,960.00	\$44.00	\$116,160.00
28.	Furnish & Install 12" Inlet Lead	100	lin.ft.	\$54.00	\$5,400.00	\$50.00	\$5,000.00	\$44.00	\$4,400.00	\$51.00	\$5,100.00	\$67.00	\$6,700.00
29.	Furnish & Install 10" Inlet Lead	20	lin.ft.	\$79.00	\$1,580.00	\$50.00	\$1,000.00	\$43.00	\$860.00	\$68.00	\$1,360.00	\$65.00	\$1,300.00
30.	Reconnect Storm Lateral	60	ea.	\$111.00	\$6,660.00	\$300.00	\$18,000.00	\$55.00	\$3,300.00	\$71.00	\$4,260.00	\$290.00	\$17,400.00
31.	Furnish & Install Storm Manhole	65	vert.ft.	\$182.00	\$11,830.00	\$300.00	\$19,500.00	\$250.00	\$16,250.00	\$200.00	\$13,000.00	\$256.00	\$16,640.00
32.	Furnish & Install 5' Dia. Precast Storm Manhole	10	vert.ft.	\$255.00	\$2,550.00	\$500.00	\$5,000.00	\$342.00	\$3,420.00	\$317.00	\$3,170.00	\$350.00	\$3,500.00
33.	Furnish & Install Storm Manhole Casting	11	ea.	\$346.00	\$3,806.00	\$600.00	\$6,600.00	\$357.00	\$3,927.00	\$523.00	\$5,753.00	\$350.00	\$3,850.00
34.	Furnish & Install "E" Inlet w/Frame & Grate	2	ea.	\$1,655.00	\$3,310.00	\$1,700.00	\$3,400.00	\$1,540.00	\$3,080.00	\$1,411.00	\$2,822.00	\$1,600.00	\$3,200.00
35.	Furnish & Install "C" Inlet w/Frame & Grate	1	ea.	\$1,657.77	\$1,657.77	\$1,700.00	\$1,700.00	\$1,527.00	\$1,527.00	\$1,400.00	\$1,400.00	\$1,600.00	\$1,600.00
36.	Abandon Inlet and Lead	1	ea.	\$568.00	\$568.00	\$500.00	\$500.00	\$175.00	\$175.00	\$579.00	\$579.00	\$600.00	\$600.00
37.	Abandon Manhole	1	ea.	\$2,000.00	\$2,000.00	\$500.00	\$500.00	\$275.00	\$275.00	\$579.00	\$579.00	\$750.00	\$750.00
38.	Furnish & Paint Pavement Marking (Yellow Paint) (4")	3630	lin.ft.	\$0.40	\$1,452.00	\$0.40	\$1,452.00	\$0.66	\$2,395.80	\$0.66	\$2,395.80	\$0.39	\$1,415.70
39.	Furnish & Paint Pavement Marking Channelizing (8")	50	lin.ft.	\$2.00	\$100.00	\$1.00	\$50.00	\$0.76	\$38.00	\$0.76	\$38.00	\$1.00	\$50.00
40.	Furnish & Paint Pavement Marking Crosswalk (6")	450	lin.ft.	\$1.00	\$450.00	\$0.70	\$315.00	\$0.71	\$319.50	\$0.71	\$319.50	\$0.69	\$310.50
41.	Furnish & Paint Pavement Marking Stop Line (18"/24")	150	lin.ft.	\$3.40	\$510.00	\$2.50	\$375.00	\$1.11	\$166.50	\$1.12	\$168.00	\$2.45	\$367.50
42.	Furnish & Install Type "D-M" Inlet Protection	30	ea.	\$50.00	\$1,500.00	\$100.00	\$3,000.00	\$96.00	\$2,880.00	\$76.00	\$2,280.00	\$100.00	\$3,000.00
43.	Temporary Traffic Control	1	LS	\$11,000.00	\$11,000.00	\$55,000.00	\$55,000.00	\$15,537.00	\$15,537.00	\$15,628.00	\$15,628.00	\$15,979.00	\$15,979.00
44.	Contaminated Soil Removal	150	cu.yds.	\$9.00	\$1,350.00	\$0.01	\$1.50	\$10.08	\$1,512.00	\$17.50	\$2,625.00	\$10.00	\$1,500.00
45.	Furnish & Install Extra Stone Bedding	150	tons	\$0.01	\$1.50	\$0.01	\$1.50	\$11.20	\$1,680.00	\$10.65	\$1,597.50	\$14.00	\$2,100.00
46.	Furnish & Install Temporary Asphalt	1	LS	\$133,000.00	\$133,000.00	\$152,100.00	\$152,100.00	\$138,158.00	\$138,158.00	\$142,220.00	\$142,220.00	\$138,649.98	\$138,649.98

* Corrected Figure

\$1,477,777.77

\$1,539,411.80

\$1,546,500.80

\$1,731,097.68

TELUHLAH AVENUE SEWER & WATERMAIN RECONSTRUCT. NO.

Unit T-18

December 29, 2017

ITEM	DESCRIPTION	Quantity	Units	Jossart Brothers Inc.		David Tenor Corporation		Advance Construction		Carl Bowers & Sons	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1.	Furnish & Install 12" Water Main	3,515	lin.ft.	\$75.00	\$263,625.00	\$82.50	\$289,987.50	\$103.00	\$362,045.00	\$93.00	\$326,895.00
2.	Furnish & Install 8" Water Main	100	lin.ft.	\$72.00	\$7,200.00	\$153.00	\$15,300.00	\$110.00	\$11,000.00	\$95.00	\$9,500.00
3.	Furnish & Install 6" Hydrant Lead	75	lin.ft.	\$70.00	\$5,250.00	\$100.00	\$7,500.00	\$91.50	\$6,862.50	\$80.00	\$6,000.00
4.	Furnish & Install Hydrant	8	ea.	\$3,600.00	\$28,800.00	\$3,550.00	\$28,400.00	\$3,800.00	\$30,400.00	\$3,500.00	\$28,000.00
5.	Furnish & Install 12" Gate Valve with Box	15	ea.	\$3,100.00	\$46,500.00	\$2,800.00	\$42,000.00	\$2,465.00	\$36,975.00	\$3,200.00	\$48,000.00
6.	Furnish & Install 8" Gate Valve with Box	3	ea.	\$1,650.00	\$4,950.00	\$1,560.00	\$4,680.00	\$1,490.00	\$4,470.00	\$1,900.00	\$5,700.00
7.	Furnish & Install 6" Gate Valve with Box	9	ea.	\$1,200.00	\$10,800.00	\$1,150.00	\$10,350.00	\$1,067.00	\$9,783.00	\$1,400.00	\$12,600.00
8.	Furnish & Install 12" Bend	25	ea.	\$525.00	\$13,125.00	\$490.00	\$12,250.00	\$500.00	\$12,500.00	\$500.00	\$12,500.00
9.	Furnish & Install 8" Bend	12	ea.	\$275.00	\$3,300.00	\$280.00	\$3,360.00	\$270.00	\$3,240.00	\$350.00	\$4,200.00
10.	Furnish & Install 1" Service	900	lin.ft.	\$80.00	\$72,000.00	\$58.00	\$52,200.00	\$61.00	\$54,900.00	\$75.00	\$67,500.00
11.	Furnish & Install 2" Service	20	lin.ft.	\$90.00	\$1,800.00	\$58.00	\$1,160.00	\$65.00	\$1,300.00	\$100.00	\$2,000.00
12.	Furnish & Install 11/2" Service	20	lin.ft.	\$85.00	\$1,700.00	\$58.00	\$1,160.00	\$63.00	\$1,260.00	\$95.00	\$1,900.00
13.	Service Connection	96	ea.	\$300.00	\$28,800.00	\$900.00	\$86,400.00	\$380.00	\$36,480.00	\$700.00	\$67,200.00
14.	Curb Box (Complete)	97	ea.	\$750.00	\$72,750.00	\$975.00	\$94,575.00	\$100.00	\$9,700.00	\$450.00	\$43,650.00
15.	Furnish & Install 12" Sanitary Sewer	3,440	lin.ft.	\$84.00	\$288,960.00	\$85.00	\$292,400.00	\$130.00	\$447,200.00	\$123.00	\$423,120.00
16.	Furnish & Install 8" Sanitary Sewer	85	lin.ft.	\$82.00	\$6,970.00	\$103.00	* \$8,755.00	\$115.00	\$9,775.00	\$100.00	\$8,500.00
17.	Reconnect Sanitary Lateral	103	ea.	\$300.00	\$30,900.00	\$400.00	\$41,200.00	\$200.00	\$20,600.00	\$400.00	\$41,200.00
18.	Furnish & Install 4" - 8" Sanitary Lateral	3,125	lin.ft.	\$67.00	\$209,375.00	\$60.00	\$187,500.00	\$88.00	\$275,000.00	\$80.00	\$250,000.00
19.	Furnish & Install Sanitary Manhole	112	vert.ft.	\$270.00	\$30,240.00	\$265.00	\$29,680.00	\$250.00	\$28,000.00	\$375.00	\$42,000.00
20.	Furnish & Install Sanitary Manhole Casting	10	ea.	\$750.00	\$7,500.00	\$675.00	\$6,750.00	\$400.00	\$4,000.00	\$800.00	\$8,000.00
21.	Furnish & Install Flowable Fill	20	Cu. Yds.	\$100.00	\$2,000.00	\$95.00	\$1,900.00	\$125.00	\$2,500.00	\$100.00	\$2,000.00
22.	Furnish & Install 21" Storm Sewer (RCP Class III)	415	lin.ft.	\$73.00	\$30,295.00	\$68.00	\$28,220.00	\$96.00	\$39,840.00	\$103.00	\$42,745.00
23.	Furnish & Install 18" Storm Sewer	500	lin.ft.	\$64.00	\$32,000.00	\$66.00	\$33,000.00	\$92.00	\$46,000.00	\$92.00	\$46,000.00
24.	Furnish & Install 15" Storm Sewer	1,120	lin.ft.	\$63.00	\$70,560.00	\$65.00	\$72,800.00	\$88.00	\$98,560.00	\$80.00	\$89,600.00

TELU LAH AVENUE SEWER & WATERMAIN RECONSTRUCT. NO.

Unit T-18

December 29, 2017

ITEM	DESCRIPTION	Quantity	Units	Jossart Brothers Inc.		David Tenor Corporation		Advance Construction		Carl Bowers & Sons	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
25.	Furnish & Install 12" Storm Sewer	1,125	lin.ft.	\$63.00	\$70,875.00	\$65.00	\$73,125.00	\$94.00	\$105,750.00	\$75.00	\$84,375.00
26.	Furnish & Install 12" Storm Lateral	40	lin.ft.	\$63.00	\$2,520.00	\$76.00	\$3,040.00	\$94.00	\$3,760.00	\$80.00	\$3,200.00
27.	Furnish & Install 6" Storm Lateral	2,640	lin.ft.	\$52.00	\$137,280.00	\$58.00	\$153,120.00	\$59.00	\$155,760.00	\$50.00	\$132,000.00
28.	Furnish & Install 12" Inlet Lead	100	lin.ft.	\$63.00	\$6,300.00	\$70.00	\$7,000.00	\$87.50	\$8,750.00	\$80.00	\$8,000.00
29.	Furnish & Install 10" Inlet Lead	20	lin.ft.	\$62.00	\$1,240.00	\$70.00	\$1,400.00	\$82.00	\$1,640.00	\$78.00	\$1,560.00
30.	Reconnect Storm Lateral	60	ea.	\$100.00	\$6,000.00	\$250.00	\$15,000.00	\$150.00	\$9,000.00	\$300.00	\$18,000.00
31.	Furnish & Install Storm Manhole	65	vert.ft.	\$300.00	\$19,500.00	\$345.00	\$22,425.00	\$250.00	\$16,250.00	\$315.00	\$20,475.00
32.	Furnish & Install 5' Dia. Precast Storm Manhole	10	vert.ft.	\$420.00	\$4,200.00	\$420.00	\$4,200.00	\$280.00	\$2,800.00	\$425.00	\$4,250.00
33.	Furnish & Install Storm Manhole Casting	11	ea.	\$350.00	\$3,850.00	\$380.00	\$4,180.00	\$380.00	\$4,180.00	\$400.00	\$4,400.00
34.	Furnish & Install "E" Inlet w/Frame & Grate	2	ea.	\$1,600.00	\$3,200.00	\$1,550.00	\$3,100.00	\$550.00	\$1,100.00	\$500.00	\$1,000.00
35.	Furnish & Install "C" Inlet w/Frame & Grate	1	ea.	\$1,600.00	\$1,600.00	\$1,550.00	\$1,550.00	\$540.00	\$540.00	\$500.00	\$500.00
36.	Abandon Inlet and Lead	1	ea.	\$400.00	\$400.00	\$800.00	\$800.00	\$250.00	\$250.00	\$500.00	\$500.00
37.	Abandon Manhole	1	ea.	\$750.00	\$750.00	\$450.00	\$450.00	\$200.00	\$200.00	\$1,000.00	\$1,000.00
38.	Furnish & Paint Pavement Marking (Yellow Paint) (4")	3630	lin.ft.	\$0.41	\$1,488.30	\$0.67	\$2,432.10	\$0.39	\$1,415.70	\$0.65	\$2,359.50
39.	Furnish & Paint Pavement Marking Channelizing (8")	50	lin.ft.	\$1.05	\$52.50	\$0.77	\$38.50	\$1.00	\$50.00	\$0.75	\$37.50
40.	Furnish & Paint Pavement Marking Crosswalk (6")	450	lin.ft.	\$0.75	\$337.50	\$0.72	\$324.00	\$0.69	\$310.50	\$0.70	\$315.00
41.	Furnish & Paint Pavement Marking Stop Line (18"/24")	150	lin.ft.	\$2.60	\$390.00	\$1.13	\$169.50	\$2.45	\$367.50	\$1.10	\$165.00
42.	Furnish & Install Type "D-M" Inlet Protection	30	ea.	\$100.00	\$3,000.00	\$100.00	\$3,000.00	\$120.00	\$3,600.00	\$90.00	\$2,700.00
43.	Temporary Traffic Control	1	LS	\$11,000.00	\$11,000.00	\$23,912.50	\$23,912.50	\$50,000.00	\$50,000.00	\$20,000.00	\$20,000.00
44.	Contaminated Soil Removal	150	cu.yds.	\$25.00	\$3,750.00	\$26.00	\$3,900.00	\$45.00	\$6,750.00	\$30.00	\$4,500.00
45.	Furnish & Install Extra Stone Bedding	150	tons	\$12.00	\$1,800.00	\$14.00	\$2,100.00	\$12.00	\$1,800.00	\$18.00	\$2,700.00
46.	Furnish & Install Temporary Asphalt	1	LS	\$220,000.00	\$220,000.00	\$141,150.00	\$141,150.00	\$12,500.00	\$12,500.00	\$140,000.00	\$140,000.00

* Corrected Figure

\$1,768,933.30

* \$1,817,944.10

\$1,939,164.20

\$2,040,847.00

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

1-P-18

SANITARY LATERALS

Telulah Avenue from Calumet Street to Marion Street

In accordance with the preliminary resolution of the Common Council dated February 7, 2018, we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$1,778,396.00.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$146,349.00.**

Finance Committee



MEMORANDUM

“...meeting community needs...enhancing quality of life.”

TO: Community & Economic Development Committee (CEDC)

FROM: Karen Harkness, Director
Monica Stage, Deputy Director

DATE: January 3, 2018

RE: Request to Approve 2018 Sponsorships for Appleton Downtown Inc. (ADI) Programs

The Council approved 2018 Budget includes \$61,000 in the Marketing & Business Services Business Unit of the Community & Economic Development Department Budget. The \$61,000 of funding is divided between \$25,000 for the Fox Cities Regional Partnership to support the Talent Upload program, and the balance of \$36,000 is identified for economic development projects and initiatives.

Appleton Downtown Inc. (ADI) has presented the City with a sponsorship proposal for 2018 (attached) that would allow the City to invest in numerous programs for both our existing residents and businesses as well as visitors and potential investors in Downtown. These programs align with the updated Comprehensive Plan 2010-2030, especially Chapter 14 Downtown Plan.

Please note that Small Business Saturday sponsorship also includes the Appleton Northside Business Association (ANBA) membership area as well.

Staff Recommendation:

Request to approve \$15,000 for 2018 sponsorships for Appleton Downtown Inc. (ADI) Programs as outlined in the attached document **BE APPROVED.**



City of Appleton Downtown Sponsorship Agreement
Thank you for helping create a vibrant and artful Downtown

City of Appleton will be acknowledged as a sponsor of the following events, as part of this sponsorship package: Trolley Sponsorship, State of Downtown, Small Business Saturday, Summer Support Banner, Art on the Town, and Holiday Fun Fest.

The sponsorship total is \$15,000 and breakdown is as follows:

Trolley Sponsor	\$3,000
State of Downtown	\$3,000
Small Business Saturday	\$3,000
Summer Support Banner	\$1,000
Art on the Town	\$2,500
Holiday Support	\$2,000
Award Celebration	\$ 500

Downtown Trolley Sponsorship \$3,000

- City of Appleton logo as one of 5 supporting community sponsors to appear on the trolley signage on both sides of the vehicle.
- City of Appleton logo and link on the Appleton Downtown Inc. website for a year.
- City of Appleton logo included in the trolley brochure map.

State of Downtown Development Summit \$3,000

- City updates on development and infrastructure projects within the downtown.
- Interactive panel presentations on small scale development and other topics of interest
- Development opportunity tours
- Networking Reception

Sustaining Summer Support \$1,000

- Additional acknowledgment in our monthly E-Blast communication to general public.
- City of Appleton logo on the summer support banner displayed at a secondary location at all events above.

Art on the Town \$2,500

- 5 events on the third Friday of the month May – September

- City of Appleton logo on all printed materials including posters, advertising, event programs and online promotion as “Presented by”! Sponsor mention on all radio ads with 91.1 The Avenue and any contests we host along with the event
- City of Appleton logo year round on the ADI homepage linked to your site
- Participate during each event with a display in Houdini Plaza or along College Ave.
- Signage at each Art on the Town venues (15).

Holiday Fun Fest and Light Up Night \$2,000

- City of Appleton logo on all Holiday publications, banners and advertising.
- Activities such as: visits with Santa, cookies with Ms. Claus, the One-Stop Elf Shop, the Handcrafted Market and more!

Small Business Saturday \$3,000

- City of Appleton logo on all printed materials including passports, posters, advertising, website and online promotion as Presented by!
- Promotional space in emails to all participating businesses during the month prior to the event.

Downtown Business Awards Celebration table: \$500

SANITARY LATERALS

RESOLUTION 1-P-18

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY LATERALS

Telulah Avenue from Calumet Street to Marion Street

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 6.75% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

S/TIMOTHY M. HANNA (Mayor)

Adopted: February 7, 2018

Attest: Kami L. Lynch (City Clerk)




Department of Public Works – Engineering Division

"...meeting community needs...enhancing quality of life."

MEMO

TO: Utilities Committee
Finance Committee

FROM: Mark Lahay, Assistant City Engineer 

DATE: January 17, 2018

RE: Request to add Sanitary Sewer and Storm Sewer construction on Durkee Street between Atlantic Street and Summer Street to our 2018 Reconstruction Program.

Durkee Street from Atlantic Street to Summer Street was originally programmed to be a partial asphalt construction which generally means that the asphalt surface is replaced along with some minor curb and gutter replacement and does not require the underground utilities to be reconstructed. However, after reviewing the condition of this street last fall, we decided that it should be moved to the total reconstruction program.

This prompted us to review the underground utilities. With the longer life expectancy of a total reconstruction street, our review revealed that the sanitary sewer and storm sewer should be reconstructed as well. We are asking that these projects be added to the 2018 Capital Improvement Program. The cost of this work is estimated to be \$94,560 for the sanitary and \$37,825 for the storm.

We have already opened bids on one of our large sewer and water projects for this year and received very favorable bids. We have sufficient positive bid variance to cover the costs of the Durkee Street sanitary sewer and storm sewer without adding any funding to the 2018 budget.

Therefore, we request approval to add Durkee Street sanitary sewer and storm sewer to our 2018 Reconstruction Program.

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF APPLETON, VALLEY TRANSIT, AND COMMUNITY CARE, INC.**

THIS MEMORANDUM OF UNDERSTANDING (“Agreement”) is entered into by and between the City of Appleton, Valley Transit (“**Valley Transit**”), with a mailing address of 801 South Whitman Avenue, Appleton, WI 54914, and Community Care, Inc. (“**Community Care**”), a nonprofit organization with a mailing address of 4435 West Lawrence Street, Appleton, WI 54914.

WHEREAS, Valley Transit provides safe and reliable public transportation to many people living in the communities that comprise the Fox Cities; and

WHEREAS, Valley Transit assumes responsibility for and direction of its operations; and

WHEREAS, Community Care has clients that have a disability and/or are aging and need Specialized Transportation Services; and

WHEREAS, Valley Transit and Community Care wish to cooperate in order to offer Specialized Transportation Services for those clients of Community Care who are in need of Specialized Transportation Services.

NOW, THEREFORE, for the mutual consideration stated herein, Valley Transit and Community Care by their authorized representatives do hereby agree as follows:

1. Service. Valley Transit shall contract with an external third party (“**contractor**”) to provide Specialized Transportation Services for Community Care clients who are in need of Specialized Transportation Services, such as the elderly and disabled.
2. Cost. Expenses for the Specialized Transportation Services shall be paid for by Valley Transit, with part of the funds coming from Community Care (“contribution”). Community Care’s contribution shall be calculated on a monthly based on the following formula:

	Specialized Transportation Services Costs (routes x days x contract price)
-	Federal Share
-	State Share
-	Farebox Revenues
+	<u>Administrative Charge</u>
=	Community Care Estimated Contribution

In 2018, Valley Transit and Community Care estimate that there will be a total of 27,000 rides on ten (10) different Specialized Transportation Routes for a total of 255 days out of the calendar year. The contractor’s contract price per route shall be \$212.70. Based on this estimate, cost estimates for 2018 are as follows:

	\$542,385	Costs (10 routes X 255 days/service x \$212.70 contract price/route)
-	\$303,736	Federal and State Share
-	\$13,000	Farebox revenues
+	<u>\$101,245</u>	<u>Administrative Charge</u>
=	\$326,894	Community Care Estimated Contribution

Actual costs will be based on actual expenses, federal share amounts, state share amounts, and private pay local shares received in 2018.

3. Payment and Billing. Valley Transit will invoice Community Care for its actual calculated contribution on a monthly basis. Payment from Community Care to Valley Transit shall be due within thirty (30) calendar days of the date of the invoice from Valley Transit. In the event there is a disagreement between Valley Transit and Community Care regarding the invoice amount, Community Care must notify Valley Transit in writing within thirty (30) calendar day's receipt of said invoice.

4. Term. This Agreement shall be for the calendar year 2018, expiring at the 11:59 p.m. on December 31, 2018. Renewal shall occur upon mutual agreement by the Valley Transit and Community Care when placed in writing and executed at least thirty (30) calendar days prior to the termination date of this Agreement.

5. Inspection. Upon reasonable notice, and with the sole purpose of confirming compliance with the terms and conditions of this Agreement, Community Care must allow Valley Transit the right of entry during normal business hours in order to inspect their books and records.

6. Audit. In the event Valley Transit requires Community Care to conduct an audit as it relates to this Agreement, the cost for said audit shall be borne solely by Community Care. Valley Transit shall establish and maintain accounts for the specialized transportation services receiving funding under this agreement. The accounts shall distinguish the costs of this transportation service from any other service.

7. Indemnification. For good and valuable consideration, Community Care agrees to indemnify, defend and hold harmless the City of Appleton and Valley Transit, and its officers, officials, employees and agents from and against any and all liability, loss, damage, expense, costs (including attorney fees) arising out of this Agreement, caused in whole or in part by Community Care anyone for whose acts any of them may be liable, except where caused by sole negligence or willful misconduct of Valley Transit.

8. Insurance. Community Care agrees at all times during the existence of this Agreement to keep in force the following insurance coverage:

<u>Coverage</u>	<u>Limit</u>
Worker's Compensation	Statutory Limit
Comprehensive General Liability	\$1,000,000 Each Occurrence
Auto Liability	\$1,000,000 Combined Single Limit (CSL)

9. Discrimination. In connection with the performance of work under this Agreement, Valley Transit and Community Care both agree not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, development disability national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this State. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other form of compensation; and section for training, including apprenticeship. Valley Transit further agrees to take affirmative action to ensure equal employment opportunities.

10. Conditions. This Agreement is contingent upon receipt by Valley Transit of the federal and state funding referenced in Paragraph 2 above. In the event of a change to or discontinuance of the receipt of said funding by Valley Transit, this Agreement may be terminated by Valley Transit pursuant to paragraph 12(b) below.

11. Termination.

a. Termination by Community Care. Community Care may terminate the Contract if, through no act or fault of the Community Care or their agents or employees or any other persons or entities performing portions of the work under direct or indirect contract with Community Care, there is a material breach of a term of this Agreement, in which case Community Care may, upon thirty (30) calendar days' written notice to the Valley Transit, terminate this Agreement.

b. Termination by Valley Transit. Valley Transit may terminate this Agreement if the Contractor is substantially in breach of a provision of the Agreement, in which case the Owner may, without prejudice to any other rights or remedies of the Owner, and after giving Community Care thirty (30) calendar days' written notice, terminate this Agreement. This Agreement may also be terminated by pursuant to paragraph 11 above, which requires three (3) calendar days' written notice to Community Care.

12. Conflict of Terms. In the event that any provision in any of the above component parts of this Agreement conflicts with any provision in any other of the component parts, the provision in the component part first enumerated above shall govern over any other component part which follows it numerically, except as may be otherwise specifically stated.

13. Disputes. Valley Transit and Community Care shall endeavor to resolve any disputes by mediation which, unless the parties mutually agree otherwise, shall be held in Appleton, Wisconsin. The parties shall share the mediator's fee and any filing fees equally. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

14. Amendments. This Agreement may be amended at any time by mutual written agreement by Valley Transit and Community Care.

(Signature Page Attached)

IN WITNESS WHEREOF, the parties have caused this instrument to be executed in three (3) original counterparts on this _____ day of _____, 2018.

Community Care, Contractor:

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

Valley Transit, Owner:

Witness: _____
Printed Name: _____

By: _____
Ronald McDonald, General Manager

Witness: _____
Printed Name: _____

By: _____
Timothy M. Hanna, Mayor

Witness: _____
Printed Name: _____

By: _____
Kami Lynch, City Clerk

Provision has been made to pay the liability
that will accrue under this contract.

Approved as to form:

Anthony D. Saucerman, Finance Director

James P. Walsh, City Attorney

INSTRUCTIONS FOR EXECUTING CONTRACT

CORPORATION INSTRUCTIONS

If the Contractor is a **CORPORATION**, the following certificate should be executed:

I, _____, certify that I am the Secretary of _____ (Contractor), a corporation; that I have duly signed the foregoing contract for and on behalf of the Contractor as Secretary of said corporation by authority of its governing body, within the scope of its corporate powers.

Signature

(Corporate Seal)

Note: If the Contract is not signed by the secretary of the corporation, the above certified should be executed by some other officer of the corporation under the corporate seal. In lieu of the foregoing certificate, there may be attached to the Contract copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary under the corporate seal to be true copies.

Note: The full name and business address of the Contractor should be inserted and the contract should be signed with his official signature. Please have the name of the signing party or parties, typewritten or printed under all signatures to the contract.

PARTNERSHIP INSTRUCTIONS

If the Contractor is operating as a **PARTNERSHIP**, each partner should sign the contract. If each partner does not sign the contract, there should be attached to the contract a duly authenticated power of attorney evidencing the signer's (signers') authority to sign such contract for and on behalf of the partnership.

INDIVIDUAL INSTRUCTIONS

If the Contractor is an **INDIVIDUAL**, the trade name (if the Contractor be operating under a trade name) should be indicated in the Contract and such individual should sign the Contract. If signed by one other than the Contractor there should be attached to the contract a duly authenticated power of attorney evidencing the signers' authority to execute the contract for and on behalf of the Contractor.

GRANT TRACKING FORM



PART #1: Notification of Grant Funds

(email to tony.saucerman@appleton.org)

APPLICANT DEPARTMENT: Appleton Fire Department

DATE: 1/18/2018

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Len Vander Wyst/Fire Chief

COMMITTEE OF JURISDICTION: Safety & Licensing Committee

NAME OF GRANT/FUNDING SOURCE: FEMA 2017 Assistance to Firefighters' Grant

AMOUNT OF GRANT REQUEST: \$100,000

LOCAL MATCH REQUIREMENT: \$10,000

SOURCE OF MATCH: ☒ General Fund ☐ Non-General Fund ☐ Not Applicable

TIMEFRAME OF GRANT: 03/03/2018 through 03/03/2019

TYPE OF GRANT REQUEST: ☒ Monetary ☐ Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): This grant will allow the fire department to acquire approximately forty sets of personal protective equipment (turnout coat and pants) to remain in compliance with NFPA standards.

How does the grant meet City/Department/Program goals? The grant will allow the department to continue to meet NFPA standards relating to personal protective equipment requirements.

What are the personnel requirements (include both existing and new staff) of the grant? There are no additional requirements of personnel other than training on the fit and maintenance of the new PPE.

DEPARTMENT HEAD SIGNATURE: _____

PART #2: Request to Accept Grant Funds

(complete after notification of grant award; email to tony.saucerman@appleton.org)

AMOUNT OF GRANT AWARD: \$_____

FEDERAL/STATE ID #: _____

LOCAL MATCH REQUIREMENT: \$_____

Please describe the source of match, if applicable: _____

Please describe any major changes in proposed grant-funded activities: _____

PART	TO:	DATE:	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		COJ – Info/Action		FAC – Info/Action	
#2: Request to Accept	Finance Dept		COJ – Action		FAC – Action	

COJ = Committee of Jurisdiction

FAC = Finance and Administration Committee

16-18

AN ORDINANCE REPEALING SECTION 9-55 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO QUADRICYCLES.

(Safety and Licensing Committee – 1-17-2018)

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

Section 1: That Section 9-55 of Chapter 9 of the Municipal Code of the City of Appleton, relating to quadricycles, is hereby repealed:

Sec. 9-55. Quadricycles.

No person may consume a fermented malt beverage while a passenger on a commercial quadricycle, as that term is defined in §340.01(8m), Wis. Stats. within the city of Appleton.

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

17-18

AN ORDINANCE AMENDING SECTION 9-721 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LICENSES – REQUIRED; EXEMPTIONS.

(Safety and Licensing Committee – 1-17-2018)

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

Section 1: That Section 9-721 of Chapter 9 of the Municipal Code of the City of Appleton, relating to licenses – required; exemptions, is hereby amended to read as follows:

Sec. 9-721. Licenses – required; exemptions.

(a) No person, firm or company shall conduct a taxicab or limousine business within the City nor shall any person solicit passengers to be transported for hire within the City unless duly licensed to do so by the Common Council. A commercial quadricycle, as defined in §340.01(8m) of the Wisconsin Statutes, shall be licensed as a limousine.

(b) Subsection (a) of this section shall not apply to taxicabs or limousines that both pick up and drop off passengers within the City if the services are licensed in another municipality.

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

18-18

AN ORDINANCE AMENDING SECTION 9-729 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TAXICAB/LIMOUSINE DRIVER'S LICENSE – APPLICATION; ISSUANCE; REVOCATION.

(Safety and Licensing Committee – 1-17-2018)

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

Section 1: That Section 9-729 of Chapter 9 of the Municipal Code of the City of Appleton, relating to taxicab/limousine driver's license – application; issuance; revocation, is hereby amended to read as follows:

Sec. 9-729. Same – Application; issuance; revocation.

(a) ***Application.*** In order for a person to be licensed under this division, the person must be at least eighteen (18) years of age and must make written application to the City Clerk on forms furnished by the City Clerk, giving the applicant's name, address and age, whether or not he has been convicted of a felony, whether or not his driver's license has ever been revoked or suspended, and the type of state driver's license that has been issued to him, and stating his experience and the number of the state driver's license. The application must be accompanied by the license fee, the amount of which is on file in the office of the City Clerk, for the initial license or any renewal license. Licenses are issued for a two- (2-) year license period from date of issuance. Applications for commercial quadricycle operation must also include a description of the route or routes for approval by the Police Department. The Police Department may approve, deny, or amend the proposed routes. An applicant may appeal the decision of the Police Department regarding commercial quadricycle route or routes to the Safety and Licensing Committee by filing an appeal with the City Clerk within fifteen (15) days after the Police Department mails a notice of denial or amendment to the Applicant. A copy of the approved route or routes will be maintained on file in the office of the City Clerk. After the Police Department has granted approval of the license, the City Clerk shall issue a photo identification card, which must be displayed on the licensee's person whenever he is driving or operating a taxicab or limousine. The cost of the identification card is included in the application fee. The identification card may be replaced for a fee, the amount of which is on file in the office of the City Clerk, if it is lost or stolen.

(b) ***Issuance.*** No license under this division will be issued or renewed if any of the following apply:

- (1) The applicant is the holder of a state occupational driver's license.
- (2) The applicant has been convicted of operating while intoxicated in the past five (5) years.

- (3) The applicant has more than three (3) moving traffic violations in the past year.
- (4) The applicant has more than three (3) traffic accidents in the past year, regardless of fault.
- (5) The applicant was convicted of an offense that substantially relates to the licensed activity. Such offenses include, but are not limited to, burglary, sex offenses, drug offenses, possession or sale of stolen property. A license can be granted if the conviction is reversed or if the person is granted a pardon for the offense. In determining whether the circumstances of the conviction are substantially related, the Chief of Police or designee shall consider the number of convictions, the nature and seriousness of the crime(s), whether the crime(s) involved violence, theft, or other evidence of lack of trustworthiness with money, whether the crime(s) involved driving, the age and maturity of the individual at the time of the conviction, the amount of time elapsed since the conviction, and any evidence of personal rehabilitation.
- (6) The applicant has been declared a habitual criminal.

(c) The license of any applicant who makes a false statement in his application shall be void and the license shall be surrendered to the City Clerk or any member of the Police Department.

(d) Any driver licensed under this section who shall be found guilty or shall plead guilty to violations of the traffic code of the City, or to violations of subsection (e), three (3) times within any one (1) year shall have his license automatically revoked.

(e) Any operator of a commercial quadricycle who is found to be in violation of an approved route, shall be subject to a penalty as provided in §1-16. It shall be a violation of an approved route to operate a commercial quadricycle with one (1) or more passengers outside of a route approved by the Police Department, or as approved by the Safety and Licensing Committee upon appeal.

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