



136 North Monroe Street
Waterloo, Wisconsin 53594-1198

**NOTICE OF A CITY OF WATERLOO
PLAN COMMISSION MEETING**

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held:

MEETING: PLAN COMMISSION
DATE: TUESDAY, JANUARY 22, 2019 **TIME: 7:00 p.m.**
LOCATION: 136 N. MONROE STREET, MUNICIPAL BUILDING COUNCIL CHAMBERS

to consider the following:

PUBLIC HEARING – CONDITIONAL USE APPLICATION, AT&T FIREMEN’S PARK TELECOMMUNICATIONS TOWER

1. CALL TO ORDER
2. PUBLIC HEARING COMMENT – SAC Wireless, on behalf of AT&T, requests a conditional use permit to allow for the construction of a new 190 foot telecommunications tower in Firemen’s Park
3. ADJOURN PUBLIC HEARING

PLAN COMMISSION REGULARLY SCHEDULED MEETING

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING AND PUBLIC HEARING MINUTES: December 18, 2018
3. CITIZEN INPUT
4. COMPLIANCE & ENFORCEMENT REPORT
5. UNFINISHED BUSINESS
 - a. Discussion/Recommendation: Zoning Ordinance Changes Relating To Permitting Attached And Detached Garages And Garden And Yard Equipment Sheds
 - b. Discussion/Recommendation: Revising The Special Assessment Policy (referred from Public Works & Property Committee)
6. NEW BUSINESS
 - a. Discussion/Recommendation: Application For Conditional Use Permit, SAC Wireless (on behalf of AT&T) to allow for the construction of a new 190 foot telecommunications tower in Firemen’s Park
7. FUTURE AGENDA ITEMS & ANNOUNCEMENTS - Zoning Maps & Planning Map Updates & Forms Updates
8. ADJOURNMENT

Mo Hansen

Mo Hansen, Clerk/Treasurer

Posted, Distributed & Emailed: January 16, 2019

Members: Leisses, Thompson, Crosby, Butzine, Reynolds, Lannoy and Springer

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk’s office at the above location.

Select Pages

Ordinance Relating To Permitting Attached and Detached Garages And Garden And Yard Equipment Sheds

City of Waterloo, WI
Tuesday, November 20, 2018

Chapter 385. Zoning

[HISTORY: Adopted by the Common Council of the City of Waterloo 10-19-1987 by Ord. No. 87-6 as Ch. 17 of the 1987 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Zoning Appeals — See Ch. 19.
Building construction — See Ch. 140.
Mobile homes and mobile home parks — See Ch. 252.
Official Map — See Ch. 267.
Comprehensive Plan — See Ch. 365.
Construction site erosion control — See Ch. 372.
Floodplain zoning — See Ch. 375.
Subdivision of land — See Ch. 380.
Wellhead protection — See Ch. 383.

§ 385-1. Introduction.

- A. Authority. These regulations are adopted under the authority granted by § 62.23(7), Wis. Stats.
- B. Short title. This chapter shall be known as, referred to or cited as the "Zoning Code, City of Waterloo, Wisconsin."
- C. Purpose. The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the City.
- D. Intent. It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the City; and implement the City Comprehensive Plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- E. Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- F. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 385-2. Definitions.

For the purpose of this chapter, the following definitions shall be used:

ABUTTING

Having a common property line or district line.

ACCESSORY BUILDING

A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.

ALLEY

A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

APARTMENT

A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

APARTMENT HOUSE

See "dwelling, multifamily."

BASEMENT

A story, as defined below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

BILLBOARD

An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.

BOARDINGHOUSE

A building other than a hotel where lodging and meals are furnished for compensation for three or more persons not members of a family.

BUILDING

Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING, ALTERATION OF

See "structural alterations."

BUILDING AREA

The total living area bounded by the exterior walls of a building at the floor level, but not including basement, garage, open porch and unfinished attic.

BUILDING, HEIGHT OF

The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the decline of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

CERTIFICATE OF OCCUPANCY

A written statement issued by the Building Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

CONDITIONAL USE

A use of a special nature so as to make impractical its predetermination as a principal use within a district.

DWELLING

A. ONE-FAMILY

A detached building designed for or occupied exclusively by one family.

B. TWO-FAMILY

A detached or semidetached building designed for and occupied exclusively by two families.

C. MULTIFAMILY

A building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

DWELLING UNIT

A separate housekeeping unit, designed and used for occupancy by a single family.

FAMILY

One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide stable and committed living unit, being a traditional family or the functional equivalent thereof, exhibiting the generic character of a traditional family. A boardinghouse shall not be considered a family.

[Amended 5-3-2007 by Ord. No. 2007-12]

FARM

Land consisting of five acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

FLOOR AREA

- A. For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
- B. For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

FRONTAGE

All the property abutting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

GARAGE**A. PRIVATE**

An accessory building or space for the storage only of not more than two motor-driven vehicles per dwelling.

B. PUBLIC

Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

C. STORAGE

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding two tons' capacity shall be stored in any storage garage.

HOME OCCUPATION

A gainful occupation conducted by members of the family only within their place of residence, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock-in-trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted nameplate not more than four feet square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.

[Amended 3-15-2007 by Ord. No. 2007-05]

HOTEL or MOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which

there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

LOT

A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this chapter, and abutting on a public street or officially approved place.

LOT, CORNER

A lot abutting on two or more dedicated and accepted streets at their intersection, provided that the interior angle of such intersection is less than 135°.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines bounding a lot as defined herein.

LOT, THROUGH

An interior lot having frontage on two nonintersecting streets.

MOBILE HOME

A non-self-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

MOBILE HOME PARK

Any lot on which two or more mobile homes are parked for the purpose of temporary or permanent habitation.

MOTEL

See "hotel."

NONCONFORMING USE

A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

NURSERY

Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSING HOME

Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

PARKING STALL

An off-street space available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PROFESSIONAL HOME OFFICE

The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an R-1 District, a professional office shall be incidental to the residential occupation, and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

RAILROAD RIGHT-OF-WAY

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

SETBACK

The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

SHOPPING CENTER

A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

SIGN

Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which they are located, as distinguished from a billboard.

STORY

That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STREET

All property dedicated for public street purposes.

STREET LINE

A dividing line between a lot, tract or parcel of land and an abutting street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

TEMPORARY SIGN

A nonpermanent sign or advertising display intended to be displayed for a short, usually fixed period of time not exceeding 30 consecutive days in a twelve-month period, unless in conjunction with an approved temporary seasonal use. Temporary signs include wall, freestanding, and banner signs mounted on walls. A mobile or portable sign shall not be considered a temporary sign or used for such purpose. Only one temporary sign may be displayed on a lot at one time. Furthermore, any one lot is limited to a maximum of two temporary signs in a twelve-month period. Political signs are exempt from this provision.

[Added 12-5-2013 by Ord. No. 2013-06]

TEMPORARY STRUCTURE

A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.

USE

The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, ACCESSORY

A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.

USE, CONDITIONAL

See "conditional use."

USE, PERMITTED

A use which may be lawfully established in a particular district or districts provided that it conforms to all requirements, regulations and performance standards, if any, of such districts.

USE, PRINCIPAL

The main use of land or a building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

UTILITIES

Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, and microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

VISION CLEARANCE

An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

YARD

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

A. FRONT YARD OR SETBACK

A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

B. REAR YARD

A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding uncovered steps.

C. SIDE YARD

A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

ZONING DISTRICT

An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

ZONING PERMIT

A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

§ 385-3. General provisions.

- A. Compliance. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable City, county and state regulations.
- B. Use restrictions. The following use restrictions and regulations shall apply:
- (1) Principal uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
 - (a) Accessory uses. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs, storage, parking facilities, gardening, servant and watchman quarters not for rent, private swimming pools, and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.
 - (b) Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the Council after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

- (c) Temporary uses. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Council.
 - (2) Performance standards. Performance standards listed in § 385-24 of this chapter shall be complied with by all uses in all districts.
- C. Yard reduction or joint use.
 - (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
 - (3) No lot in the City which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.
- D. Lot occupancy. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot, and in no case shall there be more than one principal building on one platted lot unless approved by the Council.
- E. Yards abutting district boundaries. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- F. Storage limitation. No required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business.
- G. Vision clearance. No obstructions, such as structures, parking or vegetation, shall be permitted in any district other than the C-1 District between the height of 2 1/2 feet and 10 feet above a plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.
- H. Performance standards. See § 385-24 of this chapter.
- I. Parking and loading restrictions. See § 385-23 of this chapter.
- J. Regulation of historic places. As authorized under § 62.23(7)(em), Wis. Stats., no structure on any property that is listed on the National Registry of Historic Places in Wisconsin or the State Registry of Historic Places shall be razed, or structurally or aesthetically altered, without the approval of the Plan Commission. Any owner of such historic place desiring to raze or to structurally or aesthetically alter any structure thereon shall first apply for a permit as required under Chapter 140, Building Construction, of this Code. The Building Inspector shall inspect the structure and shall file a report with the Plan Commission within 20 days regarding the structural condition of the building and the economic feasibility of maintaining the structure as an historic building. The Plan Commission shall hold a hearing upon giving a Class 1 notice and, after reviewing the report of the Building Inspector and the testimony given and after considering any proposed structural or aesthetic alterations, shall, within 30 days, make findings and issue an order authorizing the Building Inspector to grant or deny the permit. Any person aggrieved by the order of the Plan Commission may file an appeal with the Board of Zoning Appeals within 30 days of such order.

§ 385-4. Height and area exceptions.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

Chimneys, towers, lofts, etc. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.

- B. Street yard modifications. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
- (1) Uncovered stair restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line, and must be eight feet or more above ground.
 - (2) Cul-de-sac and curve restrictions. Residential lot frontage on culs-de-sac and curves in R-1 Districts may be less than 80 feet provided that the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on culs-de-sac and curves in R-2 Districts may be less than 100 feet provided that the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.
 - (3) Architectural projection restrictions. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.
 - (4) Residential fence restrictions. Residential fences are permitted in front, rear and side yards in the residential districts. On the side yards the fence shall not project into the principal building required setback distance and shall be in compliance with required vision clearance. A building permit is required; see Chapter 140, Building Construction, of this Code.
[Amended 2-15-2007 by Ord. No. 2007-03]
 - (5) Security fence restrictions. Security fences are permitted on the property lines in all districts but shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing. A building permit is required. See Chapter 140, Building Construction, of this Code.
 - (6) Essential services exemptions. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
 - (7) Street yard restrictions. With the approval of the Building Inspector, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and five feet in any business or industrial district.
- C. Corner lots. On corner lots the side yard facing the street shall not be less than 30 feet.
- D. Lots abutting different grades. Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
- E. Buildings on through lots. The requirements for a rear yard for buildings on through lots and extending from street to street may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with.
- F. Accessory buildings. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than five feet to any lot line nor five feet to any alley line and shall not extend into a front yard beyond the required setback.
- G. Unobstructed yards. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than two feet.

~~§ 385-5. Nonconforming uses, structures and lots.~~

Community Living Arrangement (CLA); Family Day-Care Homes

Foster home (domicile) or treatment foster home licensed under § 48.62, Wis. Stats., up to 4 children

Other foster homes

Adult family home domicile, as defined in § 50.01(1)(a) and (b), Wis. Stats., up to 4 adults, or more if all adults are siblings

Other adult family homes

CLA, up to 8 persons

CLA, 9 to 15 persons

Family day-care home licensed under § 48.65, Wis. Stats., up to 8 children

Districts Permitted

All residential districts

All residential districts

All residential districts

All residential districts

All residential districts

Multifamily districts

All 1- and 2-family districts and planned residential development districts

Statutory Restrictions

None

§ 62.23(7)(i)1 and 2, Wis. Stats.

None

§ 62.23(7)(i)1 and 2, Wis. Stats.

§ 62.23(7)(i)1, 2 and 9, Wis. Stats.

§ 62.23(7)(i)1, 2 and 9, Wis. Stats.

§ 66.1017, Wis. Stats.

- C. Conditional uses. All community living arrangements and family day-care homes not permitted in Subsection B above. See § 385-21 of this chapter.

§ 385-7. Zoning districts.

- A. Established. For the purposes of this chapter, the City is hereby divided into the following zoning districts:

R-1	Single-Family Residential District
R-1A	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Mobile Home Park and Mobile Home Subdivision District
C-1	General Commercial District
C-2	Highway Commercial District
H	Historic Overlay District
M-1	Limited Industrial District
M-2	General Industrial District
PD	Planned Development District
A	Agricultural District
CON	Conservancy District
Floodplain Districts (See Chapter 375 of this Code)	

- B. Incorporation of Zoning Map. The locations and boundaries of the districts are shown on the City Zoning Map, dated September 15, 1987, and referred to by reference as the "Official Zoning Map, City of Waterloo, Wisconsin." Such map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Clerk-Treasurer and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the map.
- C. District boundary and map amendments: Ordinance Nos. 88-5; 88-9; 89-3; 89-10; 89-11; 90-2; 90-4; 91-3; 92-11; 92-12; 93-4; 94-2; 95-6; 95-8; 95-9; 96-2; 96-5; 96-13; 96-14; 96-15; 97-6; 97-10; 97-11; 97-12; 97-13; 98-5; 98-6; 99-3; 02-2; 02-4; 02-7; 03-1; 03-2; 03-8; 04-2; 04-5; 05-3; 06-06; 06-09; 07-01; 07-20; 08-05; 2009-18; 2010-08; 2013-03; 2014-08;

2014-12; 2015-06; 2015-07; 2016-03; and 2017-03.

- D. Boundaries of districts. When uncertainty exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:
- (1) When width or length of boundaries is not clear, the scale of the map shall determine the approximate dimensions.
 - (2) When the Floodplain Zoning Code^[1] and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.
[1] Editor's Note: See Ch. 375, Floodplain Zoning.
 - (3) District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

§ 385-8. R-1 Single-Family Residential District.

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

A. Permitted uses.

- (1) One-family dwellings.
- (2) Attached or detached garage, 864 square feet and 15 feet in height maximum.
- (3) Garden and yard equipment shed, 144 square feet maximum.
[Amended 11-5-2009 by Ord. No. 2009-17]

B. Conditional uses. See also § 385-21 of this chapter.

- (1) Churches, synagogues and similar places of worship and instruction, including parsonages.
- (2) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- (3) Utility offices, provided that there is no service garage or storage yard.
- (4) Public, parochial and private elementary and secondary schools.
- (5) Public parks, recreation areas, playgrounds and community centers.
- (6) Home occupations and professional home offices.
[Amended 3-15-2007 by Ord. No. 2007-05]
- (7) Additional garages or accessory building exceeding 144 square feet.
[Added by Ord. No. 95-11; amended 11-5-2009 by Ord. No. 2009-17]

C. Lot, yard and building requirements. See also § 385-3 of this chapter.

- (1) Lot frontage at setback: minimum 80 feet.
- (2) Lot area: minimum 10,000 square feet.
- (3) Principal building.
 - (a) Front yard: minimum 30 feet.
 - (b) Side yards: minimum total, 20 feet; minimum side, eight feet.

- (c) Rear yard: minimum 30 feet.
- (d) Building height: maximum 35 feet.
- (4) Accessory buildings.
 - (a) Front yard: minimum 30 feet.
 - (b) Side yards: minimum five feet.
 - (c) Rear yard: minimum five feet.
 - (d) Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as measured to the roof peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.
 - (e) Garage: maximum 864 square feet.
 - (f) Garden shed: maximum 144 square feet.
[Amended 11-5-2009 by Ord. No. 2009-17]
- (5) Floor area: minimum 1,000 square feet.
- (6) Off-street parking: minimum two spaces per unit. (See also § 385-23 of this chapter.)
- (7) With respect to any lot of record as of this date (July 21, 1989) which is 72 feet or less in width, the total width of the side yards of the principal building, including attached garages, shall not be less than 15 feet and no single side yard shall be less than five feet; accessory buildings and unattached garages shall not be less than three feet from the lot line.

§ 385-9. R-1A Single-Family Residential District.

OTHER DISTRICTS
MOSTLY DUPLICATIVE

The R-1A District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

- A. Permitted uses.
 - (1) One-family dwellings.
 - (2) Attached or detached garage, 864 square feet and 15 feet in height maximum.
 - (3) Garden and yard equipment shed, 144 square feet maximum.
[Amended 7-2-2009 by Ord. No. 2009-09]
- B. Conditional uses. See also § 385-21 of this chapter.
 - (1) Churches, synagogues and similar places of worship and instruction, including parsonages.
 - (2) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
 - (3) Utility offices, provided that there is no service garage or storage yard.
 - (4) Public, parochial and private elementary and secondary schools.
 - (5) Public parks, recreation areas, playgrounds and community centers.

controlled access arterial street without permission of the highway agency that has access control jurisdiction.

§ 385-24. Performance standards.

This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

- A. Air pollution. No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines Information Circular 7718 in the industrial districts.
- B. Fire and explosive hazards. All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system.
- C. Glare and heat. No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial districts which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- D. Liquid or solid wastes. No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- E. Noise and vibration. There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the Building Inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section.
- F. Odors. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside its premises.
- G. Radioactivity and electrical disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

§ 385-25. Architectural design review.

[Added by Ord. No. 97-8]

- A. Developments requiring design review:
 - (1) Site and structural development of residential projects having four or more dwelling units.
 - (2) Site and structural development in business districts.
 - (3) Site and structural development in industrial districts.
 - (4) Site and structural development in planned development districts.
 - (5) Utility and governmental facilities.

- (6) Those variance cases deemed by the Board of Zoning Appeals to justify design review. Design review shall be advisory to the Board.
- (7) Any parking area, even if not accompanying an otherwise included development, if it has 50 or more parking spaces.
- (8) In addition, design review districts may be designated by ordinance adopted by the Council. Once adopted, design review standards shall apply to such districts within the terms of such designation ordinance.

B. Administration of design review.

- (1) The Clerk-Treasurer shall advise applicants when they apply for zoning permits or other approvals whether design review applies. If design review applies, the applicant shall be given checklists, application forms and timetables. These documents shall have prior Plan Commission approval as to format and content. This application form shall note that a fee as stated in the City of Waterloo Fee Schedule must accompany the application.^[1] Applicants may request and have preapplication conferences with staff.
[Amended 11-17-2005 by Ord. No. 2005-4]
^[1] *Editor's Note: The Fee Schedule is on file at the office of the City Clerk-Treasurer.*
- (2) Completed applications and supporting materials shall be reviewed by staff prior to placement on the Plan Commission agenda. Staff must be satisfied that a complete packet of information will be available to the Plan Commission prior to the commencement of the Commission meeting at which the item is set for decision review.
- (3) The Plan Commission shall review applications set for design review. Following such review, discussions with applicants and agents, and discussion within the Plan Commission and with staff, the Commission shall render a decision of approval, conditional approval or rejection. Decisions shall be in writing and shall identify those elements of the approved design which the Commission intends to be mandatory. The Clerk-Treasurer shall have applicants sign acknowledgments of receipt of the written Plan Commission design review decision prior to issuance of a zoning/building permit.
- (4) A project that has had design review and that has a zoning/building permit is approved for execution only in accordance with the directives included in the design approval. Construction or execution that deviates from directives may not occur within the terms of this section without prior City approval. The Clerk-Treasurer is responsible for determining whether to give staff approval to such deviations on a finding that they are minor variations as to the Plan Commission's decision or whether full Plan Commission review and approval are needed upon a finding that the deviations are major.

C. Design review standards.

- (1) Jurisdictions. Design review applies to exterior structural and design features, landscaping and site planning.
- (2) Directives. The following specific design standards are established and are intended to be applied in the informed judgment of the Plan Commission:
 - (a) The land forms and landscape shall be preserved in their natural state, insofar as practicable, by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.
 - (b) Building masses and long, straight building fronts and sides (relative to the overall length of the building) that are visually accessible shall be broken up and made more variegated with staggerings and offsets, with landscaping or surficial features or with accumulation of mass in the form of smaller related units. This is a directive standard as to residential and commercial structures and those industrial structures that are visually accessible to larger volumes of traffic and a recommendatory standard to industrial buildings within the center core of industrial districts.
 - (c) Within residential properties, parking areas that are located in front of street-side yards shall have landscape screening and/or screening by fencing having decorative character to soften views of parked

vehicles. All design reviewed parking lots shall have decorative landscape treatment at the perimeter of the lot and, for larger lots, in island areas within the lot, to provide breakup of the expanse of paving.

- (d) Rooftop mechanical equipment that will be readily visible when viewed from ground level from other properties or from major public ways should be softened by screening or covered in a manner that forms an integral part of the building design.
- (e) External garbage or refuse containers shall be screened by walls, fences, berms or effective landscaping, or combinations thereof.
- (f) Landscaping. Each project subject to design review shall provide landscaping of sufficient height and density to accomplish positive visual impact within three years from the time of planting.
- (g) All developments and occupancies subject to design review shall plan and construct so that surface drainage positively drains from structures and so that compliance is achieved with the erosion control and stormwater drainage requirements of this Code.
- (h) The following principles of landscape design are stated as guides to be applied with discretion by the Plan Commission, taking into account how visible the site is to public view, sensitivity of neighboring properties and the cost considerations. Parks Commission preferences on species shall be made available in writing to project applicants.
 - [1] Overhead canopy trees contribute to a pattern within the neighborhood and streetscape focus plants (trees or shrubs) accomplish screening of less attractive elements, afford privacy, noise control and windbreak, soften transitions from vertical to horizontal features and create visual focal points.
 - [2] Ground plane plants (lawn, ground cover, etc.) provide lower level continuity and retard soil erosion.
 - [3] Terraces, trellises, walks, drives, garden walls and berms and related elements increase variety.
- (i) Storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from major public rights-of-way or parts of neighboring properties where a significant amount of viewing is expected shall be minimized and, where necessary, shall be reasonably screened. Where other portions of this section establish more stringent standards, the other portions shall govern.
- (j) Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on public rights-of-way or occupied structures or neighboring properties or be lighted in intensity or colors seriously disturbing to neighboring properties.

- D. Recommendations. Other features of site design and construction, building and structural design and construction and landscaping that are not listed under directives may also be addressed by Plan Commission advisory suggestions within the design review process upon a finding that the suggestion would be desirable to make the development a positive asset to the visual appearance of the community and positive contribution to the growth and stability of the community tax base.

§ 385-26. Signs and billboards.

NOT APPLICABLE

- A. Permit required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit, except those signs excepted in Subsection C below, and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the State Building Code. Sign permits meeting all state and local requirements may be issued by the Clerk-Treasurer. The Clerk-Treasurer may refer approval of any sign permit to the Council and the Council may issue or refuse the permit. [Amended 4-20-2006 by Ord. No. 2006-04]
- B. Application; fee. An application for a sign permit shall be filed with the Zoning Administrator on a form provided by the Clerk-Treasurer. A permit fee as stated in the City of Waterloo Fee Schedule shall accompany the application.^[1] [Amended by Ord. No. 98-1; 11-17-2005 by Ord. No. 2005-4; 4-20-2006 by Ord. No. 2006-04]

CURRENT CITY OF WATERLOO SPECIAL ASSESSMENT PROCEDURE

City of Waterloo, WI
Monday, October 29, 2018

Chapter 12. Assessments

§ 12-2. Special assessment procedure.

- A. Alternate method selected. As provided in § 66.0701, Wis. Stats., in addition to other methods provided by law, special assessments for any public work or improvement may be levied by alternate methods. The Council hereby elects to levy such special assessments as provided in this section.
- B. Preliminary resolution. Whenever the Council shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:
- (1) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
 - (2) The limits of the proposed assessment district.
 - (3) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
 - (4) The number of installments in which the special assessments may be paid or that the number of installments shall be determined after the public hearing required by Subsection **D** below and shall be included in the final resolution.
 - (5) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by Subsection **D** below and shall be included in the final resolution.
 - (6) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be determined after the public hearing required by Subsection **D** below and will be included in the final resolution.
 - (7) The Director of Public Works shall prepare a report as required by Subsection **C** below.
- C. Report of Director of Public Works.
- (1) Whenever the Council, by preliminary resolution, directs the Director of Public Works to prepare a report, the Director of Public Works shall prepare a report consisting of the following:
 - (a) Preliminary or final plans and specifications for the public work.
 - (b) An estimate of the entire cost of the proposed work or improvement, except that when the Council determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvement, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.
 - (c) A schedule of the proposed assessments.
 - (d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.

- (2) Upon completion of the report, the Director of Public Works shall file a copy of the report with the Clerk-Treasurer.

- D. Incorporation of statutory provisions. The provisions of § 66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

- E. Lien. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining the amount of such levy.

EXAMPLE
Mayville Special Assessment
Policy

City of Mayville, WI
Monday, October 29, 2018

Chapter 368. Streets and Sidewalks

§ 368-8. Sidewalk construction and repair.

- A. Permit not required; compliance with section. No permit is required for the construction or repair of sidewalks. However, any sidewalk installed or repaired must comply with this section. The property owner is required to return to the Director of Public Works a Notice of Owner's Intent Form indicating the method of repair or replacement desired within 20 days of receiving said notice from the Director of Public Works. The form shall advise the property owner of the options which the City has available in accordance with the established sidewalk policy.
- B. Specifications for sidewalks.
- (1) Placement of sidewalks.
- (a) All sidewalks shall be laid within the street right-of-way, shall be laid one foot from the property line and shall be four feet in width unless otherwise specified in this section.
- (b) The requirements of Subsection B(1)(a) above shall not apply to:
- [1] Main Street, from the intersection of Dayton Street on the north to the intersection of Horicon Street on the south.
- [2] Bridge Street, from the intersection of Main Street on the east to the intersection of School Street on the west.
- [3] Any other street specified by the Council.
- (c) All sidewalks built or relaid on the described portions of these streets shall run from the line of the property to the curb.
- (2) Materials.
- (a) All sidewalks shall be constructed and repaired with portland cement concrete.
- (b) The concrete used shall meet the following requirements:
- [1] The minimum compressive strength of the concrete must not be less than 3,000 pounds per square inch at 28 days.
- [2] The cement content of the concrete shall not be less than 5 1/2 bags per cubic yard.
- [3] The concrete shall be air entrained.
- [4] The water content shall not be more than 5 1/2 gallons per bag of cement.
- [5] The sand and gravel aggregate shall be separate and shall be washed material.
- [6] The concrete shall be consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing.

- [7] All concrete work done after November 1 and before March 1 shall be protected against freezing with a four-inch layer of hay covered and anchored in place for 72 hours.
- [8] During cold weather, a maximum of two pounds of calcium chloride per sack of cement may be added to accelerate the setting of the concrete.
- [9] The concrete shall be cured for a minimum of three days using impervious plastic or paper, wet fabric or a liquid impervious membrane.
- [10] All sidewalk shall be sealed per the sealer manufacturer's recommendation.

(3) Preparation of subgrade.

- (a) All sidewalk shall be placed on a minimum of three-inch compacted granular subgrade material. Obstructions such as rocks, stumps or sod shall be removed. Voids caused by the removal of obstructions shall be filled with gravel and thoroughly compacted to prevent future settlement.
- (b) After forms are in place, the subgrade shall be tamped in its entirety to assure a solid and even surface.
- (c) The subgrade shall be wetted down immediately prior to the placement of the concrete.
- (d) The subgrade shall be accurately graded to assure a uniform thickness of concrete.
- (e) Lot stakes are not to be disturbed during sidewalk construction or repair. One who disturbs a lot stake during sidewalk construction or repair shall be responsible for having the disturbed lot stake replaced by a surveyor and shall be subject to the penalty under § 236.32, Wis. Stats.

(4) Form work and finishing.

- (a) The elevation measured at the edge of the sidewalk nearest the property line shall not be less than 2% nor more than 5% above the top of the adjacent curb. For all practical purposes, the sidewalk shall be located at a higher elevation than the curb, as stipulated above, and shall follow the uniformity of the curb and not the fluctuating lot elevations.
- (b) Forms shall be set to obtain a minimum of a four-foot-wide sidewalk at a minimum thickness of four inches. Sidewalks across driveways shall be a minimum of six inches in thickness.
- (c) Forms shall be securely staked and braced to prevent movement during the placement of concrete. Form rails shall be rigid and straight and, if wood, must be a minimum size of two inches by four inches, nominal. Forms shall be oiled and cleaned before each use.
- (d) The transverse slope of the sidewalk shall not be less than 1/4 inch per foot or more than one inch per foot, sloping toward the public street.
- (e) Dummy joints shall be installed either by sawing or grooving at approximately four-foot intervals constructed at right angles to the center line. Expansion joints shall be installed at a maximum of ninety-six-foot intervals and at property lines.
- (f) The edges of the sidewalk shall be rounded with an edger having a radius of 1/4 inch.
- (g) Form removal should be carefully done without damage to green concrete and shall not be done within 24 hours after the placing of the concrete.
- (h) After forms are removed, the sidewalk edges shall be properly backfilled and graded.
- (i) The seeding of the backfilled and graded areas shall be the responsibility of the property owner.

- (5) Ramping required. The requirements of § 66.0909, Wis. Stats., are adopted by reference. The curb ramping requirements of § 66.0909 shall apply to all new curb and sidewalk construction and to all replacement curbs and sidewalks constructed at locations considered to be legal crosswalks.
- (6) Specifications. Unless otherwise herein specified, all sidewalks shall be constructed in accordance with applicable provisions of the State Standard Specifications for Road and Bridge Construction, 1981 edition.

C. Sidewalk repair and replacement.

- (1) The Director of Public Works shall order any sidewalk which is unsafe, defective or insufficient to be repaired or replaced so that said sidewalk meets the specifications set forth in Subsection D below.
- (2) Whenever the following sidewalk defects are found to exist by the Director of Public Works, an appropriate order for the repair or replacement of the sidewalk shall be made:
 - (a) When a sidewalk has a three-fourths-inch or greater height difference between blocks, it shall be required that the entire block which is out of alignment be replaced and realigned. Topping the lower slab with concrete and/or using concrete to ramp from the lower slab to the higher slab is not permitted.
 - (b) When a horizontal alignment variance of one inch per foot or greater exists, the entire block which is out of alignment shall be required to be replaced or realigned.
 - (c) When one or more cracks exist in a block with openings which are of 3/4 inch or larger, it shall be required that the entire block be replaced.
 - (d) When the scaling or cracking of a block makes the block unsafe, the entire block shall be required to be replaced.
 - (e) When a block has a corner missing and the size of the missing corner is less than six inches by six inches, the block may be repaired by patching unless the condition is repetitive on three or more blocks, in which case the blocks shall be replaced.
 - (f) When the height of a block causes isolated ponding of water, the entire block shall be required to be replaced or adjusted in elevation so that the ponding of water is eliminated.
 - (g) When the sidewalk has not been set to the required grade or line or does not comply with other specifications of this section, it shall be required to be repaired or replaced.
- (3) When a portion of an old sidewalk is repaired or replaced and the original width of said sidewalk was less than or greater than four feet, the original width of the sidewalk shall prevail, provided that the original width is uniform within the entire block and also that less than all of the sidewalk on the entire block will be replaced. In all other circumstances, the four-foot width regulation shall be applicable.
- (4) Although minor streets are not required to install new sidewalk where none has previously existed, they are required to maintain existing walk. There are no provisions which allow removal of sidewalk unless a variance is granted by the Council.

D. New sidewalk construction.

- (1) Sidewalk shall be required on all major and collector streets with the following exceptions:
 - (a) Sidewalk will not be required:
 - [1] When the nature of the terrain creates insurmountable engineering problems.
 - [2] Where there is insufficient right-of-way.

- [3] If the installation would generate a safety hazard by encouraging pedestrian traffic in dangerous areas.
 - [4] Along cemeteries, along vacant land which extends to the City limits which is not situated between areas generating pedestrian traffic, and on streets on which curb and gutter have not been installed.
- (b) Elimination of sidewalks.
[Added by Ord. No. 873-99]
- [1] Sidewalks may not be required on both sides of the street in areas which have an approved design incorporated which specifically and safely addresses pedestrian traffic needs for normal access as well as recreational and physical exercise purposes.
 - [2] Upon recommendation by the Plan Commission, the Council may, under these circumstances, approve a development which eliminates sidewalks. Examples of criteria which may be considered are topography, lighting, types of uses in the area, vehicular traffic in the area, pedestrian traffic volumes, and adjacent walking areas which generate traffic. It is not the intent to limit review to just these items.
 - [3] It is the intent for this subsection to apply to areas such as planned unit developments, industrial parks, and recreational parks which typically could be designed to accommodate pedestrian traffic needs in alternative ways.
- (2) Streets classified as minor streets with curb and gutter, but without sidewalks, will not be required to have new sidewalks constructed unless more than 50% of the property owners along a given street sign a petition requesting that new sidewalk be installed on their street.
- (3) Sidewalks may be required on minor streets if it is determined that a severe pedestrian and/or traffic hazard exists.
- (4) The classification of streets is as follows:
- (a) Major streets.
 - [1] Main Street.
 - [2] Horicon Street.
 - (b) Collector streets.
 - [1] Kekoskee Street.
 - [2] Breckenridge Street (Main Street West).
 - [3] Dayton Street.
 - [4] Bridge Street.
 - [5] Ruedebusch Avenue.
 - [6] Fourth Street.
 - [7] Clark Street.
 - [8] Henninger Street.
 - [9] Walnut Street.

- [10] John Street (Horicon Street South).
- [11] German Street.
- [12] River Drive (German Street to Green Bay Drive).
- [13] Green Bay Drive (River Drive to Dunn Road).
- [14] Metalcraft Drive.
- [15] Easy Street.
- [16] Mountain Drive.
- [17] Brookside Drive.
[Added by Ord. No. 857-97; Ord. No. 873-99]
- [18] River Knoll Drive.
[Added by Ord. No. 873-99]
- [19] Hilltop Drive.
[Added by Ord. No. 873-99]
- [20] Mallard Drive.
[Added by Ord. No. 873-99]

E. Owner responsibility; noncompliance.

- (1) Whenever the Director of Public Works determines that the provisions of this section require the construction of new sidewalk or the repair or replacement of existing sidewalk, he shall so report to the Board of Public Works. Upon the direction of the Board, the Director shall prepare an order requiring that new sidewalk be constructed or that existing sidewalk be repaired or replaced. A copy of the order directing such construction, replacement or repairs shall be served upon the owner of each lot or parcel of land. The Director shall serve such notice. Service of the notice may be made by personal delivery, by certified or registered mail or by publication in the Mayville News as a Class 1 notice under Ch. 985, Wis. Stats., together with mailing by first-class mail if the name and mailing address of the owner can be readily ascertained.
- (2) Whenever any such property owner who has been notified shall neglect, for a period of 30 days after such notification, to lay, remove or replace, or repair any such sidewalk, the City may cause such work to be done at the expense of such owner. All work for the construction of new sidewalks and the replacement or repairing of existing sidewalks shall annually be let by competitive bidding to the lowest responsible bidder or done by Department of Public Works personnel presently employed by the City.
- (3) The Director of Public Works shall serve the order, which is set forth in Subsection **E(1)** above, along with a Notice of Owner's Intent Form. Said form shall state the options for the property owner. The property owner shall return the Notice of Owner's Intent Form to the Director within 20 days of receiving the notice and shall indicate on the notice the method of repair or replacement desired.
- (4) Whenever a property owner elects to have the City personnel or contractor install, repair or replace his sidewalk, the property owner shall be required to sign a release form. The form shall be similar to the following:

City of Mayville
Sidewalk Construction Release Form
Owner:
Other description if required

Address:

Parcel No.

The undersigned, in electing to utilize the City of Mayville personnel and/or its contractor for required sidewalk repair or installation, hereby release the City of Mayville from any obligation for repair of sidewalk due to minor cracking or other minor problems which frequently occur with concrete construction.

Work done by the City of Mayville personnel or its contractor will be done according to ordinance specifications. The phrase "minor problems" above is intended to mean problems which do not affect the sidewalk's performance.

Property Owner(s) Signature

F. Variance procedure.

- (1) No sidewalk shall be installed in such a manner so as to include a tree, utility pole or any other structure within the area of actual sidewalk construction unless a variance has been granted by the Council to permit such an intrusion into the sidewalk area.
- (2) When the owners of more than 50% of the tax parcels along a given street sign a petition requesting a variance or an exception from the requirement of having sidewalk installed on their street, the Director of Public Works shall submit said petition to the Council. Petitioners will be required to show just cause why sidewalks are not necessary above and beyond merely not wanting said sidewalk.
 - (a) In calculating the percentage of property owners who have signed the petition, only one signature shall be counted per tax parcel. Individuals or entities owning more than one tax parcel may sign separately for each tax parcel owned. The signature of all record owners of a tax parcel shall be required for the vote of that tax parcel to be counted.
 - (b) Those submitting said petition must do so within 30 days after receiving notification that sidewalk is required on their street.
- (3) Individual property owners, upon receipt of an order from the Director of Public Works, shall have the right to petition the Council for a variance or exception from this section. Variances may not be requested by individual property owners by reason of merely not wanting sidewalk.
- (4) All exceptions or variances from this section shall require a two-thirds vote of the Council.

EXAMPLE

8.07 SIDEWALKS. (Rep. & Recr. Ord. #2352 - 12/6/99) (1) INITIAL CONSTRUCTION. Upon a determination by the Common Council that sidewalk shall be constructed in a designated area, the City Engineer shall notify the abutting property owners that they may install such sidewalk within 20 days as provided in sec. 66.0907, Wis. Stats., in accordance with the grade, location and specifications established by the City. In the event the sidewalk is not so installed within 20 days by the property owner, the City shall install the sidewalk and the total cost thereof shall be charged against the property as a special tax as provided in sec. 66.0907, Stats.

(2) SIDEWALK REPLACEMENT. When, in the opinion of the City Engineer, it becomes necessary to replace defective sidewalk: (a) Owner Responsible. The sidewalk shall be removed and replaced, without cost to the City, as provided in sec. 66.0907, Wis. Stats., if:

1. The sidewalk was damaged by the owner or occupant of the property or by anyone acting with the permission of the owner or occupant of the property or by anyone acting under a contract with the owner or occupant of the property; or

2. The sidewalk was last constructed without a permit being issued before such construction; or

3. The sidewalk was not constructed by the City and, in the opinion of the City Engineer, the defect was caused by defective construction.

(b) City Responsible. If the sidewalk was last constructed less than five years before the determination by the City Engineer that replacement is necessary, and if none of the conditions set forth in (a) apply, then the City shall replace the sidewalk at its expense.

(c) Shared Responsibility. If neither (a) nor (b) applies, then:

1. The City shall construct the sidewalk and one-half of the cost shall be charged against the abutting property as provided in sec. 66.0907, Wis. Stats.; or

2. The abutting property owner may obtain a permit and perform the work as provided in sec. 8.09 in which case the City shall reimburse the property owner one-half of the reasonable construction cost as determined by the City Engineer.

8.08 DRIVEWAYS. (Rep. & Recr. Ord. #2352 - 12/6/99) (1) REQUIREMENTS. In addition to any other requirements of this Code, any portion of a driveway within a street right-of-way shall meet the following requirements: (a) It shall be constructed in accordance with specifications as provided in section 8.03 of this chapter;

(b) It shall be in accordance with the width and location standards set forth in chapter 17 of this Code; and

(c) (Amend. Ord. #2798 – 8/21/17) (Amend. Ord. # 2494 – 9/8/03) It shall be paved with Portland cement concrete, except that asphalt may be used if approved by the city engineer or in accordance with an approved site plan in the following areas:

*On the building side of the sidewalk

*On the street side of the sidewalk in rural cross-sections where there is no curb and gutter to meet the street edge of the apron.

(2) NONCONFORMING DRIVEWAYS A NUISANCE. Any driveway not conforming with the requirements of this section is hereby declared to be a public nuisance and such nuisance may be abated pursuant to sec. 10.06 of this Code.

8.09 SIDEWALK AND DRIVEWAY PERMITS. (Rep. & Recr. Ord. #2096 – 1/25/93; Rep. & Recr. Ord. #2352 - 12/6/99; Am. Ord. #2585 - 2/13/06). (1) PERMIT REQUIRED. No sidewalk or driveway within street right-of-way shall be removed, replaced, altered or installed until the property owner has obtained a permit therefor from the City Engineer. Application for a permit shall be made in writing on a form furnished by the City Engineer.

(2) FEE. (Am. Ord. #2608 - 3/12/07). (a) The permit fee shall be \$25 for replacement of up to 25 square feet of sidewalk if the replacement is pursuant to sec. 8.07(2)(c). If replacement is pursuant to sec. 8.07(2)(a), the permit fee for replacement of up to 25 square feet of sidewalk shall be \$50.

(b) (Am. Ord. #2608 - 3/12/07). The permit fee shall be \$50 for the replacement of more than 25 square feet of sidewalk if the replacement is pursuant to sec. 8.07(2)(c). If replacement is pursuant to sec. 8.07(2)(a), the permit fee for replacement of more than 25 square feet of sidewalk shall be \$100.

(c) (Am. Ord. #2608 - 3/12/07). The permit fee shall be \$100 for the initial installation of a driveway approach, with or without a curb cut, or for installation or replacement of a driveway approach and any amount of sidewalk. No permits will be issued for just the curb cut for a driveway.

(d) The permit fee shall be \$100 for initial construction of any amount of sidewalk.

(e) (Am. Ord. #2608 - 3/12/07). The permit fee shall be \$65 for replacement or widening of an existing driveway approach in its current location. If sidewalk is damaged during the course of replacing or widening the driveway approach, the damaged sidewalk shall be replaced pursuant to sec. 8.07(2)(a)1 and the permit fee will increase to a total of \$100 which will cover the replacement of the sidewalk and the driveway approach.

(f) (Cr. Ord. #2608 - 3/12/07). There shall be no permit fee for replacement of sidewalk if the replacement is pursuant to sec. 8.07(2)(b).

(g) (Cr. Ord. #2679 – Effective January 1, 2011). There shall be a \$25 re-inspection fee charged to the property owner anytime an appointment is made with the City Engineer’s Office for inspection of sidewalk or driveway approach work and the property owner or the property owner’s contractor is not ready for the inspection at the scheduled appointment time requiring the Engineering Department inspector to return at another time. No re-inspection fee shall be charged if the scheduled appointment with the Engineering Department inspector is cancelled at least one hour prior to the scheduled appointment time.

(3) WAIVER AND CONSENT TO ASSESSMENT. At the time of application for the aforesaid permit, the owner shall file with the City Engineer a consent and waiver for the removal of said sidewalk or driveway and the replacing of the same which shall provide that in the event the City Engineer shall determine that said sidewalk or driveway does not conform with the materials, locations, grades, or other specifications of this Code or the permit, and upon notice being given that the sidewalk or driveway does not conform, the City may immediately remove the same and replace it, and the expense so incurred shall be entered by the City Clerk on the tax roll as a special tax or special charge against the property and the same shall be collected in all respects like other taxes upon real estate.

(4) FAILURE TO OBTAIN PERMIT. In the event any work on a sidewalk or driveway within the right-of-way is started prior to a permit being issued therefor: (a) Each day from the commencement of the construction until a permit is issued shall be a separate violation under secs. 8.25 and 25.04; and

(b) The property owner shall pay double the permit fee; and

(c) The City Engineer may require the property owner to remove any work completed.

(5) INSPECTION. At appropriate times designated by the City Engineer during work permitted under this section and promptly upon completion of the work, the permittee shall notify the City Engineer so that the work may be inspected to determine that it conforms with the permit and the requirements of this Code.

8.10 (Rep. Ord. #2352 – 12/6/99).

8.11 SANITARY SEWERS. (1) & (2) (Rep. Ord. #2224 – 9/25/95).

(3) SEWER LATERALS. Sewer laterals shall be installed by the property owner upon obtaining a plumbing permit as provided in ch. 15 of this Code and an excavation permit as provided in sec. 8.04 of this chapter. No excavation permit is required for installing laterals in a new subdivision.

8.12 WATER MAINS. (1) EIGHT INCH MAINS. The full cost of installing 8 inch water mains, or an 8 inch equivalent if oversized mains are installed, shall be assessed against the property directly benefited thereby.

(2) (Rep. Ord. #2095 – 1/25/93).

EXAMPLE

Beaver Dam
Special Assessment Policy

- (a) *Curb and gutter.* The abutting property owner shall be assessed the entire cost of curb and gutter.
- (b) *Corner exemption.* When curb and gutter and/or pavement is placed on the long side of a corner property (the second side, if the frontages on both sides are equal), a free exemption of one-third of the long side shall be allowed. The maximum corner exemption shall be 60 feet. Only property residentially zoned or used shall receive a corner exemption.
- (c) *When special consideration is to be given.* Lots or parcels with unusual shapes or multiple frontages shall be given special consideration by the operations committee. The assessments for such parcels shall be set by the committee as close to the provisions of this section as possible.
- (d) *Intersection construction.* The entire cost of intersection construction shall be paid for by the city.
- (e) *Reconstruction and resurfacing.*
 - (1) Within the useful life of the pavement, any reconstruction shall be assumed by the city.
 - (2) After the useful life of the pavement, any reconstruction costs shall be assessed according to the policy for new street improvement, except that deteriorated or structurally insufficient concrete curb and/or gutter requiring replacement shall not be assessed.
 - (3) The cost of hot mix bituminous resurfacing of any permanently improved street shall be assumed by the city. To administer this section, the term "permanently improved streets" means streets with proper base, concrete pavement or minimum three-inch hot mix bituminous pavement or streets with previously assessed pavements all in conjunction with abutting concrete curb and gutter.
- (f) *Widening.*
 - (1) *Residential property.* For residentially zoned property, all widening of existing improved streets, with curb and gutter, beyond a width of 41 feet, back to back of curb, shall be assumed by the city. The costs of widening up to 41 feet back to back of curb, shall be assessed to the abutting property owners as follows:
 - a. Full cost of the pavement, one-half of the cost of curb and gutter shall be assumed by the city and one-half of the cost of curb and gutter assessed to the abutting property owners on each side of the street.
 - b. Widening costs shall not be assessable unless the existing improved street shall have exceeded its expected useful life.
 - (2) *Other property.* For all other than residential property all widening costs shall be assessed to the property owners according to the policy for new street construction,

including the costs of replacing the curb and gutter regardless of age.

(g) *Expected useful life.*

- (1) Concrete pavement 30: years.
- (2) Hot laid bituminous pavement: 15 years.
- (3) Cold laid bituminous pavement: seven years.
- (4) Turnover and seal coat: five years.
- (5) Curb and gutter.
 - a. With concrete pavement: 30 years.
 - b. All others: 15 years.

(h) *Concrete pavement assessment.* Full cost of the pavement shall be assumed by the city.

(i) *Bituminous pavement assessment.* Full cost of the bituminous pavements shall be assumed by the city.

(j) *City ornamental street lighting.* One-half of the total cost of the ornamental street lighting project shall be assumed by the city, and one-fourth of the cost of the project shall be assessed to the abutting property owners on each side of the street. No corner exemptions shall be applied in computing the assessment. When an ornamental street lighting project is partially federally funded, the assessment procedure shall apply to the nonaided portion of the total project cost.

(k) *Payment of assessments.*

- (1) Assessments may be paid in full or in five or ten annual installments.
- (2) Interest rates shall be one percent per annum over the cost of funds to the city.
- (3) If the total assessment for any single improvement is \$200.00 or less for a residential parcel, the payment may be made in full without interest at the finance office within 30 days of receiving your final notice of special assessment or the total amount may be added to your real estate tax bill, including interest. If the total assessment for any single improvement exceeds \$500.00 for a residential parcel, the payment may be made in ten annual installments.
- (4) Any assessment not paid within the time provided in this subsection (d), or 30 days if no time is provided, shall, in addition to the interest provided by Wis. Stats. § 74.49(2), be subject to an additional penalty from the date such assessment was levied at the rate of 0.5 percent per month or any part thereof.

(l) *Street openings.*

- (1) The full cost of opening new streets or extending existing streets, including engineering costs, whether done by city forces or by contract, shall be assessed to the abutting property owners. Streets shall be graded to full right-of-way width and the roadway graded to subgrade and surfaced with eight-inch minimum thickness of crushed stone

or gravel approved by the operations committee and in conformance with the requirements of chapter 58 of this Code relative to design standards and engineering plans.

- (2) Any petitioner for any street opening shall provide the following:
 - a. To dedicate by deed and registered survey the entire right-of-way at a width approved by the operations committee.
 - b. To perform complete clearing and grubbing of all trees, stumps and other plant growth and remove structures or obstructions within the dedicated right-of-way to be opened for street purposes.
- (3) The duties and obligations of the petitioner as set forth in subsection (l)(2) of this section shall be complied with by such petitioner within such time as may be established by the operations committee subsequent to the committee's receiving the petition from the council. Should the petitioner not meet the duties and obligations set forth in this section, the operations committee may, after due deliberation, dishonor such petition.
- (4) Costs assessed for opening new streets or extending existing streets shall be paid in full within 30 days of billing following completion of work.

(Code 2001, § 8.07; Ord. No. 1-2007, § 1, 2-5-2007; Ord. No. 7-2009, § 1, 6-1-2009; Ord. No. 21-2010, § 1, 10-4-2010)

ARTICLE IX. - SPECIAL ASSESSMENTS

BERLIN, WISCONSIN EXAMPLE

Sec. 2-776. - Levy.

- (a) The city, resolution of the common council, may levy and collect special assessments upon property in a limited and determinable area under its police powers for any municipal work or improvement, and may provide for the payment of all or any part of the cost of the work or improvement. In addition to other methods approved by law, special assessments for any public work or improvement, or any special charge for current services, may be levied in accordance with the provisions of this article.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of police power shall not exceed the value of the benefits accruing to the property from such work or improvement and, for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the common council.
- (c) The favored procedure in the city for proceeding with making specially assessable public improvements as set forth in this article is not intended in any way to disregard or bar proceeding under other methods provided by law for making of public improvements, and for the levying of assessments therefor; nor is this article intended to be an exhaustive, detailed recodification of state law. Detailed requirements still require reference to statutes. The purpose of this article is to generally define and establish local procedures for special assessments.

(Code 1989, § 3-2-1)

Sec. 2-777. - Resolution and report required.

- (a) Public improvements carried out pursuant to Wis. Stats. § 66.60 and this article shall be initiated by a preliminary resolution presented to the common council by the city engineer, which resolution shall declare the common council's intention to exercise its assessment powers for such municipal purposes, the limits of the proposed assessment district, the number of installments in which special assessments may be paid or that the number of installments will be determined at a hearing thereon, and direct the city engineer to make a report thereon. After adoption of such preliminary resolution, copies thereof shall be forwarded by the clerk-treasurer to the city engineer and, when applicable, the sewer and water utility commission. The clerk-treasurer shall forthwith, after adoption of such preliminary resolution, obtain a list of the names and addresses of all interested persons, if with reasonable diligence their names and addresses may be obtained, and forward such names and addresses to the city engineer. Upon receipt of the copy of such preliminary resolution, the city engineer shall prepare a report thereon.
- (b) The report required by subsection (a) of this section shall include:
 - (1) Preliminary or final plans and specifications.
 - (2) The provisions of Wis. Stats. § 66.60, as amended, shall apply to special assessments levied under this article, except that, when the common council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement, or the rendering of the service, the report required by Wis. Stats. § 66.60 shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
 - (3) A statement that the property against which the assessments are proposed is benefitted, where the work or improvements constitute an exercise of the police power. In such case, the estimates required

under Wis. Stats. § 66.60 of this section shall be replaced by a schedule of the proposed assessments.

- (4) When complete, a copy of the report shall be filed with the clerk-treasurer for public inspection.
- (c) When the common council determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement, or rendering of the service, the report required by Wis. Stats. § 66.60 and subsections (a) and (b) of this section shall still contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

(Code 1989, § 3-2-2)

Sec. 2-778. - Costs to be paid by special assessment.

The cost of any work or improvement to be paid, in whole or in part, by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the city, the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the common council or as otherwise specified by another ordinance.

(Code 1989, § 3-2-3)

Sec. 2-779. - Exemptions; deductions.

- (a) If any property deemed benefitted shall, by reason of any provision of law, be exempt from assessment therefor, such assessment shall be computed and shall be paid by the city.
- (b) A parcel of land against which a special assessment has been levied for the sanitary sewer or water main laid in one of the streets upon which it abuts shall be entitled to such deduction or exemption as the common council determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances, the assessment will not be less than the long way of such lot. The common council may allow a similar deduction or exemption from special assessments levied for any other public improvement.

(Code 1989, § 3-2-4)

Sec. 2-780. - Notice of proposed or approved project.

- (a) *Notice requirements.* On the completion and filing of the report and final resolution with the clerk-treasurer required in section 2-777, the clerk-treasurer shall prepare a notice of hearing, which notice shall comply with Wis. Stats. § 66.60, and shall state the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the common council or committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be signed by the clerk-treasurer, who shall cause the notice to be published at least once in the official newspaper, and shall mail a copy of such notice at least

ten days before the hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten days and not more than 40 days after the publication or mailing of such notice.

- (b) *Waiver of notice.* The common council may, without a notice of hearing, levy and assess the whole or any part of the cost of any municipal work or improvement as a special assessment upon the property specifically benefitted thereby whenever notice and hearing thereon is in writing waived by all of the owners of property affected by such special assessment. In such cases, the procedure shall be the same as provided in this article, except for the notice and holding of a public hearing thereon.

(Code 1989, § 3-2-5)

Sec. 2-781. - Common council actions after hearing.

- (a) After the hearing as set forth in this article, the common council may:
- (1) Approve, disapprove, modify or re-refer the report to the city engineer or other designated city official with such directions, as it deems necessary, to change the plans and specifications in order to accomplish a fair and equitable assessment.
 - (2) Continue the public hearing, preliminarily approve plans and specifications and, if the project requires advertising for bids, authorize and direct the advertisement therefor with a date certain for consideration and taking action thereon, inclusive of action on the report and final resolution.
- (b) If an assessment is made against any property and an award of compensation or damage is made in favor of the property, the common council shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c) (1) If the work or improvement has not been previously authorized or approved, the common council shall approve the work or improvement and, by resolution, direct that the work or improvement be done and paid for in accordance with the report finally approved.
- (2) If the work or improvement has been approved by the common council or the work is commenced or completed prior to the filing of the report or prior to the hearing, then the common council shall, by resolution, confirm the report as made or modified, and provide for payment, in whole or in part, by assessment.
- (d) The clerk-treasurer shall publish the final resolution as required in section 2-780.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized, and all awards of compensation or damage, and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Wis. Stats. § 66.60, or any other applicable provision of law.

(Code 1989, § 3-2-6)

Sec. 2-782. - Combined assessments.

If more than a single improvement is undertaken, the common council may combine the assessments as a single assessment on each property affected, except that the property owner may object to any one or more of the improvements.

(Code 1989, § 3-2-7)

Sec. 2-783. - Power to amend, cancel or confirm.

After completion or after the receipt of bids, if the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the common council determines to reconsider an assessment, the common council is empowered, after giving notice as required in section 2-780, to amend, cancel or confirm any prior assessment; and notice of such amending, canceling or confirming shall be given by the clerk-treasurer as provided in section 2-781.

(Code 1989, § 3-2-8)

Sec. 2-784. - When cost of improvement is less than assessment.

If the cost of any work or improvement as set forth in this article is less than the assessment levied, the common council, without notice or hearing, shall reduce each assessment proportionately. If the assessment has been paid either in part or in full, the city shall refund the property owner such overpayment.

(Code 1989, § 3-2-9)

Sec. 2-785. - Appeals.

- (a) Any person against whose property a special assessment is levied under this article may appeal from such special assessment in the manner prescribed by Wis. Stats. § 66.60, as amended, within 40 days of the date of the final determination of the common council.
- (b) Pursuant to Wis. Stats. § 66.60, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default in payment any such appeal shall be dismissed.

(Code 1989, § 3-2-10)

Sec. 2-786. - Payment; delinquency.

- (a) Pursuant to Wis. Stats. § 66.60, any special assessment levied under this article shall be a lien on the property against which it is levied on behalf of the city. The common council shall provide for the collection of such assessments and may establish penalties for payment after the due date. The common council shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.
- (b) Any deferred special assessment shall be paid no later than ten years from the date of the assessment levy or the date in which the individual property owner realizes the benefit of the improvement giving rise to the special assessment, whichever is earlier. The common council shall determine whether a property owner has realized the benefit of a special assessment, and upon such determination, shall provide a property owner, subject to a deferred special assessment, a period of 60 days from the time of receiving such notice to pay the special assessment in full or be subject to collection procedures and penalties and delinquent tax treatment as provided for in this section. All deferred special assessments in place prior to the enactment of this the ordinance from which this section is derived are not subject to this section.

(Code 1989, § 3-2-11)

Sec. 2-787. - Permissible special charges.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by resolution by the common council by allocating all or part of the cost of the property served. Such resolution shall set forth the property location, the current service rendered by the city and the special charge therefor or cost thereof. Such resolution for special charges may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer and water service and tree care or removal. The provision for notice of such charges shall be optional with the common council, except that in the case of street, sidewalk, curb or gutter repair, 20 days' notice, published in the official city newspaper, or by posting such notice in three places in the city shall be given, and a copy of such notice shall be mailed to every interested person whose post office address is known at least ten days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the common council as to whether the service in question shall be performed.
- (b) Special charges for current services shall not be payable in installments. If such charges are not paid within the period fixed by the common council in the resolution, such delinquent special charges, pursuant to section 2-786, shall become a lien on the property as of the date of such delinquency, and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property as provided by Wis. Stats. § 66.60, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. Notice of special charges for current services need not be given except as required by Wis. Stats. § 66.60, as amended.
- (c) Section 2-777(a) shall not be applicable to proceedings under this section.

(Code 1989, § 3-2-12)

Sec. 2-788. - Miscellaneous provisions.

- (a) If any assessment or charge levied under this article is invalid because such statutes are found to be unconstitutional, the common council may reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The common council may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefitted if notice and hearing is waived in writing by affected property owners.

(Code 1989, § 3-2-13)

Secs. 2-789—2-820. - Reserved.