

CITY OF PRINCETON
COMMITTEE OF THE WHOLE MEETING
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, AUGUST 5, 2014
6:00 PM

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPEARANCES FROM THE PUBLIC
4. APPROVAL OF MINUTES:
 - a) Approval of minutes from June 24, 2014 Committee of the Whole meeting
5. NEW BUSINESS
 - A) Discussion on Codification Process.
RECOMMENDATION: Review new code sections as follows:
 - 1) Chapter 430 – Zoning
 - 2) Chapter 211 – Historic Preservation
 - 3) Chapter 217 – Home Occupations
 - 4) Chapter 246 – Mining
 - 5) Chapter 253 – Mobile Homes
6. ESTABLISHMENT OF NEXT MEETING DATE
7. ADJOURN

* The meeting room is accessible to all. Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Administrator's office at 920.295.6612 with as much advance notice as possible.

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CITY OF PRINCETON
COMMITTEE OF THE WHOLE MEETING MINUTES
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, JUNE 24, 2014
6:00 PM

1. **CALL TO ORDER AND ROLL CALL** Council President Kallenbach called the meeting to order at 6:00 PM. In attendance were Alderpersons Kallenbach, Ernest, Bednarek, Roehl, and Kallas, Administrator Neubauer, and Mayor Wielgosh. Absent at Roll Call but arrived at 6:04 PM was Alderperson Koehn.
2. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
3. **APPEARANCES FROM THE PUBLIC** Nothing at this time.
4. **APPROVAL OF MINUTES:**
 - a) Approval of minutes from June 10, 2014 Committee of the Whole meeting Bednarek motioned to approve the 6/10/14 Committee of the Whole Minutes, seconded by Ernest. Carried 5-0.
5. **NEW BUSINESS**
 - A) Discussion on Codification Process.
RECOMMENDATION: Review new code sections as follows:
 - 1) Chapter 20 – Community Development Authority
 - 2) Chapter 37 – Emergency Government
 - 3) Chapter 93 – Property, Surplus, Lost and Abandoned
 - 4) Chapter 144 – Cemetery
 - 5) Chapter 156 - Driveways
 - 6) Chapter 162 – Electric Service
 - 7) Chapter 170 – Erosion and Stormwater Runoff Control
 - 8) Chapter 177 – Fair Housing
 - 9) Chapter 348 – Trees and ShrubsA discussion was held about the Ordinances listed above and the Council made recommendations.
6. **ESTABLISHMENT OF NEXT MEETING DATE – August.** The next Committee of the Whole Meeting will be August 12, 2014 at 6:00 PM, to continue the Ordinance Codification Process.
7. **ADJOURN** Council President Kallenbach adjourned the meeting at 6:44 PM.

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CITY OF PRINCETON

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An equal opportunity/affirmative action employer

Mayor
Charlie Wielgosh

City Alderpersons

Dave Bednarek
Mary Ernest
Eric Koehn
Dan Kallas
Jasper Kallenbach
Lara Roehl

City Administrator
Mary Lou Neubauer

COUNCIL REPORT

To: City Mayor, Common Council
From: Mary Lou Neubauer, City Administrator/Clerk/Treasurer
Date: August 5, 2014
RE: Codification

Chapter 430 Zoning

A. Various Sections Item A. B. &C.

Make reference to current statutes as noted vs. outdated sections.

B. Section 430-15 B. & C. Pages 745 & 746 Printing correction
R-2 section had reference to R-1 which was change in new text

C. Section 430-17 B Page 749 Wording correction
Conservancy District wording correction

D. Section 430-20 and 430-21 Page 756 & 758
As there is a Supreme Court case regarding this language, I have forwarded this to Attorney Wurtz

E. Section 430-20C23 Page 757 Wording correction
Make change as noted to be drive-up bank facilities

F. Section 430-14C (4) and 430-15C (4) Pages 744 & 747 Wording change
Make changes for consistence of Bed & Breakfast Establishments

G. Section 430-16 Page 748 Bed & Breakfast
Does Council want B & B's to be allowed in an R-3 district – presently not listed as a CUP

H. Section 430-45B Page 776 Bed & Breakfast definition
Change definition to be consistent with state code

I. Section 430-49B Page 780 Non-conforming Uses
Referred to the City Attorney for language clarification due to court cases

- J. Section 430-83 Page 815-820 Wireless communications
Referred to the City Attorney for language clarification due to court cases
- K. Section 430-86B Page 823 Fences
Change wording to be reflective of number of types of fences
- L. Section 430-86H Page 824 Fences
Appears a code section to Temporary fences was done in 2008 however another section of the code 430-86F(4) was not changed to be reflective of the change made to 430-86(H) Amend one to meet the other
- M. Section 430-89A Page 828 Administration
Wording changes to correct verbiage
- N. Article XV Page 835 Mobile homes
Change language from permit/etc to license/etc.
- O. Section 430-114 Page 844-845 State Board of Health
Department change to Department of Health Services
- P. Section 430-117D(2) Page 846 Mobile homes
The reference to R-MH comes from other codes. Language change to be “at edges of mobile home park boundaries.
- Q. 1. Section 430-120 Page 859 Use, accessory
Duplicate definition – eliminate one of them
- Q.2. Section 430-120 Page 851 Community Living Arrangement
Referred to City Attorney for legal opinion/language
- Q.3. Section 430-120 Page 855 Lot line rear
Elimination of sentence regarding diagrams
- Q.4. Section 430-120 Page 856 Marquee
As the sign section of the zoning code has definitions, eliminate the marquee definition in 430-120
- Q.5. Section 430-120 Page 856 Non-conforming Structures
Added language per statute change
- Q.6. Section 430-120 Page 859 Non-conforming Use definition
Delete duplicate definition of Use, Nonconforming
- Q.7 Section 430-120 various Uses w/out definitions.
As noted there were several uses which were noted which do not have definitions. Being they are all conditional uses, the general listing can remain, and when the applicant comes forward with a proposal they can be reviewed according to the proposal and approved “with conditions”.

Section 430-92 refers violations back to the main section of 1-3 for penalties however 430-83 specifically provides a different violation schedule for wireless communications. This penalty should be moved out of the specific section and go back to the main section 1-3

Other areas for discussion not included in the codification notes.

1) Presently there is not any designated B-3 Highway Commercial designated on our zoning maps. There is language in the code but there aren't any established districts.

2) Section 430-19

Page 755

B-2 zoning

In the B-2 district there is only 1 use listed as a Conditional Use – Retail sales of building supplies. Otherwise all the uses (Both permitted and conditional uses) are the same as in a B-1 district. The only difference is the increased setback requirements for the side and rear lot line.

*Just a discussion point

3) Section 430-24

Page 764

PUD district

Presently there are not any PUD districts in the City. A Planned Unit Development is taking a parcel(s) of land and doing a development project which may contained mixed uses and loosens the general zoning requirements for that development.

*Just a discussion point

4) Section 430-38

Page 772

Conditional Use Permit hearing

There are many “conditional uses” which are listed in the Zoning districts. The process to allow a conditional use permit is an application to the Zoning Administrator, the referral to the Plan Commission for a meeting to accept or review the application and then the scheduling of a public hearing. There is some reference in the code which allows for either the PC or the Council are able to do the review authority would be clearer cut.

5) Section 430-46

Page 776

Home occupations

It appears there are a number of home occupations in the community and I have received about utilizing portions of homes for uses such as antique shops or the like. Home occupations can be very evasive to the neighbors and often can start out as a small venture but grows. Review of this section as a whole should be discussed.

There is also a separate section – Chapter 217 on Home occupations.

All Home occupation sections should be combined to one location.

6) Section 217-9

Page 316

Home occupation.

There is a violation and penalty section which should be included in the general forfeiture section

7) Section 430-53

Page 781

Loading Requirements

General discussion on Loading Requirements – is this imposed? Important?

8) Section 430-62

Page 797

Commercial signs

This section specifically notes the B-3 district – of which we don't have that designated district

9) Section 430-62 Page 798 Projecting signs

The code presently eliminates projecting signs (those that stick out from the building over the sidewalk) in a B-1 or B-2 district. Signage is important to all businesses and only allowing flat signs is something worthy of change in the code.

Section 430-62 B (Page 797) allows sign which are attached to the building to not project more than 4' over the public sidewalk

10) Section 430-63 (D) Page 799 On street banner

Code states on-site banner signs whether permanent or temporary are not permitted. There are several types of signs presently being used – the “open” signs which are fabric and stuck in a post on the ground are used throughout town.

11) Section 430-63 (E) Page 799 Over the street banners

Do we still use these?

12) Section 436-68 Page 803 abandoned signs

Removal of signs when a business closes, The code presently requires signage to be removed once a building closes. There are conflicting opinions on this requirement.

- A closed business should no longer be advertised – does the removal include the plastic face of the sign or the sign in its entirety including brackets/mounting/etc. If that is the case, a new business would have an additional cost associated with signage as they would have to remount everything and not just the plastic faces.
- Often when a sign is removed, there is discoloration of the building or possibly even a different base under the sign.
- Does it make a difference in a owner occupied building that closes vs. when a renter leaves?

13) Section 430.86(D) Page 824 Fences

There is a duplication between D and C(1).

Generally a fence in a residential district cannot exceed 6' in height in the side or rear portion of the lot. However in the front (along the street) and the front setback (the first 20 or 25' back from the front property line) the maximum height in that area cannot exceed 4'. The purpose of this is so someone backing out of their driveway is not backing across a sidewalk which has a 6' fence butted up to it.

Historic Preservation

14) Section 211-1 – 211-9 Page 309-313 Historic Preservation

This code section provides for the establishment of a Historic Preservation Committee. Several of our downtown buildings are on the historic register. Preserving our heritage is important but there is also a fine line between when imposing regulations on privately owned buildings. Discussion on this section can take place.

Mining

15) Section 246 Page 371-378 Mining

This section is governed by the DNR and we will be generating a model ordinance for the chapter. If there is anything specific that the Council recalls being pertinent to Princeton and should be in the model ordinance, please share

Mobile Homes

16) Section 253

Pages 379/380 Mobile Homes

There is an entire section in 430-102 which notes mobile homes and the two chapter should be combined in one chapter or at a minimum cross-referenced for one portion of the chapter being homes in a mobile home park and one portion for those located on independent lots

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construction of the residence.” Should this fee amount be removed from the Code and replaced with a reference to Chapter 182, Fees?

Decision:

- Replace the fee with a reference to Chapter 182.
- No revision desired. Retain the fee in the Code.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Q. Section 415-49H(1), regarding fees for certified surveys, states: “The subdivider shall pay an application fee as prescribed in Chapter 182, Fees, for each certified survey, plus \$5 for each lot being created.” Is this additional fee current and accurate, or does the City’s fee schedule include this fee?

Decision:

- Amend § 415-49B(1) to delete “plus \$5 for each lot being created.”
- No revision desired. Retain the five-dollar fee in § 415-49H(1).
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

R. Penalties. In addition to penalties provided in Ch. 236, Wis. Stats., § 415-51B(1) contains a forfeiture of not less than \$50 nor more than \$500 for each violation. Is this adequate?

Decision:

- Amend § 415-51B(1) to replace the forfeiture amounts with a reference to the general penalty in § 1-3.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 430, Zoning

Title 13, Ch. 1, of the City Code

Statutory authority for zoning is located in § 62.23, Wis. Stats.

A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:

- (1) In § 430-106C, § 66.058(2)9d will be changed to § 66.0435.

To View Zoning Code text - Contact
CITY Hall

- (2) In § 430-120, definition of “community living arrangement,” § 59.97(15) will be changed to § 59.69(15).
- B. Administrative Code updates. We propose to update the following Administrative Code references prior to publication of the Code:
 - (1) In § 430-45C, Chapter HSS 197 will be changed to Chapter DHS 197.
 - (2) In § 430-103A, COMM 20.12-20.17 will be changed to §§ SPS 320.12 through 320.17.
 - (3) In § 430-120, definition of “basement or cellar,” COMM Chapters 21, 21 and 22 will be changed to Chapters SPS 320, 321 and 322.
 - (4) In § 430-120, definition of “manufactured home,” COMM 21 will be changed to Chapter SPS 321.
- C. The statutory authority for this chapter, as cited in § 430-1, is §§ 62.23(7) and 87.30, Wis. Stats. However, § 87.30 pertains to floodplain zoning, which is covered in Chapter 395 of the City Code. Should § 430-1 be amended to delete reference to § 87.30?

Decision:

- Amend § 430-1 to delete reference to § 87.30, Wis. Stats.
 - No revision desired.
 - Revise as follows: _____
 - Revise as follows: (attach revisions separately).
- D. Section 430-15, which contains the R-2 District regulations, contained a couple references to “R-1” instead of “R-2” (in § 430-15B and C). We have corrected these references to refer to “R-2.”
- E. Section 430-17B(6), which lists permitted uses in the C-1 Conservancy District, appears to contain a wording problem or there may be missing wording. This subsection currently reads:

(6) *Nonresidential buildings used solely in conjunction with the raising of water, fowl or fish.*

Decision:

- Amend to read: *Nonresidential buildings used solely in conjunction with the raising of waterfowl or fish.*
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

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- F. Subsection B of § 430-20 provides that all uses in the B-3 District are conditional uses; and Subsection B of § 430-21 provides that all uses in the I-1 District are conditional uses. In a 2008 decision (Town of Rhine v. Bizzell) the State Supreme Court found a town zoning ordinance where all the uses in a particular district were conditional uses to be unconstitutional. The Court found the ordinance in question to be arbitrary and unreasonable, as it precluded any use as of right in the district and such limitation bore no substantial relation to the public health, safety, morals or general welfare. The City Attorney should be consulted as to whether any revisions should be made to §§ 430-20 and 430-21 in light of this Supreme Court decision.

Decision:

- No revision desired.
 - Revise as follows: _____
 - Revise as follows: (attach revisions separately).
- G. Section 430-20C(23) lists “*Drive-banks*” as a conditional use in the B-3 District. Should this be “*Drive-in banks*”?

Decision:

- Yes, change “*Drive-banks*” to “*Drive-in banks*.”
 - No revision desired.
 - Revise as follows: _____
 - Revise as follows: (attach revisions separately).
- H. Bed-and-breakfast establishments.
 - (1) Section 430-14C(4) and 430-15C(4) list “*bed-and-breakfast inns*” as conditional uses in the R-1 and R-2 Districts. Section 430-45 contains regulations for “*bed-and-breakfast establishments*,” and it includes a definition of “*bed-and-breakfast establishments*.” For the sake of consistency, consider changing “*bed-and-breakfast inns*” to “*bed-and-breakfast establishments*.”

Decision:

- Amend §§ 430-14C(4) and 430-15C(4) to change “*bed-and-breakfast inns*” to “*bed-and-breakfast establishments*.”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (2) Section 430-45 contains requirements for bed-and-breakfast establishments. According to § 430-45A, these establishments are conditional uses in residence districts; however, this subsection does not specifically list any districts. According to §§ 430-14C(4) and 430-15C(4), bed-and-breakfast establishments are conditional uses in the R-1 and R-2 Districts only. Are bed-and-breakfast establishments permitted by conditional use in the R-3 District? If not, consider amending § 430-45A to read, in part, “*Bed-and-breakfast establishments shall be considered conditional uses and may be permitted in ~~Residence Districts~~ the R-1 and R-2 Residential Districts pursuant to this article.*”

Decision:

- Amend § 430-45A to read, in part, “*Bed-and-breakfast establishments shall be considered conditional uses and may be permitted in ~~Residence Districts~~ the R-1 and R-2 Residential Districts pursuant to this article.*”
- Bed-and-breakfast establishments are conditional uses in the R-3 District. Add § 430-16C(14), to read “*Bed-and-breakfast establishment.*”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (3) The City might want to review the definition of “bed-and-breakfast establishment” in § 430-45B against the current definition in Chapter DHS 197 of the Wisconsin Administrative Code:

- City definition: “Bed-and-breakfast establishment” means any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve-month period, is the owner’s personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- Definition in § DHS 197.03: “Bed and breakfast establishment” means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a twelve-month period, is the owner’s personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Decision:

- No revision desired.
- Amend the definition in § 430-45B to reflect the language in § DHS 197.03.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

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- I. Article VI, Nonconforming Uses, Structures and Lots. Section 430-49B addresses the destruction of nonconforming buildings by fire or other calamity. Section 62.23(7)(hc), Wis. Stats., Restoration of certain nonconforming structures, was added by 2005 Act 112 and provides that a local ordinance cannot prohibit restoration of a nonconforming structure or impose any limits on the costs of the repair if damage occurs after March 1, 2006, and is caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. To reflect this provision the following wording could replace § 430-49B:

Pursuant to § 62.23(7)(hc), Wis. Stats., a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the restored structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

Please note: We recommend that the City Attorney review Article VI, Nonconforming Uses, Structures and Lots, to determine if any additional changes are required in order to conform to § 62.23, Wis. Stats.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- J. Section 430-83, Wireless telecommunications systems. We recommend that the City review § 430-83 in conjunction with § 66.0404, Wis. Stats., added by 2013 Act 20. This statute invalidates any ordinance that does not comply with said § 66.0404. Please provide any necessary changes.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- K. Section 430-86B states that fences shall be categorized into five classifications, and then it goes on to list three categories of fences. Should “five classifications” be changed to “three classifications”?

Decision:

- Amend § 430-86B to change “*five classifications*” to “*three classifications*.”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

L. Temporary fences, § 430-86H, was amended in 2008. Previously, this subsection contained conditions under which seasonal or temporary fences, such as garden or snow fences, would be permitted. However, Ord. No. 2008-01 specifically amended § 430-86H to state that snow fences and similar temporary fences are not permitted. Note that § 430-86F(4) indicates that wood-slat or plastic snow fences are permitted on a temporary basis in accordance with § 430-86H. It appears that, as a result of Ord. No. 2008-01, § 430-86F(4) should be amended to delete the phrase “*except as a temporary use under Subsection H.*”

Decision:

- Amend § 430-86G(4) to delete the phrase “*except as a temporary use under Subsection H.*”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

M. Section 430-89A lists duties of the Zoning Administrator. It appears that § 430-89A(7) should be amended to delete “Zoning Administrator” because the current wording indicates that the Zoning Administrator may request assistance from the Zoning Administrator. This currently reads:

The Zoning Administrator shall further:

(7) *Request assistance and cooperation from the Zoning Administrator, Building Inspector and City Attorney as deemed necessary.*

Decision:

- Delete “Zoning Administrator” from § 430-89A(7).
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

N. Article XV contains licensing requirements and regulations for mobile home parks. Statutory authority for licensing is found in § 66.0435, Wis. Stats. Article XV appears to use “*permit/permittee*” and “*license/licensee*” interchangeably. It appears that “license” is correct, per § 66.0435, Wis. Stats.

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Decision:

- Change "permit/permittee" and "license/licensee" in Article XV.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

O. Reference is made to the *State Board of Health* in § 430-114. As far as we can determine this agency no longer exists. Provisions in the statutes regarding the State Board of Health were repealed in 1969 (see § 140.01 et seq., Wis. Stats.). Should the reference be updated or deleted?

Decision:

- Change *State Board of Health* to Department of Health Services
- Delete "*regulations of the State Board of Health.*"
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

P. Section 430-117D(2) contains a reference to the "R-MH Districts" but this abbreviation is not used in the Zoning Chapter. Consult § 430-12 for district abbreviations in the City. What should this abbreviation be changed to?

Decision:

- Change *R-MH Districts* to _____
- Change "*At edges of R-MH Districts*" to "*At edges of mobile home park boundaries.*"
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Q. Definitions, § 430-120.

- (1) This section contains a definition of "accessory use or structure" as well as a definition of "use, accessory." Is it necessary to retain the definition of "use, accessory"?

Decision:

- Delete the definition of “use, accessory.”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

(2) In the definition of “community living arrangement” the reference to “group foster homes for children under § 48.02(7m)” is incorrect. Section 48.02 of the statutes does not contain a Subsection (7m); Subsection (6) of § 48.02 defines “foster home” and Subsection (7) defines “group home.” The statutes now provide separate definitions of “community living arrangements for adults” and “community living arrangements for children”; see §§ 46.03(22) and 48.743(1), respectively. How should the reference to § 48.02(7m) be corrected?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

(3) The definition of “lot line, rear” ends with this sentence: “*Irregularly shaped lots and corner, triangular lots are illustrated on the following page.*” However, we have no illustrations of lots. Does the City have illustrations that should be included in the Code? If not, should this sentence be deleted?

Decision:

- Delete the sentence about illustrations.
- The City will provide illustrations of irregularly shaped lots and corner triangular lots.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

(4) There are several definitions of terms related to signs in § 430-120. See, however, § 430-58, which contains definitions of terms used in Article VIII, Signs, Canopies, Awnings and Billboards. Several of the same terms appear in each section, but the actual definitions are often different. We generally do not recommend that the same term be defined in two different sections. The City is advised to review § 430-120 and determine which terms related to signs could be deleted and whether any changes should be made to § 430-58. In particular, please review the following:

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- (a) There is a definition of “marquee or canopy” in § 430-120. However, § 430-58 contains separate definitions of “canopy” and “marquee.” Is there a need to define “marquee or canopy” in § 430-120?
- (b) Sections 430-58 and 430-120 contain conflicting definitions of “sign, wall.”

Please itemize each change desired to eliminate conflicts and unnecessary duplications between §§ 430-58 and 430-120.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (5) The definition of “nonconforming uses or structures” could be amended to more clearly described the nature of “nonconforming,” by incorporating the following underlined language [used in § 62.23(7)(ab), Wis. Stats.]:

NONCONFORMING USES OR STRUCTURES — Any structure, use of land, use of land and structure in combination, or characteristic of use (such as yard requirement or lot size) which was lawfully existing at the time of the effective date of this chapter or amendments thereto, but that does not conform with the use restrictions in the current zoning ordinance. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Decision:

- Amend the definition of “nonconforming uses or structures” as indicated above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (6) Note that there is also a definition of “use, nonconforming” in § 430-120. The definition appears to be missing wording, as it is somewhat awkward. Consider deleting the definition of “use, nonconforming.”

Decision:

- Delete the definition of “use, nonconforming.”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- (7) We noticed that some terms are used in this chapter but are not defined in § 430-120. The City may consider whether definitions should be added in order to ensure tighter control, especially since some terms may be open to interpretation. For example:
 - Recreation camps (a conditional use in the C-1 District)
 - Public and private campgrounds (also a conditional use in the C-1 District)
 - Riding stable (also a conditional use in the C-1 District)
 - Retirement homes (conditional uses in several districts)

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

R. Section 430-92 contains the penalty provisions for any violation of this chapter, and there is a reference to the general penalty in § 1-3 of the Code.

- (1) Section 430-83F contains a specific penalty for violation of § 430-83, Wireless telecommunications systems. The forfeiture for unlawful placement of a tower or antenna on a residential property is not less than \$100 nor more than \$500; any other violation of § 430-83 is punishable in accordance with § 430-92. Is this adequate?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

between these sections? Note that Chapter 380, Water, does *not* contain a requirement for connection to the water system. The duplication/conflict only appears to apply to sewer connections. Are any changes desired?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 211, Historic Preservation

Title 15, Ch. 7, of the City Code

- A. This chapter provides for the creation of the Historic Preservation Committee and establishes procedures for the preservation of historic sites and landmarks. This appears suitable.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 217, Home Occupations

Ord. No. 2006-25

This chapter requires an annual license for a home occupation.

- A. Section 217-9 contains a forfeiture of not less than \$50 nor more than \$200. Should these amounts be deleted and replaced with a reference to the general penalty in § 1-3?

Decision:

- Amend § 217-9 to remove the forfeiture amounts and insert a reference to the general penalty in § 1-3.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

City of Princeton, WI

- (1) Curfew. Review the forfeitures in § 232-1F for violations of § 232-1, Curfew. Are any changes desired?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

C. Section 232-8C(1) contains a reference to § 938.227, Wis. Stats., yet this section does not exist. We believe this is a typographical error, and we propose to change it to § 48.227, Wis. Stats. Section 232-8C(2) contains references to §§ 946.71 and 946.715, yet these references are incorrect; we propose to replace these references with a reference to § 948.31, Wis. Stats.

D. In § 232-12A, we propose to change “carbon copy” to simply “copy.”

Ch. 239, Licenses, Issuance and Renewal

Title 7, Ch. 12, of the City Code

A. This chapter requires that licensees pay local taxes, assessments and claims prior to the issuance or renewal of a license. An appeals procedure is included. If this reflects current procedure, it appears suitable.

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 246, Mining

Art. I, Nonmetallic Mining

Title 7, Ch. 8, Secs. 7-8-1 through 7-8-6, of the City Code

A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:

- (1) In § 246-2, definition of “environmental pollution,” § 144.01(3) will be changed to § 295.11(2).
- (2) In § 246-4E, §§ 144.80 to 144.94 will be changed to Ch. 293.

(3) In § 246-4F, §§ 144.435 to 144.445 will be changed to Subchapters II to IV of Chapter 289.

(4) In § 246-4F, §§ 144.60 to 144.74 will be changed to Ch. 291.

- B. Section 246-1 states that this chapter is adopted pursuant to applicable state statutory and Wisconsin Administrative Code regulations, which are adopted by reference. However, this section does not specify which statutes and regulations are adopted by reference; it is quite vague. Similar ordinances adopted by other municipalities include the following section:

This chapter is adopted pursuant to § 295.14, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.

Decision:

- Amend § 246-1 to include the language above.
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- C. The City might want to review § 295.14, Wis. Stats., which states that “A city, village or town with a nonmetallic mining reclamation ordinance in effect on June 1, 1993, may maintain and administer that ordinance if the department (of natural resources) reviews the existing ordinance and determines that it is at least as restrictive as the rules under s. 295.12(1).” Was this ordinance adopted prior to June 1993 and, if so, has it been reviewed and approved by the Department of Natural Resources? Are any revisions needed to bring this chapter into compliance with current state regulations on nonmetallic mining?

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

- D. Uniform statewide standards for nonmetallic mining are established by the Department of Natural Resources (DNR) in Ch. NR 135, Wis. Adm. Code, adopted in 2000, as amended. Pursuant to § 295.14, Wis. Stats., the City can administer a nonmetallic mining reclamation ordinance only if the ordinance complies with the DNR rules. The City might want to consult with its Attorney as to whether any revisions are needed to this chapter in order to comply with Ch. NR 135.

City of Princeton, WI

Decision:

- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

E. The City might want to compare the definitions in § 246-2 with the definitions of these terms provided in § 295.11, Wis. Stats. There are quite a few differences in the terms and their definitions, and the City’s ordinance no longer matches the language in the statute. Perhaps the definitions in the statute could simply be referenced.

Decision:

- Replace § 246-2 with the following: *“The terms used in this chapter shall have the meanings provided in § 295.11, Wis. Stats.”*
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

F. Section 246-4 lists activities that are exempt from nonmetallic mining reclamation regulations. Compare § 246-4 to the list of exempt activities in § 295.16(4), Wis. Stats. Should § 246-4 be amended to reflect the exemptions in § 295.16(4), Wis. Stats.?

Decision:

- Replace § 246-4 with the language in § 295.16(4), Wis. Stats.
- Replace § 246-4 with *“This nonmetallic mining reclamation article shall not apply to the activities listed in § 295.16(4), Wis. Stats.”*
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

G. This article uses the terms “permit” and “license” interchangeably. Should one term be used in favor of another?

Decision:

- Change *“permit”* to *“license”* throughout this article.
- Change *“license”* to *“permit”* throughout this article.
- No revision desired. OK to use both terms.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Art. II, Blasting and Rock Crushing

Title 7, Ch. 8, Sec. 7-8-7, of the City Code

This article requires a permit to operate a rock crusher or perform blasting.

- A. Administrative Code updates. We propose to update the following Administrative Code reference prior to publication of the Code:
 - (1) In § 246-8, Ch. IND 5, Explosives and Blasting Agents, will be updated to Ch. SPS 307, Explosives and Fireworks.
- B. This article uses the term “permit” consistently, but § 246-14 uses the term “license.” Should one term be used in favor of another?

Decision:

- Change “*permit*” to “*license*” throughout this article.
- Change “*license*” to “*permit*” in § 246-14.
- No revision desired. OK to use both terms.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Ch. 253, Mobile Homes and Mobile Home Parks

Title 7, Ch. 5, of the City Code

Statutory authority for this chapter is found in § 66.0435, Wis. Stats. Zoning regulations for mobile homes are included in Article XV of Chapter 430, Zoning.

- A. The fee imposed by § 253-3 is referred to as the “monthly parking fee.” Consider standardizing this reference to “monthly permit fee” for consistency with § 66.0435(3), Wis. Stats.

Decision:

- Change “*monthly parking fee*” to “*monthly permit fee*.”
- No revision desired.
- Revise as follows: _____
- Revise as follows: (attach revisions separately).

Chapter 217

HOME OCCUPATIONS

§ 217-1. Purpose.

§ 217-2. Definitions.

§ 217-3. Home occupation license required.

§ 217-4. Application for owner's or operator's license.

§ 217-5. License fee.

§ 217-6. Inspection.

§ 217-7. Existing nonconforming occupations.

§ 217-8. Suspension, revocation, or denial of renewal of licenses.

§ 217-9. Violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Princeton 11-14-2006 by Ord. No. 2006-25. Amendments noted where applicable.]

§ 217-1. Purpose.

The purpose of this chapter is to regulate the owners and operators of home occupations to ensure compliance of such businesses with this code.

§ 217-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HOME OCCUPATIONS — Any business that is in compliance with the criteria as established in § 430-46 of Chapter 430, Zoning.

§ 217-3. Home occupation license required.

No person shall own or operate a home occupation without first obtaining a license to do so in accordance with the terms and provisions of this chapter.

§ 217-4. Application for owner's or operator's license.

Applications for home occupations licenses shall be made in writing to the Zoning Administrator upon forms furnished by him or her. The application shall include information sufficient to determine whether the home occupation qualifies under § 430-46 of Chapter 430, Zoning.

§ 217-5. License fee.

The annual fee for this license shall be as prescribed in Chapter 182, Fees.

§ 217-6. Inspection.

Prior to issuance of an initial license, the Zoning Administrator shall inspect the premises of the home occupation to ensure that the business complies with all municipal code requirements.

§ 217-7. Existing nonconforming occupations.

The lawful nonconforming occupation existing at the time of the adoption or amendment of this chapter may be issued a license and continued so long as a valid license is intact. If at any time the license lapses, the applicant is subject to the regulations and requirements currently in place for home occupations as established in § 430-46 of Chapter 430, Zoning.

§ 217-8. Suspension, revocation, or denial of renewal of licenses.

The Zoning Administrator shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any licensee has violated any of the provisions of this chapter, or any ordinance of the City, or law, rule or regulation of the State of Wisconsin, involving building codes or home occupations. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Common Council by filing a request within 10 days of such notice.

§ 217-9. Violations and penalties.

Any person violating this chapter or any part of § 430-46 of Chapter 430, Zoning, shall be subject to a forfeiture of not less than \$50 and not more than \$200. This section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from continuing to operate in violation.

Chapter 211

HISTORIC PRESERVATION

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| § 211-1. Declaration of public policy and property. | § 211-5. Register of historic sites, structures, landmarks and districts. |
| § 211-2. Definitions. | § 211-6. External alteration of designated property. |
| § 211-3. Powers and duties of Historic Preservation Committee; procedure for designation of sites, structures, landmarks and Districts. | § 211-7. Transfer of historically designated property. |
| § 211-4. Criteria for determining eligibility. | § 211-8. Review of permits. |
| | § 211-9. Designation of repository for documents. |

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 15, Ch. 7, of the City Code. Amendments noted where applicable.]

§ 211-1. Declaration of public policy and property.

The Common Council hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this section is to:

- A. Safeguard the cultural resources of the City of Princeton by preserving sites, structures, landmarks and districts which reflect elements of the City's cultural, social, economic, political, visual or architectural history.
- B. Protect and enhance the City's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- C. Foster civic pride in the beauty and notable achievements of the past.
- D. Enhance the visual and aesthetic character, diversity and interest of the City.
- E. Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the City with respect to the cultural, civic, architectural and historic heritage of the City.

§ 211-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

COMMITTEE — The Historic Preservation Committee created hereunder, or other body assigned such responsibilities.

CULTURAL RESOURCES — Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the City, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.

HISTORIC DISTRICT — An area of the City which contains one or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the City Zoning Map.

HISTORIC SITE — Any area, place, structure, land or other object which has been duly designated by the Common Council; this includes prehistoric aboriginal sites.

LANDMARK — A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.

STRUCTURE — Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the City.

§ 211-3. Powers and duties of Historic Preservation Committee; procedure for designation of sites, structures, landmarks and Districts.

A. Composition.

- (1) The Common Council shall establish a five member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the City. In this role, the Historic Preservation Committee will act in an advisory capacity to the City Plan Commission in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the City. In the alternative to establishing a Historic Preservation Committee such duties may be assigned to the Plan Commission or another standing committee.
- (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one or more of the following qualities:
 - (a) Active interest in the historic preservation of the City of Princeton.
 - (b) Knowledge of the history of the City and its environs.
 - (c) Expertise and knowledge concerning architecture and archeology.
 - (d) Ability to utilize authoritative resources concerning historic preservation.
- (3) The initial five member committee shall be appointed to serve terms as follows: position number one, one year; position number two, two years; position number three, three years; position number four, four years; and, position number five, five years. As each term expires, a new appointment or reappointment shall be made by the Common Council for a term of five years. The Historic Preservation

Committee shall furnish recommendations to the Council for consideration for new appointments.

- (4) The Historic Preservation Committee shall elect a chairperson to serve a one year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Committee shall hold meetings upon the call of its chairperson. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three members.
 - (6) The Plan Commission and City Zoning Administrator shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the City's program of historic preservation.
- B. Inventory of cultural resources. The Common Council shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the City for consideration for placement on the historic register of the City. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under § 211-4 below.
- C. Nomination of properties. Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Common Council. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
- D. Notice to owners. The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
- E. Restrictive covenant. The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
- F. Assistance with other registrations. The Historic Preservation Committee shall provide encouragement, information and assistance to owners of City designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
- G. Promotional activities. The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

- H. Subcommittees. The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the City in the interest of historic preservation.
- I. Funding. As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the City. Funds for such purposes shall be placed in a special City account.

§ 211-4. Criteria for determining eligibility.

In determining the eligibility of any area, site, place, building, structure or district within the City as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- A. Its character, interest or value as a part of the history or cultural heritage of the City, State or United States.
- B^{*} Its association with the persons or events which have made a significant contribution to the cultural heritage.
- C. Its potential to yield information important in history or prehistory.
- D. Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- E. Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the City.

§ 211-5. Register of historic sites, structures, landmarks and districts.

The City of Princeton shall maintain a register of historic sites, structures, landmarks and districts.

§ 211-6. External alteration of designated property.

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation.

§ 211-7. Transfer of historically designated property.

- A. The City Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.

- B. The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this section.

§ 211-8. Review of permits.

- A. Notification of every application for building, zoning or demolition permits for properties on the City register shall be given by the City Zoning Administrator or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Plan Commission concerning the proposed permit.
- B. Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Plan Commission within 30 days. The Plan Commission shall consider this review and make their recommendations to the Common Council. The Common Council, will vote to decide if the permit will be issued or denied.
- C. The Plan Commission, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Plan Commission shall consider the following factors:
- (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- D. The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another 30 days to determine such variations. The Committee's recommendation shall be considered by the Common Council before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- E. Nothing contained in this section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

§ 211-9. Designation of repository for documents.

The office of the City Hall is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.

Chapter 246

MINING

ARTICLE I Nonmetallic Mining

- § 246-1. Statutory provisions adopted.
- § 246-2. Definitions.
- § 246-3. Existing nonmetallic mining operations.
- § 246-4. Exempt activities.
- § 246-5. Permit required for nonmetallic mining.
- § 246-6. Permit revocation.

ARTICLE II Blasting and Rock Crushing

- § 246-7. Definitions.
- § 246-8. Operation.
- § 246-9. Permit.
- § 246-10. Renewals.
- § 246-11. Blasting procedures and controls.
- § 246-12. Permit fee.
- § 246-13. Penalty.
- § 246-14. Enforcement.

[HISTORY: Adopted by the Common Council of the City of Princeton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Nonmetallic Mining

[Adopted as Title 7, Ch. 8, Secs. 7-8-1 through 7-8-6, of the City Code]

§ 246-1. Statutory provisions adopted.

This article is adopted pursuant to applicable state statutory and Wisconsin Administrative Code regulations, which are adopted by reference and made a part of this article as if fully set forth herein.

§ 246-2. Definitions.

As used in this article:

ENVIRONMENTAL POLLUTION — Has the meaning specified under § 144.01(3), Wis. Stats.

NONMETALLIC MINING OR NONMETALLIC MINING OPERATION — Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.

NONMETALLIC MINING REFUSE — Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

NONMETALLIC MINING SITE OR SITE — The location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

OPERATOR — Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

RECLAMATION — The rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

REPLACEMENT OF TOPSOIL — The replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

§ 246-3. Existing nonmetallic mining operations.

This nonmetallic mining reclamation Chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this article.

§ 246-4. Exempt activities.

This nonmetallic mining reclamation article shall not apply to the following activities:

- A. Excavations or grading by a person solely for domestic use at his or her residence.
- B. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- C. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- D. Excavations for building construction purposes.
- E. Any mining operation, the reclamation of which is required in a permit obtained under §§ 144.80 to 144.94, Wis. Stats.

- F. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under §§ 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under §§ 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

§ 246-5. Permit required for nonmetallic mining.

- A. Permit required. No person shall operate any nonmetallic mining site or operation within the City unless he/she obtains a nonmetallic mining permit from the Common Council. The fee for such permit shall be as prescribed in Chapter 182, Fees, plus any actual City administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within 30 days of the effective date of this article.
- B. Required permit information. An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
- (1) An adequate description of the operation, including a legal description of the property;
 - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
 - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
 - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties;
 - (6) Hours of operation;
 - (7) Dust and noise control;
 - (8) Maximum depth;
 - (9) Blasting procedures;
 - (10) Location and height of stockpiles; and
 - (11) Such other information the Common Council deems pertinent to the operation.
- C. Reclamation plan. The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three to one horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;

- (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
 - (3) Excavations made to a water-producing depth shall be not less than three feet measured from the low water mark;
 - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
 - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Common Council;
 - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- D. Applications. All applications for a license hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk at least 60 days prior to the licensing period. The City Clerk shall immediately refer all applications for a license hereunder to the Common Council for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Council. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Council shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Council may approve, approve conditionally or reject the application and reclamation plan.
- E. Financial assurance. Before a license and reclamation plan is approved by the Common Council, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Common Council.
 - (2) Guaranteed completion of the required reclamation within a period determined by the Council.
 - (3) Payment by the operator for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by the City Engineer and Attorney, as well as other costs of a similar nature.
 - (4) The City may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
 - (5) The required performance bond or cash escrow agreement shall be equal to 1 1/4 times the City Engineer's estimated cost of the required improvements.

- (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the City and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Common Council, at its option, may extend the bond period for additional periods.
- F. Fences. Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- G. Inspection. An authorized agent of the City may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under § 66.0119, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation article.
- H. Prohibitions and orders. Nonmetallic mining operations within the City are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this article or if other requirements of this article are not met.

§ 246-6. Permit revocation.

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him/her or the reasons proposed for revocation and shall have an opportunity to be heard before the Common Council.

ARTICLE II

Blasting and Rock Crushing

[Adopted as Title 7, Ch. 8, Sec. 7-8-7, of the City Code]

§ 246-7. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

BLASTING — A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.

PERSON — Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.

ROCK CRUSHER — Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.

§ 246-8. Operation.

No person within the City shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the City. All blasting within the City shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.

§ 246-9. Permit.

- A. Permit required. No person within the City shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the City.
- B. Applications. All applications for permits hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk at least 60 days prior to the licensing period. The City Clerk shall immediately refer all applications for permits hereunder to the City Engineer. The City Clerk shall issue a permit hereunder only after first receiving the recommendation of the City Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the City Engineer.
- C. Certified check. Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the City.
- D. Plan of operation. Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the City Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the City Engineer.
- E. Insurance. Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the City of Princeton as a party insured in the amount of \$500,000 for damage to property, and \$500,000 for injury to one person and \$1,000,000 for injury to more than one person caused by the blasting.

§ 246-10. Renewals.

All requests for renewals of permits hereunder shall be made at least 60 days prior to the expiration date of the permit and must comply with all requirements of § 246-9 above.

§ 246-11. Blasting procedures and controls.

- A. Energy ratio. The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35 inches per second based on the following formula:

$$\text{Energy ratio} = 0.5 = 10.823 f^2 A^2$$

Where:

- f = frequency in cycles per second,
A = amplitude or displacement in inches

$$\text{Energy ratio} = 0.274 V^2 \text{ (V = resultant particles velocity expressed in inches per second)}$$

- B. Measurement of blasts. The operator of the quarry operation, when requested to do so by the City Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the City Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the City or by the City Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.
- C. Blasting log. A log in duplicate shall be kept of each blast on forms similar to the one on file with the City Clerk. The original copy of this blasting log shall be filed with the City Clerk within 48 hours after the blast, and a copy shall be kept on file at the quarry office.
- D. Cover material. Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot of dirt or other suitable cover material.

§ 246-12. Permit fee.

The permit fee for any permit issued pursuant to this article shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:

- A. Quarries using blasting to supply buildings and/or ornamental stone: as prescribed in Chapter 182, Fees, per blasting period.
- B. Gravel crushing operations using portable or fixed crushing equipment less than 30 days per year: as prescribed in Chapter 182, Fees.

§ 246-13. Penalty.

Any person who shall violate any of the provisions of this article shall be subject to a penalty as provided in § 1-3 of Chapter 1, Article I, Construction and Penalties. However, upon conviction for the violation of any of the provisions of this article by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.

§ 246-14. Enforcement.

Before renewal of any license issued under this article is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him/her or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Common Council.

Chapter 253

MOBILE HOMES AND MOBILE HOME PARKS

§ 253-1. State statute adopted.

§ 253-2. Applicability.

§ 253-3. Monthly parking fee.

§ 253-4. License required.

§ 253-5. Information to be furnished.

§ 253-6. Mobile homes outside mobile home parks.

§ 253-7. Parking outside licensed mobile home parks restricted.

§ 253-8. Mobile home occupancy permits.

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 7, Ch. 5, of the City Code. Amendments noted where applicable.]

§ 253-1. State statute adopted.

The provisions of § 66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

§ 253-2. Applicability.

This chapter shall apply only to mobile homes manufactured prior to June 15, 1976. All such types of homes manufactured after June 15, 1976 are classified as "manufactured homes" and are not subject to the provisions of this chapter.

§ 253-3. Monthly parking fee.

There is hereby imposed on each occupied, nonexempt mobile home located in the City a monthly parking fee as determined in accordance with § 66.0435, Wis. Stats. Such fees shall be paid to the City Treasurer on or before the 10th day of the month following the month for which such fees are due.

§ 253-4. License required.

No person shall establish or operate upon property owned or controlled by him/her within the City a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by the fee prescribed in Chapter 182, Fees. The license shall expire one year from the date of issuance. Such parks shall comply with the applicable provisions of the Wisconsin Administrative Code.

§ 253-5. Information to be furnished.

Licenses of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk and City Assessor on

such homes added to their park or land within five days after arrival of such home on forms furnished by the City Clerk in accordance with § 66.0435, Wis. Stats.

§ 253-6. Mobile homes outside mobile home parks.

Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Treasurer as provided in § 253-3. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, nonexempt mobile home therein and to remit such fees to the City Treasurer as provided in § 253-3.

§ 253-7. Parking outside licensed mobile home parks restricted.

- A. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the City, except that the parking of only one unoccupied mobile home in an accessory private garage building or in a rear yard shall be permitted provided no living quarters shall be maintained or business practiced in such mobile home.
- B. No person shall stop, stand or park a mobile home on any street, alley or highway within the City in violation of Chs. 340 to 348, Wis. Stats., or the traffic ordinances and regulations of the City.

§ 253-8. Mobile home occupancy permits.

- A. Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the City Clerk within 60 days after the effective date of this chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and City. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for 12 consecutive months.
- B. Such mobile homes legally located and occupied on premises outside of a mobile home park prior to September 13, 1983, may be replaced with another mobile home at that location provided, in the opinion of the Zoning Administrator, such replacement would enhance the aesthetic beauty and value of the premises and that such use and occupancy is otherwise in conformity with the applicable laws, ordinances and regulations of the state and City.