

**CITY OF WEST ALLIS
ORDINANCE O-2024-0037**

**ORDINANCE TO REORGANIZE COMMON COUNCIL RULES IN CITY POLICY AND CORRECT ERRORS
AND OMISSIONS IN MUNICIPAL CODE**

REPEALING CHAPTER 3 AND AMENDING VARIOUS SECTIONS

WHEREAS, the common council can determine its own rules of procedure pursuant to Wis. Stat. 62.11(3)(e);

WHEREAS, the common council has established those rules within city policy, so no common council rules are necessary within the municipal code;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “2.19 Municipal Judge” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.19 Municipal Judge

1. Municipal Court Created, Qualification of Judge.
 - a. Pursuant to ~~Chapter Wis. Stat. Ch. 755 of the Wisconsin Statutes~~, there is hereby created and established a Municipal Court designated "Municipal Court for the City of West Allis," presided over by a Municipal Judge.
 - b. To be eligible for the office of Municipal Judge, a person must be an attorney licensed to practice law in this State and have been so licensed for five (5) years immediately prior to election or appointment.
2. ~~Election;~~ Term. Pursuant to Wis. Stat. 755.02, the term of office for the municipal judge shall be for 4 years, commencing on May 1 in the year preceding each presidential election year~~The Municipal Judge shall be elected at large at the Spring election, commencing with the April, 1963, election, for a term of four (4) years, commencing on May 1 succeeding his election.~~
3. Salary. See Wis. Stat. 755.04~~The Municipal Judge shall receive a salary as determined from time to time by the Common Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath, as required by subsection (4) of this section. The salary for the Municipal Judge shall be established periodically in conformance with established policies, procedures, resolutions, and ordinances for other nonrepresented City officials in the executive service of the City. {Ord. O-2009-0034, 11/3/2009}~~
4. Bond; Oath. See Wis. Stat. 755.03~~The Municipal Judge shall, after his election or appointment to fill a vacancy, take and file the official oath, as prescribed in Sec. 256.02(1) of the Wisconsin Statutes, with the Clerk of the Circuit Court for Milwaukee County, and at the same time shall execute and file an official bond.~~
5. Jurisdiction. See Wis. Stat. 755.04~~The Municipal Judge shall have such jurisdiction as provided by the Statutes and Laws of the State of Wisconsin.~~
6. Procedure.
 - a. The Municipal Court shall be open daily except Saturdays, Sundays and legal holidays. Actual court sessions shall be determined by order of the Municipal Judge.
 - b. The Municipal Court shall be held in the courtroom located at 11301 W. Lincoln Avenue or such other place as the Municipal Judge may determine if said courtroom is unavailable. **{Ord. 6576, 6/19/2001}**
 - c. The procedure in Municipal Court shall be as provided by the Statutes and

Laws of the State of Wisconsin.

- d. The Municipal Judge shall collect all forfeitures, fines and taxable costs in any action or proceeding before ~~him~~ the court and shall pay over such monies to the City Treasurer not later than the second business day following ~~his~~ the receipt thereof, or as provided by law, to the County Treasurer.
7. Contempts. See Wis. Stat. 800.12 ~~The Municipal Judge may punish for contempt in the following cases:~~
~~Persons guilty of disorderly, contemptuous and insolent behavior towards him, while engaged in any judicial proceeding, or other conduct, which tends to interrupt such proceeding or impair the respect due his authority. Persons guilty of resistance or disobedience to any lawful order or process made or issued by him. The Municipal Judge may impose a forfeiture for contempt not to exceed fifty dollars (\$50), or upon default in payment of the forfeiture, a jail sentence of not to exceed seven (7) days.~~
8. ~~Stipulations~~ Deposit Schedule. The deposit amounts for violations of City ordinances shall be set by the municipal judge pursuant to Wis. Stat. 800.037 and, if approved by the common council, published under Policy P155. If the municipal judge has not set a deposit amount for violation of a specific ordinance, the deposit amount shall be the maximum forfeiture authorized by law.
~~{Ord. 6253, 9/17/1996; Ord. 6310, 5/6/1997; Ord. 6554, 1/2/2001; Ord. 6565, 4/3/2001; Ord. O-2003-0069, 10/7/2003}~~
- a. ~~Any person charged with a violation of any of the provisions of this Code set forth in Subsection (b) below, may appear at Municipal Court in the City of West Allis in answer to the charges or may make a stipulation of no contest and deposit to the Municipal Court, as provided in Sec. 800.03 of the Wisconsin Statutes. Schedule of Deposits.~~
~~The basic amounts of the deposits established pursuant to Sec. 800.03(3) of the Wisconsin Statutes are set forth below for convenient reference and shall be accompanied by any penalty assessments, costs and surcharges applicable by law. {Ord. O-2005-0007, 1/18/2005; Ord. O-2006-0030, 6/6/2006; Ord. O-2007-0008, 3/20/2007; Ord. O-2007-0045, 12/4/2007; Ord. O-2010-0023, 7/6/2010; Ord. O-2013-0051, 11/19/2013; Ord. O-2014-0005, 2/4/2014; Ord. O-2016-0005, 2/2/2016; Ord. O-2016-0060, 12/20/2016; Ord. O-2018-0005, 2/6/2018; Ord. O-2019-0010, 3/19/2019}~~

Section Violated	Violation Description	Deposit
5.10	Fire Prevention Code	\$250
5.10	Cause Fire by Tobacco Smoking	\$100
5.10	Removal and Destruction of Tags and Signs	\$500
6.015	Abandoned vehicle	
	1st offense	\$150
	2nd or subsequent offense plus costs of impounding and disposing of the vehicle or "Must Appear"	\$400
6.02(3)	Battery	\$800
6.02(3)	Burglary	\$800
6.02(3)	Carrying Concealed Weapon	\$300
	Knife or Handgun	\$500
6.02(3)	Cheating Tokens — Use of	\$130
6.02(3)	Contributing to Delinquency of Minor	\$400
6.02(3)	Criminal Damage to Property	\$300
6.02(3)	Criminal Trespass to Dwelling	\$300

6.02(3)	Criminal Trespass to Land	\$200
6.02(3)	Disorderly Conduct	\$300
6.02(3)	Disorderly Conduct while Armed	\$600
6.02(3)	Drinking in Common Carrier	\$60
6.02(3)	Entry to Locked Vehicle	\$200
6.02(3)	Escape	\$200
6.02(3)	Forgery	\$300
6.02(3)	Fraud on Innkeeper	\$250
6.02(3)	Fraud on Gas Station (943.21)	\$200
6.02(3)	Gambling	\$200
6.02(3)	Graffiti	\$400
6.02(3)	Issue of Worthless Check	\$500
6.02(3)	Lewd and Lascivious Behavior	\$400
6.02(3)	Lewd and Indecent Drawings	\$100
6.02(3)	Negligent Handling of Burning Materials	\$500
6.02(3)	Obstructing an Officer	\$400
6.02(3)	Operating Vehicle Without Owner's Consent	\$300
6.02(3)	Possession of a Controlled Substance THC	\$500
6.02(3)	Possession of Drug Paraphernalia	\$200
6.02(3)	Possession of Dangerous Weapon by Child	\$160
6.02(3)	Receiving Stolen Property from Children	\$300
6.02(3)	Receiving Stolen Property	
6.02(3)	Less than \$200 value	\$300
6.02(3)	\$200 value or greater	\$400
6.02(3)	Reckless Use of a Weapon	\$400
6.02(3)	Resisting an Officer	\$800
6.02(3)	Robbery	\$600
6.02(3)	Sexual Gratification	\$400
6.02(3)	Retail Theft	
	Value less than \$10, first offense	\$150
	Value less than \$10, second or subsequent offense	\$250
	Value \$10 or greater, first offense	\$250
	Value \$10 or greater, second or subsequent offense	\$350
6.02(3)	Theft	\$400
6.02(3)	Unlawful Assembly	\$150
6.02(3)	Unlawful Use of Telephone	\$300

6.02(3)	Unlawful Use of Computerized Communications System (947.0125)	\$300
6.02(3)	Vagrancy	\$150
6.02(3)	Unsafe Burning of Buildings	\$500
6.02(3)	Interfering with Fire Fighting	\$500
6.02(3)	False Alarms	\$500
6.02(7)	Gambling Devices	\$500
6.02(8)	Interference with Fire Department or Equipment	\$500
6.02(9)	Loitering	\$500
6.02(9)	Prowling	\$500
6.02(16)	Hindering an Officer	\$500
6.02(17)	Skateboarding on Public Property	
	1st offense	\$10
	2nd and subsequent offenses	\$30
6.02(18)	County Park Ordinance Violations	\$100
6.02(19)	Giving/Selling Tobacco Products to Minors	
	1st offense	\$500
	2nd and subsequent offenses	\$500
	Possession/purchase of tobacco by minor	\$50
6.02(21)	Public Nudity	
	1st offense	\$50
	2nd offense	\$100
	3rd and subsequent offenses	\$500
6.02(22)	Loitering by Sex Offender	\$1,000
6.025(2)	Curfew Violation	
	1st offense	\$30
	2nd offense	\$50
	3rd and subsequent offenses	\$100
6.025(3-6)	Contributing to Curfew Violation	
	1st offense	\$50
	2nd offense	\$75
	3rd and subsequent offenses	\$100
6.03(4)	Disorderly Conduct with a Motor Vehicle	\$300
6.03(7)	Drinking Intoxicants in Streets	\$100
7.05(1-7)	Littering/Scavenging Violations	\$50
7.05(8)	Refuse Violations	
	1st offense	\$300
	2nd violation and subsequent violations within 1 year of 1st violation	\$500

7.121	Dogs and Dog Licensing	\$40
7.122	Cats and Cat Licensing	\$35
7.12(3)	Cruelty to Animals	\$300
	If mutilation or death results	\$600
Chapter 7	Other violations of Chapter 7	\$100
9.60(4)	Sell Alcohol to Underage Person	
	1st offense	\$100
	2nd offense within 12 months	\$200
	3rd and subsequent offense within 12 months	\$500
9.60(4)	Sell Alcohol to Intoxicated Person	*
9.60(4)	Underage Drinking Violations	*
9.60(4)	Identification Card Violations	*
9.60(4)	School Related Possession of Alcohol Beverages	*
9.60(4)(d)	Open After Hours	*
	*See Wisconsin Revised Uniform State Traffic and Alcohol Beverages Deposit Schedule	
9.60(4)	Loitering by Underage Persons Where Alcohol Served	\$50
9.84	Transient Merchant Violation	\$100
10.01/346.53(1-5)	Parking Prohibited in Certain Specified Places	\$15
10.01/346.54	How to Park and Stop on Streets	\$15
10.01/346.55(1-2)	Other Restrictions on Parking and Stopping	\$15
10.01/346.55(3)	Parking on Posted Public or Private Property	\$40
10.025	Wis. Administrative Code Chapter Trans. 305	\$30
10.06(7)	Heavy Traffic & Trucking — Parking Prohibited (posted)	\$40
10.065(6)	Motor Bus Loading Zones (Operator's Duty)	\$15
10.065(7)(d-f)	Handicapped/Disabled Parking Restrictions	\$300
10.09	State Fair Parking Restrictions	\$20
10.10	Parking Restrictions on Streets, Alleys and Sidewalks	\$20
10.105	All Night Parking	\$20
10.105	All Night Parking (2nd Consecutive and Successive Nights of Violation)	\$30
	All Night Parking by Vehicles Listed in	

10.105	Section 10.105(3)(d)	\$30
10.108	Trespass Parking	\$50
10.11	Parking During Snowstorms and Emergencies	\$50
10.12(1)	Double Parking	\$75
10.12(2)	Motor Running While Parked	\$25
10.12(3)	Use of Brakes/Accident	\$15
10.12(4)	Greenfield Avenue Parking Lots	\$25
10.12(5)	Parking in County Park/Parking	\$15
10.12(6)	Leaving Keys in Ignition of Parked Cars	\$25
10.12(7)	Repair of Vehicles Parked in Street	\$20
10.13(1)	Off-Street Parking Lots	\$15
10.13(2)	Vocational School Parking Lots	\$30
10.13(3)	Municipal Market Parking Lots	\$15
10.13(4)	Library Parking Lots	\$15
10.14 [excluding (7)(e)]	Parking Meter Violations	\$15
10.14(10)	Municipal Parking Lots	\$15
10.15	Bicycle Regulations	\$10
11.12	Snow and Ice Removal	
	1st offense	\$200
	2nd offense	\$300
	3rd offense	\$400
	4th and subsequent offenses	\$500
Chapter 12	Zoning Code	
	1st offense	\$300
	2nd and subsequent offenses within 1 year of 1st violation	\$500
13.28(9)	Minimum Standards for Buildings and Structures	
	1st offense	\$10
	2nd offense within 12 months	\$70
	3rd and subsequent offense with 1 year of first violation	\$150
13.28(10)	Outdoor Areas To Be Maintained	
	1st offense	\$10
	2nd offense within 12 months	\$70
	3rd and subsequent offense with 1 year of first violation	\$150
Chapter 13	Other Violations of Chapter 13	

	1st offense	\$300
	2nd and subsequent offense within 1 year of 1st violation	\$500

b. In the event that any of the foregoing offenses have been referred to the District Attorney's office for review, and municipal charges are subsequently issued for battery, burglary, carrying a concealed weapon, disorderly conduct, theft, obstructing or resisting an officer, the amount of deposit shall be doubled. Pursuant to Sec. 938.17(2)(cm) of the Wisconsin Statutes, the Municipal Court Judge is authorized to impose upon a juvenile adjudged to have violated a City ordinance any disposition set forth in Secs. 938.343 and 938.344 of the Wisconsin Statutes. ~~[Ord. O-2005-0032, 7/5/2005]~~ For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Sec. 938.343 or Sec. 938.344 of the Wisconsin Statutes. ~~[Ord. O-2005-0032, 7/5/2005]~~ For all other ordinance violations not listed in Subsection (b), the deposit shall be set by the Judge in an amount not to exceed the maximum penalty for the offense. Pursuant to the authority contained in Sec. 345.28 of the Wisconsin Statutes, a person charged with a non-moving traffic violation may mail or deliver the amount specified on the citation to the Traffic Bureau at the City of West Allis Police Station within ten (10) days from the date the citation is issued. If the forfeiture is paid after ten (10) days, but within twenty-eight (28) days of the issuance of said citation, the amount of the deposit shall be increased by ten dollars (\$10). If the forfeiture is paid after twenty-eight (28) days of issuance of said citation, the amount of deposit shall be increased by an additional ten dollars (\$10).

9. Warrants ~~(Reserved)~~. ~~[Ord. O-2003-0068, 10/7/2003; Ord. O-2004-0003, 1/6/2004]~~

a. Commitment processing fee. A commitment processing fee of twenty-five dollars (\$25) shall be imposed for each commitment issued by the Municipal Judge. Warrant pickup fee. Whenever a person who is wanted on a non-West Allis warrant, commitment, or other judicial order commanding a law enforcement officer to seize and hold the person is taken into custody by a West Allis police officer, a warrant pickup fee of twenty-five dollars (\$25) shall be assessed to the person picked up on such warrant. Said fee shall be added to the bond amount of the warrant. Petition to Municipal Judge. A person for whom a West Allis warrant has been issued or who has been taken into custody by a West Allis police officer on a non-West Allis warrant may petition the Municipal Judge for relief from the fees imposed in this section. The judge may, in his/her discretion, waive the fee where the fee imposes a hardship or where it is in the interest of justice.

10. Authority.

a. Court Fee. Pursuant to Wis. Stat. 814.65(1), the municipal judge shall collect a fee of \$38 on each separate matter, other than non-moving violations, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter.

b. Juvenile Dispositions and Sanctions. Pursuant to Wis. Stat. 938.17(2)(cm), the municipal court is authorized to impose or to petition the court assigned to exercise jurisdiction under Wis. Stat. Chs. 938 and 48 to impose all dispositions under Wis. Stat. 938.343 and 938.344 and all sanctions under Wis. Stat. 938.355(6)(d) and (6m).

c. Guardian Ad Litem. Pursuant to Wis. Stat. 800.035(2m), the municipal judge may appoint a guardian ad litem in any matter within the jurisdiction of the municipal court.

SECTION 2: **AMENDMENT** “2.48 Administrative Review Board” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.48 Administrative Review Board

1. Legislative Intent. In order to insure fair play and due process in the administration of the affairs, ordinances, resolutions and bylaws of the City, the Common Council hereby declares that the provisions of Chapter 68 of the Wisconsin Statutes, relating to municipal administration review procedure, shall be in full force and effect in the City, except as otherwise provided herein.
2. Reviewable Determination. The following determinations are reviewable under this section:
 - a. The grant or denial in whole or in part after application of an initial permit, license, right, privilege, or authority, except an alcohol beverage license.
 - b. The suspension, revocation or nonrenewal of an existing permit, license, right, privilege, or authority, except the grant, denial, suspension or revocation of an alcohol beverage license under Wis. Stat. 125.12(1).
 - c. The denial of a grant of money or other thing of substantial value under a statute or ordinance prescribing conditions of eligibility for such grant.
 - d. The imposition of a penalty or a sanction upon any person except a municipal employee or officer, other than by a court.
3. Determinations not subject to review. Except as provided in section 2.48(2), the following determinations are not reviewable:
 - a. A legislative enactment of the Common Council. A legislative enactment is an ordinance, resolution, formal written policy or adopted motion of the Common Council.
 - b. Any action subject to administrative or judicial review procedures under statutes other than those set forth in Chapter 68 of the Wisconsin Statutes or other ordinances of the City.
 - c. The denial of a tort contract, or other claim for money, required to be filed with the City pursuant to statutory procedures for the filing of such claims.
 - d. The suspension, removal or disciplining or nonrenewal of a contract of a municipal employee or officer.
 - e. The grant, denial, suspension of an alcohol beverage license or permit under Wis. Stat. 125.12(1).
 - f. Judgments and orders of courts.
 - g. Determinations made during labor negotiations.
 - h. Any action or determination which is subject to administrative review procedures under any other ordinance providing different administrative procedures.
 - i. Notwithstanding any other provision of this section, or Chapter 68 of the Wisconsin Statutes, any other action or determination of the City or any officer, employee, agent, agency, committee, board, or commission of the City which does not involve the constitutionally protected right of a specified person or persons to due process in connection with the action or determination.
4. Initial Determinations. Where applicable, all officers, employees, agents, agencies, Committees, Boards and Commissions of the City shall comply with the requirements of Chapter 68 of the Wisconsin Statutes, and shall conduct initial administrative reviews of their own determinations, in accordance with section 68.09 of the Wisconsin Statutes, upon filing of a proper written request therefor.
5. Administrative Appeals; How Taken.
 - a. Administrative appeals under section 68.10 of the Wisconsin Statutes, except as modified by ordinance pursuant of section 68.16 of the Wisconsin Statutes, shall be filed in writing with the City Clerk. The Clerk, upon receipt of a duly

filed appeal, together with the fee set forth in subsection (b), shall set a date for hearing thereon. The Clerk shall attempt to schedule a date for hearing within 15 days of receipt of the notice of appeal. If the Administrative Appeals Review Board and the appellant cannot agree upon a date, the Clerk shall then select a date for hearing within 30 days of receipt of the notice of appeal. The hearing date may be adjourned upon mutual agreement of the appellant and the Administrative Appeals Review Board. The Clerk shall serve the appellant with notice of such hearing at least three (3) days before such hearing and shall forward the notice of appeal, date for hearing, and the record of proceedings theretofore had in the matter, if any, to the Administrative Appeals Review Board.

- b. The fee for filing an administrative appeal shall be ~~fifty dollars (\$50)~~ set forth in the Fee Schedule and shall be paid at the time of filing. An appeal shall not be considered filed until the fee is paid and the time to schedule a hearing under subsection (a) shall not commence until the fee is paid.

6. Administrative Appeals Review Board.

- a. There is hereby created for the City an Administrative Appeals Review Board consisting of three (3) members, which shall have the duty and responsibility of hearing appeals from the initial administrative determinations or decisions of officers, employees, agents, agencies, Committees, Boards and Commissions of the City filed, in accordance with section 68.10 of the Wisconsin Statutes and the provisions of this section, and making a final determination thereon.
 - b. In conducting administrative review hearings and making final decisions, the Board shall be governed by the provisions of sections 68.11 and 68.12 of the Wisconsin Statutes.
 - c. The Administrative Appeals Review Board shall consist of the Mayor, one Alderman and one citizen. The Alderman member shall be designated annually by the Mayor at the first meeting of the Common Council in June of each year and shall be subject to confirmation by the Common Council. The citizen member shall be appointed by the Mayor, subject to confirmation of the Common Council, for a two-year term commencing on July 1 of even numbered years. The Mayor shall serve as Chairman of the Board. The Mayor may appoint, subject to confirmation, for a two-year term, one alternate member who shall act with full power only when a member of the Board is absent or refuses to serve because of interest in the subject matter of the appeal. The Board may adopt rules for conduct of hearing, not in conflict or inconsistent with the provisions of section 68.11 of the Wisconsin Statutes.
7. Common Council Reviews. Notwithstanding any of the provisions of this section, when a request is made for review of an administrative decision of the Common Council, said review shall be conducted by the Common Council. The hearing procedure set forth in section 68.11 of the Wisconsin Statutes shall be followed except that the Common Council shall hear the matter. The review of the determination shall be the "final determination," as provided in section 68.12 of the Wisconsin Statutes, and there shall be no further administrative review. Requests made under this subsection shall be filed with the City Clerk within the time period set forth in section 68.10(2) of the Wisconsin Statutes. Appeals of a final determination shall be filed with the City Clerk within the time prescribed in section 68.13(1) of the Wisconsin Statutes.
8. Alternative Procedures. The provisions of this ordinance shall not be deemed to repeal or supersede the provisions of any other ordinances in conflict herewith or providing other procedures for review of administrative determinations within the City, except when otherwise specifically provided in said ordinances.

[Ord. 6352, 1/6/1998; Ord. O-2014-0051, 9/2/2014]

SECTION 3: AMENDMENT “6.015 Control Of Abandoned Motor Vehicles” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

6.015 Control Of Abandoned Motor Vehicles

1. Definitions as used in this section:

- a. "Vehicle" shall mean any device, as defined in sec. 340.01(74) of the Wisconsin Statutes, and includes any motor vehicle, trailer, semi-trailer, mobile home or snowmobile.
- b. "Abandoned vehicle" shall mean and include any vehicle that has been allowed to remain standing in the City on any alley, street, highway, public place or private property without the owner's permission, for more than 48 hours; or any partially dismantled, damaged, inoperable, unlicensed, unregistered, wrecked or junked vehicle which is stored outside a building on private property; or any vehicle, with a condition that renders it favorable to the harborage of rodents or insects and is stored outside a building on private property; or any vehicle that is in such condition or parked in such a way to render such vehicle a health and safety hazard; or any vehicle which is parked or stored on private property on unpaved surfaces which are not determined to be nonconforming uses under the Zoning Code. A vehicle shall not be considered an abandoned vehicle when it is out of ordinary public view. **[Ord. O-2007-0032, 9/4/2007]**
- c. "Inoperable" shall mean and include any vehicle that is incapable of being propelled under its own power including, but not limited to, a vehicle meeting any of the following criteria:
 - i. Is missing an engine.
 - ii. Is missing a battery.
 - iii. Is missing a transmission.
 - iv. Is missing a wheel.
 - v. Is elevated on blocks or other objects.
 - vi. Is missing a tire or has a deflated tire.
- d. "Partially dismantled" shall mean, but is not limited to, a vehicle meeting any of the following criteria:
 - i. Is missing a door, fender, or hood.
 - ii. Is missing a windshield or window or has a broken windshield or window.
- e. "Junked" shall mean any inoperable vehicle that has no resale value except as a source of parts or scrap.
- f. "Damaged" shall mean any vehicle that is impaired in a manner that would adversely affect its operation.

2. Public Nuisance. Any vehicle allowed to be parked or remain standing in violation of this section is hereby declared to be a public nuisance and may be abated as hereinafter provided.

3. Prohibition. No person owning or having custody of any abandoned vehicle as defined in Subsection (1)(b) shall allow such vehicle to remain on any public or private property within the City.

4. Exemptions. This section shall not apply to any vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or, a vehicle out of the ordinary public view.

5. Removal, Impounding and Junking.

- a. The Chief of Police or any member of his or her Department designated by him or her is hereby authorized to remove or have removed any vehicle left on any highway or public property within the City which reasonably appears to be in violation of Subsection (2) above, or to be lost, stolen or unclaimed. Such vehicles shall be impounded, as hereinafter provided, until lawfully claimed or disposed of in accordance with sec. 342.40 of the Wisconsin Statutes.
- b. Any vehicle parked on highways in violation of this section which poses a

hazard to other vehicles or pedestrians may be towed, pursuant to sec. 349.13(3) of the Wisconsin Statutes.

- c. Any vehicle parked on a highway or other public property in violation of this section that does not fall under Subsection (5)(b) shall have placed upon it a placard or other similar emblem that warns the vehicle owner that the vehicle will be towed if not removed within seventy-two (72) hours. Said placard shall be at least five (5) inches by seven (7) inches, bright orange in color and contain a warning that the vehicle will be towed. An officer or building inspector shall also send a letter to the registered owner's last known address informing the owner that the vehicle is in violation, has been placarded and must be removed by a date and time certain that coincides with the date and time on the placard or the vehicle will be towed at the owner's expense.
- d. For vehicles parked on private property in violation of this section, an officer or building inspector shall mail or cause to be mailed, by first class mail, a notice of condemnation to the owner of the property on which the vehicle is located and, if the vehicle is owned by someone other than the property owner, or if the vehicle's last registered owner has been issued more than ten (10) City of West Allis parking citations which remain outstanding for that vehicle and said vehicle is left standing on any alley, street, highway, or public place, to the last registered owner of the vehicle at his or her last known address. The notice shall include a description of the vehicle(s) and premise(s), an explanation for the issuance, a statement concerning the time period by which the vehicle(s) must be removed or its condition(s) corrected, a statement of the consequences if the City removes the vehicle(s), an explanation of the right to petition the Municipal Court for a hearing within seven (7) days, and a statement that any vehicle owner or property owner who does not file a petition for a hearing waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section and informing the property and or registered owner that the vehicle must be brought into compliance within seven (7) days. Additionally, the officer or building inspector shall place a placard on the vehicle(s) that bears the word "Condemned" and post a copy of the placard in a conspicuous place on the vehicle at any time after the officer or building inspector declares the vehicle(s) a nuisance. **[Ord. O-2007-0032, 9/4/2007]**
 - i. A property owner or motor vehicle owner may request a hearing before the Municipal Court within seven (7) days of receiving the mailed condemnation notice. Any request shall be written and shall explain why the vehicle should not be removed from the premises.
 - ii. Upon receipt of the hearing request, the Municipal Court shall halt the condemnation of the vehicle owner, pending the decision of the Municipal Court.
 - iii. If the Municipal Court upholds the condemnation of the vehicle, the property owner or vehicle owner may appeal the decision within twenty (20) days to the circuit court.
 - iv. If a property owner or vehicle owner does not file a timely written request for a hearing with the Municipal Court, he or she waives the right to assert that the vehicle did not meet the criteria for a vehicle that is subject to removal under this section.

Within seven (7) days of the date the vehicle was placarded, if the owner has not filed a petition, removed the vehicle or corrected its condition, an officer or building inspector may have the vehicle removed and impounded or destroyed. If the violation is not timely corrected, the officer or building inspector may issue a citation to the vehicle owner, the property owner, or property occupant alleging a violation of this section from the date the vehicle was to have been brought into compliance after notice.

6. Disposal of Unclaimed or Abandoned Vehicles.

- a. Any vehicle impounded under this section shall be disposed of in accordance

with the provisions of sec. 342.40 of the Wisconsin Statutes.

- b. If the Chief of Police determines that the cost and towing charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold to a licensed salvage dealer prior to expiration of the impoundment period, upon determination that the vehicle is not stolen or otherwise wanted for evidence or other reason.
7. Costs. The owner of any abandoned, partially dismantled, damaged, inoperable, wrecked, junked or discarded motor vehicle and, in the case of any such vehicle parked on private property in violation of this section, the owner or occupant of the property is responsible for all costs of impounding and disposing of the vehicle. Such costs shall be in addition to the forfeiture provided for violation of this section and may be charged against the property owner and assessed as other special taxes are upon notification by the municipal court to the City treasurer.
8. Penalties. Pursuant to Wis. Stat. 342.40(3), aAny person violating this section shall forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), together with the costs of prosecution and, in default of payment thereof, shall be imprisoned in the County Jail or House of Correction of Milwaukee County until such forfeitures and costs are paid, such imprisonment shall not exceed the number of days set forth in sec. 800.095(4) of the Wisconsin Statutes. Each day a violation of this section continues shall constitute a separate offense.

[Ord. 6302, 4/1/1977; Ord. 6310, 5/6/1977; Ord. 6346, 11/17/1997; Ord. 6585, 9/18/2001; Ord. O-2005-0007, 1/18/2005]

SECTION 4: **AMENDMENT** “12.80 Subdivision Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.80 Subdivision Regulations

1. General Provisions.
 - a. No person, firm or corporation shall divide, subdivide or replat any land located within the City into two (2) or more parcels without first filing a certified survey map or plat of subdivision with the City Clerk for review by the Plan Commission and approval by the Common Council. The subdivider shall prepare the certified survey map in accordance with this section and shall file the original and ten (10) copies of the map, together with a letter of application, with the City Clerk at least ten (10) days prior to the meeting of the Plan Commission at which review is desired. The City Clerk shall, within two (2) days after filing, transmit the copies of the map and letter to the Plan Commission. This paragraph shall not apply to divisions of less than five (5) parcels as a result of:
 - i. Transfers of interest in land by will or pursuant to court order;
 - ii. Leases for a term not to exceed ten (10) years, mortgages or easements;
 - iii. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes, including all yards and open spaces, required by Chapter 236 of the Wisconsin Statutes, or other applicable laws or City ordinances.
 - b. The map shall be reviewed by the Plan Commission for conformity with this section and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Plan Commission shall, within thirty (30) days from the date of filing of the map, recommend approval, conditional approval, alteration (or modification) or rejection of the map, and shall transmit the map along with its recommendations to the

Common Council.

- c. The Common Council shall approve, approve conditionally, or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved or conditionally approved, the City Clerk shall so certify on the face of the original map together with the conditions of approval and return the map to the subdivider.
 - d. The City Clerk shall record the map with the County Register of Deeds within thirty (30) days of approval by the Common Council and shall have prepared a plastic film reproducible of the recorded map. The subdivider shall deposit with the City Clerk to defray the recording cost of the certified survey map and attached certificates an amount equal to the recording fee of the Register of Deeds.
 - e. Words used in this section shall be defined in accordance with Section 12.16 of this Chapter, except that where no such definition is given, the definitions contained in Chapter 236 of the Wisconsin Statutes, shall govern.
2. Preparation of Certified Survey Map. The certified survey map, prepared by a registered land surveyor, shall comply in all respects with the requirements of sec. 236.34 of the Wisconsin Statutes; and, in addition, shall show correctly on its face the following information:
 - a. All existing buildings located on the lands being divided and any buildings or portions thereof located within fifty (50) feet of the boundary of such lands; except, where the lands being divided exceed three (3) acres, only those buildings or portions thereof, located on the parcel or parcels being created and any buildings or portions thereof located within fifty (50) feet of the boundaries of such parcel or parcels.
 - b. All land reserved for future acquisition by the City.
 - c. Date of the map.
 - d. Graphic scale.
 - e. Name and address of the owner, subdivider, and surveyor.
 - f. All easements for utility or drainage purposes.
 - g. Topographic data for the land being divided or replatted and for an area at least fifty (50) feet beyond the boundaries of such land with a contour interval of not more than two (2) feet, except that where lots of one acre or less are being created, the elevations of all lot corners and existing building corners may be substituted for contour lines.
 - h. All of the lands in which property division occurs; except, where the remnant of the lands exceeds three (3) acres, then only the parcel being created.
3. Conformance with Zoning Ordinance. Except as provided herein, no lands may be divided into lots which do not conform with the regulations of this Chapter or, where the division will increase or cause the non-conformity of any existing structure with such regulations. Lots with less lot width or land area than required by the regulations of this Chapter may be approved by the Common Council provided the following conditions are met:
 - a. Not more than two (2) lots are created.
 - b. The lots so created would have at least seventy-five percent (75%) of the lot width and area required by the district in which such lots are located.
 - c. At least fifty percent (50%) of the lots having frontage on the same street and within the same block are developed with lot widths or areas substantially conforming to the proposed.
4. Dedication of Street Rights-of-Way. No full street shall be less than sixty (60) feet wide unless otherwise permitted by specific enactment of the Common Council. Where lands to be divided abut a street of lesser width than has been established by law, the subdivider shall dedicate from his land so much thereof as necessary to provide at least one-half (1/2) on his side of the existing center line of the additional right-of-way required. Such dedication shall be condition of approval of the certified survey map. All enactments by the Common Council establishing street widths are incorporated into this section by reference thereto, and shall be effective as if fully set

forth herein.

5. State Plane Coordinate System. Where the map is located within a quarter section, the corners of which have been located, monumented and coordinated by the City, the map shall be tied directly to one of the section or quarter corners so located, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the monument marking the located section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin coordinate system, south zone, and adjusted to the City's control survey.
6. Improvement Standard. No certified survey map or final plat for the subdivision of land shall be approved by the Common Council unless the Public Works Committee determines that all utility and street improvements are available or will be made available within two (2) years of the date of approval. Where the certified survey map or final plat involves the dedication of new streets or the extension of existing streets to serve only the lots proposed to be subdivided, the developer or person filing the certified survey map or final plat shall enter into a contract with the City of West Allis with security to be determined by the City, agreeing to reimburse the City for the total cost of all improvements including storm drainage facilities, and inspection and supervision of installation of the required improvements by personnel of the City Engineer's staff. Where the certified survey map or final plat involves the improvement of existing dedicated streets or involves the dedication of partial street rights-of-way to serve property other than that proposed to be subdivided, the installation of required utility and street improvements shall be made in accordance with the assessment policy in effect at the time of installation of improvements. Utility and Street improvements shall comply with the following requirements:
 - a. Street grading. Streets shall be graded to the full width of the right-of-way and to the grades established by the City Engineer. All stumps, trees, boulders and similar items shall be removed.
 - b. Sanitary Sewer. Sanitary sewers shall be installed in accordance with the specifications of the City Engineer. Where sanitary sewers of a larger size than that necessary to serve the lots proposed to be subdivided is required by the City Engineer, the developer shall be responsible for only that portion of the cost for the required size. Minimum size of sanitary sewers shall be eight (8) inches.
 - c. Water. Water distribution facilities including mains, hydrants, laterals, pipe fittings and other appurtenances shall be installed in accordance with the specifications of the City Engineer. Where water mains of a larger size than that necessary to serve the lots proposed to be subdivided is required by the City Engineer, the developer shall be responsible for only that portion of the cost for the required size. Minimum size of water mains shall be six (6) inches.
 - d. Storm Sewers. Storm sewers shall be installed in accordance with the specifications of the City Engineer. Where storm sewers of a larger size than that necessary to serve the area to be subdivided are required by the City Engineer, the developer shall be responsible for only that portion of the cost for the required size. Minimum size of storm sewers shall be twelve (12) inches.
 - e. Street Improvements. After all underground utilities have been installed, street improvements shall be installed in accordance with standard specifications of the City Engineer. Where streets with a wider pavement than thirty (30) feet are required by the City Engineer, the developer shall be responsible for only that portion of the cost of a thirty (30) foot paved width. Minimum street paved width shall be thirty (30) feet (face to face of curb) of seven (7) inch Portland cement concrete. Curbs and gutters shall be installed in accordance with standard specifications of the City Engineer.
7. Certificates to Accompany Map or Plat. To entitle a final plat or certified survey map to be recorded, the surveyor's certificate of compliance with statute, the owner's certificate and the certificates of taxes paid, in the form provided by sec. 236.21 of the Wisconsin Statutes, shall appear on such plat or map.

8. Administrative Fees. Each certified survey map or plat of subdivision filed with the City Clerk shall be accompanied by a nonrefundable filing fee to the City in the amount ~~of one hundred twenty-five dollars (\$125)~~ [listed in the Fee Schedule](#). This fee is intended to defray administrative costs involved in processing maps and plats and shall be in addition to any recording fees. In the event it is necessary to re-approve a map or plat to permit recording, an additional fee ~~of twenty-five dollars (\$25)~~ [listed in the Fee Schedule](#) shall be paid to the City to defray additional administrative costs.
~~{Ord. 6056, 12/7/1993}~~

SECTION 5: **AMENDMENT** “13.21 Sign Code” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

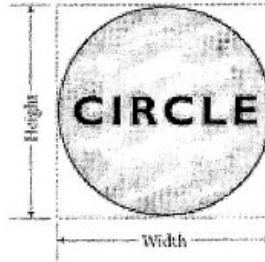
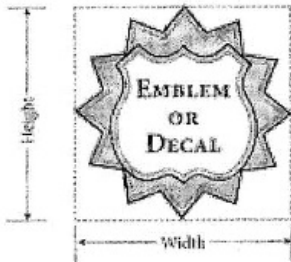
13.21 Sign Code

1. Purpose. It is declared that the regulation of signs within the City is necessary and in the public interest to:
 - a. Protect property values within the City.
 - b. Preserve the beauty and the unique character of the City by aesthetically complementing the development, which a sign identifies.
 - c. Promote a healthy and properly designed business environment.
 - d. Provide for the expression of both commercial and noncommercial speech.
 - e. Provide for the identification and advertising needs of businesses.
 - f. Safeguard the general public from damage and injury, which may be caused by the faulty and uncontrolled construction of signs within the City.
 - g. Protect against hazards to vehicular traffic movement through improper placement of signs.
 - h. Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City.
 - i. No regulation of sign content is intended to result from the application of this sign code.
2. Definitions. As used in this section:

"Abandoned sign" means a sign or portion of a sign structure located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more, any sign or structure which pertains to a time, event or purpose which no longer applies or a sign which no longer directs attention to a business, activity or service offered or product sold on the premises.

"Area of sign" means that area enclosed by one continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign. As shown below:

MEASUREMENT OF DISPLAY AREA



"Awning": means a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

"Awning sign" means a sign attached to an awning.

"Banner" means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric or similar flexible material of any kind. A flag shall not be considered a banner.

"Building front foot" means the maximum building width measured at grade level with the street.

"Bus shelter" means a structure which protects public transit system passengers from the climate while they wait for the arrival of their buses.

"Business front foot" means the lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

"Change of Use" is deemed to have occurred whenever the type of business changes or when the occupant changes.

"Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

"Construction sign" means any sign giving the name or names of principal contractors, subcontractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

"Creative sign" means any sign of unique design that exhibits a high degree of thoughtfulness, imagination, inventiveness and spirit, and that makes a positive visual contribution to the overall image of the City.

"Development sign" means any sign used to identify future residential or nonresidential development or such a development under construction.

"Directional sign" means any sign used to identify a certain location on a premises.

"Electronic message center sign" means a type of changeable copy sign upon which message or display is presented with patterns of lights or other means.

"Fascia" means a flat board, band, or face, used sometimes by itself but usually in combination with moldings, often located at the outer face of the cornice.

"Fixture" means a piece of equipment which has been permanently attached to real estate in such a way as to be part of the premises.

"Flag" means any national flag, flag of political subdivisions and symbolic insignia of any institution or business.

"Flashing sign" means a type of changeable copy sign upon which a message or display is presented more frequently than for three-second intervals.

"Freestanding sign" means any sign which is supported by structures or supports in or upon the ground and independent from any building.

"Grand opening sign" means a sign which calls attention to a new business or the announcement of a change in ownership of a business.

"Height of sign" means the overall height of a sign and/or the supporting structure of a sign, where applicable, measured from the top of the sign and/or supporting structure of the sign to the ground.

"Holders of permit" means, collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains.

"Illegal sign" means any sign, except the following:

A sign allowed by this section and not requiring a permit.

A sign allowed by this section carrying a valid permit.

A legal nonconforming sign.

"Informational sign" means a sign that indicates separate buildings or services on premises.

"Maintenance" means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of the copy.

"Master sign program" means the establishment of an identification program for any multi-tenant operation within the City, including, but not limited to, office parks, industrial and multi-tenant office and retail buildings, and buildings over twenty-five thousand (25,000) square feet of area. The intent of a master sign program is to give a uniform theme of size, color and style to signs in such a development.

"Minor tenant," as part of the Master Sign Program application process, means an individual tenant space of no more than three thousand (3,000) square feet and located within a portion of a multi-tenant commercial building (MTCB) of at least one hundred thousand (100,000) square feet or larger. **[Ord. O-2010-0037, 10/19/2010]**

"Multiple tenant commercial building (MTCB)" means a commercial development, which includes three (3) or more tenants, or a building area of twenty-five thousand (25,000) square feet or more, or buildings with frontage along an interstate highway.

"Nonconforming sign" means a sign that met code regulations when it was originally erected, either by adherence to a previous sign code or by a variance granted to that code, but which does not comply with all the present regulations of this section.

"Parapet wall" means a wall extending above the plate line of the building.

"Pennant" means a tapered or dovetailed banner, sign, or streamer, with or without any representation or writing thereon.

"Permanent sign" means any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in some permanent manner affixed to the ground, wall or building.

"Planned development" means a collection of like-use buildings, residential, office or industrial in nature, designed contemporaneously and in close proximity to each other as part of a single integrated project, including, but not limited to, residential subdivisions and office or industrial parks.

"Plate line" means the point at which any part of the main roof structure first touches or bears upon an external wall.

"Political sign" means a sign supporting a candidate for office or urging action on any other matter or social issue.

"Portable sign" means any sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including, but not limited to, signs on trailers.

"Projecting sign" means a sign attached to a wall and projecting away from the wall more than twelve (12) inches but not more than four (4) feet.

"Residential corridor" means a geographic area which predominately features homes.

"Roofline" means the highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

"Roof sign" means a sign extending above the roofline or located on the roof.

"Sale, lease and rent sign" means a temporary sign which indicates that some premises or vacant land is for sale, lease or rent.

"Sandwich board sign" means a two-sided portable sign constructed of wood, metal or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

"Seasonal sign" means a temporary sign for seasonal commercial establishments, including, but not limited to, garden centers, Christmas tree lots and fruit and vegetable stands.

"Shingle sign" means a sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch or open lattice walkway.

"Sign" means any device, structure, fixture, banner or placard using graphics, symbols, and/or written copy for the primary purpose of identifying or advertising any establishment, product, goods or services. The term "sign" shall not include any flag.

"Sign value" means the amount reported on the sign permit, which includes the costs of design, materials, construction, and installation.

"Snipe sign" means any sign attached to public property or erected in or over the public right-of-way. This does not include a sign projecting into the public right-of-way for which a grant of privilege has been obtained or signs installed by City, county, state or federal government.

"Streamer" means the same as pennant, as defined in this subsection.

"Structure" means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner.

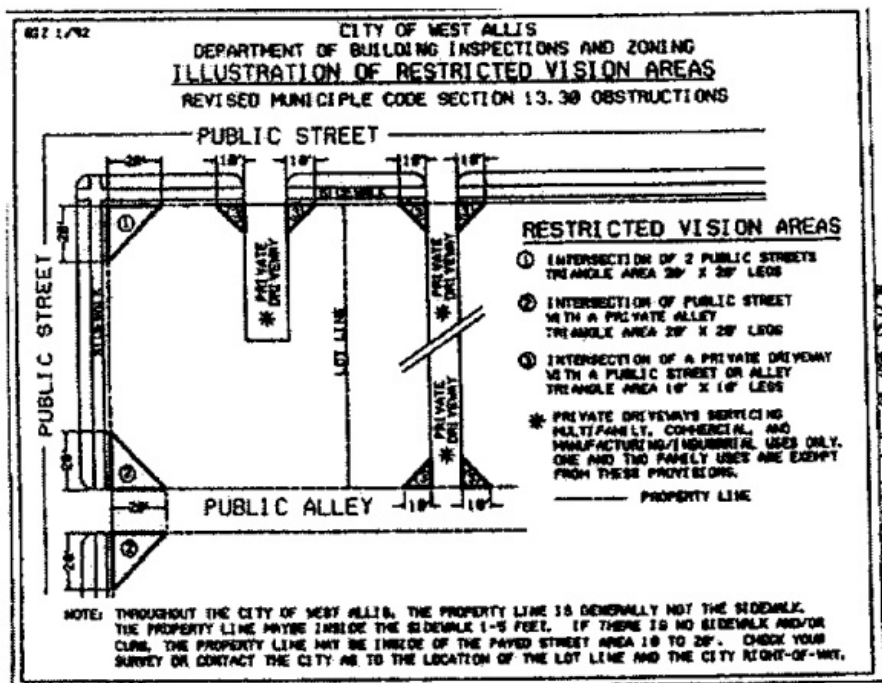
"Temporary sign" means a sign constructed of, but not limited to, cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, or any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited period of time only.

"Tenant directory board" means any sign on which the names of occupants or the uses of a building is given, including, but not limited to, those utilized at office buildings, retail centers and other MTCBs.

"Time and temperature signs" means a sign which conveys the time and/or temperature.

"Traffic directional sign" means a sign designed and located solely for the purpose of relieving traffic congestion and directing and promoting the safe flow of traffic.

"Vision triangle" means a restricted vision area at the intersection of two public streets, a public street and a private alley, and a private driveway and a public street or alley. Private driveways servicing one- and two-family uses are exempt from the vision triangle restriction.



"Wall sign" means a type of sign, the back of which is attached flat (parallel) to a building wall or structure, twelve (12) inches or less from the wall.

"Window sign" means any sign painted upon or attached to or displayed in a window or door in such a manner as to permit viewing from the exterior of the building or structure.

3. Requirement of Conformity. It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the City, except as provided in this section.
 - a. All signs constructed or maintained contrary to the provisions of this section are declared to be illegal.
 - b. Any person or entity violating any provisions of this section or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law.
 - c. This section shall not apply to signs located in the C-1 Central Business District of the City.
4. Conformity of Nonconforming Signs.
 - a. Any and all signs on a parcel which are nonconforming as of the date of the adoption of this Code (April 17, 2007) nonconforming being defined in Section 13.21(2) of this chapter and Sec. 62.23(7)(h), shall conform to this section: **[Ord. O-2008-0035, 7/1/2008]**
 - i. When there is any alteration to a sign that requires a permit;
 - ii. When there is any alteration to a building or site or structure that requires Plan Commission review;
 - iii. When the total structural repairs or alterations in a nonconforming building, premises, structure, or fixture exceeds fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use; or
 - iv. When the nonconforming use of the building, premises, structure, or fixture is discontinued for a period of twelve (12) months.
 - b. All signs subject to the conformity requirements of this section will have twelve (12) months from issuance of permit for an exterior alteration to a building or site or structure to meet the requirements. An extension of this time limitation may be granted by the Plan Commission in accordance with the following criteria:
 - i. The applicant requesting the extension shall complete a signage application available from the Planning and Zoning Program Staff and shall submit an extension fee in the amount listed on the Fee Schedule.
 - ii. A written explanation for the extension of time shall accompany the signage application along with a timeline/schedule for obtaining necessary permits and a target date for construction start.
 - iii. The request for extension shall be submitted within sixty (60) days of the expiration of the conformity requirements.
 - iv. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the extension of time grant shall become null and void.
5. Procedures.
 - a. Sign Application Review and Permitting Process.
 - i. Sign review applications are available through the Planning and Zoning Program Staff. All signs will be reviewed for approval pursuant to the administrative procedures as set by the Planning and Zoning Program Staff except for signs which do not require a permit under Section 13.21(6) of this section, temporary signs as described in Section 13.21(12), and Master Signage Program signs under Section, 13.21(13) of this section, which shall be reviewed and approved by the Plan Commission. Permits are granted from the Code Enforcement Department and will only be granted after approval from the Planning and Zoning Program Staff or Plan Commission.
 - ii. The Planning and Zoning Program Staff decision on an application shall be issued within thirty (30) days of filing of the application with the office of the

City Planner unless the applicant has agreed in writing to an extension, or additional information is required as detailed below.

- (1) Should the applicant be required to supply additional information, the Planning and Zoning Program Staff shall notify the applicant within thirty (30) days of filing and the requested information shall be provided to the Planning and Zoning Program Staff within sixty (60) days of such notice, or the original application shall automatically be denied.
 - iii. Permits are granted from the Code Enforcement Department and will only be granted after approval from the Planning and Zoning Program Staff or Plan Commission.
 - iv. All applicants must submit five (5) color copies of sign proposals along with a signage review fee (see Chapter 12 of the Revised Municipal Code) to the Planning and Zoning Program Staff. Such submissions shall detail the size of the sign, the method of attachment or support, the location(s) of the proposed sign(s), any other sign(s) located on the premises, the materials to be used, and any other information deemed necessary to properly review the proposal.
 - v. Multi-tenant applicants, who include buildings of three (3) or more tenants, or a building area of twenty-five thousand (25,000) square feet or more, or buildings with frontage along an interstate highway, should refer directly to Section 13.21(13) for detailed requirements relative to the Master Sign Program.
 - vi. Guidelines for Approval.
 - (1) The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area.
 - (2) The proposed sign conforms to the location, size and style and other requirements set forth in this section.
 - (3) The proposed sign conforms to the City's long-range planning for the area as set forth in the City's Master Plan as that term is defined in Chapter 62.23(3), Wisconsin Statutes, or relevant portions thereof.
 - (4) The proposed sign shares similar architectural or building material features of the principal building.
 - (5) Signs located in residential corridors may be further regulated by Plan Commission pursuant to Section 13.21(9), such as, but not limited to, lighting operations.
 - vii. The Planning and Zoning Staff Program Development may establish guidelines, which further define and interpret this section. Those guidelines, if any, shall be made available to all sign applicants.
 - viii. Any signage proposals that are denied by the Planning and Zoning Program Staff may be appealed to the Plan Commission in accordance with the variance procedure as stated in Section 13.21(9).
6. Permits, Inspections and Revocations.
- a. A permit shall not be required for the following signs or activities; however, such signs or activities shall be subject to any and all applicable provisions of this section:
 - i. One (1) nonilluminated sign six (6) square feet or less in area unless otherwise specifically required by this section;
 - ii. Maintenance, including repainting or replacing faces of signs, or minor nonstructural repairs of signs (except electrical repair);
 - iii. Political signs;
 - iv. Window signs only as permitted under Section 13.21(18);
 - v. Rental, sale and lease signs six (6) square feet or less in area; and
 - vi. Address markers/signs; and
 - vii. Flags.
 - b. A permit shall not be required for the erection, construction, alteration, placement,

maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the City or other public authorities, or the posting of notices required by law or for other signs as approved by the Board of Public Works. See Section 13.21(11).

- c. No person, firm or corporation shall erect, replace, construct, enlarge, alter, move, relocate or maintain any sign as governed by this section without first obtaining a sign permit from the Code Enforcement Department, except as said forth in Section 13.21(6)(a) and (b) above. Before a sign permit may be issued, it shall first be approved by the Planning and Zoning Program Staff in accordance with the procedure in Section 13.21(5), and conform to the requirements of this code, and the applicant shall pay the required fees. See Chapters **12** and **13** of the Revised Municipal Code for a fee schedule.
 - i. Any owner of a premises or agent for the owner shall file an application for a sign permit on a form furnished for such purpose. Each application shall additionally include sufficient information to issue a permit to include plans and drawings detailing sign location information and sign construction information that indicates conformance with the construction standards of Section 13.21(7).
 - ii. In addition to a sign permit, an electrical permit is also required for electrically operated signs.
 - iii. As a condition of the issuance of a sign permit, the sign owner and owner of the premises upon which the sign is located agree to allow inspectors on the property for inspection of the installation and maintenance and further agree to promptly remove the sign should it become unsafe, inadequately maintained, dilapidated, abandoned, in nonconformance with this section, or if prescribed fees are not paid.
- d. Unless waived by the Code Enforcement Department, all signs for which a permit is required shall be subject to the following inspections:
 - i. Electrical inspection on all electrically operated signs.
 - ii. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit.
 - iii. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained.
- e. Permit Revocation and Sign Removal.
 - i. The Code Enforcement Department shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this section.
 - ii. In revoking any sign permit and requiring the removal of any illegal sign, the Code Enforcement Department shall give a written compliance order to the owner(s) of the premises on which such sign is located and/or to the occupant(s) of the premises to which such sign pertains. The order shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged, if any. Such order shall specify what repairs, if any, will make the sign conform to the requirements of this section, specify that the sign must be removed or made to conform with the provisions of this section within the compliance period provided below and further state the appeals process provided below. A sign with an expired permit is an illegal sign and therefore does not require revocation of the permit.
 - iii. Compliance Period for Removal.
 - (1) The compliance period for removal for permanent signs shall be thirty (30) days.
 - (2) The compliance period for removal of temporary signs shall be forty-eight (48) hours.
 - iv. The decision of the Code Enforcement Department to revoke the permit may be appealed to the Plan Commission. A written appeal must be filed within thirty (30) days from the date when the order was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting. The decision of the Plan Commission shall be the final determination as set

forth in Sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to Sec. 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

- v. If no appeal has been filed within the thirty-day appeal period, or if the Plan Commission has upheld the decision of the Code Enforcement Department on appeal, the permit is deemed revoked and the sign is deemed illegal. The Code Enforcement Department then shall initiate the procedure for the removal of the illegal sign.
- vi. If after service of order the owner(s) and/or occupant(s) of the premises upon which the sign is located have not removed the sign or brought the sign into compliance with the provisions of the section by the end of the compliance period, the Code Enforcement Department shall take such legal action as deemed appropriate.
- vii. Removal. The Code Enforcement Department is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the Code Enforcement Department shall be charged against the owner of the property and may be entered as a special assessment against such premises to be collected in all respects like other taxes upon the real estate, as provided in Chapter 66.0907(3)(f) of the Wisconsin Statutes, except in the case of snipe signage in the public right-of-way.
- viii. Re-erection of any sign or any substantially similar sign on the same premises after a compliance order has been issued shall be deemed a continuance of the original violation.

7. Sign Construction Standards. All signs shall be designed and constructed to comply with the provision of this code for use of materials, loads and stress as required by the International Building Code (IBC), in the most current edition as published by the International Code Council, Inc.
- a. Signs shall be designed and constructed to withstand wind pressure as provided in IBC Chapter 16.
 - b. Signs shall be designed and constructed with the allowable working stress conforming to IBC Chapter 16. The working stress of wire rope and its fastening shall not exceed twenty-five percent (25%) of the ultimate strength of the rope or fasteners. Exceptions:
 - i. The allowable working stress for steel and wood shall be in accordance with IBC Chapters 22 and 23.
 - ii. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel.
 - c. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. All ferrous chain, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. Wood blocks shall not be used for anchorage, except in the case of signs attached to buildings with wood walls. Signs shall not be supported by anchors secured to an unbraced parapet wall. Minimum anchorage for wall signs is three-eighths-inch diameter embedded at least five (5) inches. Minimum anchorage for projecting signs is five-eighths-inch and turnbuckles shall be placed in chains, guys or steel rods supporting projecting signs.
 - d. All ferrous parts of signs subject to corrosion shall be protected and maintained free of corrosion.
 - e. Wood, approved plastic or other materials of combustible characteristic used as facings or in molding, cappings, nailing blocks, letters and latticing shall comply with Paragraphs 1 through 4 below, and shall not be used for other ornamental features of signs, unless approved.
 - i. All signs greater than forty (40) square feet shall be constructed of metal or other approved noncombustible materials.
 - ii. Plastic and other materials which burn at a rate no faster than two and five-tenths (2.5) inches per minute when tested in accordance with ASTM D 635

shall be deemed approved plastic and can be used as the display surface material and for letters, decorations and facings on signs and outdoor display structures.

- iii. The area of individual plastic facings of electric signs is limited by the area allowed for that type of sign but shall not exceed two hundred (200) square feet. If the total area of display surfaces exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty percent (50%) of the difference between two hundred (200) square feet and the area of the display surface. The area of plastic on the display surface shall not exceed one thousand one hundred (1,100) square feet.
- iv. Letters and decorations mounted on approved plastic facing or display surface can be made of approved plastics.
- f. No sign shall be illuminated by other than electrical means. Any open spark or flame design is not permitted unless specifically approved.
- g. Signs that require electrical service shall comply with Chapter **14**, Electrical Code.
- h. All internally illuminated signs shall bear the label of the manufacturer and approved testing agency and the listing number shall be reported on the sign permit application.
- i. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

8. Maintenance.

- a. All signs and sign support structures, together with all parts to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.
- b. The Code Enforcement Department shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. The Code Enforcement Department shall follow the procedure of notification concerning such maintenance or removal as outlined in Section 13.21(6).
- c. When any sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure shall not be re-erected, reconstructed, rebuilt, or relocated, except in conformity with the regulations of this section. Additionally, any existing sign, sign structure, awning, canopy, or other advertising structure requiring repairs at any one time in excess of fifty percent (50%) of the sign's original value shall not be repaired unless made to conform to the requirements of this section.
- d. An abandoned sign is prohibited and shall be made to conform to this code or removed by the owner of the sign or owner of the premises.
- e. Any sign which is located on a premises which becomes vacant or unoccupied for a period of six (6) months or more is considered abandoned and shall be removed.
- f. If a business on a property is suspended because of business or property ownership or management change, for more than six (6) months, any signage associated is considered abandoned and shall be removed.
- g. The Building Inspector may grant up to a six-month extension of time for the removal or intended compliance of a sign, to the sign owner, under the provisions of this subsection. A written request for an extension of time shall be submitted to the Code Enforcement Department.
- h. All signs, awnings, canopies, and other advertising structures projecting into the City right-of-way may be inspected yearly for maintenance and conformance with this code. An annual maintenance inspection fee shall be charged to the sign owner or property owner of each sign in place on January 1 and is due and shall be paid by March 15 of each year following original installation. The fee shall be in accordance with the fee schedule.
- i. All signs, as designated in the Code Enforcement Department fee schedule, may be

inspected yearly for maintenance and conformance with the code. An annual maintenance inspection fee shall be charged to the sign owner of each sign and is due and shall be paid by March 15 of each year the sign exists. The fee shall be in accordance with the fee schedule.

9. Variance to Sign Code.

- a. Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling the purpose of this ordinance. Variance from specific regulations of this section may be granted by the Plan Commission, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship; provided, that the spirit of this section shall be observed, public safety and welfare secured and substantial justice done. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's Master Plan or relevant portions thereof.
- b. Procedure.
 - i. Any person may request a variance from any provision or requirement of Section 13.21 of the Revised Municipal Code by submitting a written request to the Planning and Zoning Program Staff not less than 20 days before the next regularly scheduled Plan Commission meeting. A fee shall be required of the applicant at the time that a request for a hearing is made in accordance with Development Review Fees in Chapter 12 of the Revised Municipal Code.
 - ii. The Plan Commission shall review such requests for variances using the following criteria:
 - (1) The sign as proposed will not result in an undue concentration of signage, which renders it difficult or confusing to read existing signs.
 - (2) The proposed sign is unique and of exceptional design or style so as to enhance the area.
 - (3) Site difficulties: unusual site factors preclude the construction of a sign in accordance with this section, which would be visible to the roadway adjacent to the site frontage.
 - iii. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the Code Enforcement Department with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing within thirty (30) days of the date of such decision. The decision of the Plan Commission shall be the final determination as set forth in sec. 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to sec. 68.13 of the Wisconsin Statutes, and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

10. Prohibited Signs, Lighting and Movement.

- a. Lighting. Bare light bulbs shall not be permitted. No flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street or alley to create a traffic hazard as determined by the Code Enforcement Department.
- b. Prohibited Signs. It is unlawful to erect or maintain the following signs: **[Ord. O-2012-0028, 3/6/2012]**
 - i. Flashing signs.
 - ii. Portable signs.
 - iii. Pennants or streamers.
 - iv. Abandoned signs/structures.
 - v. Snipe signs—signs in, on or over public property; excluding those regulated in Section 13.21(11).
 - vi. Signs that interfere with traffic.
 - vii. Nonpolitical signs greater than six (6) square feet on a residential use property; not including residential properties over three-family, which are regulated by the Plan Commission under the master sign program, Section 13.21(13).

viii. All prohibited signs not mentioned in this section.

11. Signs in the Public Right-of-Way.

- a. No sign, pennant, flag or banner shall be erected, placed, located or maintained within the limits of any street or highway unless allowed as hereafter stated. Street or highway limits include all the dedicated rights-of-way, encompassing the traveled portion of the highway, shoulders, sidewalks, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.
 - i. Failure to comply with the provisions of this section shall be a violation of Sec. 86.19, Wisconsin Statutes, which is hereby adopted, as well as this section.
 - ii. Any sign in violation of this section shall be removed without notice by the Code Enforcement Department, the Police Department, or the Public Works Department.
 - iii. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in Sec. 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes, bus shelters, or to banners, signs, pennants, flags or other related decorations hung over streets attached to public property as authorized by the Board of Public Works, in which case these will not require a permit under this section.
 - iv. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "look," "danger" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- b. Signs on Public Property. No person shall erect, place or locate any sign in or on public property, with the exception of projecting signs, which are only allowed in the public right-of-way with a grant of privilege from the Board of Public Works.
- c. Guidance signs. **[Ord. O-2008-0038]**
 - i. Any person or persons conducting a summer or winter resort, hotel, or any place of public entertainment or instruction, or any place of religious worship may be granted permission from the Board of Public Works for erection of guidance signs of a type approved by the Board of Public Works subject to the conditions contained in this subsection. The application shall be filed with the Planning and Zoning Program Staff along with ~~the fee listed on the Fee Schedule~~ a fee of five hundred dollars (\$500) for the Public Works Department's cost for materials and labor of the manufacturing and erection of the guidance sign.
 - ii. All guidance signs and their supports shall be constructed, erected and maintained by the Public Works Department, and guidance signs shall be uniform in size as prescribed by the Board of Public Works.
 - iii. No guidance sign may be permitted on freeways, including the national system of interstate highways.
 - iv. Only where such institution or business is located removed from the state trunk highway system, state connecting highway, county trunk highway, or arterial streets, as defined by the Wisconsin Department of Transportation, may such guidance signs be erected.
 - v. Such guidance signs may be erected at only two (2) intersections of the state trunk highway system/state connecting highway with county trunk highways or local roads, and at such intersections of county highways or local roads as are deemed necessary by the Board of Public Works.
 - vi. No person may be permitted to erect or maintain a guidance sign on a highway or road if that person has any advertising sign in the vicinity of the intersection where the guidance sign is proposed to be erected, or has a business sign on the same highway or road, or whose business's occupancy building is less than five thousand (5,000) square feet in area.

- vii. No flashing, illuminated or reflecting signs or installation shall be permitted.
- viii. No guidance sign may be erected upon a state trunk highway right-of-way at an intersection with the state trunk highway system until the location and manner of erection of the sign have the written approval of the Department of Transportation.
- ix. Provisions from the Wisconsin Administrative Transportation Code 200.03 shall be complied with at all times.

12. Temporary Signs.

a. Permit, Maintenance and Removal.

- i. The Code Enforcement Department may issue a temporary sign permit as stated in this subsection. After permit application, a temporary sign permit may be issued for a time period specified unless as otherwise noted in this subsection.
- ii. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Building Inspector with or without notice.
- iii. All temporary signs shall be maintained in good condition and removed promptly upon expiration of the permit or as ordered by the Building Inspector.

b. Banners.

- i. Application for a banner sign shall include information and/or plans indicating the size of the sign, the advertising or copy on the sign, the location of the sign on the property, sign material type, and information regarding installation (attachment and/or support).
- ii. Each banner allowed may not exceed thirty-two (32) square feet in area.
- iii. No more than two (2) banners may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of thirty (30) days for the banner to be posted on the property. Additionally, there may be no more than two (2) banners erected per site at one time.
- iv. A grand opening banner sign not exceeding thirty-two (32) square feet may be allowed for a new business for a period of thirty (30) days in addition to other banners allowed.
- v. Seasonal signs may be posted for the term of the season as stated on the issued permit.
- vi. The Code Enforcement Director may allow a temporary sign to remain in place for up to ninety (90) days with one (1) ninety-day extension of time, while a business or property owner pursues a permanent sign.

c. Construction and Development Signs.

- i. Construction and development signs are allowed to indicate the new business, development, contractor, subcontractor, architect or lending institution.
- ii. Application for each construction or development sign shall include information and/or plans indicating the size of the sign, copy on the sign, sign material type, the location of the sign on the property, whether single- or double-faced, and sign attachment and/or support information.
- iii. One (1) development sign is allowed per street frontage and may not exceed thirty-two (32) square feet in area.
- iv. Two (2) construction signs are allowed per street frontage and each sign may not exceed thirty-two (32) square feet in area.
- v. Construction and development sign permits shall expire ten (10) days after the first occupancy and shall be removed promptly upon expiration.

d. Sale, Lease and Rent Signs.

- i. Vacant land and land being developed may have a temporary sale, lease, and rent sign posted on each street which the land abuts. The sign shall be placed on the property being sold, leased or rented in accordance with this subsection.
- ii. Residential use properties are allowed a sale, lease, or rent sign, not greater than six (6) square feet in area and may be double-faced. Freestanding signs shall not be greater than five (5) feet in height. No permit is required, and the sign shall be removed upon sale, lease or renting of the use advertised.

- iii. Nonresidential use properties are allowed one (1) temporary sale, lease, or rent sign, which may be single- or double-faced and shall not exceed thirty-two (32) square feet in area. Freestanding signs shall not be greater than five (5) feet in height. A permit is required for each sign in excess of six (6) square feet. Each sign shall be removed upon sale, lease, or renting of the use advertised, except as stated in Section 13.21(12)(d)(4). The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.21(6).
- iv. For new nonresidential developments, a temporary sale, lease, or rent sign permit may be issued for one hundred eighty (180) days and may be renewed for ninety-day periods until the development's units are ninety percent (90%) occupied or when two thousand (2,000) square feet of area or less remains to be sold, leased, or rented. The notice to remove noncomplying signs shall be in accordance with the procedures outlined in Section 13.21(6).
- e. Political Signs. **[Ord. O-2010-0049, 11/16/2010]**
 - i. Section 12.04 of the Wisconsin Statutes is hereby adopted and incorporated herein.
 - ii. Yard signs on property zoned residential shall not exceed twenty-four (24) square feet in area.
 - iii. No sign shall be placed such that it interferes with the vision of vehicle operators upon the highway or obstructs pedestrian travel on the public sidewalk.
 - iv. Yard signs displayed in other than residential zoning districts shall not exceed forty-eight (48) square feet in area.
 - v. Political signs may be displayed during the election campaign period and must be removed within a reasonable time after the election.
 - vi. No permit shall be required for political signs.

13. Master Sign Program.

- a. The purpose of the Master Sign Program is to advertise a center and its individual tenants and to allow qualified buildings and/or centers greater flexibility and increased signage area to the specific requirements as hereafter stated.
- b. Application. **[Ord. O-2010-0037, 10/19/2010]**
 - i. An application for a Master Sign Program must first be filed with the Planning and Zoning Program Staff. With the exception of minor tenant spaces, the Plan Commission shall review all Master Sign Program applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on the architecture of that sign.
 - ii. Sign applications that meet the definition of a minor tenant space may be staff approved. In such cases, the review of signage application conformance shall be limited to the minor tenant space only and not require the overall conformance of the multi-tenant commercial building.
- c. The Plan Commission, in its discretion, will consider the type and location of the building site, the proposed tenant mix, the size of the development and such other factors as it deems appropriate in evaluating a Master Sign Program.
- d. Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately in accordance with this section, and in no event shall any recommendation or approval of a Master Sign Program be deemed an approval of or a permission to construct any particular sign under that program. After review and approval by the Planning and Zoning Staff Program Development, all applications for permits for such individual signs must be filed with the Code Enforcement Department.
- e. The following entities may make application for the Master Sign Program:
 - i. Multi-tenant commercial buildings (MTCBs) or centers of three (3) or more individual tenants or buildings of at least twenty-five thousand (25,000) square feet of building area.
 - ii. Commercial or industrial uses which abut 1-94 and 1-894 right-of-way.
- f. A Master Sign Program, as presented to the Plan Commission, shall include the following components:

- i. An aesthetically developed theme on color, size and style.
 - ii. A proposed location of all signs for the building, development or center; where possible, signs shall be centered over tenant spaces.
 - iii. The proposed size of individual signs which may be expressed in maximums and minimums for purposes of the proposed Master Sign Program, but which must be proposed in exact terms when application is made for such individual signs after approval of the program.
 - iv. Type of signage proposed, e.g., individual letters, box, etc.
 - v. Blueprints, drawings and written policies governing the color, size, style, location and other features of the proposed signs.
- g. Freestanding signage (Master Sign Program).
- i. Multi-tenant commercial buildings, or buildings/centers greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted one (1) freestanding sign of no more than seventy-five (75) square feet in area, ten (10) feet in height, and subject to Plan Commission approval.
 - ii. Buildings/centers greater than fifty thousand (50,000) and less than one hundred thousand (100,000) square feet of building area may be permitted one (1) sign per building/center of one hundred fifty (150) square feet in area, not to exceed twelve (12) feet in height, subject to Plan Commission approval.
 - iii. Buildings/centers greater than one hundred thousand (100,000) and less than three hundred thousand (300,000) square feet of building area may be permitted one (1) freestanding sign per arterial street of one hundred fifty (150) square feet in area each, or one (1) sign per building/center of two hundred twenty-five (225) square feet in area, neither to exceed fifteen (15) feet in height, subject to Plan Commission approval.
 - iv. Determination of signage area for buildings or centers greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.
 - v. Where changeable copy or electronic message center signage is permitted pursuant to Section 13.21(19), the area of the changeable copy sign must be included in the total computation of allowable signage and subject to Plan Commission review.
 - vi. The Planning and Zoning Program Staff and the Plan Commission shall not approve any Master Sign Plan greater than fifteen (15) feet in height, except for centers over three hundred thousand (300,000) square feet in building area, which height shall be subject to Plan Commission discretion.
 - vii. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two (2) feet in height.
 - viii. The color scheme of the sign shall complement the color scheme of the principal building.
 - ix. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the principal building shall be incorporated into the sign.
 - x. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - xi. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.
 - xii. Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For

example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Plan Commission may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

h. Wall Signage (Master Sign Program).

i. Multi-tenant commercial buildings.

- (1) Area. The maximum allowable area of wall signs for eligible multi-tenant commercial buildings shall be computed as one and five-tenths (1.5) square feet per lineal foot of each tenant's frontage.

- (A) If applying the area formula above [Section 13.21(13)(h)(1)(a)] results in a sign area greater than two hundred (200) square feet, the individual tenant wall signs, when submitted to the Planning and Zoning Program Staff in conjunction with a Master Sign Program, shall be permitted an aggregate maximum area of two hundred (200) square feet, subject to Plan Commission approval.

- (B) Where other wall-mounted signage (e.g. projecting signage) is permitted pursuant to Section 13.21(16), the area of the sign must be included in the total computation of allowable signage and subject to Plan Commission review.

- (2) Number. Total number of wall signage permitted for a building or center or multi-tenant commercial building may be apportioned over two (2) building facades, but no more than one (1) sign per facade. Wall signage must be placed on an exterior wall of the business in which the sign identifies.

- (3) Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.

- (A) A wall sign may not project more than twelve (12) inches from the wall surface.

- (B) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.

- (C) Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**

- (4) Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.

- (A) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

- (B) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:

- (a) Raised/channeled letters;

- (b) Individual letters;

- (c) Oddly shaped signs; and

- (d) Two-inch thick (minimum) border around the wall sign.

ii. Buildings greater than twenty-five thousand (25,000) square feet of building area.

- (1) Area. Buildings greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted wall signage no greater than two hundred (200) square feet in area, and subject to Plan Commission approval.

- (2) Area. Buildings greater than fifty thousand (50,000) square feet and less than three hundred thousand (300,000) square feet of building area shall be permitted four hundred (400) square feet in wall sign

area, plus additional signage area computed by the following formula:
five-tenths (0.5) square foot times the setback length of the building
from the street frontage.

- (3) Number. Buildings greater than twenty-five thousand (25,000) and less than one hundred thousand (100,000) square feet of building area may be permitted two (2) wall signs on an exterior wall of the business in which the sign identifies.
- (4) Number. Buildings greater than one hundred thousand (100,000) square feet and less than three hundred thousand (300,000) square feet of building area may be permitted three (3) wall signs on an exterior wall of the business in which the sign identifies.
- (5) Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.
 - (A) A wall sign may not project more than twelve (12) inches from the wall surface.
 - (B) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.
 - (C) Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**
- (6) Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.
 - (A) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - (B) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:
 - (a) Raised/channeled letters;
 - (b) Individual letters;
 - (c) Oddly shaped signs; and
 - (d) Two-inch thick (minimum) border around the wall sign.

- iii. Determination of wall signage area for buildings greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.

14. Freestanding signs.

a. Architecture and Landscaping.

- i. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two (2) feet in height.
- ii. The color scheme of the sign shall compliment the color scheme of the principal building.
- iii. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.), which are part of the architectural makeup of the principal building, shall be incorporated into the sign.
- iv. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
- v. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.

- vi. Double-faced or V-shaped signs. A freestanding sign may be double-faced or V-shaped.
 - (1) Interior angle less than or equal to sixty degrees (60°). The area of double-faced or V-shaped signs with interior angles equal to or less than sixty degrees (60°) shall be expressed as the sum of the area of one face.
 - (2) Interior angle greater than sixty degrees (60°). Double-faced or V-shaped signs with interior angles exceeding sixty degrees (60°) shall be reviewed by the Plan Commission. The Plan Commission may approve, deny or request changes to a sign, based on the architecture of that sign. The area of double-faced or V-shaped signs with interior angles greater than sixty degrees (60°) shall be expressed as the sum of the areas of all the faces.
 - vii. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Planning and Zoning Program Staff may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
 - viii. The Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
- b. Size Requirements and Location.
- i. Number. One (1) freestanding sign shall be permitted. Two (2) freestanding signs are permitted for qualified sites under the Master Sign Program [Section 13.21(13)].
 - ii. Area. The area of a freestanding sign shall be computed by the following formula: Either six-tenths (0.6) square foot times the lineal front foot of the lot line or eight-tenths (0.8) square foot times the building front foot, whichever is greater, to a maximum of fifty (50) square feet of area, as permitted by the Planning and Zoning Program Staff. Corner lots may use either the front or side dimensions. Should the Planning and Zoning Program Staff Development approve both a freestanding sign and a wall sign for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet. For multi-tenant commercial buildings and buildings over twenty-five thousand (25,000) square feet in area, see Section 13.21(13).
 - iii. The sign may have multiple faces if so approved.
 - iv. Height. The maximum height of a freestanding sign may not exceed ten (10) feet. The applicant shall provide dimensions of the proposed sign. The height of a freestanding sign shall be regulated and approved by the Planning and Zoning Program Staff in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a Master Sign Plan, if any; and such other facts as the Planning and Zoning Program Staff deems appropriate.
 - v. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
 - (1) The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.
 - (2) Site consideration should be given to signs on corner lots, near driveways and/or alleys, etc. Signs are not to obstruct the vision triangle (see Figure 1 below). Signs proposed within the vision triangle shall require Plan Commission approval.

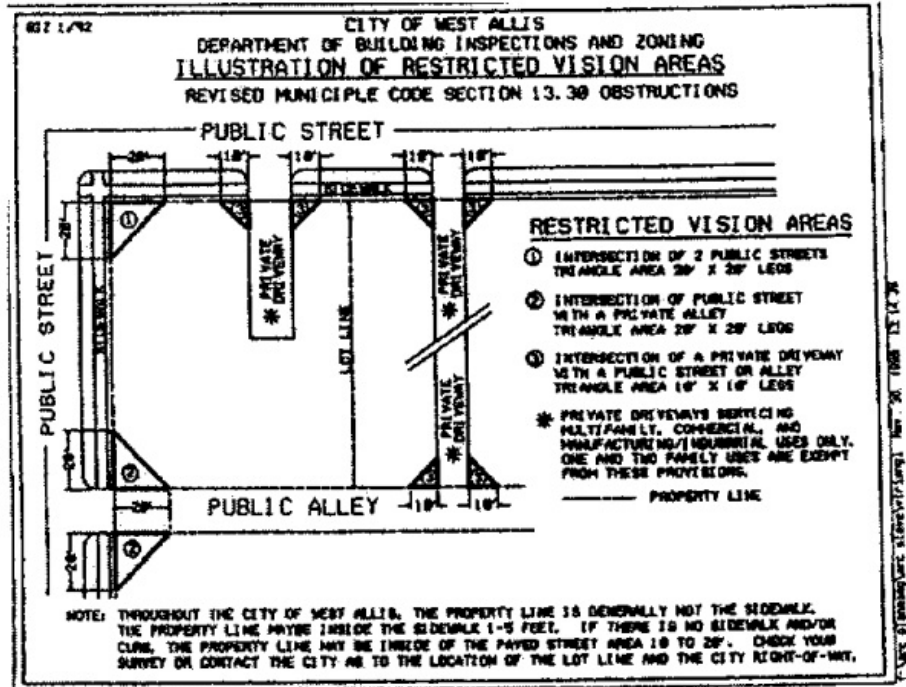


Figure 1: Vision Triangle Restrictions

15. Wall signs.

a. Architecture and Design.

- i. Architecture. Wall signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.
- ii. Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/offsets and unique shapes are encouraged.
 - (1) The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - (2) Exclusively flat wall signs shall not be acceptable. Acceptable alternatives include:
 - (A) Raised/channeled letters;
 - (B) Individual letters;
 - (C) Oddly shaped signs; and
 - (D) Two-inch thick (minimum) border around the wall sign.

b. Size Requirements and Location.

- i. Placement. A wall sign must be placed on an exterior wall of the business, which the sign identifies.
 - (1) A wall sign may not project more than twelve (12) inches from the wall surface.
 - (2) No part of a wall sign shall extend more than four (4) feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline. A wall sign may be allowed on a roof surface only if the roof surface is within twenty-five degrees (25°) of vertical, such as a mansard roof.
- ii. Number. Two (2) wall signs shall be permitted, or one (1) wall sign per street frontage, whichever is greater.
- iii. Area. The area of a wall sign shall be regulated and approved by the Planning and Zoning Program Staff in consideration of the factors enumerated in this subsection and shall be computed by the following formula: Either six-tenths

(0.6) square foot times the lineal front foot of the lot line or eight-tenths (0.8) square foot times the building front foot, whichever is greater, to a maximum of one hundred twenty-five (125) square feet, as permitted by the Planning and Zoning Staff Program Development. Corner lots may use either the front or side dimensions. Should the Planning and Zoning Program Staff approve both a freestanding sign and a wall sign (or multiple wall signs in the case of a multi-frontage lot) for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet.

- iv. Wall signs facing an alley shall be no larger than five (5) square feet in area, shall be located on the rear entry door and shall not be illuminated. **[Ord. O-2008-0038]**

16. Projecting Signs.

- a. Number. One (1) projecting sign is permitted per street frontage for each tenant. A grant of privilege will be required for signs over the right-of-way [see Section 13.21(11)].
- b. Area. The gross surface area of the sign shall be limited to a maximum of sixteen (16) square feet for single and multi-tenant buildings. Multi-story buildings are permitted an additional sixteen (16) square feet for each additional level to a maximum of one hundred (100) square feet in area.
- c. Location.
 - i. Projection. The sign shall not project more than four (4) feet from the wall to which it is attached.
 - ii. Clearance. No part of the sign shall be lower than eight (8) feet above the walk or surface below.
- d. Height.
 - i. Signs attached to a one-story building shall not exceed fifteen (15) feet above the walk or surface below, subject to all the above limitations. Signs attached to multi-story buildings shall not extend above the roof, wall or parapet of the building to which it is attached.

17. Awnings.

- a. A grant of privilege is required for awnings over the right-of-way [see Section 13.21(11)].
- b. Area. The area of sign copy shall not exceed twenty-five percent (25%) of the face of the awning/canopy to which the sign is to be affixed (see Figure 2 below).
- c. Location.
 - i. Projection. The sign may be affixed to any awning/canopy. An awning shall not project closer than two (2) feet to the edge of street curb.

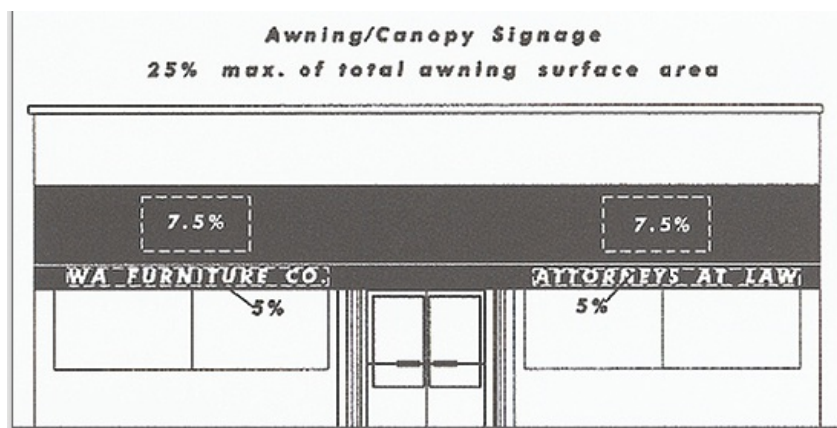


Figure 2: Awning Signage

- ii. Clearance. The lowest part of the awning structure shall not be less than seven (7) feet above the adjacent street grade or walk area below. The height of the awning fringe shall not be less than six (6) feet nine (9) inches above the adjacent grade.
- d. Materials. Plastic/vinyl awning materials are not permitted.

e. Illumination: Awnings may be illuminated.

18. Window Signs.

- a. In no instance may window signs (see Figure 3 below) cover more than twenty percent (20%) of the window space. All window signs must be affixed to the interior of the window.

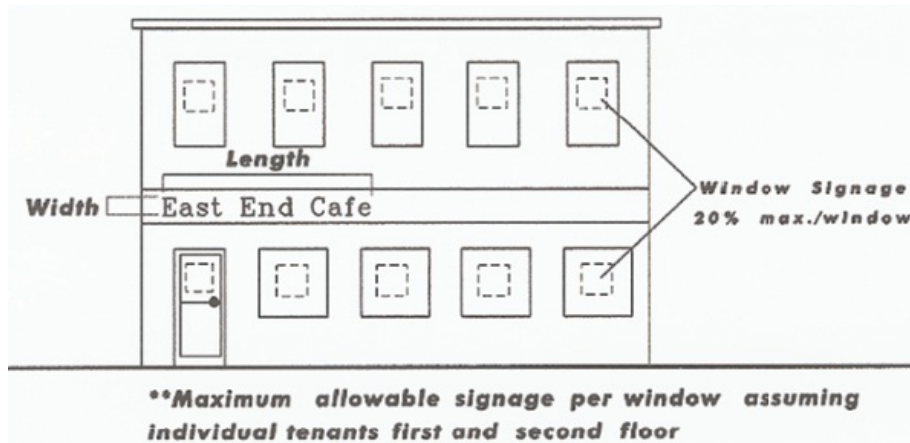


Figure 3: Maximum Window Signage

19. Changeable Copy Signs and Electronic Message Centers.

- a. Area. The computation of sign area for changeable copy signs and electronic message centers shall be included in the total permitted sign area allowed for the building or development where changeable copy signs and electronic message centers are permitted by this section and/or by the Planning and Zoning Program Staff.
- i. The changeable copy portion of the sign must occupy a secondary position to the name of tenant. The area of changeable copy and electronic message centers shall not exceed thirty-five percent (35%) of the sign face, excepting gas stations for the purpose of displaying price.
- b. Number. There shall be only one (1) changeable copy sign or electronic message center on each lot or parcel of land.
- c. Design. Changeable copy signs and electronic message centers must be integrated into the freestanding sign or projecting sign for such building or development.
- i. Electronic message centers may not change a message or display by an electronic process more frequently than three-second intervals.
- ii. The sign may be double-faced.
- iii. Each sign shall be permanently installed or located.
- iv. Each sign shall be placed in such a manner so as to not interfere with, confuse or present any hazard to traffic.

20. Tenant Directory Boards. Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a multi-tenant commercial building or center are allowed, subject to the provisions hereof. Letters on a tenant directory board, identifying occupants, may not exceed three (3) inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into compliance with all of the provisions of this section. Tenant directory boards shall match the color and style of the principal signage for the property and shall be located either within or outside in proximity to the main entrance area of the building. Tenant directory boards are allowed in addition to wall and freestanding signs, for a Master Sign Program. Tenant directory boards require a permit to be issued by the Code Enforcement Department.

21. Directional Signs.

- a. Number. No more than one (1) single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No directional sign shall be greater than four (4) feet in height.
- b. Area. The area of each side of a directional sign shall not exceed six (6) square feet. If

a driveway is shared by two (2) or more businesses or premises and each such business or premises would be permitted one (1) directional sign, pursuant to this section, such signs may be incorporated into one (1) eight-square-foot directional sign no greater than four (4) feet in height. The area of a directional sign is not calculated with the total signage area permitted on a site.

- i. Twenty-five percent (25%) of the area of each side of a directional sign may be used for the business name or logo.
- c. Location. An offset of no less than one (1) foot from the ultimate right-of-way line should be maintained.
- d. Design.
 - i. Directional signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
 - ii. The color scheme of the sign shall complement the color scheme of the principal sign.
 - iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - iv. The Planning and Zoning Program Staff may approve, deny or request changes to a sign, based on the architecture of that sign.
- e. Directional signs may be approved administratively by the Planning and Zoning Staff Program of Development.

22. Informational Signs.

- a. Signage developed for purely informational reasons, except menu boards, shall be allowed without the necessity of obtaining a permit, unless illuminated, so long as such signs comply with all other applicable provisions of this section. Such signs must be no greater than six (6) square feet in area. Examples of informational signs are signs indicating separate buildings or services on premises, e.g., body shop, car wash, and drive-up window.
- b. Informational signs consisting of menu boards may exceed six (6) square feet in area, provided, however, that no menu board, regardless of size, may be erected unless first reviewed by the Planning and Zoning Program Staff and a permit is obtained by the Code Enforcement Department.
 - i. Informational signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.
 - ii. The color scheme of the sign shall complement the color scheme of the principal sign.
 - iii. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.
 - iv. The Planning and Zoning Staff Program of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

23. Sandwich Board Signs.

- a. All applications for sandwich board signs shall be filed with the Planning and Zoning Program Staff for consideration. Applications shall include renderings of the sign and a scaled site plan delineating sign location. Permits, when approved, are valid for one (1) year and may be applied for through the Code Enforcement Department.
- b. The City of West Allis reserves the right to restrict placement of signs during inclement weather, when a snow emergency has been declared, and special events, including, but not limited to, parades.
- c. General Requirements.
 - i. Sandwich board signs shall only be permitted for commercially used buildings with a zero- to five-foot front yard setback off of the property line.

- ii. Sandwich board signs shall not be illuminated or have reflective surfaces. No additional items shall be affixed to the signs (i.e., balloons, streamers, flags, etc.).
 - iii. Sandwich board signs shall not be displayed overnight and/or when the business is closed.
 - iv. Number. One (1) sandwich board sign is allowed per business.
 - (1) When there is one (1) entrance for multiple tenants, only one (1) sandwich board sign shall be permitted on that property.
 - v. Area. The maximum sign face size shall be ten (10) square feet, with a base not exceeding two and five-tenths (2.5) feet in width. Two (2) sign faces are permitted. The total height of the sign shall not exceed four (4) feet.
 - vi. Materials. Durable approved materials shall be used such as wood or metal, which are rigid, and make the sign self-supporting. No cardboard, plastic, or PVC pipe materials are permitted.
- d. Location—Right-of-Way. Sign placement conditions are as follows:
 - i. If the sign will be located in the public right-of-way, then a grant of privilege is required pursuant to Section 13.21(11) and the applicant shall comply with any applicable special conditions in the grant of privilege, and the applicant shall provide an insurance certificate in a form approved by the City Attorney, in the amount of one million dollars (\$1,000,000.), naming the City of West Allis as an insured party in connection with each sign.
 - ii. Signs shall not be located less than six (6) inches from the face of the curb (unless located on premises).
 - iii. Signs shall not be located within ten (10) feet of a fire hydrant or a building fire department connection.
 - iv. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.
 - v. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
 - vi. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
 - vii. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
 - viii. The Code Enforcement Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
- e. Location—Private Property. Sign placement conditions are as follows:
 - i. Signs shall not be located within ten (10) feet of a fire hydrant or a building fire department connection.
 - ii. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants.
 - iii. Signs must not interfere with the vision clearance at corners and must be placed at least fifteen (15) feet from the corner (measured from street curb).
 - iv. Signs shall not be placed more than ten (10) feet from the business entrance in which the sign advertises, at ground level.
 - v. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.
 - vi. The Code Enforcement Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.
- f. Any business that fails to comply with the provisions of this Code, after receiving one (1) written notification from the City of West Allis will lose its privilege to display a sandwich board sign for a one-year period.

24. Creative Signs.

- a. Purpose. The purpose of the creative sign subsection is to establish standards and procedures for the design, review and approval of creative signs, such that consideration may be obtained from the Plan Commission to:
 - i. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and

- ii. Provide a process for the application of sign regulations in ways that will allow for creatively designed signs that make a positive visual contribution to the overall image of the City, and in certain instances, a creatively designed sign may be permitted even though it is larger or unusual in design.
- b. Applicability. An applicant may request approval of a sign permit under Section 13.21(6) to authorize on-site signs that employ standards that differ from the other provisions of this section but comply with the provisions of this subsection.
- c. Design criteria. An application for a creative sign must first be filed with the Planning and Zoning Program Staff. The Plan Commission shall review all creative sign applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on design criteria of that sign. In approving an application for a creative sign, the Plan Commission shall ensure that a proposed sign meets the following design criteria:
 - i. Design quality. The sign shall:
 - (1) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.
 - (2) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit.
 - (3) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 - ii. Contextual criteria. The sign shall contain at least one (1) of the following elements:
 - (1) Classic historic design style;
 - (2) Creative image reflecting current or historic character of the City;
 - (3) Symbols or imagery relating to the entertainment or design industry; or
 - (4) Inventive representation of the use, name or logo of the structure or business.
 - iii. Architectural criteria. The sign shall:
 - (1) Utilize and/or enhance the architectural elements of the building.
 - (2) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

25. (Reserved)

Editor's Note: Former Subsection (25), Violation, Penalties and Injunctive Action, was repealed by Ord. O-2014-0002, 2/4/2014. For current penalty provisions, see Section 13.26.

26. Severability. If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included.

[Ord. 6552, 12/19/2000; Ord. 6560, 2/20/2001; Ord. O-2005-0031, 9/6/2005; Ord. O-2007-0006, 4/17/2007]

SECTION 6: **AMENDMENT** “16.76 Private Well Abandonment And Well Operation Permit” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.76 Private Well Abandonment And Well Operation Permit

1. Purpose. The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-

complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water systems are properly abandoned.

2. Coverage. This Section shall apply to all wells located on any premises where the premises is connected to the municipal water system.
3. Definitions. The following definitions shall be applicable in this Section:
 - a. Municipal Water System. A community water system owned by a city, village, county, or town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
 - b. Non-Complying. A well or pump installation which does not comply with the provisions of Ch. NR 112, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
 - c. Pump Installation. The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - d. Unsafe. A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Chs. NR 109 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 - e. Unused. A well or pump installation which is not in use or does not have a functioning pumping system.
 - f. Well. An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
 - g. Well Abandonment. The filling and sealing of a well according to the provisions of Ch. NR 112 and NR 811, Wis. Adm. Code, and any future amendments or modifications thereto.
4. Abandonment Required. All wells located on premises connected to the municipal water system shall be abandoned in accordance with the terms of this Section and Ch. NR 811, Wis. Adm. Code by August 23, 1993, or within sixty (60) days after notification, whichever occurs last, unless a well permit has been obtained by the well owner from the Plumbing Inspector.
5. Well Operation Permit. Well Operation Permit is required for each well within the City of West Allis.
 - a. The fee for each Well Operation Permit ~~is seventy-five dollars (\$75)~~ shall be listed in the Fee Schedule for the initial application and permit and ~~seventy-five dollars (\$75)~~ for the renewal of the permit.
 - b. The permit shall be renewed every five (5) years.
 - c. The permit and/or renewal permit shall be properly displayed near the well for which the permit is issued.
 - d. The permit is transferable to successive owners.
 - e. The following conditions must be met for issuance or renewal of a Well Operation Permit.
 - i. A Well Contractors Report is filed with the Plumbing Inspector, certifying the well and pump installation is installed and maintained in accordance with the standards of NR 112.
 - ii. The well construction and pump installation have a history of producing bacteriologically safe water, as evidenced by at least two (2) samples taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well. Water test reports shall be submitted with renewals.
 - iii. There are no physical cross-connections between the well and pump installation and the municipal water system. There shall be a physical space between the pipes of each system. A gate valve is an unacceptable separation. One (1) outside hose bibb is permitted from

- a residential structure serviced by a well system.
 - iv. The use of the well and pump installation can be justified as being necessary, in addition to water provided by the municipal water system.
 - v. The well poses no hazard to health or safety.
 - f. The Plumbing Inspector, or authorized representative, may conduct inspections or have water quality test conducted, at the expense of the operator, to obtain or verify information necessary for considering a permit application or renewal.
 - g. Permit application and renewals shall be made on forms provided by the Plumbing Inspector.
6. Abandonment procedures.
- a. All wells abandoned under the jurisdiction of this section shall be abandoned according to the procedures and methods of Ch. NR 112, Wisconsin Administrative Code.
 - b. All debris, piping, unsealed liners, pump and any other obstructions, which may interfere with sealing operations, shall be removed prior to abandonment.
 - c. The owner of the well, or the owner's agent, shall first secure a permit to abandon from the Plumbing Inspector before commencement of any abandonment activities.
 - d. After the Plumbing Inspector has approved the permit to abandon, the permit holder shall notify the Plumbing Inspector forty-eight (48) hours prior to commencement of actual work to abandon. The abandonment of the well shall be observed by the Plumbing Inspector, or his designated representative.
 - e. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Plumbing Inspector and the Department of Natural Resources within fourteen (14) calendar days of the completion of the well abandonment.
7. Penalties. In addition to the penalties prescribed in Section 16.99 of this Chapter, if any person fails to comply with this section, and after receiving written notice of violation or written notice to abandon, the Plumbing Inspector may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

SECTION 7: AMENDMENT “19.37 Other Use Regulations” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

19.37 Other Use Regulations

1. Residential Parking. Any person allowing parking of vehicles outside of a building on a lot that contains a 1- or 2-unit dwelling shall comply with all the following:
 - a. Motor vehicles shall be parked on a paved surface, except on the dates on which the Wisconsin State Fair is taking place.
 - b. No motor vehicle may have more than 2 axles.
 - c. No motor vehicle may have more than 4 wheels.
 - d. No trailer may exceed 12 feet in length.
2. Home-Based Business Regulations. Any person operating a home-based business in a residential district shall comply with all the following:
 - a. The operator shall obtain a home-based business permit.
 - b. Services or sales on premises shall be conducted by appointment only.
 - c. No more than 1 client may be on the premises at any time and no more than 4 clients may enter the premises per day.
 - d. No appointments shall occur between 8 pm and 8 am.
 - e. The business shall be conducted solely within either the principal building or an accessory building.
 - f. The business may not utilize a shipping service from the dwelling unit.

- g. The business may not employ any person who does not reside on the premises.
 - h. The home-based business may not be any activity licensed by the State of Wisconsin under [Wis. Stat. Chs. 441-480](#).
 - i. No vehicle shall be used in connection with the business unless owned by the permittee and legally parked on the premises.
3. C-1 and C-2 Warehousing. For any building located in a C-1 or C-2 district and used for the storage of goods intended for retail sale, the maximum interior area of the building used for the storage of goods intended for retail sale shall not exceed 25% of the gross floor area.
 4. C-1 and C-2 Public Floor Area. For any building located in a C-1 or C-2 district and used for commercial purposes, other than a home office or home-based business, the minimum interior area of the building that must be accessible to the public shall be at least 10% of the gross floor area.
 5. Mobile Tower Siting
 - a. Application Process.
 - i. Any person seeking to site and construct a new mobile service support structure or engage in the substantial modification of an existing support structure or mobile service facility shall submit an application to the planning and zoning manager that conforms to Wis. Stat. 66.0404(2)(b) and pay a fee ~~of \$3,000~~ [listed in the Fee Schedule](#). Any person seeking to engage in a class 2 collocation shall submit an application to the planning and zoning manager that conforms to Wis. Stat. 66.0404(3)(b).
 - ii. The planning and zoning manager shall notify the applicant in writing if the application is not complete and specify in detail the required information that was incomplete within:
 - (1) 10 days of receiving an application under Wis. Stat. 66.0404(2)
 - (2) 5 days of receiving an application under Wis. Stat. 66.0404(3)
 - iii. The City shall complete the actions required by Wis. Stat. 66.0404(2)(d) and Wis. Stat. 66.0404(3)(c) within the time limit imposed by those paragraphs.
 - b. Regulations
 - i. Setback. No mobile service support structure may be constructed or undergo substantial modification of facilities and support structures within a distance equal to the height of the proposed mobile service support structure away from a lot line if that structure is located on or adjacent to a parcel of land that is zoned to permit single-family residential use. This provision does not apply if the City receives an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area and there is not substantial evidence that the engineering certification is flawed.
 - ii. Height. No mobile service support structure may exceed 200 feet in height.

SECTION 8: **REPEAL** “Chapter 3 Rules For The Common Council” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

3.01 Council Meetings

1. Regular Meetings. Regular meetings of the Common Council of the City of West Allis shall be held at the Council Chambers in the City Hall or such other place as the Common Council may designate on the first and third Tuesdays of each month or such other days that the Common Council may agree upon. The time of the Common Council meeting shall be established by the Common Council at its convenience. Public hearings may be taken up out of the regular order of business. Following a regular City election, the new Council shall first meet on the third Tuesday of April.
2. Special Meetings. Special meetings of the Common Council may be called by the Mayor (or in his/her absence, by the President of the Council), at such time as he/she may appoint, by written notice of the purpose and time thereof, to each member delivered to him/her personally or left at his/her usual abode, at least six (6) hours before the meeting. Upon petition of five (5) or more members of the Council, the Mayor (or in his/her absence, the President of the Council) shall call a special meeting of the Common Council. No other business shall be considered or transacted at any special meeting other than that for which the special meeting was called.
3. Adjournments. Any regular or special meeting may be adjourned by a majority of the members present.
4. Meetings Shall Be Public. All meetings of the Council shall be open and public and all of its procedure shall be recorded by the City Clerk, or under his/her authorization, in record books kept for that purpose.
5. Call To Order. "The Mayor or President or Acting President of the Council (as the case may be) shall promptly call each meeting of the Council to order at the hour fixed for the holding of such meeting."

The direct line of succession and order shall be as follows: Chairperson of the Administration Committee Chairperson of the Public Works Committee Chairperson of the Public Safety Committee Chairperson of the Economic Development Committee

6. Roll Calls And Quorum. Before proceeding to business, the roll of the members of the Council shall be called alphabetically, and the names of those present and those absent shall be recorded in the proceedings of the Council. Seven (7) members of the Council, or any greater number, shall constitute a quorum for transaction of business; but, a lesser number can adjourn and shall have the power to compel the attendance of absent members. The Mayor shall not be counted in determining whether a quorum is present.
7. Attendance; Leave Of Absence. No member of the Council, the City Clerk or his/her designee, or other City official, Chief of Police or police officer, whose duty it shall be to attend, shall absent himself/herself from the meetings of the Council, unless for illness or other good cause.
8. Committee Members To Remain At Meeting. No members of any Committee shall, during a meeting of the Council, have the privilege of absenting themselves from such meeting by reason of membership in such Committee, except by special leave then given.
9. Disturbance; How Suppressed. Whenever any disturbance or disorderly conduct shall occur in the Council Chambers or rooms or halls adjacent thereto, the Mayor or other presiding officer of the Council shall have power and authority, with the aid of the Chief of Police, or other police officer in attendance upon the meeting of the Council, to cause the same to be cleared of those persons, as required or authorized by law.
10. Notice Of Meetings. Notice of meetings of the Common Council shall be given in accordance with the Open Meetings Law, Subchapter V, Chapter 19, Wisconsin Statutes.

[Ord. 6386, 2/17/1998; Ord. 6527, 8/1/2000; Ord. O-2003-0039, 6/3/2003; Ord. O-2003-0071, 11/18/2003]

3.015 Council President

1. Selection And Duties. The Council, at its first meeting subsequent to the regular

election and qualification of new members, shall, after organization, choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the power and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing objections with the Clerk. He shall, when so officiating, be styled "Acting Mayor."

2. Successor In Office. In the event the President of the Common Council is unable to act or perform any of his duties because of illness, other disability or absence from the City, by a direct line of succession and in the order herein set forth, the persons elected or appointed to the following offices or positions shall act as President of the Common Council and have and exercise the powers and discharge all of the duties of the President of the Common Council, until such time as the President of the Common Council shall resume his duties and, while so acting as President of the Common Council, such person shall be styled as "Acting President of the Common Council"; provided, that if any person lower on the list of succession or order, as herein set forth, shall be exercising such powers and discharging such duties and a person higher on the list of succession or order shall become available to serve, such powers and duties are forthwith vested in the person higher on the list or order. "The direct line of succession and order shall be as follows:

Chairperson of the Administration Committee
Chairperson of the Public Works Committee
Chairperson of the Public Safety Committee
Chairperson of the Economic Development Committee

3. Vacancy. In the event of the death or resignation of the President of the Common Council, or his succession to the office of the Mayor in the case of a vacancy in the office of the Mayor, the Common Council shall, at the next meeting after the occurrence of such event, elect a successor to fill the office of President of the Common Council, who shall preside over their meetings for the remainder of the term of office to which members of the Common Council were elected.
4. Vacancy In The Office Of The Mayor. In the event of a vacancy in the office of the Mayor, as set forth in sec. 17.03 of the Wisconsin Statutes, the President of the Common Council shall succeed to the office of the Mayor until a new Mayor is elected and qualified. A new Mayor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1, preceding the first Tuesday in April; but, if the vacancy happens after December 1, preceding the first Tuesday in April, before such date, then the successor shall be elected on the first Tuesday in April of the next ensuing year, but no election to fill a vacancy in such office may be held at the time of holding the regular election for that office. The provisions of this subsection are subject to sec. 9.10 of the Wisconsin Statutes.
5. Selection of Council President. Following the election of a new Common Council and in the event of a vacancy in the office of Council President, the following procedure shall be used to select the Council President: **[Ord. O-2016-0026; 5/3/2016]**
 - a. The Common Council shall meet as a Committee of the Whole to select the Council President.
 - b. The meeting shall be open.
 - c. The City Clerk or his/her designee shall chair the meeting but shall not vote and shall be governed by a majority vote of the Committee of the Whole on all procedural matters.
 - d. The City Clerk shall ask for nominations and after alderpersons cease putting forth nominations, shall ask one time if there are any other nominations. Alderpersons may then make any further nominations and upon no additional response, nominations shall be closed.
 - e. Balloting shall be open unless it is moved and seconded that balloting be by secret ballot pursuant to Section 19.88(1) of the Wisconsin Statutes and a majority vote to have secret balloting.
 - f. A majority of all members shall be required to elect the Council President. In case of a tie vote or where a member fails to attain a majority vote, voting shall continue until a member attains a majority.

3.02 Duties Of The Presiding Officer

It shall be the general duty of the Mayor, President of the Council or the presiding member of it:

1. To open the session at the time fixed for the meeting, or at the time to which adjournment may be had, by taking the Chair and calling the members to order.
2. To clear the Council floor (that part of the Council Chamber within the rail) of all unauthorized persons prior to convening the meeting of the Common Council.
Authorized persons on the floor of the Council during meetings of the Council shall be the Mayor, Clerk, Aldermen, chief executive officers of municipalities attached to the City for school purposes, School Board Commissioners, City and School District staff personnel, members of the Boards, Commissions and Committees and members of the press. The Council may, from time to time, authorize additional persons on the Council floor.
3. To announce, at the conclusion of the roll call, the fact of the presence of a quorum, or not, as the case may be.
4. To announce the business before the Council in the order in which it is to be acted upon.
5. To receive and submit, in proper manner, all motions and propositions presented by members.
6. To put to vote the questions which are regularly moved or which necessarily arise in the course of the proceedings and to announce the result.
7. To restrain the members while engaged in debate within the rules of order.
8. To enforce, on all occasions, the observance of order and decorum among the members.
9. To inform the Council, when necessary, or when referred to for that purpose, on any point of order or practice.
10. To authenticate, by his signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the Council over which he presides.
11. To name the members who are to serve on Committees when directed to do so in a particular case, or when it is a part of his general duty by these rules, or on any other occasion when it becomes necessary to do so.
12. To represent and stand for the Council meetings over which he presides, declaring its will and in all things obeying its commands.
13. The Mayor or other presiding officer of the Council shall preserve order and decorum; may speak to points of order in preference to others, rising from his seat for that purpose; and, he shall decide questions of order, subject to an appeal by any member.
14. The Mayor or other presiding officer of the Council may call a member to the Chair, but such substitution shall not extend beyond an adjournment.
15. In the absence of the Mayor and President of the Council, one of its members shall be elected to preside temporarily until the return of the Mayor or President of the Council.
16. The Mayor shall not vote on the call of yeas and nays, except in the case of a tie vote among the Aldermen, when he shall cast the deciding vote.
17. The Mayor shall have the authority to exercise the general veto powers, as are prescribed in sec. 62.09(8)(c) of the Wisconsin Statutes.

3.03 Duties Of The Clerk

1. Corporate Seal. The Clerk shall have care and custody of the corporate seal of the City.
2. Keeping Journal. He shall attend the meetings of the Council and keep a full record of its proceedings. He shall superintend the recording of the journal of the proceedings of each meeting of the Common Council, which shall be verified by the signature of the Mayor, or other presiding officer of the Council, and attested by the signature of the City Clerk. He shall also record at length in the journal all reports of Committees, officers and Commissions, and such ordinances, resolutions and memorials as shall be passed and adopted by the Council, and such other matters as he may be directed by the Council to record at length in the journal.
3. Delivery Of Matters Referred. He shall, within seventy-two (72) hours after reference

shall have been made, deliver all petitions, communications, memorials, ordinances, resolutions, amendments or other matters to the Chairman of the Committee of the Council, or to any City officer or Board thereof, to whom any such matter was referred and as may be required. He shall permit no record of papers belonging to the City to be taken out of his custody, otherwise than in the regular course of business, and he shall report any missing paper to the Mayor or presiding officer of the Council and, generally, he shall perform such other duties pertaining to his office as City Clerk as the Mayor and Council may require. He shall be responsible for all the official acts of his assistants.

4. Correction Of Clerical Errors. The City Clerk shall correct all minor clerical errors in ordinances, memorials or resolutions in orthography or grammar, or the use of one word for another, as "it" for "they," "or" for "it," etc., and wrong numbers or references, whether they occur on the original or any amendment thereto, as a matter of course, upon the approval of the Chairman of any Committee to which the same was referred, or of the presiding officer of the Council. Any corrections made by him under this rule shall be noted by him upon the journal. Webster's Dictionary shall be the standard.
5. Record Of Licenses. He shall keep a record of all licenses and permits granted and record all bonds in appropriate books.
6. Other Duties. He shall perform such other duties as prescribed by State Statutes and by order of the Common Council. (Also see Section 2.10 of this Code.)
7. Deputy City Clerk. In the absence of the City Clerk, the Deputy City Clerk shall perform the duties of the Clerk.

3.04 Agenda Items And The Order Of Business

1. The order of business shall be:
 - a. Call to order by the presiding officer.
 - b. Call of the roll and announcement of presence or absence of a quorum.
 - c. Pledge of Allegiance to the Flag of the United States of America.
 - d. Scheduled hearings.
 - e. Statements by citizens. Not more than one-half (1/2) hour shall be allowed for statements by citizens to the Council. Each individual shall be limited to five (5) minutes to address the Council. Participants are required to print their names and addresses on the sign-in sheet for speakers and shall announce their name and address. Dialogue with the members of the Council is not permitted other than scheduling and other similar nonsubstantive matters. Such questions shall be directed to the presiding officer only. No citizen may speak more than once during this portion of the meeting. The Clerk or his/her designee shall keep time and shall announce when a speaker has one (1) minute of speaking time remaining. Upon any one speaker reaching the allotted five (5) minutes, the Clerk shall announce "Time," and the presiding officer shall ask the speaker to conclude his/her remarks. Any speaker so informed who continues to address the Council shall be considered to have created a disturbance under Subsection 3.01(a) of the West Allis Revised Municipal Code. Upon conclusion of the one-half (1/2) hour total time (and after a speaker has concluded), the Clerk shall announce that the time for citizen statements has expired. This portion of the meeting shall then end unless an Alderperson moves to extend the time, the motion is seconded, and a majority of the Council present and voting votes to extend the time. An individual's time may not be extended.
 - f. Announcement of recess meetings.
 - g. Mayor's report:
 - i. Recent events attended.
 - ii. Awards/commendations.
 - iii. Upcoming events.
 - h. Alderperson's report:
 - i. Recent events attended.
 - ii. Awards/commendations.

- iii. Upcoming events.
 - i. Approval of minutes of previous meeting(s).
 - j. Items not referred to committee.
 - k. Regular meeting Standing Committee reports.
 - l. Recess Committee meetings.
 - m. New and previous matters (recess meeting Standing Committee reports).
 - n. Reports of special committees.
 - o. Adjournment.
- 2. Additional Agenda Items. Additional agenda items may be added/or inserted anywhere in the order of business deemed appropriate. General categories such as "miscellaneous business" shall not be used unless a specific topic is identified. Where feasible, for each topic set forth above, the agenda shall specify the issue or item for discussion or action. If the Mayor or an Alderperson wishes to speak on matters beyond the items set forth in the Mayor's and Alderperson's report set forth above, the item(s) must be added to the agenda.
- 3. Comments to be Limited/ Presiding Officer to Enforce. Comments and reports shall be limited to topics set forth in the agenda, and no member shall speak on matters not set forth in the agenda. Any member may raise a point of order that the comments/report are out of order as not being an agenda item. The presiding officer may, on his/her own volition, raise the point of order. Upon determination by the presiding officer that the matter being discussed is not on the agenda, the presiding officer shall direct the member to cease the discussion and, if the member wishes, may direct that the matter be placed on an upcoming agenda.
- 4. Alteration of Order. Nothing contained herein shall prevent the Council, by majority vote of those present and voting, from altering the order of business.

[Ord. O-2003-0004, 1/21/2003; Ord. O-2003-0072, 11/18/2003; Ord. O-2011-0009, 3/15/2011; Ord. O-2013-0016, 4/2/2013]

3.05 Rules Of Procedure For Common Council

- 1. Standing Committees.
 - a. Standing Committees of the Common Council, and the number of Alderpersons assigned to each Committee shall be as follows:
 - i. Public Works Committee: 5 members.
 - ii. Public Safety Committee: 5 members.
 - iii. Economic Development Committee: 5 members.
 - iv. Administration Committee: 5 members.
 - b. Appointments to Standing Committees. Appointments shall be made according to City of West Allis Policies and Procedures Policy No. 301, Committees of the Common Council.
 - c. Functional Responsibilities. Functional responsibilities are contained in City of West Allis Policies and Procedures Policy No. 301, Committees of the Common Council.
- 2. Committee Of The Whole. Any member of the Council may move to go into a Committee of the Whole to consider and report on any matter pending before the Council. A majority vote of the Council shall be required to convene a Committee of the Whole. The President of the Common Council shall preside as Chair of the Committee. The Committee shall consider any matter referred to it and make written report and recommendations thereon to the Council.
- 3. Select Or Special Committees. Select or Special Committees may be provided for on motion or by resolution, designating the number and object and, unless otherwise ordered, shall be appointed by the Mayor or other presiding officer of the Council.
- 4. Decorum and Points of Order. **[Ord. O-2011-0010, 3/15/2011]**
 - a. The Mayor or other presiding officer shall preserve order and decorum, decide all questions of order and shall inform the Council, when necessary, on any point of order or practice. He/she may speak to points of order in preference to others and seek the advice of the City Attorney on such points of order or practice.

- b. The Mayor or other presiding officer shall ensure that no signs, placards, banners, or other similar items are displayed in the Council chambers during a Council meeting. Any person failing to remove such items shall be considered to have caused a disturbance under Subsection 3.01(9) of the West Allis Revised Municipal Code.
- 5. Cameras, Sound Equipment And Lighting. Cameras and sound recording devices may be used in the Council Chambers, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Common Council. Supplemental lighting for television, cable or video shall be used only with the exercise of extreme discretion in regard to the intensity and duration of such lighting with a view to creating the least amount of disturbance to the proceedings of the Council and the least amount of discomfort to members of the public in attendance.
- 6. Appealing Decisions Of Chair. Any member shall have the right to appeal from the decision of a presiding officer. No appeal shall be debatable and the appeal shall be sustained by a majority vote of the members present, exclusive of the presiding officer.
- 7. Introduction Of Matters To Council.
 - a. Alderpersons To Present. No business shall be considered by the Council unless presented by a member of the Council, a Standing Committee of Council or by a City Board, Commission or Committee. All matters shall be introduced in a manner consistent with this chapter.
 - b. Privilege Of Council Floor. The privilege of the floor of the Council shall be limited to members of the Council, except for public hearings and statements of citizens authorized in the order of Council business. Any member of the Council may yield the privilege of the floor to a City officer or employee or to a member of a City Board, Commission or Committee. The privilege of the floor may be granted to other persons upon approval of the Council.
 - c. New Matters. All communications, petitions, proposed resolutions, proposed ordinances and other papers addressed to or intended for the Council shall be sent to the Clerk who shall prepare and note on the file a brief statement of their contents.
- 8. Reference Of Ordinances, Resolutions, Communications, Etc.
 - a. All communications and petitions directed to the Common Council shall be referred to the appropriate Standing Committee. However, any unsigned or anonymous correspondence or any communication that does not concern the City as a municipal corporation or the operation of the City shall not be introduced and referred. When a question arises as to whether a communication should be introduced, the Clerk, in consultation with the Council president and the City Attorney, shall determine whether a matter shall be introduced. **[Ord. O-2014-0076, 11/18/2014]**
 - b. Every ordinance, resolution, communication and every matter appropriating money or creating a charge against any City funds (excepting motions approving claims duly audited by the Comptroller) shall be referred to an appropriate Committee or Committees by the presiding officer and shall not be acted upon by the Council until reported back from the Committee. Such referral and report back may be conducted at the same Council meeting. Legal claims and process shall be referred directly to the City Attorney pursuant to Policy No. 801.
 - c. Objections To Reference. Whenever any matter is referred by the presiding officer to any Committee, any member of the Council may object to its being so referred and may make a motion for some other proper disposition thereof. Whenever any matter is referred to any Committee which required reference, any member, at the time it is so referred, may move to have such matter referred to a different Committee than the one named.
- 9. Reports Of Committees; Second Reading.
 - a. Written Report. The Committee to whom a matter has been referred shall consider the same and submit a written report and recommendations thereon to the Council when it has completed its consideration or when requested by the Council. Upon the submission of the Committee report to the Council, the ordinance, resolution or other matter reported on by the Committee shall be

read at length, if requested by any member of the Council.

- b. Time For Report. If the matter referred is not disposed of by the Committee within a reasonable length of time, the Council may fix a time within which the committee shall make its report thereon to the Council. The City Clerk shall make a quarterly report of all matters pending before each Committee at the second regular Council meeting in January, April, July and October of each year for the preceding three (3) months.
 - c. Recall To Full Council. Whenever, in the judgment of the Council, the Committee having a matter in charge has failed to report thereon with due diligence, the Council may at any meeting recall any matter referred to such Committee and refer the same to another or Special Committee or take other appropriate action. The Council may designate a time within which any Committee having a matter in charge shall report thereon and may, if the circumstances warrant such action, extend such time.
10. Procedure On Veto. Objections of the Mayor to any act (ordinance, resolution, motion) of the Council shall be presented to the Council attached, in the case of an ordinance or resolution, to the act of the Council to which objection is made. The written objections of the Mayor shall be treated as a communication. For the act of the Council to which such objections have been made to become effective, a vote by seven (7) members of the Council shall be required in favor of a motion that the act be made effective, notwithstanding the objections of the Mayor.
11. Council Agenda.
- a. Regular Agenda. The City Clerk shall prepare a written agenda in advance of each meeting of the Common Council. This regular agenda shall contain an itemized listing, in the form provided herein, of all new matters to be introduced and all Committee reports to be acted upon by the Common Council. The regular agenda for each scheduled meeting of the Common Council shall be closed at 5:00 p.m. on the third working day prior to the day of the meeting. The agenda shall be available to the entire Council, staff, the press and the public forty-eight (48) hours in advance of each Council meeting.
 - b. Supplemental Agenda. Following preparation of the regular agenda, additions to it may be prepared as a supplemental agenda. No supplemental agenda for any meeting of the Common Council shall be prepared by the City Clerk unless authorized by the Mayor or an Alderperson. The supplemental agenda, when authorized, shall be in the form of the original Council agenda. A twenty-four-hour notice shall be given for supplemental agendas. However, if twenty-four (24) hours is impossible due to an emergency situation or impractical due to some overwhelming consideration, a minimum of at least two (2) hours must be given. Proper notice of all supplemental agendas must be provided to the City's official newspaper and any news media requesting it, as well as Alderpersons and appropriate City officials.
 - c. New Matters.
 - i. New matters shall be placed on the agenda by listing the summary statements attached to each item with notations for the proposed reference thereof. All or any of such items may, upon adoption of a motion to approve the proposed reference or upon order of the presiding officer in the absence of such motion, be referred as indicated upon such agenda without separate reading of each item, in full or by summary, by the Clerk
 - ii. Any member of the Common Council, upon request and without motion, shall obtain separate consideration of one or more new items upon such agenda for the purpose of having such items read at length by the City Clerk or his/her designee or to request or move for a different referral or to put any motion relating thereto authorized by the rules of the Council.
 - d. Committee Reports.
 - i. The reports and recommendations of each Committee on all items upon which it has completed its consideration, and which are to be

included on the agenda, shall be prepared in cumulative written form and submitted to the Clerk in advance of the next succeeding meeting of the Council. All such written reports shall contain an itemized summary of each matter to be reported on, shall contain the Committee's recommendation thereon and shall show, for each matter, the Committee vote thereon. Reports and recommendations of the Committees shall be signed by the Chair on behalf of the Committee's action or, in the absence of the Chair, the Vice Chair or Acting Chair shall sign. Official voting shall be recorded.

- ii. The Council may act upon the entire Committee report upon motion to adopt, or at the request of any member, without motion, shall separately consider any item. Upon consideration of such written committee report by the Council, a motion to adopt any or all of the items upon such report within the scope of the motion, including the passage of an ordinance or the adoption of a resolution, and also including any amendments or substitutions to such ordinance or resolution recommended by the committee and contained upon such report.
 - iii. No Committee shall be precluded from orally presenting any or all of its report and recommendations to the Council on any matters.
 - iv. The Committee may act on any of the Council agenda items during the recess meetings and report them out as a recess meeting Standing Committee report.
 - e. Items on the regular and supplemental agenda may be deleted or corrected upon motion and action by the Council prior to and/or as a part of the approval to establish the agenda for that meeting.
12. Comments From Members Of Committees. In case all the members of any Committee required or entitled to report on any subject referred to them cannot agree upon a report, any member of the Committee may express his/her views accordingly.
13. Roll Call Vote.
- a. On Ordinances And Appropriations. On adoption of all ordinances and those resolutions, reports of Committees, regulations or other matters, appropriating moneys or creating any charge against any of the funds of the City, renewing taxes, renewing the appropriation of moneys or releasing, discharging or commuting a claim or demand of the City, the question shall be taken by call of the roll and shall be passed or adopted by a majority vote of all members of the Council.
 - b. On City Officers. When voting for any City officer or on the confirmation of an appointment, the voting shall be by call of the roll.
 - c. On Other Matters. On any other matter, it shall be in order to call for the ayes and noes, unless a roll call be requested by a member of the Council.
 - d. Vote To Be Recorded. All roll call votes shall be duly entered in the journal by the Clerk or his/her designee.
 - e. Call Of The Vote. The Clerk or his/her designee shall call the roll at each meeting in a descending alphabetical sequence commencing in order and continuing at each subsequent meeting with the next name in such order and ending with the name of the member who voted first at the preceding meeting.
14. Members Who Shall Vote. Every member, when a question is put, shall vote, unless the Council shall, for special cause, excuse him/her; but, it shall not be in order for a member to be excused after the Council has commenced voting.
15. Tie Vote; Mayor To Vote. The Mayor shall not vote, except in the case of a tie vote in the Council, when he/she shall cast the deciding vote.
16. Stating Of Motions Before Debate. When a motion is made, it shall be stated by the presiding officer or read by the Clerk or his/her designee, previous to debate, upon request of any member.
17. Recognition For Debate. Whenever a member is to speak in debate or deliver any matter to the Council, he/she shall address himself/herself to the presiding officer and confine his/her remarks to the question under debate and avoid personalities.

18. Presiding Officer To Name First To Speak. When two (2) or more members seek recognition at the same time, the presiding officer shall name the member who is first to speak.
19. Member May Speak Twice. No member shall speak more than twice on any question, except by leave of the Council.
20. Motions In Order During Debate. When a question is under debate, no motion shall be received except:
 - a. To adjourn.
 - b. To lay on the table.
 - c. For the previous question.
 - d. To postpone to a certain day.
 - e. To commit to a Standing Committee.
 - f. To commit to Select Committee.
 - g. To amend.
 - h. To postpone indefinitely.

These several motions shall have precedence in the order in which they stand in this rule.

21. Motions To Adjourn; Lay On Table. A motion to adjourn shall always be in order; and, a motion to adjourn, to lay on the table and call for the previous question shall be decided without debate.
22. Motion For Reconsideration. It shall be in order for any member voting in the majority to move for a reconsideration of the vote on any question at the same or next succeeding meeting. A motion to reconsider being put and lost shall not be renewed.
23. Division Of The Question. Any member may call for a division of the question when the same can be separated into two (2) or more distinct propositions.
24. Moving Previous Question. Any member desirous of terminating the debate may call the previous question, when the question to be announced by the presiding officer shall be: "Shall the main question now be put?" Such motion shall be decided without debate. If a majority of the members present vote in the affirmative, the main question shall be taken without further debate and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment, if any, and then upon the main question.
25. Accounts To Be Audited And Verified. Every account presented to the Council to be audited shall be verified, as provided by law, and shall not be allowed or directed to be passed until it shall have been examined and certified as correct by the Committee on Administration & Finance, which shall be composed of five (5) members, and reported and audited by the Council.
26. Call Of The House.
 - a. When Made. Any three (3) members of the Common Council may make a call of the house and require absent members to be sent for. A call of the house may only be used to establish a quorum.
 - b. Putting Question On Call Of House. On a call of the house being moved, the presiding officer shall say: "It requires three (3) members to order the call of the house," and if three (3) or more shall agree, the call shall thereby be ordered.
 - c. Doors To Be Closed. The officer acting as sergeant-at-arms shall close the doors and no member shall be allowed to leave the room.
 - d. Absentees, How Brought In. The Clerk or his/her designee shall immediately call the roll and shall furnish a list of the absentees without leave to the sergeant-at-arms, who shall forthwith proceed to find and bring in such absentees.
 - e. Procedure While Under Call. While the Council is under call, no business shall be transacted except to receive and act on the report of the sergeant-at-arms, and no other motion shall be in order except to adjourn and motion to suspend further proceedings under the call, which motions shall be determined by ayes and noes and the motion to suspend further proceedings under the call shall not be adopted unless a majority of the members elect to vote in favor thereof, but a majority of those present may adjourn.

- f. Call Raised When Absentees Present. When the sergeant-at-arms shall report that all who were absent without leave are present, the call shall be at an end and the business or motion pending at the time the call was made shall be proceeded with.
27. Quorum. The quorum for the Council shall be seven (7) Alderpersons.
28. Voting. A simple majority of those present constituting a quorum shall be necessary to take action. A minimum of seven (7) members voting aye or nay is required for official action. A member voting present on any action shall not be included when counting a quorum for that item.
29. Suspension Of Rules. These rules may be suspended by a vote of not less than seven (7) members of the Council. Unless unanimous consent is given, the vote on suspension shall be by vote on call of the roll.
30. Robert's Rules Of Order. The rules of parliamentary practice set forth in Robert's Rules of Order Newly Revised shall be the standard in all cases, to which they are applicable, and in which they are not inconsistent with these rules.
31. Motion to Place on File. Such a motion shall mean to take no action on the matter (other than that which may be appended to the motion) and to remove the matter from the Common Council agenda permanently. **[Ord. O-2016-0015, 3/1/2016]**
32. Exclusion of Certain Members from Certain Closed Session Committee Meetings. Pursuant to the authority set forth in Section 19.89, Wis. Stat., no member who has a claim or pending/threatened litigation against the City, or a pending quasi-judicial matter to be decided by the City may appear at a closed session of the Standing Committee, Committee of the Whole, or other select or special committee where the member's claim, pending/threatened litigation, or matter will be discussed. If more than one matter is being discussed during a closed session, this exclusion applies only to the portion of the closed session related to the discussion of the member's claim, pending/threatened litigation, or matter. '
33. Appearing Remotely. With the consent of the presiding officer of any governmental body subject to open meetings laws, an official may attend a meeting of that governmental body using telephonic or video conferencing. The type of technology used shall display or project the official's voice and image, if any, so any person who wishes to observe the proceedings is reasonably able to do so. The official appearing under this provision may participate to the same extent as though the official was appearing in person.

~~Chapter 3 Rules For The Common Council (Repealed)~~

~~3.01 Council Meetings (Repealed)~~

~~3.015 Council President (Repealed)~~

~~3.02 Duties Of The Presiding Officer (Repealed)~~

~~3.03 Duties Of The Clerk (Repealed)~~

~~3.04 Agenda Items And The Order Of Business (Repealed)~~

~~3.05 Rules Of Procedure For Common Council (Repealed)~~

SECTION 9: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL SEPTEMBER 17, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kimberlee Grob	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Chad Halvorsen	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marissa Nowling	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Patty Novak	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Rebecca Grill
Rebecca Grill, City Clerk, City Of West Allis

Dan Devine
Dan Devine, Mayor, City Of West Allis

