

**CITY COUNCIL MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN**

Legislative Chambers
160 S Macy Street

February 14, 2024
6:00 PM

CALL TO ORDER

Roll Call

Present

Tiffany Brault
Ken Cassaday
Keith Heisler
Patrick Mullen
Jane Ricchio
Thomas Schuessler

Absent

Brett Zimmermann

Administrative Staff

Joseph Moore, City Manager
Dyann Benson, Community Development Director
Tricia Davi, Director of Administration
Deb Hoffmann, City Attorney
Aaron Goldstein, Chief of Police
Erick Gerritson, Fire Chief
Kathryn Duveneck, ITS Director

Declaration a Quorum Is Present

President Heisler declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

CONSENT AGENDA

January 24, 2024 Regular Council Minutes

January 24, 2024 Closed Session Council Minutes

List Of Claims Dated February 7, 2024

A Motion was made by Jane Ricchio to approve the consent agenda and seconded by Ken Cassaday, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler

Absent: Zimmermann

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke In Support Of Agenda Item 6-C Team Building Policy:

Steven McCord, 294 E 2nd St., Fond du Lac

Spoke In Regards To Agenda Item 6-B Code Cleanup:

Ann Wagner, 64 Wakawn Ave., Fond du Lac

Mary Beth Hayes, 285 Linden St., Fond du Lac

Spoke In Support Of Agenda Item 6-A Amending Chapter 216- Animals And Adopting A Policy For TNVR:

Laura DeGolier, 289 14th St., Fond du Lac

Spoke In Regards To Agenda Item 6-A Amending Chapter 216- Animals And Adopting A Policy For TNVR:

Dusty Krikau, N8128 Cty Rd QQ, Malone, WI

ACTION ITEMS

Resolution No. 9104

File No. 2024-42

A Motion was made by Thomas Schuessler to approve Resolution No. 9104 A Resolution Authorizing The Submission Of A Wisconsin Economic Development Corporation (WEDC) Community Development Investment Grant Application For The Redevelopment Of 181-183 South Main Street (Former Beernuts) and seconded by Patrick Mullen, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler

Absent: Zimmermann

PRESENTATION OF INPUT ITEMS

Amending Chapter 216- Animals And Adopting A Policy For TNVR

City Attorney Deb Hoffmann spoke in regards to Amending Chapter 216- Animals and Adopting a policy for TNVR

Code Cleanup Ordinance

City Attorney Deb Hoffmann spoke in regards to proposed Code Cleanup Ordinance.

Team Building Policy

City Manager Joe Moore spoke in regards to proposed Team Building Policy.

Demerit Points Update Ordinance

City Attorney Deb Hoffmann spoke in regards to proposed Demerit

Points Ordinance.

ADJOURN

A Motion was made by Patrick Mullen to adjourn at 7:40 p.m. and seconded by Tiffany Brault, and the motion was **Passed.**

Ayes: Brault, Cassaday, Heisler, Mullen, Ricchio, Schuessler

Absent: Zimmermann

Margaret Hefter
City Clerk

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: January 24, 2024 Regular Council Minutes

Subject: January 24, 2024 Regular Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[January 24 2024 Minutes.pdf](#)

**CITY COUNCIL MEETING MINUTES
CITY OF FOND DU LAC, WISCONSIN**

Legislative Chambers
160 S Macy Street

January 24, 2024
6:00 PM

CALL TO ORDER

Roll Call

Present

Tiffany Brault
Ken Cassaday
Keith Heisler
Patrick Mullen
Thomas Schuessler
Brett Zimmermann

Absent

Jane Ricchio

Administrative Staff

Joseph Moore, City Manager
Dyann Benson, Community Development Director
Tricia Davi, Director of Administration
Deb Hoffmann, City Attorney
Paul De Vries, Director of Public Works
Jon Mark Bolthouse, Library Director
Aaron Goldstein, Chief of Police
Erick Gerritson, Fire Chief
Sam Sok, Deputy ITS Director

Declaration a Quorum Is Present

President Heisler declared a quorum present.

Pledge of Allegiance

Pledge of Allegiance was recited.

Silent Reflection

A moment of silent reflection was observed.

A Proclamation In Recognition Of Crossing Guards

President Heisler presented a proclamation on behalf of our City and its residents expressing our sincere appreciation to our crossing guards for their continued commitment to the safety and well-being of our children.

A Proclamation Recognizing Ray Dilts Retirement

President Heisler presented a Proclamation on behalf of our City and its residents expressing our sincere appreciation to Fleet Operations Manager Ray Dilts for his long time service and commitment to the safety and well-being of our City.

CONSENT AGENDA

January 10, 2024 Special City Council Meeting

January 10, 2024 Regular Council Meeting

List Of Claims Dated January 17, 2024

A Motion was made by Thomas Schuessler to approve the consent agenda and seconded by Brett Zimmermann, and the motion was **Passed.**

Ayes: Brault, Cassaday, Heisler, Mullen, Schuessler, Zimmermann

Absent: Ricchio

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke In Support Of Agenda Item 5-B Resolution No. 9101 A Resolution in Regards to World Migratory Bird Day (WMBD):

Laura DeGolier, 289 14th St., Fond du Lac

ACTION ITEMS

Permit To Sell Fermented Malt On Park Property

A Motion was made by Tiffany Brault to approve permit for Fond du Lac Noon Kiwanis to sell fermented malt on park property for Sturgeon Spectacular at Lakeside Park and seconded by Patrick Mullen, and the motion was **Passed.**

Ayes: Brault, Cassaday, Heisler, Mullen, Schuessler, Zimmermann

Absent: Ricchio

Resolution No. 9101

File No. 2024-38

A Motion was made by Brett Zimmermann to approve Resolution No. 9101 A Resolution in Regards to World Migratory Bird Day (WMBD) and seconded by Patrick Mullen, and the motion was **Passed.**

Ayes: Brault, Cassaday, Heisler, Mullen, Schuessler, Zimmermann

Absent: Ricchio

Resolution No. 9102

File No. 2024-39

A Motion was made by Thomas Schuessler to approve Resolution No. 9102 A Resolution Approving A State/Municipal Agreement Covering The Department Of Transportation Bridge Rehabilitation Program For The Fond du Lac River Bridge Located On Scott Street/USH 45 and seconded by Ken Cassaday, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Schuessler, Zimmermann

Absent: Ricchio

Resolution No. 9103

File No. 2024-40

A Motion was made by Patrick Mullen to approve Resolution No. 9103 A Resolution Waiving The Prohibition Against Possession Of Alcoholic Beverages On Specified Public Ways For The Sturgeon Spectacular Festival - February 9, 2024 To February 11, 2024 and seconded by Brett Zimmermann, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Schuessler, Zimmermann

Absent: Ricchio

PRESENTATION OF INPUT ITEMS

Expense Reimbursement Policy

Expense Reimbursement Policy was Director of Administration, Tricia Davi.

ADJOURN

Adjourn to Closed Session

Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

The Subject of the Closed Session is: **Project Regarding TMDL**

This subject is Exempt under Wisconsin Statutes Sections 19.85(1)(e).

A Motion was made by Brett Zimmermann to adjourn to Closed Session at 6:17 p.m. and seconded by Patrick Mullen, and the motion was **Passed**.

Ayes: Brault, Cassaday, Heisler, Mullen, Schuessler, Zimmermann

Absent: Ricchio

Margaret Hefter
City Clerk

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: January 24, 2024 Closed Session Council Minutes

Subject: January 24, 2024 Closed Session Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: List Of Claims Dated February 7, 2024

Subject: List Of Claims Dated February 7, 2024

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[List of Claims Memo 02-07-24.pdf](#)

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: February 7, 2024

To: City Council

From: Tricia Davi, Director of Administration

Re: List of Claims

The list of claims for goods and services for the payment periods January 13, 2024 through February 02, 2024 for all funds total \$2,768,879.49. Wisconsin statute 66.0609 (2) requires the comptroller to file, at least monthly with the City Council, a list of approved claims paid.

Suggested Motion: Receive and File

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Resolution No. 9104

Subject: A Resolution Authorizing The Submission Of A Wisconsin Economic Development Corporation (WEDC) Community Development Investment Grant Application For The Redevelopment Of 181-183 South Main Street (Former Beernuts)
Introduction: Community Development Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[WEDC CDIG Resolution02.14.24.pdf](#)

[CC Memo - CDI Grant.pdf](#)

RESOLUTION NO. 9104

A RESOLUTION AUTHORIZING THE SUBMISSION OF A WISCONSIN ECONOMIC DEVELOPMENT CORPORATION (WEDC) COMMUNITY DEVELOPMENT INVESTMENT GRANT APPLICATION FOR THE REDEVELOPMENT OF 181-183 SOUTH MAIN STREET (FORMER BEERNUTS)

WHEREAS, the Wisconsin Economic Development Corporation (WEDC) accepts applications for the Community Development Investment Grant Program (CDI) to assist with funding of redevelopment efforts within downtown districts; and

WHEREAS, the applicant for a CDI grant must be a unit of local government, even though such grants may be used to assist a privately owned business; and

WHEREAS, Meyer Property Group, LLC has proposed redevelopment of 181-183 South Main Street into a mixed-use development that will include residential units and commercial space; and

WHEREAS, the proposed redevelopment will rehabilitate and reuse a downtown building that will further support the quality of life and economic health of Main Street; and

WHEREAS, without the grant assistance, the City of Fond du Lac cannot help facilitate the redevelopment of the property.

NOW THEREFORE BE IT RESOLVED THAT, the City of Fond du Lac hereby authorizes the submission of an application to the Wisconsin Economic Development Corporation and authority is granted to the proper City Officials to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution and that they are hereby authorized to sign all necessary documents on behalf of the City of Fond du Lac; and

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 8, 2024

To: Joe Moore, City Manager

From: Dyann Benson, Community Development Director

Re: Community Development Investment Grant – Application

The former Beernuts Bar/Brickle Building at 183 South Main Street has a proposed redevelopment into a mixed-use project with residential units and commercial space along the Main Street frontage. The developer is proposing four (4) residential units on the second floor and up to four (4) residential units on the first floor. The Main Street portion of the building would offer commercial space.

This historic building, constructed in 1880, has been underutilized for a number of years. The closure of the former Beernuts and the building going onto the market creates a unique opportunity to support reinvestment in the south end of Main Street. The additional residential units will not only add to a much-needed inventory of housing options within the community, but within the downtown.

In order to help facilitate the project, the City will be applying for a Community Development Investment (CDI) grant through the Wisconsin Economic Development Corporation (WEDC). The CDI grant program provides funding to projects that create a significant, positive impact in downtown areas. The City will be applying for a \$250,000 CDI grant, the maximum grant amount available under the program, to support the approximate \$1.4 million renovation.

The property is currently assessed at \$142,700. Given the proposed work scope of the renovation, the addition of residential units along with the commercial space, the estimated assessment could increase to \$800,000 to \$900,000. This is a significant increase in value for a building within the downtown. The increase in value will also enhance the BID assessment to support the work of the Downtown Fond du Lac Partnership.

The City serves as the recipient of the grant funds and it is a reimbursement grant. The developer, Meyer Property Group, LLC, incurs all of the costs related to the construction. Upon completion of the construction and submittal of the appropriate documents, the City will seek a reimbursement of the developer's

costs. When the City receives the \$250,000 reimbursement, the funds are distributed to Meyer Property Group, LLC.

In order to apply for the grant, WEDC requires a resolution by the governing body authorizing the appropriate staff to submit the application for the project and execute any required documents that result from the grant award.

Staff is requesting approval and authorization to submit the WEDC CDI grant application on behalf of the redevelopment of the former Beernuts/Brickle Building.

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Amending Chapter 216- Animals And Adopting A Policy For TNVR

Subject: Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Memo - TNR policy.pdf](#)

[3782 Ordinance TNR FINAL.pdf](#)

[City of Fond du Lac Policy on TNR. 2.5.24.pdf](#)

[Animals TNR Backup.pdf](#)

CITY OF FOND DU LAC - Memorandum

Date: February 6, 2024

To: City Council

From: City Attorney's Office

Subject: Policy Considerations of "Trap, Neuter, Release" Proposal

Re: Feral cats and City policy on trap, neuter and return TNR

The City received a request from a high school student to consider TNR. The City created a task force to research and explore the idea. Representatives from the three City Animal Rescue organizations, the FDL Humane Society, Bird City Fond du Lac and the FDL County Health Dept. met and discussed the issues over the course of the last year.

One issued that emerged was that Fond du Lac would lose its designation as a "High Flyer" with the National Bird City organization is it passed an ordinance accepting TNR. Bird City Fond du Lac objects to the returning of the cats to their outdoor home.

To address this issue, the task force would like to propose a policy regarding TNR, rather than an ordinance. There are some ordinance changes that need to be made, but we do not have to recognize TNR by ordinance.

The proposed Policy is attached. We welcome your questions and input.

The proposed ordinance changes add a requirement that all dogs and cats be microchipped and that owners register their pets online with the registry for microchipped pets. The ordinance also narrows the definition of pet owner so that someone that cares for feral cats does not become their owner. Finally, the ordinance changes the description of animal running at large to not cover unowned cats.

ORDINANCE NO. 3782

AN ORDINANCE AMENDING CHAPTER 216, ANIMALS TO ADDRESS TRAP, NEUTER/SPAY AND RELEASE (TNR)

The City Council of the City of Fond du Lac do ordain as follows;
deleted items are shown with strikethrough and additions are underlined:

Section 1. That Chapter 216, Animals; Section 1, Definitions., is hereby amended to read as follows:

Delete therefrom:

OWNER

~~Any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.~~

Add thereto:

OWNER

Every person having a right of property in an animal and/or having such animal in his or her care and possession.

Delete therefrom:

~~ANIMAL CONTROL OFFICER~~

~~The person appointed by the City Manager as an Animal Control Officer who is qualified to perform duties of animal control as provided by the laws of Wisconsin and the ordinances of the City.~~

Delete therefrom:

~~ANIMAL SHELTER~~

~~Any facility operated by a municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.~~

Add thereto:

ANIMAL SHELTER

We adopt, by this reference, the two definitions set out in Section 173.40(c), Wis. Stats.

Section 2. That Chapter 216, Animals; Section 2, Licensing of dogs and cats., is hereby retitled Licensing and Microchipping of dogs and cats., and hereby amended to read as follows:

Add thereto:

§ 216- 2 Licensing and Microchipping of dogs and cats.

A. Required. Any person owning, keeping, harboring or having custody of any dog or cat over five months of age within this City must have their animal microchipped and obtain a license as provided for in this chapter.

. . .

H. Release from impoundment. Any dog or cat which has been impounded as a result of being lost or at large shall not be released to its owner until the owner can show proof of the following:

- (1) The owner's name and address.
- (2) The animal is properly licensed.
- (3) The animal is properly vaccinated or by proof of prepayment, and microchipped.

Section 3. That Chapter 216, Animals; Section 6, Dangerous dogs., is hereby amended to read as follows:

§ 216-6 Dangerous dogs.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

OWNER

~~Any person or legal entity having a possessory property right in a dog or who or which harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by him or it.~~ Shall mean and include every person having a right of property

in an animal and/or having such animal in his or her care or possession.

Section 4. That Chapter 216, Animals; Section 16, Dogs and cats at large., is hereby amended to read as follows:

§ 216-16 Dogs and cats at large.

~~All dogs and cats shall be kept under restraint~~No person shall permit his dog or cat to run at large in the City. Each owner of any such animal shall confine the same within the limits of his premises. For the purposes of this chapter, the phrase "running at large" embraces all other places within the City except the owner's premises. This includes all streets, alleys, sidewalks or other private property which may be about the owner's premises.

Section 5. That Chapter 216, Animals; Section 17, Restraint of dogs and cats., is hereby amended to read as follows:

§ 216-17 Restraint of dogs and cats.

Any person owning or having charge, custody, care or control of any dog ~~or cat~~ shall keep the animal exclusively upon his own premises, which shall include his automobile, either by personal and direct supervision, such as voice command of such person physically present, or by keeping the animal upon an appropriate chain or tie no less than six feet in length, or in an enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. However, public access to one entrance of the owner's house must be provided, without interference from the animal. Also, the dog ~~or cat~~ may be off the premises if it is restrained by an appropriate leash or chain not exceeding six feet in length, and in the hands of the person directly controlling the movement of the animal and provided that the leash or chain is in the hands of a person of sufficient strength to physically control the animal.

Section 6. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 7. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 8. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

City of Fond du Lac

Policy Regarding Trap, Neuter, Microchip and Return. (TNR)

1. The City has researched TNR and met with the TNR Taskforce, which is made up of interested people from the various animal rescues, the Humane Society, the County Health Department and Bird City Fond du Lac. We have found studies that indicate TNR can reduce the feral cat population, if a sufficient percentage of spays/neuters take place (60% - 90%) We have also found studies that find TNR makes no difference in the feral cat population. The American Veterinary Medical Association recognizes that multiple approaches have been suggested to reduce the population of free-roaming, abandoned and feral cats. Currently, there is no single solution that effectively addresses all aspects of the problem in every situation.
2. The City does not oppose the efforts of the various rescues and the Humane Society to trap, neuter, microchip and return feral cats in the area. The City encourages that feral cats be provided all necessary veterinary services, including vaccinations, to discourage rabies, microchipping, ear tipping and spay/neuter to reduce population.
3. Bird City Fond du Lac does object to the feeding of feral cats and believes many birds are killed by cats. Again, the research we found went both ways. To avoid losing "High Flyer" status as a Bird City, we are not adopting a TNR ordinance.
4. The City does not encourage the feeding of feral cats

Animals/TNR Ordinance Backup

Deletions are displayed in red

Additions are displayed in blue

Section 216-1 Definitions.

OWNER

~~Any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.~~

Every person having a right of property in an animal and/or having such animal in his or her care and possession.

~~ANIMAL CONTROL OFFICER~~

~~The person appointed by the City Manager as an Animal Control Officer who is qualified to perform duties of animal control as provided by the laws of Wisconsin and the ordinances of the City.~~

ANIMAL SHELTER

~~Any facility operated by a municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.~~

We adopt, by this reference, the two definitions set out in Section 173.40(c), Wis. Stats.

§ 216- 2 Licensing and Microchipping of dogs and cats.

A. Required. Any person owning, keeping, harboring or having custody of any dog or cat over five months of age within this City must have their animal microchipped and obtain a license as provided for in this chapter.

...

H. Release from impoundment. Any dog or cat which has been impounded as a result of being lost or at large shall not be released to its owner until the owner can show proof of the following:

- (1) The owner's name and address.
- (2) The animal is properly licensed.
- (3) The animal is properly vaccinated or by proof of prepayment, and microchipped.

§ 216-6 Dangerous dogs.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

OWNER

~~Any person or legal entity having a possessory property right in a dog or who or which harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by him or it.~~ Shall mean and include every person having a right of property in an animal and/or having such animal in his or her care or possession.

§ 216-16 Dogs and cats at large.

~~All dogs and cats shall be kept under restraint.~~ No person shall permit his dog or cat to run at large in the City. Each owner of any such animal shall confine the same within the limits of his premises. For the purposes of this chapter, the phrase "running at large" embraces all other places within the City except the owner's premises. This includes all streets, alleys, sidewalks or other private property which may be about the owner's premises.

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Any person owning or having charge, custody, care or control of any dog ~~or cat~~ shall keep the animal exclusively upon his own premises, which shall include his automobile, either by personal and direct supervision, such as voice command of such person physically present, or by keeping the animal upon an appropriate chain or tie no less than six feet in length, or in an enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. However, public access to one entrance of the owner's house must be provided, without interference from the animal. Also, the dog ~~or cat~~ may be off the premises if it is restrained by an appropriate leash or chain not exceeding six feet in length, and in the hands of the person directly controlling the movement of the animal and provided that the leash or chain is in the hands of a person of sufficient strength to physically control the animal.

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Code Cleanup Ordinance
Subject: Presented By: City Attorney
Initiator:
Recommendation:

ATTACHMENTS:

File Name

[Clean Up Ordinance Memo.pdf](#)

[3783 Code Clean up Ordinance DRAFT.pdf](#)

[Code Cleanup Ordinance Backup.pdf](#)

CITY OF FOND DU LAC - Memorandum

Date: February 6, 2024

To: City Council

From: City Attorney's Office

Subject: Code Clean Up Ordinance

The Code of the City of Fond du Lac needs to be updated periodically to reflect state and federal law changes, and well as changes in the world and how the City conducts business.

This memo is a summary of the various code changes included in this Code Cleanup Ordinance:

- 1) Amend the loudspeaker ordinance to reflect our current practice of having the City Clerk grant loudspeaker permits and permissible decibel levels;
- 2) Amend the parking citation ordinance regarding appeal to municipal court to reflect our current procedure;
- 3) Amend the definition of amusement devices to avoid credit card payment loophole;
- 4) Amend mail deliveries ordinances to avoid federal Preemption legal challenge;
- 5) Amend and create various sections in Chapter 343, Fires and Fire Prevention to address fire extinguishing equipment (color) and lock boxes (practice in place under NFPA);
- 6) Create ordinance to address private ambulance service providers;
- 7) Eliminate tobacco compliance check fee to comply with state law;
- 8) Amend Chapter 476, Plant and weed control, to codify No Mow May;
- 9) Amend Chapter 132, Chief of Police, to reflect gender neutral pronouns, as recommended during our most recent accreditation process.
- 10) Amend Chapter 52, Code of Ethics, to mirror our general Board/Commission requirements from Chapter 14 for the Ethics Board.

Zoning Code changes will also be included in this ordinance when it comes back to City Council for approval. Plan Commission will first consider the changes at their February regular meeting.

Please contact the City Attorney's Office or the appropriate department head if you have any questions about the proposed ordinance changes. Thank you.

ORDINANCE NO. 3783

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE CODE OF THE CITY OF FOND DU LAC REGARDING LOUDSPEAKERS, PARKING CITATIONS, AMUSEMENT DEVICES, DELIVERIES, FIRE AND FIRE PREVENTION, PRIVATE AMBULANCE PROVIDERS, TOBACCO AND CIGARETTE LICENSES, PLANT HEIGHT, THE CHIEF OF POLICE AND ZONING CODE CHANGES

The City Council of the City of Fond du Lac do ordain as follows; deleted items are shown with strikethrough and additions are underlined:

Section 1. That Chapter 500, Peace and Good Order; Subsection 4, Loudspeakers and amplifying systems., is hereby amended to read as follows:

§ 500-4 Loudspeakers and amplifying systems.

B. Permit application. Application for permit shall be filed with the City Clerk. The Clerk ~~shall present the application at the next regular or special session of the Council, which shall finally~~ will approve the issuance of the permit, subject to the provisions of this section and particularly the following restrictions:

(1) Sound tracks or loudspeakers transported from place to place shall operate on no street except Main Street and only between 11:45 a.m. and 1:00 p.m. and between 4:45 p.m. and 6:00 p.m. No operation shall be made on Sundays or legal holidays.

(2) Loudspeakers not transported and operated at one location shall not be operated between 10:30 p.m. and 10:00 a.m.

(3) No loudspeaking system, whether movable or set up for one location, shall employ or use over ~~19 watts or eight~~ 80 decibels of output. It is the intention of this provision that no amplifying device shall be operated at such volume that sound shall carry in excess of 100 feet to 150 feet from the point of broadcast.

(4) The Electrical Inspector shall have the right to inspect the loudspeaking system whenever in use to determine the output.

(5) Sound wagons or any vehicle transporting any amplifying system shall keep moving with traffic while the system is being

used and shall not stop or remain standing at any location on Main Street while using the system except as required by delay in movement of traffic.

(6) The Council City Clerk may cancel and declare any permit void where the speaking system is being used in violation of this section or of state or federal laws and the permit shall be returned to the City. Operation of such system after notice is given of cancellation of permit shall constitute a violation of this section.

Section 2. That Chapter 630, Vehicles and Traffic; Subsection, Section 6.1, Parking citation., is hereby amended to read as follows:

§ 630-6.1 Parking citation.

E. Appeal: Municipal Court procedure. After contesting the citation with the ~~Fond du Lac Police Department~~ pursuant to Subsection D above, an aggrieved violator may appeal the citation to the Municipal Court. The appeal request must be made to the Clerk of the Municipal Court within ~~28~~ 20 days of the date ~~issued on the citation of the City's decision under Subsection D.~~ The Clerk of the Municipal Court will set a hearing date with the Municipal Court Judge. All late fees will be stayed pending a decision of the Municipal Court Judge. The citation will then be governed by the law applicable in Municipal Court cases, and court costs may be assessed.

Section 3. That Chapter 208, Amusements and Entertainment; Subsection 8, Amusement Devices., is hereby amended to read as follows:

§ 208-8 Amusement Devices.

A. Definitions. Terms used in this section have the following meanings:

AMUSEMENT DEVICE

Any ~~coin-operated~~ machine that operates by way of monetary exchange that is commonly referred to as shooting (electric ray) games, bowling games, skiball games, baseball games, shuffle games, pool and billiard games, and other devices, the operation of which involves skill features and which are operated by coins and

which do not deliver, pay out or emit coins, tokens, coupons, tickets, receipts, chips or other things, which may be redeemed or exchanged for money, merchandise, or other thing of value and in the operation of which the skill of the player is not subject to being thwarted by chance, and which machine is not readily convertible into a gambling device. Coin-operated musical instruments, vending machines or coin telephones shall not be considered as amusement devices under this section.

Section 4. That Chapter 568, Streets and Sidewalks; Subsection 4, Use of streets, sidewalks and alleys., is hereby amended to read as follows:

§ 568-4 Use of streets, sidewalks and alleys.

A. No person shall occupy or use in any way any public street, sidewalk or alley for any purpose except public travel or for the parking of vehicles on such streets or alleys as permitted by this chapter.

B. In general, persons making deliveries will remain on public streets, sidewalks or allies when they are available, though this ordinance is not a basis for a delivery person to refuse the direction of their manager. This subsection is not enforceable as a citation.

Section 5. That Chapter 500, Peace and Good Order; Subsection 9(E), Trespass, is hereby deleted in its entirety.

Section 6. That Chapter 343, Fires and Fire Prevention., Section 6. Fire extinguishing equipment., is hereby amended to read as follows:

§ 343-6 Fire extinguishing equipment.

. . .

B. Sprinklers; standpipe systems.

. . .

(7) When fire protection systems are installed, a fire hydrant is to be within 150 feet of a fire department connection (FDC). When a public fire hydrant is not within 150 feet of a FDC, a private hydrant painted red will need to be installed.

Section 7. That Chapter 343, Fires and Fire Prevention; Section 14, Violations and penalties., is hereby renumber to Section 16, Violations and penalties.

Section 8. That Chapter 343, Fires and Fire Prevention;, Section 14, Lock boxes., is hereby created to read as follows:

§ 343-14 Lock boxes.

- A.** The following structures, and associated businesses within the structure, will be equipped with a key lock box at or near the main entrance or such location required by the Fire Chief:
- 1) Commercial and industrial structures that are protected by an automatic fire alarm system, automatic fire suppression system, or secured in a manner that restricts access during an emergency;
 - 2) All multi-family residential structures, 3 unit or greater, with common hallways and/or separate mechanical rooms that have restricted access through locked doors.
 - 3) All newly constructed commercial buildings within the City of Fond du Lac constructed after March 1, 2024.
- B.** Access box(es) must be installed in an accessible location where access to or within a structure or area is difficult because of security.
- C.** All newly constructed commercial buildings shall have the lock box installed and in compliance prior to the issuance of occupancy permit, unless the Fire Chief grants a variance to the timeline.
- D.** A lock box is not required on each building if the owner has a group of buildings or shares a lock box with another building with the same owner given that the location of the lock box does not exceed 300 feet travel distance from the front of the building(s).
- E.** If the size of the building warrants, an additional lock box may be required by the Fire Chief for efficient access and response inside the building.

- F.** The owner of the structure and/or business shall make sure the keys are operational during each inspection and advise/provide updated keys to the fire department when any changes to the locks has occurred.
- G.** Fond du Lac Fire Rescue will be the only holder of the key that opens the lock box.
- H.** The lock box shall contain, but is not limited to the following keys that are applicable to the structure:
 - a. All exterior and interior points of egress;
 - b. All locked mechanical rooms;
 - c. All elevator rooms and controls;
 - d. All fire alarm panels;
 - e. All locked automatic fire suppression systems;
 - f. All emergency communication panels;
 - g. All locked electrical panels;
 - h. All other areas locked and access deemed necessary by the Fire Chief.
- I.** An exception to the requirements, with written approval from the Fire Chief, may exist for new or existing buildings that are staffed 24 hours a day, and personnel is always available on-site to meet the needs and requests of the Fire Department.
- J.** The location of the lock box shall be approved by the Fire Chief.
 - a. The lock box shall be located no lower than five feet and no high than six feet from ground level.
 - b. The lock box shall be located at or near the main entrance, near the fire sprinkler room or other alternative location that is approved by the Fire Chief.
- K.** The lock box shall be installed per the manufacturer guidelines.
- L.** Maintenance of a lock box is the responsibility of the property owner.

Section 9. That Chapter 343, Fires and Fire Prevention; Section 15, Private Service Providers., is hereby created to read as follows:

§ 343-15 Private Service Providers.

- A. Purpose.** The City Council, pursuant to Sections 62.11(5) and 62.133, Wisconsin Statutes, and other enabling statutes and regulations, enacts this Ordinance for the purpose of ensuring that

citizens within the municipal boundaries are properly served in emergency circumstances through the City of Fond du Lac's emergency transport, and all non-emergency transport operators are providing legitimate and transparent services.

The City Council has determined that generally limiting emergency response services to Fond du Lac Fire Rescue Department and providing for supplemental emergency response services to be controlled by Fond du Lac Fire Rescue Department, whose members are certified ALS emergency responders, will provide for a more orderly health care process and chain of command at the location of emergency situations that will best serve the health, safety, and welfare interests of the public.

In addition, the City Council has determined that a requirement for other ambulance service providers operating with this City of Fond du Lac to meet certain standards and requirements for service as set forth within this ordinance will also promote an orderly health care process as well as clarity and transparency in services which will best serve the health, safety, and welfare interests of the public.

B. Ambulance Service within Municipal Boundaries

- 1) The City of Fond du Lac will be the Sole Provider of Emergency Transports within the Fond du Lac Municipal Boundaries.
 - a. Except for the City of Fond du Lac and/or its agents, no person, either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in, or profess to be engaged in, the business or service of the emergency transports of patients originating within the municipal boundaries of the City of Fond du Lac.
 - b. Non-emergency transports of patients or persons within the municipal boundaries of the City of Fond du Lac may occur under the provisions of ch. 146 and 256, Wis. Stats, subject to the rules and standards set forth herein, as well as in the participation agreement.
- 2) Exceptions: The following Ambulance Service Operators and Private Ambulance Service Providers may respond to calls within the Fond du Lac municipal boundaries:

- a. Ambulances or similar emergency vehicles operated by or under the direct control of the United States or the State of Wisconsin;
 - b. Aircraft, including “Flight for Life” or similar services, that transport patients to or from hospitals within the City of Fond du Lac. Such aircraft must be licensed by the State of Wisconsin to perform such services;
 - c. Ambulances providing assistance to licensed Ambulance Service Operators in the case of a Mutual Aid request by the City of Fond du Lac, or a major catastrophe or emergency in which the licensed Ambulance Service Operators of the City of Fond du Lac are unable to address the extent of the health needs of the catastrophe, emergency, or extreme system overload.
- 3) The following Ambulance Service Operators and Private Ambulance Service Providers may operate within the Fond du Lac municipal boundaries:
- a. Ambulances transporting patients from locations outside the municipal boundaries of the City of Fond du Lac into the City of Fond du Lac;
 - b. Ambulance transports passing through the City of Fond du Lac which originated from a point outside the City and having a destination point also outside the City.

C. Private ambulance service providers. Private ambulance service providers, licensed by the state under the provisions of ch. 146 and 256, Wis. Stats., are part of the delivery of ambulance services within the City of Fond du Lac. The City of Fond du Lac requests that private ambulance service providers that regularly do business in the City of Fond du Lac enter into participation agreements with the City of Fond du Lac and City of Fond du Lac Fire/Rescue, establishing the basis of the private service providers’ operations within the City of Fond du Lac and reflecting the City’s emergency medical services plan, as filed with the State of Wisconsin.

- 1) A private ambulance service provider is authorized to provide non-emergency services consistent with the terms of the private provider’s state license and any established municipal/private provider agreement, as reflected in the City of Fond du Lac’s emergency medical services plan. Requirements include:

- a) All private ambulance service providers be licensed pursuant to Section 256.15(2);
- b) The private ambulance service follow all requirements of Ch. 256.
- c) When responding to a call, be staffed by no less than two (2) attendants licensed as an Emergency Medical Technician-Basic. Every attendant must hold a valid Wisconsin motor vehicle operator's license. Every attendant while on duty shall wear a proper identification badge.
- d) Be equipped with radio, as follows:
 - 1. Each ambulance shall be equipped with at least one portable radio capable of transmitting on the Federal Communications Commission assigned emergency medical frequency and shall be capable of transmitting from any patient location within the City of Fond du Lac to all City of Fond du Lac hospitals.
 - 2. Ambulance radio operation shall comply with procedures approved by the Federal Communications Commission and the City of Fond du Lac Fire/Rescue.
- e) Be driven by a person who has demonstrated knowledge of ambulance driving techniques and of traffic laws relative to ambulance driving.
- f) The participation agreement will not be executed by the City unless the applicant shall first file with the City of Fond du Lac a sufficient policy of insurance issued by an insurance company licensed to do business in the State of Wisconsin, which shall provide that the insurance company shall be liable for damages of up to \$1,000,000.00 for any accident due to the negligent operation of one of the service operator's ambulances. The policy shall be approved by the City's Risk Manager, and shall contain a provision that the same may not be cancelled before the expiration of its term. If at any time such policy shall be cancelled or not in effect for any reason, the ambulance service operator's license shall be immediately suspended.

Section 10. That Chapter 343, Fires and Fire Prevention; Section 3, Adoption of national and state codes.; Subsection B, National Fire Protection Association., is hereby amended to read as follows:

§ 343-3 National Fire Protection Association.

B. National Fire Protection Association. The following codes of the National Fire Protection Association (NFPA) are adopted by reference:

(1) NFPA 1, Fire Code

(2) (1) NFPA 231D, Standard for Storage of Rubber Tires.

(3) (2) NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.

(4) (3) NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response.

Section 11. That Chapter 279, Cigarettes and Tobacco Products; Section 2, Tobacco vendor compliance check fee, is hereby deleted in its entirety.

Section 12. That Chapter 279, Cigarettes and Tobacco Products; Section 3, Violations and penalties., is hereby renumbered to Section 2.

Section 13. That Chapter 476, Nuisances; Section 10, Plant and weed control., is hereby amended to read as follows:

§ 476-10 Plant and weed control.

. . .

C. Height. From June 1 of each year, nNo person shall permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height to exceed six inches anywhere in the City

Section 14. That Chapter 132, Police Department; Section 2, Chief of Police., is hereby amended to read as follows:

§ 132-2 Chief of Police.

The Board of Police and Fire Commissioners of the City shall appoint the Chief of Police who shall hold office during good behavior, subject to suspension or removal by the Board for cause. The Chief of Police shall cause the public peace to be observed and see that all state laws and City ordinances are enforced, and whenever any violation comes to ~~his~~ the Chief's knowledge, ~~he~~ the Chief shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall have command of the police force of the City under the direction of the City Manager. ~~He~~ The Chief of Police shall obey all written orders of the City Manager or Council. The Chief and all members of the Department shall possess all of those powers provided in § 62.09(13), Wis. Stats., which section is hereby adopted by reference.

Section 15. That Chapter 52, Ethics, Code of; Section 8, Ethics Board established., is hereby amended to read as follows:

§ 52-8 Ethics Board established.

A) The Ethics Board shall consist of three members who shall serve without compensation unless the Council otherwise provides. The members of the Board shall ~~be residents of the City~~ be determined as set forth in Section 14-12(B) of the Code of the City of Fond du Lac, and shall not be elected officials or City employees, nor shall they be currently serving on any other City board or commission. Each member shall be appointed by the City Council with members to be selected as follows:

- 1) Two members and an alternate selected from a list of proposed members gathered under the provisions of § 14-1 of this Code.
- 2) One member selected from a list of proposed members suggested by the Fond du Lac County Bar Association.

[Add Zoning Code changes here after February Plan Commission meeting.]

Section 16. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 17. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 18. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 19. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Keith Heisler, President

Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

Code Cleanup Ordinance Backup

Deletions are displayed in red

Additions are displayed in blue

§ 500-4 Loudspeakers and amplifying systems.

B. Permit application. Application for permit shall be filed with the City Clerk. The Clerk ~~shall present the application at the next regular or special session of the Council, which shall finally~~ will approve the issuance of the permit, subject to the provisions of this section and particularly the following restrictions:

- (1) Sound tracks or loudspeakers transported from place to place shall operate on no street except Main Street and only between 11:45 a.m. and 1:00 p.m. and between 4:45 p.m. and 6:00 p.m. No operation shall be made on Sundays or legal holidays.
- (2) Loudspeakers not transported and operated at one location shall not be operated between 10:30 p.m. and 10:00 a.m.
- (3) No loudspeaking system, whether movable or set up for one location, shall employ or use over ~~19 watts or eight~~ 80 decibels of output. It is the intention of this provision that no amplifying device shall be operated at such volume that sound shall carry in excess of 100 feet to 150 feet from the point of broadcast.
- (4) The Electrical Inspector shall have the right to inspect the loudspeaking system whenever in use to determine the output.
- (5) Sound wagons or any vehicle transporting any amplifying system shall keep moving with traffic while the system is being used and shall not stop or remain standing at any location on Main Street while using the system except as required by delay in movement of traffic.
- (6) The ~~Council~~ City Clerk may cancel and declare any permit void where the speaking system is being used in violation of this section or of state or federal laws and the permit shall be returned to the City. Operation of such system after notice is given of cancellation of permit shall constitute a violation of this section.

§ 630-6.1 Parking citation.

E. Appeal: Municipal Court procedure. After contesting the citation with the ~~Fond du Lac Police Department~~ pursuant to Subsection D above, an aggrieved violator may appeal the citation to the Municipal Court. The appeal request must be made to the Clerk of the Municipal Court within ~~28~~ 20 days of the date ~~issued on the citation of the City's decision under Subsection D.~~ The Clerk of the Municipal Court will set a hearing date with the Municipal Court Judge. All late fees will be stayed pending a decision of the Municipal Court Judge. The citation will then be governed by the law applicable in Municipal Court cases, and court costs may be assessed.

§ 208-8 Amusement Devices.

A. Definitions. Terms used in this section have the following meanings:

AMUSEMENT DEVICE

Any ~~coin-operated~~ machine that operates by way of monetary exchange that is commonly referred to as shooting (electric ray) games, bowling games, skiball games, baseball games, shuffle games, pool and billiard games, and other devices, the operation of which involves skill features and which are operated by coins and which do not deliver, pay out or emit coins, tokens, coupons, tickets, receipts, chips or other things, which may be redeemed or exchanged for money, merchandise, or other thing of value and in the operation of which the skill of the player is not subject to being thwarted by chance, and which machine is not readily convertible into a gambling device. Coin-operated musical instruments, vending machines or coin telephones shall not be considered as amusement devices under this section.

§ 568-4 Use of streets, sidewalks and alleys.

A. No person shall occupy or use in any way any public street, sidewalk or alley for any purpose except public travel or for the parking of vehicles on such streets or alleys as permitted by this chapter.

B. In general, persons making deliveries will remain on public streets, sidewalks or allies when they are available, though this ordinance is not a basis for a delivery person to refuse the direction of their manager. This subsection is not enforceable as a citation.

§ 500-9 Trespass.

...

~~E. Persons making deliveries will not make use of lawns or gardens while making deliveries upon private property. They will use sidewalks, driveways and areas designated as walkways by the owner or occupant, unless the owner or occupant provides permission to the contrary.~~

§ 343-6 Fire extinguishing equipment.

...

B. Sprinklers; standpipe systems.

...

(7) When fire protection systems are installed, a fire hydrant is to be within 150 feet of a fire department connection (FDC). When a public fire hydrant is not within 150 feet of a FDC, a private hydrant [painted red](#) will need to be installed.

§ 343-14 Lock boxes.

- A.** The following structures, and associated businesses within the structure, will be equipped with a key lock box at or near the main entrance or such location required by the Fire Chief:
 - 1) Commercial and industrial structures that are protected by an automatic fire alarm system, automatic fire suppression system, or secured in a manner that restricts access during an emergency;
 - 2) All multi-family residential structures, 3 unit or greater, with common hallways and/or separate mechanical rooms that have restricted access through locked doors.
 - 3) All newly constructed commercial buildings within the City of Fond du Lac constructed after March 1, 2024.
- B.** Access box(es) must be installed in an accessible location where access to or within a structure or area is difficult because of security.
- C.** All newly constructed commercial buildings shall have the lock box installed and in compliance prior to the issuance of occupancy permit, unless the Fire Chief grants a variance to the timeline.
- D.** A lock box is not required on each building if the owner has a group of buildings or shares a lock box with another building with the same owner given that the location of the lock box does not exceed 300 feet travel distance from the front of the building(s).
- E.** If the size of the building warrants, an additional lock box may be required by the Fire Chief for efficient access and response inside the building.
- F.** The owner of the structure and/or business shall make sure the keys are operational during each inspection and advise/provide updated keys to the fire department when any changes to the locks has occurred.
- G.** Fond du Lac Fire Rescue will be the only holder of the key that opens the lock box.
- H.** The lock box shall contain, but is not limited to the following gkeys that are applicable to the structure:
 - a. All exterior and interior points of egress;
 - b. All locked mechanical rooms;
 - c. All elevator rooms and controls;
 - d. All fire alarm panels;
 - e. All locked automatic fire suppression systems;
 - f. All emergency communication panels;
 - g. All locked electrical panels;
 - h. All other areas locked and access deemed necessary by the Fire Chief.

- I. An exception to the requirements, with written approval from the Fire Chief, may exist for new or existing buildings that are staffed 24 hours a day, and personnel is always available on-site to meet the needs and requests of the Fire Department.
- J. The location of the lock box shall be approved by the Fire Chief.
 - a. The lock box shall be located no lower than five feet and no high than six feet from ground level.
 - b. The lock box shall be located at or near the main entrance, near the fire sprinkler room or other alternative location that is approved by the Fire Chief.
- K. The lock box shall be installed per the manufacturer guidelines.
- L. Maintenance of a lock box is the responsibility of the property owner.

§ 343-15 Private Service Providers.

- A. **Purpose.** The City Council, pursuant to Sections 62.11(5) and 62.133, Wisconsin Statutes, and other enabling statutes and regulations, enacts this Ordinance for the purpose of ensuring that citizens within the municipal boundaries are properly served in emergency circumstances through the City of Fond du Lac's emergency transport, and all non-emergency transport operators are providing legitimate and transparent services.

The City Council has determined that generally limiting emergency response services to Fond du Lac Fire Rescue Department and providing for supplemental emergency response services to be controlled by Fond du Lac Fire Rescue Department, whose members are certified ALS emergency responders, will provide for a more orderly health care process and chain of command at the location of emergency situations that will best serve the health, safety, and welfare interests of the public.

In addition, the City Council has determined that a requirement for other ambulance service providers operating with this City of Fond du Lac to meet certain standards and requirements for service as set forth within this ordinance will also promote an orderly health care process as well as clarity and transparency in services which will best serve the health, safety, and welfare interests of the public.

B. Ambulance Service within Municipal Boundaries

- 1) The City of Fond du Lac will be the Sole Provider of Emergency Transports within the Fond du Lac Municipal Boundaries.
 - a) Except for the City of Fond du Lac and/or its agents, no person, either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in, or profess to be engaged in, the business or service of the emergency transports of patients originating within the municipal boundaries of the City of Fond du Lac.
 - b) Non-emergency transports of patients or persons within the municipal boundaries of the City of Fond du Lac may occur under the provisions of ch. 146 and 256, Wis. Stats, subject to the rules and standards set forth herein, as well as in the participation agreement.

- 2) Exceptions: The following Ambulance Service Operators and Private Ambulance Service Providers may respond to calls within the Fond du Lac municipal boundaries:
 - a) Ambulances or similar emergency vehicles operated by or under the direct control of the United States or the State of Wisconsin;
 - b) Aircraft, including “Flight for Life” or similar services, that transport patients to or from hospitals within the City of Fond du Lac. Such aircraft must be licensed by the State of Wisconsin to perform such services;
 - c) Ambulances providing assistance to licensed Ambulance Service Operators in the case of a Mutual Aid request by the City of Fond du Lac, or a major catastrophe or emergency in which the licensed Ambulance Service Operators of the City of Fond du Lac are unable to address the extent of the health needs of the catastrophe, emergency, or extreme system overload.
- 3) The following Ambulance Service Operators and Private Ambulance Service Providers may operate within the Fond du Lac municipal boundaries:
 - a) Ambulances transporting patients from locations outside the municipal boundaries of the City of Fond du Lac into the City of Fond du Lac;
 - b) Ambulance transports passing through the City of Fond du Lac which originated from a point outside the City and having a destination point also outside the City.

C. Private ambulance service providers. Private ambulance service providers, licensed by the state under the provisions of ch. 146 and 256, Wis. Stats., are part of the delivery of ambulance services within the City of Fond du Lac. The City of Fond du Lac requests that private ambulance service providers that regularly do business in the City of Fond du Lac enter into participation agreements with the City of Fond du Lac and City of Fond du Lac Fire/Rescue, establishing the basis of the private service providers’ operations within the City of Fond du Lac and reflecting the City’s emergency medical services plan, as filed with the State of Wisconsin.

- 1) A private ambulance service provider is authorized to provide non-emergency services consistent with the terms of the private provider’s state license and any established municipal/private provider agreement, as reflected in the City of Fond du Lac’s emergency medical services plan. Requirements include:
 - a) All private ambulance service providers be licensed pursuant to Section 256.15(2);
 - b) The private ambulance service follow all requirements of Ch. 256.
 - c) When responding to a call, be staffed by no less than two (2) attendants licensed as an Emergency Medical Technician-Basic. Every attendant must hold a valid Wisconsin motor vehicle operator's license. Every attendant while on duty shall wear a proper identification badge.
 - d) Be equipped with radio, as follows:
 1. Each ambulance shall be equipped with at least one portable radio capable of transmitting on the Federal Communications Commission assigned emergency medical frequency and shall be capable of transmitting from any patient location within the City of Fond du Lac to all City of Fond du Lac hospitals.

2. Ambulance radio operation shall comply with procedures approved by the Federal Communications Commission and the City of Fond du Lac Fire/Rescue.
- e) Be driven by a person who has demonstrated knowledge of ambulance driving techniques and of traffic laws relative to ambulance driving.
- f) The participation agreement will not be executed by the City unless the applicant shall first file with the City of Fond du Lac a sufficient policy of insurance issued by an insurance company licensed to do business in the State of Wisconsin, which shall provide that the insurance company shall be liable for damages of up to \$1,000,000.00 for any accident due to the negligent operation of one of the service operator's ambulances. The policy shall be approved by the City's Risk Manager, and shall contain a provision that the same may not be cancelled before the expiration of its term. If at any time such policy shall be cancelled or not in effect for any reason, the ambulance service operator's license shall be immediately suspended.

§ 343-3 National Fire Protection Association.

B. National Fire Protection Association. The following codes of the National Fire Protection Association (NFPA) are adopted by reference:

(1) NFPA 1, Fire Code

(2) (1) NFPA 231D, Standard for Storage of Rubber Tires.

(3) (2) NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.

(4) (3) NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response.

~~§ 279-2 Tobacco vendor compliance check fee~~

~~**A.** It shall be unlawful for any person, firm, corporation or other entity, in any manner, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose or give away, or keep for sale any cigarettes or tobacco products in the City of Fond du Lac without first having paid a compliance check fee, as hereinafter provided.~~

~~**B.** A compliance check fee pursuant to § 134.65, Wis. Stats., shall be paid to the City Clerk on or before the first day of July in each year or thereafter that a tobacco products or cigarette vendor shall apply for a vendor license, pursuant to § 279-1 of this article and § 134.65, Wis. Stats. The compliance check fee shall continue in force from date of payment until the succeeding 30th day of June.~~

~~**C.** The compliance check fee shall be turned over to the Fond du Lac County Health Department to fund an enforcement program to ensure that tobacco products and cigarette vendors comply~~

~~with § 279-1 of this article and § 134.66, Wis. Stats., which restricts youth access to cigarettes and tobacco products.~~

~~D. Any person violating any of the provisions of this section shall be subject to the penalties contained in § 1-4 of this Code. Each day when any cigarettes or tobacco products are manufactured, sold, or disposed of within the City of Fond du Lac without a compliance check fee having been paid therefor shall be a separate offense.~~

§ 476-10 Plant and weed control.

...

C. Height. From June 1 of each year, n~~No~~ person shall permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height to exceed six inches anywhere in the City

§ 132-2 Chief of Police.

The Board of Police and Fire Commissioners of the City shall appoint the Chief of Police who shall hold office during good behavior, subject to suspension or removal by the Board for cause. The Chief of Police shall cause the public peace to be observed and see that all state laws and City ordinances are enforced, and whenever any violation comes to ~~his~~ the Chief's knowledge, ~~he~~ the Chief shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall have command of the police force of the City under the direction of the City Manager. ~~He~~ The Chief of Police shall obey all written orders of the City Manager or Council. The Chief and all members of the Department shall possess all of those powers provided in § 62.09(13), Wis. Stats., which section is hereby adopted by reference.

§ 52-8 Ethics Board established.

A. The Ethics Board shall consist of three members who shall serve without compensation unless the Council otherwise provides. The members of the Board shall ~~be residents of the City~~ be determined as set forth in Section 14-12(B) of the Code of the City of Fond du Lac, and shall not be elected officials or City employees, nor shall they be currently serving on any other City board or commission. Each member shall be appointed by the City Council with members to be selected as follows:

- 1) Two members and an alternate selected from a list of proposed members gathered under the provisions of § 14-1 of this Code.
- 2) One member selected from a list of proposed members suggested by the Fond du Lac County Bar Association.

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Team Building Policy

Subject: Presented By: City Manager

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[City of Fond du Lac Team Building Policy 1.25.24. JM.pdf](#)

City of Fond du Lac Employee Handbook

Add to Section VI. A Work Schedules and Hours of Work

Employee Team Building Meetings/Exercises

PURPOSE: To authorize employee team-building activities during working hours. Team building is **the process of strengthening bonds between members of a group for the purpose of more efficiently achieving the organization's goals**. The key elements of team building include **trust, communication, and empathy**.

POLICY STATEMENT: Team-building exercises can foster a positive work culture. Productivity is increased, absenteeism is decreased and overall employee morale is improved. Directors have discretion in planning these departmental exercises but must be mindful of current City Policies and the Employee Handbook, including the requirements for a full-time work day. Team-building activities may be mandatory and can be on paid time within the limits shown in subsection 1.

PROCEDURES:

- 1) Departmental team-building events, which may happen during departmental working hours, shall be limited to no more than four paid hours per year per employee.
 - 2) Adequate employee coverage must be maintained at all times within each department during normal work hours.
 - 3) Alcoholic beverages shall not be served at City-sponsored team-building exercises and/or City work sites.
- EXAMPLE employee team building event
 - Baseball game occurring this summer
 - City will pay for up to 4 hours of team building
 - Admission, transportation, and all other costs will be paid by the employee or supervisor

**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: Demerit Points Update Ordinance

Subject: Presented By: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Demerit Points Memo Draft FINAL.pdf](#)

[3784 Demerit Points Ordinance Draft.pdf](#)

[Demerit Point Backup.pdf](#)

CITY OF FOND DU LAC - Memorandum

Date: February 6, 2024

To: City Council

From: City Attorney's Office

Subject: Alcohol Licensing Demerit Point System Updates

Background

Demerit points are connected to a City of Fond du Lac alcohol license and are governed by Section 400-7 of the Code of the City of Fond du Lac. Demerit points assist the City in making recommendations on possible suspensions or revocations of alcohol beverage license and seek to identify habitually troublesome liquor licensees who repeatedly violate state statutes and/or City of Fond du Lac ordinances.

When a qualifying violation occurs (see list in Section 400-7(B)) at a licensed establishment, the City of Fond du Lac Police Department will notify the licensee that demerit points have been assessed. If a licensee accumulates the following points within a 12-18 month time period, the City may move forward with the following:

- 25 – 149 points = Warning
- 150 – 199 points = Warning or a suspension of the license for 10-90 days
- 200+ points = Warning or a suspension for the license for 10-90 days or license revocation

Any warning, suspension, revocation, or non-renewal of an alcohol license requires a hearing before the Alcohol Licensing Committee who will make a recommendation to City Council.

Proposed Changes

The City of Fond du Lac received a request to consider changes to Chapter 400 of the Code of the City of Fond du Lac regarding demerit points. The City met with the concerned tavern owner and discussed the current system in person and over the phone/email.

After reviewing the tavern owner's concerns and all relevant law, the City Attorney's Office and Police Department recommend the following changes to the demerit points system:

- Change demerit point amounts to better incentivize licensed establishments to promptly notify the Police Department of fights/disorderly conduct incidents.

- Better reference the Police Department's current practice of considering any mitigating circumstances when deciding to assess demerit points following a violation.
- Create a correction meeting process to assist licensed establishments in abating troublesome activity before running into demerit points trouble.
- Remove the points reduction course; the City does not currently have such a class in place.
- Change the lookback period for demerit points to be more uniform.

These proposed changes will also go before the City's Alcohol Licensing Committee for review and comment on February 26, 2024.

ORDINANCE NO. 3784

AN ORDINANCE AMENDING CHAPTER 400, INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES REGARDING THE DEMERIT POINT SYSTEM

The City Council of the City of Fond du Lac do ordain as follows; deleted items are shown with strikethrough and additions are underlined:

Section 1. That Chapter 400, Intoxicating Liquor and Fermented Malt Beverages; Section 7, Demerit point system., is hereby amended to read as follows:

§ 400-7 Demerit point system.

A. System created. There is hereby established a point system for the purpose of guiding the Alcohol Licensing Committee in making recommendations on possible suspensions or revocations of alcohol beverage licenses. The number of demerit points ~~shall~~ will be assigned according to the type of violation. The system is intended to identify habitually troublesome liquor licensees who repeatedly violate state statutes and/or City of Fond du Lac ordinances and to take consistent action against such licensees.

B. Assignment of points. There are hereby assigned the following demerit points for each type of violation:

Types of Violations	Ordinance/Law	Demerit Points (per incident)
Refusal to allow police to search premises or refusal to cooperate with lawful investigation by police or Department of Revenue	§ 946.41, Wis. Stats.	150
Refusal to cooperate with Fire Chief or designee	City Code Chapters 69 and 343	150
Conducting unlawful business	City Code Chapter 400	150

Types of Violations	Ordinance/Law	Demerit Points (per incident)
Nude or seminude entertainer/employee on premises unless permitted by law	City Code Chapter 400	150
Owner/employee selling controlled substances	City Code § 500-5; Ch. 961, Wis. Stats	150
Illegal drug paraphernalia on premises	Ch. 961, Wis. Stats.	100
Unauthorized transfer/use of license	City Code Chapter 400	90
Exceeding posted occupancy capacity	City Code §§ 255-2 and 343-3	80
Sale of alcohol to person under age 21 without parent, guardian or spouse of legal drinking age	City Code Chapter 400	80
Person under age 21 on premises without parent, guardian or spouse of legal drinking age	City Code Chapter 400	80
Sale to intoxicated person	City Code Chapter 400	80
False statement on application	City Code Chapter 400	70
Delinquent taxes, assessments	§ 433-2E	150
Failure to maintain order; fights/disorderly conduct, Police Department not notified by bar	§ 947.01, Wis. Stats.	45 <u>80</u>
Failure to maintain order; fights/disorderly conduct, Police Department notified by bar	§ 947.01, Wis. Stats.	40 <u>5</u>
Littering by patrons or employees	City Code § 568-9	10

Types of Violations	Ordinance/Law	Demerit Points (per incident)
Unnecessary loud noise	City Code § 500-3	45
Public consumption outside tavern property	City Code § 400-15	45
Open after hours	City Code Chapter 400	45
No licensed bartender on premises	City Code Chapter 400	40
Unlicensed amusement devices on premises	City Code § 208-8C	30
After hours carryouts	City Code Chapter 400	30
Failure to display license	City Code Chapter 400	25
Penalty enhancer for severe offenses; enhanced penalty for conduct which (1) results in bodily harm to any individual; (2) creates a substantial risk of death or bodily harm; (3) involves the use of a firearm or other dangerous weapon; or demonstrates an ongoing disregard for the requirements of state law or municipal ordinances		Up to 150 additional points
Health Code		
Noncritical violation	City Code Chapters 356, 476 and 556	25
Critical violation	City Code Chapters 356, 476 and 556	80
Gambling machine in a "Class A" establishment	§ 945.03(1m), Wis. Stats.	35
More than allotted gambling machine in a "Class B" establishment	§ 945.04(2m), Wis. Stats.	35
Unauthorized gambling	§ <u>Ch.</u> 945, Wis. Stats.	35

C. Method of determination. In determining the accumulated points, the date of the violation is used as the basis for assigning the demerit points per incident. A conviction for a violation is not necessary to assign points. That decision is made by the Chief of Police or his designee based on his analysis of the violation, including the presence of any mitigating circumstances such as notification of an incident by the licensee or cooperation with any lawful investigation.

D. Point notification. The Police Department will notify the Alcohol Licensing Committee and the license holder of any incidents which result in the assessment of demerit points.

E. ~~Point reduction courses.~~ ~~During any demerit point counting period, a licensee may regain up to 50 demerit points for that period by successfully completing courses sanctioned for that purpose by the City of Fond du Lac Police Department. The number of demerit points returned for each successfully completed course shall also be determined by the Police Department.~~

Correction meeting.

- (1) Notice. Whenever the Chief of Police or designee determines that, on two or more occasions within a 12-month period, a licensee has violated any provision of this chapter or Wis. Stats. Chp. 125 in a manner resulting in enforcement action, the Chief may notify the licensee in writing. The notice shall contain the street address of or other description sufficient to identify the licensed premises, a description of the violations and enforcement actions that have occurred at the premises, and notice of the time and place at which the licensee is scheduled to meet with the Chief and the City Attorney as described in this section.
- (2) Any licensee receiving notice pursuant to subsection (E)(1) shall meet with the Chief of Police or designee and the City Attorney or designee at the date and time prescribed in the notice. The parties shall review the problems occurring at the licensed premises. Within ten days of this meeting, the licensee shall submit to the Chief and City Attorney an abatement plan to end the alcohol beverage-related violations and enforcement actions on the premises. The plan shall also specify the name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact. Additionally, the plan shall include a signed statement from the licensee indicating their understanding that if they fail to comply with the abatement plan or to take the actions

discussed at the meeting, the City may move forward with efforts to revoke, suspend, or not renew their license. An abatement plan shall remain active for one year.

§ 400-8 Disciplinary procedures.

A. Hearings and recommendations. The Alcohol Licensing Committee is hereby designated as the duly authorized committee that shall hold hearings as prescribed in § 125.12, Wis. Stats. As provided by law, after the hearing the Alcohol Licensing Committee shall submit a report to the City Council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the City Council should take with respect to the license. In making its recommendation, the Committee shall consider, in addition to all other factors it deems relevant, the following guidelines. It is not intended that these guidelines limit the discretion of the Alcohol Licensing Committee, rather that they provide guidance in formulating a recommendation.

(1) For demerit points totaling 25 to 149 within a rolling ~~twelve~~ eighteen-month period, a recommendation that the licensee be warned of the consequences of additional violations.

(2) For demerit points totaling 150 to 199 within a rolling ~~twelve~~ eighteen-month period, a recommendation of a warning or a suspension of the license for a period of not less than 10 days and up to 90 days.

(3) For demerit points totaling 200 or more within a rolling eighteen-month period, a recommendation of a warning or a suspension of the license for a period of not less than 10 days and up to 90 days or of revocation of the license.

Section 3. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 4. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 5. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

§ 400-7 Demerit point system.

A.

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Nude or seminude entertainer/employee on premises unless permitted by law	City Code Chapter <u>400</u>	150
Owner/employee selling controlled substances	City Code § <u>500-5</u> ; Ch. 961, Wis. Stats	150
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Exceeding posted occupancy capacity	City Code §§ <u>255-2</u> and <u>343-3</u>	80
Sale of alcohol to person under age 21 without parent, guardian or spouse of legal drinking age	City Code Chapter <u>400</u>	80
Person under age 21 on premises without parent, guardian or spouse of legal drinking age	City Code Chapter <u>400</u>	80
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Delinquent taxes, assessments	§ <u>433-2E</u>	150

Types of Violations	Ordinance/Law	Demerit Points (per incident)
Failure to maintain order; fights/disorderly conduct, Police Department not notified by bar	§ 947.01, Wis. Stats.	45 80
Failure to maintain order; fights/disorderly conduct, Police Department notified by bar	§ 947.01, Wis. Stats.	40 5
Littering by patrons or employees	City Code § <u>568-9</u>	10
Unnecessary loud noise	City Code § <u>500-3</u>	45
Public consumption outside tavern property	City Code § <u>400-15</u>	45
Open after hours	City Code Chapter <u>400</u>	45
No licensed bartender on premises	City Code Chapter <u>400</u>	40
Unlicensed amusement devices on premises	City Code § <u>208-8C</u>	30
After hours carryouts	City Code Chapter <u>400</u>	30
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Penalty enhancer for severe offenses; enhanced penalty for conduct which (1) results in bodily harm to any individual; (2) creates a substantial risk of death or bodily harm; (3) involves the use of a firearm or other dangerous weapon; or demonstrates an ongoing disregard for the requirements of state law or municipal ordinances		Up to 150 additional points
Health Code		
Noncritical violation	City Code Chapters <u>356</u> , <u>476</u> and <u>556</u>	25
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(3)

For demerit points totaling 200 or more within a rolling eighteen-month period, a recommendation of a warning or a suspension of the license for a period of not less than 10 days and up to 90 days or of revocation of the license.