



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final-revised Common Council

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Wednesday, November 6, 2024

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[24-1421](#) Common Council Meeting Minutes of October 16, 2024

**Attachments:** [CC Minutes 10-16-24.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[24-1424](#)

Proclamations:

- Lung Cancer Awareness Month
- Youth HOPE Month
- Native American Heritage Month
- Lennox-Gastaut Syndrome Awareness Day
- Appleton High School DECA Week
- Crash Responder Safety Week
- Small Business Saturday

**Attachments:** [46-268 Lung Cancer Awareness Month 2024.pdf](#)

[46-269 Youth HOPE Month 2024.pdf](#)

[46-270 Native American Heritage Month 2024.pdf](#)

[46-271 LGS Awareness Day 2024.pdf](#)

[46-272 Appleton High Schools DECA Week 2024.pdf](#)

[46-273 Crash Responder Safety Week 2024.pdf](#)

[46-274 Small Business Saturday 2024.pdf](#)

## H. PUBLIC PARTICIPATION

## I. PUBLIC HEARINGS

[24-1269](#) Public Hearing for Text Amendments - Sections: 9-262; 16-37; 19-91; 19-92; 23-22; 23-32; 23-35; 23-43; 23-65; 23-66; 23-91; 23-112; 23-113; 23-114; 23-151; 23-152 of Chapters 9, 16, 19, and 23 of the Municipal Code

**Attachments:** [TA 1-24 Notice of Public Hearing.pdf](#)

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

## L. COMMITTEE REPORTS

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-1362](#) Boldt LU/Trout College/Drew Occupancy Permit Extension/Modification through 6/1/2025. Kimball Street Occupancy Permit Extension Through 8/4/2025.

**Attachments:** [Permit to Occupy the Public Right-of-Way 2024.11.22-2025.08.04.pdf](#)

**Legislative History**

10/21/24	Municipal Services Committee	recommended for approval
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## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-1318](#) Proposed Special Event Policy - 2025

**Attachments:** [2025 PROPOSED Special Event Policy.pdf](#)

[2025 PROPOSED Special Event Policy - REVISED.pdf](#)

[2025 Special Event Fee Schedule - Appendix 1 - REVISED.pdf](#)

[Memo- 2025 Proposed Special Event Policy.pdf](#)

[Current -2024- Special Events License Application.pdf](#)

[2023 Special Event Cost Summary - S&L UPDATED 10-16-24.pdf](#)

**Legislative History**

10/9/24	Safety and Licensing Committee	held
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*The following appeared and addressed the committee:*

*Jennifer Stephany, Executive Director Appleton Downtown Incorporated*

*Becky Bartoszek, Fox Cities Chamber of Commerce President*

*Dave Willems, Mile of Music Organizer*

10/23/24 Safety and Licensing Committee recommended for approval  
 The following appeared and addressed the committee:  
 Jennifer Stephany, Executive Director Appleton Downtown Incorporated  
 Eric Broten, Vice President Fox Cities Chamber of Commerce  
 Dave Willems, Founder Mile of Music

[24-1375](#)

Taxicab Company License Renewal Application for L&M Carriage Service, Owner, Mike Gildernick, 3140 Mid Valley Rd., De Pere, WI 54115, contingent upon approval from all departments.

**Attachments:** [L&M Carriage Service Taxicab Co Renewal App.pdf](#)

**Legislative History**

10/23/24 Safety and Licensing Committee recommended for approval

**3. MINUTES OF THE CITY PLAN COMMISSION**

[24-1283](#)

Request to approve proposed text amendments to the Municipal Code Chapter 19 Traffic and Vehicles and Chapter 23 Zoning Relating to Residential Driveways, Driveway Extensions, Parking Pads and Outdoor Parking of Vehicles/Trailers on Residential Property as identified in the attached document

**Attachments:** [Sec 23-43 Accessory Use Draft Amendments Driveway Extensions Strikeout I](#)  
[Sec 23-43 Accessory Use Draft Amendments Driveway Extensions Clean For](#)

**Legislative History**

10/9/24 City Plan Commission recommended for approval  
 Proceeds to Council on November 6, 2024.

[24-1285](#)

Request to approve proposed text amendments to the Municipal Code Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning Relating to Official Map Amendments and Zoning Amendments/Public Hearing Notices as identified in the attached document

**Attachments:** [Sec 23-65 Official Map Amendments Draft Text Amendments Strikeout For10-](#)  
[Sec 23-65 Official Map Amendments Draft Text Amendments Clean For10-9-](#)

**Legislative History**

10/9/24 City Plan Commission recommended for approval  
 Proceeds to Council on November 6, 2024.

[24-1287](#)

Request to approve proposed text amendments to the Municipal Code Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning Relating to Consumption of Alcohol Uses as identified in the attached document

**Attachments:** [Sec 23-66 Alcohol Related SUP Draft Text Amendments Strikeout For10-9-24](#)  
[Sec 23-66 Alcohol Related SUP Draft Text Amendments Clean For10-9-24.pdf](#)

**Legislative History**

10/9/24 City Plan Commission recommended for approval  
*Proceeds to Council on November 6, 2024.*

#### 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

#### 5. MINUTES OF THE FINANCE COMMITTEE

##### [24-1355](#) CEA Review Committee Report

**Attachments:** [CEA 100724 Meeting Minutes.pdf](#)

**Legislative History**

10/21/24 Finance Committee recommended for approval

##### [24-1356](#) Request to approve obligating the remaining Local Economic Recovery ARPA funds (\$985,000) to the Parks & Recreation Department's Fox Cities Exhibition Center (FCEC) Repositioning & Tourism Recovery Project.

**Attachments:** [Finance Committee Memo - FCEC ARPA.pdf](#)

**Legislative History**

10/21/24 Finance Committee recommended for approval

##### [24-1369](#) Request to approve Sole Source contract with Beneficial Reuse Management for 2025-2027 Biosolids Transportation, Application, and Incorporation Services.

**Attachments:** [241016 SoleSourceMemo BRM ContractExtension 2025-2027s.pdf](#)

**Legislative History**

10/21/24 Finance Committee recommended for approval

##### [24-1370](#) Request to award Sole Source purchase of Plunger pump to Wastecorp Pumps in the amount of \$35,000, along with the following budget amendment. (2/3 vote of Council required)

Primary Clarifier Rebuild CIP - \$35,000

Plunger Pump Replacement CIP +\$35,000

**Attachments:** [2401017 SoleSourceAward\\_AWWTP Plunger Pump.pdf](#)

[2401017 SoleSourceAward\\_AWWTP Wastecorp Pumps.pdf](#)

**Legislative History**

10/21/24 Finance Committee recommended for approval

##### [24-1376](#) Request to award Sole Source Engineering Services Contract to McMahon Associates for Summer Street Lift Station Replacement in the amount of \$122,200 with a 5% contingency of \$6,110 for a total not to exceed \$128,310.

**Attachments:** [241017 Purchasing Manager - Sole Source Approval McMahon - Summer St.pdf](#)

[241017 SoleSourceAward McMahon Summer St.pdf](#)

**Legislative History**

10/21/24 Finance Committee recommended for approval

## 6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE

[24-1290](#) Request to approve proposed text amendments to the Municipal Code Chapter 4 Buildings, Section 4-66(a) and (b), as identified in the attached document

**Attachments:** [Chapter 4 Buildings Sec 4-66 Draft Text Amendments Strikeout For10-9-24.pd](#)

**Legislative History**

10/9/24 Community Development Committee recommended for approval  
*Proceeds to Council on November 6, 2024.*

[24-1291](#) Request to approve proposed text amendments to the Municipal Code Chapter 4 Buildings, Section 4-241, as identified in the attached document

**Attachments:** [Chapter 4 Buildings Sec 4-241 Draft Text Amendments Strikeout For10-9-24.p](#)

**Legislative History**

10/9/24 Community Development Committee recommended for approval  
*Proceeds to Council on November 6, 2024.*

[24-1292](#) Request to approve proposed text amendments to the Municipal Code Chapter 4 Buildings, Section 4-546(a), as identified in the attached document

**Attachments:** [Chapter 4 Buildings Sec 4-546 Draft Text Amendments Strikeout For10-9-24.p](#)

**Legislative History**

10/9/24 Community Development Committee recommended for approval  
*Proceeds to Council on November 6, 2024.*

## 7. MINUTES OF THE UTILITIES COMMITTEE

[24-1364](#) Approve Wastewater Rate increase of 9% for general service and special hauled waste service and increase compost fee to \$14/cubic yard to be effective January 1, 2025.

**Attachments:** [WW Rate Increase memo Oct 2024.pdf](#)  
[2025 Rate Sheet Attachment A.pdf](#)

**Legislative History**

10/22/24 Utilities Committee recommended for approval

## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[24-1303](#) Request to Approve Hiring of the Matrix Consulting Group to Complete an Organizational and Workload Study for the Appleton Police Department.

**Attachments:** [Memo to committee and council final.pdf](#)

[Matrix Proposal.pdf](#)

**Legislative History**

10/23/24	Human Resources & Information Technology Committee	recommended for approval
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[24-1353](#) Request to Approve Fringe Benefit Policy Update to Page 6.

**Attachments:** [Fringe Benefit Policy 10.2024.pdf](#)

**Legislative History**

10/23/24	Human Resources & Information Technology Committee	recommended for approval
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**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[24-1427](#) Ordinances #139-24 to #167-24

**Attachments:** [Ordinances to Council 11-6-24.pdf](#)

**P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**

**Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION**

**R. OTHER COUNCIL BUSINESS**

[24-1423](#) Reconsideration of Item# 24-1299 Municipal Code Update Re: Smoking Prohibition around Valley Transit & Appleton Public Library

[24-1299](#)

Proposed Update to City of Appleton Municipal Code 7-100 (d): Smoking Prohibition Around Valley Transit Center and Appleton Public Library

**Attachments:** [Proposed Update to City of Appleton Municipal Code 7-100 Smoking Prohibition](#)  
[MUNICIPAL CODE UPDATE - 7-100\(D\) SMOKE FREE AREA AROUND TRAN](#)

**Legislative History**

10/9/24	Board of Health	recommended for approval
	<i>Aldersperson Wolff moved, seconded by Vogel, that the Proposed Update to City of Appleton Municipal Code 7-100 (d): Smoking Prohibition Around Valley Transit Center and Appleton Public Library be recommended for approval. Motion carried by the following vote:</i>	
10/16/24	Common Council	approved
	<i>The Motion to approve fails 7/5.</i>	

S. ADJOURN

Kami Lynch, City Clerk

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*  
*Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final Common Council

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Wednesday, October 16, 2024

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Woodford at 7:01 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Schultz.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

*Alderperson Wolff arrived at 7:32 p.m.*

**Present:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Chad Doran and Mayor Jake Woodford

**Excused:** 3 - Alderperson Martyn Smith, Alderperson Vaya Jones and Alderperson Kristin Alfheim

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All Departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[24-1330](#)

Common Council Meeting Minutes of October 2, 2024

**Attachments:** [CC Minutes 10-2-24.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Meltzer, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Excused:** 4 - Alderperson Martyn Smith, Alderperson Vaya Jones, Alderperson Kristin Alfheim and Alderperson Nate Wolff



**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

H. PUBLIC PARTICIPATION

*Cindy Reed, 3425 N Marcos Ln spoke regarding Item #24-1105 Operator License.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[24-1334](#)

Resolution to Participate in the Outagamie Co. Hazard Mitigation Plan

**Attachments:** [2024-05 Outagamie County HMP 2024-2029 Resolution.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Excused:** 4 - Aldersperson Martyn Smith, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim and Aldersperson Nate Wolff

**Abstained:** 1 - Mayor Jake Woodford

K. ESTABLISH ORDER OF THE DAY

[24-0420](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Delaires LLC d/b/a Delaire's, David Boulanger, Agent, located at 823 W. College Ave, contingent upon approval from the Health and Inspections departments.

**Attachments:** [Delaire's.Alcohol.Class](#)  
[B\\_Beer\\_Reserve\\_Liquor.4.10.24.REDACTED.pdf](#)

**This Item was referred back to the Safety and Licensing Committee by Aldersperson Firkus.**

[24-1105](#)

Operator License for Cindy Reed.

**Attachments:** [Cindy Reed Operator License Application.pdf](#)  
[Cindy Reed Clerk Letter.pdf](#)  
[Cindy Reed PD Letter.pdf](#)  
[Cindy Reed Denial Appeal Memo.pdf](#)  
[Cindy Reed Documents Submitted to Safety and Licensing.pdf](#)  
[Cindy Reed - WN Co 23CF277.pdf](#)  
[Cindy Reed - WN Co 23TR4251.pdf](#)

**Alderson Croatt moved, seconded by Alderson Hartzheim, that the Operator License be approved (notwithstanding vote taken). Roll Call. Motion failed by the following vote, and the operator license was denied:**

**Aye:** 4 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Patti Heffernan and Alderson Alex Schultz

**Nay:** 7 - Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Excused:** 4 - Alderson Martyn Smith, Alderson Vaya Jones, Alderson Kristin Alfheim and Alderson Nate Wolff

**Abstained:** 1 - Mayor Jake Woodford

[24-1313](#)

Approve Bellaire Court Asphalt Reconstruction Design.

**Attachments:** [Bellaire Court Design Approval Memo MSC 10-07-2024.pdf](#)  
[10-07-2024 MSC DPW Q&A 2026 Reconst St.pdf](#)  
[Bellaire Reconstruct Kim Reilly Email.pdf](#)  
[Bellaire Reconstruct Kyle Tripp Email.pdf](#)  
[Bellaire Reconstruct Marisa Meister Email.pdf](#)  
[Bellaire Reconstruct Mary Gerlach Email.pdf](#)  
[Bellaire Reconstruct Timothy Watson Email.pdf](#)

**Alderson Fenton moved, seconded by Alderson Meltzer, that the Asphalt Reconstruction Design be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Excused:** 3 - Alderson Martyn Smith, Alderson Vaya Jones and Alderson Kristin Alfheim

**Abstained:** 1 - Mayor Jake Woodford

[24-1299](#)

Proposed Update to City of Appleton Municipal Code 7-100 (d):  
Smoking Prohibition Around Valley Transit Center and Appleton Public Library

**Attachments:** [Proposed Update to City of Appleton Municipal Code 7-100 Smoking Prohibition.pdf](#)  
[MUNICIPAL CODE UPDATE - 7-100\(D\) SMOKE FREE AREA AROUND TRANSIT CENTER AND APL.pdf](#)

*The Motion to approve fails 7/5.*

**Aldersperson Fenton moved, seconded by Aldersperson Firkus, that the Municipal Code Update be approved. Roll Call. Motion failed (8 votes required to approve) by the following vote:**

**Aye:** 7 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden and Aldersperson Nate Wolff

**Nay:** 5 - Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Excused:** 3 - Aldersperson Martyn Smith, Aldersperson Vaya Jones and Aldersperson Kristin Alfheim

**Abstained:** 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

**Balance of the action items on the agenda.**

**Aldersperson Croatt moved, Aldersperson Meltzer seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 12 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Excused:** 3 - Aldersperson Martyn Smith, Aldersperson Vaya Jones and Aldersperson Kristin Alfheim

**Abstained:** 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-1311](#)

Approve Alexander Street Asphalt Reconstruction Design.

**Attachments:** [Alexander St Design Approval Memo MSC 10-07-2024.pdf](#)

**This Report Action Item was approved.**

[24-1312](#)

Approve Bell Avenue Asphalt Reconstruction Design.

**Attachments:** [Bell Ave Design Approval Memo MSC 10-07-2024.pdf](#)

This Report Action Item was approved.

[24-1314](#)

Approve Melrose Avenue Asphalt Reconstruction Design.

**Attachments:** [Melrose Ave Design Approval Memo MSC 10-07-2024.pdf](#)

This Report Action Item was approved.

[24-1315](#)

Approve Long-Term Temporary Occupancy Permit Extension on College Avenue and on Drew Street to Boldt for Lawrence University/Trout Museum Construction Project Through November 22, 2024.

**Attachments:** [24-049-T\\_REV1.pdf](#)

This Report Action Item was approved.

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[24-1235](#)

Class "B" Beer and "Class C" Wine License application for MyMy LLC d/b/a MyMy, Pa Zao Chang, Agent, located at 2825 Ballard Rd, contingent upon approval from the Health and Inspections departments.

**Attachments:** [MyMy\\_LL.C.Alcohol.Class B\\_Beer\\_Class C\\_Wine.9.9.2024.REDACTED.pdf](#)

This Report Action Item was approved.

**3. MINUTES OF THE CITY PLAN COMMISSION**

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

**5. MINUTES OF THE FINANCE COMMITTEE**

[24-1278](#)

Request to award Appleton Water Treatment Facility Carbon Dioxide System Rehabilitation Project Base Bid to Rohde Brothers, Inc., in the amount of \$208,000 with a 10% contingency of \$20,800 for a project total not to exceed \$228,800.

**Attachments:** [240926\\_FinanceMemo\\_BidAward\\_AWTF\\_CO2\\_RohdeContract.pdf](#)

This Report Action Item was approved.

[24-1305](#)

Request to approve the following 2024 Budget amendment:

**General Fund - Police**

Donation & Memorials	+ \$51,339
Training/Conferences	+ \$6,085
Other Contracts/Obligation	+ \$36,000
Patrol - Misc Supplies	+ \$1,782
Patrol - Other Contract/Obligations	+ \$7,472

To record K9 reimbursements for two canines, training courses, equipment, & medical expenses.

**Attachments:** [Police K9 BUA.pdf](#)

**This Report Action Item was approved.**

[24-1306](#)

Request to approve inventory write-off of \$2,521.20 for parts no longer needed for Wastewater systems.

**Attachments:** [WW Inventory Write off memo Oct 2024.pdf](#)

**This Report Action Item was approved.**

[24-1307](#)

Request to approve sole source contract with Restoration Systems, Inc. to complete Phase 3 of the Green Ramp Barrier Panel Emergency Repair in an amount not to exceed \$73,700.

**Attachments:** [Finance Agenda 10-07-2024 RSI Green Ramp Phase 3.pdf](#)

**This Report Action Item was approved.**

[24-1308](#)

Request to Amend State/Municipal Financial Agreement for I-41/Ballard Interchange Project (Proposed 2025 City Cost Share \$431,050; Current City Cost Share \$435,200).

**Attachments:** [I-41 Ballard SMFA Amend Finance Memo 10-07-2024.pdf](#)  
[SMFA\\_1130-65-76\\_Ballard\\_Road\\_CTH\\_E\\_20240919.pdf](#)

**This Report Action Item was approved.**

[24-1317](#)

Request to award contract to KleenMark to provide Janitorial Services to all City of Appleton facilities/locations for the years 2025-2029. The contract totals are 2025 (\$463,883), 2026 (\$477,800), 2027 (\$492,134), 2028 (\$506,898), and 2029 (\$522,105) annually.

**Attachments:** [Custodial Services Contract.pdf](#)

**This Report Action Item was approved.**

[24-1319](#)

Request to award sole source purchase of Final Effluent Screw Pump Gearbox Inspection & Rebuild Services to Midwest Power Products in the amount of \$35,298 with a 10% contingency of \$3,530 for a total not to exceed \$38,828.

**Attachments:** [2401002\\_SoleSourceAward\\_MPP\\_Screw\\_Pump\\_Gearbox.pdf](#)  
[Sole Source - MPP.pdf](#)

This Report Action Item was approved.

- 6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE
- 7. MINUTES OF THE UTILITIES COMMITTEE
- 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE
- 9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION
- 10. MINUTES OF THE BOARD OF HEALTH
- M. CONSOLIDATED ACTION ITEMS
- N. ITEMS HELD
- O. ORDINANCES

[24-1309](#)

Ordinance #138-24

**Attachments:** [Ordinances to Council 10-16-24.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the Ordinance be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Excused:** 3 - Aldersperson Martyn Smith, Aldersperson Vaya Jones and Aldersperson Kristin Alfheim

**Abstained:** 1 - Mayor Jake Woodford

- P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS
- S. ADJOURN

**Alderson Hartzheim moved, seconded by Alderson Meltzer, that the meeting be adjourned at 7:50 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Excused:** 3 - Alderson Martyn Smith, Alderson Vaya Jones and Alderson Kristin Alfheim

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, lung cancer is the leading cause of cancer deaths among both men and women in the United States, accounting for approximately one in four cancer deaths; and

**WHEREAS**, each year, over 230,000 individuals in the U.S. are diagnosed with lung cancer, and more than 127,000 lives are lost due to the disease; and

**WHEREAS**, smoking is the primary risk factor for lung cancer, yet approximately 20% of those diagnosed with lung cancer have never smoked, underscoring the importance of increased awareness, early detection, and research into other risk factors; and

**WHEREAS**, advancements in treatment, including targeted therapies and immunotherapy, are improving outcomes for some patients, yet early detection through lung cancer screening remains critical to survival, with screening shown to reduce the lung cancer mortality rate by up to 20% among high-risk individuals; and

**WHEREAS**, lung cancer research funding lags behind other cancers, necessitating more studies in early diagnosis, screening, treatment, women's lung cancer, and health disparities, while stigma surrounding the disease continues to impede early diagnosis, treatment, research funding, and awareness of non-smoking-related risk factors; and

**WHEREAS**, the City of Appleton recognizes the efforts of local health organizations, healthcare professionals, and advocacy groups that are dedicated to supporting lung cancer patients, survivors, and their families, and promoting lung health in our community.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 2024 as

## Lung Cancer Awareness Month

in Appleton and encourage all residents to raise awareness, support early detection and treatment efforts, and honor those we have lost while offering hope to those affected.



Signed and sealed this 22nd day of October 2024.

**JACOB A. WOODFORD**  
MAYOR OF APPLETON



# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Youth HOPE Month, formerly known as National Runaway Prevention Month, began in November 2002 and is presented each year by the National Runaway Safeline, the federally designated national communication system for runaway and homeless youth; and

**WHEREAS**, runaway youth are often expelled from their home, have experienced trauma, struggle to meet their own basic needs, and are at increased danger of falling into high-risk situations, including human trafficking; and

**WHEREAS**, effective community programming to support runaway and homeless youth and their families succeeds because of partnerships created among youth, families, and youth-centered service organizations, community-based human service agencies, law enforcement, schools, and local businesses; and

**WHEREAS**, Home Base along with the Boys & Girls Club of the Fox Valley is delivering its annual Youth on the Move Wellness Fair event to raise awareness, support, and resources for young people in the community.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 2024 as

## Youth HOPE Month

in Appleton and encourage all citizens to recognize the role we can all play in advocating for and providing safe alternatives to this vulnerable population of young people.

Signed and sealed this 22nd day of October 2024.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the City of Appleton is built on the ancestral homelands of the Menominee Nation; and

**WHEREAS**, Menominee Nation ceded this territory to the United States in the Treaty of the Cedars in 1836, with Chief Oshkosh representing the Menominee; and

**WHEREAS**, during National Native American Heritage Month, we celebrate the rich tapestry of Indigenous Peoples and honor their sacrifices, which we recognize as inextricably woven into the history of this country; and

**WHEREAS**, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the entire month of November as National Native American Heritage Month; and

**WHEREAS**, to honor National Native American Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 2024 as

## Native American Heritage Month

in Appleton and urge all residents to observe this month with appropriate programs, ceremonies, and activities.

Signed and sealed this 22nd day of October 2024.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Lennox-Gastaut Syndrome (LGS) is a rare and severe form of epilepsy that typically begins in childhood, affecting over one million individuals worldwide, leading to lifelong challenges for those impacted and their families; and

**WHEREAS**, LGS Awareness Day, observed annually on November 1, seeks to shine a light on this devastating condition, increasing understanding, fostering compassion, and encouraging support for research and resources; and

**WHEREAS**, through the dedicated efforts of the LGS Foundation and the global community, awareness campaigns and events are held throughout November to support those living with LGS, with the hope of advancing research, improving treatments, and ultimately finding a cure; and

**WHEREAS**, it is essential to stand in solidarity with individuals and families affected by LGS, to recognize their courage, and to affirm our commitment to supporting efforts to alleviate the burden of this condition.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 1, 2024, as

## Lennox-Gastaut Syndrome Awareness Day

in Appleton and encourage all citizens to learn more about LGS, support those who are impacted, and participate in awareness activities to make a meaningful difference in the lives of individuals living with this challenging disorder.

Signed and sealed this 22nd day of October 2024.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Distributive Education Clubs of American (DECA) enhance the co-curricular education of members through a comprehensive learning program that integrates into classroom instruction, applies learning, connects to business principles, and promotes competition; and

**WHEREAS**, DECA's activities assist in the development of academically prepared, community-oriented, professionally responsible future leaders; and

**WHEREAS**, the guiding principles of DECA are designed to demonstrate how the club fulfils its mission to prepare emerging leaders and entrepreneurs for marketing, finance, hospitality, and management professions; and

**WHEREAS**, DECA's attributes and values describe the club's priorities and standards, which include competence, innovation, integrity, and teamwork.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 3 - 10, 2024, as

## Appleton High Schools DECA Week

and encourage residents, businesses, and organizations to become familiar with the services and benefits offered by Appleton's high school DECA chapters, and to support and participate in these programs to prepare students for college and professional careers.

Signed and sealed this 22nd day of October 2024.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, every year in the United States, traffic incidents endanger both the public and first responders, leading to tragic losses; and

**WHEREAS**, in 2023, the City of Appleton experienced 1,216 crashes resulting in 358 injuries, highlighting the continued need for roadway safety measures in our community; and

**WHEREAS**, the City of Appleton recognizes the critical importance of ensuring the safety of all responders, including law enforcement officers, firefighters, emergency medical personnel, and tow operators, who risk their lives to respond to traffic incidents, provide emergency services, and protect the public; and

**WHEREAS**, the Federal Highway Administration (FHWA) sponsors Crash Responder Safety Week (CRSW) to raise awareness about the simple steps that drivers can take to keep both responders and the public safe around traffic incidents; and

**WHEREAS**, WisDOT's Traffic Incident Management Enhancement (TIME) Program continues to promote public awareness through education, social media, and in-person events; and

**WHEREAS**, the theme for this year's CRSW, "Responders Ahead! Reduce Your Speed As You Proceed," emphasizes the need for drivers to slow down, move over, and remain vigilant when approaching crash scenes or emergency vehicles; and

**WHEREAS**, the City of Appleton joins the Federal Highway Administration, WisDOT, and other municipalities across Wisconsin in supporting this vital initiative to protect those who protect us.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 18-22, 2024, as

## Crash Responder Safety Week

in the City of Appleton and encourage all residents, drivers, and organizations to observe this week by practicing safe driving behaviors, raising awareness, and supporting the safety of our first responders.

Signed and sealed this 22nd day of October 2024.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the City of Appleton celebrates our local small businesses and the contributions they make to our local economy and community; and

**WHEREAS**, support for small businesses directly impacts the local economy as \$.68 of every dollar spent at a local business is reinvested into our community; and

**WHEREAS**, supporting a local Fox Cities business supports jobs, boosts our local economy, and preserves our communities; small businesses employ nearly half of all private sector employees in the United States; and

**WHEREAS**, local advocacy groups such as the Fox Cities Chamber of Commerce, Appleton Downtown Inc., and the Appleton Northside Business Association, along with private organizations across the country have endorsed the Saturday after Thanksgiving Day, November 30, as Small Business Saturday.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 30, 2024, as

## Small Business Saturday

in Appleton and urge all Fox Cities residents to support small businesses and merchants on Small Business Saturday.

Signed and sealed this 22nd day of October 2024.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**APPLETON COMMON COUNCIL**

**NOTICE IS HEREBY GIVEN** of a Public Hearing to be held before the Appleton Common Council in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, November 6, 2024 at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of the following proposed text amendments to Chapters 9, 16, 19, and 23 of the Municipal Code:

The City of Appleton is considering amending Sec. 9-262 Conduct of business generally, Sec. 16-37 Official map, Sec. 19-91 Parking in front and side yard in residential district; parking on terraces, Sec. 19-92 Recreational and commercial vehicle parking and storage in residential district, Sec. 23-22 Words and terms defined, Sec. 23-32 Application of this chapter, Sec. 23-35 Transition rules, Sec. 23-43 Accessory uses, buildings and structures, Sec. 23-65 Zoning amendments, Sec. 23-66 Special use permits and special regulations, Sec. 23-91 AG agricultural district, Sec. 23-112 C-1 neighborhood mixed use district, Sec. 23-113 C-2 general commercial district, Sec. 23-114 CBD central business district, Sec. 23-151 PD planned development overlay district, and Sec. 23-152 TND traditional neighborhood development overlay district of Chapter 9 Licenses, Permits and Business Regulations, Chapter 16 Streets, Sidewalks and Other Public Places, Chapter 19 Traffic and Vehicles, and Chapter 23 Zoning Ordinance of the Municipal Code.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Common Council members via written letter, email, or phone call.

A copy of the above-referenced proposed text amendments to the Appleton Municipal Code is available in the Appleton Community Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

Any questions regarding the proposed text amendments to the above-referenced chapters of the Appleton Municipal Code should be directed to the Community Development Department at 832-6468.

KAMI LYNCH  
CITY CLERK

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible*



# PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit # : \_\_\_\_\_  
 Effective Date: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_  
 Non-Refundable Fee: \_\_\_\_\_  
 Paid (yes or no): \_\_\_\_\_

Rev. 10-05-2023

### Applicant Information

Name (print): \_\_\_\_\_ Company: \_\_\_\_\_  
 Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 \_\_\_\_\_ E-mail: \_\_\_\_\_  
**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Occupancy Information

General Description: College Ave parking lane, sidewalk, and bike lane remain closed with sidewalk routed into street until 6/1/25. Drew Street hill opens to two-way traffic with barrier on west side of street until 6/1/25. Kimball Alley remains closed until 8/4/25.

Street Address: \_\_\_\_\_ Sidewalk/roadway obstruction requested Y or N  
 - or -  
 Multiple Streets: \_\_\_\_\_

Date(s) From: \_\_\_\_\_ To: \_\_\_\_\_ 35 days or < 35 days or >  
 (Requires Committee and Council Approval)

*(Department use only)*

<u>Occupancy Type</u>	<u>Sub-Type</u>	<u>Location</u>
Permanent - Obstruction (\$40)	Awning	Sidewalk
Temporary - Obstruction (\$40)	Dumpster	Terrace
Amenity/Annual (\$40)	Sign	Roadway
Blanket/Annual (\$250)	Obstruction / Other	
Block Party (\$15)	POD / Container	

### Additional Requirements

Plan/Sketch                       Certificate of Insurance                       Bond  
 Other : \_\_\_\_\_

### Traffic Control Requirements      N/A

*Type of Street:*                      *Proposed Traffic Control:*  
 Arterial/CBD                       City Manual Page(s) \_\_\_\_\_  
 Collector                               State Manual Page(s) \_\_\_\_\_  
 Local                                       Other (attach plan) \_\_\_\_\_

Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.  
 Additional Requirements:

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### This permit approval is subject to the following conditions:


1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy.
2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application.
3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met.
4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
- 5.
- 6.

This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies, be properly barricaded and lighted, and be performed in a safe manner. By applying for and accepting this permit, the applicant assumes full liability and/or any costs incurred by the City for corrective work required to bring the subject area into compliance with said ordinances, standards, policies and permit conditions. No occupancy shall occur prior to approval of this permit by the Department of Public Works.

The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them. The Grantee shall assume complete and full liability and responsibility, in accordance with existing ordinances and policies, in the event of injury or damage to persons or property resulting from their facilities within the public right-of-way.

**APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
 (Department of Public Works)



 <p><b>CITY OF APPLETON POLICY</b></p>	<p style="text-align: center;">Title: <b>SPECIAL EVENTS</b></p>	
<p>Department: Legal &amp; Administrative Services</p>	<p>Policy Source: Office of the City Clerk</p>	<p>Audience: City employees, residents, visitors, event applicants/permit holders</p>
<p>Issue Date: September, 1996</p>	<p>Date Last Updated: February 2024</p>	<p>Total Pages: 12</p>
<p>Reviewed by Legal: November, 2002 January, 2017 January, 2024 October, 2024</p>	<p>Committee Approval Date: January 25, 2017 February 14, 2024</p>	<p>Council Approval Date: February 1, 2017 February 21, 2024</p>

**I. PURPOSE**

The City values the importance of community gatherings, large and small, as a key driver of quality of life in the Fox Cities. The purpose of this policy is to outline a clear and equitable process for special event organizers while also capturing necessary information for City staff to make informed decisions on use of resources and considerations to issue permits for safe and successful events.

**II. POLICY**

Events, gatherings, and planned occurrences on City property or in City rights-of-way that surpass the normal and ordinary use of such property may be considered special events and subject to review and permitting. *Certain events, while held on private property, may still require extraordinary services from the City or pose safety risks to the public and would benefit from review by the Special Events Committee and require a Special Event permit.*

**III. DISCUSSION**

It is recognized that special events of all size benefit the community. At the same time the City has numerous considerations when reviewing a special event such as: safety to

the public, preservation of life and property and compliance with the Municipal Code, County Ordinances, State Statutes, federal law and relevant City policies. These items are of paramount importance and will be heavily weighted in review of Special Event proposals in accordance with this policy.

*Event organizers should have a consistent and streamlined process to follow when considering, applying for, and executing their events. Responsibility for the process and oversight of event permitting rests with the City of Appleton; responsibility for planning and execution of the special event is that of the event organizer(s).*

*Events and programs will be evaluated on the details – not the content – of the event in question and City staff will exercise discretion in reviewing each event on a case-by-case basis.*

*Costs of providing community events must be proportionally borne by event organizers and the City's taxpayers, though the City's goal is not to achieve 100% cost recovery for events and programs.*

*Impacts of events vary widely depending on expected attendance, location, and attributes of the event. Events should meet community expectations for provision of public safety resources and level of emergency preparedness based on the scale, complexity, and risk environment presented by the event.*

*The City must have sufficient notice prior to a special event so that the City may adequately evaluate the potential impact the event may have on resources of City Departments, City-owned properties and facilities, and ultimately on the public. Applications for special events must be submitted forty-five (45) days prior to the start of the event.*

#### **IV. DEFINITIONS**

**Anticipated attendance** means an objective estimate made by an applicant of the maximum number of people that will attend at a given time. This may also be construed as peak attendance at the event.

**Applicant** means the person applying for the special event permit.

**Days** means calendar days.

**Multiple day event** means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval (e.g., an event occurring on a consecutive Saturday and Sunday or an event occurring every other Tuesday), at the

same start and end time and at the same location. One special event license will be issued for a multiple day event.

**Normal and ordinary use** means the way City owned property should normally and ordinarily be used, as established by the department of that jurisdiction (e.g., a ball diamond complex's normal and ordinary use is for baseball/softball games, a public street's normal and ordinary use is for vehicular traffic, a sidewalk's normal and ordinary use is for pedestrian use). Whether an event is considered within the normal and ordinary use of the property is determined by the City department that maintains jurisdiction over the property.

**Special event** or **event** means any planned occurrence in the public right-of-way or on public property including, but not limited to, parades, gatherings, festivals and athletic events which are not within the normal and ordinary use of the place or which, by the nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. A special event may be a single day event or a multiple day event. A special event does not include block parties as defined by the Department of Public Works Block Party Policy.

**Special Event Permit Application Form** or **application** means the application available from the Office of the City Clerk that must be completed and filed in the Office of the City Clerk no later than forty-five (45) days prior to the event.

**Special Event Permit** means the permit issued by the City Clerk on the recommendation of the City Special Events Committee.

**Special Events Committee** or **Committee** means the committee comprised of City employees representing the following City departments: Health, Human Resources – Risk Management, Fire, Legal & Administrative Services, Parks & Recreation, Police, Public Works, and Valley Transit.

## V. PROCEDURES

### A. PERMIT REQUIREMENTS

1. APPLICATION. To obtain a special event permit, the applicant must file a completed application with the Office of the City Clerk a minimum of forty-five (45) days prior to the event and pay the application fee.

*(a) LATE APPLICATIONS. Late applications result in an automatic denial of the special event permit.*

- (b) ADDITIONAL RESERVATIONS/PERMITS/LICENSES. Applications must be complete and all relevant information enclosed in the application including additional reservations, licenses, or permits are required.
  - (c) MAP/ROUTE/DIAGRAM OF EVENT. A detailed map or diagram indicating the specific location and must be submitted with the application. The map should also indicate any proposed street closures and the proposed route and direction of route, including all turns and the number of traffic lanes to be used, if applicable. Event routes must be submitted with the application regardless of historical precedent. Proposed routes may be altered after the permit has been issued only at the discretion of the Police Department and the Department of Public Works.
2. STREET CLOSURE. Street closures will be reviewed on a case-by-case basis, with an emphasis on minimizing the impact to traffic flow on collector and arterial roadways.
- (a) COUNTY HIGHWAYS. Closure of county highways or their detour routes require approval of the county.
  - (b) INTERSTATES OR STATE HIGHWAYS. Closure of interstates or state highways or their detour routes require approval from the Wisconsin Department of Transportation. These approvals may require a pre-approved detour route capable of commercial motor vehicle traffic.
  - (c) TRAFFIC CONTROL PLAN. Applicants or their contractor must provide an acceptably prepared Traffic Control Plan (TCP) for review and approval six (6) weeks prior to the event for roadways or their detour routes defined as interstates, highways, or arterial roadways, or four (4) weeks prior to the event for other roadways. Roadway designations are defined in the City of Appleton's Temporary Traffic Control Manual. The plan must comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, latest edition, and the City of Appleton's Temporary Traffic Control Manual, latest edition. Temporary traffic control devices/services must be provided by a contractor which has extensive experience in the industry and is approved in advance of the event. It is the responsibility of the applicant or their contractor to ensure that the approved temporary traffic control devices are:
    - 1) Assembled and delivered to the appropriate locations by noon on the day prior to the event, (unless a different time is pre-approved by City of Appleton staff).
    - 2) Properly configured in accordance with the approved TCP.

- 3) Removed from the roadway immediately following the end of the event.
- 4) Removed from the city rights-of-way within forty-eight (48) hours of the end of the event.

Road closures will use temporary traffic control devices, including barricades, temporary signs, and cones. When deployed on the public right-of-way, these constitute official traffic control devices. They shall not be removed or modified without permission from the City of Appleton or their designee.

3. INSURANCE. Events are required to have adequate levels of insurance as determined by the City's Risk Manager and based on the size and type of the event. Pertinent applicants must provide a valid certificate of insurance covering all liability with their application *and must list the City of Appleton as an additional insured.*
4. FOOD SERVICE. Events offering food to attendees shall describe the food service being offered and provide a list of food vendors with the application. Copies of food vendor's Health Licenses may also be required. Any updates to the vendor lists shall be submitted to the Health Department two (2) weeks prior to the event. Food vendors that are not pre-approved may not participate in the event.
5. SAFETY/SECURITY. Events must have a designated head of security and may be required to have additional security personnel at the rate of one (1) security person for every 300 persons present if alcohol is available for consumption, or for every 600 persons present if alcohol is not available for consumption. The City of Appleton has the discretion to modify these ratios as they deem necessary, and the applicant will be notified of the modification as soon as reasonably possible.  
*Security at a special event must meet the standards determined by the Appleton Police Department or must be provided by a contractor approved by the Appleton Police Department.*
  - (a) HEAD OF SECURITY. The head of security must, at minimum, be (i) 18 years of age or older, (ii) clearly identifiable as event staff at all times during the event, (iii) reachable by phone at all times during the event by any City employee, (iv) able to call 911 during the event, (v) able to contact and instruct the security personnel, as applicable, during the event, and (vi) be trained as a crowd manager per the adopted Fire Code.
  - (b) SECURITY PERSONNEL. Security personnel must, at minimum, be: (i) 18 years of age or older, (ii) clearly identifiable as event staff at all times during the event, (iii) able to call 911 during the event, (iv) reachable at all times by

the head of security during the event, (v) be able to act on instructions from the head of security, or any other authorized person, in case of an emergency, and (vi) be trained as a crowd manager per the adopted Fire Code.

- (c) **ADDITIONAL REQUIREMENTS.** In the event the City of Appleton has a reasonable and justifiable reason to request the applicant have additional safety features at the event beyond what is provided for in the application on *supplemental form SE-03*, the Department(s) must let the applicant and the City Clerk know what additional safety features the event will need at the time the application is reviewed by the Department. *If the applicant refuses to provide, or cause to be provided by an approved contractor, the additional safety features recommended by the City of Appleton, the Department(s) may recommend denying the event/application per section VI. A. 2., and the applicant may appeal pursuant to section VI. A. 3. There are some circumstances in which the City of Appleton may deem it appropriate to provide additional equipment or services outside of the items noted on the application for a special event to uphold the safety of the public and preservation of life and property. These determinations made solely by the discretion of the City of Appleton, will not incur costs or fees to be borne proportionally by the applicant.*

6. SET-UP, TOILET FACILITIES, AND CLEAN-UP.

- (a) **SET-UP TIME.** Set-up for an event, including, but not limited to, dropping off supplies and erecting tents, shall not take place more than four (4) hours in advance of an event unless approval for earlier set-up has been granted in writing by the Department(s) with jurisdiction over the location of the event.
- (b) **MARKINGS.** Any instructions or information about or pertaining to an event applied directly to City property, such as streets, sidewalks and curbs, must be no more than twelve (12) inches in height and two (2) feet in length. Only white, temporary (lasting no longer than [30] days), water-based marking paint or landscape chalk is permitted to be used.
- (c) **TOILETS.** It is the responsibility of the applicant to ensure the adequate number of toilets are available at the event.
- (d) **WASTE RECEPTACLES.** It is the responsibility of the applicant to ensure the proper number of waste receptacles are present at the event.
- (e) **CLEAN-UP.** It is the responsibility of the applicant to ensure the location of the event is left in the same condition it was prior to the event. All clean-up efforts must be completed *expeditiously and no later than* four (4) hours

after the conclusion of the event unless approval for additional clean-up time has been granted in writing by the Department with jurisdiction over the location of the event.

B. FACILITY RESERVATIONS

1. Facility reservations related to special events are on a first-come, first-served basis and may be made no more than one (1) year in advance; subject to sections V. B. 2. below.
2. Organizations/groups/individuals that have reserved a City park/facility for a special event have forty-five (45) days after the date of the special event to make reservations for the same location, day or weekend for the following year, *subject to the Park/Facility Reservation policy, which requires a special event application to be on file with the Office of the City Clerk prior to the reservation being finalized.* After forty-five (45) days the City park/facility will be open for the public to reserve.

C. PARADES

1. Applicants for parades must complete the supplemental parade questionnaire (SE-08) and submit it with their special event application.
2. Parade routes should seek to have minimal impact on traffic disruption in the proposed area. All parade routes are subject to review, modification and approval by way of the Special Events Committee.
3. The approved safety plan for the parade provided by the Appleton Police Department, must be adhered to. Failure to comply may result in citations or denial of future applications.
4. Throwing and distributing items from parade entries to spectators including, but not limited to, pamphlets, fliers, toys, stickers, food, or candy is prohibited.
5. Parade units may not operate in a reckless or dangerous manner.

D. CITY ELECTRICITY (DPW)

1. *Use of power outlets in City street light poles and tree planters (hereafter referred to as City Outlets) is not allowed unless specified as part of an approved Special Event Permit or otherwise approved by the City Traffic Engineer.*
2. *The maximum current draw available per duplex outlet is sixteen (16) amps, or two thousand (2,000) watts in total, including both the upper and lower half of*

*the outlet. Exceeding this limit will likely blow a fuse and the City Outlet in question will be without power for the remainder of the event.*

3. *City Outlets will be checked before and after each event. The costs associated with replacing blown fuses and/or making electrical repairs due to electrical overdraw will be the responsibility of the Special Event Permit holder.*
4. *All City Outlets have ground fault circuit interrupt (GFCI) protection. Any devices that will be plugged into a City Outlet should be checked prior to the event at a different location, to ensure that they do not trip a GFCI.*
5. *Extension cords plugged into City Outlets must comply with all of the following:*
  - (a) Outdoor rated, 3-wire,*
  - (b) 12 gauge or heavier,*
  - (c) No longer than 25 feet.*

*Use of unacceptable extension cords may result in power being shut off.*

6. *Nothing can be taped to City poles, as many types of tape leave residue that can damage the pole finish. Costs associated with any tape residue removal will be the responsibility of the Special Event Permit holder.*

#### **E. FEES**

1. **APPLICATION FEE.** The application fee is due upon submittal of a special event application to the Office of the City Clerk. *See Appendix 1 Fee Schedule.*
2. **POLICE INVESTIGATION FEE.** A background check of all applicants will be conducted by the Police Department. The fee for the background check is in addition to the application fee and must be paid at the time the application is submitted. *See Appendix 1 Fee Schedule.*
3. **CITY EVENTS.** Events where the applicant is an official, employee or designated agent of the City acting on behalf of the City will not incur any fees. *These City-sponsored events may have precedence over other events.*
4. **PERMIT FEES.** Charges for park facilities, food sales permits, Street Occupancy Permits, tent permits, etc., are to be paid in addition to the fees discussed in this policy. *Permit fees are due at the time the related permit application is submitted.*
5. **METER BAG FEES.** A Meter Bag application (*form SE-09*) shall be submitted at the time of the special event application submittal. Charges for meter bags are to be paid per the DPW Downtown Parking and Meter Bag Policy in addition to



the fees discussed in this policy.

6. *CHARGEBACK FOR CITY SERVICES. Special events incurring the use of City Services including but not limited to security, traffic control, and City equipment will be charged back for twenty-five (25) percent of actual costs incurred pursuant to Appendix 1 – Fee Schedule.*

*Events with a historic or projected attendance of approximately ten thousand (10,000) people or more, will require a Special Event Service Agreement with the City. The Special Event Service Agreement establishes event costs to be borne by the applicant. Failure to reach and/or complete a Special Event Service Agreement will result in the applicant being charged for twenty-five (25) percent of actual costs incurred pursuant to Appendix 1 – Fee Schedule.*

- (a) Event organizers may request an estimate of fees prior to the event.*
- (b) Invoices for services rendered will be sent within forty-five (45) days after the event has concluded.*
- (c) Applicants for events in which the total anticipated services rendered exceeds five-thousand dollars (\$5,000) may be required to pay a portion of the anticipated fees for services rendered two (2) weeks in advance of the event.*
- (d) Failure to pay invoices by the time specified may result in the denial of future permit applications.*

7. **NON-REFUNDABLE.** All fees are non-refundable. Advance payments for services may be refunded pursuant to section V.F.2. below.

**F. EVENT CANCELLATION.**

1. The Mayor or designee may cancel an event without prior notice for any condition affecting public health, safety, or welfare of the City, or any condition that would affect facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.
2. *The applicant/organizer of the event should provide ample notice of intent to cancel any planned special event to the Office of the City Clerk. Event cancellation by the organizer does not guarantee availability of the venue, or resources to reschedule the event. Events that pre-paid for anticipated services rendered will receive a refund of the pre-paid amount for an event cancellation if the notice of cancellation is received by the City Clerk forty-eight (48) hours prior to the commencement of the event.*

- G. **COMPLIANCE.** The applicant is responsible for ensuring that the event complies with this policy and all applicable laws and regulations including, but not limited to, statutes, ordinances, traffic rules, park and trail rules, health laws, fire codes, City facility reservation policies and procedures, and alcohol licensing regulations. Failure to comply resulting in the City providing *additional services will result in the applicant being billed for the City provided services at the rate(s) outlined in Appendix 1 Fee Schedule.*
- H. **PRECEDENT.** Nothing in this policy shall take precedence over any applicable statutes or ordinances.


## VI. APPLICATION REVIEW

- A. **DEPARTMENT REVIEW.** Applications are reviewed by employees from the following City departments: Health, Human Resources (Risk Management), Fire, Legal & Administrative Services (Office of the City Clerk), Parks & Recreation, Police, Public Works, and Valley Transit. Each department will recommend approval or denial of the application by providing the Office of the City Clerk with the information behind their recommendation. The City Clerk will issue the license upon receiving a recommendation for approval of the application from all reviewing departments.
1. **RELEVANT EVALUATION.** Each department must recommend approving or denying an application based on the information relevant to that department. A department's decision to recommend approving or denying an application may not be based in any way on the content of any message associated with the event. A department's decision to recommend approving or denying an application may be based on, but is not limited to, the following:
- (a) Use of departmental resources,
  - (b) Costs to the department,
  - (c) Any perceived public health or safety problem,
  - (d) If the applicant or reoccurring event has a history of not complying with this policy and/or other applicable rules or regulations, which has or may have an impact on the department, and
  - (e) Use of City property *including risk and impact to resources and the environment* that is relevant to the department, and
  - (f) *Overlapping events or conflicting events.*
2. **DENIAL RECOMMENDATION.** If a recommendation for denial is made by a department, an explanation must be provided to the City Clerk which will then be provided to the applicant.

3. APPEALS PROCESS. If an application is denied for any reason, including an inability to pay required fees due to indigency, the applicant may request the application be submitted to the Common Council by way of the Safety and Licensing Committee for review and a final determination of whether to grant the permit.
    - (a) *LATE APPLICATIONS: The City Clerk shall follow the notification requirements of Sec. 9-26 of the Municipal Code for application denials; however, late applications for special events present unique constraints for applications to appeal a denial due to the potential for the lack of an opportunity for an appeal to be decided by the Common Council prior to the scheduled event. Late applications are those filed with the Office of the City Clerk within forty-five (45) days of the event.*
    - (b) *In the event of a late application, the City Clerk shall, without undue delay, notify the applicant of the automatic denial due to the untimely application, the City Clerk shall, without undue delay, notify City staff to conduct their Departmental reviews of the application in order for the Safety & Licensing Committee and Common Council to have all relevant information to consider when deciding to grant or deny the permit. City staff shall make a reasonable effort to complete their Departmental review of the event prior to the appeal being heard by the Safety & Licensing Committee and, if applicable, continue their review to update the Common Council at the subsequent meeting.*
    - (c) *Notwithstanding the aforementioned concerns related to late applications, an applicant waives their right to appeal a denial decision when there is not time to provide sufficient notice to the public for the appeal to be included in the agenda for the next regularly scheduled Safety & Licensing Committee meeting if the subsequent Common Council meeting is after the event date.*
  4. WAIVER. Some or all of the license requirements may be waived in cases where the United States Secret Service notifies the City of a proposed event in which it will be assisting with security details. It will be at the discretion of the Special Events Committee which requirements will be waived.
  5. TIMING OF REVIEW. *Applications deemed complete by all relevant City Departments will be reviewed in a timely manner. Absent exceptional circumstances, application review and permit issuance will be completed a minimum of fourteen (14) days prior to the commencement of the event.*
- B. SPECIAL EVENTS STAFF COMMITTEE. The Special Events Committee is comprised of City staff from the following City departments: Health, Human Resources (Risk

Management), Fire, Legal & Administrative Services (Office of the City Clerk), Parks & Recreation, Police, Public Works, and Valley Transit.

1. **PURPOSE.** The purpose of the Special Events Committee is for Committee members to plan, coordinate, and discuss the City resources that will be used for an upcoming special event, to discuss interdepartmentally any concerns or problems with a special event, and to generally provide the other City departments with information that may be relevant to approving and/or denying special event applications.
2. **MEETINGS.** The Committee meets once a month as determined by the City Clerk.
3. **ATTENDANCE.** City departments who recommend approving or denying special event applications should ensure at least one member of their department attends each Committee meeting.
4. **SPECIAL EVENT APPLICANTS.** Applicants may request to attend a Special Event Committee meeting to address questions or concerns with their proposed event. Requests must be made to the Office of the City Clerk and will be accommodated to the extent possible.

 <p><b>CITY OF APPLETON POLICY</b></p>	<p>Title: <b>SPECIAL EVENTS</b></p>	
<p>Department: Legal &amp; Administrative Services</p>	<p>Policy Source: Office of the City Clerk</p>	<p>Audience: City employees, residents, visitors, event applicants/permit holders</p>
<p>Issue Date: September, 1996</p>	<p>Date Last Updated: February 2024</p>	<p>Total Pages: 12</p>
<p>Reviewed by Legal: November, 2002 January, 2017 January, 2024 October, 2024</p>	<p>Committee Approval Date: January 25, 2017 February 14, 2024</p>	<p>Council Approval Date: February 1, 2017 February 21, 2024</p>

**I. PURPOSE**

The City values the importance of community gatherings, large and small, as a key driver of quality of life in the Fox Cities. The purpose of this policy is to outline a clear and equitable process for special event organizers while also capturing necessary information for City staff to make informed decisions on use of resources and considerations to issue permits for safe and successful events.

**II. POLICY**

Events, gatherings, and planned occurrences on City property or in City rights-of-way that surpass the normal and ordinary use of such property may be considered special events and subject to review and permitting. *Certain events, while held on private property, may still require extraordinary services from the City or pose safety risks to the public and would benefit from review by the Special Events Committee and require a Special Event permit.*

**III. DISCUSSION**

It is recognized that special events of all size benefit the community. At the same time the City has numerous considerations when reviewing a special event such as: safety to

the public, preservation of life and property and compliance with the Municipal Code, County Ordinances, State Statutes, federal law and relevant City policies. These items are of paramount importance and will be heavily weighted in review of Special Event proposals in accordance with this policy.

*Event organizers should have a consistent and streamlined process to follow when considering, applying for, and executing their events. Responsibility for the process and oversight of event permitting rests with the City of Appleton; responsibility for planning and execution of the special event is that of the event organizer(s).*

*Events and programs will be evaluated on the details – not the content – of the event in question and City staff will exercise discretion in reviewing each event on a case-by-case basis.*

*Costs of providing community events must be proportionally borne by event organizers and the City's taxpayers, though the City's goal is not to achieve 100% cost recovery for events and programs.*

*Impacts of events vary widely depending on expected attendance, location, and attributes of the event. Events should meet community expectations for provision of public safety resources and level of emergency preparedness based on the scale, complexity, and risk environment presented by the event.*

*The City must have sufficient notice prior to a special event so that the City may adequately evaluate the potential impact the event may have on resources of City Departments, City-owned properties and facilities, and ultimately on the public. Applications for special events must be submitted forty-five (45) days prior to the start of the event.*

#### **IV. DEFINITIONS**

**Anticipated attendance** means an objective estimate made by an applicant of the maximum number of people that will attend at a given time. This may also be construed as peak attendance at the event.

**Applicant** means the person applying for the special event permit.

**Days** means calendar days.

**Multiple day event** means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval (e.g., an event occurring on a consecutive Saturday and Sunday or an event occurring every other Tuesday), at the

same start and end time and at the same location. One special event license will be issued for a multiple day event.

**Normal and ordinary use** means the way City owned property should normally and ordinarily be used, as established by the department of that jurisdiction (e.g., a ball diamond complex's normal and ordinary use is for baseball/softball games, a public street's normal and ordinary use is for vehicular traffic, a sidewalk's normal and ordinary use is for pedestrian use). Whether an event is considered within the normal and ordinary use of the property is determined by the City department that maintains jurisdiction over the property.

**Special event** or **event** means any planned occurrence in the public right-of-way or on public property including, but not limited to, parades, gatherings, festivals and athletic events which are not within the normal and ordinary use of the place or which, by the nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. A special event may be a single day event or a multiple day event. A special event does not include block parties as defined by the Department of Public Works Block Party Policy.

**Special Event Permit Application Form** or **application** means the application available from the Office of the City Clerk that must be completed and filed in the Office of the City Clerk no later than forty-five (45) days prior to the event.

**Special Event Permit** means the permit issued by the City Clerk on the recommendation of the City Special Events Committee.

**Special Events Committee** or **Committee** means the committee comprised of City employees representing the following City departments: Health, Human Resources – Risk Management, Fire, Legal & Administrative Services, Parks & Recreation, Police, Public Works, and Valley Transit.

## V. PROCEDURES

### A. PERMIT REQUIREMENTS

1. APPLICATION. To obtain a special event permit, the applicant must file a completed application with the Office of the City Clerk a minimum of forty-five (45) days prior to the event and pay the application fee.

*(a) LATE APPLICATIONS. Late applications result in an automatic denial of the special event permit.*

- (b) ADDITIONAL RESERVATIONS/PERMITS/LICENSES. Applications must be complete and all relevant information enclosed in the application including additional reservations, licenses, or permits are required.
  - (c) MAP/ROUTE/DIAGRAM OF EVENT. A detailed map or diagram indicating the specific location must be submitted with the application. The map should also indicate any proposed street closures and the proposed route and direction of route, including all turns and the number of traffic lanes to be used, if applicable. Event routes must be submitted with the application regardless of historical precedent. Proposed routes may be altered after the permit has been issued only at the discretion of the Police Department and the Department of Public Works.
2. STREET CLOSURE. Street closures will be reviewed on a case-by-case basis, with an emphasis on minimizing the impact to traffic flow on collector and arterial roadways.
- (a) COUNTY HIGHWAYS. Closure of county highways or their detour routes require approval of the county.
  - (b) INTERSTATES OR STATE HIGHWAYS. Closure of interstates or state highways or their detour routes require approval from the Wisconsin Department of Transportation. These approvals may require a pre-approved detour route capable of commercial motor vehicle traffic.
  - (c) TRAFFIC CONTROL PLAN. Applicants or their contractor must provide an acceptably prepared Traffic Control Plan (TCP) for review and approval six (6) weeks prior to the event for roadways or their detour routes defined as interstates, highways, or arterial roadways, or four (4) weeks prior to the event for other roadways. Roadway designations are defined in the City of Appleton's Temporary Traffic Control Manual. The plan must comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, latest edition, and the City of Appleton's Temporary Traffic Control Manual, latest edition. Temporary traffic control devices/services must be provided by a contractor which has extensive experience in the industry and is approved in advance of the event. It is the responsibility of the applicant or their contractor to ensure that the approved temporary traffic control devices are:
    - 1) Assembled and delivered to the appropriate locations by noon on the day prior to the event, (unless a different time is pre-approved by City of Appleton staff).
    - 2) Properly configured in accordance with the approved TCP.



- 3) Removed from the roadway immediately following the end of the event.
- 4) Removed from the city rights-of-way within forty-eight (48) hours of the end of the event.

Road closures will use temporary traffic control devices, including barricades, temporary signs, and cones. When deployed on the public right-of-way, these constitute official traffic control devices. They shall not be removed or modified without permission from the City of Appleton or their designee.

3. INSURANCE. Events are required to have adequate levels of insurance as determined by the City's Risk Manager and based on the size and type of the event. Pertinent applicants must provide a valid certificate of insurance covering all liability with their application *and must list the City of Appleton as an additional insured.*
4. FOOD SERVICE. Events offering food to attendees shall describe the food service being offered and provide a list of food vendors with the application. Copies of food vendor's Health Licenses may also be required. Any updates to the vendor lists shall be submitted to the Health Department two (2) weeks prior to the event. Food vendors that are not pre-approved may not participate in the event.
5. SAFETY/SECURITY. Events must have a designated head of security and may be required to have additional security personnel at the rate of one (1) security person for every 300 persons present if alcohol is available for consumption, or for every 600 persons present if alcohol is not available for consumption. The City of Appleton has the discretion to modify these ratios as they deem necessary, and the applicant will be notified of the modification as soon as reasonably possible.  
*Security at a special event must meet the standards determined by the Appleton Police Department or must be provided by a contractor approved by the Appleton Police Department.*
  - (a) HEAD OF SECURITY. The head of security must, at minimum, be (i) 18 years of age or older, (ii) clearly identifiable as event staff at all times during the event, (iii) reachable by phone at all times during the event by any City employee, (iv) able to call 911 during the event, (v) able to contact and instruct the security personnel, as applicable, during the event, and (vi) be trained as a crowd manager per the adopted Fire Code.
  - (b) SECURITY PERSONNEL. Security personnel must, at minimum, be: (i) 18 years of age or older, (ii) clearly identifiable as event staff at all times during the event, (iii) able to call 911 during the event, (iv) reachable at all times by

the head of security during the event, (v) be able to act on instructions from the head of security, or any other authorized person, in case of an emergency, and (vi) be trained as a crowd manager per the adopted Fire Code.

- (c) **ADDITIONAL REQUIREMENTS.** In the event the City of Appleton has a reasonable and justifiable reason to request the applicant have additional safety features at the event beyond what is provided for in the application on *supplemental form SE-03*, the Department(s) must let the applicant and the City Clerk know what additional safety features the event will need at the time the application is reviewed by the Department. *If the applicant refuses to provide, or cause to be provided by an approved contractor, the additional safety features recommended by the City of Appleton, the Department(s) may recommend denying the event/application per section VI. A. 2., and the applicant may appeal pursuant to section VI. A. 3. There are some circumstances in which the City of Appleton may deem it appropriate to provide additional equipment or services outside of the items noted on the application for a special event to uphold the safety of the public and preservation of life and property. These determinations made solely by the discretion of the City of Appleton, will not incur costs or fees to be borne proportionally by the applicant.*

**6. SET-UP, TOILET FACILITIES, AND CLEAN-UP.**

- (a) **SET-UP TIME.** Set-up for an event, including, but not limited to, dropping off supplies and erecting tents, shall not take place more than four (4) hours in advance of an event unless approval for earlier set-up has been granted in writing by the Department(s) with jurisdiction over the location of the event.
- (b) **MARKINGS.** Any instructions or information about or pertaining to an event applied directly to City property, such as streets, sidewalks and curbs, must be no more than twelve (12) inches in height and two (2) feet in length. Only white, temporary (lasting no longer than [30] days), water-based marking paint or landscape chalk is permitted to be used.
- (c) **TOILETS.** It is the responsibility of the applicant to ensure the adequate number of toilets are available at the event.
- (d) **WASTE RECEPTACLES.** It is the responsibility of the applicant to ensure the proper number of waste receptacles are present at the event.
- (e) **CLEAN-UP.** It is the responsibility of the applicant to ensure the location of the event is left in the same condition it was prior to the event. All clean-up efforts must be completed *expeditiously and no later than* four (4) hours

after the conclusion of the event unless approval for additional clean-up time has been granted in writing by the Department with jurisdiction over the location of the event.

#### B. FACILITY RESERVATIONS

1. Facility reservations related to special events are on a first-come, first-served basis and may be made no more than one (1) year in advance; subject to sections V. B. 2. below.
2. Organizations/groups/individuals that have reserved a City park/facility for a special event have forty-five (45) days after the date of the special event to make reservations for the same location, day or weekend for the following year, *subject to the Park/Facility Reservation policy, ~~which requires a special event application to be on file with the Office of the City Clerk prior to the reservation being finalized.~~* After forty-five (45) days the City park/facility will be open for the public to reserve.

#### C. PARADES

1. Applicants for parades must complete the supplemental parade questionnaire (SE-08) and submit it with their special event application.
2. Parade routes should seek to have minimal impact on traffic disruption in the proposed area. All parade routes are subject to review, modification and approval by way of the Special Events Committee.
3. The approved safety plan for the parade provided by the Appleton Police Department, must be adhered to. Failure to comply may result in citations or denial of future applications.
4. Throwing and distributing items from parade entries to spectators including, but not limited to, pamphlets, fliers, toys, stickers, food, or candy is prohibited.
5. Parade units may not operate in a reckless or dangerous manner.

#### D. CITY ELECTRICITY (DPW)

1. *Use of power outlets in City street light poles and tree planters (hereafter referred to as City Outlets) is not allowed unless specified as part of an approved Special Event Permit or otherwise approved by the City Traffic Engineer.*
2. *The maximum current draw available per duplex outlet is sixteen (16) amps, or two thousand (2,000) watts in total, including both the upper and lower half of*

*the outlet. Exceeding this limit will likely blow a fuse and the City Outlet in question will be without power for the remainder of the event.*

3. *City Outlets will be checked before and after each event. The costs associated with replacing blown fuses and/or making electrical repairs due to electrical overdraw will be the responsibility of the Special Event Permit holder.*
4. *All City Outlets have ground fault circuit interrupt (GFCI) protection. Any devices that will be plugged into a City Outlet should be checked prior to the event at a different location, to ensure that they do not trip a GFCI.*
5. *Extension cords plugged into City Outlets must comply with all of the following:*
  - (a) Outdoor rated, 3-wire,*
  - (b) 12 gauge or heavier,*
  - (c) No longer than 25 feet.*

*Use of unacceptable extension cords may result in power being shut off.*

6. *Nothing can be taped to City poles, as many types of tape leave residue that can damage the pole finish. Costs associated with any tape residue removal will be the responsibility of the Special Event Permit holder.*

#### **E. FEES**

1. **APPLICATION FEE.** The application fee is due upon submittal of a special event application to the Office of the City Clerk. *See Appendix 1 Fee Schedule.*
2. **POLICE INVESTIGATION FEE.** A background check of all applicants will be conducted by the Police Department. The fee for the background check is in addition to the application fee and must be paid at the time the application is submitted. *See Appendix 1 Fee Schedule.*
3. **CITY EVENTS.** Events where the applicant is an official, employee or designated agent of the City acting on behalf of the City will not incur any fees. *These City-sponsored events may have precedence over other events.*
4. **PERMIT FEES.** Charges for park facilities, food sales permits, Street Occupancy Permits, tent permits, etc., are to be paid in addition to the fees discussed in this policy. *Permit fees are due at the time the related permit application is submitted.*
5. **METER BAG FEES.** A Meter Bag application (*form SE-09*) shall be submitted at the time of the special event application submittal. Charges for meter bags are to be paid per the DPW Downtown Parking and Meter Bag Policy in addition to

the fees discussed in this policy.

6. *CHARGEBACK FOR CITY SERVICES. Special events incurring the use of City Services including but not limited to security, traffic control, and City equipment will be charged back for twenty-five (25) percent of actual costs incurred pursuant to Appendix 1 – Fee Schedule.*

*Events with a historic or projected attendance of approximately ten thousand (10,000) people or more, will require a Special Event Service Agreement with the City. The Special Event Service Agreement establishes event costs to be borne by the applicant. Failure to reach and/or complete a Special Event Service Agreement will result in the applicant being charged for twenty-five (25) percent of actual costs incurred pursuant to Appendix 1 – Fee Schedule.*

- (a) Event organizers may request an estimate of fees prior to the event.*
- (b) Invoices for services rendered will be sent within forty-five (45) days after the event has concluded.*
- (c) Applicants for events in which the total anticipated services rendered exceeds five-thousand dollars (\$5,000) may be required to pay a portion of the anticipated fees for services rendered two (2) weeks in advance of the event.*
- (d) Failure to pay invoices by the time specified may result in the denial of future permit applications.*

7. **NON-REFUNDABLE.** All fees are non-refundable. Advance payments for services may be refunded pursuant to section V.F.2. below.

**F. EVENT CANCELLATION.**

1. The Mayor or designee may cancel an event without prior notice for any condition affecting public health, safety, or welfare of the City, or any condition that would affect facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.
2. *The applicant/organizer of the event should provide ample notice of intent to cancel any planned special event to the Office of the City Clerk. Event cancellation by the organizer does not guarantee availability of the venue, or resources to reschedule the event. Events that pre-paid for anticipated services rendered will receive a refund of the pre-paid amount for an event cancellation if the notice of cancellation is received by the City Clerk forty-eight (48) hours prior to the commencement of the event.*

- G. **COMPLIANCE.** The applicant is responsible for ensuring that the event complies with this policy and all applicable laws and regulations including, but not limited to, statutes, ordinances, traffic rules, park and trail rules, health laws, fire codes, City facility reservation policies and procedures, and alcohol licensing regulations. Failure to comply resulting in the City providing *additional services will result in the applicant being billed for the City provided services at the rate(s) outlined in Appendix 1 Fee Schedule.*
- H. **PRECEDENT.** Nothing in this policy shall take precedence over any applicable statutes or ordinances.

## VI. APPLICATION REVIEW

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## Appendix 1

### SPECIAL EVENT FEE SCHEDULE

Service		2025 Fees
<b>SPECIAL EVENT APPLICATION FEES</b>		
	Special Event Application Fee	\$75.00
	Police Investigation Fee (applicant)	\$7.00
<b>GENERAL SERVICES/LICENSES/PERMITS</b>		
Temporary Class "B" or "Class B" License		\$10.00
Bonfire Permit		\$15.00
Pyrotechnics Permit		\$1,000.00
Flame Effect Display		\$400.00
Inspection Fee		\$25.00
Tent Permit		\$100/Tent \$250 for 2 or more
<b>PERSONEL FEES *staffing rates are per hour of service*</b>		
<b>Police Services</b>		
	Sworn (Straight Time)	\$56.45
	Sworn (Overtime)	\$73.06
	Sworn (Double Time)	\$97.42
	Civilian (Straight Time)	\$43.07
	Civilian (Overtime)	\$53.63
	Civilian (Double Time)	\$71.51
	CSO (Straight Time)	\$24.21
	CSO (Overtime)	\$30.08
	CSO (Double Time)	\$40.11
<b>Fire Services</b>		
	Fire Inspection (per hour)	\$51.25
	Engine / Fire Crew	\$320.32
	Fire Personnel (Straight Time)	\$47.97
	Fire Personnel (1 1/2 Time)	\$71.96
	Fire Personnel (Dbl Time)	\$95.94
	Fire Battalion Chief (Straight Time)	\$60.76
	Public Education Specialist	\$32.90
<b>Parks Services</b>		
	Parks Personnel	\$43.51
<b>Dept. of Public Works Services</b>		
	Electrician (Straight Time)	\$54.59
	Electrician (1 1/2 Time)	\$81.74
	Electrician (Dbl Time)	\$108.98

	Street/Sign Personnel (Straight Time)	\$46.14
	Street/Sign Personnel (1 1/2 Time)	\$69.21
	Street/Sign Personnel (Dbl Time)	\$92.28
EQUIPMENT FEES/RENTALS - FEMA Rates		
Bagged Parking Meters - charged per meter per day		\$9.00
No Parking Signs (per day)		
	Less than 20 signs	\$15.00
	20-49 signs	\$50.00
	50-99 signs	\$112.00
	100 or more signs	\$225.00
Hard Barricades (per day)		
	Dump Truck	\$77.76 /hour
	Garbage Truck	\$90.30 /hour
All Terrain Vehicle (ATV)		\$23.74 /hour
Aerial Lift, Truck Mntd (Telescopic Boom 61ft)		\$23.90 /hour
Ambulance (GVW 8600 Pounds)		\$39.28 /hour
Back-Pack Blower		\$1.90 /hour
Bus to 150 (FEMA rate to 100)		\$31.99 /hour
Bus to 210 (FEMA rate to 185)		\$41.46 /hour
Bus to 300 (FEMA rate to 230)		\$49.13 /hour
Flat bed utility trailer 6 ton		\$2.87 /hour
Street Sweeper		\$127.96/hour
Garbage Truck (rear load)		\$90.30/hour
Truck, Pickup 1/2 ton Pickup Truck		\$16.52/hour
Truck, Pickup 3/4 ton Pickup Truck		\$16.52/hour
Truck, Pickup 1-ton Pickup Truck		\$29.46/hour
Truck, Pickup 1 1/2 ton Pickup Truck 4X4-Axle		\$29.46/hour
Truck, Fire 1500 GPM		\$220.55/hour
Van, Custom Special Service Canteen Truck		\$22.74/hour
Vehicle, Small		\$7.94/hour
Fuse		\$15.00
GFCI Duplex Outlet		\$20.00
FACILITIES RENTALS/FEES		
Parks and Recreation Special Event Fee		\$50.00
Park Pavilion Rentals - Resident		
	Appleton Memorial Park - Pavilion	\$60.00
	Appleton Memorial Park - Amphitheater	\$45.00
	City Park	\$50.00
	Erb Park	\$80.00

	Pierce Park	\$125.00
	Telulah Park	\$100.00
Park Pavilion Rentals - Non-Resident		
	Appleton Memorial Park - Pavilion	\$120.00
	Appleton Memorial Park - Amphitheater	\$90.00
	City Park	\$100.00
	Erb Park	\$160.00
	Pierce Park	\$250.00
	Telulah Park	\$200.00
Jones Park Fee Schedule - (To rent Jones Park Lot or Stage, organizer must also rent Jones Park Pavilion)		
	Local Non-Profit Organization	\$125.00/day
	National Non-Profit Organization	\$175.00/day
	For-Profit Organization	\$325.00/day
	Private Event	\$525.00/day
Jones Park Lot/Stage		
	Local Non-Profit Organization	\$125.00/day
	National Non-Profit Organization	\$175.00/day
	For-Profit Organization	\$325.00/day
	Private Event	\$525.00/day
Houdini Plaza Fee Schedule		
	Local Non-Profit Organization	\$25.00/day
	National Non-Profit Organization	\$100.00/day
	For-Profit Organization	\$300.00/day
	Private Event	\$500.00/day

These rates are 100% of actual services rendered. Fees to be assessed are determined as provided by the Special Event Policy utilizing these rates in increments of .25 hours.

This Fee Schedule will be updated at least every two years consistent with the FEMA rate schedule.



DEPARTMENT OF  
**LEGAL AND  
ADMINISTRATIVE  
SERVICES**

**OFFICE OF THE CITY CLERK**

100 N Appleton Street  
Appleton, WI 54911  
p: 920.832.6443  
f: 920.832.5823  
[www.appleton.org](http://www.appleton.org)

**MEMORANDUM**

**New Special Events Policy**

**Date:** October 4, 2024

**To:** Safety & Licensing Committee, Ald. Croatt – Chair;  
Common Council

**From:** Kami Lynch, City Clerk

**Encl:** New Special Events Policy, Appendix 1 – Fee Schedule, Existing Special Events Policy,  
2023 Event Costs

The proposed Special Events Policy was created due to the increasing volume of special events, growing complexities with public gatherings, and rising labor and material costs. The proposed policy seeks to accomplish ensure the well-being of all participants of special events and our City resources. It is intended that the proposed policy would be effective January 1, 2025 due to budgetary impacts associated with the policy revisions. The proposed policy is a result of research on comparable communities and their procedures, impacts on City Department resources, costs to taxpayers, safety and security at events, and impacts of events to the environment and City property.

There are vast changes in the organization, formatting and elements of the policy. Therefore, there is no red-lined version of the policy, but the existing policy is included for reference. Information that has been added to the proposed policy is italicized, while information in plain text is copied from the existing policy. Some of the significant changes in the new policy are addressed below.

Anticipated Attendance and Application Deadlines

The new policy removes the correlation of anticipated attendance with timing of application filing and related fees.

It is often difficult for applicants to accurately discern anticipated attendance as numerous factors arise on a specific event date and time. Events are no longer categorized by size and now proposed is a uniform application deadline for all events – a minimum of forty-five (45) days prior to the event date. Forty-five (45) days prior to the event allows adequate time for departmental review and coordination of services required for the event.

Fees

Currently, special event fees are derived from event categorization based upon anticipated attendance, whether the event requests street closure, and timing of filing the application. This fee structure fell short of accurately accounting for actual City services rendered in preparation for, during, and after an event. The City recognizes the benefits

special events bring to our community and this policy seeks to bring an appropriate balance to the shared costs of holding events. All comparable/neighborhood communities charge special event holders for all actual costs (100%) of their personnel working in conjunction with special events. The new policy seeks to recoup twenty-five percent (25%) of actual services rendered utilizing the enclosed Fee Schedule (Appendix 1). The City distinguishes the unique provisions involved in planning for large-scale events. For events having historical or projected attendance of approximately 10,000 people or more, a Special Event Service Agreement between the applicant and the City will establish the costs to be borne by the applicant on a case-by-case basis. If a service agreement cannot be reached, then the Fee Schedule rates will apply. The actual costs of City services for various types of events occurring in 2023 is enclosed for reference.

#### Safety and Security

Revisions to this section include the requirement for a special event applicant to complete a supplemental Safety & Emergency Response Plan with their application. This plan assists applicants with necessary event preparations and plans for various incidents or emergencies. The new policy also provides that applicants refusing to provide recommended safety features by the City may have their application denied. There is also a provision stating that certain circumstances in which the City deems it appropriate to provide additional services beyond what is in the application, will not result in the applicant being charged for those added services.

#### Use of City Electricity

The existing policy does not address use of City Electricity through power outlets in City street poles or planters. These outlets are frequently utilized during special events occurring in the downtown area and it is crucial that applicants understand the parameters and safety provisions surrounding use of these outlets.

Modifications to the Special Event Application and supplemental information for applicants is an on-going process and will continually be evaluated and updated to best suit the needs of applicants and to provide that the City receives necessary information to decipher Special Event impacts for related planning and permitting.

I encourage you to reach out with questions regarding the new Special Events Policy as they arise. This will expedite the retrieval of the requested information so that it may be shared without delay.



# Special Event Permit Application Form

**CASH OR CHECK ONLY!**

Additional Documentation	
<input type="checkbox"/>	Safety and Emergency Plan
<input type="checkbox"/>	Certificate of Insurance
<input type="checkbox"/>	Route/Map
<input type="checkbox"/>	Supplemental Parade Questionnaire

<b>FEES ARE NON-REFUNDABLE</b>	
<input type="checkbox"/> Special Event License	Date Recv'd ____/____/____
(CLLCMS) - see attached fee chart	Total \$ _____
	Receipt #: _____

**Please Note:** Incomplete applications will not be accepted and will be returned to applicant. Applications are forwarded for review once payment is received. Applying does not guarantee the application will be approved – please speak to the City Clerk for more information. The application fee will be based on the date the City Clerk's Office receives the completed application. For more information, please refer to the Special Event Policy or Manual.

**PLEASE PRINT CLEARLY!**

**SECTION 1 – EVENT ORGANIZER** - Information about the person, entity or organization holding the special event.

Organization's Name:	
Organization's Address:	
Organization's Phone Number:	Organization's Email/Website:

**SECTION 2 – APPLICANT INFORMATION** - Information for person to contact before, during and after the event, if necessary.

Name :	Date of Birth:
Address:	
Phone Number:	Email Address:

**SECTION 3 – EVENT INFORMATION** –Application must be filed at least 11 days prior to event. Applications received 10 days prior to event are NOT accepted, please plan accordingly.

Name of Event:		
Event Location:		
Event Date (list each date if it's a multi-day event):		
Event Set Up Time:	Event Start Time:	Event End Time:
Head of Security's Name:		Head of Security Phone Number:
Total Anticipated Attendance (Participants/Attendees):		
Admission Requirements:		
Event information ( <u>whether the event has occurred before</u> , purpose, activity, who can participate, etc.):		

**SECTION 4 – APPLICANT CHECKLIST** - *The applicant is responsible for contacting all necessary City departments and for obtaining all necessary reservations, permits, licenses and variances. Answer all questions regardless of size of event. Incomplete applications will not be processed.*

**DEPARTMENT OF PUBLIC WORKS – (920) 832-5580**

	Yes	No	Action to be taken by applicant:
1. Are you requesting street closure? Name of barricade company _____	<input type="checkbox"/>	<input type="checkbox"/>	If yes, your barricading contract provider will be required to submit a Traffic Control Plan to the Department of Public Works.
2. Did you include a <i>detailed map/diagram</i> of the event location and route (if applicable) with this application?	<input type="checkbox"/>	<input type="checkbox"/>	Be sure the event map/diagram is detailed, including showing all turns and the number of traffic lanes to be used.
3. Are you requesting parking meters to be bagged?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, a list of meters must be provided to the Department of Public Works.
4. Are you requesting use of the sidewalk or right of way?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Department of Public Works for a Street Occupancy Permit.
5. Are you requesting use of City Electricity (on City street poles/planters)?	<input type="checkbox"/>	<input type="checkbox"/>	If, yes, please provide diagram specifying requested locations of outlets.

**FIRE DEPARTMENT – (920) 832-5810**

	Yes	No	Action to be taken by applicant:
1. Will the event be held indoors?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Fire Department for more information.
2. Will a tent or any other temporary structure be erected?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Fire Department for information about submitting a structure plan.
3. Will there be a tent larger than 200 square feet?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Fire Department for a permit.
4. Will fireworks/pyrotechnic be used during the event?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Fire Department for a permit.

**HEALTH DEPARTMENT – (920) 832- 6429**

	Yes	No	Action to be taken by applicant:
1. Will food be prepared and/or served at the event?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Health Department for permitting requirements and for safe food handling tips.
2. Will there be a band or amplified music/noise?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Health Department for a variance and more information.
3. Will there be portable restrooms?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, review guidelines on portable restrooms available in the Special Event Policy and Manual.

**PARKS & RECREATION DEPARTMENT – (920) 832-5905**

	Yes	No	Action to be taken by applicant:
1. If the event will be in a park have you reserved the park?	<input type="checkbox"/>	<input type="checkbox"/>	If no, contact Parks, Recreation and Facilities Management to make a reservation.
2. Will there be rides and/or inflatables at the event?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact Parks, Recreation and Facilities Management for more information.

**POLICE DEPARTMENT – (920) 832-5500**

	Yes	No	Action to be taken by applicant:
1. Do you have a plan for medical emergencies that may occur during your event?	<input type="checkbox"/>	<input type="checkbox"/>	If no, contact the Police Department for assistance.
2. Is security needed for the event?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Police Department for assistance defining your safety/security plan.
3. Are you requesting any special parking restrictions?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the Appleton Police Department for more information.

**RISK MANAGEMENT – (920) 832-6300**

	Yes	No	Action to be taken by applicant:
1. Do you have the proper insurance for your event and have you provided your certificate of insurance to the City?	<input type="checkbox"/>	<input type="checkbox"/>	If no, contact the City's Risk Manager.

**CITY CLERK'S OFFICE – (920) 832-6443**

	Yes	No	Action to be taken by applicant:
1. Will alcoholic beverages be served/sold at the event?	<input type="checkbox"/>	<input type="checkbox"/>	<b>If yes, contact the City Clerk's Office to obtain a Temporary Class "B" license.</b>
2. Does your event plan include a parade?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the City Clerk's office to fill out the required Parade Supplemental Questionnaire.
3. Does your event plan include shuttle services/rides?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the City Clerk's office for information on the licensing of taxicab/limousine/shuttle companies.
4. Do you owe money for past events?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, contact the City Clerk – your application may not be accepted.

## SECTION 5 – ADDITIONAL INSURED REQUIREMENT

For events that involve more than 250 people, if a street closure is requested or if structures are brought onto public premises; the event holder agrees to list the City of Appleton, and its officers, council members, agents, employees, and authorized volunteers as an additional insured on the event holder's general liability insurance policy. Certificates of insurance displaying this additional insured status must list the following as the certificate holder: City of Appleton, Attention: Risk Manager, 100 North Appleton Street, Appleton, WI 54911.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## SECTION 6 – CERTIFICATION

By signing below, I certify that I am at least 18 years of age, that I have read and understand the Special Event Policy, and that I agree to the terms and conditions contained in the Special Event Policy. My signature further confirms (i) that I understand the filing of this application does not ensure the issuance of a Special Event License, (ii) that the Special Event License Fee is non-refundable pursuant to the terms of the Special Event Policy, (iii) I will be responsible for ensuring the event and event participants comply with all applicable city ordinances, traffic rules, park rules, state health laws, fire codes and liquor licensing regulations and any other applicable laws, rules and regulations including the Special Event Policy, (iv) that fees for park facilities, food sales permits, tent and fireworks permits, etc., are in addition to the Special Event License Fee, (v) that I am authorized to apply for this Special Event Licensed on behalf of the organization holding the event (if applicable), and (vi) that the information contained in this Application is true to the best of my knowledge. I understand that intentionally providing false or misleading information in this Application may lead to civil or criminal penalties.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## SECTION 7 – INDEMNIFICATION

**Please read carefully before signing! This section affects your legal rights.**

**IF THERE IS ANYTHING IN THIS SECTION THAT YOU DO NOT UNDERSTAND OR IF YOU OBJECT TO ANY PROVISION CONTAINED IN THIS SECTION, YOU SHOULD NOT SIGN THIS SECTION AS IT IS DRAFTED, BUT RATHER SEEK ADVICE FROM YOUR LEGAL COUNSEL. REQUESTS FOR MODIFICATIONS MAY BE DIRECTED TO THE CITY ATTORNEY'S OFFICE AT 920-832-6423 WEEKDAYS BETWEEN 8:00 AM AND 4:00 PM.**

**INDEMNIFICATION:** BY SIGNING BELOW I ACKNOWLEDGE THAT FOR GOOD AND VALUABLE CONSIDERATION, I, THE APPLICANT, ON BEHALF OF MYSELF AND THE ORGANIZATION, IF APPLICABLE, AGREE TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF APPLETON AND ITS OFFICERS, OFFICIALS, EMPLOYEES AND AGENTS FROM AND AGAINST ANY AND ALL LIABILITY, LOSS, DAMAGE, EXPENSES AND COSTS, INCLUDING ATTORNEY FEES, ARISING OUT OF THE ACTIVITIES PERFORMED AS DESCRIBED HEREIN, CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF THE APPLICANT/ORGANIZATION, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE WHOSE ACTS ANY OF THEM MAY BE LIABLE, EXCEPT WHERE CAUSED BY THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_



**SINGLE DAY EVENT LICENSE FEE -- \*\*Includes \$7 for a Police investigation fee\*\***

NUMBER OF DAYS BEFORE THE EVENT	SMALL EVENTS <sup>2</sup> Without Street Closure	SMALL EVENTS <sup>2</sup> With Street Closure	LARGE EVENTS <sup>3</sup> Without Street Closure	LARGE EVENTS <sup>3</sup> With Street Closure	SIGNIFICANT EVENTS <sup>4</sup> Without Street Closure	SIGNIFICANT EVENTS <sup>4</sup> With Street Closure
90+ days	\$62	\$117	\$557	\$777	\$1,107	\$1,657
60-89 days	\$73	\$172	\$667	\$832	\$1,327	\$1,877
45-59 days	\$89	\$227	\$887	\$1,107	\$1,822	\$2,757
30-44 days	\$117	\$337	\$997	\$1,107 + Late Fee <sup>1</sup>	\$1,822 + Late Fee <sup>1</sup>	\$2,757 + Late Fee <sup>1</sup>
11-29 days	\$227	\$447	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted
10 days	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted
Late Fee <sup>1</sup>	N/A	N/A	N/A	\$800	\$800	\$1,500

<sup>1</sup> **LATE FEE** will be charged for late applications for Large and Significant Events that have been held for the last two consecutive years where nothing has changed, subject to the late fee and the application approval process. If the event has not been held the last two consecutive years or if there is a change to the event from the previous year the application will not be accepted.

<sup>2</sup> **SMALL EVENT** = Anticipated attendance of less than 1,000 people.

<sup>3</sup> **LARGE EVENT** = Anticipated attendance of between 1,000 and 4,999 people.

<sup>4</sup> **SIGNIFICANT EVENT** = Anticipated attendance of 5,000 people and over.

**MULTIPLE DAY<sup>1</sup> EVENT LICENSE FEE-- \*\*Includes \$7 for a Police investigation fee\*\***

NUMBER OF DAYS BEFORE THE EVENT	SMALL EVENT <sup>3</sup> Without Street Closure	SMALL EVENT <sup>3</sup> With Street Closure	LARGE EVENT <sup>4</sup> Without Street Closure	LARGE EVENT <sup>4</sup> With Street Closure	SIGNIFICANT EVENT <sup>5</sup> Without Street Closure	SIGNIFICANT EVENT <sup>5</sup> With Street Closure
90 days or more	\$62	\$117	\$557	\$777 first day + \$192 each additional day = total fee	\$1,107	\$1,657 first day + \$412 each additional day = total fee
60-89 days	\$73	\$172	\$667	\$832 first day + \$207 each additional day = total fee	\$1,327	\$1,877 first day + \$467 each additional day = total fee
45-59 days	\$89	\$227	\$887	\$1,107 first day + \$275 each additional day = total fee	\$1,822	\$2,757 first day + \$825 each additional day = total fee
30-44 days	\$117	\$337	\$997	\$1,107 first day fee + \$275 each additional day + Late Fee <sup>2</sup> = total	\$1,822 + Late Fee <sup>2</sup> = total	\$2,757 first day + \$825 each additional day + Late Fee <sup>2</sup> = total
10-29 days	\$227	\$447	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application Not Accepted
< 10 days	Application Not Accepted	Application Not Accepted	Application Not Accepted	Application not Accepted	Application Not Accepted	Application Not Accepted
Late Fee <sup>2</sup>	N/A	N/A	N/A	\$800	\$800	\$1,500

<sup>1</sup> **MULTIPLE DAY EVENT** means a special event that occurs on more than one day, where the days are consecutive or at a consistent interval (e.g., an event occurring on a consecutive Saturday and Sunday or an event occurring every other Tuesday), at the same start and end time and at the same location. One special event license will be issued for a multiple day event.

<sup>2</sup> **LATE FEE** will be charged for late applications for Large and Significant Events that have been held for the last two consecutive years where nothing has changed, subject to the late fee and the application approval process. If the event has not been held the last two consecutive years or if there is a change to the event from the previous year the application will not be accepted.

<sup>3</sup> **SMALL EVENT** = Anticipated attendance of less than 1,000 people.

<sup>4</sup> **LARGE EVENT** = Anticipated attendance of between 1,000 and 4,999 people.

<sup>5</sup> **SIGNIFICANT EVENT** = Anticipated attendance of 5,000 people and over.

**2023 Event Cost Tracking - City Sponsored Events and Selected Other Events**

DEPARTMENT	City-Sponsored Events					Special Event Type											2024 #s	
Police Department	Appleton Jayces Fireworks	Flag Day Parade	Children's Parade	Holiday Parade	Memorial Day Parade	Community Event - Small	Car Show - Large	Cultural Exhibition Event	Large Entertainment Event	Large Festival	Car Show - Significant	Large Run/Walk	Small Fun Run	Cultural Event - Large	Significant Run	Large Run	N Homecoming Parade	W Homecoming Parade
Application Fee	\$1,707.00	\$0.00	\$0.00	\$0.00	\$0.00	\$82.00	\$1,000.00	\$1,875.00	\$2,632.00	\$1,507.00	\$1,500.00	\$757.00	\$57.00	\$882.00	\$707.00	\$757.00	\$117.00	\$107.00
Size of Event	Large	Large	Large	Significant	Large	Small	Large	Large	Significant	Significant	Significant	Large	Small	Large	Large	Large	Small	Small
Street Closure (Y/N)	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
# of Employees	41	54	11	69	19	8	8	9	31	84	60	20	4	8	27	16	11	13
Total Staff Hours	155	204	45	245.8	105.75	57.6	37.5	51	255.5	508.75	464.5	130.6	7.25	37	211.5	97.5	22	29
Cost APD (Personnel)	\$10,380.81	\$13,920.00	\$1,533.00	\$14,318.00	\$6,658.94	\$4,929.55	\$1,998.00	\$2,058.00	\$17,749.00	\$35,584.87	\$31,916.56	\$5,934.00	\$445.39	\$3,276.26	\$11,938.86	\$5,620.00	\$983.98	\$1,346.89
<b>Fire Department</b>	<b>Appleton Jayces Fireworks</b>	<b>Flag Day Parade</b>	<b>Children's Parade</b>	<b>Holiday Parade</b>	<b>Memorial Day Parade</b>	<b>Community Event - Small</b>	<b>Car Show - Large</b>	<b>Cultural Exhibition Event</b>	<b>Large Entertainment Event</b>	<b>Large Festival</b>	<b>Car Show - Significant</b>	<b>Large Run/Walk</b>	<b>Small Fun Run</b>	<b>Cultural Event - Large</b>	<b>Significant Run</b>	<b>Large Run</b>	<b>N Homecoming Parade</b>	<b>W Homecoming Parade</b>
# of Employees	4	-	-	-	-	-	-	2	2	10	2	-	-	-	2	-	-	-
Total Staff Hours	16	-	-	-	-	-	-	8	10	25	5	-	-	-	8	-	-	-
Fire Inspection	\$820.00	-	-	-	-	-	-	-	\$1,025.00	\$812.00	\$512.50	-	-	-	-	-	-	-
Fire Personnel (1.5 time)	\$1,151.36	-	-	-	-	-	-	\$2,302.72	-	\$4,317.60	-	-	-	-	\$1,151.36	-	-	-
Fire B/C Cost	-	-	-	-	-	-	-	-	-	\$1,215.20	-	-	-	-	-	-	-	-
Total Cost Fire	\$1,971.36	-	-	-	-	-	-	\$2,302.72	\$1,025.00	\$6,042.30	\$512.50	-	-	-	\$1,151.36	-	-	-
<b>Parks and Rec - Facilities</b>	<b>Appleton Jayces Fireworks</b>	<b>Flag Day Parade</b>	<b>Children's Parade</b>	<b>Holiday Parade</b>	<b>Memorial Day Parade</b>	<b>Community Event - Small</b>	<b>Car Show - Large</b>	<b>Cultural Exhibition Event</b>	<b>Large Entertainment Event</b>	<b>Large Festival</b>	<b>Car Show - Significant</b>	<b>Large Run/Walk</b>	<b>Small Fun Run</b>	<b>Cultural Event - Large</b>	<b>Significant Run</b>	<b>Large Run</b>	<b>N Homecoming Parade</b>	<b>W Homecoming Parade</b>
# of Employees	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-	-	-	-
Total Hours	-	-	-	-	-	-	1.25	2	-	-	-	-	-	1.5	-	1.75	-	-
Total Cost	-	-	-	-	-	-	\$54.39	\$87.02	-	-	-	-	-	\$65.27	-	\$76.14	-	-
<b>Parks and Rec - Grounds</b>	<b>Appleton Jayces Fireworks</b>	<b>Flag Day Parade</b>	<b>Children's Parade</b>	<b>Holiday Parade</b>	<b>Memorial Day Parade</b>	<b>Community Event - Small</b>	<b>Car Show - Large</b>	<b>Cultural Exhibition Event</b>	<b>Large Entertainment Event</b>	<b>Large Festival</b>	<b>Car Show - Significant</b>	<b>Large Run/Walk</b>	<b>Small Fun Run</b>	<b>Cultural Event - Large</b>	<b>Significant Run</b>	<b>Large Run</b>	<b>N Homecoming Parade</b>	<b>W Homecoming Parade</b>
Total Cost P&R	\$60.00	-	-	-	-	-	-	\$117.00	\$29.00	-	-	-	-	-	-	-	-	-
<b>Department of Public Works</b>	<b>Appleton Jayces Fireworks</b>	<b>Flag Day Parade</b>	<b>Children's Parade</b>	<b>Holiday Parade</b>	<b>Memorial Day Parade</b>	<b>Community Event - Small</b>	<b>Car Show - Large</b>	<b>Cultural Exhibition Event</b>	<b>Large Entertainment Event</b>	<b>Large Festival</b>	<b>Car Show - Significant</b>	<b>Large Run/Walk</b>	<b>Small Fun Run</b>	<b>Cultural Event - Large</b>	<b>Significant Run</b>	<b>Large Run</b>	<b>N Homecoming Parade</b>	<b>W Homecoming Parade</b>
# of Employees	3	18	-	18	13	-	3	3	5	20	-	2	-	-	2	-	1	1
Total Labor Hours	7.5	134.25	-	135.5	116.75	-	11.25	10	44	157.25	-	2.5	-	-	4	-	2	2
Total Labor Cost	\$262.01	\$4,667.50	-	\$5,255.13	\$7,288.52	-	\$373.24	\$371.18	\$2,570.43	\$7,996.80	-	\$220.13	-	-	\$349.70	-	92.28	92.28
Total Equipment Hours	4.5	59.75	-	-	21.25	-	6.75	6.5	30.75	83	-	-	-	-	-	-	-	-
Total Equipment Cost	\$72.18	\$2,955.09	-	\$5,698.48	\$631.07	-	\$108.27	\$104.26	\$2,536.80	\$4,308.04	-	\$56.14	-	-	\$56.14	-	-	-
Total cost for DPW	\$334.19	\$7,622.59	-	\$10,953.61	\$7,919.59	-	\$481.51	\$475.44	\$5,107.23	\$12,304.84	-	\$276.27	-	-	\$405.84	-	92.28	92.28
<b>Total Costs</b>	<b>\$12,746.36</b>	<b>\$21,542.59</b>	<b>\$1,533.00</b>	<b>\$25,271.61</b>	<b>\$14,578.53</b>	<b>\$4,929.55</b>	<b>\$2,579.51</b>	<b>\$5,040.18</b>	<b>\$23,910.23</b>	<b>\$53,932.01</b>	<b>\$32,429.06</b>	<b>\$6,210.27</b>	<b>\$445.39</b>	<b>\$3,341.53</b>	<b>\$13,496.06</b>	<b>\$5,696.14</b>	<b>\$1,076.26</b>	<b>\$1,439.17</b>



# Application for Taxicab/Limousine Company License

CASH OR CHECK ONLY

Original Application  
 Renewal License  
 # 5-24

**FEES ARE NON-REFUNDABLE**

Fee Per Each Individual Vehicle (CLLTSE) \$30.00  
 Investigation Fee (CLLPF) \$7.00

Date Recv'd 10, 17, 24  
 Total \$ 37.00  
 Receipt #: 7507-4

LICENSE PERIOD IS FROM  
 July 1st – June 30th

*Note: please allow 3 weeks for application processing*

**SECTION 1 – APPLICANT INFORMATION** Answer all questions completely. Please PRINT clearly.

Company Name  
**L & M CARRIAGE SERVICE**

Business Address  
**3140 Mid Valley Dr**

City  
**De Pere**

State  
**WI**

Zip Code  
**54115**

Company Email Address [REQUIRED]  
**Deniselmqs@aol.com**

Company Phone Number [REQUIRED]  
**920-532-0882**

Individual  
 Partnership  
 Corporation

Business Owners Name  
**Mike Gildernick**

Date of Birth  
 [REDACTED]

Gender  
**M**

Business Owner Phone Number  
 [REDACTED]

Business Owner Email Address  
 [REDACTED]

Driver's License Number  
 [REDACTED]

State Licensed  
**WI**

**SECTION 2 - COMPANY HISTORY**

Is the company currently licensed in any other municipality? YES X NO

If Yes, what municipality? \_\_\_\_\_

Has the company ever been denied a license by any municipality? YES X NO

If Yes, please explain: \_\_\_\_\_

Have any of the owners ever been convicted of a crime? YES X NO

If Yes, please explain: \_\_\_\_\_

Describe the basic operations of the company:  
**Provide entertainment via horse& wagon/carriage rides**

If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking?  
**NA**

**SECTION 3 – VEHICLES TO BE OPERATED - Attach additional sheets if necessary**

Vehicle Number	Capacity	Make/Model	DOT License Plate #
GREEN TROLLEY WAGON	15-20	NA	NA

**SECTION 4 – INSURANCE NOTICE**

Insurance Carrier  
**WEST BEND MUTUAL**

Insurance Agent Name  
**BETTY CLOW**

Insurance Agent Phone Number  
 [REDACTED]

Insurance Agent Email Address  
 [REDACTED]

Policy Number  
 [REDACTED]

Policy Period  
**09/04/24 - 09/04/25**

**SECTION 5- PENALTY NOTICE**

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance carrier, the policy number, and policy period above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney's fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right-of-way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Applicant's Signature Mrs. Mike Galdemiek Date: 10 1 14 1 2024

**FOR OFFICE USE ONLY**

Department	Approve	Deny	Date of Recommendation	Staff Member	
Risk Management					
Police					
Fire					
Inspection					
Safety and Licensing					
Common Council					
COI on File? <b>YES NO</b>	Denial Reasoning		Date Issued	Expiration Date	License Number

Return to Office of the City Clerk: 100 N. Appleton St, Appleton WI 54911

**TAXICAB/LIMOUSINE/COMMERCIAL QUADRICYCLE  
COMPANY LICENSE INFORMATION**

- Taxicab/Limousine Service Company Licenses are required within the City of Appleton when individuals are intending to operate a taxicab or limousine company. See City of Appleton Municipal code Sec. 9-721 for more information and definitions.
  - Commercial Quadricycles as defined in §340.01(8m) of the Wisconsin Statutes are to be licensed as limousines.
- The process to obtain a Taxicab/Limousine Service License takes approximately 3 weeks from the date of application until the date of issuance and requires approval from several City departments, the Safety and Licensing Committee and the Common Council.
  - When applying for a Commercial Quadricycle license, proposed route maps are required to be submitted attached to the application. These maps are then reviewed for approval by the Appleton Police Department. See City of Appleton Municipal code Sec. 9-729 for more information.
- If your company is licensed in another Wisconsin municipality you are exempt from paying a fee to the City of Appleton. A completed, signed application form along with a current Certificate of Insurance is all that is required for the company.
- Each Taxicab/Limousine Service Company License includes a single Taxicab Driver's License.



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9, 2024  
**To:** City Plan Commission  
**From:** Don Harp, Principal Planner  
**Subject:** Informal Public Hearing Proposed Draft Municipal Code Text Amendments-

Chapter 19 Traffic and Vehicles: Sec. 19-91. Parking in front and side yard in residential districts and Sec. 19-92. Recreational and commercial vehicle parking and storage in residential district; and

Chapter 23 Zoning: Sec. 23-22 Words and Terms Defined and Sec. 23-43 Accessory Uses, Buildings and Structures.

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## GENERAL INFORMATION

At the September 25, 2024, Plan Commission meeting, staff presented the proposed Zoning Ordinance text amendments to the Commission for review and discussion. At the conclusion of the presentation, the Plan Commission directed staff to schedule an Informal Public Hearing.

The Community Development Department Planning and Inspections staff collaborated with the City Attorney's Office and Department of Public Works, Engineering Division on the following proposed draft Chapter 19 Traffic and Vehicle and Chapter 23 Zoning text amendments.

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Periodic revisions to the Municipal Code are essential to maintain consistency with the Wisconsin State Statutes, Section 62.23(7) Zoning (State Zoning Enabling Act). It's been determined the private property regulations for residential driveways, driveway extensions and vehicle parking listed in Section 19-91 and Section 19-92 of Municipal Code be

relocated to Chapter 23 Zoning to promote consistent administration under the unified zoning ordinance processes and procedures. **(Sections A. thru D.)**

2. Proposed text language does not create more restrictive standards.
3. Amend and create definition terms to promote consistent administration of Chapter 23 Zoning. **(Section C.)**
4. Eliminate duplication of regulations between Chapter 19 Traffic and Vehicles and Chapter 23 Zoning in the Municipal Code and departmental interpretation policies. **(Section B.)**
5. Continue to improve usability and organization of the land use regulations listed in Chapter 23 Zoning. **(Section C. and D.)**

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## PROPOSED DRAFT TEXT AMENDMENTS

### SECTION A:

#### **Chapter 19 Traffic and Vehicles: Sec. 19-91. ~~Parking in front and side yard in residential district;~~ Parking on terraces.**

*Comment: Delete and relocate Sec. 19-91 regulations identified by strikethrough to Section 23-22 and 23-43, Chapter 23 Zoning.*

~~—(a) Purpose. The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.~~

~~—(b) Residential driveway. Residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area.~~

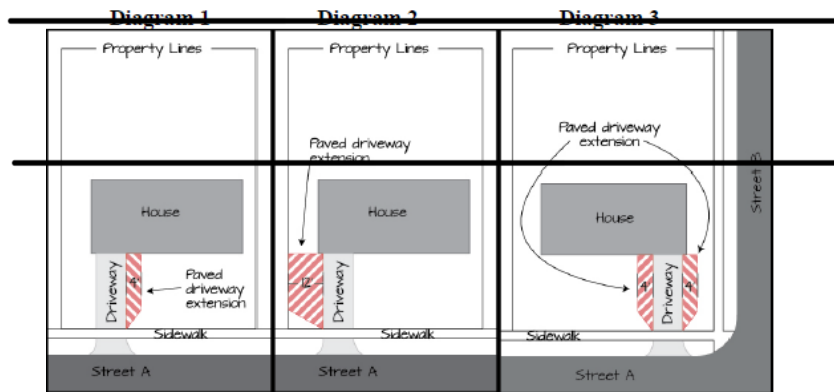
~~—(c) Front yard. No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. Carriage style driveways with a minimum of 2-foot wide strips paved with concrete, asphalt or brick and maintained grass medians in accordance with Sec. 12-59(c)(3) are permitted.  
(Ord 84-15, §1, 10-27-15)~~

~~—(d) Side yard. No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless it is parked on a hard surface and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.~~

— (e) *Permits.* The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

— (f) Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:

- (1) The property owner has obtained appropriate driveway extension permit; and,
- (2) Both the extension and driveway are paved as provided in sec. (d) above; and,
- (3) The extension is no greater than twelve (12) feet wide on the side nearest the side lot line (See Diagram 2) and no greater than four (4) feet wide in front yard closest to the dwelling (see Diagram 1). Extensions to driveways on corner lots may extend no more than four (4) feet on both sides of the driveway (See Diagram 3); and,



— (4) The paved area is no longer than the length of the driveway, extending from the edge of the City's right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,

— (5) Driveway extensions shall be flared at an angle from the sidewalk per Diagrams 1, 2, and 3 above;

— (6) This section shall not apply toward paved circular driveways.

— (7) The paved area shall meet any other requirements of the Municipal Code including, but not limited to, zoning requirements and the Driveway Installation Policy.

— (g) Appeals to the requirements of this section shall be filed with the Inspections Supervisor and heard by the Municipal Services Committee. In hearing and deciding appeals, the Committee shall have the power to grant relief from the terms of this section only where there are unusual and practical difficulties or undue hardships due to an irregular shape of the lot, topographical, or other conditions present, as contrasted with merely granting an advantage or convenience. Decisions of the Committee shall be consistent with the purpose and intent of this section.



~~—(h) Relief granted by the Municipal Services Committee, pursuant to (g) above, shall run with the land.  
(Ord 85-15, §1, 10-27-15)~~

~~(†) (a) **Penalty. parking on terraces.**~~

- ~~(1) *First offense parking forfeiture.* Any person to whom a ticket has been issued for a violation of this section shall incur a forfeiture of forty-five dollars (\$45.00), which may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket. The procedures in Sec. 19-90(i), (k), and (l) apply to first offenses of this section.~~
- ~~(2) *Second and subsequent violations of this section.* Any person who violates any provision of this section more than one time in a twelve (12) month period shall be subject to a penalty as provided in Sec. 1-16 of the Municipal Code.~~

**SECTION B:**

*Comment: Delete Section 19-92. Eliminates duplication of regulations already listed in Section 23-43, Chapter 23 Zoning.*

**Chapter 19 Traffic and Vehicles: Sec. 19-92.** ~~Recreational and commercial vehicle parking and storage in residential district.~~

~~—(a) *Definitions.* For the purposes of this section, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.~~

~~—*Recreational vehicle* means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.~~

~~—(b) When associated with residential dwellings:~~

~~—(1) The outdoor storage of a commercial vehicle or commercial trailer shall be restricted to a vehicle or trailer owned or leased by the occupant(s) of the lot upon which the vehicles are stored.~~

~~—(2) The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A—D may be permitted within an attached garage, attached carport, detached garage, and/or detached carport, provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

~~—(3) The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A—D or school bus, may be permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

~~—(4) *Recreational vehicle storage.* The outdoor storage of not more than one (1) recreational vehicle in areas other than those addressed in §19-91 may be permitted provided:~~

- ~~\_\_\_\_\_ a. Such recreational vehicle is owned or leased by the occupant(s) of the lot upon which the recreational vehicle is stored.~~
- ~~\_\_\_\_\_ b. Such recreational vehicle shall not be used for business, living, sleeping, or housekeeping purposes.~~
- ~~\_\_\_\_\_ c. Such recreational vehicle shall not be permanently connected to sewer lines, water lines, or electricity.~~
- ~~\_\_\_\_\_ d. Such recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential to the immediate use in that vehicle or trailer.~~

~~\_\_\_\_\_ (c) *Recreational vehicle parking in front yard.* Unoccupied recreational vehicles of 26 feet in length or less as defined in §19-92 may be parked in a front yard driveway.~~

**SECTION C:**

**Chapter 23 Zoning: Sec. 23-22 Definitions.**

**Building depth** means the horizontal distance between the front wall and the rear wall of a building.

*Comments: The proposed language is intended to compliment the state statute definition for residential dwelling per §66.1014.*

**Dwelling, Residential** means a building, structure or part of a building or structure, containing living, sleeping, housekeeping accommodations, and sanitary facilities that is used or intended to be used as a home, residence, or sleeping place by one (1) or more families maintaining a common household. ~~for occupancy by one (1) or more families.~~

**Driveway** means an area on private property providing access for vehicles to a public right-of-way.

- (a) **Residential driveway** means a driveway leading directly from the street to a garage, carport, side yard or rear yard parking area which provides vehicle access to a parking area located on a lot serving single-family detached, two-family dwellings and zero lot line dwellings, including driveway extensions.
- (b) **Commercial driveway** means a driveway providing vehicle access to property used for purposes other than single-family detached, two-family dwellings and zero lot line dwellings.
- (c) **Driveway apron** means that portion of any driveway between the traveled portion of the street and the property line.

**Parking lot** means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.

**Parking** means an area that provides the required parking for a use in accordance with Chapter 23 Zoning of the City of Appleton Municipal Code. The following definitions relating to parking are also provided:

- (a) **Bicycle parking space** means an area designated and equipped for the purpose of parking and securing a bicycle.
- (b) **Parking** means the act or practice of temporarily leaving any vehicle or maneuvering any vehicle into a certain location or outdoors on a residential driveway, including a parking pad.
- (c) **Parking aisle** means that area adjacent to an off-street parking space which permits maneuvering of the ~~meter~~ vehicles entering and leaving an off-street parking space and having access to a driveway, street, alley or private street.
- (d) **Parking pad** means a hard surfaced area upon a property which is not connected to a driveway and located in a side and/or rear yard which is intended for parking vehicles and recreational vehicles.
- (e) **Parking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) ~~meter~~ vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, residential driveway, street or alley.
- (f) **Stacking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of ~~meter~~ vehicles.
- (g) **Stacked parking means** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for the parking of more than one (1) vehicle in a parallel line, one behind the other on a residential driveway.
- (h) **Side and Rear yard parking area** means an outdoor off-street parking area designed for vehicle parking and maneuvering which is located in the side and rear yard only.
- (i) **Off-street parking space** means a hard surfaced area for one (1) ~~meter~~ vehicle with room to open doors on both sides of the ~~meter~~ vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.
- (j) **Off-street parking lot or area** means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of ~~meter~~ vehicles which is not located in a street or alley right-of-way. Also means parking lot.

*Comments: The definition term "public right-of way was copied from Municipal Code Section 12-76.*

*Comments: The proposed language is intended to clarify terraces and driveway aprons are defined as public right-of-way.*

**Public right-of-way** means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. This definition also includes, terraces and driveway aprons.

*Comments: The definition for recreational vehicle was relocated from Section 19-92(a) with State Statute reference.*

**Recreational vehicle** means a structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, motorized homes and travel trailers. means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.

*Comments: The proposed language clarifies the term “motor vehicle” elsewhere in the zoning code is defined as a “vehicle”.*

**Vehicle** means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including, but not limited to a recreational vehicle, except railroad trains. This definition also means motor vehicle.

## **SECTION D:**

### **Chapter 23 Zoning: Sec. 23-43. Accessory uses, buildings and structures.**

Section 23-43 (c) (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

Section 23-43 (e) **Use and Location Restrictions for Vehicles.** All accessory uses, buildings and/or structures shall abide by the following use and location restrictions:

- (1) **Purpose.** The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.

*Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Also, this subsection implies a visitor cannot park their vehicles inside a garage or carport of friend or family member who resides in Appleton. Therefore, this provision is recommended to be deleted. Finally, remove Class D vehicle, these vehicles are classified as automobiles; light trucks and mopeds, are not considered a commercial or service vehicle.*



**(1)(2) When associated with Residential Dwellings-**

- a. ~~The enclosed parking or storage of any motor vehicle within an attached garage, attached carport, detached garage, and/or detached carport shall be restricted to vehicles owned or leased by the occupant(s) of the lot upon which the vehicles are parked or stored.~~
- b. a. **Enclosed parking of commercial or service vehicles.** A maximum of one The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers ~~-D~~ may be parked permitted within an attached garage, attached carport, detached garage, and/or detached carport. , provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.

*Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Therefore, this provision is recommended to be deleted. Finally, remove Class D vehicle, these vehicles are classified as automobiles; light trucks and mopeds, not considered a commercial or service vehicle.*

- e. b. **Outdoor parking of commercial or service vehicles.** A maximum of one The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A, B, and C, not including semitrailers ~~-D~~ or school bus may be parked or stored outdoors on a lot. , permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked or stored. (Also see §19-91 of the Municipal Code)

*Comments: The parking regulations for boats and boat trailers, greater than 26 feet have been relocated from subsection (e)(3)b.3., (e)(3)c.2. and (e)(3)d.2. In addition, the provisions listed in Section 19-92 of the Municipal Code are duplicates of the following provisions listed in ((e)(2)c.1.-3. below. Section 19-92 of the Municipal Code is being deleted.*

d. ~~c. **Outdoor parking of trailers and recreational vehicles.**~~ The outdoor parking or storage or enclosed parking or storage within a fully enclosed structure of not more than one (1) trailer or recreational vehicle trailer or recreational vehicle including, but not limited to, boat and boat trailer (except for boats or boat trailers greater than twenty-six (26) feet in length), pickup camper top, camping trailer, utility trailer, camping vehicle, snowmobile and trailer, jet-ski and trailer, motor home or fishing shanty, may be permitted provided:

~~1. Such trailer or recreational vehicle is owned or leased by the occupant(s) of the lot upon which the trailer or recreational vehicle is parked or stored.~~

~~2.1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes. (Also see §19-92 of the Municipal Code)~~

*Comments: The front, side and rear yard requirements have been relocated to subsections (e)(3)b.3., (e)(3)c.2. and (e)(3)d.2.*

~~3. The outdoor parking or storage of such trailer or recreational vehicle shall be located in the side yard and/or rear yard only. (Also see §19-91 and §19-92 of the Municipal Code)~~

~~4. 2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.~~

~~5. 3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.~~

*Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Therefore, this provision is recommended to be deleted.*

~~**(2)When associated with Non-Residential Dwelling.**~~

~~a. The enclosed parking or storage of any motor vehicle within an attached garage, attached carport, detached garage, and/or detached carport shall be restricted to vehicles used by the occupant(s) of the lot upon which the vehicles are parked or stored.~~

~~**(3)Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.**~~

~~*Comments: Public Right-of-Way provision relocated from Section 19-91(c).*~~

~~a. **Public Right-of-Way Encroachment Prohibited:** Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.~~

Comments: Front yard parking provisions were relocated from Section 19-91(c). Parking any vehicle as defined above in the front yard on the grass or dirt is prohibited per current code Section 19-91(c). Vehicles shall be parked on the driveway surface.

**b. Front Yard:**

- 1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
- 2. Parking pads are prohibited in the front yard.
- 3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.

Comments: Side yard parking provisions were relocated from Section 19-91(d), except for allowing the parking of boats and boat trailers greater the 26 feet in length on a residential zoned lot. Chapter 23 Zoning is more restrictive and does not allow the parking of boats and boat trailers greater the 26 feet in length on a residential zoned lot per Resolution #55-R-02 and subsequent zoning ordinance amendment #247-02. Parking any vehicle as defined above on the grass or dirt in the side yard is prohibited per current code Section 19-91(d). Vehicles shall be parked on the driveway surface or parking pad.

**c. Side Yard:**

- 1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
- 2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

Comments: Rear yard parking provision are not identified in the Section 19-91. The proposed language is consistent with the proposed side yard parking provisions listed above. Parking on the grass or dirt in the rear yard is not addressed in Section 19-91. The proposed language is consistent the front and side yard parking regulation which prohibits parking any vehicle on the grass or dirt in the rear yard. Vehicles shall be parked on the driveway surface or parking pad.

**d. Rear Yard:**

- 1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
- 2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

**(f) Residential driveway, driveway extension and parking pad regulations.**

Comments: The exemption provision was relocated from Section 19-91(f)(6).

- (1) Exemptions. Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.

*Comments: The permit application procedure was relocated from Section 19-91(e). The proposed language indicates a Street Excavation Permit (if required) must be approved by the Department of Public Works Department, Engineering Division to perform work in the public right-of-way before a Driveway Permit is issued by the Inspections Division per current Driveway Opening Policy.*

**(2) Permit Application Procedure.**

**a. Building and Street Excavation Permit Application(s).**

- 1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
- 2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit

- 3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

**b. Building Permit Application Submittal, Acceptance and Review.** After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

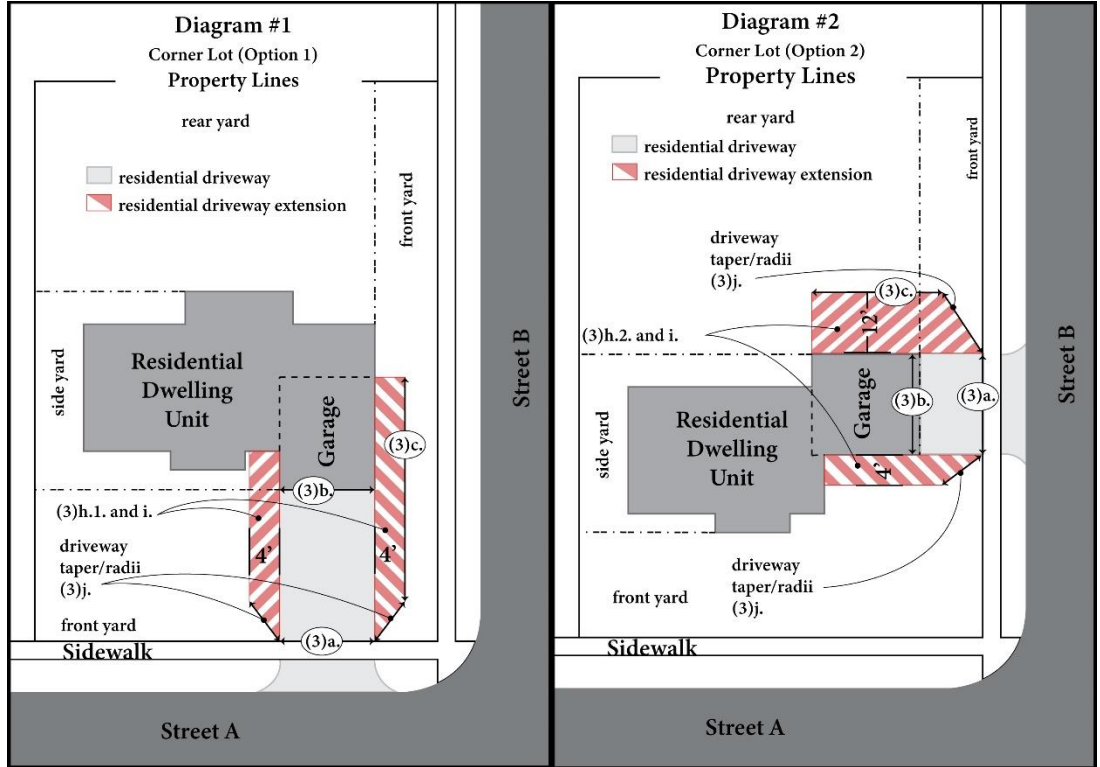
- 1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

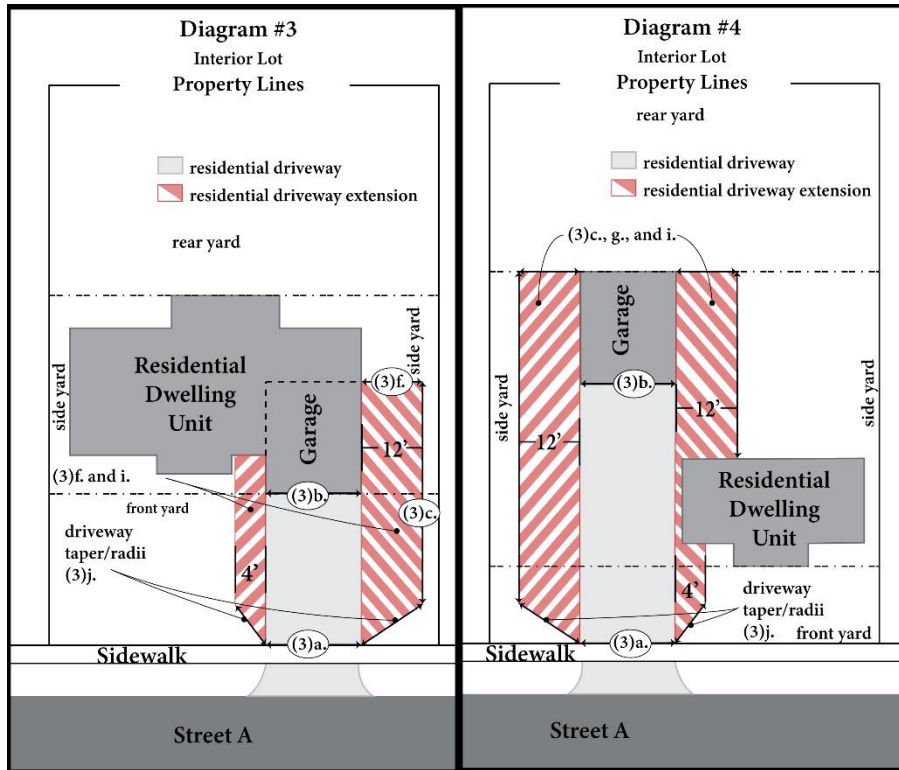
*Comments: The processes to grant relief to Zoning Ordinance regulations or appeal the decision of the Inspections Supervisor or their designee is under the authority of the Zoning Board of Appeals.*

**c. Building Permit Denial and Appeal.** The applicant may appeal the Building Inspections Supervisor's or their designee's decision pursuant to Section 23-67 of this Chapter.



**(3) Residential driveway and driveway extension dimensions, design and location standards.**





Comments: The proposed driveway maximum width requirement at the front line is the same dimension found in the Public Works Driveway Opening Policy.

- a. **Maximum residential driveway width at the front lot line.** Shall not exceed 40% of the lot width dimension where the residential driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.

Comments: The proposed driveway maximum width requirement beyond the front line was relocated from Section 19-91(b).

- b. **Maximum residential driveway width beyond the front line.** The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).

Comments: The driveway/driveway extension length provision was relocated from Section 19-91(b) and (f)(4).

- c. **Length.** The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.

Comments: The driveway/driveway extension surface requirement was relocated from Section 19-91(f)(2).

- d. **Surface Materials.** Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.

*Comments: The Driveway Installation Policy created under the Department of Public Works, specified driveway dimensional criteria when a garage is not present on a lot. The proposed language aligns with the current off-street parking zoning requirements to promote consistent administration of the Municipal Code.*

- e. **Garage not present.** If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:
  - 1. **Side yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:
  - 2. **Rear yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.

*Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.*

- f. **Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots.** A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.

*Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.*

- g. **Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots.** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

**h. Driveway extension. Maximum width (attached garage or carport) on corner lots.**

1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or
2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
3. Shall not be permitted to have both Options 1 and 2.

Comments: The proposed language is recommended for clarification purposes to promote consistent administration of the Municipal Code.

- i. **Location.** A driveway extension shall be located contiguous and parallel to the residential driveway.

Comments: The language for tapers and radii's associated with a driveways were relocated from Section 19-91(f)(5). The purpose of the taper/radii is to discourage vehicular trespass over the sidewalk, terrace and curb and gutter.

- i. **Taper/radii.** Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

Comments: Parking pads may be constructed as an alternative to a driveway extension. Parking pads should adhere to the typical 3-foot minimum setback requirement established for accessory uses/structures from a side and rear lot line to avoid parking pads being constructed over the lot line and minimize surface water drainage onto adjacent property. The proposed provisions are recommended to promote consistent administration of the Municipal Code.

**(4) Parking pad location and design standards.**

- a. **Location.** Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.
- b. **Materials.** The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.

- c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.

~~(f)~~ (g) **Setback, height and lot coverage restrictions.** Accessory buildings and/or structures, shall meet the following setback, height and lot coverage requirements:

(1) *Residential districts:*

- a. When not attached to the principal building, accessory buildings and/or structures, except for parking lots and driveways shall maintain a five (5) foot separation from a principal building or any other accessory building and/or structure on the same lot.

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## RECOMMENDATION

Based upon the above **analysis and pending public comments**, staff recommends that the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code, **BE APPROVED** as noted and identified in this staff report for the following Articles and Sections:

Sec. 19-91 Parking in front and side yard in residential district; parking on terraces, Sec. 19-92 Recreational and commercial vehicle parking and storage in residential district, Sec. 23-22 Words and terms defined and Sec. 23-43 Accessory uses, buildings and structures

## Draft Text Amendment Version without Strikeouts

### Chapter 23 Zoning: Sec. 23-43. Accessory uses, buildings and structures.

Section 23-43 (c) (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

#### Sec 23-43 (e) *Use and Location Restrictions for Vehicles.*

(1) **Purpose.** The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.

#### (2) *When associated with Residential Dwellings.*

- a. **Enclosed parking of commercial vehicles.** A maximum of one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers may be parked within an attached garage, attached carport, detached garage, and/or detached carport.
- b. **Outdoor parking of commercial or service vehicles.** A maximum of one (1) commercial or service vehicle rated at Class A, B and C not including semitrailers may be parked outdoors on a lot.
- c. **Outdoor parking of trailers and recreational vehicles.** The outdoor parking of not more than one (1) trailer or recreational vehicle may be permitted provided:
  1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes.
  2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.
  3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.

#### (3) *Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.*

- a. **Public Right-of-Way Encroachment Prohibited:** Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.
- b. **Front Yard:**
  1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
  2. Parking pads are prohibited in the front yard.

3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.

c. ***Side Yard:***

1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

d. ***Rear Yard:***

1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

(f) ***Residential driveway, driveway extension and parking pad regulations.***

- (1) ***Exemptions.*** Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.

- (2) ***Permit Application Procedure.***

- a. ***Building and Street Excavation Permit Application(s).***

1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit

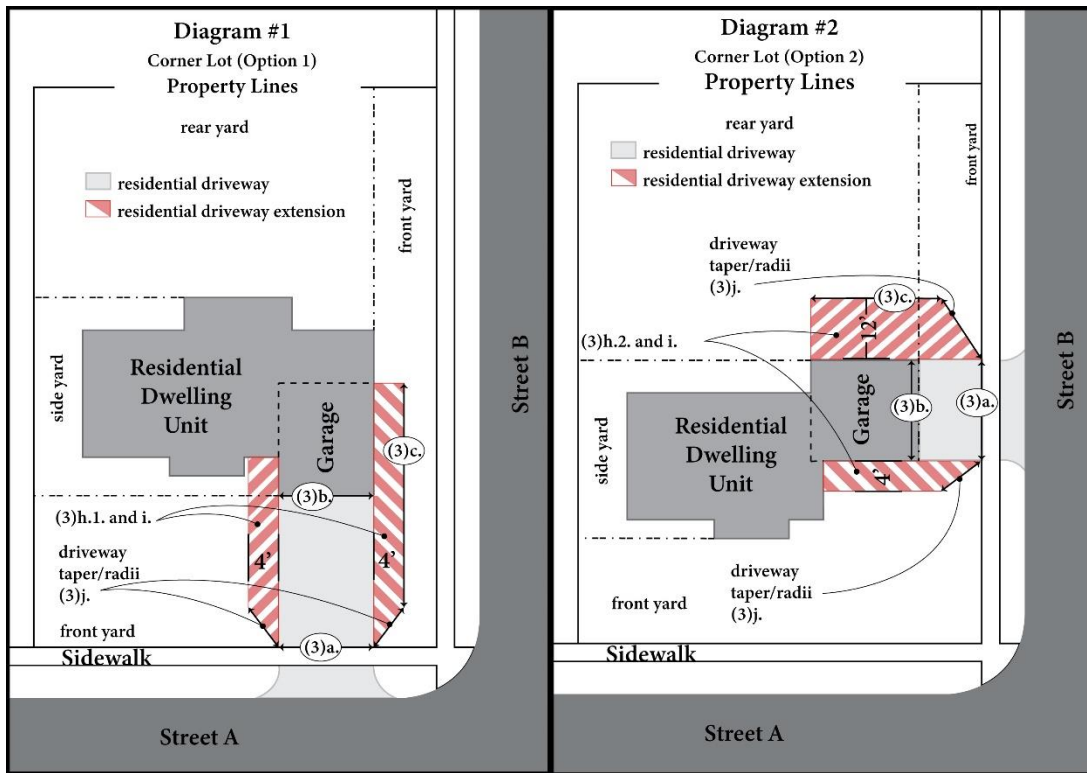
3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

b. **Building Permit Application Submittal, Acceptance and Review.** After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

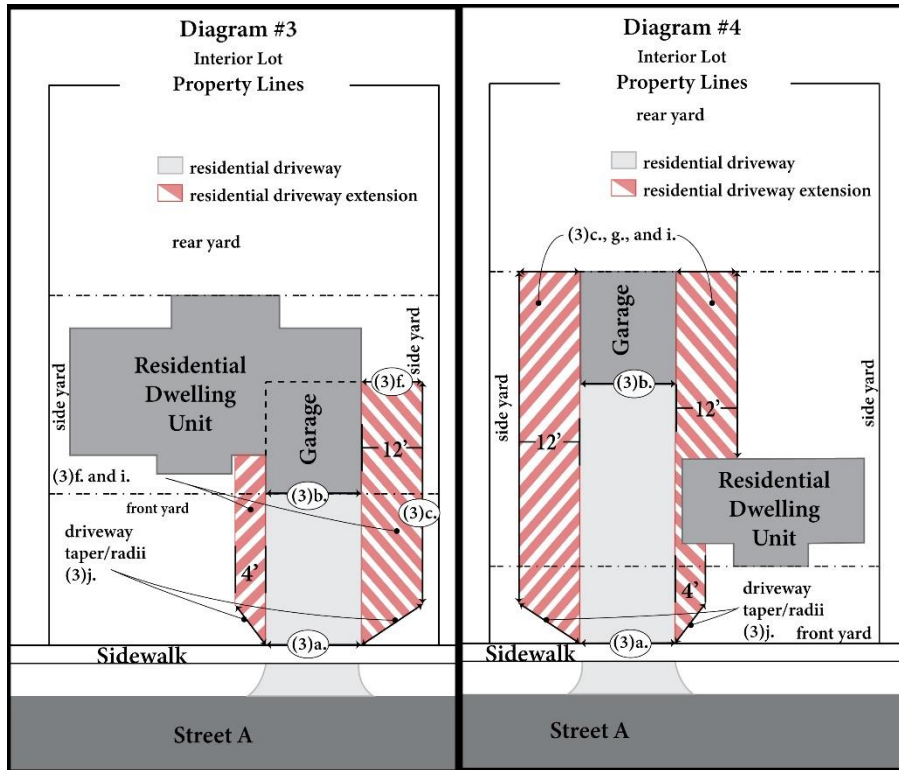
1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

c. **Building Permit Denial and Appeal.** The applicant may appeal the Building Inspections Supervisor’s or their designee’s decision pursuant to Section 23-67 of this Chapter.

(3) **Residential driveway and driveway extension dimensions, design and location standards.**







- a. **Maximum residential driveway width at the front lot line.** Shall not exceed 40% of the lot width dimension where the residential driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.
- b. **Maximum residential driveway width beyond the front line.** The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).
- c. **Length.** The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.
- d. **Surface Materials.** Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.
- e. **Garage not present.** If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:
  1. **Side yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no

wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:

2. **Rear yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.
- f. ***Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots.*** A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
  - g. ***Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots.*** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.
  - h. ***Driveway extension. Maximum width (attached garage or carport) on corner lots.***
    1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or
    2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
    3. Shall not be permitted to have both Options 1 and 2.
  - i. ***Location.*** A driveway extension shall be located contiguous and parallel to the residential driveway.
  - j. ***Taper/radii.*** Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

(4) ***Parking pad location and design standards.***

- a. ***Location.*** Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.

- b. **Materials.** The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.
- c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9th, 2024  
**To:** City Plan Commission  
**From:** Lindsey Smith, Principal Planner  
**Subject:** Informal Public Hearing for Municipal Code Text Amendments –

Chapter 16 Streets, Sidewalks and Other Public Places: Sec. 16-37  
Official Map; and

Chapter 23 Zoning: Sec. 23-32 Application of this Chapter, Sec. 23-65  
Zoning amendments, Sec. 23-91 AG Agricultural district, Sec. 23-151 PD  
planned development overlay district, and Sec. 23-152 TND traditional  
neighborhood overlay district.

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## GENERAL INFORMATION

The Community Development Department Planning staff collaborated with the City Attorney's Office and Department of Public Works on the following proposed draft Chapter 16 Streets, Sidewalks, and Other Public Places and Chapter 23 Zoning text amendments.

**Plan Commission Meeting Date Informal Public Hearing:** October 9, 2024

**Common Council Meeting Date Public Hearing:** November 6, 2024

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Periodic revisions to the Municipal Code are essential to maintain consistency with the Wisconsin State Statutes, Section 62.23(7) Zoning (State Zoning Enabling Act), and Section 62.23(6) Official Map. (Section A, B)
2. Continue to improve usability and organization of the land use regulations listed in Chapter 16 Streets, Sidewalks, and other Places and Chapter 23 Zoning. (Section A, B)
3. Further implement adopted goals and policies of the Comprehensive Plan listed below. (Section C)

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## BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The Comprehensive Plan includes several recommendations on potential changes to the City's Zoning Ordinance. Listed below are related excerpts from the *Comprehensive Plan 2010-2030*. In order to align with these recommendations, Community Development Department staff has prepared draft amendments to various sections of the Zoning Ordinance.

*OBJECTIVE 9.1 Economic Development:*

Implement the Appleton Economic Development Strategic Plan.

Business Retention & Expansion:

Streamline permitting process. Continue fast-track permitting. Review commercial permitting processes and streamline where appropriate to assure that permits are issued in a predictable and professional manner, and customers receive clear communication.

*OBJECTIVE 10.3 Land Use:*

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for "complete" neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

*OBJECTIVE 10.4 Land Use:*

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

*Policy 10.4.7* Encourage the creation of residential neighborhoods which are not characterized by large tracts of exclusively single-family residential dwellings or large, isolated clusters of duplex or multi-family buildings.

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## PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

### **SECTION A:**

*Comment: The amendment codifies the required process for official map amendments.*

## **CHAPTER 16 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES**

### **ARTICLE II. STREETS**

#### **Sec. 16-37 Official map.**

(d) ***Changes and amendments.*** The Common Council may, ~~whenever or as often as it may deem necessary for the public interest and after a public hearing as provided in W.S.A. §62.23(6)(b),~~ change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing

streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

(1) Initiation of Amendments. Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

(2) Amendment Procedure.

a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

b. **Authority of the Plan Commission.**

1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.

c. **Public hearing.**

1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
2. Class 2 Notice shall be given prior to public hearing.

d. **Authority of the Common Council.**

1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

### **Sec. 23-32. Application of this chapter.**

(c) From and after the effective date of this chapter:

(2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

### **SECTION B:**

*Comment: The amendment appoints Plan Commission to hold the required Public Hearing in accordance with Wisconsin State Statute 62.23(7)(d)(2). 2023 Wisconsin Act 16 requires amendments to be approved by simple majority of a quorum of the members-elect, effective January 1, 2025.*

### **Sec. 23-65. Zoning amendments.**

(a) **Purpose.** ~~The amendment process provides a method for making purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes in to the zoning text and zoning map.~~

(b) **Initiation of Amendments.**

- (1) Proposed text amendments may be initiated by: ~~Common Council Aldermanic Resolution, Plan Commission, or the Director.~~ the property owner or a resident of the City.
- (2) Proposed zoning map amendments may be initiated by: ~~Common Council Aldermanic Resolution, Plan Commission,~~ the owner of, or owner's designated agent of the particular property to be rezoned.

(c) **Text amendments Procedure.**

- (1) **Proposal by Common Council or Plan Commission.** ~~Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, of an alderperson submitted to the City Clerk to be forwarded to the Plan Commission or by direct initiation by the Plan Commission, a majority of the Plan Commission, or the Director. If Plan Commission determines an amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.~~ (2) **Application by property owner or resident.** ~~A property owner or resident wishing to amend the text of this chapter shall meet with the Community and Economic Development Director to discuss the proposed amendment. If the owner or resident wishes to pursue an amendment, they shall file an application form with the City Clerk accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review.~~ (3) **Informal**

(2) **Public hearing.**

- a. ~~Within thirty (30) days of filing, Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Community and Economic Development Director shall establish a date, time and place to hold an informal public hearing, before the Plan Commission.~~
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment petition and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) **Action by Authority of the Plan Commission.**

- a. ~~Within forty five (45) sixty (60) days of submitting the proposed amendments following the conclusion of the informal hearing, the Plan Commission shall transmit to the Common Council its recommendation. Failure of the Plan Commission to act within forty five (45) days following the conclusion of such~~

hearing shall be deemed a recommendation for the approval of the petitioned amendment as submitted.

- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2),(5) **Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

**(4) Action by Authority of the Common Council.**

- a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall either approve or deny the proposed amendment act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
  1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).
- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

**(d) Zoning Map aAmendments Procedure.**

- (1) **Proposal by Common Council or Plan Commission.** Zoning mapA amendments that serves a general public interest may be proposed by Aldermanic resolution of an alderperson in compliance with Council Rules, submitted to the City Clerk to be forwarded to the Plan Commission or by direct initiation by the Plan Commission. If the Plan Commission determines an amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees. A resolution to initiate a zoning map amendment rezoning must be accompanied by the information required on an application form provided by the City in subsection (2) that follows and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.

- (2) **Application procedure by property owner or property owner's designated agent.**
  - a. An property owner or property owner's designated agent wishing to amend the zoning map for rezone his their property shall meet with the Community and Economic Development Director to discuss the proposed zoning map amendment rezoning.



b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment ~~rezoning~~, they shall supply the information as required on an application form provided by the City. ~~obtain, complete and file a rezoning application form with the City Clerk accompanied by a nonrefundable fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review. The application form shall contain, at a minimum, the following information:~~

~~a.~~

~~Applicant and property owner's name, address and telephone number.~~

~~b. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use.~~

~~c. Present zoning district and use of the property.~~

~~d. Proposed zoning district and description of proposed land use and/or structures.~~

~~e. Justification for rezoning.~~

~~f. Map of area, drawn to scale, outlining the parcel(s) requested for rezoning, identifying all adjacent streets, properties, existing zoning and present uses on all adjacent properties.~~

**(3) (4) Informal Public hearing.**

a. Within thirty (30) days of filing, the Zoning map amendments will be submitted to the Plan Commission per 62.23(7). The Community and Economic Development Director shall establish a date, time and place to hold an informal public hearing before the Plan Commission.

b. Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.

c. The Director will be responsible for analyzing the facts regarding the petition zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.

**(4) (5) Authority of the Action by Plan Commission.**

a. Within forty-five (45) sixty (60) days from the filing of the completed application following the conclusion of the informal hearing, the Plan Commission shall transmit to the Common Council its recommendation. Failure of the commission to act within forty-five (45) days following the conclusion of such hearing shall be deemed a recommendation for the approval of the petitioned amendment as submitted.

b. If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).

**(5) (7) Authority of the Action by Common Council.**

a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall either approve or deny the petition unless the applicant request an extension. act upon the recommendation.

b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.

- c. The Common Council may approve or deny approval of the proposed amendment.  
 If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).  
 1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

~~—In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths (¾) vote of the members of the Common Council is required for approval of the amendment to this chapter. In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths (¾) vote of the members of the Common Council is required for approval of the amendment to this chapter.~~

*Comment: The amendment eliminates zoning amendment standards open to varied interpretations and provides same standards for text and map zoning amendments.*

**(e) (3) Standards for zoning map amendments.** All recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) a. ~~Prior to making a recommendation on a proposed zoning amendment rezoning,~~ the Plan Commission shall make a finding to determine if the following conditions exist. ~~No zoning amendment rezoning of land shall be approved prior to finding at least one (1) of the following:~~

- a. ~~1. The request for a zoning amendment is zone change is in conformance consistent with the VISION 20/20: Comprehensive Plan for the City of Appleton.~~
- b. ~~2. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.~~
- c. ~~3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).~~
- e. ~~There is an error in the code zoning ordinance text or zoning map as enacted.~~

~~b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:~~

- ~~1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site.~~

~~2. The effect of the proposed rezoning on surrounding uses. **Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless~~

such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

**Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

*Comment: The amendment provides an opportunity for an applicant to withdraw or request an extension.*

**(f) Time Period.**

- (1) **Extension.** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) **Withdrawal.** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) ~~(8)~~ **Reapplication time period.** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is for a different zoning district or for amended property boundaries.

~~(g) (8) Concurrent planning and zoning actions. for zoning amendment, planned development (PD) overlay and special use permit:~~ Applicants may submit a single petition to amend the Official Zoning Map to change a base zoning district and designate the same map area as a PD overlay district. ~~b. Applicants may submit applications concurrently. to amend the Official Zoning Map to change a base zoning district, designate the same map area as a PD overlay district and obtain approval for special uses within the zoning PD overlay district. The procedure for considering such a request shall be the same as for a zoning map amendment. The Common Council may, at the request of the petitioner, consider the amendments and special uses as a single vote or separate votes. Any Common Council action which includes approval of a special use shall require a two-thirds (2/3) vote for approval.~~

~~to amend the Official Zoning Map to change a base zoning district, designate the same map area as a PD overlay district and obtain approval for special uses within the zoning PD overlay district. The procedure for considering such a request shall be the same as for a zoning map amendment. The Common Council may, at the request of the petitioner, consider the amendments and special uses as a single vote or separate votes. Any Common Council action which includes approval of a special use shall require a two-thirds (2/3) vote for approval.~~

*Comment: The amendment eliminated the terms "temporary" and "permanent" zoning districts. The term "temporary" and "permanent" are misleading terms to the public as zoning classification can change from time to time. If the annexed land does not comply with AG Agricultural District standards, they are considered nonconforming and must comply with our nonconforming section of the zoning code.*

(~~h~~e) **Zoning of annexed areas.** All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in §23-65(e) ~~following criteria~~ in selection of an appropriate zoning district for the annexed land.

- ~~a.~~ the existing land uses within the territory to be annexed;
- ~~b.~~ The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- ~~c.~~ The comprehensive plan of the City.

A ~~temporary~~ zoning classification of AG Agricultural Zoning District ~~classification~~ shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a ~~temporary~~ zoning classification other than AG Agricultural Zoning District, ~~t~~The ~~Common Council~~ Plan Commission shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures §23-65(d), Zoning map amendments. ~~If time allows, said zoning shall be included in the annexation ordinance; otherwise a temporary zoning classification shall be assigned with permanent zoning taking place following the annexation process. If annexed territory does not comply with AG Agricultural Zoning District standards, §23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with §23-42. The temporary zoning classification must be made permanent in accordance with §23-65(d), Map amendments, within ninety (90) days or the zoning will revert to AG agricultural zoning. A building permit shall not be granted until there is a permanent zoning classifi~~  
 The temporary zoning classification must be made permanent in accordance with §23-65(d), Map amendments, within ninety (90) days or the zoning will revert to AG agricultural zoning. A building permit shall not be granted until there is a permanent zoning classification.

**SECTION C**

*Comment: The amendment eliminates dwelling, single family, detached and community living arrangements within the AG Agricultural District. Since the AG Agricultural District requires a minimum lot size of 10-acre, the zoning code is requiring large parcel for new single family homes within this zoning district. By eliminating these uses from the AG Agricultural District, the amendment encourages property owners to rezone to a residential district with a smaller minimum lot size requirement.*

**Section 23-91. AG Agricultural district.**

(b) **Principal permitted uses.** The following uses are permitted as of right in the AG district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<del>a.</del> Dwelling, single family, detached	<del>a.</del> Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52 <ul style="list-style-type: none"> <li>• Governmental facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Community garden</li> <li>• Greenhouse or greenhouse nursery.</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> </ul>

	<ul style="list-style-type: none"> <li>• Public parks or playgrounds</li> </ul>	<ul style="list-style-type: none"> <li>• Nursery, orchards or tree farm</li> <li>• Urban farm pursuant to §23-66(h)(17)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>
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**SECTION D**

*Comment: Zoning map amendments for PD and TND overlay will follow the same process as all other zoning map amendments.*

**Section 23-151. PD planned development overlay district.**

**(m) Procedure for approval of a Development Plan within the district.**

(2) **Step 2.** *Application, Development Plan and Implementation Plan Document (IPD).* The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the ~~Community and Economic Development~~ Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, ~~informal~~ public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
  - 1. All information listed in §23-151(n), Specific contents of Development Plans.
  - 2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
  - 3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the ~~Community and Economic Development~~ Director ~~on a diskette or~~ by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
  - 4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
  
- b. **Development Plan and Implementation Plan Document (IPD) review.** The ~~Community and Economic Development~~ Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for an ~~informal~~ public hearing.

~~c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.~~

~~**Informal hearing.**~~

~~The Plan Commission shall hold an informal hearing on each application for approval of a PD overlay district including the Development Plan and Implementation Plan Document (IPD) in accordance with §23-65(d), Map amendments, of this chapter.~~

~~d. **Plan Commission findings.**~~

~~Following the informal hearing, the Plan Commission shall make its findings and recommendations and send a written report to the Common Council that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Common Council must be submitted within thirty (30) days after the last session of the informal hearing of the Plan Commission or the Plan Commission must indicate to the Common Council, in writing, why such report cannot be rendered within that time period.~~

~~e. **Common Council action.**~~

~~The Common Council shall hold a public hearing and act upon the recommendation within forty-five (45) days after receipt of the Plan Commission's report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.~~

~~d. f. **Period of Validity.**~~

~~e. g. **Recording of Development Plan and Implementation Plan Document (IPD).**~~

**Section 23-152 TND traditional neighborhood development overlay district.**

**(n) Procedure for approval of a Development Plan within the district.**

**(2) Step 2. Application, Development Plan and Implementation Plan Document (IPD).**

The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the ~~Community and Economic Development~~ Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, ~~informal~~ public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:

1. All information listed in §23-152(o), Specific contents of Development Plans.

2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
  3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the ~~Community and Economic Development~~ Director ~~on a diskette or~~ by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
  4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
- b. **Development Plan and Implementation Plan Document (IPD) review.** The ~~Community and Economic Development~~ Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for an informal public hearing.
- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.

**~~Informal hearing.~~**

~~The Plan Commission shall hold an informal hearing on each application for approval of a TND overlay district including the Development Plan and Implementation Plan Document (IPD). in accordance with §23-65(d), Map amendments, of this chapter~~

d. **~~Plan Commission findings.~~**

~~Following the informal hearing, the Plan Commission shall make its findings and recommendations and send a written report to the Common Council that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Common Council must be submitted within thirty (30) days after the last session of the informal hearing of the Plan Commission or the Plan Commission must indicate to the Common Council, in writing, why such report cannot be rendered within that time period.~~

e. **~~Common Council action.~~**

~~The Common Council shall hold a public hearing and act upon the recommendation within forty five (45) days after receipt of the Plan Commission's report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.~~

d. f. Period of Validity.

e. g. Recording of Development Plan and Implementation Plan Document (IPD).

## **RECOMMENDATION**

Staff recommends, the proposed text amendments to Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning of the Municipal Code, **BE APPROVED** for the following Chapters, Articles, and Sections:

Sec. 16-37 Official Map, Sec. 23-32 Application of this Chapter, Sec. 23-65 Zoning amendments, Sec. 23-91 AG Agricultural district, Sec. 23-151 PD planned development overlay district, and Sec. 23-152 TND traditional neighborhood overlay district.



**CHAPTER 16 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES**

**ARTICLE II. STREETS**

**Sec. 16-37 Official map.**

(d) **Changes and amendments.** The Common Council may, change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

(1) Initiation of Amendments. Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

(2) Amendment Procedure.

- a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.
- b. **Authority of the Plan Commission.**
  - 1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
  - 2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
  - 3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.
- c. **Public hearing.**
  - 1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
  - 2. Class 2 Notice shall be given prior to public hearing.
- d. **Authority of the Common Council.**
  - 1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
  - 2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
  - 3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

**Sec. 23-32. Application of this chapter.**

- (c) From and after the effective date of this chapter:
- (2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

**Sec. 23-65. Zoning amendments.**

(a) **Purpose.** The purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes to the zoning text and zoning map.

(b) **Initiation of Amendments.**

- (1) Proposed text amendments may be initiated by: Aldermanic Resolution, Plan Commission, or the Director.
- (2) Proposed zoning map amendments may be initiated by: Aldermanic Resolution, the owner of, or owner's designated agent of the particular property to be rezoned.

(c) **Text amendments Procedure.**

(1) **Proposal.** Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, a majority of the Plan Commission, or the Director.

(2) **Public hearing.**

- a. Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Director shall establish a date, time and place to hold a public hearing.
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) **Authority of the Plan Commission.**

- a. Within sixty (60) days of submitting the proposed amendments the Plan Commission shall transmit to the Common Council its recommendation.
- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2).

(4) **Authority of the Common Council.**

- a. Within forty-five (45) days of the Plan Commission recommendation the Common Council shall act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
  1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

(d) **Zoning Map Amendments Procedure.**

- (1) **Proposal.** Zoning map amendments that serves a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules. A resolution to initiate a zoning map amendment must be accompanied by the information required on an application form provided by the City and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.
- (2) **Application procedure by property owner or property owner's designated agent.**
  - a. A property owner or property owner's designated agent wishing to amend the zoning map for their property shall meet with the Director to discuss the proposed zoning map amendment.
  - b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment, they shall supply the information as required on an application form provided by the City.
- (3) **Public hearing.**
  - a. Zoning map amendments will be submitted to the Plan Commission per 62.23(7). The Director shall establish a date, time and place to hold a public hearing.
  - b. Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.
  - c. The Director will be responsible for analyzing the facts regarding the zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.
- (4) **Authority of the Plan Commission.**
  - a. Within sixty (60) days from the filing of the completed application the Plan Commission shall transmit to the Common Council its recommendation.
  - b. If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).
- (5) **Authority of the Common Council.**
  - a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall act upon the recommendation.
  - b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.

- c. The Common Council may approve or deny approval of the proposed amendment. If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).
  1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

**(e) Standards for zoning amendments.** All recommendations for Zoning amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:
  - a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton.
  - b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district.
- c. There is an error in the zoning ordinance text or zoning map as enacted.

**(f) Time Period.**

- (1) **Extension.** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) **Withdrawal.** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) **Reapplication time period.** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is different.

**(g) Concurrent planning and zoning actions.** Applicants may submit applications concurrently.

**(h) Zoning of annexed areas.** All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in 23-65(e) in selection of an appropriate zoning district for the annexed land.

A zoning classification of AG Agricultural Zoning District shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a zoning classification other than AG Agricultural Zoning District, the Plan

Commission shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures 23-65(d), Zoning map amendments. If annexed territory does not comply with AG Agricultural Zoning District standards, 23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with 23-42.

**Section 23-91. AG Agricultural district.**

(b) **Principal permitted uses.** The following uses are permitted as of right in the AG district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<ul style="list-style-type: none"> <li>• Governmental facilities</li> <li>• Public parks or playgrounds</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Community garden</li> <li>• Greenhouse or greenhouse nursery.</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Nursery, orchards or tree farm</li> <li>• Urban farm pursuant to §23-66(h)(17)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

**Section 23-151. PD planned development overlay district.**

(m) **Procedure for approval of a Development Plan within the district.**

(2) **Step 2.** *Application, Development Plan and Implementation Plan Document (IPD).* The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:

1. All information listed in §23-151(n), Specific contents of Development Plans.
2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The

Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.

4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.

c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.

d. **Period of Validity.**

e. **Recording of Development Plan and Implementation Plan Document (IPD).**

### **Section 23-152 TND traditional neighborhood development overlay district.**

#### **(n) Procedure for approval of a Development Plan within the district.**

##### **(2) Step 2. Application, Development Plan and Implementation Plan Document (IPD).**

The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:

1. All information listed in §23-152(o), Specific contents of Development Plans.
2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation

Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.

- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.
  
- d. **Period of Validity.**
- e. **Recording of Development Plan and Implementation Plan Document (IPD).**



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9<sup>th</sup>, 2024  
**To:** City Plan Commission  
**From:** Lindsey Smith, Principal Planner  
**Subject:** Informal Public Hearing for Proposed Municipal Code Text Amendments –

Chapter 9 Licenses, Permits and Business Regulations: Sec. 9-262  
Conduct of business generally; and

Chapter 23 Zoning: Sec. 23-22 Words and terms defined, Sec. 23-35  
Transition rules, Sec. 23-66 Special use permits and special regulations,  
Sec. 23-112 C-1 neighborhood mixed use district, Sec. 23-113 C-2  
general commercial district, and Sec. 23-114 CBD central business  
district.

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## GENERAL INFORMATION

The Community Development Department Planning staff collaborated with the City Attorney's Office on the following proposed draft Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning text amendments.

**Plan Commission Meeting Date Informal Public Hearing:** October 9, 2024

**Common Council Meeting Date Public Hearing:** November 6, 2024

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Continue to improve usability and organization of the land use regulations listed in Chapter 9 Licenses, Permits, and Business Regulations and Chapter 23 Zoning.
2. Further implement adopted goals and policies of the Comprehensive Plan listed below.

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## BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The Comprehensive Plan includes several recommendations on potential changes to the City's Zoning Ordinance. Listed below are related excerpts from the



*Comprehensive Plan 2010-2030.* In order to align with these recommendations, Community Development Department staff has prepared draft amendments to various sections of the Zoning Ordinance.

**OBJECTIVE 9.1 Economic Development:**

Implement the Appleton Economic Development Strategic Plan.

**Business Retention & Expansion:**

Streamline permitting process. Continue fast-track permitting. Review commercial permitting processes and streamline where appropriate to assure that permits are issued in a predictable and professional manner, and customers receive clear communication.

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## PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

*The proposed text amendment includes the removal of uses relating to consumption of alcohol as a special use to a permitted use in the C-1, C-2, and CBD zoning districts.*

*The City does not have a great deal of discretion to deny a Special Use Permit application for uses relating to consumption of alcohol in accordance with Wisconsin Act 67. Staff is proposing uses related to consumption of alcohol as a permitted use rather than by special use permit which requires newspaper and neighborhood notices and a public hearing. Businesses intending to serve alcohol on their premises must obtain an alcohol license from the City Clerk's Office. Community Development Staff participates in alcohol license review pursuant to the Alcohol Policy process, which requires License Committee and Common Council action.*

*Comments: The amendment eliminates terms that were specific to alcohol consumption uses. The term amusement arcade is being added into the definition of commercial entertainment.*

## ARTICLE II. DEFINITIONS

### Sec. 23-22. Words and terms defined.

**~~Amusement arcade~~** means a use in which ~~fifteen (15) or more pinball machines, video games or other similar player operated amusement devices (see §9-126) are maintained. Principal uses which require a special use permit are not considered an amusement arcade (e.g. taverns, neighborhood recreation centers).~~

**Commercial entertainment** means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls, amusement arcade, concerts or music halls and similar entertainment activities.

**~~Painting/Craft Studio with alcohol sales~~** means a use that is primarily engaged in the business

~~of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.~~

**~~Painting/Craft Studio without alcohol sales~~** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that may offers customers the opportunity to purchase food, alcoholic and/or non-alcoholic beverages for consumption while they paint and/or make crafts.

**~~Restaurant (with alcohol)~~** means a use involving a business establishment, ~~with a valid liquor license issued by the City,~~ with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state ~~in individual serving or in non-disposable containers.~~

**~~Restaurant (without alcohol)~~** means a use involving a business establishment, ~~without a liquor license issued by the City,~~ with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state ~~in individual serving or in non-disposable containers.~~

*Comments: The amendment provides clarification that existing special use permits are null and void if moved from special use to a permitted use.*

### ARTICLE III. GENERAL PROVISIONS

#### Sec. 23-35. Transition rules.

(f) Previously Approved Special Use Permits.

(1) When a special use is no longer listed in the applicable use table, aAll special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.

~~(1)~~(2) When a special use becomes a permitted use in the applicable use table. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter, are no longer needed and become null and void. The provisions of the special use permits are no longer applicable for uses that are listed as a principal permitted use in the corresponding zoning district.

### ARTICLE IV. ADMINISTRATION

#### Sec. 23-66. Special use permits and special regulations.

(f) Guarantees, validity period and revocation.

(1) Expiration of special use permits.

d. A special use permit shall expire when a special use becomes a principal permitted in the applicable use table in the respective zoning district.

*Comments: The amendment removes reference to special use permits in special regulations section.*

(h) **Special regulations.** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(19) **Microbrewery/Brewpubs and Craft-Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- ~~d. Tasting rooms require a Special Use Permit in the C-1, C-2 and CBD Zoning District.~~
- e. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District ~~and requires a Special Use Permit.~~
- f. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(20) **Brewery and Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District ~~and requires a Special Use Permit.~~
- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations ~~or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(20)b.~~
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(21) **Winery.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District ~~and requires a Special Use Permit.~~
- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations ~~or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(21)b.~~

d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

*Comments: The amendment include the zoning district tables that are proposing to remove bar, tavern, craft-distillery, microbrewery/brewpub, tasting rooms, winery, paint/crafting studio with alcohol sales, and restaurants with alcohol sales as a special use to a permitted use. These uses will continue to have the same special provisions that would have been applicable for the uses.*

**ARTICLE VI. COMMERCIAL DISTRICTS**

**Sec. 23-112. C-1 neighborhood mixed use district.**

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-1 district.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• <u>Bar or Tavern pursuant to §23-66(h)(6)</u></li> <li>• <u>Craft-Distillery pursuant to §23-66(h)(19)</u></li> <li>• <u>Microbrewery/Brewpub pursuant to §23-66(h)(19)</u></li> <li>• <u>Painting/Craft studio without alcohol sales</u></li> <li>• <u>Restaurants (without alcohol)</u></li> <li>• <u>Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</u></li> <li>• <u>Winery pursuant to §23-66(h)(21)</u></li> </ul>

(e) **Special uses.** Special uses in the C-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• <del>Bar or Tavern pursuant to §23-66(h)(6)</del></li> <li>• <del>Craft-Distillery pursuant to §23-66(h)(19)</del></li> <li>• <del>Microbrewery/Brewpub pursuant to §23-66(h)(19)</del></li> <li>• <del>Painting/Craft studio with alcohol pursuant to §23-66(h)(6)</del></li> <li>• <del>Restaurants with alcohol pursuant to §23-66(h)(6)</del></li> </ul>

		<ul style="list-style-type: none"> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</li> <li>• Winery pursuant to §23-66(h)(21)</li> <li>• Amusement Arcade</li> </ul>
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**Sec. 23-113. C-2 general commercial district.**

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-2 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Painting/Craft studio pursuant to §23-66(h)(6) without alcohol sales</li> <li>• Restaurants pursuant to §23-66(h)(6) (without alcohol)</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

(e) **Special uses.** Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Painting/Craft studio with alcohol pursuant to §23-66(h)(6)</li> <li>• Restaurants with alcohol pursuant to §23-66(h)(6)</li> </ul>

		<ul style="list-style-type: none"> <li>• <del>Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</del></li> <li>• <del>Winery pursuant to §23-66(h)(21)</del></li> <li>• Amusement Arcade</li> </ul>
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**Sec. 23-114. CBD central business district.**

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• <u>Bar or Tavern pursuant to §23-66(h)(6)</u></li> <li>• <u>Craft-Distillery pursuant to §23-66(h)(19)</u></li> <li>• <u>Microbrewery/Brewpub pursuant to §23-66(h)(19)</u></li> <li>• <u>Painting/Craft studio pursuant to §23-66(h)(6) without alcohol sales</u></li> <li>• <u>Restaurants pursuant to §23-66(h)(6) (without alcohol)</u></li> <li>• <u>Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</u></li> <li>• <u>Winery pursuant to §23-66(h)(21)</u></li> </ul>

(e) **Special uses.** Special uses in the CBD district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• <del>Bar or Tavern pursuant to §23-66(h)(6)</del></li> <li>• <del>Craft-Distillery pursuant to §23-66(h)(19)</del></li> <li>• <del>Microbrewery/Brewpub pursuant to §23-66(h)(19)</del></li> <li>• <del>Painting/Craft studio with alcohol pursuant to §23-66(h)(6)</del></li> <li>• <del>Restaurants with alcohol pursuant to §23-66(h)(6)</del></li> <li>• <del>Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</del></li> </ul>

		<ul style="list-style-type: none"> <li>• <del>Winery pursuant to §23-66(h)(21)</del></li> <li>• Amusement Arcade</li> </ul>
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**CHAPTER 9 – LICENSES, PERMITS AND BUSINESS REGULATIONS**

**ARTICLE VI. FOOD AND FOOD SERVICE ESTABLISHMENTS**

**DIVISION 4. SIDEWALK CAFES**

**9-262. Conduct of business generally.**

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

- (1) The permit holder must hold a Class B license.
- (2) The description for the premise on the Class B license must include the parameters of the sidewalk café.
- ~~(3) The permit holder must obtain a Special Use Permit.~~
- ~~(34)~~ (34) The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.
- ~~(45)~~ (45) A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.
- ~~(56)~~ (56) Customers are not allowed to carry alcoholic beverages outside the sidewalk café.

**RECOMMENDATION**

Staff recommends, the proposed text amendments to Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning of the Municipal Code, **BE APPROVED** for the following Chapters, Articles, and Sections:

Sec. 9-262 Conduct of business generally, Sec. 23-22 Words and terms defined, Sec. 23-35 Transition rules, Sec. 23-66 Special use permits and special regulations, Sec. 23-112 C-1 neighborhood mixed use district, Sec. 23-113 C-2 general commercial district, and Sec. 23-114 CBD central business district.

## ARTICLE II. DEFINITIONS

### Sec. 23-22. Words and terms defined.

**Commercial entertainment** means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls, amusement arcade, concerts or music halls and similar entertainment activities.

**Painting/Craft Studio** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that may offer customers the opportunity to purchase food, alcoholic and/or non-alcoholic beverages for consumption while they paint and/or make crafts.

**Restaurant** means a use involving a business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state.

## ARTICLE III. GENERAL PROVISIONS

### Sec. 23-35. Transition rules.

(f) Previously Approved Special Use Permits.

- (1) When a special use is no longer listed in the applicable use table, all special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.
- (2) When a special use becomes a permitted use in the applicable use table. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter, are no longer needed and become null and void. The provisions of the special use permits are no longer applicable for uses that are listed as a principal permitted use in the corresponding zoning district.

## ARTICLE IV. ADMINISTRATION

### Sec. 23-66. Special use permits and special regulations.

(f) **Guarantees, validity period and revocation.**

**(1) Expiration of special use permits.**

- d. A special use permit shall expire when a special use becomes a principal permitted in the applicable use table in the respective zoning district.



(h) **Special regulations.** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

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- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- e. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District.
- f. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(20) **Brewery and Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District
- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(21) **Winery.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District.
- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

## ARTICLE VI. COMMERCIAL DISTRICTS

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(e) **Special uses.** Special uses in the C-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses

**Sec. 23-113. C-2 general commercial district.**

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-2 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
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(e) **Special uses.** Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses

**Sec. 23-114. CBD central business district.**

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the CBD:

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		<ul style="list-style-type: none"> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Painting/Craft studio pursuant to §23-66(h)(6)</li> <li>• Restaurants pursuant to §23-66(h)(6)</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

(e) **Special uses.** Special uses in the CBD district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses

**CHAPTER 9 – LICENSES, PERMITS AND BUSINESS REGULATIONS**

**ARTICLE VI. FOOD AND FOOD SERVICE ESTABLISHMENTS**

**DIVISION 4. SIDEWALK CAFES**

**9-262. Conduct of business generally.**

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

- (1) The permit holder must hold a Class B license.
- (2) The description for the premise on the Class B license must include the parameters of the sidewalk café.

(3) The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.

(4) A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.

(5) Customers are not allowed to carry alcoholic beverages outside the sidewalk café.



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final CEA Review Committee

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Monday, October 7, 2024

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

**Present:** 4 - Ohman, Van Zeeland, Meltzer and Jungwirth

4. Approval of minutes from previous meeting

[24-1270](#)

Minutes from May 6, 2024

**Attachments:** [05-06-24 CEA Minutes.pdf](#)

**Van Zeeland moved, seconded by Ohman, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Ohman, Van Zeeland, Meltzer and Jungwirth

5. **Public Hearing/Appearances**

6. **Action Items**

[24-1271](#)

Request to Purchase Enclosed Trailer for APD Identification Unit

**Attachments:** [Memo to Purchase Enclosed ID Trailer.pdf](#)

**Van Zeeland moved, seconded by Jungwirth, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Ohman, Van Zeeland, Meltzer and Jungwirth

7. **Information Items**

8. Adjournment

**Van Zeeland moved, seconded by Ohman, that the meeting be adjourned. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Ohman, Van Zeeland, Meltzer and Jungwirth



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 15, 2024  
**To:** Finance Committee  
**From:** Dean Gazza, Director of Parks & Recreation  
Kara Homan, AICP, Director of Community Development  
Olivia Galyon, Community Development Specialist  
**Subject:** ARPA Funds Obligation to Parks & Recreation Department for FCEC Repositioning & Tourism Recovery Project

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City staff are bringing forward a request to obligate the remaining amount of the Local Economic Recovery ARPA Allocation to a Parks & Recreation Department project, as follows:

**Project Title:** Fox Cities Exhibition Center (FCEC) Repositioning & Tourism Recovery Project

**Total ARPA Obligation/Award Amount:** \$985,000

**Lead Department:** Parks & Recreation Department

**ARPA Eligibility Category (EC):** EC 2.35 Aid to Tourism, Travel or Hospitality

**Project Description:**

The Fox Cities Exhibition Center opened in 2018. The building is owned by the City of Appleton, but managed by the entity that owns/operates the adjacent Appleton Hilton Paper Valley. The facility was challenged by the COVID 19 pandemic, which occurred in its first few years of operations which was planned to be its ramp up period. Since opening, and in particular since the pandemic, the facility has been hindered as the facility lacked some features that prevented it from reaching its full market & tourism potential – namely carpeting and acoustical improvements. To remedy these deficiencies, funding is proposed to design/engineer and install acoustical improvements; and evaluate and install carpeting. Other miscellaneous maintenance and improvements may also be considered dependent on budget and final scope of work.

Second, the Management Agreement for the Exhibition Center expires on 12/31/2025. We are seeking the assistance of a consultant(s) to assist in developing a strategy and advise on/guide the negotiation and development of a new management agreement. This consultant will assist the City to ensure the agreement is effective to reach the goals of the Exhibition Center. It will address marketing, maintenance, capital expenditures, staffing, utilization and other areas. Consultant(s) whom specializes in Exhibition Center agreements is/are required to ensure the greatest potential is reached for this facility and that the investment made by all municipalities is met.

Together, the implementation of these project components (e.g. Design/Engineering, Capital Improvements, and Management Consulting) will increase the number of organizations that will utilize the facility for future events, increasing tourism and generating more operating revenue. These funds will create a sustainable business model for the facility and improve tourism recovery post-COVID.

**Recommendation:**

City staff recommends approving the FCEC Repositioning & Tourism Recovery Project, as outlined in this memo.

As we implement this project, any components of the project (such as awarding consulting contracts or award of bids) will come back through the common council approval process in accordance with council rules and city policy.

This project has been reviewed and vetted by the city's ARPA consultant, Booth Management Consulting (BMC), and deemed to be ARPA eligible. They will advise the city throughout the project to ensure we comply with all federal / US Treasury requirements (in addition to city policy).



DEPARTMENT OF  
**UTILITIES**

**Department of Utilities**  
Wastewater Treatment Plant  
2006 East Newberry Street  
Appleton, WI 54915  
p: 920-832-5945  
f: 920-832-5949

[www.appleton.org/government/utilities](http://www.appleton.org/government/utilities)

## MEMORANDUM

**Date:** October 16, 2024  
**To:** Chairperson Brad Firkus and Members of the Finance Committee  
**CC:** Chris Stempa, Director of Utilities  
Kelli Rindt, Enterprise Accounting Fund Manager  
**From:** Brian Kreski, Environmental Programs Coordinator  
**Subject:** **Finance Committee Action: Request Sole Source contract with Beneficial Reuse Management for 2025-2027 Biosolids Transportation, Application, and Incorporation Services**

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### BACKGROUND:

The Appleton Wastewater Treatment Plant (AWWTP) annually land applies approximately 23,000 wet tons of biosolids to nearly 1,000 acres of permitted agricultural fields as part of the Biosolids Management Program. The program is committed to effectively manage and utilize 100% of the biosolids produced through beneficial use alternatives such as agricultural land application and biosolids composting. Each year the AWWTP has contracted the transportation, land application, and incorporation of approximately 90% of the biosolids produced to agricultural sites as far away as 80 miles (one way).

Biosolids transportation and land application services compliant with Wisconsin Department Administrative Code NR 204 had historically been provided to the city through one company. Superior Special Services first held the contract in 2000. The company name changed as part of various acquisitions over the years which included Onyx Special Services, Veolia Environmental Services, and finally Clean Harbors until late 2019.

On October 8, 2019, Clean Harbors notified the AWWTP that it would not proceed with work under the existing contract unless the AWWTP agreed to pay an additional surcharge of 20% to 24% based on the mileage range to permitted sites. AWWTP management staff decided to pursue a different direction based on Clean Harbors' unexpected request and its inability to satisfy baseline contract conditions. A formal RFQ process for services was immediately initiated with the support of the Utilities Department Director, Deputy Director, Environmental Programs Coordinator, Deputy City Attorney, and the Enterprise Account Manager.

### RFQ RESULTS (2019-2021):

The AWWTP sent an RFQ to five firms with the capacity and experience to meet the AWWTP's requirements for these contracted services. The contract term was from October 2019 to December 2019, with two optional years in 2020 and 2021. Two of the five firms submitted a formal response. Based on the results of the RFQ process, Beneficial Reuse Management (BRM) was awarded the 2019-2021 contract. The BRM contract was 3% less than the 2019 Clean Harbors surcharge rates and was less than the next closest quote as part of the 2019 RFQ process.



**PROPOSED BRM CONTRACT EXTENTION (2025-2027)**

The BRM extension proposal is summarized in Table 1. The Transportation and application rates for 2024 remain unchanged or a similar projection to the 2023 costs because BRM will need to accommodate for increases incurred for expenditures such as trucking services that are affected by rising fuel costs (27% increase), scaling (30% increase), labor, insurance, benefits, and miscellaneous overhead. These factors create a challenging environment for companies to deliver on required contract services while maintaining profit margins to stay competitive, grow, and reinvest in their companies. Despite the proposed increases, rates are competitive with market adjustments seen with past RFQ processes and contract extensions.

**TABLE 1: BRM CONTRACT SERVICES PROPOSAL**

BRM Contract Year:	2024 (current)	2025	2026	2027
Transportation and Application:	\$463,744	\$579,680	\$597,070	\$614,982
Annual Cost Increase	2%	25%	3%	3%

Note: Costs based on 23,000 wet tons and average unit rates for distance, scaling, and fuel surcharges

Attached to this memo is a letter from BRM which outlines the cost increases being proposed as part of a 2025-2027 contract extension. It is noteworthy that BRM has provided extremely reliable and regulatory-compliant services over the life of the existing contract. In doing so, BRM has helped avoid the need to rely on more costly alternatives such as biosolids composting or landfilling.

**JUSTIFICATION**

History and experience have consistently demonstrated the importance for the land application contractor to possess the necessary expertise, experience, and specialized equipment to deliver the required services. Equally important is their ability to be nimble and responsive to change. Appleton's active inventory of land application sites includes approximately 14,000 acres across six counties and is subject to ongoing evaluation. Maintaining relationships with landowners is a critical component to the success of the AWWTP Biosolids Management Program. Farming decisions are driven by commodity prices which dictate planting rotations and nutrient requirements, weather conditions, lease agreements, changes in ownership, and public influence formulated by opinions on biosolids. The performance of the prior contractor stressed many of those relationships which took time to recover from. BRM was a key player in reestablishing that trust and has gained the trust of the AWWTP management staff. They have demonstrated their ability to deliver necessary services and sustain the high standard that the AWWTP Biosolids Management Program has been historically recognized for.

**RECOMMENDATION:**

I am requesting sole source approval for the 2025-2027 Biosolids Transportation, Application Services, and Incorporation Services contract to be awarded to Beneficial Reuse Management based on the rates provided in the attached proposal extension letter.

If you have any questions regarding this project, please contact me at 920-832-2316.

**Encl:**

Finance Department Sole Source Request Form  
BRM Proposal Letter



## SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

- Unique, proprietary, or one-of-a-kind:** Specific commodity/service is required and available from only one source, giving the City a superior and necessary benefit that cannot be obtained from other sources.
- Inadequate competition:** Purchasing solicitation (bid, proposal, or quote) did not result in any qualified vendor responses and competition is determined to be inadequate.
- Health or Safety Concern:** When a health or safety concern exists that is *not* an immediate threat but needs to be addressed in a period that does not allow for formal competitive procurement procedures.
- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below

PROPOSED DETAILS
Requesting dept: Appleton Wastewater Treatment Plant
Product/service: Biosolids transportation, application, & incorporation services
Vendor name: Beneficial Reuse Management
Total cost: \$579,680 (2025), \$597,070 (2026), \$614,982 (2027)

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.

  
Purchasing Manager

10/16/2024  
Date



10-14-2024  
City of Appleton  
Brian Kreski  
Environmental Programs Coordinator  
RE: Biosolids Hauling Contract Extension

Dear: Mr. Kreski,

Beneficial Reuse Management (BRM) has enjoyed working with the City of Appleton on their long standing biosolids application program for the last 5 (plus) years. We value our partnership and hope the city feels the same. To that end, we'd like to propose a contract extension to the agreement we have that expires at the end of this year.

We feel an extension is warranted based on the excellent customer service we've provided by removing all biosolids allocated to us each year in an environmentally safe and timely manner. We work around the clock when needed and do whatever it takes to ensure the city can operate its plant and not have biosolids storage issues due to our lack of ability to move and spread the sludge.

We also feel that a price increase is warranted due to rising costs to execute the program. Trucking rates have gone from an average of \$90-\$95 per hour three years ago to a current average of \$125-\$130 per hour and they will be increasing from there. Labor and insurance have gone up significantly and equipment today is far more expensive than it was even just two years ago. For these reasons, we are requesting a 25% increase for trucking and spreading.

Another example of other increased costs: if you look at incorporation alone, when we charge \$22 per acre, as we have this year, that is approximately \$880 per day we are paid, since we can till on average about 40 acres in that day. To have a tractor, loader and tillage equipment on site incorporating for \$880 per day – that is significantly below market rate. If we work on average 14 hours on that day, we are getting paid \$62 per hour. The going rate for all of that equipment and those services is significantly higher (in the hundreds of dollars per hour) and so we're also requesting an increase for incorporation.

Below is a breakdown of our price increase request:

**Straw:**

2025	\$7.25 per bale
2026	\$7.50 per bale
2027	\$7.75 per bale



**Incorporating:**

2025	\$30.00 per acre
2026	\$31.00 per acre
2027	\$32.00 per acre

**Spreading and trucking:**

2025	25% increase from 2024 pricing
2026	3% increase from 2025 pricing
2027	3% increase from 2026 pricing

**Mobilization:**

We are currently charging \$1000 mobilization fee for every time we are required to haul sludge. However, this fee does not cover the cost associated with it. Each time we have to move the 4-5 pieces of equipment to a new site, it can take over a day to move it. If we need to use a lowboy, it can cost several thousand dollars. We're requesting the mobilization fee to increase to \$2200 per movement.

**Scaling:**

We are not requesting an increase for the scale fee but reserve the right to request one if our cost for scaling is increased to us.

We'd like to thank you for your consideration for this extension, Brian. We value our partnership with the City of Appleton and remain committed to offering you the best service possible in an environmentally friendly and safe manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Schuurman".

Trevor Schuurman





DEPARTMENT OF  
**UTILITIES**

**Department of Utilities**  
Wastewater Treatment Plant  
2006 East Newberry Street  
Appleton, WI 54915  
p: 920-832-5945  
f: 920-832-5949

[www.appleton.org/government/utilities](http://www.appleton.org/government/utilities)

## MEMORANDUM

**Date:** October 17, 2024  
**To:** Chairperson Brad Firkus and Members of the Finance Committee  
**CC:** Chris Stempa, Director of Utilities  
Colin Stoffel, Wastewater Operations Supervisor  
Kelli Rindt, Enterprise Accounting Fund Manager  
**From:** Ryan Rice, Deputy Director of Utilities  
**Subject:** **Finance Committee Action: Award sole source purchase of Plunger pump to Wastecorp Pumps in the amount of \$35,000, along with the following budget amendment. Primary Clarifier Rebuild CIP -\$35,000 and Plunger Pump Replacement CIP +\$35,000**

---

### BACKGROUND:

The Appleton Wastewater Treatment Plant (AWWTP) utilizes four plunger pumps (primary sludge pumps) to remove settled sludge from six primary clarifiers and pump the material to the sludge blending process prior to anaerobic digestion. These pumps operate many times a day and occasionally run continuously during high flow events, when the sewers are scoured, and heavy material is conveyed to the preliminary and primary treatment processes. Standard wastewater treatment plant design based on Wisconsin Administrative Code requires redundant equipment to sustain uninterrupted operation. That means having multiple critical devices to perform the same function so that a system or process can be operated even if the other were to fail. If multiple plunger pumps were to become inoperative, settled sludge would not be removed from the primary clarifiers, which would lead to cascading failure of the primary clarification process.

Two original 1970s and one 1990s vintage pump have been replaced with new plunger pumps since 2021 due to the cost to rebuild nearly as much as the cost of a new pump. The failed pump is a 1992 vintage pump which has reached the end of its useful life and like the other three pumps, the cost to rebuild to a reliable condition is almost the cost of a new pump.

### QUOTATION

Wastecorp provided a quote to purchase a new plunger pump for \$35,000.

### JUSTIFICATION

Purchasing from Wastecorp maintains continuity with the three other pumps for maintenance and operational consistency, redundancy, and returns reliability to the primary clarification process.

### RECOMMENDATION:

I recommend the sole source purchase of a plunger pump from Wastecorp Pumps in the amount of \$35,000

The following budget amendment will be required to fund the project:

Primary Clarifier Rebuild -\$35,000

Plunger Pump Replacement +\$35,000

The Primary Clarifier Rebuild project was put on hold earlier this year due to pricing received to complete the project.

If you have any questions regarding this request, please contact Ryan Rice at 920-832-5945.

**Encl:** Finance Department Sole Source Request Form



## SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

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- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below

OEM equipment. Cost of new pump is approximately \$64 more than cost of parts to rebuild and comes with a standard 1-year warranty.

### PROPOSED DETAILS

Requesting dept: Appleton Wastewater Treatment Plant

Product/service: Plunger pump

Vendor name: Wastecorp Pumps

Total cost: \$35,000

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.

  
Purchasing Manager

10/16/2024  
Date





## SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

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- Continuity of design:** Consistency with current commodity or service.
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- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below

McMahon offers the most advantageous balance of price, quality and performance, providing the greatest overall benefit.

### PROPOSED DETAILS

Requesting dept: Appleton Wastewater Treatment Plant

Product/service: Summer Street lift station relocation

Vendor name: McMahon Associates Inc.

Total cost: \$122,200 with 5% contingency of \$6,110 for total not to exceed \$128,310

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.

  
Purchasing Manager

10/16/2024  
Date



DEPARTMENT OF  
**UTILITIES**

**Department of Utilities**  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 tel.  
920-832-5949 fax

[www.appleton.org/government/utilities](http://www.appleton.org/government/utilities)

## MEMORANDUM

**Date:** October 17, 2024  
**To:** Chairperson Brad Firkus and Members of the Finance Committee  
**CC:** Chris Stempa, Director of Utilities  
Kelli Rindt, Enterprise Accounting Fund Manager  
**From:** Ryan Rice, Deputy Director of Utilities  
**Subject:** **Finance Committee Action: Award Sole Source Engineering Services Contract to McMahon Associates for Summer Street Lift Station Replacement in the amount of \$122,200 with a 5% contingency of \$6,110 for a total not to exceed \$128,310**

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### BACKGROUND:

There are approximately 335 miles of collection sewer and 14 lift stations within the City of Appleton Sewer Service Area (SSA) that convey sewage to the Appleton Wastewater Treatment Plant (AWWTP). Failures of lift stations pose the immediate risk of sanitary sewer back-ups into residential basements, businesses, and industries served in these areas. The lift stations currently serving customers within the City of Appleton are a critical component of the sewerage system, and it is vital that their operational integrity be always maintained to prevent sanitary sewer overflows or backups.

The 2024 Capital Improvements Program (CIP) plan identified the Marshall Heights and Water Street lift stations as candidates for upgrades after over 20 years of continuous service. However, staff have recently reprioritized the CIP plan to focus on the Summer Street lift station after an escalating trend of sewage pump blockages, pump failures, and observations of groundwater intrusion into the existing drywell.

The Summer Street lift station is located on the northeast side of intersection at North Badger Avenue and West Summer Street in Appleton. It was originally constructed in 1939 as an integral wetwell/drywell equipment lift station within the north lane of West Summer Street. Integral design meaning that the pump motor equipment was installed on an intermediate floor above but within the sewage wetwell (i.e. concrete tank).

The lift station was upgraded in 1963 to a 'can' style station, consisting of below grade dry pit centrifugal pumps housed in a steel enclosure that was constructed just north of the wet well. The pumping equipment was removed from the wet well.

In 1998, the lift station received its latest upgrade to a Gorman Rupp, factory built, canned lift station. The lift station includes a pair of self-priming centrifugal pumps. The inlets of the pumps are installed approximately 11-feet above the floor of the wet well, creating a suction lift condition. The intermediate floor remains within the wetwell today which creates a confined space entry hazard for

maintenance or emergency response activities. The present day below ground drywell structure requires staff to enter a manway at ground level and climb down a ship ladder approximately 17 feet to the lower elevation to access the equipment. Staff are required to follow confined space entry procedures whenever accessing the drywell space. This lift station design is the only remaining “can” design of the City’s 14 lift stations, after Briarcliff lift station’s “can” design was replaced with a submersible pump lift station in 2018, which was a McMahon engineered project.

McMahon was previously contracted to provide an evaluation of the current lift station which included: collection area capacity evaluation, equipment conditions assessment, and project alternatives analysis. That evaluation included feedback from the Utilities and Public Works departments pertaining to safety, reliability, and operational improvements. McMahon identified a concept not considered by AWWTP staff that effectively addressed those concerns by constructing a new lift southeast of the current site. Before McMahon’s evaluation, staff had focused on solutions immediately adjacent to the existing lift station within the terrace on the north side of Summer Street.

In McMahon’s evaluation, an opinion of probable cost for construction of \$1,493,000 was provided for a new station.

## **PROPOSAL**

McMahon was asked to provide a proposal for professional engineering services that would deliver design, bidding, and construction services needed to replace the current lift station entirely. The scope of services also includes processes associated with Wisconsin Department of Natural Resources (DNR) review and approval. That step is requisite prior to any construction activities could begin in 2025. The McMahon proposal detailed each aspect of the design, bidding, and construction services required to provide the necessary deliverables that would allow AWWTP staff to advance the construction public bid process early in 2025 to achieve a favorable bidding environment. The proposed cost of design phase (\$61,900), bidding (\$4,500) and construction management services (\$55,000) totaled \$122,200.

## **JUSTIFICATION**

The 2024 capital budget identified \$1,600,000 in total for engineering and construction costs for the Water Street and Marshall Heights lift station. With the reprioritization of Summer Street lift station for replacement and the estimate of \$1,493,000 for construction, McMahon’s proposed total fee of \$122,200 is approximately 8.2% of the total amount estimated for construction. That percentage is below the average of 15% for engineering services on a project of this complexity.

McMahon has provided engineering and construction management related services on half of the sewage lift stations within the Appleton SSA. Those projects have varied from equipment rehabilitation or upgrades to wholesale lift station system replacement, including most recently construction of the third largest lift station (new construction) in the Appleton SSA. They are familiar with the sewerage collection system and have consistently demonstrated the ability to develop effective approaches that deliver successful project outcomes. McMahon’s local presence and experienced team coupled with past City of Appleton collection system project experience has translated into highly responsive and value-added services which is reflected in their proposal fee and a 5% contingency recommendation (in lieu of 10%-15%).

**RECOMMENDATION:**

I am recommending the approval of a sole source engineering contract to McMahon Associates for Summer Street Lift Station Replacement in the amount of \$122,200 with a 5% contingency of \$6,110 for a total not to exceed \$128,310

If you have any questions regarding this project, please contact Ryan Rice at 920-832-5945.

**Encl:** Finance Department Sole Source Request Form



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9, 2024  
**To:** Community Development Committee  
**From:** Kurt Craanen, Inspections Supervisor  
**Subject:** Proposed Municipal Code Text Amendments – Chapter 4 Buildings: Sec. 4-66(a) and Sec. 4-66(b)

---

## GENERAL INFORMATION

The Community Development Department staff collaborated with the City Attorney's Office on the following proposed draft Chapter 4 Buildings text amendments.

This item will appear at the November 6, 2024 Common Council meeting to coincide with other text amendments requiring a public hearing at City Plan Commission and Common Council.

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

Staff proposes to update language to Section 4-66(a) and Section 4-66(b) of the Municipal Code to clarify that structures, as well as buildings, require a building permit.

---

## BACKGROUND

The reason for the proposed changes is to clarify what types of projects require a permit. Structures, along with buildings, should require a permit before they are constructed so staff can review the proposed location and to ensure the standards in the building and zoning codes are met.

---

## PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined.

## DIVISION 3. PERMITS

### Sec. 4-66. Required; exception.

(a) No person shall excavate for a structure or building; construct, enlarge, alter, remove or demolish or change the occupancy of a building from one use to another requiring greater strength, exit or sanitary provisions or change to a prohibited use; or install or alter any wiring equipment or electrical, plumbing, heating and ventilating facilities for which provision is made or the installation of which is regulated by this chapter without first filing an application with the Inspection Supervisor on the form provided in writing and obtaining the required permit therefore, except that ordinary repairs which do not involve any violation of this chapter shall be exempt from this provision.

(b) Ordinary repairs to structures or buildings may be made without application or notice to the Inspection Supervisor; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or general safety.

---

### RECOMMENDATION

Staff recommends the proposed text amendments to Chapter 4 Buildings of the Municipal Code, **BE APPROVED** for Sec. 4-66 (a) and (b) to clarify that structures, as well as buildings, require a permit before construction.



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9, 2024  
**To:** Community Development Committee  
**From:** Kurt Craanen, Inspections Supervisor  
**Subject:** Proposed Municipal Code Text Amendments – Chapter 4 Buildings: Sec. 4-241

---

## GENERAL INFORMATION

The Community Development Department staff collaborated with the City Attorney's Office on the following proposed draft Chapter 4 Buildings text amendments.

This item will appear at the November 6, 2024 Common Council meeting to coincide with other text amendments requiring a public hearing at City Plan Commission and Common Council.

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

Staff proposes to update language to Section 4-241(a) of the Municipal Code to require fences to be anchored at least forty-eight (48) inches in the ground and to move the Department of Public Works Driveway Installation Policy into Section 4-241(d) of the Municipal Code.

---

## BACKGROUND

Building construction standards require sub-grade foundations to be below the frost line, which in this part of the country is forty-eight (48) inches, to prevent frost from heaving structures up out of the ground. Building Inspections staff requires fence posts to be anchored four (4) feet on fence permits. Staff would prefer this requirement to be codified.

Staff has determined that parking of vehicles on residential property should be regulated in the Zoning Code and the installation of driveways in the Building Code. As the City Plan Commission will review these recommended changes to the Zoning Code, we ask that the Community Development Committee review the recommended addition of the Driveway Installation Policy to Section 4-241(d) of the Building Code. No standards have changed.

---

## PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~.

### Sec. 4-241. Non-dwelling structures, fences, and drainage.

(a) No owner shall permit any non-dwelling structure ~~or~~ , including fences, to rest on any premises which does not comply with the following requirements:

- (1) Every foundation, exterior wall, roof, window, exterior door or basement hatchway, and every other entranceway of every non-dwelling structure, shall be so maintained as to prevent the structure from becoming a harborage for rats, and shall be kept in a reasonably good state of maintenance and repair.
- (2) All exterior surfaces of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workmanlike manner.
- (3) Every fence shall be kept in a good state of maintenance ~~and repair and shall be securely mounted in the ground to resist lateral wind forces or shall be removed.~~
- (4) All fence posts shall be anchored at least forty-eight (48) inches into the ground.

(b) Every premise shall be graded and maintained so that no stagnant water shall accumulate or stand on the premises or within any building or structure located on the premises.

(c) For all non-dwelling structures, no more than two (2) layers of shingles, or other similar roofing materials, may be installed onto a roof.

#### (d) Driveways - One and Two Family

- (1) Material. Driveways shall be paved with concrete, asphalt, or brick pavers. Concrete shall be finished to a minimum thickness of 4.5 inches and minimum 3/8" diameter reinforcing rods spaced at 24 inches on center shall be installed. Asphalt shall be paved to a finished thickness of no less than 2 inches. Paving bricks shall be no less than 2-1/4" thick and shall be installed upon a properly compacted and leveled base in a manner that is consistent with standard installation practices. Other or similar "hard surfaces", as referenced by the Municipal Code, shall only include items approved by the Director of Community Development, prior to installation, as acceptable paving materials. Such materials shall be installed in a manner that is consistent with professional installation practices.
- (2) Any other areas, beyond the minimum requirements, considered to be parking surfaces, must either be paved or converted to a grass/lawn surface by completely removing any gravel or non-conforming driveway surface and installing a minimum of 2" of topsoil prior to seeding.



(3) If a driveway is to be completely removed, the driveway apron shall also be completely removed and the area restored to grass/lawn area as stated above, and the curb section reinstalled. Replacing the curb requires a permit and must be performed in accordance with City specifications by a contractor licensed with the City to perform such work.

(4) Repairs to existing hard surfaced driveways shall be made with materials of the same type as the existing hard surface unless the entire driveway is being replaced.

---

## **RECOMMENDATION**

Staff recommends the proposed text amendments to Chapter 4 Buildings of the Municipal Code, **BE APPROVED** for Sec. 4-241(a) to require fence posts to be anchored forty-eight (48) inches in the ground and Sec. 4-241(d) be created to regulate driveway installations on residential properties.



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9, 2024  
**To:** Community Development Committee  
**From:** Kurt Craanen, Inspections Supervisor  
**Subject:** Proposed Municipal Code Text Amendments – Chapter 4 Buildings: Sec. 4-546(a)

---

## GENERAL INFORMATION

The Community Development Department staff collaborated with the City Attorney's Office on the following proposed draft Chapter 4 Buildings text amendments.

This item will appear at the November 6, 2024 Common Council meeting to coincide with other text amendments requiring a public hearing at City Plan Commission and Common Council.

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

Staff proposes to update language to Section 4-546(a) of the Municipal Code to clarify that fences are structures.

---

## BACKGROUND

Section 23-22 of the Zoning Ordinance defines the word fence:

***Fence** means a structure constructed to enclose, screen, decrease noise levels, separate areas, or decorate areas of a lot. Fences include walls, hedges and berms meeting this definition.*

---

## PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~.

## ARTICLE VIII. SWIMMING POOLS

### Sec. 4-546. Permits.

(a) ***Building permit.*** A building permit is required for the installation, alteration or addition of a swimming pool. The permit fee shall be as provided in §4-161(8). A building permit shall be applied for and obtained prior to the installation, alteration or addition of any private residential swimming pool. The application for a permit shall be accompanied by a plot plan drawing of the premises upon which the proposed pool is to be installed. The plot plan shall show the size and shape of the lot, location and size of all buildings, structures ~~and~~ (including fences), existing or proposed, and any other information affecting the premises. The plot plan shall be accurate and dimensioned.

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### RECOMMENDATION

Staff recommends the proposed text amendments to Chapter 4 Buildings of the Municipal Code, **BE APPROVED** for Sec. 4-546(a) to clarify that fences are structures.



# CITY OF APPLETON

**Finance Department**  
100 N Appleton St  
Appleton, WI 54911  
p: 920-832-6442  
f: 920-832-6317  
www.appleton.org

## MEMORANDUM

**Date:** October 16, 2024  
**To:** Chairperson Vered Meltzer and Members of the Utilities Committee  
**From:** Kelli Rindt, Enterprise Fund Accounting Manager  
**Subject:** Approve wastewater rate increase of 9% for general service and special hauled waste service and increase compost fee to \$14/cubic yard to be effective January 1, 2025.

---

### BACKGROUND:

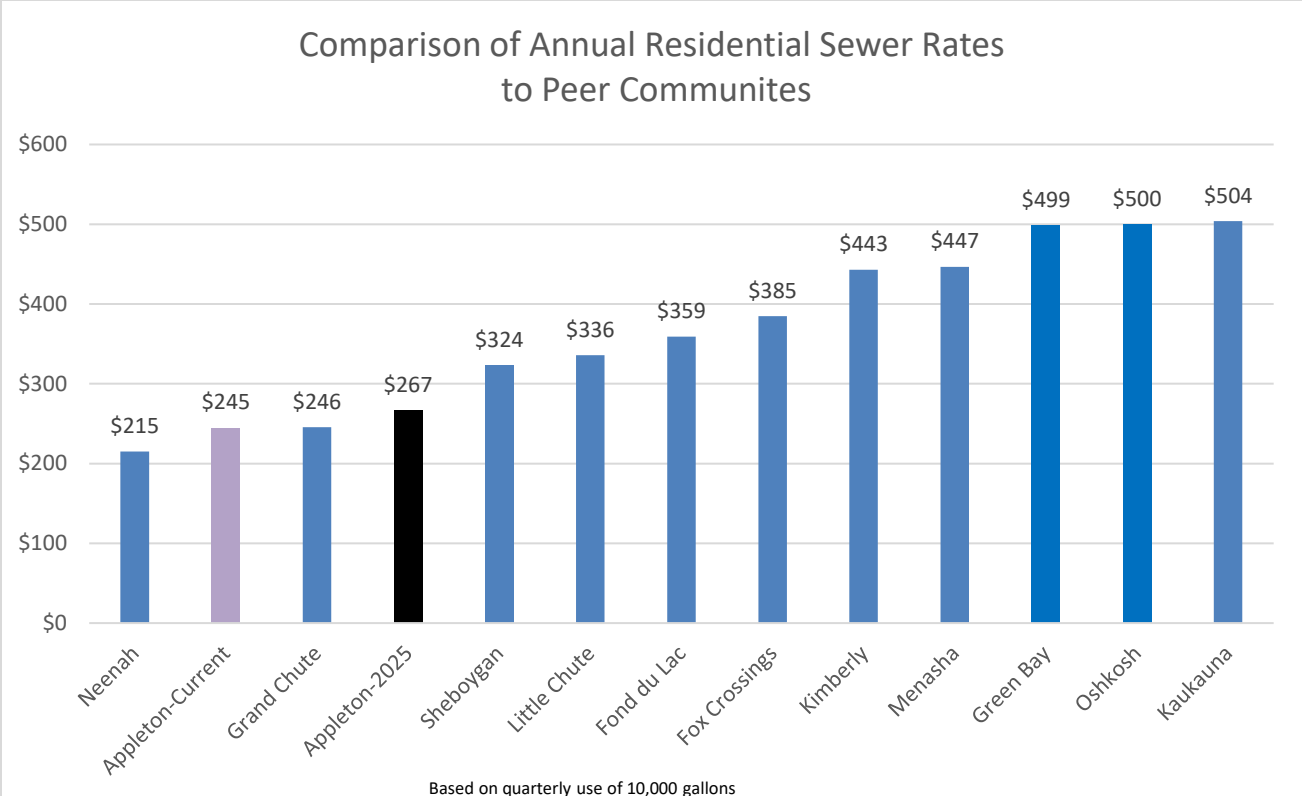
The Utility Department contracted with Trilogy Consulting in 2020 to complete a comprehensive rate study that reviewed cash flow needs and recommended rate increases through 2026 to fund operations and future capital improvements. The study also established rates for Phosphorus and TKN (Total Kjeldahl Nitrogen) processing for high-strength quantity and quality customers.

As part of the rate approval process in 2020 it was acknowledged, that future rate needs would be reviewed annually and would be presented to committee for approval. The planned rate increases of 4% for future years no longer provides the required revenue to meet cash flow needs and debt coverage. A rate increase of 4% was approved for January 1, 2022, a 7% rate increase was approved for January 1, 2023, and January 1, 2024.

### FINANCIAL REVIEW:

The 2025 budget review has indicated the need to move forward with a 9% rate increase to meet cash flow and operating expense needs as presented in the proposed budget. The capital improvement plan continues to increase from that which was reviewed as part of the 2020 study. The budget also includes \$1.4M in operating expense to complete comprehensive maintenance and inspection of the anaerobic digesters. Revenue received from the hauled waste program will decrease during the digester inspection and maintenance activities, (one digester will be offline at a time) because the amount of waste received must be curtailed to maintain Wisconsin Pollution Discharge Elimination System (WPDES) permit limits by the Department of Natural Resources.

The proposed rate increase is projected to provide \$1.3M of additional revenue in 2025 and continues to provide a reasonable rate for the service provided when compared to area communities. The average residential customer will see a quarterly increase of \$6 on the City service invoice. Future rate increases will be reviewed annually and will be presented to committee for approval.



**COMPOST RATE INCREASE:**

The current compost rate of \$13 per cubic yard was effective January 1, 2024. The proposed fee increase to \$14 per cubic yard, will offset increased contractor fees to process compost and transport costs to deliver materials to the facility.

**RECOMMENDATION:**

Approve wastewater rate increase of 9% as detailed on the attached rate sheet (attachment A). If you have any questions or require additional information regarding this proposal, please contact me at 920-832-6316.

## City of Appleton - Proposed Wastewater Rates for 2025

Quarterly Minimum Charge	Meter Size	effective 1/1/2024	effective 1/1/2025
		Current Rate	Proposed Rate
	5/8	\$18.35	<b>\$20.00</b>
	3/4	\$18.35	<b>\$20.00</b>
	1	\$33.00	<b>\$36.00</b>
	1 1/4	\$45.50	<b>\$49.50</b>
	1 1/2	\$58.40	<b>\$63.50</b>
	2	\$89.60	<b>\$97.50</b>
	2 1/2	\$127.00	<b>\$138.50</b>
	3	\$155.50	<b>\$169.50</b>
	4	\$247.25	<b>\$269.50</b>
	6	\$468.40	<b>\$510.50</b>
	8	\$740.65	<b>\$807.50</b>
	10	\$1,083.25	<b>\$1,180.75</b>
	12	\$1,433.65	<b>\$1,562.50</b>
<b>Volume Charge</b>	per/1,000 gallons	\$4.28	<b>\$4.67</b>
	Units	Current Rate	Proposed Rate
<b>Industrial Q/Q Rates</b>			
Volume	per/1,000 gallons	\$2.80	<b>\$3.05</b>
BOD	per/100 lbs	\$40.25	<b>\$43.85</b>
TSS	per/100 lbs	\$13.60	<b>\$14.80</b>
Phosphorus	per/100 lbs	\$441.40	<b>\$481.15</b>
TKN	per/100 lbs	\$156.20	<b>\$170.25</b>
<b>Sanitary Waste Haulers</b>			
Volume - Septic Tank	per/ton	\$12.15	<b>\$13.25</b>
Volume - Holding Tank	per/ton	\$2.10	<b>\$2.30</b>
Per Load		\$13.45	<b>\$14.65</b>
Per Customer	per quarter	\$21.00	<b>\$23.00</b>
<b>Hauled Waste Rates</b>			
Tier 1	per/ton	\$6.85	<b>\$7.50</b>
Tier 2	per/ton	\$9.50	<b>\$10.35</b>
Tier 3	per/ton	\$15.70	<b>\$17.10</b>
Tier 4	per/ton	\$21.50	<b>\$23.45</b>
Tier 5	per/ton	\$28.60	<b>\$31.20</b>



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 3, 2024

**To:** Chairperson Jones, Chairperson Croatt, Members of the Human Resources/Information Technology Committee, Members of the Safety & Licensing Committee, and Appleton Common Council Members

**From:** Human Resources Director Jay Ratchman and Chief of Police Polly Olson

**Subject:** Appleton Police Department Organizational and Workload Study

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The purpose of this memo is to propose the initiation of a comprehensive staffing study to assess and optimize the current Appleton Police department workforce. A detailed analysis of staffing levels, roles, and organizational structure will provide essential insight to ensure adequate staffing levels, optimize service delivery, and effectively meet the evolving needs of our community. The study outcomes will provide critical data to our City officials to make informed decisions when prioritizing services, addressing current challenges, and planning to meet future community needs.

As you will see in the attached proposal, the primary goals of this staffing study are to:

- Assess the current and anticipated future demands for service to ensure we can meet these needs without compromising service quality and safety of our community and employees.
- Evaluate current patrol coverage and distribution by examining how officers are assigned across differing shifts, geographic areas and tasks.
- Improve budgeting and resource allocation decisions based on data we collect regarding hiring, overtime needs, and equipment procurement.
- Plan for future growth by identifying anticipated community demands due to population growth, changes in crime trends, or new responsibilities for the police department.
- Retain quality officers in our community by finding ways to adequately staff to reduce officer fatigue, stress and burnout.

A competitive request for proposal process (RFP) was recently completed. Bids were received from four organizations. The average cost per proposal was \$69,000. After review, we recommend hiring the Matrix Consulting Group. The cost for the Matrix Consulting Group is \$69,000. Funding for this project will come from existing ARPA funds.

If approved, we look to engage the Matrix Consulting Group in early December 2024. The total timeline for completion of this project is up to five months. Additional details regarding the Matrix Consulting Group and the project outline can be found in the enclosed materials.

We respectfully recommend approval to move forward with this important project.

Thank you for your consideration.



**Revised Proposal for a Police Organizational and  
Workload Study**

**APPLETON, WISCONSIN**

September 12, 2024

**matrix**   
consulting group

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September 12, 2024

Jay Ratchman, Director  
Human Resources Department  
City of Appleton  
100 North Appleton Street  
Appleton, WI 54911

Dear Mr. Ratchman,

Matrix Consulting Group is pleased to submit our revised proposal to conduct an Organization and Workload Study of the Appleton Police Department. We are comprised of highly experienced management consultants, specializing in law enforcement services. This proposal is based on RFP issued by the City of Appleton, our background research on the City and its Police Department, as well as our experience conducting comparable studies in Wisconsin and around the country.

We have extensive experience with similar assessments for over 400 police departments in Wisconsin and across the country (as well as in Canada). Our firm has assisted police and municipal managers with improving department management, organizational structure, staffing, and operations. The following table provides a partial list of recent police studies:

Asheville, NC	<b>Glendale, WI</b>	<b>Madison, WI</b>
Austin, TX	Glenn Heights, TX	Raleigh, NC
Birmingham, AL	Kyle, TX	Sacramento, CA
Buda, TX	Lewisville, TX	Salt Lake City, UT
Columbia, MO	Los Angeles, CA	San Antonio, TX
Davenport, IA	Miami Beach, FL	San Francisco, CA
Denton, TX	Midwest City, OK	San Jose, CA
Elko, NV	O'Fallon, MO	Sunnyvale, TX
<b>Milwaukee, WI</b>	<b>Oshkosh, WI</b>	Tacoma, WA
Fort Worth, TX	Ossining, NY	Travis County, TX

In addition, we are currently completing law enforcement studies for Scott County and St. Louis County, Minnesota.

All staff for our proposed team are highly experienced, having conducted hundreds of police service studies, including each of those listed above. Our highly qualified team includes:

- **Richard Brady**, the President of MCG with over 40 years of police analytical experience working with over 400 law enforcement agencies throughout the country and in Canada. He would be involved in every facet of the project.
- **Ian Brady**, a Senior Vice President with 10 years of experience in law enforcement consulting; he leads our police consulting practice and has developed all of the firm's deployment and staffing models.
- **John Scruggs**, a Manager and former Portland Police Bureau senior manager, has over 26 years of law enforcement experience. He co-authored legislation on body worn cameras in Oregon.
- **Devon Clunis**, a Senior Manager with over 30 years of experience as a consultant and transformational police professional, including chief in Winnipeg (MB) and recent head of Ontario's Inspectorate of Policing.
- **Tim Donohoe**, a Senior Consultant and former Commander with the Reno (NV) Police Department, has over 20 years of law enforcement experience.
- **Philip Berry**, a Senior Consultant and data analyst with over 9 years of experience working with law enforcement agencies across the country.

We appreciate the opportunity to submit this proposal on this important project for the City. If you have any questions, please do not hesitate to contact me by phone at 650.858.0507 or by email at [rbrady@matrixcq.net](mailto:rbrady@matrixcq.net).



Richard Brady, President  
**Matrix Consulting Group, Ltd.**

## 2 Project Approach

### 1. Summary of Our Approach to Conduct Police Studies

Our firm's reputation is based on providing detailed analysis through extensive data collection, input, and interaction with our clients. The cornerstone of our philosophy in conducting organization and management studies is summarized in the following points:

- **A principal of the firm is the project manager on every project.** For this project, we would commit the President of the firm as Project Executive and a Vice President as Project Manager. We have also assigned several of our Senior Managers.
- **We approach our projects with a firm grounding in formal analytical methodologies.** All impacts are identified and analyzed in detail to ensure that recommendations are implemented and our clients (and the public they serve) can understand the reasons for recommended changes. This is achieved by:
  - Use of proven project management techniques.
  - Input from staff through interviews and surveys.
  - Detailed data collection and analysis derived from primary sources.
  - Extensive internal reviews of facts, conclusions, and recommendations.
  - Detailed implementation plans.
- **We have developed strong project management techniques** to ensure that the study progresses on schedule at the desired level of quality:
  - Our team would be led by the President and Vice President who lead our police consulting practice.
  - All project work activities are defined in advance and tied to each project team member, deliverables, the schedule and the budget.
  - The project manager develops general and project specific data collection plans and interview guides for all our staff.
  - Project team and client expectations and results are managed on a continual basis by utilizing formal project schedules and reporting.
  - The project manager designs and personally reviews all work products.

- We will establish progress meetings to review interim deliverables and findings as they are developed. This approach to collaboration will ensure no surprises and provide multiple opportunities for input.

These project management approaches have resulted in all our projects being delivered at a high level of quality, on time and on budget. We are known for the depth and insight of our analysis and our client responsiveness.

## 2. Background to and Scope of Work for the Study

The City of Appleton has requested an Organizational and Workload Study of its Police Department. The study aims to provide essential insights to ensure adequate staffing levels, optimize service delivery throughout all divisions within the organization, and meet the needs of the evolving community.

The context for this study is also very relevant. The Appleton Police Department succeeded in achieving its 2023 goals of hiring 10 new officers and maintain this recruitment process in preparation of future retirements. Further, the department consistently seeks to evaluate different areas of police services to determine the most efficient and cost-effective ways to provide services to the community. In an attempt to do so, APD has made strides in becoming more efficient including the addition of a Community Engagement Specialist position, the addition of a Traffic Safety Officer in response to an effective 2022 pilot program, and enhancements to training throughout the organization. Moreover, the department, in conjunction with the City and regional entities, has created Crisis Response Teams and Project Safe Response to ensure that appropriate resources and outcomes result from calls involving cognitive and behaviorally impaired persons.

Appleton PD is, in part, accomplishing these goals through the utilization of technology. APD is currently expanding their FLOCK Safety contract to purchase 19 stationary ALPR cameras to deploy at critical locations throughout the City.

Finally, law enforcement today needs to demonstrate to the communities they serve that they support and meet more holistic goals and effectiveness, based on “21<sup>st</sup> Century Policing” goals or emerging best practices.

Key outcomes associated with this study include:

- Evaluating current staffing needs, including the tools and equipment needed to provide exceptional services to the Appleton community.

- Evaluating the policies and practices in relation to comparative law enforcement agencies in the region through a comparative evaluation.

The following section outlines the proposed project task plan that has been specifically tailored to address these key outcomes.

### 3. Project Task Plan

The following task plan outlines our plan to conduct the study, including each interim deliverable leading to the final report.

#### Task 1 | Project Initiation and Stakeholder Engagement

In order to conduct the study of the Appleton Police Department, the project team will first develop an initial understanding of the department and its service environment, as well as seek input on existing service levels and potential issues from department managers and key stakeholders. This task allows for an opportunity to learn about the unique characteristics, policing programs, and services provided by the department. This process includes the following elements:

- Conduct interviews with the Chief, command staff, the City Manager and elected officials in order to obtain their views on police service issues and improvement opportunities, as well to confirm the goals and objectives of the study.
- Conduct a kickoff meeting with the project review committee, including a review of project objectives, approach, interim deliverables, and schedule.
- Conduct additional one-on-one interviews with Appleton Police Department personnel in order to develop our understanding of the agency's organization, unique characteristics, service levels, and issues.
- Augment employee interviews with an anonymous employee survey for everyone to provide input to the study at its outset.
- Interview contacts within the department to start the data collection process in that area and identify other key contacts within the organization.
- Conduct interviews with other internal (City) stakeholders and external ones (community leaders).

These initial interviews will focus on determining individual attitudes toward current law enforcement services and organizational considerations, including the following topics:

- Adequacy of existing service levels.

- Management systems.
- Responsiveness to community priorities and other service needs.
- Resource constraints and contributing factors.

The project team will also begin to collect various documents, including departmental goals, vision, and objectives statements, as well as other organizational materials and budgetary documents.

#### TASK RESULT

Based on the results of these interviews and initial data collection, the project team will prepare an issues list that will provide the basis for subsequent analytical steps. The project team will also summarize the results of the employee survey once that process is complete.

## Task 2 | Descriptive Profile of the Police Department

The project team will document its initial understanding of the department, its service levels, staffing, and service environment in a descriptive profile of the Appleton Police Department. The profile will also present workload data, preliminary analysis, organizational charts, salaries and compensation, deployment schedules, and a summary of key characteristics and dynamics of the community.

A primary aim of developing the descriptive is to provide a foundation for subsequent analysis by ensuring the accuracy of our assumptions and understanding of key details.

For each divisions and unit within the department, the descriptive profile will detail

- Current (filled) and authorized staffing levels by classification.
- Key responsibilities and duties for each unit, command staff, and unique role within the department, including all administrative and support units.
- Organizational structures and reporting relationships.
- Deployment structures of field services, including for patrol:
  - Detailed visualization and tables showing the current shift schedule, including personnel assigned to each, start times, and workday rotations.
  - Areas of geographic responsibility.



- For investigative units, total caseloads, a description of case management practices, and case assignment processes.
- For administrative and support functions, workloads and service levels, technology in use, allocation of collateral roles, and division of responsibility between the City and the Department.
- In this task we will also document the facility size, functional allocation of space, and issues, including the booking facility in use.

The draft document will be reviewed with the project team, with corrections and revisions being made thereafter. This meeting will also provide an opportunity to discuss initial observations and findings, coordinate any remaining data collection needs, and discuss the next steps of the project.

#### TASK RESULT

**A descriptive profile will be created, detailing the staffing, workload levels, and deployment schedules of the department, as well as any key characteristics of the service environment.**

### **Task 3 | Analysis of Workload and Staffing**

The project team will develop a comprehensive analysis of staffing needs for every function of the department, as well as strategies achieving the best use of existing resources. While different analytical factors and processes are used to determine staffing needs for each function, the project team will examine strategies for deploying, allocating, and managing the operations of personnel around a number of key considerations:

For every function, the analysis will focus on the ability of staffing levels to achieve targeted service levels and support effective operations management, such as:

- Key workload drivers and processes for administrative and support functions.
- Are spans of control within targeted ranges for individual functions?
- Are controls for overtime usage adequate, and what are the key drivers of overtime by type (e.g., to backfill, staff special events, etc.)?

The following subsections provide examples of how we look at several key functions within the Department.

## (1) Patrol Workload, Proactivity, and Staffing

Analysis of community-generated calls for service using computer aided dispatch data is central to this effort. project team will determine current service levels through:

- Analysis of patrol workload, including at the following levels:
  - Calls for service by hour and weekday, month, area, priority level.
  - Response and travel times by priority level and call classification.
  - Total spent handling calls by primary and backup units by time and area.
  - Factors and assumptions for other workload factors, such as report writing.
- Patrol self-initiated activities and community engagement strategies, including:
  - Self-Initiated activities by hour and weekday.
  - Trends in types and frequency in which self-initiated activities are generated.
  - Relationship between uncommitted time and officer-generated activity.
  - Analyze jail transport and booking times currently incurred.
- Determine patrol staffing needs, both overall and at the level of each patrol division and shift, based on workloads and targets for proactivity.
- Evaluate the current shift schedule from the perspectives of how well deployments in time match variations in daily workloads as well as the 'desirability' of the shift in terms of officers' quality of life.
- The project team will analyze issues associated with the geographic deployment structure, including whether it is able to equalize workloads and proactive capabilities and meet minimum service level objectives.
- Analyze patrol supervisory staffing needs based on span of control and the impact of the administrative workloads handled by sergeants and ability to be in the field.
- This study needs to explore additional opportunities for delivering services in an alternative manner. The City, Outagamie County, and the region have been leaders in this – through creation of dedicated response to various crisis calls as well as responses to low priority calls by civilian paraprofessionals (CSOs). The team will evaluate if these programs can be expanded.

*The following pages provide examples of the firm's approaches to analyzing crime, calls for service, and patrol proactivity/unallocated time.*

### Analysis of Patrol Proactive Capabilities at Specific Times

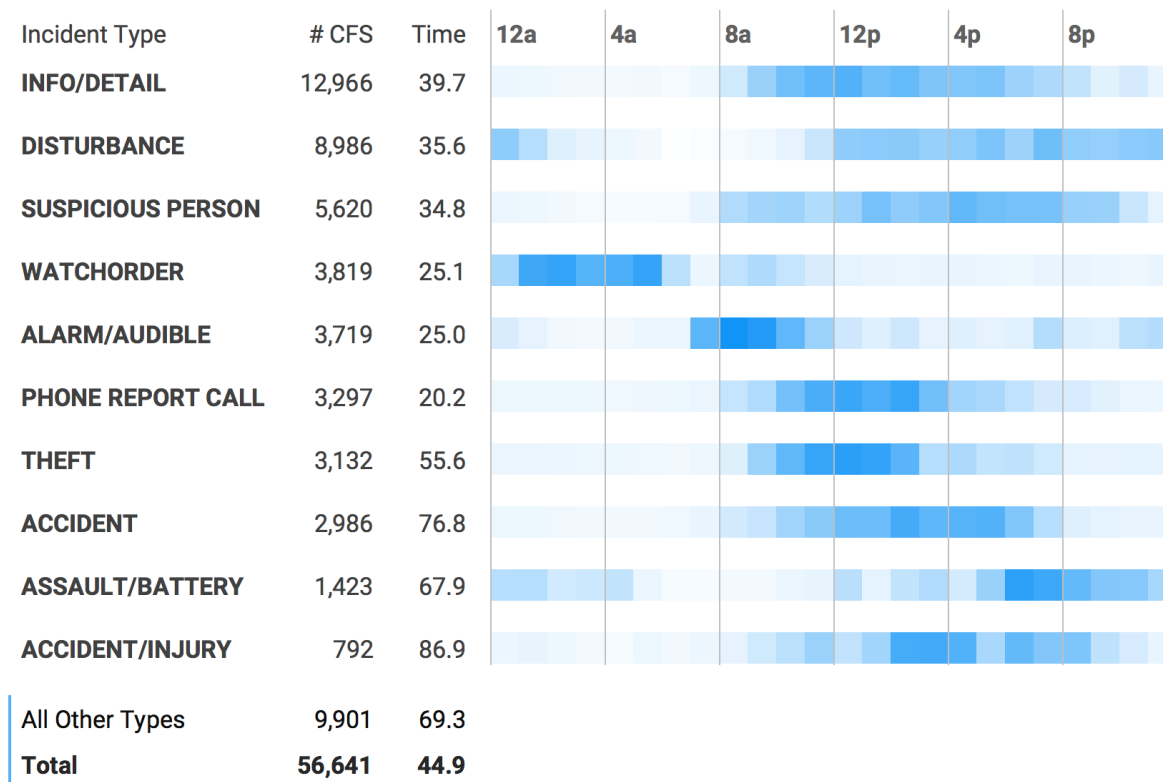
Analysis of patrol proactivity (or % of uncommitted time) at a detailed level is able to show whether the strategies for deploying resources are able to most efficiently provide resources against workload levels as they vary throughout the day and week:

**Uncommitted Time by Hour and Weekday**

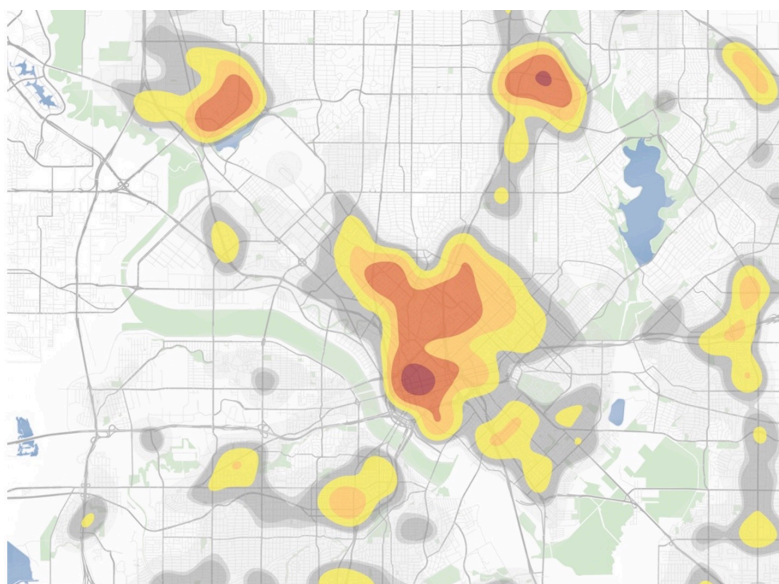
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Overall
2am-6am	43%	56%	61%	61%	60%	57%	47%	<b>54%</b>
6am-10am	44%	34%	34%	33%	34%	34%	40%	<b>40%</b>
10am-2pm	22%	17%	20%	20%	20%	19%	21%	<b>21%</b>
2pm-6pm	32%	27%	29%	29%	28%	27%	31%	<b>29%</b>
6pm-10pm	24%	23%	22%	22%	24%	22%	22%	<b>25%</b>
10pm-2am	21%	34%	36%	37%	34%	30%	20%	<b>30%</b>
Overall	31%	32%	34%	34%	33%	32%	30%	<b>32%</b>

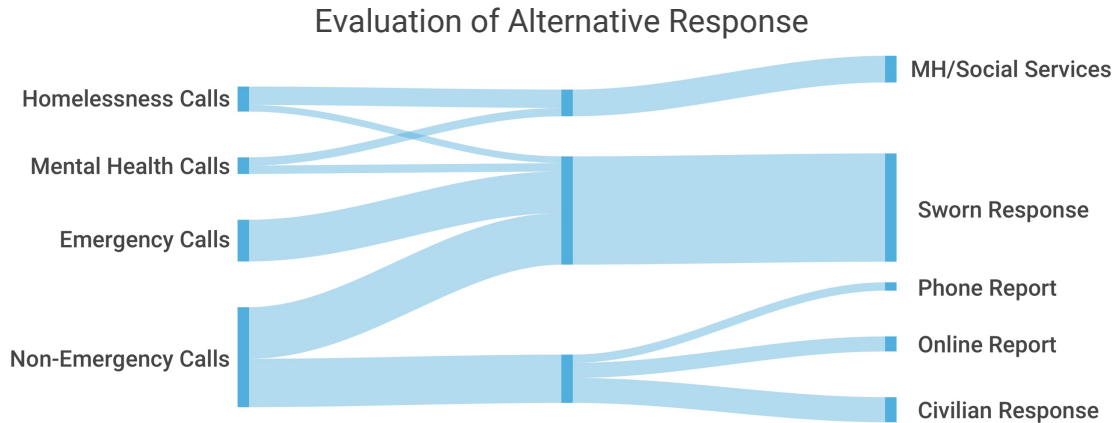
### Incident/Crime Occurrence Trends

Analysis of when specific incident types and crimes occur provides insight on whether the right types of resources are deployed at certain times of the day:



### Response Time and Capabilities





**(2) Investigations**

The analysis of investigations workload and staffing needs incorporates input received from the interviews conducted with supervisors and line-level detectives, comprehensive collection of data to examine caseloads and associated workloads, as well as a review of participation in specialized regional task forces. Through this process, the project team will develop an analysis of staffing needs for all investigative functions, including review of the following:

- Case assignment and screening.
- Management of versus inactive cases.
- Average workloads by detective in each investigative unit.
- Coordination with patrol and records.
- Average time from initial report, assignment of the case, and start of work.
- Solvability factors and work priority management.

**(3) Administrative and Support Functional Areas**

Examples of other administrative and operational support functions in the Department that would be evaluated include:

In **professional standards / internal affairs**, evaluation of the transparency of the process, how the investigations of complaints is expedited.

In **records and support services**, the analysis will focus on hours of coverage, scheduling, and technology.

In **recruitment and training**, how does the PPD identify strong candidates to reflect not only technical abilities but also ethical and engagement needs with the community? How does training in the academy and annual in-service training reinforce this?

In **property and evidence**, are processes consistent with best practices (e.g., managing the chain of custody, audits, purging, etc.), are the facilities and access to them secure, what technology is in place?

#### TASK RESULT

The project team will develop an interim deliverable report that provides a comprehensive analysis of the workload and staffing needs of each unit in the department.

### Task 4 | Conduct a Comparative Evaluation of the Appleton Police Department to Identify Gaps in Service Goals Versus Performance

By this point in the process, the project team will have documented the 'as is' state of the Appleton Police Department. Comparative insights are also valuable in order to look for improvements.

- The project team will develop a list of staffing, operational and organizational issues to use in a diagnostic assessment of potential gaps in services. The standards used in this assessment represent the project team's extensive experience working with law enforcement agencies in Wisconsin and throughout North America, as well as from the literature on this rapidly changing area of policing.
- The project team will also develop a comparative survey with 'peer cities'. The project team will select the cities in the region in consultation with the City and the department. Population and area size, demographics, and growth could all be factors.

These two assessment approaches work well together, combining 'theory' (best practices) to prevailing 'practices' (peer community assessment). The methods can result in the development of 'aspirational' goals for the City and the Police Department, including innovations in policy, operations management and the use of technology. The resulting gap analysis identifies areas of deficiency with respect to desired targets. In each area where there is a difference between current and desired service targets, preliminary action items are listed to correct the issues.

## TASK RESULT

The results of this analysis will be documented in a comparative assessment of issues in the Police Department's staffing levels and operations. This key interim deliverable would be reviewed with the department and the project steering committee.

### Task 5 | Final Report

Following the staffing and organizational analysis, the project team will develop the draft final report. The report includes a comprehensive analysis of all items in the scope of work, along with timelines, impacts, and targets for implementing changes. It is comprised of the following:

- An **executive summary**, which includes an overview of the process used to conduct the study, key results, and a comprehensive list of all recommendations made in the report.
- Analysis of **staffing resources, operations, and deployment** for all police department functions, which includes:
  - Detailed analysis of current patrol workload, and staffing needs
  - Shift configuration and assignment optimization and alternatives.
  - The effectiveness and depth of approaches to alternative service.
  - Investigative workloads, specialization, and case management practices.
  - Support staffing, functionality, and organizational needs for every function.
- **Evaluation of organizational structure and management** including recommendations to address meeting any gaps between current approaches in policies, training, etc., and 'best' or 'emerging' practices.
- **Appendices**; including the final department profile, comparative survey, and employee survey completed at intermediate stages of the scope of work.

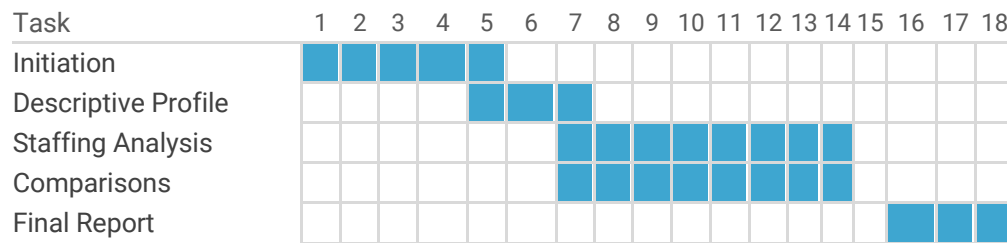
Following completion of the draft final report, the document will be reviewed with the project committee, and revisions will be made thereafter. Upon finalization of the report, the project team will be available to present the results of the study to the Appleton Common Council and police department leadership – either virtually or in person.

**TASK RESULT**

The project team will complete a draft report, which will be reviewed with the City. After revisions and modifications have been made, the project team will be available as to present the final report to the Common Council.

**4. Project Schedule**

The schedule to complete the study would be 18 weeks, as shown below:





## 3 Firm and Project Team Qualifications

In this section of the proposal is provided a summary of our firm's and project team's experience and qualifications to conduct this study for the Appleton Police Department.

### 1. The Matrix Consulting Group

Matrix Consulting Group was formed by senior consultants who created it in order to pursue a service in which the senior people actually do the work. Our only business focus is the provision of organization and management analytical services to local government. Our firm's history and composition are summarized below:

- We were founded in 2003. We are a national firm, headquartered in California but also registered to conduct business in Wisconsin.
- We are a full service that includes a combination of former public officials and career consultants.
- While we provide a variety of services to local government our most significant service area is law services. The Matrix Consulting Group project team has conducted studies of more than 400 law enforcement agencies throughout the United States, including many recent studies in Wisconsin.
- We are a national firm, headquartered in California with additional offices in the Portland (OR), North Carolina (multiple locations), Dallas Metroplex, St. Louis area, Tampa (FL).
- We also have a Canadian subsidiary, MCG Consulting Solutions, with headquarters in Nova Scotia.

We are proud of our track record in providing analytical assistance to local governments in general, and to police departments specifically.

### 2. Law Enforcement Experience

The Matrix Consulting Group has conducted over 400 police services studies in Wisconsin and elsewhere throughout the country. Our services in police consulting are varied and include:

- Organization and staffing
- Deployment and scheduling
- Resource and management planning
- Implementation of 21<sup>st</sup> Century Policing concepts

Our experience includes the following illustrative agencies:

Asheville, NC	<b>Glendale, WI</b>	<b>Madison, WI</b>
Austin, TX	Glenn Heights, TX	Raleigh, NC
Birmingham, AL	Kyle, TX	Sacramento, CA
Buda, TX	Lewisville, TX	Salt Lake City, UT
Columbia, MO	Los Angeles, CA	San Antonio, TX
Davenport, IA	Miami Beach, FL	San Francisco, CA
Denton, TX	Midwest City, OK	San Jose, CA
Elko, NV	O’Fallon, MO	Sunnyvale, TX
<b>Milwaukee, WI</b>	<b>Oshkosh, WI</b>	Tacoma, WA
Fort Worth, TX	Ossining, NY	Travis County, TX

In addition, we are currently completing law enforcement studies for Scott County and St. Louis County, Minnesota.

### 3. References

We are providing references for five recent clients. We would be glad to provide additional references from any client in our history.

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#### Madison, Wisconsin

##### Police Department Strategic Plan

Matt Tye  
 Assistant Chief  
 (608) 266-4318  
[MTye@cityofmadison.com](mailto:MTye@cityofmadison.com)

Matrix developed an assessment of the current climate of the Madison Police Department in an internal and external context. MCG project staff developed effective strategies to gather relevant information relating to the organizational culture of the police department, as well as community perspectives, and desired levels of service, of MPD.

This information was then utilized to draft an effective and holistic 5-year strategic plan for the police department. This strategic plan emphasized crucial aspects to a police organization, specifically organizational legitimacy, and community relationships. Perhaps most notably, this strategic plan included operational and measurable outcomes that can be checked by personnel internal and external to the organization.

**Oshkosh, Wisconsin**

**Police Department Staffing Study and Projections**

Dean Smith  
 Chief of Police  
 (920) 236-5700  
[dsmith@ci.oshkosh.wi.us](mailto:dsmith@ci.oshkosh.wi.us)

In this study the project team developed short and longer range projections of staffing and organizational needs. Key to the study were the longer range needs associated with redevelopment of downtown and the waterfront.

The project team also evaluated how the management structure will change over time and how roles need to evolve in the process of getting there. Finally, opportunities to improve operations management in patrol and investigations were identified.

**Tacoma, Washington**

**Police Department Staffing and Alternative Response Studies**

Tadd Wille  
 Currently Assistant City Manager Chandler, AZ  
 (480) 782-2210  
[Tadd.wille@chandleraz.gov](mailto:Tadd.wille@chandleraz.gov)

In an initial study, Matrix CG developed a comprehensive analysis of current staffing needs. Overall, the project team recommended significant changes to operational management in investigations (case management) and in the deployment of resources to ensure that high call volume areas were adequately served. A redistribution of traffic units was also needed based more on a risk assessment approach.

A follow up study provided an assessment of alternative police response for calls involving mental health issues and homelessness as well as civilian response to low priority calls.

**Miami Beach, Florida**

**Staffing and Deployment Studies**

Wayne Jones  
 Police Chief  
 (305) 673-7925  
[waynejones@miamibeachfl.gov](mailto:waynejones@miamibeachfl.gov)

Over the past several years, Matrix has been retained to conduct three separate studies of the Miami Beach PD

2018 Staffing Study: Our team provided analysis on staffing needs and deployment strategies of patrol and proactive and specialized units. Recommendations included realigning responsibilities between patrol and specialized units, revised minimum staffing levels, and increase the staffing of certain support units to better facilitate field operations.

2020 Scheduling Options Study: Using our proprietary data analytics model for developing shift schedules and interactively evaluating their effectiveness, our team developed several options for the department, including various 10 and 12-hour configurations.

2021 Entertainment District Policing Study: In response to increasing public safety demands in the South Beach entertainment district, the study recommended staff increases and redeployment, alternative scheduling, additional technologies (e.g., ALPRs), and detention transports.

## 4. Project Team

Our police consulting team is an ensemble – we work together as one team on most of our projects. This is a choice of our firm – to develop and utilize a stable team of consultants on all of our projects. This has a major advantage over teams that are constructed on a per project basis – consistency in analysis, depth, and customer service.

Our Project Executive, Richard Brady, is the President and Founder of our firm with over 40 years of experience consulting with local organizations, specifically law enforcement agencies across the country. Our proposed Project Manager, Ian Brady, is a Senior Vice President of the firm and leads our Police consulting practice.

- **Richard Brady** As the President of the firm, with 40 years of police analytical experience, I would manage the project. I have led all our law enforcement service assessments.
- **Devon Clunis**, a Senior Manager with over 30 years of experience as a consultant and transformational police professional, including chief in Winnipeg (MB) and recent head of Ontario's Inspectorate of Policing.
- **John Scruggs**, a Manager, has over 26 years of law enforcement experience. He co-authored legislation on body worn cameras in Oregon.
- **Tim Donohoe**, a Senior Consultant with the firm with over 25 years of police experience and recent consulting experience, including internationally.
- **Philip Berry**, a Senior Consultant with Matrix, has over 6 years of experience serving as an analyst for law enforcement and criminal justice agencies.

All proposed staff are committed to the project and are available for its duration.

The following tables provide updated resumes for all project staff team members, noting relevant service to the scope of work outlined above.

## RICHARD BRADY

PRESIDENT, MATRIX CONSULTING GROUP

**Richard Brady** founded Matrix Consulting Group in 2002 and our Canadian firm, MCG Consulting Solutions in 2017. He leads our Public Safety Practice which includes law enforcement and justice studies. He has served as the Project Manager or Lead Analyst on hundreds of public safety studies in his 40-year career. His subject matter expertise includes police staffing and deployment, management effectiveness, and governance and transparency. Prior to his founding of these two firms, he served for over 20 years as a practice leader in two other firms, including Maximus.

### Experience Highlights

**Austin, TX:** Richard lead a consulting team to assist the APD recreate its approach to community policing to involve everyone, not just those with specialty assignments. While the study supported the addition of staff, the study also found that there were significant opportunities to support community policing in leadership, policies, recruitment, training, supervision, and use of data.

**Columbus, OH:** Richard led this recent project that identified the need for new positions, but more importantly, identified a number of areas which would improve the quality of service and integrity, including:

- Steps to improve upon building trust in the community.
- Changes to use of force policies and biased policing.
- Increase training on de-escalation and procedural justice.
- Increase the use of civilians in the field and in administration.

There was a 'disconnect' between the policies and management.

**Ossining, NY:** Richard led this just-completed engagement evaluating opportunities to reform policing consistent with 21<sup>st</sup> Century Policing concepts. Key recommendations included:

- Improve the functioning, transparency and objectivity of the Citizen / Police Complaint Review Board.
- Work with other agencies to create a mental health response unit.
- Expand training in the areas of racism, bias, de-escalation.

### Role on This Engagement:

Richard will serve as a project executive and advisor.

### Relevant Clients:

- MB Winnipeg
- ON Kawartha Lakes
- AB Edmonton
- CA Los Angeles
- CA San Francisco
- TX Austin
- TX Fort Worth
- MO Kansas City
- OH Columbus
- NY Ossining
- NY Albany
- VA Richmond
- NC Raleigh
- NC Asheville
- AZ Phoenix
- WA Tacoma
- OR Portland

**Years of Consulting:** 40

### Education:

BA, California State University, East Bay.

PhD, Oxford University, U.K.

### Notable Accomplishments:

Ohio Commission on Juvenile Justice

Massachusetts Governor's Committee on Local Government

### Professional Association:

Association of Local Government Auditors

International City-County Management Association

## IAN BRADY

### SENIOR VICE PRESIDENT, MATRIX CONSULTING GROUP

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**Ian Brady** is a Senior Vice President with Matrix Consulting Group in our Police Services Practice. He leads our data analytics unit, and has over 10 years of consulting experience. Specializing in public safety, he works on all of our police, fire, corrections, and emergency communications studies.

Mr. Brady is the lead developer on all of our statistical modeling and data analytics efforts, and has created standalone models in support of our studies’ analytical efforts, including for:

- New agency formation feasibility, financial and service delivery (For nine municipalities in Riverside County, CA).
- Growth forecasting using GIS-based projections for population, service needs, and staffing requirements.
- Comprehensive workload and staffing analytics.
- Interactive scheduling configuration, forecasting effects on service levels and overtime usage.

### Experience Highlights

#### Los Angeles, CA: LAPD Basic Car Area Boundary Study

- Led a comprehensive staffing study of LAPD field services.
- Recreated the patrol geographic deployment structure from the granular level, resulting in 202 new patrol areas, up from the 168 that existed previously.
- Analyzed patrol resource allocation strategies, recommending improved methods in order to better equalize service levels.

#### San Francisco, CA: Police Department Staffing Analysis

- Lead analyst on a comprehensive staffing study of the department.
- The project was designed to create defensible methodologies for determining the staffing needs of all 600+ assignments in the department based on service needs and other factors. These methodologies were then used to recommend appropriate staffing levels in every position.
- Developed and designed an interactive analytical tool for SFPD to use in the future to recreate the analysis in its entirety.

#### Role on This Engagement:

Ian will serve as the project manager and lead analyst in field services, as well as more generally over data analytics.

He will be involved in all project stages, including on-site interview and review meetings, and will be involved in the development of each deliverable.

#### Relevant Clients:

- AZ Peoria
- AL Birmingham
- CA Berkeley
- CA Los Angeles
- CA Roseville
- CA Sacramento
- CA San Francisco
- CA San Jose
- CO Adams County
- FL Miami Beach
- FL Orange County
- GA DeKalb County
- HI Kauai County
- IL Lansing
- IL Rockford
- KS Wichita
- MB Winnipeg
- MD Harford County
- MD Howard County
- MN Hennepin County
- MO Columbia
- MO Kansas City
- OK Midwest City
- NC Raleigh
- NJ Mahwah
- NM Rio Rancho
- NY Newburgh
- OH Columbus
- OR Portland
- PA Carlisle
- TX Austin
- TX Fort Worth
- TX Travis County
- VA Suffolk
- WA Tacoma
- WI Oshkosh

Years of Experience: 10

#### Education:

BS in Politics, Willamette University.

# JOHN SCRUGGS

SENIOR MANAGER, MATRIX CONSULTING GROUP

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**John Scruggs** is a senior manager / analyst on law enforcement, public safety, and criminal justice engagements.

John’s relevant experience include:

- Completed over 50 studies for law enforcement, public safety, and criminal justice clients.
- Analysis focuses on operational and staffing review, workload analysis, net annual work hour determination, and alternative scheduling analysis.
- Expertise also includes the evaluation of administrative, dispatch, investigations, patrol, records, and property and evidence functions.
- Retired Captain with 26 years of Law Enforcement Experience.

## Experience Highlights

**Kansas City, MO:** This study evaluated the staffing needs of the Police Department. Key findings included:

- Opportunity for greater fiscal savings by transitioning 30 positions from sworn to civilian staff, primarily in administrative areas (e.g. finance, records, fleet maintenance, security, IT, and HR).
- Identified the need for additional positions related to open record requests, reviewing BWC footage, and packaging of officer videos for judicial proceedings.
- Provided insight into alternative organizational structures and span of control in administrative functions.
- Conducting workload analysis to determine staffing needs for non-patrol and investigative units.

**Kawartha Lakes, Ontario:** John served as the lead analyst of the on this engagement which reviewed the current staffing and developed staffing projections for a facilities study. Key recommendations included:

- Identified two patrol positions needed in the next 4 years and six positions over the next 20 years to better meet adopted proactive policing thresholds.
- Identified a shortage of detectives assigned to investigate crimes committed at the Central East Correctional Center.

## Role on This Engagement:

He will be an analyst on the project focusing on investigations.

## Relevant Clients:

- AL Gulf Shores
- AZ Buckeye
- CA Los Angeles
- CA San Jose
- CA Santa Clara
- FL St. Cloud
- KS Kansas City
- KS Wyandotte County
- MA Yarmouth
- MN Hennepin County
- MO Kansas City
- OR Tigard
- PA Lower Saucon
- PA Narberth
- PA Upper Macungie
- NC Waxhaw
- NC Raleigh
- TX Denton
- TX Fort Worth
- TX Glen Heights
- TX Lewisville
- TX Sunnyvale
- WA Monroe
- WA Tacoma
- WI Dodge County

## DEVON CLUNIS

### SENIOR MANAGER, MATRIX CONSULTING GROUP

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**Devon Clunis** served as Chief of Police of the Winnipeg Police Service, and was the first Black police chief in Canada. He is a highly regarded policing professional, with 35 years of combined policing and consulting experience. He is recognized internationally as a thought leader in advancing policing excellence through a collaborative, community-centered approach.

Mr. Clunis served 29 years with The Winnipeg Police Service in Manitoba, Canada, retiring as Chief of Police in 2016. Most recently, he undertook the role of Inspector General of Policing in Ontario, overseeing the establishment of The Inspectorate of Policing in Canada's largest province, overseeing 45 police agencies and their corresponding Civilian Police Boards.

### Experience Highlights

**Province of Ontario:** Provided strategic oversight of the establishment of the Inspectorate of Policing, ensuring critical collaborative input from relevant stakeholders, including the public, Police Services, Police Boards, Police Unions, and various other bodies within the Justice System framework.

- Oversaw all aspects of Vision, Mission, and Guiding Principles formation.
- Established policies, procedures, and SOP guidelines.
- Led the hiring of staff and created a people-centered, community-focused, continuous pursuit of excellence operational framework.
- Oversaw the creation of the implementation and operational, strategic plans to guide the establishment and future operations of the Inspectorate.

**Winnipeg Police Service:** Served as Chief of Police, and led overarching institutional change.

- Facilitated the creation of five-year transformational strategic and business plans to lead the organization from 2015 to 2019.
- Worked with police and the community to develop a collaborative approach to community safety and well-being, resulting in a critical shift in police and community relationships.

### Role in This Engagement:

Chief Clunis will utilize his extensive experience in engaging stakeholders to build strategies across all areas of the organization, focusing particularly on organizational culture and community engagement.

### Relevant Clients:

AZ	Chandler
AZ	San Carlos Apache
AB	Edmonton
CA	Los Angeles
CA	Richmond
OH	Cincinnati
OH	Columbus
MO	Kansas City
PA	Upper Macungie
WI	Madison
MB	Winkler
MB	Modren
ON	Kawartha Lakes
WA	Everett

**Years of Consulting Experience:** 35

**Years of Government Experience:** 29

### Education:

Law degree,  
*Université Laval*

Political science /  
Economics degree,  
McGill University



## PHILIP BERRY

SENIOR CONSULTANT, MATRIX CONSULTING GROUP

Philip Berry serves in a senior consultant capacity alongside management to provide in-depth analysis of relevant topics, as well as providing theoretical background knowledge of criminological principles and spatiotemporal analytics.

Prior to joining Matrix, Philip spent time as a research analyst with the Virginia Criminal Sentencing Commission in Richmond, VA. Philip has also spent time at academic institutions as an instructor throughout the east coast throughout the duration of his graduate-level coursework.

### Experience Highlights

**Madison, WI:** Philip served as a part of the Strategic Plan team to develop a holistic and bifurcated Strategic Plan for the Madison Police Department.

**Cedar Hill, TX:** Led MCG project staff regarding patrol resource analysis, internal employee survey methodologies, and external community survey completion.

**Boise, ID:** Coordinated all survey methodologies with regard to both internal employee surveys and external comparative surveys, leading to gap analyses to strengthen practices of BPD.

**Fountain Hills, AZ:** Led the creation of an interactive model for forecasting the costs of establishing a new police agency, using extensive research on compensation structures, and operating costs to accurately model feasibility.

**Virginia Criminal Sentencing Commission:** Led research analyses surrounding the sentencing practices of judges throughout the Commonwealth. Analyses surrounded the effect of changing legislation on prison bed capacity in the state.

### Role on This Engagement:

Philip will serve as an analyst and researcher on every project deliverable, taking the lead on selected functions.

### Relevant Clients:

AZ	Fountain Hills
AZ	Goodyear
AZ	Phoenix
CA	Anaheim
CA	Richmond
CA	Signal Hill
CA	La Verne
FL	Hallandale Beach
ID	Boise
NY	Monroe County
OK	Ada
PA	Pittsburgh
TX	Cedar Hill
TX	Cedar Park
TX	Fort Worth
VA	Virginia Beach
WA	Everett
WA	Ridgefield
WI	Madison
WI	Milwaukee

Years of Experience: 9

### Education

- B.A., Lebanon Valley College, Sociology
- M.A., Radford University, Criminology
- A.B.D., University of South Carolina, Criminology

### Professional Associations:

- International Association of Crime Analysts
- American Society of Criminology
- American Criminal Justice Society
- American Sociological Association

## TIM DONOHOE

### SENIOR CONSULTANT, MATRIX CONSULTING GROUP

**Tim Donohoe** is a Senior Consultant with over 26 years of experience in both local and international law enforcement. He most recently served as Mission Advisor for the United States Department of Justice, International Criminal Investigative Training Assistance Program for the country of Armenia and as a Senior Law Enforcement Advisor for the country of Ukraine implementing police reform.

He is a retired Commander with the Reno, NV Police Department and has command level experience in both police operations and administration.

Mr. Donohoe holds a master’s degree in criminology and criminal justice from the University of Colorado at Denver and a Bachelor of Science degree in Criminology and Criminal Justice from Portland State University. He is an Adjunct Professor at the University of Nevada, Reno.

### Experience Highlights

#### U.S. Department of Justice, International Criminal Investigative Training Assistance Program: Mission Advisor, Armenia

Supported the government of Armenia’s effort to develop a new patrol police department. Aid in the development of patrol police admission standards, institutional procedures, training requirements, and civilian ministry oversight.

Worked closely with the Armenian Ministry of Justice, the Armenian National Police Executive Staff, and newly selected Armenian National Patrol Police leadership.

#### Senior Law Enforcement Advisor, Ukraine

Instruct/assist with implementation of various programs associated with police reform efforts.

Territorial Community Police Officer (TCPO) Supervisor Project o Police Training Officer Program (Train the Trainer Course)

#### Lead Trainer/Supervisor, Ukraine

Led a team of trainers in designing and instructing two, one month-long train-the-trainer courses in community-oriented policing, use of force techniques, and patrol tactics.

#### Bangladesh National Police Project

Assisted in the development of a police training program and manual – Using Community Policing and Problem Solving to Counter Violent Extremism and Terrorism.

### Relevant Clients

- AZ Chandler
- AZ Goodyear
- CA Federal Reserve Bank
- CA La Verne
- CA Richmond
- CA San Diego Harbor
- CA San Jose
- CA Signal Hill
- CT Bridgeport
- FL Osceola County
- ID Boise
- NY Monroe County
- NY Syracuse
- OH Cincinnati
- OK Ada
- OR Bend
- PA Pittsburgh
- RI East Greenwich
- TX Cedar Hill
- TX Cedar Park
- TX Fort Worth
- TX Texas City
- VA Virginia Beach
- WI Milwaukee

### Relevant Positions:

Adjunct Professor  
University of Nevada, Reno

Police Commander  
Reno Police Department

Law Enforcement  
Advancing Data and  
Science Scholar (LEADS)  
National Institute of Justice

### Education:

M.A., University of  
Colorado at Denver,  
Denver

B.S., Portland State  
University, Portland, OR

## 4 Cost Proposal

The Matrix Consulting Group is pleased to submit our price proposal to conduct the Operational and Workload Study for the Appleton Police Department. This price is based on the scope of work and the task plan presented. The table below provides our fees for the study, with hours and costs broken down by task and by project team classification level:

Task	Project Manager/ Executive	Senior Manager/ Manager	Consultant	Total Hours	Total Fee
1. Initiation and Interviews	16	16	56	88	\$16,000
2. Profile	16	8	16	40	\$8,600
3. Analysis of Workload and Staffing	24	32	72	128	\$23,600
4. Comparisons	4	0	32	36	\$6,000
5. Draft and Final Report	16	16	24	56	\$11,200
<b>Total Hours</b>	<b>76</b>	<b>72</b>	<b>200</b>	<b>348</b>	
Hourly Rate	\$300	\$175	\$150		
<b>Total Professional Fees</b>	<b>\$22,800</b>	<b>\$12,600</b>	<b>\$30,000</b>		<b>\$65,400</b>
Travel Expenses					\$3,600
<b>Total Project Cost</b>					<b>\$69,000</b>



Fringe Benefits			
CITY OF APPLETON POLICY		SECTION:	Human Resources
ISSUE DATE:	April 2000	LAST UPDATE:	August 2024
POLICY SOURCE:	Human Resources Department		
POLICY AUDIENCE:	All Employees Excludes Valley Transit, Police and Fire protective employees covered by a collective bargaining agreement.		

**I. PURPOSE**

To outline for employees the fringe benefits available to all employees, excluding represented Valley Transit, Police and Fire protective employees.

**II. POLICY**

It is the policy of the City of Appleton to make available fringe benefits as outlined in this policy. It is also the policy of the City of Appleton to provide incentives, recognize significant levels of responsibilities, and to attract and retain qualified employees by offering comparable benefits.

**III. DISCUSSION**

This policy provides the current fringe benefits available. These benefits are subject to change with approval of the Common Council.

**IV. DEFINITIONS**

- A. Regular Full-Time (exempt): Employees who work a minimum of 2080 hours per year or 80 hours bi-weekly and not eligible for overtime or compensatory time for any hours worked beyond 40 hours per week. A full-time exempt employee is expected to work whatever hours necessary to complete the job they have been hired for. Employees who are classified as exempt are paid on a “salaried basis” meaning that the person will be paid the same full salary for any week in which work is performed without regard to the number of hours worked.
- B. Regular Full-Time (non-exempt): Employees who work 2080 hours per year and are eligible for overtime after working 40 hours per week.
- C. Regular Part-Time (exempt): Employees who are normally scheduled to work a minimum 1040 hours per year but less than 2080 hours per year and are not eligible for overtime or compensatory time for any hours worked beyond their standard bi-weekly hours.
- D. Regular Part-Time (non-exempt): Employees who are normally scheduled to work a minimum 1040 hours per year but less than 2080 hours per year and are eligible for straight time pay for hours worked beyond their standard biweekly hours and for overtime after working 40 hours per week.
- E. Non-represented: All employees whose benefits are not covered by a Collective Bargaining Agreement.
- F. Represented: Employees whose benefits are covered by a Collective Bargaining Agreement. Those include: Valley Transit Teamster Local 662, Appleton Professional Police Non-supervisory Unit and the Appleton International Association of Firefighters Local 257.
- G. Domestic Partner: Persons without registration that meet the following criteria:
  - a. Each individual is at least 18 years old and competent to enter into a contract;
  - b. Neither individual is married to, or in a domestic partnership with, another;
  - c. They share a common residence

- d. Their partnership must not violate Wisconsin Statutes which bar marriage between certain persons based on kinship and divorce;
- e. They must consider themselves to be members of each other's immediate family and
- f. They must agree to be responsible for each other's basic living expenses.

Employees who wish to utilize the funeral leave benefits available for domestic partners must submit in writing to the Human Resources Department proof that the criteria listed above in (a-f) are met. Human Resources will make a determination on eligibility based on the information provided by the employee.

- H. Look-Back Measurement Period: Rules set by Health Care Reform to offer coverage to an employee who at time of hire wasn't eligible for medical insurance coverage. If during measurement period the employee's hours increase to over 30 hours per week on average then must be offered medical insurance. Measurement Period is the 12 months the City will use to review hours worked in the calculation. Administrative Period is the 60-day period for the City to administratively compute hours work to know if insurance should be offered. Stability Period is the 12-month period of time that once an employee qualifies must be allowed to stay on medical insurance.

## **V. BENEFITS**

### **A. Health and Dental Insurance**

#### **1. Health Insurance:**

Regular full-time and part-time employees working 30 hours or more per week, shall be eligible for the health insurance benefit plan.

Effective January 1, 2013 part-time employees who are enrolled in the City health insurance program shall be grandfathered and will continue to be eligible for health insurance benefits provided they maintain their enrollment in the plan. If said employee chooses to drop coverage the part-time employee must work 30 hours per week to re-enroll.

Health insurance is effective on the 31<sup>st</sup> calendar day of employment. Employees who do not enroll at this time can make coverage election during the open enrollment period for the following calendar year. Employees who experience a qualifying status change may enroll mid-year.

Employees working less than 40 hours per week (1.0 FTE) will have premiums prorated. Premiums will be deducted from the employee's payroll check. All premiums will be taken on a pre-tax basis unless the employee notifies the Human Resources Department in writing of their desire to have the premium deducted on a taxable basis. Any missed payments for insurance premiums will be deducted at a later date, or the employee will be invoiced. Failure to make timely payments may cause cancellation of coverage.

Employees who have a spouse who also work for the City must select either one family plan or two single plans.

The City will follow the Health Care Reform Act look-back provision in order to determine if a previously not eligible employee becomes eligible for medical insurance. The Measurement Period will be November 1 through October 31. The Administrative Period will be November 1 through December 31. The Stability Period will be January 1 through December 31.

#### **2. Dental Insurance:**

Regular full-time and part-time employees working 20 hours or more per week, shall be eligible for the dental insurance benefit plan.

Employees working less than 40 hours per week (1.0 FTE) will have premiums prorated. Premiums will be deducted from the employee's payroll check. All premiums will be taken on a

pre-tax basis unless the employee notifies the Human Resources Department in writing of their desire to have the premium deducted on a taxable basis. Any missed payments for insurance premiums will be deducted at a later date, or the employee will be invoiced. Failure to make timely payments may cause cancellation of coverage.

Dental insurance is effective on the 31<sup>st</sup> calendar day of employment. Employees who do not enroll at this time can make coverage elections during the open enrollment period for the following calendar year. Employees who experience a qualifying status change may enroll mid-year.

Employees who have a spouse who also work for the City must select either one family plan or two single plans.

#### B. Life Insurance

1. **Basic Life Insurance:** Regular full-time and regular part-time employees are eligible for term life insurance in an amount equal to one time the employee's annual salary rounded to the next even thousand increment to a maximum of \$50,000. The City shall pay the full cost of the premium.
2. **Optional Life Insurance:** In addition to the \$50,000 term life insurance, regular full-time and regular part-time employees can purchase optional life insurance in \$10,000 increments. Optional life insurance can be purchased for spouse and dependent children. The employee must pay the full premium for all optional life insurance.

Life insurance is effective on the first of the month after thirty (30) calendar days of employment.

#### C. Long-Term Disability Insurance

Regular full-time and regular part-time employees will be eligible for long-term disability insurance. Coverage will be provided at 60 % of the employee's salary for non-work-related injuries or illnesses after a ninety (90)-calendar day waiting period. The carrier must deem employees eligible. The City shall pay the full cost of the premium.

Long-term disability insurance is effective on the first of the month after ninety (90) (uninterrupted) calendar days of employment.

#### D. Wisconsin Retirement System

The City shall pay one half of all actuarially required contribution for funding benefits under the retirement system for regular full-time and regular part-time employees, this excludes Police and Fire protective employees. Participation in the Wisconsin Retirement System is mandatory.

#### E. Deferred Compensation Program (Section 457 Plan)/Roth

Regular full-time and regular part-time employees are eligible to participate in the City Deferred Compensation Program upon enrollment into the program anytime on or after their first day of employment. Any amounts contributed to the program, which must be by payroll deduction, are paid for fully by the employee. Under this plan, you may contribute money (on a pre-tax basis) in a tax deferred investment of your choice to earn tax deferred interest until you are ready to receive distributions, usually at retirement. There is also a Roth option that must be by payroll deduction and is paid for fully by the employee. This allows you to contribute money (on an after-tax basis) to investments of your choice.

#### F. Post Employment Health Plan (PEHP)

The City of Appleton participates in the PEHP for Non-Represented Public Employees in accordance with the terms and conditions of the Plan's Participation Agreement.

1. **Monthly Contributions:**

The City agrees to contribute to the Plan on behalf of all regular full-time non-represented employees. The City shall contribute for each Eligible Employee the amount of ten dollars (\$10) per month.

The City shall pay the annual administration fee on behalf of the eligible active employee. The procedure for payment of the administration fee shall be accomplished by a deduction and reimbursement directly into the employee's account.

Regular part-time employees are not eligible for payment of the annual administration fee or the monthly contribution to the PEHP.

2. Additional Contributions:

In addition to the monthly contribution amount, the City will contribute upon retirement, the value of unused sick leave of an Eligible Employee's accumulated sick leave balance to the maximum as follows:

90 days for formerly represented AFSCME employees;

90 days plus any accumulated physical fitness bonus incentive for Police Captains and Lieutenants and;

120 days plus any accumulated physical fitness bonus incentive for Police/Fire administrative protective status personnel and

120 days for all other employees

(For purposes of the additional contribution, an Eligible Employee is an employee who is qualified for an annuity under the Wisconsin Retirement System.)

PEHP contributions are not reportable earnings to the Wisconsin Retirement System.

Contributions to the PEHP may only be used after an employee leaves employment with the City of Appleton. Monthly contributions are placed into an account that may be used to pay for IRS qualified expenses. The additional contributions are placed into an account that may be used to pay for premium contributions only.

- G. Flexible Spending Account: All regular full-time and regular part-time employees are eligible to participate in the dependent care flexible spending account program. Enrollment shall be January 1 of each year for existing employees or within thirty (30) calendar days for newly hired employees or for qualifying status changes. This program allows the employee to use pre-tax funds to pay for IRS qualified expenses for children under the age of thirteen (13) or day care expenses for disabled dependents.
- H. Worker's Compensation: Regular full-time employees and regular part-time employees shall receive worker's compensation benefits based on state worker's compensation laws, with the exception's that there shall be no cap on the weekly (TTD) temporary total disability payments and they be compensated for the first three days at 66 2/3% following the date of injury, after the 7 day period is met. All protected police and fire personnel shall receive the same benefit afforded to the represented employees in the department.
- I. Tuition Reimbursement: All regular full-time non-represented employees who successfully complete job-related continuing education courses toward a degreed program shall be reimbursed for fifty percent (50%) of the cost of tuition and books. The total amount reimbursed will not exceed fifty percent (50%) of the amount charged by the University of Wisconsin system for similar courses that is paid by the employee.

Library employees shall be reimbursed for up to 25% of the cost of tuition and books, paid by the employee, not to exceed that charged by the University of Wisconsin system for similar courses for graduate Library education.

The department head and the Director of Human Resources must approve participation in such courses, in advance. Successful completion shall mean a passing grade if the course or program is graded on a pass/fail basis or a grade of "C" or better if letter grades are issued. Class participation will be on the employee's own time.

All tuition reimbursement requests shall be subject to available departmental funds. Reimbursements from other sources will offset City contributions. (ie; grants).

- J. Direct Deposit: All employees are required to have their payroll checks direct deposited into a bank or credit union of their choice. The full amount of the deposit must go into one account.
- K. Employee Assistance Program (EAP): The City sponsors an EAP to help employees and those living in their households maintain healthy levels of emotional, work-life, and physical well-being, and to limit the effect of personal problems on job performance. All employees and those living in their households are eligible to utilize resources and services offered through the EAP. This benefit comes at no cost to the employee or participant and is designed to provide short-term confidential counseling and referral services, financial information and resources, legal support and resources, work-life solutions, and Guidance Resources Online. Services rendered by the EAP are provided through a contract with a private employee assistance consulting firm.

L. Vision Insurance

Regular full-time and part-time employees working 20 hours or more per week, are eligible to enroll in a voluntary vision insurance benefit plan.

Premiums will be deducted from the employee's payroll check. All premiums will be taken on a pre-tax basis unless the employee notifies the Human Resources Department in writing of their desire to have the premium deducted on a taxable basis. Any missed payments for insurance premiums will be deducted at a later date, or the employee will be invoiced. Failure to make timely payments may cause cancellation of coverage.

Vision insurance is effective on the 31<sup>st</sup> calendar day of employment. Employees who do not enroll at this time can make coverage elections during the open enrollment period for the following calendar year. Employees who experience a qualifying status change may enroll mid-year.

Employees who have a spouse who also works for the City must select either one family plan or two single plans.

- M. Other Benefits: Other voluntary benefits may be offered based on the City's discretion.

**VI. PAID LEAVE**

Employees shall receive a total of twelve (12) holidays per year (this includes scheduled holidays, as listed below). When a holiday falls on Saturday or Sunday, it shall be determined by the Mayor in November of the previous year, if service to the public will be required on the Friday or Monday. If it is determined that service will be provided to the public, employees shall work those days as part of their normal workweek and will be given a floating holiday off in lieu of the Friday before and/or the Monday after a holiday to be scheduled with supervisory approval. Department Directors will inform employees the November prior to the beginning of the following year of any variations of the following schedules. For those employees who are not required to service the public as noted above, when New Years, Independence Day, or Christmas falls on Saturday they shall be observed on the preceding Friday and when they fall on Sunday they shall be observed on the following Monday.

- A. Holidays: the City (excluding Valley Transit and Library) shall observe the following holidays:
  - 1. New Year's Day



2. Memorial Day
3. Independence Day
4. Labor Day
5. Thanksgiving Day
6. Day after Thanksgiving
7. Last working day before Christmas
8. Christmas Day
9. Four floating holidays
10. Any additional holidays granted by the Common Council

Valley Transit shall observe the following holidays:

1. New Year's Day
2. Memorial Day
3. Independence Day
4. Labor Day
5. Thanksgiving Day
6. Christmas Day
7. Six floating holidays
8. Any additional holidays granted by the Common Council.

The Appleton Public Library shall observe the following holidays:

1. New Year's Day
2. Memorial Day
3. Independence Day
4. Labor Day
5. Thanksgiving Day
6. Christmas Eve
7. Christmas Day
8. New Year's Eve
9. Four floating holidays
10. Any additional holidays granted by the Common Council and Library Board

Regular full-time employees are eligible for holidays based on eight (8) hours for each of the above listed holidays. Police Lieutenants and Captains who are required to work (minimum staffing) ~~at least 8 (eight)~~ hours on Thanksgiving Day, Day after Thanksgiving, Christmas Eve or Christmas Day shall be entitled to receive \$100 compensation.

Regular part-time employees are eligible for holidays pro-rated based on the approved budgeted position. If one of the above listed holidays falls on a regularly scheduled day off for a regular part-time employee, the employee may have the option, with department head approval, of taking pay for the holiday, taking an additional day off during the pay period or scheduling the holiday as a floating holiday to be used by December 31.

Floating Holidays may be charged in one quarter hour increments and/or pursuant to departmental policy. Floating Holidays must be used during the calendar year, or they will be lost. Department directors/ or designee shall approve the number of employees off on a floating holiday at any one given time, as well as how employees will pick floating holidays and whether or not employees will be allowed to cancel scheduled floating holidays.

In order for regular full-time and regular part-time employees to be eligible for holiday pay, they must work their regularly scheduled workday immediately preceding and following the holiday, except in the case of an employee on an approved paid leave. Floating holidays will be pro-rated in the year of hire and termination/resignation/retirement as follows:

	Hired	Leaving
January-March	3	0

April-June	2	1
July-September	1	2
October-December	0	3

Non-exempt employees who work on any of the scheduled holidays shall receive double time pay for all hours worked on the holiday unless otherwise noted in departmental policies or have received an additional day off as noted above.

When an exempt employee is required to work one of the holidays listed above, that supervisor shall be given an additional floating holiday off, to be scheduled with supervisory approval. This provision shall not apply to Fire personnel working a 24-hour shift.

Non-represented Fire Personnel working a 24-hour shift shall be granted pay for scheduled holidays in accordance with the current International Association of Fire Fighters Local 257 collective bargaining agreement. In addition to the pay for scheduled holidays, 24-hour shift personnel shall be entitled to floating holidays based on the following schedule:

Upon promotion or year of hire:	one (1) floating holiday
After five (5) years of city service:	two (2) floating holidays
After eight (8) years of city service:	three (3) floating holidays

Floating Holidays shall be charged in one quarter hour increments and/or pursuant to departmental policies or guidelines.

- B. Vacation: All regular full-time employees shall be entitled to paid vacation benefits as of January 1 of each year based upon their length of continuous service. For purposes of determining future vacation eligibility, the year of hire shall be treated as a full year of service.

Regular part-time employees are eligible for vacation pro-rated based on the approved budgeted position. Regular part-time employees shall use vacation based on the number of hours scheduled to work on the day or days for which the vacation is requested.

Paid vacations shall be provided in accordance with the following:

Vacation Schedules: Existing employees shall be placed on the schedule below effective January 1, 2012. Employees will not lose earned vacation as a result of that placement and shall move to the next increment based on their years of service on the schedule below.

Year of hire: Persons hired prior to July 1 of any year shall receive one week (5 working days) of vacation during their year of hire subject to approval of their department head or Mayor if appropriate and in accordance with department policies.

1. Non-exempt:

- After one year of continuous service: one week of vacation (five working days.)
- After two years of continuous service: two weeks of vacation (ten working days.)
- After six years of continuous service: two weeks plus two days of vacation (twelve working days.)
- After eight years of continuous service: three weeks of vacation (fifteen working days.)
- After twelve years of continuous service: four weeks of vacation (twenty working days.)
- After fifteen years of continuous service: four weeks plus two days of vacation (twenty-two working days.)
- After twenty-years of continuous service: five weeks

2. Exempt:

After one year of continuous service: two weeks (ten working days.)  
After five years of continuous service: three weeks (fifteen working days)  
After eight years of continuous service: three weeks plus three days of vacation (eighteen working days.)  
After twelve years of continuous service: four weeks plus two-days of vacation (twenty- two working days.)  
After twenty years of continuous service: five weeks plus four days of vacation (twenty-nine working days.)

3. Fire Personnel working a 24-hour shift:

After one year of continuous service: three days of vacation.  
After two years of continuous service: six days of vacation.  
After five years of continuous service: seven days of vacation.  
After eight years of continuous service: ten days of vacation.  
After twelve years of continuous service: thirteen days of vacation.  
After sixteen years of continuous service: fourteen days of vacation.  
After twenty years of continuous service: sixteen days of vacation.

**Administration of Vacation:**

Department directors/or designee shall approve the number of employees off on vacation at any one given time, as well as how employees will pick vacations and whether or not employees will be allowed to cancel vacations.

With the exception of the year of hire, vacation credits are earned in one year and are available for use in the following year. All employees entitled to three (3) weeks or more of vacation must schedule and take at least two (2) weeks of vacation during the year of entitlement. All employees entitled to less than three (3) weeks of vacation must schedule and take at least one (1) week of vacation during the year of entitlement. Employees who do not schedule the minimum required vacation will have it scheduled for them at a time determined by the department. If a department is unable to schedule the minimum required vacation for the employee, the time will be lost.

Vacation benefits shall be charged in one quarter hour increments and/or pursuant to departmental policies or guidelines.

When a holiday falls during an employee's vacation, he/she shall not be required to use a vacation day in lieu of the holiday.

In the event an employee or family member becomes ill during an employee's vacation, the employee will not be allowed to substitute sick leave for vacation unless the need for sick leave commences prior to the start of the approved vacation.

Regular employees who move from one position to another by transfer, promotion, or demotion, in the City, shall be credited with accumulated vacation leave in their new position.

An employee whose employment status is changed from temporary to regular status without a break in service shall receive vacation credits from the original date of hire. Library employees whose status is changed from temporary to regular status will have their vacation based on their status effective date change.

No credit for vacation leave shall be granted for time worked by an employee in excess of their normal workweek.

Use of vacation time must be approved in advance by the department head.

Vacation Carry-Over:

Any employee may carry over, from one year to the next, up to a maximum of five (5) days (forty hours) vacation.

Non-represented Fire employees working a 24-hour shift may carry over, from one year to the next, three (3) days.

Any vacation time that is carried over into a subsequent year shall be considered the first vacation time used by the employee in the subsequent year. The process at year end for employees who have unused vacation will be as follows:

1. Any unused eligible balance up to forty hours will automatically be carried over to the next year.
2. Any remaining balance up to forty hours may be paid to the employees PEHP or H.S.A. account. (No more than a total of up to 40 hours for the two plans combined)

Any employee wishing to have their remaining balance paid to the PEHP (up to 40 hours maximum), must enter the hours of the remaining balance in the payroll system on the payroll that includes 12/31 and use a code of "VT" in Iseries or 822 in Tyler Munis.

Any employee wishing to have their remaining balance paid to their H.S.A. account (up to 40 hours maximum), must enter the hours of the remaining balance in the payroll system on the payroll that includes 12/31 and use the code of "XV" in Iseries or 818 in Tyler Munis.

Fire personnel employees who have vacation balances as of December 31, will have the unused eligible balance up to three days for Fire personnel working a 24 hour shift, automatically carried over to the next year and any remaining balance up to three days for Fire personnel working a 24 hour shift may be paid to their PEHP account or their H.S.A. account: (No more than a total of up to 40 hours for the two plans combined)

In both payout options, Fire employees working a 24-hour shift will have their shift hours converted to a 40 hour paid work week.

All eligible vacation not used in the year in which it is available and not carried over, must be entered into the payroll system with the VT or XV codes for payment to their PEHP or H.S.A. account or the vacation time will be lost.

At termination or retirement, any unused vacation will be paid to the employee in a lump sum. Vacation cannot be used over payroll periods to extend the last day of employment.

Exceptions to the above vacation carryover and PEHP/H.S.A. contribution beyond forty hours and three days for Fire personnel working a 24-hour shift, may be made in unusual circumstances as pre-approved by the Department Director or Mayor as appropriate and the Human Resources Director.

The Human Resources Director may request exceptions to the vacation provisions as it relates to placement on the schedule, on a case-by-case basis with a report to the Human Resources Committee.

- C. Paid Time Off: (PTO) Employees shall receive six (6) PTO days January 1 of each year to be used as paid time off. Part-time employees shall receive a pro-rated amount based on their approved budgeted position. For newly hired employees, PTO days shall be pro-rated based on the month hired. Employees will be allowed to carryover three (3) PTO days not used as of December 31<sup>st</sup>. Any request made for PTO days shall follow the normal procedure for the type of leave being requested. (e.g. vacation, floating holidays and sick leave must follow the normal guidelines used for requesting that type of benefit)

PTO days shall be pro-rated in the year of hire/termination/resignation/retirement as follows:

Hired Leaving

January-February	5	0
March-April	4	1
May-June	3	2
July-August	2	3
September-October	1	4
November-December	0	5

Fire employees working a 24-hour shift shall receive four (4) PTO days on January 1<sup>st</sup> of each year to be used as paid time off. Fire employees will be allowed to carryover two (2) PTO days not used as of December 31<sup>st</sup>.

PTO days for Fire employees working a 24-hour shift shall be pro-rated in the year of hire/termination resignation/retirement as follows:

	Hired	Leaving
January-March	3	0
April-June	2	1
July-September	1	2
October-December	0	3

Employees who use more PTO than they are entitled to in the year they leave employment shall owe the City the time back unless the employee leaves employment as a result of physician certified disability.

PTO days shall be charged in one quarter hour increments and/or pursuant to departmental policies or guidelines.

- D. Sick Leave: Employees who have sick leave on the books will have that balance grandfathered as of December 31, 2011, and employees will no longer earn sick leave.

Sick leave that has been grandfathered may be used for an absence due to illness of, or injury to, the employee or an immediate family member living in the employee's residence, unless otherwise qualified under the Family Medical Leave Act.

Sick leave cannot be used until all Paid Time Off (PTO) days have been exhausted unless otherwise qualified under the Family Medical Leave Act. Employees must use the 2<sup>nd</sup> sick leave bank before accessing the regular bank;

1. PTO
2. 2<sup>nd</sup> sick leave bank
3. Regular sick leave bank

Sick leave and PTO may be used for doctor or dental appointments, which cannot be scheduled during an employee's regular time off. Employees are encouraged to schedule routine appointments that minimize the operational impact to the department.

Sick leave and PTO shall be charged in no less than one quarter-hour increments provided it is pre-approved by the employee's supervisor and/or pursuant to departmental policies or guidelines

A regular employee who moves from one position to another by transfer, promotion, or demotion, in the City, shall have their total sick leave credits transferred to the new department.

Employees who wish to utilize the sick leave benefits available for domestic partners must submit in writing to the Human Resources Department proof that the criteria listed above in (a-f) under Definitions (G) are met. Human Resources will make a determination on eligibility based on the information provided by the employee.

- E. Funeral Leave: In the case of the death of the employee's spouse, domestic partner, child, or stepchild, regular full-time employees may be paid for scheduled time lost up to ten (10) working days, but not to exceed (80) eighty hours, at the employee's regular straight time rate. Leave must be taken within 60 days of the death.

In the case of death in the immediate family of a regular full-time employee, the employee will be paid for the scheduled time lost up to three (3) scheduled workdays, but not to exceed (24) twenty-four hours at the employee's regular straight time hourly rate.

For purposes of funeral leave, immediate family shall be defined as the employee's grandchild; mother or stepmother; father or stepfather; legal guardian; sister or brother; mother-in-law or father-in-law; any other relative living in the employee's residence at the time of death; or the mother or father of the employee's domestic partner.

In the event of death of the grandparent of the employee, grandparent of the employee's spouse, or grandparent of the employee's domestic partner, the employee will be given leave for the day of the funeral, but not to exceed (8) hours at the employee's straight time hourly rate.

Fire employees working a 24-hour shift shall be eligible for funeral leave based on the following:  
Spouse, domestic partner, child or stepchild: 5 workdays without loss of pay  
Immediate Family: 2 workdays  
Grandparent: 1 workday

Employees who wish to utilize the funeral leave benefits available for domestic partners must submit in writing to the Human Resources Department proof that the criteria listed above in (a-f) under Definitions (G) are met. Human Resources will make a determination on eligibility based on the information provided by the employee.

Regular part-time employees are eligible for funeral leave pro-rated based on the approved budgeted position.

F. Compensatory Time: Non-exempt regular full-time employees will be paid-overtime at time and one-half for all hours in excess of forty hours worked in a pay week. Non-exempt regular full-time employees, with the prior approval of their supervisor, may have the option of converting additional time worked to compensatory time off up to a maximum of 40 hours. Request for usage of compensatory time shall be pursuant to departmental policies.

G. Jury Duty/Witness Duty: Regular full-time and regular part-time employees shall receive full pay for any workday the employee serves as a juror or if subpoenaed on witness duty if the employee was scheduled for work. In order for an employee to be eligible for witness duty pay, the reason for being a witness must be related to their employment with the City of Appleton. As a condition for such payment, the employee shall report for work for their regularly scheduled hours immediately before and following such duty when reasonably possible and shall immediately notify the Employer upon receipt of the jury summons or subpoena. The employee shall complete a Jury Duty Request form and submit it to their supervisor as soon as they are notified by subpoena of their requested appearance.

In order to receive full pay the employee is required to, upon receipt of jury or witness pay, submit their jury or witness pay to the City payroll office. The payroll office will cash the employees check, retain the portion of the check representing per diem payments, and give the employee the mileage and meal reimbursement portions of the check.

Employees, at their option, may use paid time off for a day of jury or witness duty and thereby retain the jury or witness pay as well as full pay for the day(s).

## **VII. LEAVE OF ABSENCE**

Leaves of absence, outside of the entitlements covered by the Family and Medical Leave (FMLA) act, may be granted without pay subject to the conditions below. FMLA leaves of absence are covered in the City of Appleton FMLA policy and will be administered in accordance with Wisconsin and Federal laws.

Leaves will be granted at the total discretion of the Department Head and the Human Resources Director. A leave of absence must be requested at least 30 days prior to the taking of such leave, or in emergency cases as soon as reasonable or practicable. An acceptable physician's certification shall be required for all medical leaves of absences.

A leave of absence may be considered for up to one calendar year. If leave is needed beyond one calendar year and it is related to a medical condition, then employee may be placed on an inactive status. Inactive status may only be considered if:

- The employee is not permanently restricted from returning to their position.
- There is no financial impact to the City (e.g. salary or fringe benefits) while on an inactive status.
- The position will not be held vacant.
- All other requirements under Leave of Absence in this policy are followed.

Employees returning from an inactive status will be eligible to return to the same or a like position in that department, if one exists, when they are deemed fit for duty. The inactive status will end no later than three years from the date of leave, at which point employment will terminate.

The employee must exhaust all available paid time off benefits prior to the commencement of an unpaid leave of absence.

Return to work earlier than the scheduled termination of leave date may be arranged by the department head and the employee with the approval of the Human Resources Director, provided it does not conflict with the physician's certification.

Employees on an unpaid leave of absence with the City may not be employed elsewhere unless otherwise approved by the Human Resources Director.

If an employee is unable to return to work on the date stipulated, they may submit a written request to extend their leave of absence, subject to the approval of the Human Resources Director. If, on the date following the expiration of the leave of absence, an extension is not requested and granted and the employee has not returned to their position, the employee shall be considered to have voluntarily resigned from City employment.

## **VIII. BENEFIT STATUS DURING LEAVE OF ABSENCE**

An employee on a leave of absence without pay (non-FMLA leave) will have coverage on the medical, dental, and vision plan until the end of the month which their leave started. COBRA continuation coverage will be offered the first of the month following the start of the leave.

Any missed premiums for optional life insurance voluntary disability, and accident insurance during this leave will be collected through payroll deduction(s) when the employee has returned to work. If the leave continues into the new year, the employee will receive an invoice on the missed premiums.

Paid time off and vacation shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-compensable status (excluding approved FMLA). Should such period without pay exceed thirty (30) calendar days in any calendar month. In this case, the employee's vacation, floating holiday and PTO entitlement for the following year shall be pro-rated.

## **IX. PHYSICAL FITNESS PROGRAM-POLICE & FIRE SWORN PERSONNEL**

Exempt non-represented protective status personnel shall have the option of participating in the Physical Fitness Salary Incentive and Physical Fitness Bonus Incentive program.

All participating protective status personnel will be tested on the schedule for the represented employees within their respective departments annually (Fire and Police)

A. Physical Fitness Salary Incentive:

Annual Testing: Participating employees receiving a score of “excellent” will be paid a physical fitness salary incentive of 2% of base pay and those receiving a score of “good” will be paid a physical fitness salary incentive of 1% of their base pay until the next testing date. Such payment shall be in a lump sum payable within thirty (30) days of the finalization of the testing results and shall be calculated on the basis of 2% or 1% of the employee’s annual base pay, calculated on the rate of pay at the time of the test. Employees receiving a score of “adequate” or “poor” will not be eligible for a physical fitness salary incentive.

B. Physical Fitness Bonus Incentive:

Annual Testing: Participating employees shall be eligible for eight (8) hours of physical fitness bonus pay for each testing period that the employee receives a score of “excellent” and four (4) hours of physical fitness bonus pay for each testing period that the employee receives a score of “good”. Employees who score as “adequate” or “poor” will not be eligible for a physical fitness bonus incentive.

The accumulated total physical fitness bonus incentive shall be paid to the eligible employee upon retirement (as defined by WRS) to the PEHP. Such payment will be made in accordance with and in addition to the retirement benefits outlined in section V. (Benefits) E. (Post Employment Health Plan) and section XI. (Termination Benefits) of this policy.

**X. TERMINATION BENEFITS**

- A. Retirement: Employees retiring, with proper notice, at or above the normal retirement age established under the Wisconsin Retirement System and/or eligible for a retirement annuity from the Wisconsin Retirement System shall be eligible for the following benefits:
- a. A lump sum pay-out of their accumulated and carry-over vacation balance \*
  - b. A lump sum pay-out of floating holiday and PTO based upon the proration outlined in, Section IV-Paid Leave, of this policy.\*\*
  - c. A lump sum pay-out of their accumulated compensatory time.
  - d. Accumulated and unused sick leave to a maximum of one hundred and twenty (120) days, (90 days maximum for formerly represented AFSCME employees and Police Captains and Lieutenants), shall be paid to the Post Employment Health Plan. Additionally, any accumulated physical fitness bonus incentive for protective status personnel shall be paid to the PEHP).
  - e. If the employee has completed at least five (5) years of service with the City, the employee may be eligible for a medical plan option excluding dental and vision coverage. Such medical option may be made available to employees and spouses at their own expense, up to the time the employee and/or spouse turns age 65 or becomes eligible for Medicare, provided they exercise this option prior to their last day of work.
  - f. The option of continuing dental, and/or vision coverage under COBRA through the City’s COBRA administrator in accordance with state and federal laws.
- B. Resignation: Employees who resign their employment with proper notice shall be eligible for the following benefits:
- a. A lump sum pay-out of their accumulated and carry-over vacation balance. \*
  - b. A lump sum pay-out of floating holiday and PTO based upon the proration outlined in, Section IV Paid Leave, of this policy.\*\*
  - c. A lump sum pay-out of their accumulated compensatory time.
  - d. The option of continuing the medical, dental, and/or vision coverage under COBRA through the City’s COBRA administrator in accordance with state and federal laws.



- C. Retirement or Resignation without proper notice: Employees who retire or resign their employment without proper notice (unless the reason for lack of proper notice is due to a physician certified disability) may be eligible for the following benefits:
  - a. A lump sum pay-out of any carry-over vacation balance.\*
  - b. A lump sum pay-out of any accumulated vacation balance based upon the following pro-ration
    - 1. Employees required to give a (2) week notice will have a reduction of 10 days.
    - 2. Employees required to give a (30) thirty-day notice will have a reduction of 30 days.
  - c. Floating holiday and/or PTO\*\*
  - d. Employees will receive a lump sum pay-out of their accumulated compensatory time.
  - e. The option of continuing the medical, dental, and/or vision coverage under COBRA through the City's COBRA administrator in accordance with state and federal laws.
  - f. Accumulated and unused sick leave to a maximum of one hundred and twenty (120) days, (90 days maximum for formerly represented AFSCME employees and Police Captains and Lieutenants), shall be paid to the Post Employment Health Plan. Additionally, any accumulated physical fitness bonus incentive for protective status personnel shall be paid to the PEHP).
  
- D. Termination: Employees benefits:
  - a. A lump sum pay-out of any carry-over vacation \*
  - b. Floating holiday and/or PTO\*\*
  - c. Employees will receive a lump sum pay-out of their accumulated compensatory time.
  - d. The option of continuing the medical, dental, and/or vision coverage under COBRA through the City's COBRA administrator in accordance with state and federal laws.
  
- E. Death of an employee: In the event of the death of an employee, the following benefits shall be direct deposited into the employee's account:
  - a. A lump sum pay-out of their accumulated and carry-over vacation balance.\*
  - b. A lump sum pay-out of floating holiday and PTO based upon the proration outlined in, Section VI Paid Leave, of this policy.
  - c. A lump sum pay-out of their accumulated compensatory time.
  - d. A lump sum pay-out of accumulated and unused sick leave to a maximum of ninety (90) working days. For those employees who are eligible, up to an additional thirty (30) days of accumulated sick leave (beyond the 90 days) and any accumulated physical fitness bonus incentive for protective status personnel shall be paid to the employee's spouse and if no spouse is living, the employee's estate.
  - e. A medical plan option excluding dental and vision, may be made available to the employee's spouse at their own expense, up to the time the spouse turns age sixty-five (65) or becomes eligible for Medicare, provided they exercise this option within thirty days of the employee's death.
  - f. The spouse shall have the option of continuing dental and vision coverage under COBRA through the City's COBRA administrator in accordance with state and federal laws.

\*Employees leaving with less than twelve (12) months of service shall owe the City back all vacation time used.

\*\*Employees who have used more floating holiday and/or PTO benefit than they were entitled pursuant to Section VI Paid Leave, of this policy in the last year of their employment will have an amount equal to the paid but unearned benefit deducted from their final pay (unless the employee leaves employment as a result of a physician certified disability).

**139-24**

**AN ORDINANCE AMENDING SECTION 4-241 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NON-DWELLING STRUCTURES, FENCES, AND DRAINAGE.**

(Community Development Committee – 11-06-2024)

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

**Section 1:** That Section 4-241 of Chapter 4 of the Municipal Code of the City of Appleton, relating to non-dwelling structures, fences, and drainage, is hereby amended to read as follows:

**Sec. 4-241. Non-dwelling structures, fences and drainage.**

(a) No owner shall permit any non-dwelling structure, including fences, to rest on any premises which does not comply with the following requirements:

- (1) Every foundation, exterior wall, roof, window, exterior door or basement hatchway, and every other entranceway of every non-dwelling structure, shall be so maintained as to prevent the structure from becoming a harborage for rats, and shall be kept in a reasonably good state of maintenance and repair.
- (2) All exterior surfaces of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workmanlike manner.
- (3) Every fence shall be kept in a good state of maintenance.
- (4) All fence posts shall be anchored at least forty-eight (48) inches into the ground.

(b) Every premise shall be graded and maintained so that no stagnant water shall accumulate or stand on the premises or within any building or structure located on the premises.

(c) For all non-dwelling structures, no more than two (2) layers of shingles, or other similar roofing materials, may be installed onto a roof.

(d) Driveways – One and Two Family.

- (1) Material. Driveways shall be paved with concrete, asphalt, or brick pavers. Concrete shall be finished to a minimum thickness of 4.5 inches and

minimum 3/8” diameter reinforcing rods spaced at 24 inches on center shall be installed. Asphalt shall be paved to a finished thickness of no less than 2 inches. Paving bricks shall be no less than 2-1/4” thick and shall be installed upon a properly compacted and leveled base in a manner that is consistent with standard installation practices. Other or similar “hard surfaces”, as referenced by the Municipal Code, shall only include items approved by the Director of Community Development, prior to installation, as acceptable paving materials. Such materials shall be installed in a manner that is consistent with professional installation practices.

- (2) Any other areas, beyond the minimum requirements, considered to be parking surfaces, must either be paved or converted to a grass/lawn surface by completely removing any gravel or non-conforming driveway surface and installing a minimum of 2” of topsoil prior to seeding.
- (3) If a driveway is to be completely removed, the driveway apron shall also be completely removed and the area restored to grass/lawn area as stated above, and the curb section reinstalled. Replacing the curb requires a permit and must be performed in accordance with City specifications by a contractor licensed with the City to perform such work.
- (4) Repairs to existing hard surfaced driveways shall be made with materials of the same type as the existing hard surface unless the entire driveway is being replaced.

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

#### **140-24**

### **AN ORDINANCE AMENDING SECTION 4-66 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REQUIRED; EXCEPTION.**

(Community Development Committee – 11-06-2024)

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

**Section 1:** That Section 4-66 of Chapter 4 of the Municipal Code of the City of Appleton, relating to required; exception, is hereby amended to read as follows:

**Sec. 4-66. Required; exception.**

(a) No person shall excavate for a structure or building; construct, enlarge, alter, remove or demolish or change the occupancy of a building from one use to another requiring greater strength, exit or sanitary provisions or change to a prohibited use; or install or alter any wiring equipment or electrical, plumbing, heating and ventilating facilities for which provision is made or the installation of which is regulated by this chapter without first filing an application with the Inspection Supervisor on the form provided in writing and obtaining the required permit therefore, except that ordinary repairs which do not involve any violation of this chapter shall be exempt from this provision.

(b) Ordinary repairs to structures or buildings may be made without application or notice to the Inspection Supervisor; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or general safety.

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

#### **141-24**

### **AN ORDINANCE AMENDING SECTION 4-546(a) OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERMITS; BUILDING PERMIT.**

(Community Development Committee – 11-06-2024)

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

**Section 1:** That Section 4-546(a) of Chapter 4 of the Municipal Code of the City of Appleton, relating to permits; building permit, is hereby amended to read as follows:

#### **Sec. 4-546. Permits.**

(a) ***Building permit.*** A building permit is required for the installation, alteration or addition of a swimming pool. The permit fee shall be as provided in §4-161(8). A building permit shall be applied for and obtained prior to the installation, alteration or addition of any private residential swimming pool. The application for a permit shall be accompanied by a plot plan drawing of the premises upon which the proposed pool is to be installed. The plot plan shall show the size and shape of the lot, location and size of all buildings, structures (including fences), existing or proposed, and

any other information affecting the premises. The plot plan shall be accurate and dimensioned.

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

**142-24**

**AN ORDINANCE AMENDING SECTION 19-91 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING ON TERRACES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 19-91 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking on terraces, is hereby amended to read as follows:

**Sec. 19-91. Parking on terraces.**

(a) ***Penalty; parking on terraces.***

- (1) *First offense parking forfeiture.* Any person to whom a ticket has been issued for a violation of this section shall incur a forfeiture of forty-five dollars (\$45.00), which may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket. The procedures in Sec. 19-90(i), (k), and (l) apply to first offenses of this section.
- (2) *Second and subsequent violations of this section.* Any person who violates any provision of this section more than one time in a twelve (12) month period shall be subject to a penalty as provided in Sec. 1-16 of the Municipal Code.

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

**143-24**

**AN ORDINANCE REPEALING SECTION 19-92 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RECREATIONAL AND COMMERCIAL VEHICLE PARKING AND STORAGE IN RESIDENTIAL DISTRICT.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 19-92 of Chapter 19 of the Municipal Code of the City of Appleton, relating to recreational and commercial vehicle parking and storage in residential district, is hereby repealed.

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

**144-24**

**AN ORDINANCE AMENDING SECTION 23-22 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WORDS AND TERMS DEFINED.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-22 of Chapter 23 of the Municipal Code of the City of Appleton, relating to words and terms defined, is hereby amended by making the following changes:

*\*Definitions that are underlined are revised or will be added to this section and those stricken will be removed.*

**Sec. 23-22. Words and terms defined.**

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

~~**Amusement arcade** means a use in which fifteen (15) or more pinball machines, video games or other similar player operated amusement devices (see §9-126) are maintained. Principal uses which require a special use permit are not considered an amusement arcade (e.g. taverns, neighborhood recreation centers).~~

**Building depth** means the horizontal distance between the front wall and the rear wall of a building.

**Commercial entertainment** means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls, amusement arcade, concerts or music halls and similar entertainment activities.

**Dwelling, residential** means a building, structure or part of a building or structure, containing living, sleeping, housekeeping accommodations, and sanitary facilities that is used or intended to be used as a home, residence, or sleeping place by one (1) or more families maintaining a common household.

**Driveway** means an area on private property providing access for vehicles to a public right-of-way.

- (a) **Residential driveway** means a driveway leading directly from the street to a garage, carport, side yard or rear yard parking area which provides vehicle access to a parking area located on a lot serving single-family detached, two-family dwellings and zero lot line dwellings, including driveway extensions.
- (b) **Commercial driveway** means a driveway providing vehicle access to property used for purposes other than single-family detached, two-family dwellings and zero lot line dwellings.
- (c) **Driveway apron** means that portion of any driveway between the traveled portion of the street and the property line.

~~**Painting/Craft Studio with alcohol sales** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.~~

**Painting/Craft Studio** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that may offer customers the opportunity to purchase food, alcoholic and/or non-alcoholic beverages for consumption while they paint and/or make crafts.

~~**Parking lot** means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.~~

**Parking** means an area that provides the required parking for a use in accordance with Chapter 23 Zoning of the City of Appleton Municipal Code. The following definitions relating to parking are also provided:

- (a) **Bicycle parking space** means an area designated and equipped for the purpose of parking and securing a bicycle.
- (b) **Parking** means the act or practice of temporarily leaving any vehicle or maneuvering any vehicle into a certain location or outdoors on a residential driveway, including a parking pad.
- (c) **Parking aisle** means that area adjacent to an off-street parking space which permits maneuvering of the vehicles entering and leaving an off-street parking space and having access to a driveway, street, alley or private street.
- (d) **Parking pad** means a hard surfaced area upon a property which is not connected to a driveway and located in a side and/or rear yard which is intended for parking vehicles and recreational vehicles.
- (e) **Parking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, residential driveway, street or alley.
- (f) **Stacking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of vehicles.
- (g) **Stacked parking means** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for the parking of more than one (1) vehicle in a parallel line, one behind the other on a residential driveway.
- (h) **Side and Rear yard parking area** means an outdoor off-street parking area designed for vehicle parking and maneuvering which is located in the side and rear yard only.
- (i) **Off-street parking space** means a hard surfaced area for one (1) vehicle with room to open doors on both sides of the vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.



(j) **Off-street parking lot or area** means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of vehicles which is not located in a street or alley right-of-way. Also means parking lot.

**Public right-of-way** means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. This definition also includes terraces and driveway aprons.

**Recreational vehicle** means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.

**Restaurant** means a use involving a business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state.

~~**Restaurant (without alcohol)** means a use involving a business establishment, without a liquor license issued by the City, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.~~

**Vehicle** means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including, but not limited to a recreational vehicle, except railroad trains. This definition also means motor vehicle.

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

#### 145-24

**AN ORDINANCE AMENDING SECTION 23-43(c)(10) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; PERMITTED ACCESSORY USES AND STRUCTURES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-43(c)(10) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; permitted accessory uses and structures, is hereby amended to read as follows:

**Sec. 23-43. Accessory uses, buildings and structures.**

(c) *Permitted accessory uses and structures.* Accessory uses, buildings and structures include, but are not limited to, the following:

- (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

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

**146-24**

**AN ORDINANCE AMENDING SECTION 23-43(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; USE AND LOCATION RESTRICTIONS FOR VEHICLES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-43(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; use and location restrictions for vehicles, is hereby amended to read as follows:

**Sec. 23-43. Accessory uses, buildings and structures.**

(e) *Use and location restrictions for vehicles.*

- (1) *Purpose.* The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.
- (2) *When associated with residential dwellings.*

- a. Enclosed parking of commercial or service vehicles. A maximum of one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers may be parked within an attached garage, attached carport, detached garage, and/or detached carport.
- b. Outdoor parking of commercial or service vehicles. A maximum of one (1) commercial or service vehicle rated at Class A, B, and C, not including semitrailers may be parked outdoors on a lot.
- c. Outdoor parking of trailers and recreational vehicles. The outdoor parking of not more than one (1) trailer or recreational vehicle may be permitted provided:
  - 1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes.
  - 2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.
  - 3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.

(3) *Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.*

- a. Public Right-of-Way Encroachment Prohibited: Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.
- b. Front Yard:
  - 1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
  - 2. Parking pads are prohibited in the front yard.
  - 3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.
- c. Side Yard:

1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

d. Rear Yard:

1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

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

**147-24**

**AN ORDINANCE AMENDING SECTION 23-43(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; RESIDENTIAL DRIVEWAY, DRIVEWAY EXTENSION AND PARKING PAD REGULATIONS.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-43(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; residential driveway, driveway extension and parking pad regulations, is hereby amended to read as follows:

**Sec. 23-43. Accessory uses, buildings and structures.**

(f) ***Residential driveway, driveway extension and parking pad regulations.***

- (1) *Exemptions.* Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.
- (2) *Permit application procedure.*
  - a. Building and Street Excavation Permit Application(s).

1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit.

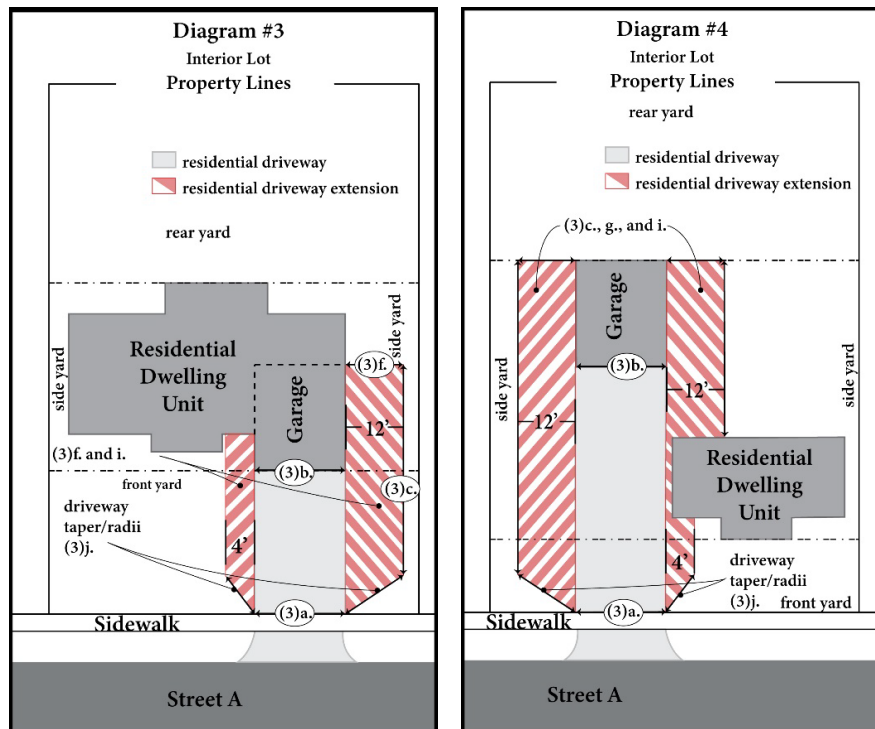
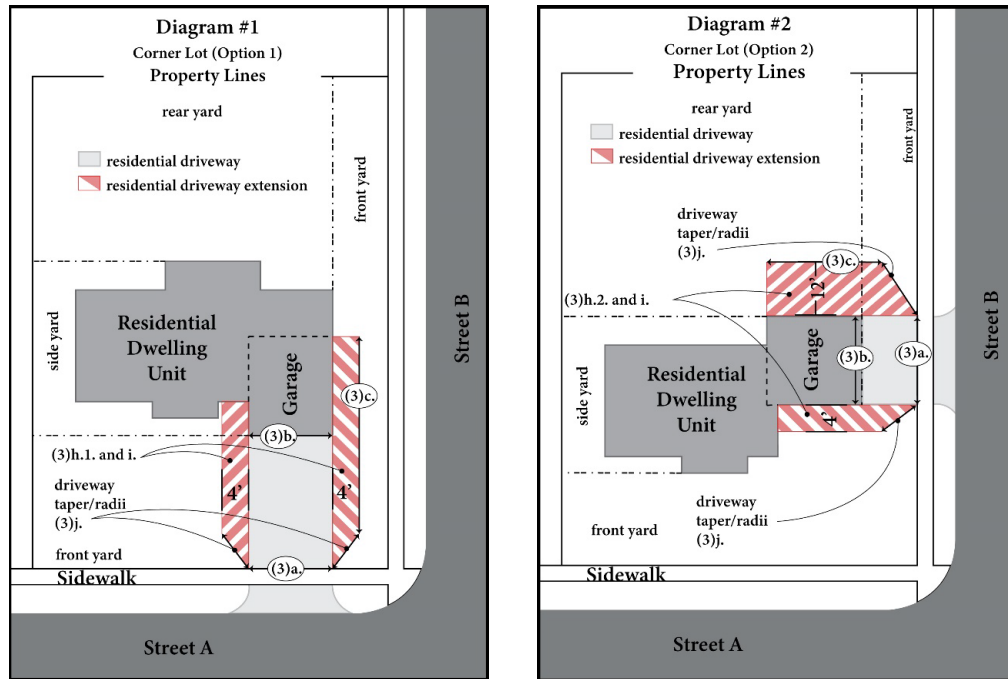
3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

b. Building Permit Application Submittal, Acceptance and Review. After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

c. Building Permit Denial and Appeal. The applicant may appeal the Building Inspections Supervisor's or their designee's decision pursuant to Section 23-67 of this Chapter.

(3) Residential driveway and driveway extension dimensions, design and location standards.



- a. Maximum residential driveway width at the front lot line. Shall not exceed 40% of the lot width dimension where the residential

driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.

- b. Maximum residential driveway width beyond the front line. The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).
- c. Length. The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.
- d. Surface Materials. Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.
- e. Garage not present. If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:
  - 1. Side yard parking area. The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:
  - 2. Rear yard parking area. The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.
- f. Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of

the attached garage or carport and no wider than 4 feet in front of the residential dwelling.

- g. Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots. A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.
- h. Driveway extension. Maximum width (attached garage or carport) on corner lots.
  - 1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or
  - 2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
  - 3. Shall not be permitted to have both Options 1 and 2.
- i. Location. A driveway extension shall be located contiguous and parallel to the residential driveway.
- j. Taper/radii. Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

(4) *Parking pad location and design standards.*

- a. Location. Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.
- b. Materials. The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.
- c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.



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

**148-24**

**AN ORDINANCE AMENDING SECTION 23-43(g) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; SETBACK, HEIGHT AND LOT COVERAGE RESTRICTIONS.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-43(g) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; setback, height and lot coverage restrictions, is hereby amended to read as follows:

**Sec. 23-43. Accessory uses, buildings and structures.**

(g) *Setback, height and lot coverage restrictions.* Accessory buildings and/or structures, shall meet the following setback, height and lot coverage requirements:

(re-lettered from (f))

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

**149-24**

**AN ORDINANCE AMENDING SECTION 16-37(d) OF CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFFICIAL MAP; CHANGES AND AMENDMENTS.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 16-37(d) of Chapter 16 of the Municipal Code of the City of Appleton, relating to official map; changes and amendments, is hereby amended to read as follows:

**Sec. 16-37. Official map.**

(d) ***Changes and amendments.*** The Common Council may, change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

- (1) ***Initiation of Amendments.*** Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.
- (2) ***Amendment Procedure.***
  - a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.
  - b. **Authority of the Plan Commission.**
    1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
    2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
    3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.
  - c. **Public hearing.**

1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
  2. Class 2 Notice shall be given prior to public hearing.
- d. Authority of the Common Council.
1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
  2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
  3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

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

**150-24**

**AN ORDINANCE AMENDING SECTION 23-32(c)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPLICATION OF THIS CHAPTER.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-32(c)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to application of this chapter, is hereby amended to read as follows:

**Sec. 23-32. Application of this chapter.**

(c) From and after the effective date of this chapter:

- (2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

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

### **151-24**

## **AN ORDINANCE AMENDING SECTION 23-65 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ZONING AMENDMENTS.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-65 of Chapter 23 of the Municipal Code of the City of Appleton, relating to zoning amendments, is hereby amended to read as follows:

### **Sec. 23-65. Zoning amendments.**

(a) ***Purpose.*** The purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes to the zoning text and zoning map.

(b) ***Initiation of Amendments.***

- (1) Proposed text amendments may be initiated by: Aldermanic Resolution, Plan Commission, or the Director.
- (2) Proposed zoning map amendments may be initiated by: Aldermanic Resolution, the owner of, or owner's designated agent of the particular property to be rezoned.

(c) ***Text amendments Procedure.***

- (1) ***Proposal.*** Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, a majority of the Plan Commission, or the Director.
- (2) ***Public hearing.***

- a. Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Director shall establish a date, time and place to hold a public hearing.
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) ***Authority of the Plan Commission.***

- a. Within sixty (60) days of submitting the proposed amendments the Plan Commission shall transmit to the Common Council its recommendation.
- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2).

(4) ***Authority of the Common Council.***

- a. Within forty-five (45) days of the Plan Commission recommendation the Common Council shall act upon the recommendation.

- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
  - 1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).
- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

(d) ***Zoning Map Amendments Procedure.***

- (1) ***Proposal.*** Zoning map amendments that serves a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules. A resolution to initiate a zoning map amendment must be accompanied by the information required on an application form provided by the City and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.
- (2) ***Application procedure by property owner or property owner's designated agent.***
  - a. A property owner or property owner's designated agent wishing to amend the zoning map for their property shall meet with the Director to discuss the proposed zoning map amendment.
  - b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment, they shall supply the information as required on an application form provided by the City.
- (3) ***Public hearing.***

- a. Zoning map amendments will be submitted to the Plan Commission per 62.23(7). The Director shall establish a date, time and place to hold a public hearing.
- b. Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.
- c. The Director will be responsible for analyzing the facts regarding the zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.

(4) ***Authority of the Plan Commission.***

- a. Within sixty (60) days from the filing of the completed application the Plan Commission shall transmit to the Common Council its recommendation.
- b. If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).

(5) ***Authority of the Common Council.***

- a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).

1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

(e) ***Standards for zoning amendments.*** All recommendations for Zoning amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:
  - a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton.
  - b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district.
  - c. There is an error in the zoning ordinance text or zoning map as enacted.

(f) ***Time Period.***

- (1) ***Extension.*** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) ***Withdrawal.*** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) ***Reapplication time period.*** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is different.

(g) ***Concurrent planning and zoning actions.*** Applicants may submit applications concurrently.



(h) **Zoning of annexed areas.** All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in 23-65(e) in selection of an appropriate zoning district for the annexed land.

A zoning classification of AG Agricultural Zoning District shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a zoning classification other than AG Agricultural Zoning District, the Plan Commission shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures 23-65(d), Zoning map amendments. If annexed territory does not comply with AG Agricultural Zoning District standards, 23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with 23-42.

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

**152-24**

**AN ORDINANCE AMENDING SECTION 23-91(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AG AGRICULTURAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-91(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to AG agricultural district; principal permitted uses, is hereby amended to read as follows:

**Sec. 23-91. AG Agricultural district.**

(b) *Principal permitted uses.* The following uses are permitted as of right in the AG district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<ul style="list-style-type: none"> <li>• Governmental facilities</li> <li>• Public parks or playgrounds</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Community garden</li> <li>• Greenhouse or greenhouse nursery.</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Nursery, orchards or tree farm</li> <li>• Urban farm pursuant to §23-66(h)(17)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**153-24**

**AN ORDINANCE AMENDING SECTION 23-151(m)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PD PLANNED DEVELOPMENT OVERLAY DISTRICT; PROCEDURE FOR APPROVAL OF A DEVELOPMENT PLAN WITHIN THE DISTRICT.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-151(m)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to PD planned development overlay district; procedure for approval of a development plan within the district, is hereby amended to read as follows:

**Sec. 23-151. PD planned development overlay district.**

(m) ***Procedure for approval of a Development Plan within the district.***

- (2) ***Step 2. Application, Development Plan and Implementation Plan Document (IPD).*** The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
1. All information listed in §23-151(n), Specific contents of Development Plans.

2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
  3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
  4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.
  - c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f)Time Period.
  - d. Period of Validity.
  - e. Recording of Development Plan and Implementation Plan Document (IPD).

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

**154-24**

**AN ORDINANCE AMENDING SECTION 23-152(n)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT; PROCEDURE FOR APPROVAL OF A DEVELOPMENT PLAN WITHIN THE DISTRICT.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-152(n)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to TND traditional neighborhood development overlay district; procedure for approval of a development plan within the district, is hereby amended to read as follows:

**Sec. 23-152. TND traditional neighborhood development overlay district.**

(n) **Procedure for approval of a Development Plan within the district.**

- (2) **Step 2. Application, Development Plan and Implementation Plan Document (IPD).** The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
1. All information listed in §23-152(o), Specific contents of Development Plans.
  2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
  3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
  4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.
- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.
- d. Period of Validity.
- e. Recording of Development Plan and Implementation Plan Document (IPD).

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

#### **155-24**

### **AN ORDINANCE AMENDING SECTION 23-35(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TRANSITION RULES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-35(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to transition rules, is hereby amended to read as follows:

#### **Sec. 23-35. Transition rules.**

- (f) Previously Approved Special Use Permits.
  - (1) When a special use is no longer listed in the applicable use table, all special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.

- (2) When a special use becomes a permitted use in the applicable use table. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter, are no longer needed and become null and void. The provisions of the special use permits are no longer applicable for uses that are listed as a principal permitted use in the corresponding zoning district.

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

**156-24**

**AN ORDINANCE AMENDING SECTION 23-66(f)(1) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; GUARANTEES, VALIDITY PERIOD AND REVOCATION.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-66(f)(1) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; guarantees, validity period and revocation, is hereby amended to read as follows:

**Sec. 23-66. Special use permits and special regulations.**

(f) ***Guarantees, validity period and revocation.***

(1) ***Expiration of special use permits.***

- a. A special use permit shall expire if the use is abandoned for a period of twelve (12) consecutive months.
- b. A special use permit shall expire if a building permit and/or occupancy permit has not been obtained within twelve (12) months of the issuance of the special use permit.
- c. A special use permit shall expire if the use has not been established within twelve (12) months of the issuance of the special use permit.

- d. A special use permit shall expire when a special use becomes a principal permitted in the applicable use table in the respective zoning district.

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

**157-24**

**AN ORDINANCE AMENDING SECTION 23-66(h)(19) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; MICROBREWERY/BREW PUBS AND CRAFT-DISTILLERIES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-66(h)(19) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; microbrewery/brewpubs and craft-distilleries, is hereby amended to read as follows:

**Sec. 23-66. Special use permits and special regulations.**

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(19) ***Microbrewery/Brewpubs and Craft-Distilleries.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.

- d. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District.
- e. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

**158-24**

**AN ORDINANCE AMENDING SECTION 23-66(h)(20) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; BREWERY AND DISTILLERIES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-66(h)(20) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; brewery and distilleries, is hereby amended to read as follows:

**Sec. 23-66. Special use permits and special regulations.**

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(20) ***Brewery and Distilleries.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District.



- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

**159-24**

**AN ORDINANCE AMENDING SECTION 23-66(h)(21) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; WINERY.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-66(h)(21) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; winery, is hereby amended to read as follows:

**Sec. 23-66. Special use permits and special regulations.**

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(21) ***Winery.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District.

- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

**160-24**

**AN ORDINANCE AMENDING SECTION 23-112(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-112(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; principal permitted uses, is hereby amended to read as follows:

**Sec. 23-112. C-1 neighborhood mixed use district.**

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the C-1 district.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Dwelling, multi-family, or three (3) or more units, apartment building, or townhouse</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Governmental facilities</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public parks or playgrounds</li> <li>Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Bar or Tavery pursuant to §23-66(h)(6)</li> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Hotel or motels</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio pursuant to §23-66(h)(6)</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants</li> <li>• Restaurants, fast foods</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**161-24**

**AN ORDINANCE AMENDING SECTION 23-112(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; SPECIAL USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-112(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; special uses, is hereby amended to read as follows:

**Sec. 23-112. C-1 neighborhood mixed use district.**

(e) *Special uses.* Special uses in the C-1 district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Recreation facilities, non-profit</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16)</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Parking garages</li> <li>• Recycling collection points pursuant to §23-66(h)(14)</li> <li>• Research laboratories or testing facilities</li> </ul>

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

**162-24**

**AN ORDINANCE AMENDING SECTION 23-113(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-113(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-2 general commercial district; principal permitted uses, is hereby amended to read as follows:

**Sec. 23-113. C-2 general commercial district.**

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the C-2 district:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes</li> <li>• Nursing or convalescent homes</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Educational institutions; business, technical or vocational school</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Hospitals</li> <li>• Marina or boat landings</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public parks or playground</li> <li>• Recreation facilities; non-profit</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops</li> <li>• Bar or Tavery pursuant to §23-66(h)(6)</li> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Drive through facilities pursuant to §23-49</li> <li>• Greenhouses or greenhouse nurseries</li> <li>• Hotel or motels</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16)</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio pursuant to §23-66(h)(6)</li> <li>• Parking lots</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants pursuant to §23-66(h)(6)</li> <li>• Restaurants, fast food</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</li> <li>• Towing businesses pursuant to §23-66(h)(15)</li> <li>• Urban farms pursuant to 23-66(h)(17)</li> <li>• Veterinarian clinics</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**163-24**

**AN ORDINANCE AMENDING SECTION 23-113(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; SPECIAL USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-113(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-2 general commercial district; special uses, is hereby amended to read as follows:

**Sec. 23-113. C-2 general commercial district.**

(e) *Special uses.* Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure</li> </ul>	<ul style="list-style-type: none"> <li>• Any principal building that exceeds thirty-five (35) feet in height</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5)</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4)</li> <li>• Bus terminals</li> <li>• Car washes</li> <li>• Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7)</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Freight distribution and/or moving centers</li> <li>• Gasoline sales pursuant to §23-66(h)(8)</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9)</li> <li>• Indoor kennels</li> <li>• Landscape business</li> <li>• Manufacturing, light</li> <li>• Mobile home sales lots</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Parking garages</li> <li>• Recycling collection points pursuant to §23-66(h)(14)</li> <li>• Recycling and waste recovery centers pursuant to §23-66(h)(13)</li> <li>• Research laboratories or testing facilities</li> <li>• Sexually-oriented establishments pursuant to Article XII</li> <li>• Shelter facility</li> <li>• Wholesale facilities</li> </ul>

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

**164-24**

**AN ORDINANCE AMENDING SECTION 23-114(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-114(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; principal permitted uses, is hereby amended to read as follows:

**Sec. 23-114. CBD central business district.**

(b) ***Principal permitted uses.*** The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes</li> <li>• Nursing or convalescent homes</li> <li>• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public park or playgrounds</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops</li> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Hotel or motels</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio pursuant to §23-66(h)(6)</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants pursuant to §23-66(h)(6)</li> <li>• Restaurant, fast foods</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Veterinarian clinics</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**165-24**

**AN ORDINANCE AMENDING SECTION 23-114(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; SPECIAL USES.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 23-114(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; special uses, is hereby amended to read as follows:

**Sec. 23-114. CBD central business district.**

(e) *Special uses.* Special uses in the CBD district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institution; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Hospital</li> <li>• Marina and/or boat landing</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles pursuant to §23-66(h)(5)</li> <li>• Body repair and/or paint shop pursuant to §23-66(h)(4)</li> <li>• Bus terminal</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Gasoline sales pursuant to §23-66(h)(8)</li> <li>• Indoor kennel</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Parking garage</li> <li>• Parking lot; however, surface lots are prohibited on lots fronting on College Avenue</li> <li>• Recycling collection point pursuant to §23-66(h)(14)</li> <li>• Research laboratories or testing facilities</li> <li>• Shelter facility</li> <li>• Wholesale facility</li> </ul>



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

**166-24**

**AN ORDINANCE AMENDING SECTION 9-262(b) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SIDEWALK CAFES; CONDUCT OF BUSINESS GENERALLY.**

(City Plan Commission – 11-06-2024)

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

**Section 1:** That Section 9-262(b) of Chapter 9 of the Municipal Code of the City of Appleton, relating to sidewalk cafes; conduct of business generally, is hereby amended to read as follows:

**9-262. Conduct of business generally.**

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

- (1) The permit holder must hold a Class B license.
- (2) The description for the premise on the Class B license must include the parameters of the sidewalk café.
- (3) The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.
- (4) A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.
- (5) Customers are not allowed to carry alcoholic beverages outside the sidewalk café.

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

**167-24**

**AN ORDINANCE AMENDING SECTION 4-21 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO BOARD OF BUILDING INSPECTION.**

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

**Section 1:** That Section 4-21 of Chapter 4 of the Municipal Code of the City of Appleton, relating to board of building inspection, is hereby amended to read as follows:

**Sec. 4-21. Board of Building Inspection.**

(a) The Board of Building Inspection shall consist of the Mayor, City Attorney, Director of Community Development, Fire Chief, Inspection Supervisor and one (1) Alderperson appointed by the Mayor subject to confirmation by the Common Council at the annual organizational meeting of the Council. The Inspection Supervisor shall serve as secretary without vote.

(b) The City Attorney, Director of Community Development and Fire Chief may designate an alternate to attend in their absence. The alternate shall be counted towards determining a quorum and will be entitled to vote on items brought before the board.

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



# CITY OF APPLETON

## MEMORANDUM

**Date: October 1, 2024**

**To: Board of Health and Common Council**

**From: Charles E Sepers, Jr, PhD, MPH, Health Officer | Director**

**Subject: Proposed Update to City of Appleton Municipal Code 7-100 (d): Smoking Prohibition Around Valley Transit Center and Appleton Public Library**

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The purpose of this memo is to propose an update to City of Appleton Municipal Code 7-100 (d), specifically to prohibit smoking around the Valley Transit Center and Appleton Public Library blocks.

Exposure to secondhand tobacco smoke is strongly linked to the development of chronic diseases, including cancer, worsened allergies, and childhood asthma. It also causes long-term respiratory and cardiovascular damage. In adults, secondhand smoke poses similar risks, particularly for those with preexisting conditions. According to the CDC, over 41,000 adults die annually in the U.S. due to secondhand smoke exposure. There is no risk-free level of exposure.

The newly redesigned Appleton Public Library and Valley Transit Center will attract increased patronage with enhanced program space and amenities. This provides an ideal opportunity to reassess how these spaces are used and to implement policies that protect the health and safety of patrons, including children and other vulnerable populations. To ensure safety, it's important to discourage gathering in areas where vehicles enter the library parking lot. Additionally, the new library features an outdoor children's programming space near Oneida Street, where there is significant bus traffic. Expanding the smoking ordinance would contribute to a cleaner, healthier environment for all visitors and reduce the risk of smoking-related illness. This proposal recommends combining subsections 7-100 (d)(2) and 7-100 (d)(3) of the City of Appleton Municipal Code and updating the smoking ordinance to restrict the entire Valley Transit Center and Appleton Public Library blocks. It also removes references to the Blue Parking Ramp, which no longer exists.

This change aligns with Wisconsin State Statute 101.123 (Act 12) and the City of Appleton's Health in All Policies (Sec. 7-201 (g)), which promotes "accessible built environments that enhance health and safety." It supports the City's broader commitment to creating healthy, smoke-free public spaces.

We respectfully request the Appleton Board of Health review and approve this proposed update to ensure a healthier environment for all community members.

*Proposed update and modification to 7-100 (d).*

*Update (1):*

Delete references to Blue Ramp since it no longer exists. Remainder of the subsection is unchanged.

*Combining current sections (2) and (3) into one section encompassing entirety of Transit Center and Library blocks from West edge of the Yellow ramp to Eastern curb of N. Appleton Street:*

**(d) Prohibition of smoking in outdoor areas.** It shall be unlawful for any person to smoke or use tobacco products in the following outdoor areas.

(2) The outside area around the Transit Center and Appleton Public Library inclusive of the Appleton Public Library parking lot and the sidewalks commencing at the Southern curb of E. Franklin Street parallel to, and following, the West face of the Yellow ramp to the Northern curb of E. Washington Street then Westerly along the North curbs of E. Washington Street to the East curb of N. Appleton Street; then North along the East curb of N. Appleton Street to the Southern curb of W. Franklin Street; and then Easterly along the Southern curb of W. Franklin Street back to the point of beginning (the Southern curb of E. Franklin Street parallel to west edge of the Yellow ramp). Occupants of moving vehicles traveling on N. Oneida Street between Franklin and Washington Streets shall be exempt from this section. In addition, this section is subject to the requirements of Sec. 101.123(4m), Stats. and shall only apply to public property within the area described herein.

