

## ORDINANCE NO. 2017-03

AN ORDINANCE REPEALING, AND RECREATING SECTIONS 2-396 (f), 2-429 (a), 6-54 (a), 12-71 (c)(1), 30-7 (j), 46-32 (5), 46-84 (b), 48-72 (c)(1), 52-809 (b), 52-831 (i), 52-832 (c), 52-862 (c), 52-893 (4), 52-928 (1), 52-928 (2), 52-928 (3), 52-928 (5), 12-1-9 (a)(2), 6-48 (1), 6-48 (2), 6-48 (6), 6-48 (7), 6-112 (a), 8-47 (a)(3), 8-136 (a), 10-140 (a), 12-47 (b), 34-47 (b), 34-52 (2)(a) and 48-73 (e)(2) , - REPLACING FEE LANGUAGE IN THE CITY OF PESHTIGO MUNICIPAL CODE

The Common Council of the City of Peshtigo do ordain as follows:

Section 1, Section 2-396 (f) – Public access to records is hereby repealed and recreated as follows:

**2-396 – Public access to records.** (f) A requestor shall be charged a fee as established by the Common Council and amended from time to time via resolution to defray the cost of copying records.

Section 2, Section 2-429 (a) – Returned checks; collection costs is hereby repealed and recreated as follows:

**2-429 – Returned checks; collection costs.** (a) There shall be a fee as established by the Common Council and amended from time to time via resolution for processing checks made payable to the City that are returned because of insufficient funds in the account in question.

Section 3, Section 6-54 (a) – Transfer and lapse of license is hereby repealed and recreated to read as follows:

**6-54 – Transfer and lapse of license.** (a) In accordance with the provision of Wis. Stats. 125.04(12), a license shall be transferable from one premises to another if such transfer is first approved by the Common Council. An application for transfer shall be made on a form furnished by the City Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer shall be established by the Common Council and amended from time to time via resolution. Whenever a license is transferred the City Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the City for reissuance of said license and the City, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.

Section 4, Section 12-71 (c)(1) – Registration is hereby repealed and recreated to read as follows:

**12-71 – Registration.** (c) Registration fee. (1) At the time of filing applications, a fee as established by the Common Council and amended from time to time via resolution shall be paid to the City Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form.

Section 5, Section 30-7 (j) – Badger Park Campground regulations is hereby repealed and recreated to read as follows:

**30-7 – Badger Park Campground regulations.** (j) Fees. Fees will be established by the Common Council and amended from time to time via resolution.

Section 6, Section 46-32 (5) – Well operation permit is hereby repealed and recreated to read as follows:

**46-32 – Well operation permit.** (5) The fee for the well operation permit will be established by the Common Council and amended from time to time via resolution payable to the City of Peshtigo at the time of application.

Section 7, Section 46-84 (b) – Permit required for laying, opening or connecting; fee is hereby repealed and recreated to read as follows:

**46-84 – Permit required for laying, opening or connecting; fee.** (b) For each permit to connect a private drain or sewer with a public sewer, the applicant shall pay the fee established by the Common Council and amended from time to time via resolution.

Section 8, Section 48-72 (c)(1) – Regulation of natural lawns is hereby repealed and recreated to read as follows:

**48-72 – Regulation of natural lawns.** (c) Application process. (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the City Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, the applicant shall pay the fee established by the Common Council and amended from time to time via resolution. Upon receiving payment, copies of the completed application shall be mailed by the City to each of owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners the City received written objections from 51 percent or more of the neighboring property owners, the City Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within 300 feet of the proposed natural lawn site.

Section 9, Section 52-809 (b) – Signal receiving antennas is hereby repealed and recreated to read as follows:

**52-809 – Signal receiving antennas.** (b) Application. Application for a signal receiving antenna permit shall be made in writing to the Building Inspector/Zoning Administrator. With such application, there shall be submitted a fee established by the Common Council and amended from time to time via resolution and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of the section, the application shall be approved.

Section 10, Section 52-831(i) – Fences is hereby repealed and recreated to read as follows:

**52-831 – Fences.** (i) Fee for fence permits. At the time the application for a fence permits is filed, the applicant shall pay a fee established by the Common Council and amended from time to time via resolution.

Section 11, Section 52-832 (c) – Swimming pools is hereby repealed and recreated to read as follows:

**52-832 – Swimming pools.** (c) Permit required. Before work is commenced on the construction or erection of private or residential swimming pools or any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector/Zoning Administrator. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector/Zoning Administrator at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee that is established by the Common Council and amended from time to time via resolution shall accompany such application.

Section 12, Section 52-862 (c) – Mobile home park developer’s permit is hereby repealed and recreated to read as follows:

**52-862 – Mobile home park developer’s permit.** (c) Fee for application. The applications for mobile home park developer’s permit shall be accompanied by a fee established by the Common Council and amended from time to time via resolution to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.

Section 13, Section 52-893 (4) – Grant of permit is hereby repealed and recreated to read as follows:

**52-893 – Grant of permit.** (4) Fee for solar access permit. At the time of issuance of a solar access permit, the applicants shall pay a fee established by the Common Council and amended from time to time via resolution.

Section 14, Section 52-928 (1) – Fees is hereby repealed and recreated to read as follows:

**52-928 – Fees.** (1) Rezoning application, a fee established by the Common Council and amended from time to time via resolution shall be paid per application (including repetitions of previous applications).

Section 15, Section 52-928 (2) – Fees is hereby repealed and recreated to read as follows:

**52-928 – Fees.** (2) Conditional Use permit application. All conditional use applications shall be filed with the City Clerk-Treasurer along with a filing fee established by the Common Council and amended from time to time via resolution. The filing fee shall be used to reimburse the City for publication costs and attorney’s fees incurred in relation to the application and hearings thereon. After final decision on the application, the City Clerk-Treasurer shall return the balance of the filing fee, if any, to the applicant. The City Clerk-Treasurer, upon receipt of an application and the fee provided herein, shall immediately refer to the Plan Commission for consideration.

Section 16, Section 52-928 (3) – Fees is hereby repealed and recreated to read as follows:

**52-928 – Fees.** (3) Variance application. All applications for special exceptions and variances and appeals shall be filed with the City Clerk-Treasurer along with a fee established by the Common Council and amended from time to time via resolution. The filing fee shall be used to reimburse the City for publication costs and attorney’s fees incurred in relation to the application or appeal and hearings thereon. After final decision on the application or appeal, the City Clerk-Treasurer shall return the balance of the filing fee, if any, to the applicant or appellant. The City Clerk-Treasurer, upon receipt of an application or appeal and the fee provided herein, shall immediately refer it to the Board of Zoning Appeals for consideration.

#### SUPPLMENTAL ORDINANCES:

Section 17, Section 52-928 (5) Fees is hereby repealed and recreated to read as follows:

**52-928 – Fees.** (5) Fees for zoning and occupancy. Zoning and occupancy permit fees shall be established by the Common Council and amended from time to time via resolution.

Section 18, Section 12-1-9 (a)(2) – Boat Launch User Fees is hereby repealed and recreated to read as follows:

**12-1-9 – Boat Launch Fees.** (a) Boat Launch User Fees. (2) Fees. The annual and daily launching permit fee shall be established by the Common Council and amended from time to time via resolution.

Section 19, Section 6-48 (1) License fees is hereby repealed and recreated to read as follows:

**6-48 – License Fees.** (1) Class “A” Fermented Malt Beverages Retailer’s License. The annual fee for this license shall be established by the Common Council and amended from time to time via resolution. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

Section 20, Section 6-48 (2) License fees is hereby repealed and recreated to read as follows:

**6-48 – License Fees.** (2) Class “B” Fermented Malt Beverage License. The annual fee for this license shall be established by the Common Council and amended from time to time via resolution. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

Section 21, Section 6-48 (6) License Fees is hereby repealed and recreated to read as follows:

**6-48 – License Fees.** (6) “Class A” Intoxicating Liquor Retailer’s License. The annual fee for this license shall be established by the Common Council and amended from time to time via resolution.

Section 22, Section 6-48 (7) is hereby repealed and recreated to read as follows:

**6-48 – License Fees.** (7) “Class B” Intoxicating Liquor Retailer’s License. The annual fee for this license shall be established by the Common Council and amended from time to time via resolution . This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

Section 23, Section 6-112 (a) Fee; Provisional License is hereby repealed and recreated to read as follows:

**6-112 - Fee; Provisional License.** (a) Fee. The annual fee for an operator’s license or provisional licenses shall be established by the Common Council and amended from time to time via Resolution.

Section 24, Section 8-47 (a)(3) Issuance of dog, cat and kennel licenses is hereby repealed and recreated to read as follows:

**8-47 Issuance of dog, cat and kennel licenses.** (a) Dog and Cat Licenses. (3) The minimum license tax under this section shall be a fee established by the Common Council and amended from time to time via Resolution.

Section 25, Section 8-136 (a) Claiming animal; disposal of unclaimed animals is hereby repealed and recreated to read as follows:

**8-136 Claiming animal; disposal of unclaimed animals.** (a) The fee for animal impoundment will be established by the Common Council and amended from time to time via Resolution.

Section 26, Section 10-140 (a) Fees is hereby repealed and recreated to read as follows:

**10-140 Fees.** (a) Fees for Building Permits and Inspections. The fees for building permits and inspections will be established by the Common Council and amended from time to time via Resolution.

Section 27, Article III. Cigarette Licenses Section 12-47 (b) is hereby repealed and recreated to read as follows:

**12-47 Required.** (b) Application for License; fee. Every person desiring a license under this section shall file with the City Clerk-Treasurer a written application thereof, stating the name of the person and the place for which such license is desired. Each license shall be filed by the City Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the City Clerk-Treasurer a license fee set by the Common Council and amended from time to time via Resolution.

Section 28, Section 34-47 (b) – Investigation of license applicant is hereby repealed and recreated to read as follows:

**34-47 Investigation of license applicant.** (b) Application for License; Fee. Every person, firm or corporation desiring a license under this Section shall file with the City Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the City Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicants shall pay to the City Clerk-Treasurer a license fee set by the Common Council and amended from time to time via Resolution.

Section 29, Section 34-52 (2)(a) – Fees is hereby repealed and recreated to read as follows:

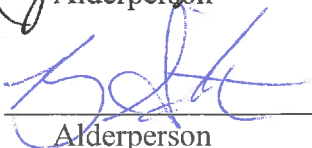
**34-52 Fees** (2)(a) Secondhand article dealer's license. This fee will be set by the Common Council and amended from time to time via Resolution.

Section 30, Section 48-73(e) (2) Regulation of length of lawn and grasses is hereby repealed and recreated to read as follows:

**48-73 Regulation of length of lawn and grasses.** (e) Abatement of nuisance. (2). Absent compliance within the prescribed time by the owner, occupant or person in charge of the subject premises, the City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the entire expense of abating the nuisance in addition to an Administrative Fee to be set by the Common Council and amended from time to time via Resolution. To the owner of the subject premises. The charges shall be set forth by the Weed Commissioner or his designee in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or provided under Sec. 66.0517, Wis Stats.

Dated this 5<sup>th</sup> day of September, 2017.

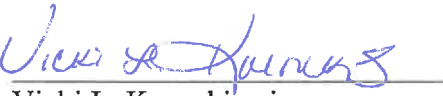
OFFERED BY:   
Aldersperson

SECONDED BY:   
Aldersperson

APPROVED:

  
Catherine Malke, Mayor

ATTEST:

  
Vicki L. Koronkiewicz  
City Clerk-Treasurer