

98-16

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

(City Plan Commission 11-16-16)

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

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

To rezone land located at 2830 East John Street (Property Tax #31-4-5885-00) from PD/C-O Planned Development Commercial Office District (#3-93) to C-O Commercial Office District. (Rezoning #6-16 – Bytof Family LTD Partnership)

LEGAL DESCRIPTION:

Tax Id. Number 31-4-5885-00 SEC31 T21N R18E S283.8FT OF THAT PRT GVT LOT 3 LYG EAST OF HWY AS DESC IN DOC 1098602 (3-0-0500-00) 1.95 AC M/L, including to the centerline of the adjacent right-of-way.

COMMON DESCRIPTION:

2830 East John Street

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

99-16

AN ORDINANCE AMENDING SECTION 4-188 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEMOLITION OF BUILDINGS.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-188 of Chapter 4 of the Municipal Code of the City of Appleton, relating to demolition of buildings, is hereby amended to read as follows:

Sec. 4-188. Demolition of buildings.

(a) **Permits.** Permits shall be obtained prior to the demolition of any building or structure in accordance with §4-66(a) and §4-161(a)(6). If the demolition will result in two thousand (2,000) square feet of soil disturbance or where more than two hundred (200) cubic yards of fill (soil or gravel) will be placed, an erosion and sediment control permit shall be obtained in accordance to §24-10(a)(1). No permits shall be issued without the following conditions being met:

- (1) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.
- (2) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(b) **Utility disconnections.** Prior to the issuance of a demolition permit, the owner or agent shall notify all utilities having service connections within the building, including but not limited to: water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until all equipment, such as meters or regulators, have been removed, and service connections are sealed and plugged correctly. No permit to demolish or remove any building shall be issued without written proof of service disconnections.

(c) **Sewer and water connections.** The sewer and water connections are required to be sealed before a building is demolished to protect the sewer from any sand, earth, water or other foreign materials that may enter into the sewer and/or water system in accordance with §4-272. The water connection shall be sealed at the property line or at a point determined by the water utility. The sewer connection may also be sealed at the property line if the piping is constructed of materials listed in Table 82.30-3 of the State Plumbing Code. If the sewer connection is any other material it must either be sealed at the main in the street or brought into compliance with this section by using other approved methods.

(d) **Property to be protected.** Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent debris from falling on sidewalks or streets. The top of the scaffold shall be at least eight feet (8') above the sidewalk or alley.

(e) ***Property to be secured.*** Properties that are to be demolished shall not be left open and unsecured. If doors and windows are removed for any reason, these openings shall be secured with boards in accordance with §4-142. If a demolition permit is obtained, a permit for boarding is not required. If the permit applicant plans to leave a building open overnight, a security plan must be approved by the Inspections Supervisor prior to the issuance of a demolition permit. The security plan shall detail how any open building or demolition site will be secured from trespassers.

(f) ***Unguarded pits a nuisance.*** Open excavations or pits caused by the demolition of the building are declared a public nuisance in accordance with §12-30(12) of the Appleton Municipal Code.

(g) ***Obstruction of streets.*** When razing requires the obstruction of a public street, alley or sidewalk, a street occupancy permit must be obtained from the Department of Public Works before starting work on razing the building.

(h) ***Completion of project.*** Except for commercial properties with approved site plans, when demolition activities are completed, disturbed areas shall be graded and restored to perennial grass vegetation at a slope of no greater than 10:1 (horizontal to vertical), unless approved by the building inspector upon permit issuance. For purposes of this section, site restoration shall consist of the following:

- (1) Topsoil capable of supporting a dense cover of perennial grass shall be placed at a minimum thickness of four (4) inches over all disturbed areas.
- (2) Till and prepare a fine, but firm seedbed, reasonably free of rocks, foreign matter or soil clods over two (2) inches in size.
- (3) Uniformly seed the site in a manner consistent with typical landscaping standards, utilizing grass seed that conforms to the requirements of the Wisconsin Statutes and of the Administrative Code Chapter ATCP 20.01 regarding noxious weed seed content and labeling. Seed application rates shall be consistent with supplier recommendations.
- (4) At a minimum, mulch seeded areas with straw or hay that is substantially free of noxious weed seeds or other objectionable matter. Application shall be uniform and at a loose depth of one-half (½) inch to one and one-half (1½) inches. Mulch shall be anchored in place by use of a mulch crimper to impress the mulch into the soil or other approved methods. Where steep slopes dictate, other seed/soil stabilization methods such as erosion control mat may be required.
- (5) Re-seed areas as necessary to achieve a uniform dense cover of grass.
- (6) Commercial properties with approved site plans must proceed pursuant to those plans as soon as demolition activities are completed.

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

AN ORDINANCE AMENDING SECTION 4-207 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ISSUANCE OF PERMIT; PERMIT FEE.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-207 of Chapter 4 of the Municipal Code of the City of Appleton, relating to issuance of permit; permit fee, is hereby amended to read as follows:

Sec. 4-207. Issuance of permit; permit fee.

No permit shall be granted by the Common Council for the moving of buildings over the streets of the City without the following conditions being met:

- (1) The axle load shall be such that there will be no damage to the road surface as determined by the Director of Public Works.
- (2) The building shall be of such length, height and width that, in the opinion of the Municipal Services Committee, it will not interfere with power lines, trees and other structures along the route to be traveled.
- (3) No building shall be moved over a bridge in the City unless it can be shown to the satisfaction of the Director of Public Works that such move will not result in undue stress on or physical damage to the bridge.
- (4) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, which shall be kept in full force and effect for one (1) year after the building has been moved.
- (5) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work of this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work of this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

- (6) The applicant shall pay to the Director of Finance a fee as provided in §4-161(7).

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

101-16

AN ORDINANCE AMENDING SECTION 4-265 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERMIT REQUIRED FOR PLUMBING WORK IN PUBLIC RIGHT-OF-WAY.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-265 of Chapter 4 of the Municipal Code of the City of Appleton, relating to permit required for plumbing work in public right-of-way, is hereby amended to read as follows:

Sec. 4-265. Permit required for plumbing work in public right-of-way.

(a) No person shall engage in or work at plumbing in the public right-of-way without the following conditions first being met:

- (1) The applicant shall obtain a permit from the Department of Public Works.
- (2) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.
- (3) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

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

102-16

AN ORDINANCE AMENDING SECTION 4-272 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SEALING OF UNUSED SEWER AND WATER SERVICES.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-272 of Chapter 4 of the Municipal Code of the City of Appleton, relating to unused sewer and water services, is hereby amended to read as follows:

Sec. 4-272. Sealing of unused sewer and water services.

(a) All sewer and water laterals or building sewers and water services installed and not immediately used shall be securely sealed so as to be watertight. This shall be done by the use of proper fittings and materials manufactured for that purpose and in a manner approved by the Inspection Division.

(b) Before any building connected to city sanitary sewer or water mains is razed or moved to another location, a permit shall be obtained by a person licensed by the State to perform such work from the Inspection Division to disconnect and seal all sanitary sewer and water services serving the premises. Sealing of the sewer and water laterals shall comply with Sec. 4-188. The water service shall be disconnected and sealed at a location point determined by the Water Utility. The disconnections and sealing thereof shall be approved by the Inspection Division before the work is covered.

(c) All water wells which are temporarily or permanently abandoned shall be sealed by a Wisconsin registered well constructor or pump installer after first obtaining a permit from the Inspection Division. The well shall be sealed and a report filed with the State Board of Health in conformance with the State Well Construction and Pump Installation Code.

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

103-16

AN ORDINANCE AMENDING SECTION 9-33 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WALKS, CURBS AND OTHER CONCRETE WORK LICENSE.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 9-33 of Chapter 9 of the Municipal Code of the City of Appleton, relating to walks, curbs and other concrete work license, is hereby amended to read as follows:

Sec. 9-33. Walks, curbs and other concrete work license.

(a) ***License required.*** No person shall construct or repair any concrete walk, curb and gutter, driveway or pavement in any public right-of-way unless a license is obtained pursuant to this section. Property owners repairing the sidewalks on their own property are not required to obtain a license.

(b) ***Application for license; issuance; term.*** Any person required to be licensed under this section shall apply to the Department of Public Works for a license. The Department of Public Works shall issue an annual license to any qualified person. The license shall expire December 31 of each calendar year.

(c) ***License fee; bond and insurance.*** No person shall engage in work under this section without the following conditions first being met:

(1) The applicant shall file with the Department of Public Works a license bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(2) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.

(d) ***Revocation of license.*** If a person holding a license violates any of the ordinances of the City relating to the construction of concrete improvements, the Common Council may, upon giving the offender two (2) days' notice, revoke his license. After the license has been revoked the licensee shall not again receive a license within three (3) months of the date of revocation.

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