

**CITY OF EDGERTON
REGULAR COMMON COUNCIL MEETING
EDGERTON CITY HALL, COUNCIL CHAMBERS
12 ALBION STREET**

Monday, December 2, 2019 at 7:00 p.m.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Wednesday, November 27, 2019.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
 - A. The public will be allowed to speak on agenda items during the meeting.
6. Minutes:
 - A. Consider approval of minutes from November 18, 2019 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider approval of bills and payroll vouchers.
 2. Consider approval of licenses.
 3. Consider amended building inspection fees.
 4. Consider approval of building inspection contract with General Engineering
 5. Consider sale of plow wing to highest bidder.
 6. Consider "Parking for Food" for the months of December and January to assist Edgerton Food Pantry.
 7. Consider introducing and approving the first reading of City of Edgerton Ordinance 19-12: To Amend Section 29.04 "Licenses Required for Dogs and Cats" to increase licensing fees.
 - B. Fire District:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
8. Consider second reading and adoption of City of Edgerton Ordinance 19-09: To Amend Section 18.105 "Prohibiting the Use of Tobacco Products".
9. Consider second reading and adoption of City of Edgerton Ordinance 19-10: To Create Section 16.47 "Bullying".
10. Consider introducing and approving the first reading of City of Edgerton Ordinance 19-11: To Amend Chapter 20 "Building Regulations" to include commercial inspections.

11. Consider adoption of City of Edgerton Declaration recognizing the last Friday in April as Arbor Day.
12. Mayor, alderperson and staff reports.
13. Adjourn.

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

**NOVEMBER 18, 2019 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:08 p.m.

Present: Sarah Braun, David Esau, Candy Davis, Anne Radtke and Jim Burdick

Excused: Debbie Olson

Others Present: City Administrator Ramona Flanigan, City Clerk/Treasurer Cindy Hegglund, Utility Director Randy Oren, Police Chief Bob Kowalski, Library Director Kirsten Almo, City Attorney Bill Morgan, Howard and Karen Moser, Kevin Gehrke, the Edgerton Reporter and citizens.

Hegglund confirmed the meeting agendas were properly posted on Friday, November 15, 2019 at the Post Office, Edgerton Library and City Hall.

ACCEPT THE AGENDA: A Candy Davis/Sarah Braun motion to accept the agenda as posted passed, all voted in favor.

PUBLIC HEARING: The Council held a public hearing to hear comments regarding the 2020 proposed budget document.

Bill Osmulski, 21 Garfield St inquired about the capital project budget in regards to the amount of capital expenditures and projected revenues. Hegglund and Flanigan explained the borrowing was in 2019. Flanigan stated some of the projects for the borrowing have already been completed and some of the projects will completed in 2020 and 2021. Flanigan stated the city typically borrows on a 4 year cycle and those funds are used for projects over a 4 year span.

Hearing no further comments, the Mayor closed the public hearing.

A Candy Davis/Sarah Braun motion to adopt City of Edgerton Resolution 23-19: Adopt the 2020 Annual Budget and Establish the 2019 Property Tax Levy for the City of Edgerton passed on a 5/0 roll call vote.

MINUTES: A Sarah Braun/David Esau motion to approve the minutes from the November 4, 2019 Common Council meeting passed, all voted in favor.

COMMITTEE REPORTS:

Finance Committee: A Candy Davis/David Esau motion to approve change order #1 from Robinson Brothers Environmental, Inc for the demolition project at 407 N Main St for an increase of \$624.73 passed on a 5/0 roll call vote,

A Candy Davis/David Esau motion to approve pay request #1 from Robinson Brothers Environmental, Inc for the demolition project at 407 N Main St in the amount of \$135,024.73 passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve the bills and payroll list in the amount of \$395,757.07 passed on a 5/0 roll call vote.

A Candy Davis/Jim Burdick motion to approve the public event packet for the Home for the Holidays Celebration and waive the fees passed on a 5/0 roll call vote.

Sarah Braun owns a creative marketing business and is expanding into event planning. She would like to lease the space at the Depot for this expansion and has partnered with Luke Tadder to create a business that will offer a venue for small gatherings or private events. She would also use this space to operate her marketing business.

A Candy Davis/David Esau motion to approve the Chamber of Commerce sublease of the Depot to Edge Events by Sustain Edge Marketing LLC and include the definition of security deposit use in the lease passed on a 4/0/1 vote. Sarah Braun abstained.

A Candy Davis/David Esau motion to approve the quote from Halverson Carpet Center in the amount of \$3,580 for the carpet and floor repairs at the library passed on a 5/0 roll call vote.

A Candy Davis/David Esau motion to approve the purchase of an Ariens snowblower in 2019 from Burns Full Service for the DPW in the amount of \$606 passed on a 5/0 roll call vote.

A Candy Davis/David Esau motion to approve a disallowance of claim for Koby Wellnitz passed on a 5/0 roll call vote.

Personnel Committee: A Candy Davis/Jim Burdick motion to approve the appointment of Howard Moser as the Municipal Services Director with an annual salary of \$77,500 passed on a 5/0 roll call vote.

RESOLUTION 24-19: Flanigan stated the Safe Drinking Water loan is offered through the State of Wisconsin. The loan is for the water tower painting. The \$234,605 borrowing is a revenue bond issue and has a subsidized rate of 1.65%. The loan is repaid through utility user fees. 2020 utility rates did not increase.

A Candy Davis/Jim Burdick motion to adopt City of Edgerton Resolution 24-19: Resolution Authorizing the Issuance and Sale of up to \$234,605 Water System Revenue Bonds, Series 2019, and Providing for Other Details and Covenants with Respect Thereto passed on a 5/0 roll call vote.

SAFE DRINKING WATER PROGRAM: A Sarah Braun/David Esau motion to approve the Financial Assistance Agreement for the Safe Drinking Water Loan Program passed on a 5/0 roll call vote.

ORDINANCE 19-09: Anne Radtke suggested amending section 3(a) of the proposed ordinance regarding prohibition of tobacco products. She feels the prohibited areas should include: all City-owned property not just occupied buildings; all city parks not just 25 feet of the pool and baseball fields; and the entire school grounds not just the entrance.

Attorney Bill Morgan stated the school district should be the one to regulate tobacco use on the property owned by the school. The City can regulate only the property owned by the city. To regulate tobacco on an entire parcel, such as the parks, there would need to be scientific proof. It would need to be proven that the use of tobacco affects others in open spaces.

Billie Fisher, Director of Southwest Alliance for Tobacco Prevention offered her services as a resource for passing this ordinance. She stated there are many communities that are passing the tobacco free parks ordinance.

Megan Ferrell, Healthy Edgerton, stated the Racetrack Park issue came up at their meeting. Some parents were concerned about the smoking in the stands at baseball games. She is not opposed to prohibiting smoking in the entire park however she had concerns about how the police would be able to enforce the ordinance.

Chief Kowalski stated with limited staff, it would be hard to be everywhere at once. It will be up to the individual to follow the ordinance but the ordinance would give law enforcement the tool to enforce it if they see it happening.

Attorney Bill Morgan will look at the wording on the ordinance regarding baseball fields, he suggested changing it to say seating areas or athletic fields.

Megan Ferrell also suggested Attorney Morgan look into the "Exceptions" section to make sure it is following the State Statutes. The ordinance can be amended prior to the second reading and adoption.

An Anne Radtke/David Esau motion to approve the first reading of City of Edgerton Ordinance 19-09: To Amend Section 18.105 "Prohibiting the Use of Tobacco Products" passed on a 5/0 roll call vote.

ORDINANCE 19-10: Chief Kowalski stated that the Police Department is working with the School District which already has a bullying policy in place. This ordinance mirrors that policy.

Jim Burdick inquired about the penalty for each violation. The amounts were contradicting each other. Attorney Morgan stated this language should be changed.

An Anne Radtke/Jim Burdick motion to amend the penalty to be \$10-\$500 with each day being a separate violation passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve the first reading of City of Edgerton Ordinance 19-10: To Create Section 16.47 "Bullying" as amended passed on a 5/0 roll call vote.

CLOSED SESSION: Candy Davis/Jim Burdick moved to go into closed session pursuant to Wisconsin Statute 19.85(1)(c): Considering Employment, Promotion Compensation or Performance Evaluation Data of any Public Employee over which the governmental Body has Jurisdiction or Exercises Responsibility". Discuss and consider WPPA Union Contract passed on a 5/0 roll call vote.

A Jim Burdick/Candy Davis motion to return to open session passed on a 5/0 roll call vote.

An Anne Radtke/Jim Burdick motion to approve the WPPA contract passed on a 5/0 roll call vote.

Being no other business before the Council, a Candy Davis/Anne Radtke motion to adjourn passed, all voted in favor.

Cindy Hegglund/wl
City Clerk-Treasurer
Adopted December 2, 2019

Memo

To: Common Council
From: Staff
Date: 11/26/2019
Re: December 2, 2019 Meeting

General Engineering Building Inspection Permit Fees: The attached schedule describes General Engineering's (the city's current building inspection service provider) proposed 2020 fee schedule for building permit services. The City last increased fees in 2016. General Engineering is the inspector in about 215 municipalities across the state, including the following nearby municipalities: Town of Sumner, Town of Harmony, Town of Fulton, Rockdale, Town of Milton, City of Milton for commercial buildings and cross connection, Village of Brooklyn, Village of Bellville, Village of McFarland, and Town of Cottage Grove. General Engineering's fee schedule is the same in all of their communities.

General Engineering Contract: General Engineering proposes to update their contract for services. Our base contract is from 2008. The proposed contract is attached.

Ordinance 19-11 Building Regulations: The Wisconsin Department of Safety and Professional Services has experienced staffing reductions and in turn, offered municipalities to apply for small commercial building inspection rights. Staff has applied for this delegation to avoid lengthy wait times for building plan approval through the State. General Engineering is staffed with inspectors certified for commercial construction and commercial electrical to assist the City.

Part of the application process involved re-writing the City's Building Regulations to comply with the State's requirements. The City received approval of both the amended ordinance and the application for delegating the commercial inspection authority. On the Council agenda is consideration for adopting the approved Building Regulation ordinance. (A clean and marked up version of the ordinance is in your packet)

Ordinance 19-12 Dog and Cat License Fees: Dane County has increased their dog license fees by \$5.00 for 2020. Currently the City's fees are \$2.25 more than the County's so an increase is needed. The last time fees were increase was 2012.

Staff also reviewed the Rock County fees and recommends they be increase also. The fees are \$2.00 more than Rock County's fees and do not cover the cost of staff time to process, report and pay the County. Fees for Rock County have not been increased for more than 20 years.

**CITY OF EDGERTON
ORDINANCE No. 19-09**

**AN ORDINANCE TO AMEND SECTION 18.105 “PROHIBITING THE USE OF
TOBACCO PRODUCTS” OF THE EDGERTON CODE OF GENERAL ORDINANCES,
CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN**

Aldersperson _____ introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES, WISCONSIN, DO ORDAIN AS FOLLOWS:

18.105 PROHIBITING THE USE OF TOBACCO PRODUCTS IN THE CITY OF EDGERTON shall be repealed and recreated as follows:

(1) PURPOSE. The Common Council finds that smoking tobacco products is hazardous to the health of both smokers and nonsmokers who are exposed to smoking. Reliable scientific studies, including studying conducted by the Surgeon General of the United States, have shown that breathing side-stream or secondhand smoke is a significant health hazard to nonsmokers, particularly to children, elderly people, individuals with cardiovascular r disease, and individuals with impaired respiration function, including asthmatics and those with obstructive airway disease. Health hazards induced by breathing side-stream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction, and bronchospasm. This Section is adopted for the purpose of protecting the public health, general welfare, safety and comfort of the people of the City of Edgerton.

(2) STATE STATUTES ADOPTED. The provisions of Chapter 101.123 of the Wisconsin Statutes as amended by 2009 Wisconsin Act 12 relating to the prohibition of smoking in various enclosed places are hereby adopted and made part of this Code by reference.

(23) DEFINITIONS.

(a) “Tobacco Products” has the meaning given in Section 139.75(12), Wisconsin Statutes and includes the following: cigarettes; cigars; snuff; chewing tobaccos; electronic smoking devices; and other kinds of tobacco suitable for chewing and/or smoking in a pipe or otherwise.

(b) “Use of Tobacco Products” means smoking, carrying or possessing a lighted tobacco product; chewing tobacco, or otherwise using a tobacco product for its intended purpose.

(c) “Electronic Delivery Device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarette, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately.

(d) “Service line” means any area indoors or outdoors which is open to the public in which one (1) or more persons are waiting in line to purchase, order or otherwise receive a service or good of any kind, whether or not the service involves the exchange of money, including, but not limited to ATM lines, concert lines, food vendor lines, movie ticket lines and sporting event lines or waiting for public transportation. The term “service line” does not include lines in which people wait in their vehicle such as a line for drive-through service or car wash.

(e) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Ordinance.

(e) “Person in Charge” means any owner, manager, operator, employee, and/or agent of an establishment or facility regulated by this Ordinance.

(43) USE OF TOBACCO PRODUCTS PROHIBITED IN CITY VEHICLES AND ON DESIGNATED PUBLIC AREAS/GROUNDS.

(a) In addition to the general smoking prohibition in Chapter 101, Wisconsin Statutes above, it shall be unlawful and a violation of this section for any person, whether employed by the City of Edgerton or a member of the public, to smoke or use tobacco products as follows:

1. in any City vehicle whether the vehicle is owned or leased by the City of Edgerton;
2. in any City-owned or occupied building;
3. within 25 feet of any City-owned building or City owned pavilion or similar structure;
4. within 25 feet of the pool at Central Park;
5. within 25 feet of ~~the baseball fields located at Racetrack Park~~ any public playground or public athletic field;
6. within 25 feet of any entrance to a school;
7. within 25 feet of any outdoor seating area for an outdoor theater, outdoor concert, or outdoor sporting, service line or other outdoor public gatherings or events on City-owned property. Where such events do not provide specific seating areas, designated smoking areas shall be provided in a location reasonably removed from the main observation area as established by the person in charge; or
78. on the City grounds surrounding the Veteran’s Memorial Building.

(alternate language)

1. In any City vehicle whether the vehicle is owned or leased by the City of Edgerton;
2. On any property owned or Leased by the City of Edgerton, including any City owned or controlled public parks which have been posted.

3. Smoking shall be permitted at outdoor public gatherings or events on City-owned property only in such designated smoking areas as established by the person in charge. Such areas shall be provided in a location reasonably removed from the main gathering areas for the public.

(4) RESPONSIBILITY OF PERSON(S) IN CHARGE.

- (a) No person in charge may allow any person to smoke in violation of this Ordinance at a location that is under the control or direction of the person in charge.
- (b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
- (c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
 - 1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
 - 2. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
 - 3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
- (d) If a person refuses to leave a location after being requested to do so as provided in subsec. (c)3. the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
- (e) A person in charge may take measures in addition to those listed in subsec. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

~~(5) EXCEPTIONS. The prohibition against tobacco products does not apply to the following:~~

- ~~(a) a private residence;~~
- ~~(b) a retail tobacco store;~~
- ~~(c) a tobacco bar; or~~
- ~~(d) a retail electronic delivery device store.~~

(6) PENALTY. Penalties for violations shall be as provided in section 1.06. As prescribed by state statutes, a warning notice shall be issued to the person in charge for the first violation. ~~A violation of this provision relating to the prohibition of smoking shall be not less than \$100 nor more than \$250 for each violation except that the forfeiture for a person in charge cannot exceed \$100 per day.~~

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson:

Roll Call: Ayes Noes

1st Reading:

2nd Reading:

Christopher W. Lund, Mayor

**CITY OF EDGERTON
ORDINANCE No. 19-10**

**AN ORDINANCE TO CREATE SECTION 16.47 "BULLYING" OF THE EDGERTON
CODE OF GENERAL ORDINANCES,**

CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN

Aldersperson Candy Davis introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES,
WISCONSIN, DO ORDAIN AS FOLLOWS:

16.47 BULLYING shall be created as follows:

16.47 BULLYING

(1) **DEFINITIONS.** In this sections:

- a. **Bullying.** An intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander or threaten another person and which serves no legitimate purpose.
- b. **Course of Conduct.** A pattern of conduct composed of a series of acts over a period of time however short, evidencing a continuity of purpose.
- c. **Harassment.** Any conduct, whether verbal, physical, written, or by means of any mode of communication, which is prohibited by Wis. Stats., 947.01, 947.012, 947.0125, or is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.

(2) **PROHIBITED.** It shall be unlawful for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.

(3) **RETALIATION PROHIBITED.** No person shall retaliate against any person who reports any conduct which is prohibited by this Section.

(4) **CONSTITUTIONALLY PROTECTED ACTIVITY.** This Section shall not be construed to apply to any constitutionally protected activity or speech.

(5) **PARENTAL RESPONSIBILITY.** It shall be unlawful for any custodian parent or guardian of any un-emancipated person under eighteen (18) years of age to allow or permit such person to violate the provisions of subsection (2). The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of Subsection (2) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.

(6) **PENALTY.** Penalties for violations shall be as provided in section 1706. As prescribed by state statutes, a warning notice shall be issued to the person in charge for the first violation. A violation of this provision relating to the prohibition of bullying shall be not less than \$10

**CITY OF EDGERTON
ORDINANCE No. 19-11**

**AN ORDINANCE TO AMEND SECTION 20.01 THROUGH 20.08 “BUILDING
REGULATIONS” OF THE EDGERTON CODE OF GENERAL ORDINANCES,**

CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN

Aldersperson _____ introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES,
WISCONSIN, DO ORDAIN AS FOLLOWS:

Sections 20.01 through 20.08 shall be amended to include new State Codes and commercial inspections. The amendments are as follows:

SECTION 20.01 APPLICATION OF PROVISIONS.

- (1) PURPOSE. The purpose and intent of this ordinance is to:
 - (a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and commercial buildings including agricultural buildings, detached structures and detached accessory buildings.
 - (b) Exercise jurisdiction for additions and alterations of commercial and residential structures.
 - (c) Replacement of major building equipment including furnaces, central air conditioners, water heaters, electrical systems, plumbing systems, and any other major piece of equipment.
 - (d) Provide plan review and on-site inspections of one-and two-family dwellings, and commercial buildings by inspectors certified by the Department of Safety and Professional Services.
 - (e) Establish and collect fees to defray administrative and enforcement costs;
 - (f) Establish remedies and penalties for violations; and
 - (g) Establish use of the Wisconsin Uniform Building permit as prescribed by the Department of Safety and Professional Services.

SECTION 20.02 STATE CODES ADOPTED.

The administrative code provisions describing and defining regulations are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. The following Chapters of the Wisconsin Administrative Codes shall be adopted and enforced by the City’s building inspector.

- | | |
|--------------------------|-------------------------------------|
| (a) Chapter SPS 302.31 | Plan review fee schedule |
| (b) Chapter SPS 305 | Credentials |
| (c) Chapter SPS 316 | Electrical Code |
| (d) Chapters SPS 320-325 | Uniform Dwelling Code |
| (e) Chapter SPS 327 | Campgrounds |
| (f) Chapters SPS 361-366 | Commercial Building Code |
| (g) Chapters SPS 375-379 | Buildings Constructed Prior to 1914 |
| (h) Chapters SPS 381-387 | Uniform Plumbing Code |

Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this ordinance to secure uniform statewide regulations. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Administrator's office.

SECTION 20.025 Certified Municipality Status

- (1) Certified Municipality. The City has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - (a) Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.

2. Provide plan examination of commercial buildings with certified commercial building inspectors.
- b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 1. A new building or structure containing less than 50,000 cubic feet of total volume.
 2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 4. An alteration of a space involving less than 100,000 cubic feet of total volume.
 5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 6. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- c) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
 1. Building permit application
 2. Application for review - SBD-118
 - a. Fees per Table SPS 302.31-2 and SPS 302.31
 - b. Fees apply to all commercial projects
 3. Four sets of plans
 - a. Signed and sealed per SPS 361.31
 - b. One set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance.

The administrative code provisions describing and defining regulations

SECTION 20.03 DEFINITIONS.

- (1) ADDITION. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) ALTERATION. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) DEPARTMENT. "Department" means the Department of Industry, Labor and Human Relations.
- (4) DWELLING. "Dwelling" means:
 - (a) Any building, the initial construction of which is commenced on or after the effective date of this ordinance, which contains one or two dwelling units, or
 - (b) An existing structure, or that part of an existing structure, which is used or intended to be used for a one- or two-family dwelling.
- (5) MINOR REPAIR. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair (See Also Chapter 22.12).
- (6) ONE- OR TWO-FAMILY DWELLING. "A one or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (7) PERSON. "Person" means an individual, partnership, firm or corporation.
- (8) UNIFORM DWELLING CODE. "Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions, or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code.

SECTION 20.04 METHOD OF ENFORCEMENT.

For the purpose of administering and enforcing the provisions of this ordinance and the Uniform Dwelling Code, the City shall establish the office of Building Inspector which shall be filled by that method prescribed under section 20.05 and Chapter 2.03(5) of this Municipal Code.

SECTION 20.05 BUILDING INSPECTOR.

- (1) **CREATION AND APPOINTMENT.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed in accordance with Chapter 2.03(4) of the Municipal Code. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code; by the department in each of the categories specified, Wisconsin Administrative Code, and by the Department of Safety and Professional Services.
- (2) **SUBORDINATES.** The Building Inspector may appoint, as necessary, subordinates, which appointment shall be subject to confirmation by the Council. Any subordinate hired to inspect buildings shall be certified under Wisconsin Administrative Code, by the department.
- (3) **DUTIES.** The Building Inspector shall administer and enforce all provisions of this ordinance.
- (4) **POWERS.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes, and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.
- (5) **RECORDS.** The Building Inspector shall perform all administrative tasks required by the Department.

SECTION 20.06 BUILDING PERMITS.

- (1) **BUILDING PERMITS REQUIRED.** No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Safety and Professional Services for 1 and 2 family homes. The municipality shall provide building permit forms for projects other than 1 and 2 family homes.
- (2) **REPAIRS AND ADDITIONS REQUIRING PERMIT.**
 - (a) Addition, alteration or repair to an existing one- or two-family dwelling, commercial building including agricultural buildings, detached structures, decks, or detached accessory buildings not deemed minor repair by the Building Inspector.
 - (b) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
 - (c) Where 50 percent or more of the full assessed value of a structure is destroyed and it is being repaired or altered.
 - (d) For new accessory buildings.
 - (e) Alterations, replacement and/or remodeling to the building's heating, electrical or plumbing systems.
- (3) **CASES WHERE BUILDING PERMIT IS NOT REQUIRED.**
 - (a) For any improvements or alterations to an existing building in the amount of \$1,000 or less which shall not effect a structural change in use or encroach upon any yard or open space.
 - (b) For any maintenance repairs deemed minor.
- (4) **APPLICATION FOR BUILDING PERMIT.**

An application for Building Permit shall be made to the Building Inspector upon forms furnished. The applicant shall submit two (2) sets of plans for all new, repairs or additions to existing one- or two-family dwellings, commercial, detached structures and accessory buildings at the time that the building permit application is filed. The application shall include, for the purpose of proper enforcement of these regulations, the following data:

 - (a) An accurate map of the property, in duplicate and properly dimensioned showing:
 1. The boundaries of the property involved.
 2. The location of the centerline of any abutting streets or highways.
 3. The location of the lot of an existing building, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline of any abutting streets or highways to the nearest portion of such building.
 4. The high-water line of any stream or lake on which the property abuts.
 - (b) The use to be made of the building, structure, or land, and such other information as may be required by the Building Inspector for the proper enforcement of this chapter.
 - (c) Any other requirements of this chapter and Chapter 22 - Zoning Ordinance.
- (5) **ISSUANCE OF BUILDING PERMIT.**

If the Building Inspector finds that the proposed building or repair or addition complies with all City ordinances and the Adopted Building Codes in this chapter, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept

CITY OF EDGERTON MUNICIPAL CODE
CHAPTER 20

BUILDING REGULATIONS

SECTION 20.01 -APPLICATION OF PROVISIONS.

~~(1) TITLE.~~ This ordinance shall be known as the one and two family dwelling code of the City of Edgerton.

- (1) ~~(2)~~ —PURPOSE. -The purpose and intent of this ordinance is to:
 - (a) ~~(a)~~—Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and commercial buildings including agricultural buildings, detached structures and detached accessory buildings.
 - (b) Exercise jurisdiction for additions to existing one- and two-family dwellings; alterations of commercial and residential structures.
 - (c) ~~(b)~~—Replacement of major building equipment including furnaces, central air conditioners, water heaters, electrical systems, plumbing systems, and any other major piece of equipment.
 - (d) Provide plan review and on-site inspections of one- and two-family dwellings, and commercial buildings by inspectors certified by the Department of Industry, Labor Safety and Human Relations; Professional Services.
 - (e) ~~(e)~~ —Establish and collect fees to defray administrative and enforcement costs;
 - (f) ~~(d)~~ —Establish remedies and penalties for violations; and
 - (g) ~~(e)~~—Establish use of the Wisconsin uniform building Uniform Building permit as prescribed by the Department of Industry, Labor Safety and Human Relations; Professional Services.

SECTION 20.02 -STATE UNIFORM DWELLING CODE CODES ADOPTED.

—The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters Ind 20-25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. -The following Chapters of the Wisconsin Administrative Codes shall be adopted and enforced by the City's building inspector.

- (a) Chapter SPS 302.31 Plan review fee schedule
- (b) Chapter SPS 305 Credentials
- (c) Chapter SPS 316 Electrical Code
- (d) Chapters SPS 320-325 Uniform Dwelling Code
- (e) Chapter SPS 327 Campgrounds
- (f) Chapters SPS 361-366 Commercial Building Code
- (g) Chapters SPS 375-379 Buildings Constructed Prior to 1914
- (h) Chapters SPS 381-387 Uniform Plumbing Code

Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this ordinance. -Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this ordinance to secure uniform statewide regulation of one- and two-family dwellings in this city of the State of Wisconsin regulations. A copy of these administrative code provisions and any future amendments shall be kept on file in the City Administrator's office.

SECTION 20.03 -DEFINITIONS-025 Certified Municipality Status

- (1) ~~(1)~~ —Certified Municipality. The City has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

- (a) Responsibilities. The City shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
- b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
1. A new building or structure containing less than 50,000 cubic feet of total volume.
 2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 4. An alteration of a space involving less than 100,000 cubic feet of total volume.
 5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 6. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- c) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
1. Building permit application
 2. Application for review - SBD-118
 - a. Fees per Table SPS 302.31-2 and SPS 302.31
 - b. Fees apply to all commercial projects
 3. Four sets of plans
 - a. Signed and sealed per SPS 361.31
 - b. One set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance.
- The administrative code provisions describing and defining regulations

SECTION 20.03 DEFINITIONS.

- (1) ADDITION.- "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) ~~(2)~~ ALTERATION.- "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) ~~(3)~~ DEPARTMENT. -"Department" means the Department of Industry, Labor and Human Relations.
- (4) ~~(4)~~ DWELLING. -"Dwelling" means:
- (a) ~~(a)~~ Any building, the initial construction of which is commenced on or after the effective date of this ordinance, which contains one or two dwelling units, or
 - (b) ~~(b)~~ An existing structure, or that part of an existing structure, which is used or intended to be used for a one- or two-family dwelling.
- (5) ~~(5)~~ MINOR REPAIR. -"Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. -No building permit is required for work to be performed which is deemed minor repair (See Also Chapter 22.12).
- (6) ~~(6)~~ ONE- OR TWO-FAMILY DWELLING. -"A one or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (7) ~~(7)~~ PERSON. -"Person" means an individual, partnership, firm or corporation.
- (8) ~~(8)~~ UNIFORM DWELLING CODE.- "Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions, or modifications thereto, contained in the following chapters

of the Wisconsin Administrative Code;

~~Wis. Adm. Code Chapter Ind 20—Administrative and Enforcement~~

~~Wis. Adm. Code Chapter Ind 21—Construction Standards~~

~~Wis. Adm. Code Chapter Ind 22—Energy Conservation—Standards~~

~~Wis. Adm. Code Chapter Ind 23—Heating, Ventilating and Air Conditioning Standards~~

~~Wis. Adm. Code Chapter Ind 24—Electrical Standards~~

~~Wis. Adm. Code Chapter Ind 25—Plumbing and Potable Water Standards~~

SECTION 20.04 -METHOD OF ENFORCEMENT.

—For the purpose of administering and enforcing the provisions of this ordinance and the Uniform Dwelling Code, the City shall establish the office of Building Inspector which shall be filled by that method prescribed under section 20.05 and Chapter 2.03(5) of this Municipal Code.

SECTION 20.05 -BUILDING INSPECTOR.

- (1) ~~(1)~~—CREATION AND APPOINTMENT. -There is hereby created the office of Building Inspector.- The Building Inspector shall be appointed in accordance with Chapter 2.03(4) of the Municipal Code. -The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code; by the department in each of the categories specified under see. Ind 26.06, Wisconsin Administrative Code, and by the Department of Health Safety and Social Professional Services in the category of plumbing.
- (2) ~~(2)~~—SUBORDINATES.— The Building Inspector may appoint, as necessary, subordinates, which appointment shall be subject to confirmation by the Council. -Any subordinate hired to inspect buildings shall be certified under ~~Ch. Ind 26,~~ Wisconsin Administrative Code, by the department.
- (3) ~~(3)~~—DUTIES.- The Building Inspector shall administer and enforce all provisions of this ordinance ~~and the Uniform Dwelling Code.~~
- (4) ~~(4)~~—POWERS.- The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any ~~publie~~public or private premises for inspection purposes, and may require the production of the permit for any building, plumbing, electrical or heating work. -No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.
- (5) ~~(5)~~—RECORDS. -The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code.

SECTION 20.06 -BUILDING PERMITS.

- (1) ~~(1)~~—BUILDING PERMITS REQUIRED. -No ~~one~~owner or two family dwelling of which ~~initial~~contractor may commence construction shall be commenced after June 1, 1980 shall be built, enlarged, altered, or repaired unless a of any building or mechanical system prior to obtaining a valid permit for the work shall first be obtained by the owner, or his agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Industry, Labor and Human Relations Safety and Professional Services for 1 and 2 family homes. The municipality shall provide building permit forms for projects other than 1 and 2 family homes.
- (2) ~~(2)~~—REPAIRS AND ADDITIONS REQUIRING PERMIT.
 - (a) ~~(a)~~ No ~~addition~~Addition, alteration or repair to an existing ~~one_~~ or two—family dwelling, commercial building including agricultural buildings, detached structures, decks, or detached accessory buildings not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Inspector.

~~(b) (b)~~—Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.

~~(c) (e)~~—Where 50 percent or more of the full assessed value of a structure is ~~destroyed~~destroyed and it is being repaired or altered.

~~(d) (d)~~—For ~~any~~new accessory buildings.

~~(e) (3)~~—Alterations, replacement and/or remodeling to the building's heating, electrical or plumbing systems.

(3) CASES WHERE BUILDING PERMIT IS NOT REQUIRED.

~~(a) (a)~~—For any improvements or alterations to an existing building in the amount of \$1,000 or less which shall not effect a ~~structural~~structural change in use or encroach upon any yard or open space.

~~(b) (b)~~—For any maintenance repairs ~~regardless of cost~~deemed minor.

(4) (4) APPLICATION FOR BUILDING PERMIT.

—An application for Building Permit shall be made to the Building Inspector upon forms furnished. -The applicant shall submit two (2) sets of plans for all new, repairs or additions to existing one- or two-family dwellings, commercial, detached structures and accessory buildings at the time that the building permit application is filed. -The application shall include, for the purpose of proper ~~inforcement~~enforcement of these regulations, the following data:

—(a) An accurate map of the property, in duplicate and properly dimensioned showing:

1. ~~1.~~—The boundaries of the property involved.

2. ~~2.~~—The location of the centerline of any abutting streets or highways.

3. ~~3.~~—The location of the lot of an existing ~~buildings~~building, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline of any abutting streets or highways to the nearest portion of such building.

4. ~~4.~~—The high-water line of any stream or lake on which the property abuts.

—(b) The use to be made of the building, structure, or land, and such other information as may be required by the Building Inspector for the proper enforcement of this chapter.

—(c) ~~by the Building Inspector for the proper enforcement of this chapter.~~

(c) Any other requirements of this chapter and Chapter 22 - Zoning Ordinance.

(5) (5) ISSUANCE OF BUILDING PERMIT.

—If the Building Inspector finds that the proposed building or repair or addition complies with all City ordinances and the ~~Uniform Dwelling Code~~Adopted Building Codes in this chapter, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. -The issued building permit shall be posted in a conspicuous place at the building site.- A copy of any issued building permit shall be kept on file with the City Administrator.

~~(6) BUILDING PERMIT FEE.~~ The applicant, upon filing of Building Permit application with the Building Inspector, shall pay a fee to the Building Inspector in accordance with the Building Permit requirements of this chapter. (Ord. 97-29)

SECTION 20.07 FEES FOR BUILDING PERMITS AND INSPECTIONS.

—At anytime the application for a building Building permit is filed, the applicant shall pay the fees in accordance with the ~~current Building Fees~~and costs are set by the Common Council. (Ord. 02-23)

SECTION 20.08 -VIOLATION AND PENALTIES.

(1) ~~(1)~~—Prohibition. No person shall erect, use, occupy, entity, or maintain firm may construct, remodel, demolish, or repair any ~~one or two family dwelling in violation of building in a manner which violates~~ any provision of this ordinance or the ~~Uniform Dwelling Code~~ or cause to permit any such violation to be committed. Any person violating any provisions of ~~the~~this ordinance.

(2) Every person, firm, or entity which violates this code shall, upon conviction, ~~be subject to~~forfeit not less than ~~Twenty Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00);~~ \$1,000 for each day of non-compliance, together with the costs of prosecution and, if in default of payment thereof, shall be

imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid.

- ~~(2)~~ If an investigation reveals a noncompliance with this ordinance or the Uniform Dwelling Code, Violations discovered by the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected be corrected within 30 days, or more if allowed by the Inspector, after written notification unless an extension of time is granted pursuant to Sec. Ind 20.10 (1)(c) Wisconsin Administrative Code.
- ~~(3)~~ ~~(3)~~ If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice ~~of is given.~~ Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- ~~(4)~~ ~~Each day each violation continues after~~ Compliance with the 30-day written notice period has run shall constitute a separate offense. Nothing in requirements of this ordinance shall preclude is necessary to promote the City from maintaining any appropriate action to prevent or remove a violation of any provision safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance or the Uniform Dwelling Code.
- ~~(4)~~ ~~(5)~~ If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall shall constitute a public nuisance that may be charged enjoined in a civil action.

CITY OF EDGERTON DECLARATION

RECOGNIZE THE LAST FRIDAY IN APRIL AS ARBOR DAY

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED that the City of Edgerton does hereby proclaim the last Friday in April as Arbor Day, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Christopher W. Lund, Mayor

ATTEST

Ramona Flanigan, City Administrator

Dated December 2, 2019