

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

Legislative Chambers
160 S Macy Street

February 28, 2024
6:00 PM

CALL TO ORDER

Roll Call

Present

Tiffany Brault
Keith Heisler
Patrick Mullen
Jane Ricchio
Thomas Schuessler
Brett Zimmermann

Absent

Kenneth Cassaday

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
Aaron Goldstein, Chief of Police
Scott Krause, Asst. Police Chief
Jason Laridaen, Asst. Police Chief
Erick Gerritson, Fire Chief
Kathryn Duveneck, ITS Director
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 Proclamation Recognizing Denny Vokes Retirement

President Heisler presented a Proclamation on behalf of our City and its residents expressing our sincere appreciation to Officer Denny J Vokes for 25 years of dedicated service and making Fond du Lac one of the safest and welcoming cities in the nation and wish him a long and prosperous retirement.

A Proclamation Recognizing Lynn Gilles Retirement

President Heisler presented a Proclamation on behalf of our City and its residents thanking Lynn Gilles for her outstanding legacy of service commitment as Transit Manager and her years of knowledge and expertise will be greatly missed and wish for a long and prosperous retirement.

CONSENT AGENDA

February 14, 2024 Council Minutes

List Of Claims Dated February 21, 2024

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

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

Absent: Cassaday

AUDIENCE COMMENTS (Agenda and Non-agenda items)

Spoke In Regards To Ordinance No. 3783 (Loud Speakers):

Peggy Breister, 72 Wakawn Ave., Fond du Lac

Spoke In Opposition To Ordinance No. 3785 (Demerit Points):

Ronald Boda, 440 Satterlee St., Fond du Lac

Spoke In Regards To Resolution No. 9106 (Team Building):

Savanna Haygood, 255 Grand Ct., Apt B203 Fond du Lac

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

ACTION ITEMS

Resolution No. 9105

File No. 2024-03

A Motion was made by Thomas Schuessler to approve Resolution No. 9105 authorizing appointment to the Historic Preservation Commission and seconded by Brett Zimmermann, and the motion was **Passed**.

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

Absent: Cassaday

Resolution No. 9106

File No. 2024-45

A Motion was made by Jane Ricchio to approve Resolution No. 9106 amending the Employee Handbook regarding travel reimbursement and team building and seconded by Tiffany Brault, and the motion was **Passed**.

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

Absent: Cassaday

Resolution No. 9107

File No. 2024-46

A Motion was made by Patrick Mullen to approve Resolution No. 9107 granting a utility easement to Alliant Energy at Playmore Park and seconded by Jane Ricchio, and the motion was **Passed**.

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

Absent: Cassaday

Resolution No. 9108

File No. 2024-47

A Motion was made by Patrick Mullen to approve Resolution No. 9108 adopting the policy regarding Trap, Neuter, Vaccinate, Microchip and Return (TNVR) and seconded by Tiffany Brault, and the motion was **Passed**.

Ayes: Brault, Heisler, Mullen, Schuessler

Nays: Ricchio, Zimmermann

Absent: Cassaday

Ordinance No. 3782

File No. 2024-47

A Motion was made by Jane Ricchio to approve Ordinance No. 3782B to amend Chapter 216, Animals to address Trap, Neuter/Spay, Microchip and Release (TNR) and seconded by Brett Zimmermann, and the motion was **Passed**.

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

Absent: Cassaday

Ordinance No. 3783

2024-48

A Motion was made by Patrick Mullen to move Section 500-4 Loudspeakers and Amplifying Systems from Ordinance No. 3783 to a later date for additional consideration and seconded by Tiffany Brault, and the motion was **Passed**.

Ayes: Brault, Heisler, Mullen, Ricchio, Schuessler

Nays: Brett Zimmermann

Absent: Cassaday

A Motion was made by Patrick Mullen to approve Ordinance No. 3783 as amended for various Chapters of the Code of the City of Fond du Lac regarding Parking Citations, Amusement Devices, Mail Deliveries, Fire and Fire Prevention, Private Ambulance Providers, Tobacco and Cigarette Licenses, No Mow May, The Chief of Police and Zoning Code Changes and seconded by Jane Ricchio, and the

motion was **Passed.**

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

Absent: Cassaday

Ordinance No. 3784

File No. 2024-49

A Motion was made by Tiffany Brault to approve Ordinance No. 3784 establishing a Municipal Court for the Cities of Fond du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond du Lac County, Village of Wilson in Sheboygan County and the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond du Lac, Oakfield and St. Cloud in Fond du Lac County and the City of Berlin in Green Lake and Waushara Counties, the Cities of Green Lake, Markesan and Princeton in Green Lake County and seconded by Patrick Mullen, and the motion was **Passed.**

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

Absent: Cassaday

Ordinance No. 3785

File No. 2024-50

A Motion was made by Tiffany Brault to send back Ordinance No. 3785 Amending Chapter 400, Intoxicating Liquor and Fermented Malt Beverages regarding the Demerit Point System to Alcohol License Committee for additional review and seconded by Jane Ricchio, and the motion **Failed.**

Ayes: Brault, Ricchio

Nays: Heisler, Mullen, Schuessler, Zimmermann

Absent: Cassaday

A Motion was made by Patrick Mullen to approve Ordinance No. 3785 Amending Chapter 400, Intoxicating Liquor and Fermented Malt Beverages Regarding the Demerit Point System and seconded by Thomas Schuessler, and the motion was **Passed.**

Ayes: Heisler, Mullen, Schuessler, Zimmermann

Nays: Brault, Ricchio

Absent: Cassaday

PRESENTATION OF INPUT ITEMS

ADJOURN

Adjourn To Closed Session

Consider Employment, Promotion, Compensation Or Performance Evaluation Data Of Any Public Employee Over Which The Governmental Body Has Jurisdiction Or Exercises Responsibility.

The Subject Of The Closed Session Is:

2024 City Manager Performance

This Subject Is Exempt Under Wisconsin Statutes Section 19.85(1)(c)

A Motion was made by Brett Zimmermann to adjourn to Closed Session at 7:35 p.m. and seconded by Patrick Mullen, and the motion was **Passed.**

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

Absent: Cassaday

Margaret Hefter
City Clerk

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

Title: A Proclamation Recognizing Denny Vokes Retirement

Subject: A Proclamation Recognizing Denny Vokes Retirement

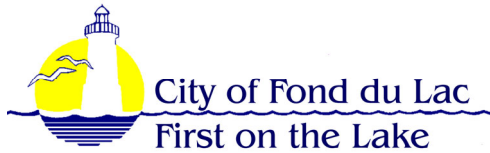
Initiator:

Recommendation:

ATTACHMENTS:

File Name

[VokesD - PD.pdf](#)



Proclamation

Whereas, Denny J. Vokes retires from the Fond du Lac Police Department on March 1, 2024; and

Whereas, Denny began his career as Correctional Officer for Fond du Lac County Sheriff's Office in October 1995 before becoming a Fond du Lac Police Officer on March 15, 1999; and

Whereas, Denny has faithfully served his community with honor, integrity, and professionalism, protecting the citizens of Fond du Lac whenever and wherever he was needed; and

Whereas, during the course of Denny's career he assisted the FDLPD in the pursuit of its mission by serving in several specialized capacities, including as a School Resource Officer at the Fond du Lac High School, Street Crimes Unit Officer, Lake Winnebago Area Metropolitan Enforcement Group (LWAM) Narcotics Task Force Officer, and SWAT Team Tactical Operator; and

Whereas, Denny was an integral part of several high-profile cases over his career that included the apprehension and arrest of hundreds of suspected drug dealers, large seizures of cocaine, methamphetamine, heroin, and fentanyl with the street value over 10 million dollars; and

Whereas, the City wishes to thank Denny for being part of the team of Officers dedicated to making Fond du Lac one of the safest and welcoming cities in the nation.

Now, Therefore, I, Keith Heisler, President of the Fond du Lac City Council, by my signature affixed, do hereby recognize Officer Denny J. Vokes for 25 years of dedicated service to the citizens of the City of Fond du Lac and extend the City's best wishes for a long and prosperous retirement.

Keith Heisler

City Council President

Dated: February 28, 2024

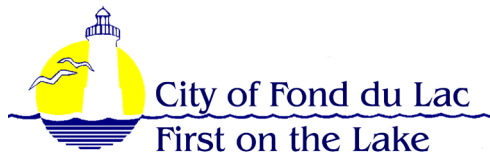
**CITY COUNCIL MEETING AGENDA
CITY OF FOND DU LAC, WISCONSIN**

Title: A Proclamation Recognizing Lynn Gilles Retirement
Subject: A Proclamation Recognizing Lynn Gilles Retirement
Initiator:
Recommendation:

ATTACHMENTS:

File Name

[GillesL - Transit.pdf](#)



Proclamation

Whereas, Lynn Gilles is retiring from the City of Fond du Lac Transit Division on March 4, 2024; and

Whereas, Lynn has been a valued employee since November 13, 2003, serving the citizens of Fond du Lac as Transit Manager to faithfully and safely assist residents with transportation to work, errands, school, medical appointments, and back home again; and

Whereas, Lynn has written and obtained numerous State and Federal transit grants, has prepared and managed many operational and capital budgets, has led and managed the recent update to the Transit Development Plan, and has recently received a perfect score on the Federal Transit Authority's Triennial Audit; and

Whereas, Lynn has trained and mentored many drivers and assistants, has implemented many conveniences for drivers and passengers alike, such as GPS bus location app, mobile phone pay, and free WiFi on buses, has implemented Free Fare Day and Buses to Books to grow Transit education, and has always been the champion to make Fond du Lac Area Transit the best service for the citizens; and

Whereas, the City wishes to thank Lynn for her outstanding legacy of service and commitment to the people of Fond du Lac; her years of knowledge and expertise will be greatly missed.

Now, Therefore, I, Keith Heisler, President of the Fond du Lac City Council, by my signature affixed, do hereby recognize Lynn Gilles for 20 years and 3 months of dedicated service to the City of Fond du Lac and extend the City's best wishes for a long and prosperous retirement.

Dated: February 2024

*Keith Heisler
City Council President*

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

Title: February 14, 2024 Council Minutes

Subject: February 14, 2024 Council Minutes

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[2.14.24 minutes.pdf](#)

**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: List Of Claims Dated February 21, 2024

Subject: List Of Claims Dated February 21, 2024

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[List of Claims Memo 02-21-24.pdf](#)

CITY OF FOND DU LAC - Memorandum

Department of Administration

Date: February 21, 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 February 03, 2024 through February 16, 2024 for all funds total \$10,271,264.14. This list of claims includes tax settlement checks totaling \$8,951,596.82. 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. 9105

Subject: A Resolution Authorizing Appointment To Historic Preservation Commission
Introduction: City Manager

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[9105 Resolution HPC FINAL.pdf](#)

[Holmes.pdf](#)

RESOLUTION NO. 9105

**A RESOLUTION AUTHORIZING APPOINTMENT
TO THE HISTORIC PRESERVATION COMMISSION**

BE IT RESOLVED by the City Council of the City of Fond du Lac that
the following appointment by the City Manager to the Historic Preservation
Commission is hereby confirmed:

<u>HISTORIC PRESERVATION COMMISSION</u>	<u>Beginning</u>	<u>Ending</u>
Sharon Nevins Holmes	02/29/2024	04/30/2025

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed



CITY OF FOND DU LAC
APPLICATION FOR APPOINTMENT TO
CITY BOARDS, COMMISSIONS, AND COMMITTEES

Historic Preservation Commission
 Name of Board, Commission or Committee

1/24/2024
 Date

Sharon Nevins Holmes, Ph.D.
 Full Name



Retired - College Administrator & Professor
 Occupation

Employer

Please put an asterisk by which number is best for public posting.

18 Years of Age or Older? Yes ☒ No ☐ Home Phone [REDACTED] Business Phone [REDACTED]

E-Mail Address: [REDACTED] Cellular Phone [REDACTED]

Are you currently a resident of Fond du Lac? Yes ☒ No ☐ No. of Years: 45

Education: BS and MS - Indiana University; Ph.D. - UW-Madison

List potential conflicts of interest: None

List City boards, commissions or committees on which you have served:	Yrs	List other civic, church or club committees on which you have served:	Yrs
		FDL Assoc. of Commerce	6
		Numerous service organizations:	
		e.g. Rotary, DAR and community boards	

I have read the information sheet outlining the desired qualifications for this board. My background and interests meet these desired qualifications as follows:

I am a DAR and chair of the Historic Preservation Committee. I am passionate about preserving our community's historical sites.

If selected, I would like to work towards bettering the community through my service in the following ways:
Work with individuals and groups who have projects for historic preservation. Help identify funding sources for historic preservation.

Please note: By filing this application with the City of Fond du Lac, applicant acknowledges that personal information on this form may be published in the annual Fond du Lac Boards and Commissions Directory and distributed to members, staff and the public.

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

Title: Resolution No. 9106

Subject: A Resolution Amending The Employee Handbook Regarding Travel Reimbursement And
Team Building
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[Employee Handbook Memo FINAL.pdf](#)

[9106 Employee Handbook Policies FINAL.pdf](#)

[Handbook Expense Reimbursement Update 01.17.24.pdf](#)

[City of Fond du Lac Team Building Policy 2.21.24.pdf](#)

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: February 20, 2024

To: City Council
City Manager

From: Deborah Hoffmann, City Attorney/Director – Human Resources

Re: Employee Handbook Update

The City revised and updated its Personnel policies in 2011, creating an Employee Handbook. The Employee Handbook has been revised and updated several times since then.

At the January 24th and February 14th City Council meetings, City staff presented the Team Building Policy and Expense Reimbursement Policy related to employee travel.

City staff recommends approval of both Employee Handbook policies. Please contact me if you have any questions.

RESOLUTION NO. 9106

**A RESOLUTION AMENDING
THE EMPLOYEE HANDBOOK REGARDING TRAVEL
REIMBURSEMENT AND TEAM BUILDING**

WHEREAS, the City of Fond du Lac believes that employees benefit from having a standard set of policies that apply uniformly; and

WHEREAS, the City of Fond du Lac maintains an Employee Handbook to provide employees information about those policies; and

WHEREAS, City Staff continually reviews the Employee Handbook to identify policies that should be added, removed or modified; and

WHEREAS, the revision attached to this resolution as Exhibit A are recommended as amendments to the Employee Handbook policies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the amendments to the Employee Handbook as shown in Exhibit A are hereby approved.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

D. EXPENSE REIMBURSEMENT POLICY

Policy: The City reimburses employees for reasonable expenses incurred in the performance of City business. These expenses include, but are not limited to, the cost of meals, lodging, travel, and registration fees. All expense reimbursements are processed by the Comptroller's office in accordance with Internal Revenue Service guidelines.

Advance Payment by the City: Generally, it is in employees' best interest to avoid using the expense reimbursement policy by having the City pay expenses directly with P-card or through the requisition process. This prevents an employee from having to pay expenses up-front and wait for reimbursement from the City. Where expenses are known ahead of time, employees are encouraged to pay with a P-card or use the requisition process rather than the reimbursement policy.

Proper Documentation Required: The City requires original itemized receipts as substantiation for all expenses except meals to be reimbursed. Exceptions to this rule include tolls and parking meters. A credit card receipt that is not itemized or an emailed link to conference brochures/registrations are not adequate expense documentation and will not be paid.

Employee name, ID number and overnight stay must be indicated on the expense report. The Department Director and/or Division Head reviews expense reports to ensure that proper substantiation is submitted. Before submitting expense reports to the Comptroller's office, the employee and the Department Director or Division Head must sign the expense report. By signing the report, each person is indicating that to the best of their knowledge the requested reimbursements were actually incurred and in the performance of City business.

Expenses incurred while in transit (meals, ubers/taxis, fuel, etc) should be paid out of pocket and a travel reimbursement submitted. P-cards should not be used for these expenses.

All required documentation must be submitted prior to the reimbursement being processed. Missing documentation may cause a delay in reimbursement.

Expense and Mileage reports must be turned in within 30 days of travel, except at year end. Any expenses incurred the last week of the year must be turned in the following week.

Meals: The City reimburses employees for the cost of meals based on the Federal Per Diem at the location of a seminar, conference or meeting. The allowed Per Diems can be found on the General Services Administration website at www.gsa.gov. The City does not reimburse the daily \$5 incidental expense,

1. The Per Diem is only for the meals not included in seminar or conference fees.
2. The Per Diem rate of individual meals includes the tip.
3. Meals while traveling to/from a meeting, seminar or training will not be reimbursed if the employee is within 50 miles of Fond du Lac.
4. Reimbursements will not be made for meals before and after travel.
5. When traveling out of state, meals on the travel days to and from seminar or conference shall be reimbursed at 75% of the daily Per Diem rate.

6. Meals are nontaxable compensation with an overnight stay. Proof of stay (hotel receipt) is required. Meals are taxable if there is no overnight stay.
7. No reimbursements will be made for alcoholic beverages.

Lodging: The City reimburses employees for the costs of lodging subject to the following conditions and limitations.

1. Lodging reimbursement will be the actual cost of lodging not to exceed the rate of a single occupancy.
2. Payments should be made with a P-card, or employees can enter a requisition and process for payment whenever possible.
3. The business event should be more than 40 miles from the employee's usual City work facility or residence (if traveling from home), whichever is closer, to qualify for lodging reimbursement. Special circumstances and inclement weather will be taken into consideration on a case by case basis.
4. The City is exempt from certain sales and room taxes. Employees should notify the hotel that they are traveling on City business so that the City is not improperly charged for taxes. If requested, the Comptroller's office can provide documentation that the employee is traveling on City business and is therefore exempt from sales and room tax.
5. Hotels may also give government employees lower room rates if notified when making a reservation.
6. Laundry fees and hotel tips are not reimbursable.

Mileage: Employees who use their personal vehicle for official business will receive the current Internal Revenue Service mileage rate for miles. Mileage computation shall use the employee's usual City work facility or residence (if leaving from home), whichever is less.

A copy of the conference/seminar information stating dates and location of the event must accompany the travel reimbursement request.

When using a personal vehicle for business travel, it is recommended to have a minimum of the following insurance coverages: \$100,000 each person; \$300,000 each accident; \$100,000 property damage.

Airfare/Long Distance Travel: The City reimburses employees for the cost of air travel subject to the following conditions and limitations:

1. Employees should pay for airfare with a P-card whenever possible.
2. Employees will be reimbursed for the lowest cost air transportation when air transportation is used for out-of-state travel. Airfare reservations should be made at the earliest date possible to get the best rate. When selecting airfare, reasonable transfers and departure/arrival times may be taken into consideration.
3. An itemized bill or receipt is required for reimbursement.
4. If an alternative form of transportation is used, the employee will be reimbursed at the current Internal Revenue Service mileage rate or the lowest cost of airfare (including airport parking and baggage fees), whichever is less.

5. Paid time on travel days shall not exceed 10 hours/day with a one day allowance for each traveling to and returning from City business.
6. Additional charges, such as over-weight baggage charges, are not reimbursable unless the charges are unavoidable.

Transportation Costs: Uber/Lyft/Taxi fares, public transportation, charges for parking and other such incidental transportation expenses will be reimbursed based upon actual costs. Receipts are required for reimbursement. Fines are not reimbursable.

Conference Registration Fees: The City reimburses employees for registration fees paid to attend conferences directly related to an employee's job and are subject to the following conditions and limitations:

1. Supervisor approval to attend the conference is required in order to be eligible for reimbursement. Supervisor approval includes the decision to only allow partial reimbursement for the expenses due to budgetary or other considerations.
2. Employees are encouraged to use P-cards or the requisition process to pre-pay for conference fees. If an employee seeks reimbursement for the conference registration fees, registration receipts showing dates, locations and included meals of conference are required.
3. Expenses for optional golf outings, sporting events and tours that are offered in association with a conference are not reimbursable and time spent at such social events is not compensable work time.
4. Expenses for an employee's spouse are not reimbursable.
5. Out-of-state conferences are to be noted in the departmental budget.

Rewards Points: Personal reward points programs (airlines, hotels, retail stores, etc) are **not** to be used and/or accumulated when making purchases or reservations for City business.

Exceptions to Policy: Occasionally, circumstances may warrant an exception to the expense reimbursement policy. In those cases, the Department Head should request an exception and provide his/her rationale for the exception to the Director of Administration before the expense reimbursement request is submitted to Payroll.

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: Resolution No. 9107

Subject: A Resolution Granting A Utility Easement To Alliant Energy At Playmore Park
Introduction: Public Works Director

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[9106 Memo.pdf](#)

[9107 Resolution Plamore Easement FINAL.pdf](#)

[9106 Exhibit A.pdf](#)

[PC Minutes 2.19.24.pdf](#)

CITY OF FOND DU LAC - Memorandum

Department of Public Works

Date: February 19, 2024
To: Plan Commission
From: Paul De Vries, P.E., Director of Public Works
Re: Alliant Energy - Easement Request

This memo and attached supporting documents cover the agenda item under Granting of Utility Easement for the Plan Commission's February 19, 2024 meeting.

Alliant Energy (aka Wisconsin Power & Light Company) has requested the City grant them a 20 foot by 42-foot utility easement on lands owned by the City in Plamore Park. The attached easement and map indicate the area in question and Alliant's proposed plan. The location is the southeast corner of the park and away from all of the recent improvements. This location will not interfere with any park activities or future plans. The request is for a new above ground gas regulator station to upgrade their facilities in the area. The station will have a screening fence and landscaping as part of this project.

The granting of a utility easement requires City Council approval. City staff suggests the Plan Commission recommend to the City Council approval of the granting of this easement.

RESOLUTION NO. 9107

A RESOLUTION GRANTING A UTILITY EASEMENT TO ALLIANT ENERGY AT PLAYMORE PARK

WHEREAS, Alliant Energy has requested a 20 foot by 42 foot utility easement at the southeast corner of Playmore Park for a new above ground gas regulator station that will upgrade Alliant's facilities in the area; and

WHEREAS, the City Plan Commission recommended the granting of this easement at its meeting on February 20, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the proper City officials are hereby authorized and directed to convey a utility easement to Alliant Energy at Playmore Park at 495 W Division Street as shown on Exhibit A.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

Margaret Hefter, City Clerk

City Attorney:

Reviewed 

Document No.

**EASEMENT
NATURAL GAS REGULATOR STATION**

The undersigned **THE CITY OF FOND DU LAC**, a municipal corporation located in the County of Fond du Lac and State of Wisconsin, (hereinafter called the "Grantor"), in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **Wisconsin Power and Light Company**, a Wisconsin corporation, (hereinafter called the "Grantee"), the Grantee's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove the Designated Facilities, as defined below, upon, in, over, through and across lands owned by the Grantor in the City of Fond du Lac, County of Fond du Lac, State of Wisconsin, said "Easement Area" to be described as follows:

See Exhibit "A" for a legal description of the Easement Area and Exhibit "B" for a depiction of the Easement Area, both attached hereto and made a part hereof.

This easement is subject to the following conditions:

1. **Designated Facilities:** This easement is for a gas regulator station, along with underground natural gas line and communication line facilities, including but not limited to pipelines with valves, main and service laterals, fences and any other components as Grantee may select for use in transmission and distribution of natural gas products or communication signals (collectively, the "Designated Facilities").
2. **Access:** The Grantee and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to the Easement Area.
3. **Buildings and Structures:** The Grantor agrees within the Easement Area not to construct or place buildings, structures, or other improvements, or place water, sewer or drainage facilities; all without the express written consent of the Grantee.
4. **Landscaping and Vegetation:** No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted. The Grantee has the right to trim or remove trees, bushes and brush within the Easement Area without replacement or compensation hereinafter. The Grantee may treat the stumps of any trees, bushes or brush to prevent re-growth and apply herbicides in accordance with applicable laws, rules and regulations, for tree and brush control. Excepting: Grantor reserves the right to place landscaping within the easement area, limited to outside and along the south side of the fencing. Grantee shall replace or compensate Grantor for said landscaping disturbed by Grantee's work and use of the easement.
5. **Elevation:** After the installation of the facilities and final grading of the Easement Area, the Grantor agrees not to alter the grade of the existing ground surface by more than six (6) inches or place rocks or boulders more than eight (8) inches in diameter, within the Easement Area, without the express written consent of the Grantee.
6. **Restoration and Damages:** The Grantee shall restore, cause to have restored or pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance or removal of said facilities.
7. **Rights not granted to the Grantee:** The Grantee shall not have the right to construct or place buildings or any other facilities other than the above Designated Facilities.
8. **Reservation of use by the Grantor:** The right is hereby expressly reserved to the Grantor, the heirs, successors and assigns, of every use and enjoyment of said land within the Easement Area consistent with rights herein granted.
9. **Binding Effect:** This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

Record this document with the Register of Deeds

Name and Return Address:

Alliant Energy
Attn: Real Estate Department
4902 North Biltmore Lane
Madison, WI 53718-2148

Parcel Identification Number(s)

FDL-15-17-09-44-782-00

WITNESS the signature(s) of the Grantor this _____ day of _____, 20_____.

THE CITY OF FOND DU LAC

Signature (SEAL)

Signature (SEAL)

Printed Name and Title

Printed Name and Title

ACKNOWLEDGEMENT

STATE OF WISCONSIN }
COUNTY OF FOND DU LAC } SS

Personally came before me this _____ day of _____, 20_____, the above named _____

_____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Signature of Notary

Printed Name of Notary

Notary Public, State of Wisconsin

My Commission Expires (is) _____

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } SS

Personally came before me this _____ day of _____, 20_____, the above named _____

_____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Signature of Notary

Printed Name of Notary

Notary Public, State of _____

My Commission Expires (is) _____

This instrument drafted by

Jordan R. Oosterhouse

Jerome C. Lund

Checked by

January 9, 2024

Project Title: Plamore Park RS 46737

ERP Activity ID: 4326152

Tract No.: 1 of 1

REROW No.:

Exhibit A

Lands owned by Grantor:

Lots One (1) to Eighteen (18), both numbers inclusive, of Block Four (4) of Moore and Conklin's Subdivision of Butler and Tallmadge's Addition to the City of Fond du Lac, Wisconsin, according to the recorded plat of said Subdivision.

Grantor's ownership referenced on that certain Warranty Deed as recorded on July 8, 1927, as Document Number 151513, in the office of the Register of Deeds for Fond du Lac County, Wisconsin.

Easement Area:

An easement twenty (20) feet in width, lying ten (10) feet on each side of the following described reference line:

Commencing at the Southeast (SE) corner of Section 9, Township 15 North, Range 17 East, City of Fond du Lac, Fond du Lac County, Wisconsin;
thence North 03°33'25" West, 728.75 feet along the East line of the Southeast Quarter (SE 1/4) of said Section 9;
thence South 87°56'25" West, 952.91 feet to the Point of Beginning;
thence South 02°53'53" East, 12.00 feet;
thence continuing South 02°53'53" East, 30.00 feet to the Northerly right-of-way line of West Division Street and there terminating.

Said easement area located in said Lot 1, being part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 9, Township 15 North, Range 17 East, City of Fond du Lac, Fond du Lac County, Wisconsin.

EASEMENT MAP (EXHIBIT "A")

PART OF LOT 1, BLOCK 4 OF MOORE & CONKLIN'S SUBDIVISION OF BUTLER & TALLMADGE'S ADDITION, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 09, TOWNSHIP 15 NORTH, RANGE 17 EAST, CITY OF FOND DU LAC, FOND DU LAC COUNTY, WI

LEGEND:

- SECTION LINE
- EASEMENT CENTER LINE
- PROPERTY LINE
- REPLAINT LINES
- (xxx) PREVIOUSLY RECORDED AS
- R/W RIGHT-OF-WAY LINE
- ⊙ PLS CORNER AS NOTED

NORTH BELL STREET

BLOCK 4

BLOCK 5

REFERENCE TIE LINE

WEST DIVISION STREET

COURSE TABLE

A - B	N03°33'25"W	728.75'
B - C	S87°56'25"W	952.91'
C - D	S02°53'53"E	12.00'
D - E	S02°53'53"E	30.00'

NOTES:

- 1) Resolution of City Council vacating all alleys in Block 4 of Moore and Conklin's Sub-division of Butler and Tallmadge's Addition was recorded in the office of the Register of Deeds at 11am Feb. 19, 1920 in Vol. 195 of Mortgages, on Pg. 236.
- 2) C - D = 20' Wide above ground regulator and fencing easement area.
- 3) D - E = 20' Wide underground pipeline easement area.

THIS DOCUMENT IS FOR THE USE OF WISCONSIN POWER & LIGHT COMPANY. WISCONSIN POWER & LIGHT COMPANY, DISCLAIMS ALL WARRANTIES BOTH EXPRESS AND IMPLIED, USED BY ANYONE OTHER THAN WISCONSIN POWER & LIGHT COMPANY IS AT THEIR OWN RISK.



Wisconsin Power and Light Co.

If this bar does not measure 1" then drawing is not to scale.



SCALE: 1" = 40'

UTILITY EASEMENT MAP

PROPERTY OWNER / EASEMENT GRANTOR:
CITY OF FOND DU LAC

Drawn: TJT
Date: 1/3/2023
SHEET NUMBER 1 OF 1

PLAN COMMISSION MINUTES

Monday, February 19, 2024
5:30 P.M.

Meeting Room A
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Antonio Godfrey, Sr.
Alicia Hans
Bradley Leonhard
Derek TerBeest

Absent

Ken Cassaday
Craig Much
Anne Pierce

Administrative Staff

Dyann Benson, Community Development Director
Paul DeVries, Director of Public Works

Declaration Quorum Present

Chair Hans declared a quorum present at 5:30 p.m.

ACTION

Granting of Easement

Effect: Granting of Easement to Alliant Energy
Location: Plamore Park
Initiator: City Engineer

A Motion was made by TerBeest to approve recommendation to the City Council the granting of an easement for Alliant Energy at Plamore Park subject to city staff negotiations and seconded by Godfrey, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Godfrey, Hans, Leonhard, TerBeest
 Nay – None

Carried.

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

Title: Resolution No. 9108

Subject: A Resolution Adopting The Trap, Neuter, Vaccinate And Return (TNVR) Policy
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[9108 Adopt TNVR Policy FINAL.pdf](#)

[City of Fond du Lac Policy on TNR. 2.22.24.pdf](#)

[City of Fond du Lac Policy on TNR. 2.22.24\(no microchip\).pdf](#)

RESOLUTION NO. 9108

**A RESOLUTION ADOPTING THE TRAP, NEUTER,
VACINATE AND RETURN (TNVR) POLICY**

WHEREAS, the City of Fond du Lac does not object to local animal rescue groups and the Humane Society practicing TNVR; and

WHEREAS, the City of Fond du Lac wishes to set forth by in writing this policy to allow the interested groups to continue TNVR without risking a City ticket; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fond du Lac that the Policy Regarding Trap, Neuter, Vaccinate and Return (TNVR) is hereby approved.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed 

City of Fond du Lac

Policy Regarding Trap, Neuter, Vaccinate, Microchip and Return. (TNVR)

1. The City has researched TNVR and met with the TNVR 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 TNVR can reduce the feral cat population, if a sufficient percentage of spays/neuters take place (60% - 90%) We have also found studies that find TNVR 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 regarding the effect of feeding feral cats and whether more or less birds were killed. To avoid losing "High Flyer" status as a Bird City, we are not adopting a TNVR ordinance.
4. The City does not encourage the feeding of feral cats

City of Fond du Lac

Policy Regarding Trap, Neuter, Vaccinate 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, and return feral cats in the area. The City encourages that feral cats be provided all necessary veterinary services, including vaccinations, to discourage rabies, 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 regarding the effect of feeding feral cats and whether more or less birds were killed. 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

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

Title: Ordinance No. 3782

Subject: An Ordinance Amending Chapter 216, Animals To Address Trap, Neuter/Spay And
Release (TNR)
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[3782 Memo - TNR policy FINAL.pdf](#)

[Microchip FAQ.pdf](#)

[3782 Ordinance TNR FINAL.pdf](#)

[3782B Ordinance TNR FINAL.pdf](#)

CITY OF FOND DU LAC - Memorandum

Date: February 20, 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. There is also a version of the ordinance that does not require microchipping for consideration.

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.

[Donate](#)

How a microchip can keep you and your pet together

Despite your best efforts, accidents can happen and pets can become lost. If they're wearing a collar and identification tag, chances are good that you'll get them back. But what if the collar or tags come off?

SHARE



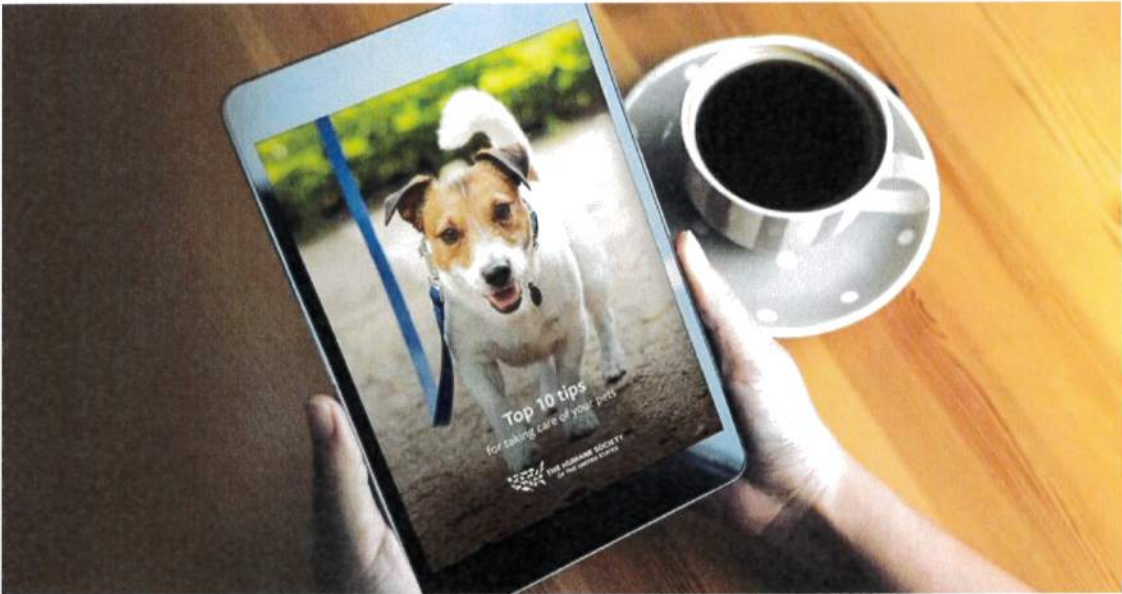
HSI

To protect their pets, many owners turn to microchips. Microchips are tiny transponders, about the size of a grain of rice, that can be implanted under your pet's skin by most veterinarians and animal shelters; some shelters implant chips in all pets they place.

A microchip isn't the same as a GPS device, and it can't be used to track your pet's whereabouts. It's simply a unique identifier (think of it as your pet's social security number) that is implanted so it can't be lost.

Microchips are an essential backup option for pet identification but should never be the main one. Reading a microchip takes a special scanner, one that an animal control officer or shelter will have, but your neighbor down the street will not. And if your dog or cat wanders off, it's likely to be a private citizen who encounters them first. That's why, in the event of accidental separation, identification tags are your pet's first ticket home.

That said, microchips provide an extra level of protection in case your pet loses their collar or tags. Studies show that pets with chips are much more likely to be returned to their owners than those who lack one.



Top 10 pet tips

Sign up to receive our exclusive e-book full of important information about caring for your pet, including training techniques and answers

Microchips are implanted just under the skin, usually right between the shoulder blades. This is done with a large-bore needle and doesn't require anesthesia. Each microchip contains an identification number and the phone number of the registry for the particular brand of chip. A handheld scanner reads the radio frequency of the chip and displays this information. An animal shelter or vet clinic that finds your pet can contact the registry to get your name and phone number (or do an [online search](#) of all major microchip registries).

[back to top](#)

Can a microchip get lost inside my pet?

Your pet's subcutaneous tissue usually bonds to the chip within 24 hours, preventing it from moving. There's a small chance that the chip could migrate to another part of the body, but it can't actually get lost.

[back to top](#)

How long do microchips last?

Microchips are designed to work for 25 years.

[back to top](#)

Where can I get my pet microchipped?

Many veterinarians and some animal shelters implant microchips for a small fee. But—and this is very important—just getting a microchip isn't enough. You also need to register your pet's microchip to link the chip number to your name and contact information. (While some shelters, rescues and veterinary clinics now register the chips they implant, many don't, so you need to make sure your chip is registered with your current contact information.)

[back to top](#)

How do I register my pet?

Most microchip registries allow you to register a chip online. Some companies charge a one-time registration fee, others charge an annual fee and some are free but may charge for extra optional services. However, there are completely free options for registering your pet's microchip, no matter the brand, such as the American Animal Hospital Association's [Free Chip Registry](#).

[back to top](#)

Are there different types of chips?

Yes, competing microchip companies use different frequencies to send signals to scanners, and that used to be a problem. Now there are universal scanners that can detect the different frequencies. Many microchip companies produce universal scanners and provide them to animal shelters and animal control agencies at no or very low cost. If your local animal welfare organizations don't have scanners, encourage them to contact some of the major manufacturers to ask about getting one, or consider donating a scanner to your local shelter or rescue.

[back to top](#)

Are there different registries?

Yes, and that also used to be problematic. Different chip companies maintained separate databases. Now, some chip companies will register pets with any brand of chip. Also, the AAHA's [online microchip lookup tool](#) searches the databases of all major microchip registries, making it easier for anyone who finds your pet to identify the right registry and contact you.

[back to top](#)

Can a microchip replace my pet's collar and tags?

No. Despite advances in universal scanners and registry procedures, microchips aren't foolproof and you shouldn't rely on them exclusively to protect your pet. Universal scanners can detect a competing company's chip, but they may not be able to read the data. And if shelter or vet clinic personnel don't use the scanner properly, they may fail to detect a chip.

[back to top](#)

What if I move or change my phone number or email address?

You should update your microchip registry information online or ask the company to update your information. If your pet becomes lost, you'll want them back as quickly as possible, so you want to make it easy for any shelter, vet clinic or animal services agency that finds your pet to contact you.

[back to top](#)

What do I do if I adopt a pet who's already been microchipped?

Use the AAHA [online microchip lookup tool](#) to see if your pet's microchip has been registered and to update the information. If the chip hasn't been registered, you can simply register it with your name and contact information. If you don't know your pet's microchip number, ask your vet, animal shelter or local rescue group to scan your pet and provide you with the number.

[back to top](#)

Found an animal? Get [tips](#) for identifying the owner of a microchipped pet.

ORDINANCE NO. 3782A

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 

ORDINANCE NO. 3782B

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 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 3. 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 4. 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 5. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 5. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 7. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. 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 

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

Title: Ordinance No. 3783

Subject: An Ordinance Amending Various Chapters Of The Code Of The City Of Fond du Lac Regarding Loudspeakers, Parking Citations, Amusement Devices, Mail Deliveries, Fire and Fire Prevention, Private Ambulance Providers, Tobacco And Cigarette Licenses, No Mow May, The Chief Of Police And Zoning Code Changes
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[3783 Clean Up Ordinance Memo FINAL.pdf](#)

[3783 Code Clean Up Ordinance Including Zoning Changes FINAL.pdf](#)

[3783 Code Cleanup Ordinance Backup FINAL.pdf](#)

[PC Memo Zoning Code Updates02.19.24.pdf](#)

[PC Minutes Zoning Code Amendments.pdf](#)

CITY OF FOND DU LAC - Memorandum

Date: February 20, 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.
- 11) Amend provisions of the Zoning code to better comply with state law and update our practices. Plan Commission reviewed these proposed changes at their February 19th meeting and recommends approval.

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, MAIL DELIVERIES, FIRE AND FIRE PREVENTION, PRIVATE AMBULANCE PROVIDERS, TOBACCO AND CIGARETTE LICENSES, NO MOW MAY, 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; Section 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 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; 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; Section 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~~ by way

| of monetary exchange 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; Section 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:
 - 1) All exterior and interior points of egress;
 - 2) All locked mechanical rooms;
 - 3) All elevator rooms and controls;
 - 4) All fire alarm panels;
 - 5) All locked automatic fire suppression systems;
 - 6) All emergency communication panels;
 - 7) All locked electrical panels;
 - 8) 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.
 - 1) The lock box shall be located no lower than five feet and no high than six feet from ground level.
 - 2) 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.

Section 16. That Chapter 720, Zoning; Article VII, Business Districts; Section 41.1, Neighborhood Mixed Use District.; is hereby amended to read as follows:

§ 720-41.1 Neighborhood Mixed Use District.

The intent of this district is to set forth those land uses and activities which are permitted in areas with activity centers with retail, office, restaurant, service, institutional and civic uses primarily serving nearby residents. Residential is a component of this district, both in mixed-use developments and as standalone multi-unit residential developments.

Section 17. That Chapter 720, Zoning; Article VII, Business Districts; Section 41.2, Neighborhood Mixed Use Design Overlay District.; is hereby created to read as follows:

§ 720-42.1 Neighborhood Mixed Use Design Overlay District.

The following site and building design standards shall be met to ensure the coordinated design of new buildings and changes to existing buildings; minimize adverse impacts on adjacent properties from buildings that may detract from the character and appearance of the district; and aid in improving the overall economic viability of the district.

A. Applicability and Submittal Requirements. The standards of the district shall apply to new construction and to the restoration, replacement, expansion or modification of any property (such as roofing, siding, signage, and architectural component substitution). Alteration of an existing building not visible from a public street or alley and/or the interior remodeling of an existing structure shall not cause the exterior of the building to be subject to the architectural design standards. All other projects are subject to the following:

- (1) Minor projects. Permits for minor projects consisting of additions of less than 50% of building area or remodeling of existing building facades of less than 50% per individual facade shall be reviewed and approved by the Community

Development Department. The Community Development Department may, at his or her discretion, refer the permit approval to the Plan Commission. A complete application includes the following:

- a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
- b) A clear depiction of the proposed appearance of the property. Paint charts and/or color photographs of replacement architectural components are recommended.

(2) Major projects. Permits for major projects consisting of new construction, expansions of existing buildings in excess of 50% in building area, or remodeling of more than 50% of any existing building facade shall be reviewed and approved by the Plan Commission. A complete application includes the following:

- a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
- b) Site plan to depict the existing building(s), proposed building addition(s) and/or new building(s).
- c) Front and side building elevations drawn to scale.
- d) Material samples and/or photographs of siding, brick type, roof shingles, paint chips, doors and windows, ornamentation and other exterior materials.
- e) Details of exterior lighting.

B. Procedure. The applicant submits an application to the Community Development Department for review. The Building Inspector shall not issue a permit for the modification, expansion or addition to an existing building, for the construction of any new structure, or for the replacement or installation of new signage prior to approval by the Community Development Department or Plan Commission (if required). Where an applicant wishes to contest a decision, the applicant may submit a written appeal to the Board of Appeals. The Board of Appeals shall consider the

regulations of this chapter, City of Fond du Lac Comprehensive Plan, and the particular circumstances of a proposed project as it relates to the property and surrounding area, to affirm, modify or deny an appeal of a decision.

C. Architectural Standards. To provide criteria for implementation of the Neighborhood Mixed Use District, the following architectural review standards apply:

- (1) Buildings should utilize details or changes in materials to create a discernible base and top. Multi-storied buildings should have a horizontal expression line between the first and upper floors.
- (2) Buildings should establish vertical proportions for the street facade through expression of structural bays, variation in material, and/or variation in building plane, and vertical proportions in the design for the elements within that facade, including windows and doors.
- (3) Large, undifferentiated building walls visible from a public street are prohibited. Walls visible from a public street greater than one-hundred (100) feet should incorporate one or more of the following design features: variation in materials and colors, projecting and recessed bays, and variation in building heights.
- (4) Materials. The following characteristics are required as part of the design of buildings within this district.
 - (a) Street-facing facades should use durable and high-quality building materials. Acceptable materials include architectural metal panels, glass, brick, ceramic tile, terra cotta, cultured stone, cut stone, carved stone, stucco, EIFS, wood, and decorative concrete block. The use of nondecorative exposed concrete block, pre-engineered metal building systems, and sheet metal is discouraged. The use of plywood or oriented strand board (OSB) or similar materials is prohibited. Other building materials may be considered when appropriate to a property.

- (b) All sides of the building should include materials and design characteristics consistent with the front facade.
- (c) Use of lesser-quality materials for the sides and rear facades should be minimized.
- (d) Vulnerable materials may not be used at the base of the building within three (3) feet from the ground.
- (5) Awnings and canopies are strongly encouraged on ground floor facades of commercial, mixed use and multi-family residential buildings. Awning colors should relate to and complement the primary colors of the building facade. Awnings that are backlit or that cast light through the material are prohibited.
- (6) All service, refuse, garage doors, mechanical equipment and loading dock areas should be screened from public view through strategic placement, landscaping, and/or architectural design integration. For sites with dual frontage configurations, these features should be located along a side yard, and not prominently visible from the primary street.

D. Compatibility Standards. These standards provide a proper transition and compatibility between low-intensity residential development and more intense multifamily residential, office and mixed-use development. For purposes of this section, developments within 200 feet of R-1 and R-2 zoned properties should meet the following standards.

- (1) Building Height. To ensure that new buildings are compatible in scale with surrounding properties, building height shall not exceed thirty-five (35) feet in height for portions of the structure within sixty (60) feet of a R-1 or R-2 zoned property.
- (2) Bulk and Mass. Primary facades should be in scale with that housing by employing the strategies identified in subsection (a) and (b) below. *The average lot width is determined by averaging all R-1 and R-2 lots within 200 feet of said property.*

- (a) Varying the building plane setback a minimum of two (2) feet at an interval equal or less than the average lot width of the applicable low-intensity residential uses.
- (b) Providing a gable, dormer, or other change in roof plane at an interval equal to or less than the average lot width of the applicable low-intensity residential uses.
- 3) Roof Pitch. For new residential buildings, any pitched roof should have a slope between 6:12 and 12:12. Flat roofs are allowed.
- 4) Garages. Attached garages should not face or open towards the street. If this is not attainable, garages should be sufficiently screened and face the street with the highest intensity of adjacent uses.

E. Parking

- (1) Parking should be located in the side yard and rear yard, or beneath buildings.
- (2) Parking lots should be landscaped along their edges and within each parking island. Front yard parking should be screened behind a planted buffer strip of at least ten (10) feet from the public right-of-way.
- (3) Refer to Schedule IX for off-street parking requirements.

F. Signage and Lighting

- (1) Appropriately scaled signage is critical and should complement the building and site. Wall, projecting, and ground signs should be integrated within the overall building design in color, style and articulation.
- (2) Where freestanding ground signs are proposed, the use of monument signs is preferred over pole or post mounted signs. Shrubs and/or perennial planting beds should be planted around freestanding signs.

- (3) Lighting on exterior signs should be mounted externally, above the sign, and directed downward, or internally lit for freestanding signs.
- (4) Site lighting should utilize fixtures that reflect the architecture and style of the building(s). Freestanding lights should not exceed 12 feet in height. Lighting should be confined to the site and should not produce glare or wash onto adjacent properties or public rights-of-way.
- (5) Full cut-off (dark-sky compliant) exterior lighting should be used in all locations to reduce glare and light pollution.

G. Landscaping

- (1) A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, ground cover and seasonal flowers and include foundation plantings, groupings of plants at the entryways to the property, open parking screening, and front yard setback areas along a public right-of-way and along interior lot lines to provide a transition to adjoining properties.

Section 18. That Chapter 720, Zoning; Article VII, Business Districts; Section 50, Dwelling units; C-1 Zoning District.; is hereby amended to read as follows:

§ 720-50 Dwelling units; C-1 Zoning District.

- A.** A dwelling unit(s) in a C-1 district may be allowed, provided that such dwelling unit(s) is located entirely above the ground floor of a building and is distinctly and physically separate from a nonresidential use(s) in the building. A dwelling unit(s) shall conform to all housing, building, heating, electrical, plumbing and fire protection regulations in effect and which apply to new construction.

B. A first floor residential unit may be permitted with a Special Use Permit if it meets the following standards:

- 1) A residential unit cannot be located along Main Street frontage. Residential units must be placed at the rear of a building with commercial space along Main Street.
- 2) A residential unit cannot be located along the frontage of these primary commercial streets within the C-1 Central Business District: Division Street, Forest Avenue, 1st Street and 2nd Street.
- 3) Exit from the rear of the principal structure
- 4) Have a main street access which must be through a common entryway used by a nonresidential use.
- 5) Not occupy more than seventy percent of the first floor.

Section 19. That Chapter 720, Zoning; Article VII, Business Districts; Section 50.1, Dwelling units; Neighborhood Mixed Use District (NMU).; is hereby amended to read as follows:

§ 720-50.1 Dwelling units; Neighborhood Mixed Use District (NMU).

A dwelling unit(s) in an NMU District may be allowed, provided that such dwelling unit(s) is distinctly and physically separate from a nonresidential use(s) in the building. Dwelling units may be allowed on any floor. Single- and two-family dwelling units are permitted subject to Subsection B. Off-street parking spaces required in Article X should be provided.

~~A. For lots less than five acres, residential densities may be five to 12 units per net acre.~~

~~B. For lots five acres or greater, residential densities may be 12 to 40 units per net acre.~~

A. Residential densities. A minimum of 1,000 square feet of lot per residential unit, except in the following conditions.

(1) Within 200 feet of R-1 and R-2 zoned properties, minimum of 3,000 square feet of lot per residential unit.

(2) Within 200 feet of single-family or two-family residential lots in R-3 zoning district, minimum of 1,500 square feet of lot per residential unit.

B. For existing lots of record less than 20,000 square feet, single- and two-family dwelling units are permitted.

C. Density Bonus. Plan Commission may approve, at their discretion, a density bonus of up to twenty percent (20%) increase above the allowable units for designs meeting 3 or more of the following criteria:

- (1) High-quality landscaping and site design to hide parking and utility areas.
- (2) Excellent bike amenities, including bike parking and storage.
- (3) Excellent pedestrian amenities, including wide sidewalks and robust pedestrian connections between sidewalks and building entrances.
- (4) Unique public spaces and enhancements, such as plazas, outdoor seating areas, public art installations, etc.
- (5) Installation of renewable energy systems
- (6) Includes 15% affordable housing units. “Affordability” determined by the local housing market.

Section 20. That Chapter 720, Zoning; Article VII, Commercial – Recreation, Office and Industrial Districts; Section 53; is hereby retitled to O Office Conversation District., and hereby amended to read as follows:

§ 720-53 O Office Conversion District.

The intent of the O Office Conversion District is to set forth those land uses and activities in existing office districts which are permitted to

provide for the specialized business, office, educational, institutional and cultural needs of the City and surrounding region and which often have unique site and locational requirements. This district also allows for re-use of structures for residential use in areas surrounded by other residential uses.

Section 21. That Chapter 720, Zoning; Article IX, Special Use Permits; Section 63, General provisions.; is hereby amended to read as follows:

§ 720-63 General provisions.

- A.** Those land uses or activities set forth in this chapter as requiring a special use permit are considered to be sufficiently distinctive in terms of their nature, location and impact on the surrounding area as to warrant special evaluation of each individual case. Special use permits shall be issued upon authorization by the Plan Commission. Approval of a special use permit shall be based on a determination that the land use or activity requiring a special use permit complies with specific requirements for certain land uses and activities as may be set forth in this article. The City's decision to approve or deny a special use permit must be supported by substantial evidence [§ 62.23(7)(de)2.b., Wis. Stats.]. Where any person aggrieved wishes ~~Where an applicant wishes~~ to contest the decision of the Plan Commission, the applicant may submit a written appeal to the Board of Appeals.

Section 22. That Chapter 720, Zoning; Article IX, Special Use Permits; Section 76.2, Dwelling units; Office Zoning District.; is hereby amended to read as follows:

§ 720-76.2 Dwelling units; Office Zoning District.

A dwelling unit(s) may be allowed in a nonresidential building, provided that such dwelling unit(s) ~~is located entirely above the ground floor of a building and is~~ distinctly and physically separate from a nonresidential use(s) in the building, ~~and provided that such~~

~~building and dwelling unit(s) is adjacent to or in the near vicinity of other similar development. A non-residential building may be converted to a residential building with ground floor dwellings provided that such building is adjacent to or in the near vicinity of other residential uses.~~ Off-street parking spaces required in Article X shall be provided on the same lot.

Section 23. That Chapter 720, Zoning; Article X, Off-Street and Loading; Section 79, Off-street parking.; is hereby amended to read as follows:

§ 720-79 Off-street parking.

A. Required spaces.

- (1) The minimum number of off-street parking spaces required for land uses or activities permitted by this chapter shall be as set forth in Schedule IX, which schedule is hereby adopted and made part of this chapter.
- (2) Off-street parking shall not be required for uses in the Central Business District except for buildings constructed or used for residential living units as the principal land use. The Central Business District shall be defined as that area bounded by Marr Street on the east, Merrill Street on the north, the East Branch of the Fond du Lac River on the west, and Western Avenue and Fourth Street on the south.
 - (a) Off-street parking for a building constructed or used for residential living units as the principal land use shall be provided as required in Article X. If any or all of the required parking cannot be provided on the same lot, the owner of the dwelling units may secure off-site parking to satisfy the requirements of Article X. Off-site parking shall be provided within a convenient distance from the dwelling unit(s), and approved by the Community Development Department prior to the issuance of a building permit. It shall be the responsibility of the owner of the dwelling unit(s) to provide leased parking space(s) on a continuing basis.

- (3) The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use District shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.
- (4) ~~(3)~~ The determination of required off-street parking shall be based on the gross square footage of a building, exclusive of basements and crawl space areas used exclusively for the operation of a building.

Section 24. That Chapter 720, Zoning; Article XI, Signs; Section 87, Construction and maintenance.; is hereby amended to read as follows:

§720-87 Construction and Maintenance

A. Construction standards.

(1) Ground signs shall be self-supporting and permanently attached to a foundation. For signs over eight feet in height, foundations shall be installed below the frost line.

(2) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members.

(3) Ground signs shall be installed to withstand wind of at least 90 miles per hour.

4) All signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials that is installed in a workman like manor.

5) Sign materials shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign. Sheet metal, plastic and thin plywood (less than 3/4 inch thick) and other thin, flat materials, including adhesive vinyl lettering except when such material is used as backing panels are prohibited.

Section 25. That Chapter 720, Zoning; Article XIII, Administration and Enforcement; Section 95, Board of Appeals.; is hereby amended to read as follows:

§ 720-95 Board of Appeals

. . .

C. Jurisdiction. The Board of Appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination or Special Use Permit made by an administrative official or Plan Commission in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

. . .

D. Appeals.

(1) An appeal to the Board of Appeals may be taken by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee.

(2) An appeal shall be filed with the City Clerk ~~Building Inspector or his/her designee~~ and the Board of Appeals and thereafter processed as prescribed by applicable Wisconsin Statutes. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property.

(3) Time limit for filing an appeal. Any appeal to the Zoning Board of Appeals under the provisions of this section shall be

made per the requirements of subsection (d), below, within a period not exceeding 45 days from the date of issuance of an any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission, administrative official, Building Inspector or his/her designee's decision.

(4) An application for an appeal of a any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee will contain a written statement from the appellant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission, administrative official, Building Inspector and/or his/her designee. The statement will be dated and signed by the appellant with any supporting documents.

Section 26. That Schedule IV, Land Uses or Activities, Business and Neighborhood Mixed Use Districts, is hereby amended to read as follows:

Land Use or Activity	C-1	C-2	NMU	Reference
1. Adult-oriented establishment		SC		§ 720-48
2. Alternate energy installations		SP	SP	
3. Amplified music/sound, indoor	SC	P	SC	§ 720-49
4. Animal hospital, boarding facility, day care, kennel, crematory	SP	SP		§ 720-70
5. Art gallery, artist or photography studio	P	P	P	
6. Automotive, car wash		SP		§ 720-68
7. Automotive, engine repair: body shop, detail shop, painting, service garage		SP		

8. Automotive, sales: new and used, including vehicles, trucks, motorcycles, all-terrain vehicles		P		
9. Automotive, fuel center		SP		§ 720-67
10. Banks and financial institutions	P	P	P	
11. Billboard, off-premises advertising		SP		§ 720-75, § 720-85
12. Boat sales and repair; recreational vehicles sales and repair		P		
13. Brew pub, including bottling and distribution	SP	SP	SP	
14. Church, chapel, place of worship	P	P	P	
15. Commercial cleaning service, professional janitorial establishment		P		
16. Club or lodge, private	P	P	P	
17. Cocktail lounge, tavern, bar, teen club, nightclub, arcade	P	P	P	
18. Community garden		SP	SP	§ 720-19.1
19. Crematory	SP	SP		
20. Day care, adult	SP	SP	SP	
21. Day care, group	SP	SP	SP	
22. Dwelling units	SC	SP	P; SC	§ 720-50, 720-50.1, 720-76.3
23. Fitness center, spa, gymnasium	P	P	P	
24. Funeral home	P	P	P	
25. Greenhouse, retail plant nursery		P		
26. Government service, including municipal utility facilities	P	P	P	
27. Health service and medical offices, clinics, hospital	P	P	P	
28. Hotel	P; SC	P; SC	P; SC	§ 720-38.3

29. Indoor amusement and recreation facility, cinema, theater, performing arts	P	P	P	
30. Library	P	P	P	
31. Meeting and exhibition hall	P	P	SP	
32. Mobile service facility	SP	SP		§ 720-18, § 720-72
33. Outdoor amusement and recreation facility	SP	SP		§ 720-69
34. Payday lenders	SP	SP	SP	§ 720-76.1
35. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment	P	P	P	
36. Planned development	SP	SP	SP	§ 720-66
37. Printing and publishing shop, copy and duplicating	P	P	P	
38. Private parking garage or parking lot not accessory to another use	SP	SP	SP	
39. Professional, or business, <u>or government</u> offices	P	P	P	
40. Radio and television studio	P	P	P	
41. Rental service facility, rental trucks/trailers		SP		
42. Restaurant	P	P	P	
43. Retail businesses and services	P	P	P	
44. Shelter facility	SP	SP		§ 720-74
45. Shopping center, multi-tenant commercial center, home improvement center, building supply		P		
46. Utility transmission line and substation	SP	SC		§ 720-71
47. Veterinary clinic	P; SC	P; SC	P; SC	§ 720-38.4
48. Mini warehouse < 100 units		SP		

Section 27. That Schedule VIII, Design Standards and Specifications for Signs, is hereby amended to read as follows:

NMU	<u>1 projecting sign plus wall sign per commercial tenant</u>	<u>Projecting Sign: 15 square feet</u> <u>Wall Sign: 1 per linear foot of main building façade; 50 square feet maximum</u>		<u>40</u>				
	<u>1 ground sign for site</u>		<u>1.0 per linear foot of building façade; 50 square feet maximum; if site is a mixed use multi-tenant site, 75 square feet maximum</u>		<u>10</u>		<u>10</u>	<u>10</u>

Section 28. That Schedule IX, Minimum Off-Street Parking Requirements; Number 16, is hereby amended to read as follows:

16. Dwelling, multifamily: for each efficiency and 1-bedroom dwelling unit: for 2+ bedroom dwelling unit: plus: visitor parking, for each 6 units		<u>See Note 5.</u>
	1.00	
	2.00	
	1.00	

Section 29. That Schedule IX, Minimum Off-Street Parking Requirements; **Remarks for Schedule IX, is hereby amended to read as follows:

**** Remarks for Schedule IX**

1. Requirement based on building size. Parking for a convenience store and other accessory uses shall be provided in designated spaces independent of fuel islands.
2. In addition to the required parking spaces, reservoir standing space to accommodate vehicles waiting for service shall be provided in an

amount equal to five times the number of automobiles undergoing some phase of laundering at the same time.

3. A takeout restaurant shall be considered a retail business, provided there is no in-house dining and food items are intended for consumption off premises.
4. When facilities for public assembly are accessory to a school, parking shall be based on the greater requirement of the individual uses.
5. The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use and Central Business Districts shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.

Section 30. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 31. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 32. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 33. 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 

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 10:00 p.m. and 10:00 a.m. No operation shall be made on Sundays after 6:00 p.m.
- (3) No loudspeaker 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 loudspeaker~~er~~ 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 or other monetary exchange 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.

§ 720-41.1 Neighborhood Mixed Use District.

The intent of this district is to set forth those land uses and activities which are permitted in areas with activity centers with retail, office, restaurant, service, institutional and civic uses primarily serving nearby residents. Residential is a component of this district, both in mixed-use developments and as standalone multi-unit residential developments.

§ 720-42.1 Neighborhood Mixed Use Design Overlay District.

The following site and building design standards shall be met to ensure the coordinated design of new buildings and changes to existing buildings; minimize adverse impacts on adjacent properties from buildings that may detract from the character and appearance of the district; and aid in improving the overall economic viability of the district.

A. Applicability and Submittal Requirements. The standards of the district shall apply to new construction and to the restoration, replacement, expansion or modification of any property (such as roofing, siding, signage, and architectural component substitution). Alteration of an existing building not visible from a public street or alley and/or the interior remodeling of an existing structure shall not cause the exterior of the building to be subject to the architectural design standards. All other projects are subject to the following:

(1) Minor projects. Permits for minor projects consisting of additions of less than 50% of building area or remodeling of existing building facades of less than 50% per individual facade shall be reviewed and approved by the Community Development Department. The Community Development Department may, at his or her discretion, refer the permit approval to the Plan Commission. A complete application includes the following:

- (a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
- (b) A clear depiction of the proposed appearance of the property. Paint charts and/or color photographs of replacement architectural components are recommended.

(2) Major projects. Permits for major projects consisting of new construction, expansions of existing buildings in excess of 50% in building area, or remodeling of more than 50% of any existing building facade shall be reviewed and approved by the Plan Commission. A complete application includes the following:

- (a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
- (b) Site plan to depict the existing building(s), proposed building addition(s) and/or new building(s).
- (c) Front and side building elevations drawn to scale.

- (d) Material samples and/or photographs of siding, brick type, roof shingles, paint chips, doors and windows, ornamentation and other exterior materials.
- (e) Details of exterior lighting.

B. Procedure. The applicant submits an application to the Community Development Department for review. The Building Inspector shall not issue a permit for the modification, expansion or addition to an existing building, for the construction of any new structure, or for the replacement or installation of new signage prior to approval by the Community Development Department or Plan Commission (if required). Where an applicant wishes to contest a decision, the applicant may submit a written appeal to the Board of Appeals. The Board of Appeals shall consider the regulations of this chapter, City of Fond du Lac Comprehensive Plan, and the particular circumstances of a proposed project as it relates to the property and surrounding area, to affirm, modify or deny an appeal of a decision.

C. Architectural Standards. To provide criteria for implementation of the Neighborhood Mixed Use District, the following architectural review standards apply:

- (1) Buildings should utilize details or changes in materials to create a discernible base and top. Multi-storied buildings should have a horizontal expression line between the first and upper floors.
- (2) Buildings should establish vertical proportions for the street facade through expression of structural bays, variation in material, and/or variation in building plane, and vertical proportions in the design for the elements within that facade, including windows and doors.
- (3) Large, undifferentiated building walls visible from a public street are prohibited. Walls visible from a public street greater than one-hundred (100) feet should incorporate one or more of the following design features: variation in materials and colors, projecting and recessed bays, and variation in building heights.
- (4) Materials.

The following characteristics are required as part of the design of buildings within this district.

- (a) Street-facing facades should use durable and high-quality building materials. Acceptable materials include architectural metal panels, glass, brick, ceramic tile, terra cotta, cultured stone, cut stone, carved stone, stucco, EIFS, wood, and decorative concrete block. The use of nondecorative exposed concrete block, pre-engineered metal building systems, and sheet metal is discouraged. The use of plywood or oriented

strand board (OSB) or similar materials is prohibited. Other building materials may be considered when appropriate to a property.

- (b) All sides of the building should include materials and design characteristics consistent with the front facade.
- (c) Use of lesser-quality materials for the sides and rear facades should be minimized.
- (d) Vulnerable materials may not be used at the base of the building within three (3) feet from the ground.

- (5) Awnings and canopies are strongly encouraged on ground floor facades of commercial, mixed use and multi-family residential buildings. Awning colors should relate to and complement the primary colors of the building facade. Awnings that are backlit or that cast light through the material are prohibited.
- (6) All service, refuse, garage doors, mechanical equipment and loading dock areas should be screened from public view through strategic placement, landscaping, and/or architectural design integration. For sites with dual frontage configurations, these features should be located along a side yard, and not prominently visible from the primary street.

D. Compatibility Standards. These standards provide a proper transition and compatibility between low-intensity residential development and more intense multifamily residential, office and mixed-use development. For purposes of this section, developments within 200 feet of R-1 and R-2 zoned properties should meet the following standards.

- (1) **Building Height.** To ensure that new buildings are compatible in scale with surrounding properties, building height shall not exceed thirty-five (35) feet in height for portions of the structure within sixty (60) feet of a R-1 or R-2 zoned property.
- (2) **Bulk and Mass.** Primary facades should be in scale with that housing by employing the strategies identified in subsection (a) and (b) below. *The average lot width is determined by averaging all R-1 and R-2 lots within 200 feet of said property.*
 - (a) Varying the building plane setback a minimum of two (2) feet at an interval equal or less than the average lot width of the applicable low-intensity residential uses.
 - (b) Providing a gable, dormer, or other change in roof plane at an interval equal to or less than the average lot width of the applicable low-intensity residential uses.

- (3) **Roof Pitch.** For new residential buildings, any pitched roof should have a slope between 6:12 and 12:12. Flat roofs are allowed.
- (4) **Garages.** Attached garages should not face or open towards the street. If this is not attainable, garages should be sufficiently screened and face the street with the highest intensity of adjacent uses.

E. Parking

- (1) Parking should be located in the side yard and rear yard, or beneath buildings.
- (2) Parking lots should be landscaped along their edges and within each parking island. Front yard parking should be screened behind a planted buffer strip of at least ten (10) feet from the public right-of-way.
- (3) Refer to Schedule IX for off-street parking requirements.

F. Signage and Lighting

- (1) Appropriately scaled signage is critical and should complement the building and site. Wall, projecting, and ground signs should be integrated within the overall building design in color, style and articulation.
- (2) Where freestanding ground signs are proposed, the use of monument signs is preferred over pole or post mounted signs. Shrubs and/or perennial planting beds should be planted around freestanding signs.
- (3) Lighting on exterior signs should be mounted externally, above the sign, and directed downward, or internally lit for freestanding signs.
- (4) Site lighting should utilize fixtures that reflect the architecture and style of the building(s). Freestanding lights should not exceed 12 feet in height. Lighting should be confined to the site and should not produce glare or wash onto adjacent properties or public rights-of-way.
- (5) Full cut-off (dark-sky compliant) exterior lighting should be used in all locations to reduce glare and light pollution.

G. Landscaping

- (1) A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, ground cover and seasonal flowers and include foundation plantings, groupings of plants at the entryways to the property, open parking screening, and front yard setback areas along a public right-of-way and along interior lot lines to provide a transition to adjoining properties.

§ 720-50 Dwelling units; C-1 Zoning District.

A. A dwelling unit(s) in a C-1 district may be allowed, provided that such dwelling unit(s) is located entirely above the ground floor of a building and is distinctly and physically separate from a nonresidential use(s) in the building. A dwelling unit(s) shall conform to all housing, building, heating, electrical, plumbing and fire protection regulations in effect and which apply to new construction.

B. A first floor residential unit may be permitted with a Special Use Permit if it meets the following standards:

1. A residential unit cannot be located along Main Street frontage. Residential units must be placed at the rear of a building with commercial space along Main Street.

2. A residential unit cannot be located along the frontage of these primary commercial streets within the C-1 Central Business District: Division Street, Forest Avenue, 1st Street and 2nd Street.

3. Exit from the rear of the principal structure

4. Have a main street access which must be through a common entryway used by a nonresidential use.

5. Not occupy more than seventy percent of the first floor.

§ 720-50.1 Dwelling units; Neighborhood Mixed Use District (NMU).

A dwelling unit(s) in an NMU District may be allowed, provided that such dwelling unit(s) is distinctly and physically separate from a nonresidential use(s) in the building. Dwelling units may be allowed on any floor. Single- and two-family dwelling units are permitted subject to Subsection B. Off-street parking spaces required in Article X should be provided.

~~A. For lots less than five acres, residential densities may be five to 12 units per net acre.~~

~~B. For lots five acres or greater, residential densities may be 12 to 40 units per net acre.~~

A. Residential densities. A minimum of 1,000 square feet of lot per residential unit, except in the following conditions.

(1) Within 200 feet of R-1 and R-2 zoned properties, minimum of 3,000 square feet of lot per residential unit.

(2) Within 200 feet of single-family or two-family residential lots in R-3 zoning district, minimum of 1,500 square feet of lot per residential unit.

B. For existing lots of record less than 20,000 square feet, single- and two-family dwelling units are permitted.

C. Density Bonus. Plan Commission may approve, at their discretion, a density bonus of up to twenty percent (20%) increase above the allowable units for designs meeting 3 or more of the following criteria:

- (1) High-quality landscaping and site design to hide parking and utility areas.
- (2) Excellent bike amenities, including bike parking and storage.
- (3) Excellent pedestrian amenities, including wide sidewalks and robust pedestrian connections between sidewalks and building entrances.
- (4) Unique public spaces and enhancements, such as plazas, outdoor seating areas, public art installations, etc.
- (5) Installation of renewable energy systems
- (6) Includes 15% affordable housing units. “Affordability” determined by the local housing market.

§ 720-53 O Office **Conversion District.**

The intent of the O Office **Conversion** District is to set forth those land uses and activities in **existing office districts** which are permitted to provide for the specialized business, office, educational, institutional and cultural needs of the City and surrounding region and which often have unique site and locational requirements. **This district also allows for re-use of structures for residential use in areas surrounded by other residential uses.**

§ 720-63 General provisions.

- A. Those land uses or activities set forth in this chapter as requiring a special use permit are considered to be sufficiently distinctive in terms of their nature, location and impact on the surrounding area as to warrant special evaluation of each individual case. Special use permits shall be issued upon authorization by the Plan Commission. Approval of a special use permit shall be based on a determination that the land use or activity requiring a special use permit complies with specific requirements for certain land uses and activities as may be set forth in this article. The City's decision to approve or deny a special use permit must be supported by substantial evidence [§ 62.23(7)(de)2.b., Wis. Stats.]. **Where any person aggrieved wishes** ~~Where an applicant wishes~~ to contest the decision of the Plan Commission, the applicant may submit a written appeal to the Board of Appeals.

§ 720-76.2 Dwelling units; Office Zoning District.

A dwelling unit(s) may be allowed in a nonresidential building, provided that such dwelling unit(s) ~~is located entirely above the ground floor of a building and is~~ distinctly and physically separate from a nonresidential use(s) in the building, ~~and provided that such building and dwelling unit(s) is adjacent to or in the near vicinity of other similar development.~~ A non-residential building may be converted to a residential building with ground floor dwellings provided that such building is adjacent to or in the near vicinity of other residential uses. Off-street parking spaces required in Article X shall be provided on the same lot.

§ 720-79 Off-street parking.

A. Required spaces.

- (1) The minimum number of off-street parking spaces required for land uses or activities permitted by this chapter shall be as set forth in Schedule IX, which schedule is hereby adopted and made part of this chapter.
- (2) Off-street parking shall not be required for uses in the Central Business District except for buildings constructed or used for residential living units as the principal land use. The Central Business District shall be defined as that area bounded by Marr Street on the east, Merrill Street on the north, the East Branch of the Fond du Lac River on the west, and Western Avenue and Fourth Street on the south.
 - (a) Off-street parking for a building constructed or used for residential living units as the principal land use shall be provided as required in Article X. If any or all of the required parking cannot be provided on the same lot, the owner of the dwelling units may secure off-site parking to satisfy the requirements of Article X. Off-site parking shall be provided within a convenient distance from the dwelling unit(s), and approved by the Community Development Department prior to the issuance of a building permit. It shall be the responsibility of the owner of the dwelling unit(s) to provide leased parking space(s) on a continuing basis.
- (3) The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use District shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.
- (4) ~~(3)~~ The determination of required off-street parking shall be based on the gross square footage of a building, exclusive of basements and crawl space areas used exclusively for the operation of a building.

§720-87 Construction and Maintenance

A. Construction standards.

- (1) Ground signs shall be self-supporting and permanently attached to a foundation. For signs over eight feet in height, foundations shall be installed below the frost line.

(2) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members.

(3) Ground signs shall be installed to withstand wind of at least 90 miles per hour.

4) All signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials that is installed in a workman like manor.

5) Sign materials shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign. Sheet metal, plastic and thin plywood (less than 3/4 inch thick) and other thin, flat materials, including adhesive vinyl lettering except when such material is used as backing panels are prohibited.

§ 720-95 Board of Appeals

...

C. Jurisdiction. The Board of Appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination or Special Use Permit made by an administrative official or Plan Commission in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

...

D. Appeals.

(1) An appeal to the Board of Appeals may be taken by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee.

(2) An appeal shall be filed with the City Clerk ~~Building Inspector or his/her designee~~ and the Board of Appeals and thereafter processed as prescribed by applicable Wisconsin Statutes. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property.

(3) Time limit for filing an appeal. Any appeal to the Zoning Board of Appeals under the provisions of this section shall be made per the requirements of subsection (d), below, within a period not exceeding 45 days from the date of issuance of an any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee. Failure to initiate this appeal procedure within this 45-day period shall

constitute a final and binding waiver of the right to appeal the Plan Commission, administrative official, Building Inspector or his/her designee's decision.

(4) An application for an appeal of a any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee will contain a written statement from the appellant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission, administrative official, Building Inspector and/or his/her designee. The statement will be dated and signed by the appellant with any supporting documents.

Schedule IV, Land Uses or Activities, Business and Neighborhood Mixed Use Districts

Land Use or Activity	C-1	C-2	NMU	Reference
1. Adult-oriented establishment		SC		§ 720-48
2. Alternate energy installations		SP	SP	
3. Amplified music/sound, indoor	SC	P	SC	§ 720-49
4. Animal hospital, boarding facility, day care, kennel, crematory	SP	SP		§ 720-70
5. Art gallery, artist or photography studio	P	P	P	
6. Automotive, car wash		SP		§ 720-68
7. Automotive, engine repair: body shop, detail shop, painting, service garage		SP		
8. Automotive, sales: new and used, including vehicles, trucks, motorcycles, all-terrain vehicles		P		
9. Automotive, fuel center		SP		§ 720-67
10. Banks and financial institutions	P	P	P	
11. Billboard, off-premises advertising		SP		§ 720-75, § 720-85
12. Boat sales and repair; recreational vehicles sales and repair		P		
13. Brew pub, including bottling and distribution	SP	SP	SP	
14. Church, chapel, place of worship	P	P	P	
15. Commercial cleaning service, professional janitorial establishment		P		
16. Club or lodge, private	P	P	P	
17. Cocktail lounge, tavern, bar, teen club, nightclub, arcade	P	P	P	
18. Community garden		SP	SP	§ 720-19.1
19. Crematory	SP	SP		
20. Day care, adult	SP	SP	SP	
21. Day care, group	SP	SP	SP	
22. Dwelling units	SC	SP	P; SC	§ 720-50, 720-50.1, 720-76.3
23. Fitness center, spa, gymnasium	P	P	P	
24. Funeral home	P	P	P	
25. Greenhouse, retail plant nursery		P		
26. Government service, including municipal utility facilities	P	P	P	
27. Health service and medical offices, clinics, hospital	P	P	P	

28. Hotel	P; SC	P; SC	P; SC	§ 720-38.3
29. Indoor amusement and recreation facility, cinema, theater, performing arts	P	P	P	
30. Library	P	P	P	
31. Meeting and exhibition hall	P	P	SP	
32. Mobile service facility	SP	SP		§ 720-18, § 720-72
33. Outdoor amusement and recreation facility	SP	SP		§ 720-69
34. Payday lenders	SP	SP	SP	§ 720-76.1
35. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment	P	P	P	
36. Planned development	SP	SP	SP	§ 720-66
37. Printing and publishing shop, copy and duplicating	P	P	P	
38. Private parking garage or parking lot not accessory to another use	SP	SP	SP	
39. Professional, or business, or government offices	P	P	P	
40. Radio and television studio	P	P	P	
41. Rental service facility, rental trucks/trailers		SP		
42. Restaurant	P	P	P	
43. Retail businesses and services	P	P	P	
44. Shelter facility	SP	SP		§ 720-74
45. Shopping center, multi-tenant commercial center, home improvement center, building supply		P		
46. Utility transmission line and substation	SP	SC		§ 720-71
47. Veterinary clinic	P; SC	P; SC	P; SC	§ 720-38.4
48. Mini warehouse < 100 units		SP		

Schedule VIII, Design Standards and Specifications for Signs

NMU	1 projecting sign plus wall sign per commercial tenant	Projecting Sign: 15 square feet Wall Sign: 1 per linear foot of main building façade; 50 square feet maximum			40				
	1 ground sign for site		1.0 per linear foot of buildi			10		10	10

			ng façade ; 50 square feet maxi mum; if site is a mixed use multi- tenant site, 75 square feet maxi mum						
--	--	--	---	--	--	--	--	--	--

Minimum Off-Street Parking Requirements; Number 16

16. Dwelling, multifamily: for each efficiency and 1-bedroom dwelling unit: for 2+ bedroom dwelling unit: plus: visitor parking, for each 6 units	1.00 2.00 1.00	See Note 5.
---	---------------------------------	----------------

Schedule IX, Minimum Off-Street Parking Requirements; **Remarks for Schedule IX

** Remarks for Schedule IX

1. Requirement based on building size. Parking for a convenience store and other accessory uses shall be provided in designated spaces independent of fuel islands.
2. In addition to the required parking spaces, reservoir standing space to accommodate vehicles waiting for service shall be provided in an amount equal to five times the number of automobiles undergoing some phase of laundering at the same time.
3. A takeout restaurant shall be considered a retail business, provided there is no in-house dining and food items are intended for consumption off premises.
4. When facilities for public assembly are accessory to a school, parking shall be based on the greater requirement of the individual uses.
5. The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use and Central Business Districts shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: January 23, 2024
To: Plan Commission
From: Dyann Benson, Community Development Director
Re: Public Hearing - Zoning Code Amendment- Neighborhood Mixed Use & Office District

In March 2022, Plan Commission recommended approval of the creation of the Neighborhood Mixed Use District and its associated regulations. The Neighborhood Mixed Use District was a recommendation of the 2040 Comprehensive plan. Zoning codes are often reevaluated after there has been time for their implementation to make adjustments to enhance their clarity or further define their intent and application.

The pandemic and work from home model has impacted many businesses, specifically those businesses that would typically be found in the O (Office) District. As a result, many businesses realized that maintaining a bricks and mortar presence was not cost effective and either reduced their square footage to smaller offices spaces; consolidated operations or moved out of office buildings entirely. The proposed changes to the O District create flexibility to redevelop those properties and buildings for different uses that are still appropriate for the district and adjacent properties.

The attached code changes were reviewed as an input item at the December Plan Commission meeting. In addition to the NMU and Office District changes, the attached zoning code update includes changes to the section pertaining to Board of Appeals and aligning it with the language within the State Statute. Code language has been added to allow residential units on the first floor within the C-1 Central Business District (downtown) as a Special Use Permit with certain standards. The proposed change further supports increasing housing opportunities within the community.

Excerpts of the proposed language are attached to this memo.

Recommendation

Community Development staff is seeking a recommendation from the Plan Commission on the proposed zoning code language updates. The public hearing on the actual amendments to the zoning code is a statutory requirement. The proposed amendments to the zoning code will go to the City Council for review and approval at the February 28, 2024 meeting.

PLAN COMMISSION MINUTES

Monday, February 19, 2024
5:30 P.M.

Meeting Room A
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Antonio Godfrey, Sr.
Alicia Hans
Bradley Leonhard
Derek TerBeest

Absent

Ken Cassaday
Craig Much
Anne Pierce

Administrative Staff

Dyann Benson, Community Development Director
Paul DeVries, Director of Public Works

Declaration Quorum Present

Chair Hans declared a quorum present at 5:30 p.m.

Zoning Code Amendments

Initiator: Community Development Director

A Motion was made by Leonhard to recommend to the City Council approval to amend Chapter 720, Zoning, of the Code of Ordinances of the City of Fond du Lac to update different sections of land use regulations, with minor correction to Schedule IV, and seconded by Godfrey, and the motion was **Passed**.

ROLL CALL VOTE:

Aye – Godfrey, Hans, Leonhard, TerBeest
Nay – None

Carried.

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

Title: Ordinance No. 3784

Subject: An Ordinance Establishing A Municipal Court For The Cities of Fond du Lac And Ripon, Towns of Auburn, Calumet, Empire, Fond du Lac, Friendship, Oakfield, Osceola, Ripon And Taycheedah In Fond du Lac County, Village Of Wilson In Sheboygan County And The Villages Of Brandon, Campbellsport, Eden, Fairwater, North Fond du Lac, Oakfield And St. Cloud In Fond du Lac County And The City Of Berlin In Greek Lake And Waushara Counties, The Cities Of Green Lake, Markesan And Princeton In Green Lake County
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[3784 LMC Village of Eden Memo.pdf](#)

[3784 Ordinance LMC Adding Eden.pdf](#)

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: February 14, 2024

To: Joe Moore, City Manager
City Council

From: City Attorney's Office

Re: Village of Eden being added to Lakeside Municipal Court

The City of Fond du Lac is a member of the Lakeside Municipal Court. The Village of Eden would like to join Lakeside Municipal Court. In order to add them, we need to revise our ordinance.

Any City Council member that has questions or concerns is asked to contact our office to discuss any issues they have. I'm happy to answer any specific questions you might have.

The City Attorney's Office recommends approval.

ORDINANCE NO. 3784

**AN ORDINANCE ESTABLISHING A MUNICIPAL COURT
FOR THE
CITIES OF FOND DU LAC AND RIPON, TOWNS OF AUBURN,
CALUMET, EMPIRE, FOND DU LAC, FRIENDSHIP, OAKFIELD,
OSCEOLA, RIPON AND TAYCHEEDAH IN FOND DU LAC COUNTY,
VILLAGE OF WILSON IN SHEBOYGAN COUNTY AND THE VILLAGES
OF BRANDON, CAMPBELLSPORT, EDEN, FAIRWATER, NORTH
FOND DU LAC, OAKFIELD AND ST. CLOUD IN FOND DU LAC
COUNTY
AND
THE CITY OF BERLIN IN GREEN LAKE AND WAUSHARA COUNTIES,
THE CITIES OF GREEN LAKE, MARKESAN AND PRINCETON IN
GREEN LAKE COUNTY**

The City Council of the City of Fond du Lac do ordain as follows:

Section 1. That Chapter 33, Court, Municipal is hereby amended to read as follows:

§ 33-1 Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated "Lakeside Municipal Court" shall take effect and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

§ 33-2 Municipal Judge

- A. Qualifications.** The joint court shall be under the jurisdiction of and presided over by a municipal judge who resides in one of the municipalities that is a party to the agreement forming this joint court.
- B. Oath and Bond.** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$1,000, or an appropriate insurance policy of not less than \$20,000 as prescribed in §66.0609(4), Wis. Stats. The judge

shall not act until the oath and bond and/or appropriate insurance policy have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §755.03(2), Wis. Stats., have been complied with.

- C. Salary.** The salary of the municipal judge shall be fixed by the Village Board of Village of North Fond du Lac which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or appropriate insurance policy and official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c), Wis. Stats.

§ 33-3 Elections

- A. Term.** The municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The Fond du Lac County Clerk shall serve as filing officer for the candidates.
- B. Electors.** Electors in all municipalities that are parties to the agreement shall vote for judge.

§ 33-4 Jurisdiction

- A.** The municipal court shall have jurisdiction over incidents occurring on or after May 1, 2024, as provided in Article VII, §14 of the Wisconsin Constitution, §755.045 and §755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- B.** The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2), §66.0119, Wis. Stats.
- C.** The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.
- D.** Court authority to impose alternative juvenile dispositions and sanctions.

- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §938.343 and §938.344, Wis. Stats., in accordance with the provisions of those statutes.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §938.343 or §938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

§ 33-5 Hours, employees and location.

- A. Hours.** Lakeside Municipal Court shall be open as determined by order of the Municipal Judge.
- B. Employees.** The Judge shall, in writing, appoint such an Administrator, clerks, deputy clerks and assistants as are authorized by the Village Board of North Fond du Lac.
- C. Location.** The Municipal Judge shall keep his/her office at a location provided by the Board of Trustees of the Village of North Fond du Lac and shall hold court at locations agreed to by members of Lakeside Municipal Court. The Municipal Judge may issue, process and perform ministerial functions any place in the State of Wisconsin.

§ 33-6 Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Wis. Stats. Chapters 800 and 938 and as provided in ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Village of North Fond du Lac in accordance with State Statute. At such time, the Municipal Court shall report to the treasurer the title, nature of offense and total amount of judgments imposed in actions and proceedings in which such monies are collected.

§ 33-7 Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in §800.12, Wis. Stats., and impose a forfeiture and/or a jail sentence in accordance with State Statute.

§ 33-8 Stipulations and/or Deposits

- A. Deposits for Ordinance Violations.** The Municipal Judge shall establish and submit to the City Councils or Town or Village Boards of the member municipalities for approval in accordance with §800.037, Wis. Stats., a schedule of deposits for violations of each ordinance, resolutions and by-laws.
- B. Deposits for Traffic and Boating Violations.** The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with §345.11, Wis. Stats., and boating regulations enacted in accordance with §30.77, Wis. Stats.
- C. Stipulations and Deposits in Lieu of Court Appearance.** Persons cited for violations of the member municipalities ordinances, resolutions or by-laws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §800.035, Wis. Stats., §800.045, Wis. Stats., §800.09, Wis. Stats., unless personal appearance is required.

§ 33-9 Abolition

The Municipal Court hereby established shall not be abolished while the §755.01(4), Wis. Stats., agreement is in effect.

Section 2. This ordinance shall take effect May 1, 2024, and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

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.

ADOPTED:

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:

Margaret Hefter, City Clerk

Reviewed DSM

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

Title: Ordinance No. 3785

Subject: An Ordinance Amending Chapter 400, Intoxicating Liquor And Fermented Malt
Beverages Regarding The Demerit Point System
Introduction: City Attorney

Initiator:

Recommendation:

ATTACHMENTS:

File Name

[3785 Demerit Points Memo Draft FINAL.pdf](#)

[3785 Demerit Points Ordinance Draft FINAL.pdf](#)

[3785 Demerit Point Backup FINAL.pdf](#)

CITY OF FOND DU LAC - Memorandum

Date: February 20, 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.

City staff recommends approval.

ORDINANCE NO. 3785

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-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-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 twelve-month ~~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.

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 <u>69</u> and <u>343</u>	150
Conducting unlawful business	City Code Chapter <u>400</u>	150
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
Illegal drug paraphernalia on premises	Ch. 961, Wis. Stats.	100
Unauthorized transfer/use of license	City Code Chapter <u>400</u>	90
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
Sale to intoxicated person	City Code Chapter <u>400</u>	80
False statement on application	City Code Chapter <u>400</u>	70
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
Failure to display license	City Code Chapter <u>400</u>	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 <u>356</u> , <u>476</u> and <u>556</u>	25
Critical violation	City Code Chapters <u>356</u> , <u>476</u> and <u>556</u>	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	§ -Chp. 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-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-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 ~~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 or of revocation of the license.

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

Title: Adjourn To Closed Session

Subject: Consider Employment, Promotion, Compensation Or Performance Evaluation Data Of Any Public Employee Over Which The Governmental Body Has Jurisdiction Or Exercises Responsibility.
The Subject Of The Closed Session Is:
2024 City Manager Performance
This Subject Is Exempt Under Wisconsin Statutes Section 19.85(1)(c)

Initiator: City Manager

Recommendation: