

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL ON TUESDAY, SEPTEMBER 17, 2019

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

A. ROLL CALL:	Aldersperson Lubotsky	Present
	Aldersperson Bailey	Present
	Aldersperson Akers	Present
	Aldersperson Saryan	Present
	Aldersperson Kastner	Present

ALSO PRESENT:	Brian Sajdak	City Attorney
	Jeff Katz	Director of Neighborhood Services
	Kristi Johnson	Community Development Manager
	Jennifer Goergen	City Clerk

B. Opening Prayer – An opening prayer was given.

C. Pledge of Allegiance

D. 1. It was moved by Aldersperson Kastner, seconded by Aldersperson Lubotsky, to approve the August 20, 2019 Common Council minutes. Motion carried unanimously.

2. It was moved by Aldersperson Bailey, seconded by Aldersperson Akers, to approve the September 3, 2019 special Common Council minutes. Motion carried unanimously.

E. Mayor's Report – Mayor Neitze said there was a proposal brought to the Intergovernmental Cooperation Council to raise the sales tax in Milwaukee County by one percent. Details are not yet available.

F. Aldermanic Reports – Aldersperson Bruce Bailey said the Tree Commission is concerned Greenfield is losing over 20% of its tree canopy. Grants are being applied for to try to remedy this situation.

G. Announcements – Mayor Neitzke said the recent car show at Konkel Park had over 250 cars. Alderspersons Lubotsky and Saryan attended a fundraiser for deceased Officer Rittner's second child. Aldersperson Lubotsky said the Greenfield School District started a scholarship fund to honor the officer. Aldersperson Saryan and Mayor Neitzke attended a park dedication for Don Almquist. Mayor Neitzke expressed condolences regarding a neighbor's family member who was murdered recently in West Allis.

H. Citizen Commentary – Roy Stuesser's comments were postponed until Agenda Item #K5.

I. Public Hearings

1. Public hearing on the discontinuance of W. Holmes Ave. right-of-way commencing at S. 76 St. and continuing west for approximately 250 feet.

Community Development Manager Kristi Johnson said the proposal is to discontinue or vacate this 60-foot wide portion of W. Holmes Avenue, and the property would go to northern parcel (Art's Camera Plus) and the adjacent property to the south (owned by GMX Real Estate). The developer has now purchased both properties. Ms. Johnson showed photos of the site. The Plan Commission recommended approval. No letters of objection have been received.

Casey Dembowiak said he was in favor of the vacation as it would cut down on traffic and "keep the neighborhood in its own quiet little area."

It was moved by Alderperson Kastner, seconded by Alderperson Akers, to close the public hearing. Motion carried unanimously.

- a. It was moved by Alderperson Kastner, seconded by Alderperson Akers, to adopt Resolution No. 3706:

RESOLUTION NO. 3706

RESOLUTION DISCONTINUING THE W. HOLMES AVE. RIGHT-OF-WAY
COMMENCING AT S. 76 ST. AND CONTINUING WEST
FOR APPROXIMATELY 250 FEET

WHEREAS, West Holmes Avenue has been duly laid out and improved as a street within the City of Greenfield; and

WHEREAS, following due notice and publication the Common Council has conducted a public hearing to determine whether it is appropriate to discontinue the West Holmes Avenue right-of-way commencing at S. 76th Street and continuing west for approximately 250 feet; and

WHEREAS, based upon the materials on file and the comments received at the public hearing, the Common Council has determined that the public interest requires the vacation of 250 feet of the West Holmes Avenue right of way that is more specifically shown and described in the attached Exhibit A; and

WHEREAS, the Common Council further finds that the public road right of way which is hereby to be vacated does not lie within one-quarter mile of any state trunk highway or connecting highway, and does not contain a railroad crossing within its boundaries;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, that the 250 feet of the West Holmes Avenue right of way that is more specifically shown and described in the attached Exhibit A is hereby vacated and discontinued.

BE IT FURTHER RESOLVED, that the public road right of way so vacated and discontinued shall, upon passage and publication of this Resolution, forever vest in the owner of the lands which immediately abut thereto, and shall be annexed thereto, free and clear of any right, title or interest in the public as road right of way except for the rights of the public to a public purpose easement for utilities within the vacated area pursuant to the provisions of sections 66.1003 and 66.1005 of the Wisconsin Statutes.

INTRODUCED by the Common Council of the City of Greenfield on the 16th day of July, 2019.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Exhibit A

Legal Description:

That part of the Northeast $\frac{1}{4}$ of Section 28, Township 6 North, Range 21 East, in the City of Greenfield, Milwaukee County, State of Wisconsin, which is bounded and described as follows:

Commencing at the Southeast corner of said $\frac{1}{4}$ Section; thence North $00^{\circ}51'01''$ West on and along the East line of said $\frac{1}{4}$ Section, 630.19 feet to a point; thence South $88^{\circ}30'23''$ West, 60.00 feet to the Northeast corner of Parcel 1 of Certified Survey Map No. 5432, said point also being the point of intersection of the South right-of-way line of West Holmes Avenue and the West right-of-way line of South 76th Street (CTH U) and the point of beginning of lands to be described; thence South $88^{\circ}30'23''$ West on and along the North line of said Parcel 1 and the South line of West Holmes Avenue, 247.30 feet to a point, said point being the Northwest corner of Lot 2, Block 1 of Crestview Acres, a recorded subdivision; thence North $00^{\circ}51'01''$ West along the extension of the West line of Lot 2, Block 1 of Crestview Acres, 60.00 feet to a point on the South line of Lot 2 of Certified Survey Map No. 5356 and the also on the North right-of-way line of West Holmes Avenue; thence North $88^{\circ}30'23''$ East on and along the South line of Lot 2 of Certified Survey Map No. 5356 and the North right-of-way line of West Holmes Avenue, 247.30 feet to the Southeast corner of Lot 2 of Certified Survey Map No. 5356 and the point of intersection of the North right-of-way line of West Holmes Avenue and the West right-of-way line of South 76th Street (CTH U); thence South $00^{\circ}51'01''$ East, 60.00 feet to the point of beginning.

Map of Street Discontinuance:



On a roll call vote, motion carried 4-1, with Alderpersons Lubotsky, Akers, Saryan and Kastner voting yes, and Alderperson Bailey voting no.

2. Public hearing on an Ordinance to amend Section 21.04.0603 of the Municipal Code pertaining to various permitted and special use listing amendments.

Ms. Johnson said she proposes to change basic retail – such as clothing stores, book stores, pet stores, and others – from being a “special use” (requiring a public hearing) to being a “permitted use” in certain commercial, planned unit development, and business park zoning districts. She also proposes to allow general medical and surgical hospitals as permitted uses in C-4, C-5, business park, and planned unit development zoning districts.

The Plan Commission recommended approval; no objections were received to date.

No one spoke for or against the proposal.

Mayor Neitzke pointed out some retailers may still fall within the city's regulations for Pawnbrokers and Secondhand Article Dealers.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to close the public hearing. Motion carried unanimously.

- a. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2936.

Under discussion, Alderperson Saryan asked why certain types of businesses were categorized as "special uses." City Attorney Brian Sajdak said certain things may be compatible with a neighborhood but require special regulation or restriction "to make it sell." For instance, businesses types that might generate a lot of traffic or noise are often designated as special uses.

Alderperson Akers said the city might want to have more input over pet stores [and keep that as a special use]. Alderperson Lubotsky said puppy mills could be a problem. Ms. Johnson said if the Council desires, pet stores and pet shops could remain as a special use, and pet food stores and pet supply stores could be changed to a permitted use.

Alderpersons Kastner and Lubotsky both consented to amend their motion to adopt an amended version of Ordinance No. 2936 that would keep pet stores and pet shops as a special use:

ORDINANCE NO. 2936

ORDINANCE TO AMEND SECTION 21.04.0603 OF THE MUNICIPAL CODE PERTAINING TO VARIOUS PERMITTED AND SPECIAL USE LISTING AMENDMENTS

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

PART I. Subsection 21.04.0600 of the Greenfield Municipal Code is hereby amended to read as follows, with all non-listed NAICS codes, remaining unaltered:

* * *

Table 21.04.0603 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS

		Zoning District Classification												HPO	AO	FW	FF	GFP	SW
NAICS12	INDEX ITEM DESCRIPTION	C-1	C-2	C-3	C-4	C-5	O	BP	M-1	I	PR	PUD	{a}	{b}	{c}	{c}	{c}	{d}	
448190	Other Clothing Stores (*Bridal gown shops, coat stores, costume stores, dress shops, fur apparel stores, furriers, hosiery stores, leather coat stores, school uniform stores, sock shops, sports apparel stores, swimwear stores, t-shirt shops, uniform stores)	P	P	P	P	P		P				P							

448190	Other Clothing Stores (*Lingerie stores)	S	S	S	S	S	S										
451211	Book Stores	P	P	P	P	P	P				P						
451212	News Dealers and Newsstands	P	P	P	P	P	P				P						
451220	Prerecorded Tape, CD and Record Stores	P	P	P	P	P	P				P						
453910	*Pet Supplies & Food Stores	P	P	P	P	P	P				P						
453910	*Pet Stores/Shops	S	S	S	S	S	S				S						
532210	Consumer Electronics and Appliances Rental	P	P	P	P	P	P				P						
532230	Video Tape and Disc Rental	P	P	P	P	P	P				P						
532292	Recreational Goods Rental	P	P	P	P	P	P				P						
532299	All Other Consumer Goods Rental	P	P	P	P	P	P				P						
622110	General Medical and Surgical Hospitals				P	P	P				P						

* * *

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

J. Old Business

1. Appointments to various committees and commissions:

a. Council appointments:

i. A.D. #3

One member to the Park & Recreation Board for a term to expire 5/31/22 (formerly Michael McElligott) – to be placed on **NEXT AGENDA**

b. Mayor appointments, confirmed by Council:

i. One member to the Board of Review for a term to expire 5/1/21 (formerly Gregory Krog) – to be placed on **NEXT AGENDA**

- ii. One alternate member to the Board of Review for a term to expire 5/1/24 (newly created position) – to be placed on **NEXT AGENDA**
- iii. One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp) – to be placed on **NEXT AGENDA**
- iv. One member to the Tree Commission for a term to expire 5/1/21 (formerly Michael Wendt) – to be placed on **NEXT AGENDA**

c. **Mayor appointments:**

- i. One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21 (formerly Denise Kunz) – to be placed on **NEXT AGENDA**
- ii.-iii. Donald Carlson, 5082 W. Colonial Ct., was appointed by Mayor Neitzke as a member to Plan Commission for a term to expire 5/1/22.

Michael Braswell, 4349 S. 51st St., was appointed by Mayor Neitzke as an alternate member to Plan Commission for a term to expire 5/1/21.

Although not required, it was moved by Alderperson Akers, seconded by Alderperson Saryan, to confirm Mayor Neitzke's appointments.

- 2. Adopt a resolution to disallow claim of Thomas and Jacqueline Jaworski - to be placed on **NEXT AGENDA**
- 3. Adopt a resolution to allow claim of Thomas and Jacqueline Jaworski - to be placed on **NEXT AGENDA**

K. New Business

- 1. It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to adopt Resolution No. 3707:

RESOLUTION NO. **3707**

RESOLUTION ESTABLISHING PUBLIC PARTICIPATION PROCEDURES
FOR THE CITY OF GREENFIELD COMPREHENSIVE PLAN UPDATE

WHEREAS, the City of Greenfield on November 18, 2008, adopted the City of Greenfield Comprehensive Plan, under the authority of and procedures established by §66.1001(4), Wisconsin Statutes; and

WHEREAS, that Comprehensive Plan document advises both the regular Plan Commission review of the Comprehensive Plan, as well as the ability to respond to unique circumstances which arise in relation to the Comprehensive Plan which are distinct from the

regular plan review process, and to enable the City's consideration of potential amendments where the Plan becomes irrelevant or contradictory to emerging policy or trends; and

WHEREAS, §66.1001(4)(a), Wisconsin Statutes, requires that the governing body of the local governmental unit adopt written procedures designed to foster public participation at every stage of the comprehensive plan preparation or amendment process, and that such written procedures shall provide for wide distribution of draft plan materials, an opportunity for the public to submit written comments on the plan materials, and a process for the governing body to respond to such comments; and

WHEREAS, the City of Greenfield believes that meaningful public involvement in processes designed to periodically consider and adopt amendments to its Comprehensive Plan is important to assure that the resulting Plan and adopted amendments meet the wishes and expectations of the public; and

WHEREAS, the attached "Public Participation Plan, City of Greenfield Comprehensive Plan Update" includes procedures to foster public participation, ensure distribution of draft plan materials, provide opportunities for written comments on such materials, and provide mechanisms to respond to such comments.

WHEREAS, at a duly noticed public meeting held on September 10, 2019, the City of Greenfield Plan Commission adopted Resolution No. 2-2019 recommending that the Greenfield Common Council adopt the attached "Public Participation Plan, City of Greenfield Comprehensive Plan Update" as its public participation procedures for amendments to the City's Comprehensive Plan Update.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Greenfield hereby adopts the procedures included in the "Public Participation Plan, City of Greenfield Comprehensive Plan Update" as its public participation procedures for the update of the City's Comprehensive Plan, meeting the requirements of §66.1001(4)(a), Wisconsin Statutes.

INTRODUCED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

2.-4. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Resolution No. 3708:

RESOLUTION NO. 3708

SPECIAL USE PERMIT FOR JIN'S SUSHI SEAFOOD & BAR, A PROPOSED RESTAURANT, TO BE LOCATED AT 7401 W. BARNARD AVE., SUBMITTED BY YANNI JIN, D/B/A JIN'S RESTAURANT, INC. (TAX KEY NO. 617-9983-013)

WHEREAS, Yanni Jin, d/b/a Jin's Restaurant, Inc., duly filed with the City Clerk an application for a Special Use Permit, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code, to establish a restaurant at 7401 W. Barnard Ave.; and,

WHEREAS, the Common Council approved a Special Use Permit on July 18, 2000, for Outback Steakhouse, a proposed restaurant at 7401 W. Barnard Ave.; and,

WHEREAS, the applicant, Yanni Jin, d/b/a Jin's Restaurant, Inc., is proposing to operate Jin's Sushi Seafood & Bar at the above-referenced location with hours of operation that vary from the hours that were approved through the Special Use Permit approved for Outback Steakhouse (8:00am - 12:00am (midnight), daily); and,

WHEREAS, the Common Council, having carefully considered the evidence through the Special Use Review on September 17, 2019:

1. The applicant, Yanni Jin, d/b/a Jin's Restaurant, Inc., owns the property at 7401 W. Barnard Ave., Greenfield, WI 53220.

2. Jin's Sushi Seafood & Bar will occupy the approximately 6,192 sq. ft. commercial building located at 7401 W. Barnard Ave., Greenfield, Milwaukee County, Wisconsin, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 6899, being a part of the Northwest ¼ of Section 27, Township 6 North, Range 21 East, City of Greenfield, Milwaukee County, State of Wisconsin. Tax Key No. 617-9983-013

Said land being located at 7401 W. Barnard Ave.

3. The applicant is proposing to establish a restaurant within the existing commercial building.

4. The aforesaid premise is zoned C-4 Regional Business District under the Zoning Ordinance of the City of Greenfield, which permits Full-Service Restaurants as a Special Use, pursuant to Sec. 21.04.0603, Sec. 21.04.0700 and Sec. 21.08.0103 of the Municipal Code.

5. The subject property is part of an area along the W. Barnard Ave. corridor that is developed for commercial uses. Properties to the north, west, and south are developed as commercial. Properties to the east are developed as a park.

6. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield that the application of Yanni Jin, d/b/a Jin's Restaurant, Inc., to establish a restaurant, to be located at 7401 W. Barnard Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said Special Use Permit is granted subject to the following conditions:

1. Site and Landscaping Plans. The grant of this Special Use Permit is subject to and conditioned upon the Site Plan and all other applicable conditions approved by the Plan Commission on September 10, 2019 and by the Common Council on September 17, 2019. No alteration or modification of the approved plan shall be permitted without approval by the Common Council.

2. Building Plans and Fire Codes. The grant of this Special Use is subject to building plans being submitted to and approved by the Inspection Services Division and by the Fire Department.

3. Hours of Operation. The allowable hours of operation for Jin's Sushi Seafood & Bar will be 11:00am – 10:00pm, daily.

4. Off-Street Parking. The entire building, under the category of "General Restaurant (without Drive-in/Drive-thru Facility)," requires ninety-three (93) off-street parking stalls. Ninety-nine (99) off-street parking stalls are to be provided on site.

5. Signage. Signage shall be in compliance with the City's Signage Ordinance. Any building window signage shall not exceed twenty-five (25) percent of the net glazed front window area per business premises. Rope/LED trim lighting shall not be allowed.

6. Public Nuisance. In accordance with Chapter 11 of the Municipal Code, Public Nuisances are prohibited. Public Nuisances include blighted properties due to an accumulation thereon of junk or other unsightly debris. Enforcement and abatement of public nuisances, including revocation of the Special Use Permit, may take place after three (3) or more nuisance activities have occurred at a premise on separate days during a one hundred and eighty (180) day period.

7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
8. Outdoor Lighting. All outdoor lighting fixtures shall be shielded in such a manner that no light spills from the property boundaries. Full-cut off fixtures and or house side shields utilized to minimize light spill. Rope/LED trim lighting is not permitted.
9. Litter. Employees shall inspect the area and the immediate vicinity and pick up litter on a daily basis.
10. Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view by the existing fence/enclosure provided on site.
11. Pest Control. Exterior pest control shall be maintained at all times and pest control problems shall be addressed immediately.
12. Pagers, Intercoms. The use of outdoor pagers, intercoms, or speakers shall not be permitted on site as surrounding land use consists of residential uses.
13. Noxious Odors, Etc. The use shall not emit foul, offensive, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
14. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
15. Deliveries and Refuse Pickup. The property will be required to abide by the City of Greenfield health/public nuisance rules per Chapter 12 of the Municipal Code. Because there is a residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.
16. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
 - A. The applicant requesting the extension shall complete a planning application available from the Community Development Division and shall submit a \$350.00 special use permit review/amendment fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. 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 special use shall become null and void.

17. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 21.04.0603 and Sec. 21.08.0103 of the Municipal Code.

18. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Common Council. Upon a finding by the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the hearing recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

19. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of Greenfield, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

20. Acknowledgement. That the applicants sign an acknowledgment that he/she/they has/have received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Yanni Jin, d/b/a Jin's Restaurant, Inc.

Provided to applicant on the
_____ day of _____, 2019

Community Development Manager

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

and

Approve issuance of a combination "Class B" fermented malt beverage and liquor license to Jin's Restaurant Inc., Yanni Jin, Agent, for the property at 7401 W. Barnard Ave. (Jin's Sushi Seafood & Bar) (The restaurant is one-story, 6,200 SF building, no patio. We will sell and serve the alcohol beverages at the bar and restaurant seating area. Store small part of alcohol in the small beverage fridge in the bar and the storage room in the back kitchen and the records will be in the storage room as well.)

and

Approve Special Use Review and Site and Landscaping Plan Review for Jin's Sushi Seafood & Bar, a proposed restaurant to be located at 7401 W. Barnard Avenue, subject to Plan Commission and staff comments. (Tax Key No. 617-9983-013)

Alderperson Bailey asked the new owners to quiet an alarm that would go off (under the former tenant) when employees stepped out the back door for a break. The applicant said a new system would be used.

On a roll call vote, motion carried unanimously.

5. Approve Special Use Review and Site Plan Review for Alexi's Auto Repair & Transport, a new automotive repair business located at 5049 W. Loomis Road, subject to Plan Commission and staff comments. (Tax Key No. 647-9973-000)

Ms. Johnson said the Plan Commission recommended approval with a few conditions to be met prior to occupancy:

- *that it be painted;
- *that a rear door be replaced;
- *that any retaining wall that is damaged be replaced;
- *that a 4-sided refuse enclosure be constructed;
- *that a fence in a city right of way be removed;
- *that a plan be submitted to pave and stripe the entire parking lot, with completion by March 2021.

Ms. Johnson said she and the Code Enforcement Officer met at the site with the owner and tenants and pointed out problems with the number of cars and debris on the property. The tenant that has all of the vehicles is not the applicant.

Roy Steusser, 5210 S. 51st St., said he has lived next door for 46 years. The building has been in operation sometimes as late as midnight. It is not operating from 8 a.m. to 6 p.m. as previously. There were 52 vehicles on the lot on the day the Code Enforcement Officer came out to look at it. Afterward, a number of vehicles were hauled away. As of today, there are 44 vehicles on the lot. They did stripe the lot, but it is only for about 10 vehicles. In addition, they are parking vehicles on unpaved areas of the property. Also, people have been driving in from the rear of the property instead of just using the driveway. He would like to see a limit as to how many vehicles could be on the lot, and that there be no additional paving, and that operating hours would be restricted to 8 a.m. to 6 p.m.

Alderson Lubotsky said the lot is owned by St. Francis dealership which can afford to fix up the property now, rather than in 18 months. The site is “in total disarray” with buckets of fluid, rusty car parts and the middle garage “looks like it’s ready to collapse.”

Ms. Johnson said she explained to the applicant that the site will need to pass inspections.

There was a lengthy discussion about the condition of the property and whose cars were there.

Ms. Johnson said there was no site plan on file. That is what they would ask for – a professionally drawn site plan.

Alderson Lubotsky said that should be done before approval. The owner is able to do that, as well as paving and line striping.

Alderson Saryan asked that this go back to Plan Commission. Alderson Kastner asked if there should be a site, landscaping and pavement plan before it comes back to Council for approval. The consensus was yes.

Alderson Akers said the burden should be on the owner.

The applicant's daughter said her father still has to pay rent, even if the city does not approve his application. He has an 18-month lease, which started about 3 months ago.

Mr. Stuesser said the building does not have sewer or water connected to it. The back unit has no bathroom facilities. The body shop has water.

Mayor Neitzke said the property owner, tenants and city officials should all meet and come up with a plan.

Ms. Johnson said a civil engineer would need to be hired to design a parking lot, which would take some time.

It was moved by Alderson Bailey, seconded by Alderson Kastner, to table this item. Motion carried unanimously.

6. It was moved by Alderson Bailey, seconded by Alderson Lubotsky, to approve a Certified Survey Map to combine two existing parcels located at 4361 S. 43 Street, subject to Plan Commission and staff comments. (Tax Key No. 601-9990-004) On a roll call vote, motion carried unanimously.
7. It was moved by Alderson Saryan, seconded by Alderson Kastner, to approve the South 27th Street Business Improvement District 2020 Proposed Operating Plan. (Johnson). On a roll call vote, motion carried unanimously.
8. Claim received from Faith Wittig. City Clerk Jennifer Goergen said this claim was referred to the City Attorney.
9. It was moved by Alderson Kastner, seconded by Alderson Lubotsky, to adopt Resolution No. 3709:

RESOLUTION NO. 3709

IT IS HEREBY RESOLVED by the Mayor and Common Council of the City of Greenfield that the claim made by FAITH WITTIG, for expenses related to removing paint from her vehicle acquired on July 30, 2019 or July 31, 2019 is hereby disallowed. The City Clerk is hereby directed to forward a copy of this disallowance to claimant and claimant is hereby advised that legal action to collect on this claim be commenced within six (6) months of the date of disallowance or be barred.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

10. Claim received from the law office of Hupy and Abraham, S.C., on behalf of his client, Vanessa L. Wenzel for Guy S. Wenzel. Ms. Goergen said this claim was referred to Attorney Bill Ehrke of Crivello & Carlson.
11. Claim received from Rob Widowski. Ms. Goergen said the claim was referred to the City Attorney.
12. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to adopt Ordinance No. 2937:

ORDINANCE NO. 2937

AN ORDINANCE AMENDING VARIOUS SECTIONS
OF 13.04 AND 13.07 OF THE CITY OF GREENFIELD MUNICIPAL CODE
PERTAINING TO REGULATING DIRECT SELLERS AND ENTERTAINMENT

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

PART I. Section 13.04 (2) of the Greenfield Municipal Code, identifying types of direct sellers, is hereby amended to read as follows:

Direct seller—door-to-door. Any individual who, for him/herself or for a partnership, association or corporation, sells goods or services or takes sales orders for the later delivery of goods or services in residential or commercial areas shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods or services by a donor or prospective customer.

Direct seller—temporary. Temporary direct sellers who are part of an outdoor special event or other temporary special event, are not licensed by the City, but must meet State of Wisconsin Department of Revenue requirements.

Direct seller—temporary stand. Temporary direct sellers who have temporary locations, or stands, and are not part of an outdoor special event, but are licensed by the City under a Temporary Use Permit, are required to be licensed by the City as direct sellers.

PART II. Section 13.04 (7)(a)(1) of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

- (1) No sales or display activity shall be located on public land unless the direct seller is part of an authorized outdoor special event or other temporary special event, or is part of an approved event under a Temporary Use Permit, and the direct seller

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

is authorized by the organizer of the event to participate in the event, or the direct seller provides proof of such.

PART III. Section 13.07 (3) of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

- (3) Temporary entertainment associated with an outdoor special event permit is part of and applied for with the outdoor special event permit application. No license or fee is required for temporary or special event entertainment.

Part IV. Section 13.07 (4) of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

- (4) Application. An entertainment license application shall be filed with the City Clerk. If entertainment is in conjunction with an outdoor special event (OSE), the application is part of the outdoor special event application and approved therewith. If entertainment is for an authorized temporary or special event that is not an OSE, an entertainment license application must be completed and filed, but no fee or license is required. All requirements of the application for an entertainment license are provided in the application form and must be met prior to approval of the event and/or issuance of the license. The entertainment license is placed on the Common Council agenda for review and approval by the Common Council.

PART V. Section 13.07 (6) (a) of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

- (6) Extension of premises application.
 - (a) Required for entertainment outside of the normal course of business, for entertainment-licensed establishments and alcohol-licensed establishments to take entertainment and alcohol outside of their approved licensed premises description for a special event.

PART VI. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART VII. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VIII. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

13. Adopt an ordinance to repeal and recreate Chapter 16 – Plumbing Code.

It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Ordinance No. 2938.

Under discussion, Alderperson Bailey said the Legislative Committee did not make a recommendation on the ordinance. He is against it. This would require people to hire a plumber rather than doing the work themselves or hiring a handyman.

Ms. Johnson said this is true and there also is additional language required by the state regarding adopting a septic tank maintenance program by October 1, 2019. Direct replacements can be done by a homeowner (changing out a dishwasher or a water heater, for instance), but a new plumbing fixture would require a plumber to pull the permit to do the work. The reason is that often homeowners ask the inspectors to design the work, and to interpret the plumbing code for them. The plumbing inspector's role is not to design the work, and this is a liability for the city.

Alderperson Bailey said the ordinance would result in homeowners not pulling a permit and having the work done [by themselves or a handyman] to save money, and not having the work inspected by the city.

Alderperson Lubotsky said the ordinance would protect renters from landlords who do not do work correctly.

Alderperson Bailey said landlords would not pull a permit and the work would not be inspected. Greenfield does not want to be one of the few cities that have such an "oppressive" ordinance.

Alderperson Akers said inspectors should refuse to give advice, because of liability.

Alderperson Kastner said the same people who would not pull a permit would not pull a permit anyway – regardless of the ordinance.

Alderson Bailey disagreed. They will pull a permit as long as they don't have to hire an expensive plumber. The code has been this way for years, and there hasn't been a problem.

A motion to amend the motion was made by Alderson Bailey.

The original motion was withdrawn by the maker of the motion and the seconder.

Alderson Saryan made a motion, seconded by Alderson Akers, to adopt the first part of Ordinance No. 2938:

Note: the deleted language is shown by strikeout.

ORDINANCE NO. 2938

ORDINANCE TO REPEAL AND RECREATE CHAPTER 16 – PLUMBING CODE.

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

PART I. CHAPTER 16 of the Municipal Code is hereby repealed and recreated to read as follows:

16.01 - Definitions.

- (1) *Definitions.* As used in this section, the following words and phrases shall be defined as follows:

Department. “Department” means the State Department of Safety and Professional Services (DPS), Division of Industry Services, Plumbing Program.

Plumbing. “Plumbing” has the meaning as defined in Wis. Stat. § 145.01(10)

16.02 - State code adopted.

Ch. 145, Wis. Stats., and SPS 381 through 387, Wis. Adm. Plumbing Code, as currently written and/or amended, are hereby made a part of this chapter by reference, and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City.

16.03 - Plumbing inspector.

- (1) (a) *Creation.* The duties of the Plumbing Code fall under the Inspection Services Division within the Department of Neighborhood Services. The Plumbing Inspector shall carry out the duties of this office and shall perform inspections and such other duties as may be prescribed and as provided for in Wis. Stat. § 145.05(1), under the general supervision of the Community Development Manager. The Plumbing Inspector shall have the general authority and control of all matters pertaining to plumbing inspections and shall enforce all State laws and City ordinances relating to plumbing inspection.

(b) *Plumbing supervisors, supervision.* Pursuant to Wis. Stat. § 145.05(1) a city of the first, second or third class shall supervise the installation, alteration and repair of plumbing within its jurisdiction in accordance with one of the following approaches:

1. The city shall utilize at least one supervisor to oversee all plumbing inspections and all plumbing plan reviews who shall hold a license as a master plumber or a license as a journeyman plumber.

2. The city shall utilize at least one individual to conduct all plumbing inspections and all plumbing plan reviews who shall hold a license as a master plumber or a license as a journeyman plumber.

(2) *Right of access.*

(a) The Plumbing Inspector may enter all buildings in the City, in the performance of his duties, between 7a.m. and 5 p.m. daily and no person shall willfully or knowingly resist or obstruct the Plumbing Inspector in the performance of his/her duties. If consent to enter personal or real properties which are not public dwellings, or to enter portions of public buildings which are not open to the public, for inspection purposes has been denied, the Plumbing Inspector shall obtain a special warrant under Wis. Stat. §§ 66.122 and 66.123.

(b) The Plumbing Inspector shall periodically enter and inspect all buildings to which the public has access, such as manufacturing plants, offices, retail stores, taverns, restaurants, service stations and other places of business. He/she shall notify the owner or tenant of any violations and/or needed corrections or repairs and state a given time to correct the violations. He/she may order the closing and/or vacating of any such facilities until the violations are corrected or repairs are made.

(3) *Authority to withhold and deny permits.* The Plumbing Inspector may withhold approval of an application for a plumbing permit to any person who has not complied with a lawful order of the Plumbing Inspector. Bad faith or unreasonable delay in the performance of work or failure to respond to official communications shall constitute sufficient reason for withholding permits and/or issuing new permits. The person refused such a permit may appeal within 10 days to the Common Council.

(4) *Citations; penalties.*

(a) The provisions of this article shall be enforced by the Plumbing Inspector, or designee, and the sheriff's department. The use of citations as described in Section 25.04(4) of the Municipal Code is hereby authorized.

16.04 - Permit required.

(1) *Application.* No plumbing shall be installed in the city without first filing an application and receiving a permit to do so. Each application must be approved by the plumbing inspector before a permit to install plumbing may be issued.

(2) *Approval of plans.* All plans for plumbing work in existing or new construction, except for one-family or two-family residences, having 16 plumbing fixtures or more, shall have plan approval by the State. Plans shall be signed or stamped as approved by the Department of Safety and Professional Services (DSPS) requirements. The approved plans shall not be altered unless any proposed change is first approved by DSPS.

(3) *Plans to be kept at site.* After issuance of a permit, one copy of the stamped, approved plans shall be kept at the site of the operation during all times the work is in progress and until completion of the building.

~~16.045 — Plumbing permit by licensed master plumber or licensed utility contractor.~~

- ~~(1) Pursuant to Wis. Stat. § 145.06, no person may engage in or work at plumbing in the state unless licensed to do so by the Department of Safety and Professional Services (DSPS). Only a master plumber, or utility contractor, licensed by the State of Wisconsin Department of Safety and Professional Services may apply for and be issued a plumbing permit except as otherwise stated in Subsection (2) or elsewhere in this Code. The master plumber, or utility contractor, shall be responsible for code compliance, and the issuance of permits shall not relieve the designer of the responsibility for designing a safe plumbing system or component.~~
- ~~(2) A property owner of a single-family dwelling, owned and occupied by him or her, for a period of at least 30 days, as his or her primary place of residence, may apply for and be issued a plumbing permit for the direct replacement of plumbing fixtures at that same dwelling only. The owner may replace the following fixtures: bath tubs, dishwashers, disposals, hose bibbs, laundry tubs, refrigerators with water lines, shower stalls, sinks, water closets, water heaters, and water treatment devices. An owner may not relocate fixtures in a manner that requires relocation, alteration, removal or addition to existing hard-piped drains, vents or water lines. The owner shall be responsible to ensure that all work is installed in compliance with this Code.~~

16.05 - Permit fees.

- (1) Fees shall be paid at the time the permit is issued in accordance with Section 3.12(9)(c) of the Municipal Code.
- (2) For each sanitary sewer, storm sewer and water main connection with the public sanitary sewer, storm sewer or water main, the construction of which no assessment has been levied against the premises defined in the application for a permit, a permit fee computed by multiplying the number of feet of frontage of such premises by the rate per front foot currently being assessed for the construction of such public sanitary sewer or water main, or established assessment for storm sewer service, shall be paid by the owner of such premises.

16.06 - Permittee to install plumbing.

The holder of the permit, or his/her employees, shall install all plumbing listed in the application.

16.07 - When plumbing permit void.

A plumbing permit shall be void if installation work is not started within one year from the date such permit was issued. It shall also be void upon written request of the person who received the permit. These provisions shall also apply to one-family and two-family dwellings built after June 1, 1980.

16.08 - Street openings.

A permit must be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. The applicant shall comply with Section 9.04 of the Municipal Code.

16.09 - Inspections.

The plumber in charge or the holder of the plumbing permit, shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until such time as the Inspector has completed his/her examination and inspection. When, in the opinion of the Inspector, a test is necessary, he/she may require a water or air test on any part or the entire installation.

16.10 - Compulsory connection to sewer or water.

- (1) *Duty to connect.* To assure preservation of public health, comfort and safety, the owner, or his/her agent, of any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such systems extend, shall connect therewith after notice as provided herein, except as provided in Section 16.11.
- (2) *Notice by plumbing inspector.* When a sewer or water main becomes available to any building used for habitation, the Plumbing Inspector shall notify, in writing, the owner or his/her agent to connect therewith, and to install fixtures and hot water in accordance with SPS 382.10(2).
- (3) *Connection by city.* If any person fails to comply for more than 10 days after notice, the Plumbing Inspector shall cause the necessary connections to be made and shall cause the expense thereof to be assessed as a special tax against the property pursuant to § 281.45 , Wis. Stats.
- (4) *Pumping out septic tank.* Upon connection to the public sewer, the owner shall remove the septic tank or pump it out and fill with ground gravel to grade.

16.11 - Well operation permit.

Wisconsin Admin. Code § NR 810.16 directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water so as to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

- (1) *Purpose.* To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to municipal water system, are properly maintained or abandoned.
- (2) *Applicability.* This section applies to all wells located in the City of Greenfield and served by the Milwaukee Municipal Water System. Those on premises served by the Milwaukee municipal water system shall use wells to supply one outside hose connection only.
- (3) *Definitions.* Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Noncomplying means a well or pump installation which does not comply with § NR 812.42, Wis. Adm. Code, Standards for Existing Installations, and which has not been granted a variance pursuant to § NR 812.43, Wis. Adm. Code.

Pump installation means 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.

Unsafe well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standards of Chs. NR 140 or 809, Wis. Adm. Code, or for which a health advisory has been issued by the Department of Natural Resources.

Unused well or pump installation means one which is not used or does not have a functional pumping system.

Well means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

Well abandonment means the proper filling and sealing of a well according to the provisions of § NR 812.26, Wis. Adm. Code.

(4) *Well operation permit.* Owners of wells on premises served by municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system. The City of Greenfield shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The City of Greenfield may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by Inspections Services. All initial and renewal applications must be accompanied by a fee of \$25.00. The following conditions must be met for issuance or renewal of a well operation permit:

- (a) The well and pump installation shall meet the standards for existing installations described in § NR 812.42, Wis. Adm. Code.
- (b) The well and pump shall have a history of producing safe water evidenced by at least one coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (c) There shall be no cross-connections between the well's pump installations or distribution piping and the municipal water system.
- (d) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless authorized by the sewer utility.
- (e) The private well shall have a functional pumping system.

- (f) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (g) Well to supply one outside hose connection only.
- (h) Written documentation of the well and pump inspection shall be provide by a licensed contractor to the City of Greenfield indicating compliance with § NR 812, Wis. Adm. Code requirement issuing standard forms provided by the department.

16.12 - Well abandonment.

All wells on premises served by the municipal water system shall be properly abandoned in accordance with this section by January 1, 1997, or not later than 180 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the City of Greenfield under terms of section 16.11 of the Municipal Code.

- (1) All wells abandoned under the jurisdiction of this section shall be done according to the procedures and methods of § NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) A licensed well abandonment contractor shall be required to obtain a plumbing permit prior to any well abandonment and shall notify Inspection Services in advance of any well abandonment activities. The abandonment of the well will be observed or verified by personnel of the Department of Inspection Services. Refer to Section 3.12(9)(c)7.a. of this Code.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the City of Greenfield Inspection Department and The Department of Natural Resources within 30 days of the completion of the well abandonment.
- (4) Any well owner violating any provision of this section shall upon conviction be punished by forfeiture of not less than \$50.00 nor more than \$1,500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this section for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

16.13 - Use of private wells and water systems where municipal water supply is not available.

- (1) A private well or private water system is defined as any water system furnishing water for either residential or commercial purposes from any source other than a municipal system.
- (2) No private well or private water system shall be constructed or installed without first having received a permit therefore from the Plumbing Inspector. No private well, or private water system, now in existence shall be modified or extended to furnish water to any other building or structure used for residential or commercial purposes without first providing a plan of such proposed change or modification to the Plumbing Inspector for his/her approval.

- (3) Whenever one or more homes is to be served by a single well, whether a new installation or a modification of an existing system, prior to any construction, plans shall be submitted to the Plumbing Inspector for his/her approval.
- (4) No galvanized pipe for a water distribution system shall be allowed underground.
- (5) Private wells must provide a minimum of 5 gallons of water per minute per family unit which shall be certified by the well driller on a new well and by the owner on an existing well.

16.14 - State well construction and pump installation code.

The State Well Construction Installation Code, NR 812.10, is adopted by reference and made a part of this chapter. Any violation of any provision thereof shall be a violation of this chapter.

16.15 – Private Onsite Wastewater Treatment Systems (Private sewage systems).

- (1) *Definitions.* As used in this section, the following words and phrases shall be defined as follows:

Department. “Department” means the State Department of Safety and Professional Services (DSPS), Division of Industry Services, Plumbing Program.

Failing Private On-Site Wastewater Treatment System. A failing private on-site wastewater treatment system is one which causes or results in any of the following conditions:

- (a) The discharge of sewage into surface water or groundwater.
- (b) The introduction of sewage into zones of saturation which adversely affects the operation of a private on-site wastewater treatment system.
- (c) The discharge of sewage to a drain tile or into zones of bedrock.
- (d) The discharge of sewage to the surface of the ground.
- (e) The failure to accept sewage discharges and back up of sewage into the structure served by the private on-site wastewater treatment system.

Issuing agent. The City of Greenfield Inspection Services Division.

Private On-Site Wastewater Treatment System (POWTS). A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure; an alternative sewage system approved by the Department, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure and may be owned by the property owner or by a special purpose district.

Sanitary permit. A permit issued by the Department or the issuing agent for the installation, construction, modification, replacement, repair or reconnection of a private on site wastewater treatment system.

Sewage. Water-carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in Wis. Stat. § 101.01(12), with such surface water or groundwater as may be present.

- (2) *Adoption of statutes.*

This section shall be subject to the provisions of Ch. 145, Wis. Stat., and all subsequent rules and regulations promulgated thereunder regarding private onsite wastewater treatment

systems. These provisions shall not be more lenient or stringent than the rules and regulations promulgated pursuant to Ch. 145, Wis. Stat.

(3) *Scope.*

This section applies to all of the following:

- (a) A situation where domestic wastewater is collected and conducted by means of plumbing drain systems and is not conveyed to a wastewater treatment facility regulated by the department of natural resources.
- (b) A POWTS where domestic wastewater is treated and dispersed to the subsurface.
- (c) A holding tank that is utilized as a POWTS or as a part of a POWTS to collect and hold domestic wastewater for transportation and treatment elsewhere.

(4) *Issuing agent.* The Plumbing Inspector shall act as the issuing agent and is hereby assigned the duties of administering the POWTS program.

(5) *Sanitary permit.*

(a) *Permits required.*

- 1. No person may install construct, replace, repair, modify or reconnect a POWTS unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.
- 2. No person may sell, at retail, a septic tank for installation unless the purchaser holds a valid sanitary permit.
- 3. A Sanitary permit is required for repairs to POWTS components identified as failed or nonfunctional; however, a sanitary permit is not required for the addition or replacement of manhole covers, manhole risers, baffles, vents, cleanouts, observation pipes, floats, alarms, wiring or pumps.
- 4. If any part of a POWTS has failed or requires replacement or modification, the entire system shall be evaluated for compliance with codes prior to sanitary permit issuance. This shall include a soil and site evaluation for those systems that utilize in situ soil for treatment or dispersal, unless a valid soil and site evaluation report or soil boring and percolation test report is on file with the City. If any part of the system is found to be defective or not in conformance with the applicable provisions of this article or SPS § 383, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.

(b) *Duration; renewal.*

- 1. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter.
- 2. A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that the subsequent owner must obtain a new copy of the sanitary permit from the issuing agent.

(c) *Reconnection.*

- 1. A Greenfield plumbing reconnection sanitary permit shall be obtained prior to:
 - a. Construction of a structure to be connected to an existing POWTS;
 - b. Disconnection of a structure from an existing POWTS and connection of another structure to the system;

- c. Reconstruction or rebuilding of a structure that is connected to a POWTS that is uninhabitable due to damage from manmade or natural disasters such as fire, wind or flooding; or
 - d. Installation of a plumbing fixture in an existing accessory structure to be connected to an existing POWTS.
2. Prior to issuing a plumbing reconnection sanitary permit, the existing POWTS shall be examined and documentation shall be provided to the Plumbing Inspector to verify:
 - a. That the existing POWTS is not a failing system, has sufficient size, is installed in suitable soil for the POWTS and can accommodate the proposed wastewater load;
 - b. That the POWTS meets the minimum setback requirements as specified in SPS 383; and
 - c. That the system meets minimum code requirements, is in proper operating condition relative to baffles, manhole covers, pumps, warning labels, locks, etc., and applicable management plan, maintenance agreement and service contract are on file with the City.

(d) Construction affecting wastewater flow or contaminate load.

A building permit may not be issued to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the properly complies with at least one of the following:

- a. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both.
- b. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminate load or both.

(e) Application forms. The issuing agent shall use the sanitary permit forms provided by the Department.

(f) Application process.

1. The applicant shall submit the completed sanitary permit application to the issuing agent.
2. The issuing agent shall review the certified soil tester reports for the proposed private sewage systems and verify the report at the proposed site, if necessary.
3. The issuing agent shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application.
4. The issuing agent shall issue written notice to each applicant whose sanitary permit application is disapproved.
 - a. State the specific reasons for disapproval and amendments to the application, if any, which would render the application approvable.
 - b. Inform the applicant of the right to appeal and the procedures for conducting an appeal under Ch. 68, Wis. Stat.

(g) Fees.

1. Refer to Section 3.12(9)(c) of the Municipal Code.
2. The City shall not charge more than one fee for a sanitary permit or renewal of a sanitary permit in any 12-month period.
3. The issuing agent shall forward a copy of each valid sanitary permit to the Department within 90 days after the permit is issued.
4. There shall be a fee for a return inspection for the installation of any private sewage system. Refer to Section 3.12(9)(c) of the Municipal Code.

(6) Inspection.

- (a) The issuing agent shall inspect or cause the inspection of all POWTS after construction, but before backfilling, no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge.
- (b) The issuing agent shall file reports and conduct surveys and inspections as required by the Department.

(7) Failing systems.

When a failing private sewage system (POWTS) which causes or results in any of the conditions listed in Wis. Stat. § 145.245(4), is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by department order.

(8) Soil saturation determination.

The City reserves the right to require inspection of soil saturation determinations pursuant to § SPS 385.60. The responsible certified soil tester shall notify the Plumbing Inspector prior to observation pipe installation and coordinate any required inspections.

(9) Maintenance and management program.

- (a) The owner of a POWTS shall be responsible for ensuring that the operation and maintenance of the POWTS occurs in accordance with SPS 383 and any approved management plan. The owner or the owner's agent shall report to the City each inspection, evaluation, maintenance or servicing event, in accordance with SPS 383 and this article. A POWTS that is not maintained in accordance to codes shall be considered a human health hazard.
- (b) All septic tanks and lift pump tanks shall be visually inspected by a properly licensed individual within three (3) years of the date of installation and at least once every three (3) years thereafter. The maintenance period will begin using the final inspection date of the POWTS or, in the case of new construction, within three (3) years from the date of occupancy. The City will estimate the date of occupancy unless documentation of the date is provided by the owner.
- (c) Documentation of tank pumping and inspection shall be returned to the City on forms provided by the City or on forms acceptable to the City. The form shall certify that the system is in proper operating condition and that after inspection, and pumping if necessary, the tank is less than one-third (1/3) full of sludge and scum. The submission

of inspection, maintenance or service reports shall include: the POWTS identifying number; date of inspection, maintenance or service performed; the property location; other information required by the approved management plan; and license, certification or registration number of the individual performing the inspection, maintenance or service.

- (d) Tank pumping will be waived if a certified septage servicing operator, master plumber, master plumber-restricted service, a person licensed under Wis. Stat. § 281.48, a POWTS inspector or other person(s) authorized to do so by SPS 383 who has visually inspected the POWTS, provides documentation that the system is in proper operating condition without ponding on the surface of the ground and the combined sludge and scum volume within the tank is less than one-third (1/3) the volume of the tank.
- (e) Circumstances such as inclement weather, road weight restrictions and site limitations may delay tank maintenance until such time as conditions improve to permit maintenance.
- (f) For POWTS utilizing aerobic pretreatment, the servicing, maintenance or pumping interval shall be on a three-year basis unless the DSPS and/or the manufacturer of the component requires maintenance on less than a three-year interval.
- (g) The servicing frequency of a holding tank for a POWTS, except for camping unit transfer containers, shall occur at least when the wastewater of the tank reaches a level of one foot below the inlet invert of the tank.
- (h) When a maintenance or service contract is required by the DSPS or the City as a condition of approval, the owner of a POWTS shall enter into a maintenance or service contract with a POWTS maintainer for as long as the POWTS is utilized. The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the City whenever there is a change to such document(s).
- (i) The maintenance guidelines identified in the individual component manuals and as specified as a condition of the DSPS and/or City approval will be used to establish a maintenance schedule specific to the individual component type.
- (j) POWTS which require evaluation, monitoring or maintaining at an interval of twelve (12) months or less will require the owner to enter into a service/maintenance contract with a certified septage servicing operator or POWTS maintainer. Failure to renew or have in effect a current service/maintenance contract may subject the owner to forfeiture or legal action. The owner shall record a document at the City register of deeds office that serves as an alert of the aforementioned requirements, and it shall be recorded in a manner to permit its existence by reference to each parcel that the POWTS serves, and remain in place for as long as the POWTS remains in service.
- (k) Documentation of inspection, maintenance or service shall be reported to the City or designated agent within thirty (30) calendar days from the date performed or as established by the department.
- (l) The holding tank pumping report shall indicate the owner's name, a POWTS identifying number, location of the property on which the tank is located, the pumper's name and license number, the date of servicing, volume pumped and the disposal site of the holding tank waste.
- (m) Failure to provide documentation of holding tank maintenance as required by this article may subject the owner to the penalties allowed under state law and/or municipal ordinance.

(n) Failure to maintain the POWTS or provide documentation of its maintenance as required by this article may subject the owner to penalties allowed under state law and/or municipal ordinance.

(10) *Violations.* The issuing agent shall investigate violations of this section and Wis. Stat. § 146.13, issue orders to abate violations and submit orders to the City Attorney for enforcement. Violators of this section are subject to the provisions of Wis. Stat. § 66.119.

(11) *Other duties.* The issuing agent shall perform other duties regarding private sewage systems as considered appropriate by the City or as required by the rules of the Department.

16.16 - Discharge of surface and other water and liquids into sewer systems.

(1) *Connection to sanitary sewers prohibited.* Subsoil, foundations, window and door wells, yard drains, cistern overflows, roof drains, air conditioners, water-cooled compressors, downspouts, or any other appurtenance discharging unpolluted water, may not be connected directly or indirectly to the sanitary sewer system.

(2) *Sump required.* Wherever a foundation drain tile is installed that is not directly connected to the storm sewer system of the City, a sump shall be provided to receive the discharge of water from such tile. An automatic pump must also be provided to discharge this water to the outside of the building not less than 3 feet from foundation and 12 inches above grade. An extension may be provided, but is not to be closer than 15 feet to any side or rear lot line, with the flow direction parallel to the lot line and so located as to cause the least inconvenience to the abutting property or shall be connected to a storm sewer if available. No owner of any building in the City shall cause or permit the pipes conducting the water from the sump to be so constructed as to spread the water over the sidewalk or street.

(3) *Downspouts and rainwater conductors.* Downspouts and rainwater conductors shall terminate a minimum of 2 feet from foundation walls, not be closer than setback line of zoning district, and so located as to cause the least inconvenience to the abutting property or shall be connected to a storm sewer if available. There shall be no water discharge closer than 15 feet to any well. No owner of any building in the City shall cause or permit the pipes conducting the water from the eaves of the building to be so constructed as to spread the water over the sidewalk or street.

(4) *Window and door wells.* Window and door wells shall discharge into sump and be discharged as provided in subsection (2).

(5) *Water from fixtures and appliances.* Water from air conditioners, compressors, cooling drains and any related fixture or appliance shall be piped directly to the stormwater system of the City to be discharged as provided.

(6) *Sump pits.* Sump pits shall be constructed in a watertight manner of precast reinforced concrete, reinforced monolithic concrete, cast iron, coated 12-gauge steel, vitrified clay, fiberglass, plastic or other approved materials. The size of each sum shall be no smaller than 16 inches in diameter at the top, 14 inches in diameter at the bottom, and 22 inches in depth. An interior sump shall have a rim extending at least one inch above the floor immediately adjacent to the sump, unless provided with an airtight, solid cover.

(7) *Commercial buildings.* Whenever a building occupies the entire land area of the parcel on which the building is erected, all unpolluted waters shall be intercepted and piped to points of disposal as approved by the Plumbing Inspector.

- (8) *Permits.* No work shall be started on any of the sections enumerated above until a permit is issued by the Plumbing Inspector.
- (9) *[Discharge of noxious liquids.]* Discharge of noxious liquids into main sewers and surface and ground waters into sanitary sewers is prohibited.
- (a) No person shall connect any premises with any drain or sewer entering into any main sewer through which any noxious, explosive, odorous or unhealthful liquids or substances are discharged into the main public sewers of the City.
 - (b) No person shall make or maintain any connection which permits the entrance of rainwater into the sanitary sewers in the City.
 - (c) No person shall connect any building or structure to any sanitary sewer so as to cause or permit the discharge into a sanitary sewer of the following waters:
 - 1. Yard drains.
 - 2. Floor drains receiving unpolluted water.
 - 3. Foundation drains.
 - 4. Any other fixture or appurtenance receiving ground water infiltration.

16.17 - Inspection of premises for sanitary sewer infiltration.

- (1) The discharge of clear water into the sanitary sewer system is prohibited and subject to a penalty as provided in Section 25.04 of the Municipal Code.
- (2) The discharge of clear water into the sanitary sewer system is to be eliminated.
- (3) The inspection officers of the City are hereby authorized and directed to make such inspections as are necessary to determine where clear water connections or clear water infiltration exists. In making such inspections, they are authorized and directed to obtain special inspection warrants under the provisions of Wis. Stat. §§ 66.122 and 66.123.
- (4) Upon determining that a clear water connection or clear water infiltration exists, City inspection officers are authorized and directed to issue appropriate orders to abate, correct or eliminate such connection or infiltration within a reasonable time, not to exceed 90 days. The owner shall have the right to appeal the order to the Common Council ("Council") within 10 days from the date of mailing. The Council shall hold a public hearing on the appeal within 10 days from receipt of the appeal. The owner shall have the right to appear in person or by an attorney. The Council shall have the authority to affirm, modify or reverse the order appealed from. The owner shall have the right to appeal the Council's decision by certiorari commenced within 10 days of the Council order. If no such appeal is taken, the Council's order shall be final and may be implemented by mandatory injunction or other appropriate legal means.

16.18—16.24 - Reserved.

16.25 - Penalty.

Except as otherwise provided herein, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of the Municipal Code.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

Aldersperson Saryan made a motion, seconded by Aldersperson Bailey, to send the other portion of the ordinance [dealing with work only plumbers could do] back to Legislative Committee. Motion carried unanimously.

On a roll call vote, motion carried unanimously.

14. Adopt an ordinance to repeal and recreate Chapter 17 – Electrical Code.

It was moved by Aldersperson Lubotsky, seconded by Aldersperson Akers, to adopt a portion of Ordinance No. 2939 [deleting a provision – shown in strikethrough - that would require homeowners to use electricians to perform certain types of work; and new language shown by underlining]:

ORDINANCE NO. 2939

ORDINANCE TO REPEAL AND RECREATE CHAPTER 17 – ELECTRICAL CODE.

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

PART I. CHAPTER 17 of the Municipal Code is hereby repealed and recreated to read as follows:

17.01 - Purpose.

The purpose of this chapter is to safeguard life and property by regulating and providing for inspection of the installation and condition of electrical wiring, equipment and devices.

17.02 – Inspection Services Division.

The duties of the enforcement of the Electrical Code fall under the Inspection Services Division within the Department of Neighborhood Services. The Electrical Inspector, under the supervision of the Community Development Manager, shall perform inspections, and such other duties as may be prescribed. The Electrical Inspector shall enforce all State laws and City ordinances relating to electrical inspection.

17.03 - Power and authority to enter upon premises.

The Electrical Inspector or his/her authorized agent may, at all reasonable hours for any proper purpose, enter any public or private building or premises in the discharge of his/her official duties, or for the purpose of making any inspection or test of the electrical wires, equipment or devices contained therein. The Inspector or his/her agent shall be given prompt access to any premises upon request made to the owner or persons in immediate charge of the premises. If consent to enter personal or real properties which are not public buildings, or to enter portions of public buildings which are not open to the public for inspection purposes, has been denied, the Electrical Inspector shall obtain a special warrant under Wis. Stat. §§ 66.122 and 66.123.

17.04 - Records.

There shall be kept in the Inspection Services Division, a complete record of all applications and permits, all inspections made and other official work performed under this chapter, so arranged as to promptly afford information concerning electrical installations.

17.05 - Definitions.

For the purposes of this chapter, the following words and terms shall be interpreted as having the following meanings:

Electrical system. All wires, equipment or devices installed for the purpose of conducting or safeguarding electrical current.

Electrical work. Any act in connection with the installing, altering or maintaining of an electrical system, which act ordinarily requires the use of tools.

Qualified. Qualified by the City of Greenfield.

Wiring. Includes the wires and other devices incident to the means for safely conducting electrical current.

17.06 - Authority to discontinue electrical operation.

The Electrical Inspector may order the disconnection of all electrical current from any electrical system which is found to be in an unsafe condition, and may order the disconnection of electrical current in cases of emergency, and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person shall reconnect any equipment thus cut off until permission is given by the Electrical Inspector.

17.07 - Inspection.

- (1) The Electrical Inspector shall visit and inspect all sites at which electrical work is performed, whether as initial installation, addition, replacement, alteration or repair.
- (2) He/she shall also initiate and perform periodic reinspection of buildings and premises which are frequented by the public, such as commercial, industrial or public places or structures.

- (3) All new work and repairs which affect 50 percent or more of any item of electrical wiring shall conform to current N.E.C. or local ordinance.
- (4) The Electrical Inspector shall accept as existing any work which was previously installed under permit and which conformed to all codes and ordinances at the time of installation.
- (5) Where violations are found, he/she shall notify the person owning, using, operating or installing them, to place items affected in compliance.
- (6) The necessary repairs or changes shall be completed within 30 days after the receipt of such notice. The Electrical Inspector may order the discontinuance of electrical service to such defective electrical system until it shall have been repaired, removed or changed as directed by the Electrical Inspector.

17.08 - Electrical Licenses.

- (1) *License required.* No person shall install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain electrical equipment or apparatus without first being licensed under the provision of Wis. Stat. § 101.861.
- ~~(a) In owner-occupied one- and two-family dwellings, the owner may replace only existing lights, switches and outlets in the unit they occupy. All other electrical work requires that Wis. Stat. § 101.862 be followed.~~

17.09 - Permits.

- (1) *Required.*
 - (a) No electrical equipment shall be installed, altered, renewed, replaced or connected without first procuring a permit therefore. Permits shall be issued to State of Wisconsin license holders only. Application shall be made on forms furnished by the Electrical Inspector and shall prescribe the nature of the work as well as such other information as may be required for inspection. Permits shall not be transferable from the contractor to whom issued.
 - (b) Whenever there is a change of contractors on a job for which a permit has been issued, before any subsequent permits will be issued, the Electrical Inspector shall, upon call, inspect the work performed to date and, if satisfied that the work conforms to all applicable electrical codes, give a written release to the owner of the premises. It shall be the obligation of the owner to obtain this release from the Electrical Inspector. If this release is not obtained from the Electrical Inspector, any subsequent contractor performing electrical work on the job shall be responsible for all previous electrical installations.
 - (c) A permit shall be required for any low voltage wiring penetrating a rated assembly, wall, floor or ceiling, including all plenum ceilings.
- (2) *Exceptions.*
 - (a) No permit shall be required for minor repair work, such as repairing drop cords, flush and snap switches, replacing fuses or changing lamp sockets. This paragraph is not intended to relieve the requirements of Section 17.09 of the Municipal Code.
 - (b) No permit shall be required for portable devices, such as grinders, drills, washing machines, vacuum cleaners, radios, electric refrigerators and similar devices not permanently wired, but intended to be connected to the circuit by a flexible cord and

plug. However, proper approved wiring is to be installed, together with approved receptacle and plug.

- (c) Electrical installations for temporary structures or assemblies, such as carnivals, picnics, circuses, side shows or sport events, shall be in accordance with all provisions of the National Electrical Code and this chapter. Where overhead wiring for light or power, festoon lighting or receptacles is used, it shall be isolated by elevation or properly guarded and grounded. All exposed metal parts of devices shall be installed in approved enclosures. Where cables or cords are laid upon the ground, they shall be protected by approved means such as trenches, metal ducts or board runways. Devices of amusement, such as rides or games, shall conform to the provisions of this chapter. All equipment, on or in which the public is expected to be conveyed or otherwise acted upon, shall be effectively bonded and grounded by means of clamp or screw type connections which are approved for this purpose. All contiguous metal parts of each such device shall be bonded. All metal railings or fences which are within 3 feet of such devices, and with which the public can simultaneously come in contact, shall be bonded. All equipment shall be approved for the purpose and conditions of use.
- (3) *Permit expiration.* Every permit issued by the Electrical Inspector, under the provisions of this chapter, shall expire by limitation, and become null and void, if the work authorized by such permit is not commenced for a period of 6 months and not completed within 12 months from the date of issuance. Before such work can be recommenced, a new permit must first be obtained and the fee therefore shall be one-half the amount required for a first permit.

17.10 - Permit fees.

Upon the issuance of a permit by the Electrical Inspector, and before such permit shall be in effect, the applicant shall pay to the Treasurer the license fee in accordance with Section 3.12(9)(b) of the Municipal Code.

17.11 - Temporary work.

On applying for a permit for temporary work, a specified period of time during which such wiring is to remain in service must be stated, but not exceeding 90 days. Service shall be disconnected at the end of this period and shall not again be connected without written permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for temporary work may be granted by the Electrical Inspector for the installation of open work and exposed wiring, lights, power for building operations, display, decorative lighting, etc., for use for a limited period, subject to discontinuance and complete removal at expiration, and to condemnation and revocation within such period.

17.12 - Emergency work.

In emergency work, the person doing or causing such work to be done, shall report the same to the Electrical Inspector immediately after beginning work and such work shall be done in accordance with the provisions of this chapter.

17.13 - Final inspection.

Upon completion of the wiring in or on any building and before any wiring is to be hidden from view, the licensee doing the same shall notify the Electrical Inspector, who shall inspect the installation within two (2) business days of the time such notice is received. If, upon inspection it is found the installation is in compliance with this chapter and does not constitute a hazard to life or property, he/she shall approve the same and authorize concealment of the wiring or

connection for electrical service. If the installation is incomplete, or not strictly in accordance with this chapter, he/she shall issue orders to the person installing the same to remove all hazards and make necessary changes or additions. No person shall conceal any electric work before inspection or fail to comply with any order of the Electrical Inspector.

17.14 - Service of notices and orders.

All inspection notices and orders of the Electrical Inspector shall be considered final when served in writing upon the licensee. Service shall be by mail, email, fax or other recognized means of written communication. The effective date of notification shall be upon transmission.

17.15 - Construction requirements.

No inspection approval shall be issued unless the electric light, power or heating installation, and all other electrical apparatus connected with it, are in strict conformity with the provisions of this chapter, the N.E.C. and the rules and regulations of the State Electrical Code.

17.16 - N.E.C. and State supplement.

- (1) The NEC and State supplement are hereby adopted by reference for all electrical work done within the City. 2015 Act 55 changed Ch. 101.86(1)(a), Wis. Stats., to read that municipalities may enact an electrical code or otherwise exercise jurisdiction over electrical wiring and inspection of electrical wiring by enactment or ordinances, provided that the electrical code or ordinance strictly conforms with the State electrical wiring code promulgated by the department under § 101.82(1), Wis. Stats.
- (2) This makes the Wisconsin's Electrical Code uniform statewide. Municipal ordinances are required to strictly conform to SPS 316, Wis. adm. code.

17.17 - Penalty.

Any person who shall violate any provision of this chapter, or any order, rule or regulation issued hereunder or adopted by any section of this chapter, shall be subject to a penalty as provided in section 25.04 of this Municipal Code.

PART IV. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART V. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VI. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

Motion made by Alderperson Bailey, seconded by Alderperson Lubotsky, to send the portion of the ordinance [dealing with requiring an electrician to do certain work] back to the Legislative Committee. Motion carried unanimously.

15. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to adopt Ordinance No. 2940:

ORDINANCE NO. 2940

ORDINANCE TO REPEAL AND RECREATE CHAPTER 34 –
SANITARY SEWER SYSTEM

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

PART I. CHAPTER 34 of the Municipal Code is hereby repealed and recreated to read as follows:

34.01 - Purpose and scope.

The purpose and scope is to control discharges into the public sewerage collection system and wastewater treatment facility that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that cause a violation to the City of Greenfield's WPDES permit or the Milwaukee Metropolitan Sewerage District discharge regulations.

34.02 - Definitions.

Best management practice. Standard operating procedure of food service facility that reduces or eliminates the discharge of fats and grease into the sanitary sewer system.

Food service facility. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one of the following preparation activities: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, blanching, roasting, or poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include, but are not limited to, restaurants, bakeries, cafeterias, hotels, motels, hospitals, nursing homes, grocery stores, schools, churches, caterers, convenience stores, movie theaters, and other users as determined by the City of Greenfield who discharge applicable waste.

Grease. Material composed primarily of fats, oils, and grease (“FOG”) from animal or vegetable sources. The terms fats, oil and grease shall be referred to as grease by definition.

Grease interceptor.

- (a) A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the interceptor and entering the sanitary sewer collection system and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the interceptor and entering the sanitary sewer collection and treatment facility.

- (b) All interceptors or traps shall be of a type and capacity approved by the Wisconsin Department of Natural Resources and Wisconsin Administrative Code H 62.11 and shall be located so as to be readily and easily accessible for cleaning and inspection, and to be effective in capturing fats, oils, greases and sand by providing sufficient opportunity for wastewater containing fats, oils and grease to cool enough for these to be trapped. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight and equipped with easily removable covers.

User. Any person or establishment who contributes, causes, or permits the contribution of discharge of wastewater into the City of Greenfield's wastewater collection system.

34.03 - Control plan for FOG and food waste.

- (1) Any new construction, renovation, or expansion of food service facility shall be required to apply for an occupancy permit from the City of Greenfield. A FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system must be submitted before the occupancy is approved.
- (2) Any new owner of an existing food service facility terminating operations must notify the City of Greenfield on the exact date and time operations will terminate.

34.04 - General criteria.

- (1) *Installation requirements.* Any new construction, renovation, or expansion of food service facility inside the City of Greenfield sewer service area shall be required to install in accordance with the State Plumbing Code, at their expense, an approved, properly operated and maintained grease interceptor. No existing food service facility undergoing significant renovations shall be "grandfathered."
- (2) *Sanitary sewer flows.* All existing sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease interceptor. These flows shall be conveyed separately to the sanitary sewer service lateral.
- (3) *Garbage disposals.* It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means through best management practices (BMPs). The use of disposals, which discharge to a grease interceptor, is discouraged since it decreases the operational capacity of grease interceptors and will require an increased pumping frequency to ensure continuous and effective operation.
- (4) *Dishwashers.* Commercial dishwashers must be connected to the grease interceptor. Dishwashers discharge soap and hot water which melt grease and allow it to pass through an undersized grease interceptor. Interceptors must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the interceptor.
- (5) *Location.* Grease interceptors shall be installed upstream from the sanitary sewer service connection. It shall be placed so that it will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time.
- (6) *Discharge limits.* No user shall allow wastewater discharge to exceed a daily maximum of 300 mg/L of grease.

34.05 - Design criteria.

- (1) *Construction.* Grease interceptors shall be constructed and sized in accordance with State of Wisconsin Department of Safety and Professional Services (“DSPS”) 382.34 standards. Approval of proposed facilities or equipment by the Wisconsin Department of Natural Resources or the Wisconsin DSPS does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer nor shall it relieve a food service facility of the responsibility of enlarging, relocating or otherwise modifying such facilities to accomplish the intended purposes.
- (2) *Access.* Access to grease interceptors shall be available at all times to allow for proper maintenance and inspection. Any monitoring facilities shall be constructed and maintained in accordance with all applicable state and local construction standards and specifications. Plans for the installation of monitoring facilities and related equipment shall be submitted for review and approved by the City of Greenfield prior to the beginning of construction.
- (3) *Sampling manholes.* Any person discharging FOG into a sewer shall construct and maintain a suitable control manhole or manholes downstream from any such place of discharge to permit observation, measurement and sampling of such wastes at the request of the City of Greenfield.

34.06 - Grease interceptor maintenance.

- (1) *Cleaning and pumping.* The food service facility, at their own expense, shall maintain all grease traps to assure proper operation and efficiency and meet discharge limits. Maintenance of grease trap shall include the complete removal of floating and settled solids and inspecting and/or repairing any portion of the interceptor that is not functioning properly. Grease hauling shall be performed by a qualified licensed hauler. User must be able to provide documentation with the date, condition of interceptor after pumping, including repairs needed, name, license number, and phone number of hauler, how much was pumped, where waste was disposed, phone number of waste disposal site and a copy of the original manifest from the waste hauler. Documentation must be retained for a period of no less than 3 years and made available when requested by the City of Greenfield.
- (2) *Cleaning/pumping frequency.* Grease interceptors must be pumped out completely every 6 months. However, given that food preparation methods vary greatly, some grease interceptors may need to be pumped on a more frequent basis and that frequency shall be determined by the City of Greenfield after inspection of the food service facility.
- (3) *Records.* Each food service facility shall maintain a copy of all cleaning and maintenance records on site. Cleaning and maintenance records must be retained for a period of no less than 3 years and made available when requested by the City of Greenfield. The cleaning and maintenance records shall include the following information:
 - (a) Facility name, address, contact person, and phone number.
 - (b) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
 - (c) Types of maintenance performed.
 - (d) Dates of maintenance performance.
 - (e) Copies of hauler manifest.

- (4) *Inspections.* City of Greenfield personnel shall be allowed entrance upon the premises at all reasonable hours and will perform periodic inspections of food service facility and will notify the facility of additional maintenance or repairs. Upon written notification by the City of Greenfield, the facility shall be required to perform the maintenance and submit a remediation report to the City of Greenfield within 21 calendar days. Upon inspection by the City of Greenfield, the facility may be required to install, at their expense, additional controls to provide a complete system that prevents discharges of undesirable materials into the wastewater collection system.

34.07 - Chemical and biological additives.

Prohibited chemical and biological treatments such as drain cleaners, enzymes, bacteria, acid, or other chemical or biological additives to emulsify or remove grease may not be used. Emulsifiers, per Wisconsin Administrative Plumbing Code SPS 382.34, may not be used.

34.08 - Enforcement and penalties.

- (1) Any food service facility not submitting a FOG and food waste control plan when requested by the City of Greenfield within the time frame determined by the City will be fined no more than \$50.00 per day late.
- (2) Any food service facility who has not produced maintenance records within 10 days of request by the City of Greenfield will be fined no more than \$50.00 per day late.
- (3) Any food service facility, after inspection by the City of Greenfield, that has not made the necessary repairs or remediation, and submitted a remediation report as ordered by the City of Greenfield within 21 calendar days, will be fined no more than \$100.00 per day late.
- (4) Any food service facility found using prohibited chemical and/or biological additives to emulsify or remove grease will be fined no more than \$100.00 for the first offense, \$300.00 for the second offense, and \$1,000.00 for the third offense, and \$2,000.00 thereafter per offense.
- (5) Any user exceeding the maximum daily concentration of 300 mg/L of grease will be fined no more than \$500.00 per offense.
- (6) Any food service facility whose discharge causes a deposit or obstruction or in any manner causes damage to or impairs the public sewerage collection system and wastewater treatment facility shall be liable for any expense, loss cost or damage without limitation caused by such violation or discharge. The City of Greenfield shall bill the user for the actual cost incurred plus 20% administrative charge for any cleaning, repair, replacement of the public sewerage collection system, or restoration of receiving water damaged by any discharges from the public sewerage collection system. Refusal to pay the assessed cost or failure to comply with other provisions of this section shall constitute a violation of this section enforceable under the provisions of the local ordinance or the Milwaukee Metropolitan Sewerage District Chapter 11 Rules, Specific Prohibitions.
- (7) Any food service facility found guilty of falsifying maintenance and manifest records will be fined \$1,000.00 for the first offense, \$3,000.00 for the second offense, \$5,000.00 for the third offense and possible revocation of the occupancy permit. In addition, further criminal charges and penalties may be applicable.

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 17th day of September, 2019.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

16. Adopt an ordinance amending sections 3.12(9)(a), (b) and (c) of the Municipal Code relating to license fees enumerated.

It was moved by Alderperson Bailey, seconded by Alderperson Akers, to send the ordinance back to Legislative Committee for further review. Motion carried unanimously.

17. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve issuance of an operator license to the following:

Grechowiak, Stephanie A.-5622 W. Montana St.	Sciano, Carly M.-10828 W. Morgan Ave.
Muehlenberg, Scott A.-521 Brasted Pl.	Tejeda, Sara M.-1708 4 Mile Rd.
Newbery, Katie M.-16410 W. Fullerton Ave.	Veenstra, Apsara M.-2311 W. Wisconsin Ave.

Motion carried unanimously.

18. It was moved by Alderperson Akers, seconded by Alderperson Lubotsky, to approve an extension of licensed premises request from Primetime Tap LLC, Nicholas E. Marking, Agt., to extend the outdoor patio by 10 feet for both its Entertainment License (for live music) from 4 p.m. to 11 p.m. and for its "Class B" beer and liquor license from 3 p.m. to 11 p.m. for a "Fall Fest" event on September 28, 2019 at 7808 W. Layton Ave. Motion carried unanimously.
19. It was moved by Alderperson Lubotsky, seconded by Alderperson Akers, to approve a Temporary Class "B" Retailer's License received from the Harley Owners Group – Milwaukee Chapter to sell fermented malt beverages at the Journey Home Wisconsin event to be held indoors on September 28, 2019 from 5 p.m. to 9 p.m. at 6221 W. Layton Ave. Motion carried unanimously.
20. It was moved by Alderperson Akers, seconded by Alderperson Kastner, to approve a contract for the continuation of the Stockbox program. On a roll call vote, motion carried unanimously.

21. It was moved by Alderperson Saryan, seconded by Alderperson Akers, to approve a Facility Use Agreement between the City of Greenfield and the Southeast Wisconsin Chapter of the American Red Cross. Alderperson Akers asked that it be subject to the City Attorney's review. On a roll call vote, motion carried unanimously.

22. It was moved by Alderperson Saryan, seconded by Alderperson Akers, to approve a Memorandum of Understanding for a Subcontracting Agreement of the Dispensary of Tuberculosis Clinical Services of the Division of Public Health, Bureau of Communicable Diseases, between the Greenfield Health Department and the Wauwatosa Health Department. On a roll call vote, motion carried unanimously.

23. – 27. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve the following:

Approve contract with Environmental Health Consultant(s)

Approve schedule of disbursements in the amount of \$3,542,597.12

Approve mileage reimbursements in the amount of \$715.15

Approve investments and reinvestments

Accept July 2019 Financial Statements

On a roll call vote, motion carried unanimously.

28. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to go into closed session at 8:50 p.m. pursuant to Wis. Stat. § 19.85(1)(b) & (f), considering licensure, social or personal history, or medical information, regarding the applications for an operator license received from:

- a. Tracy L. Dooley
- b. Dana R. Brycki
- c. Kevin J. Hapke

On a roll call vote, motion carried unanimously.

It was moved by Alderperson Kastner, seconded by Alderperson Saryan, to adjourn closed session at 9:11 p.m. and reconvene into open session. Motion carried unanimously.

Mayor Neitzke noted that Alderperson Akers had to leave closed session at about 8:52 p.m. due to a family commitment.

Tracy L. Dooley withdrew her application. No action taken.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve issuance of a 2019-2020 operator's license for Dana R. Brycki. Motion carried unanimously.

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve issuance of a 2019-2020 operator's license for Kevin J. Hapke. Motion carried unanimously.

L. Items for future agenda - budget

M. It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to adjourn the meeting at 9:12 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk

Minutes transcribed by Sheryl Hartman, Deputy Clerk
Distributed: September 19, 2019