

Village Of Brooklyn

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Ordinance Committee **September, 20th 2010 Minutes**

Members Present: Mark Bruner, David Natzke and Steven Lust also present
President Nadine Walsten.

Meeting was called to order at 6:34pm.

Motion: Mark Bruner/David Natzke to approve Aug 16, 2010 meeting Ordinance Committee minutes. Motion was carried unanimously.

There were no public comments.

Chapter 22 Public Nuisances 22.02 part B. (13) and part D. (7) was discussed. The committee feels at this time that there is no call to change the ordinance regarding harboring of fowls.

The Committee and President Nadine Walsten had discussed the Recodification of our ordinances that needs to be reviewed. Nadine gave a list of ordinances chapters that have been reviewed along with minutes of past meetings, of Ordinance chapters that have been reviewed.

Mark Bruner has reviewed chapter 29 and has suggested following changes be made from MCC

sec. 29.02. (b) Application for permit. (1)

1. Application for a building permit shall be made in writing upon a blank form furnished by the building inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, and the name and address of the builder, and shall describe the location of the building and the purpose for which it is to be used, and shall contain such other information as the building inspector may require. With such application there shall be submitted to the building inspector a complete set of plans and specifications, covering the proposed building, alterations, or improvements, including a dimensioned plan of the tract showing the location of any proposed building with respect to the adjoining streets, alleys, lot lines and buildings. If approval of plans submitted is required under the Wis. Adm. Code, ~~Chapter 50~~, one (1) set of such plans shall bear the seal of inspection and approval of the Wisconsin ~~Industrial Commission~~ Department of Workforce Development and all pertinent correspondence at the time of approval. All plans and specifications shall be signed by the designer.

To:

1. Application for a building permit shall be made in writing upon a blank form furnished by the building inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, and the name and address of the builder, and shall describe the location of the building and the purpose for which it is to be used, and shall contain such other information as the building inspector may require. With such application there shall be submitted to the building inspector **two (2)** complete set of plans and specifications, covering the proposed building, alterations, or improvements, including a dimensioned plan of the tract showing the location of any proposed building with respect to the adjoining streets, alleys, lot lines and buildings. If approval of plans submitted is required under the Wis. Adm. Code, one (1) set of such plans shall bear the seal of inspection and approval of the Wisconsin Department of Workforce Development and all pertinent correspondence at the time of approval. All plans and specifications shall be signed by the designer.

sec. 29.02. (b) Application for permit. (2)

2. If the application for a building permit is for the enlargement or construction of a commercial structure or a **mullet**-family dwelling of three (3) or more units, the application shall also be submitted to the building committee for approval, conditional approval, or rejection.

To:

2. If the application for a building permit is for the enlargement or construction of a commercial structure or a **Multi**-family dwelling of three (3) or more units, the application shall also be submitted to the building committee for approval, conditional approval, or rejection.

sec. 29.02. (C)

(c) Building inspector may waive the filing of plans. If, in the opinion of the building inspector, the character of the structure and work is sufficiently described in the application, he may waive the filing of plans, and provided approval is not required by the Wisconsin **Wisconsin** ~~Industrial Commission~~ Department of Workforce Development as required under the Wis. Adm. Code, ~~Chapter 50~~, but the location plan must be filed in any case.

To:

(c) Building inspector may waive the filing of plans. If, in the opinion of the building inspector, the character of the structure and work is sufficiently described in the application, he may waive the filing of plans, and provided approval is not required by the Wisconsin Department of Workforce Development as required under the Wis. Adm. Code, but the location plan must be filed in any case.

sec. 29.02. (f)

(f) Minor repairs. The building inspector may authorize minor repairs or alteration valued at less than one-hundred (\$100) dollars, which do not change the occupancy, area or fire protection of the building without issuing a building permit. 2

To:

(f) Minor repairs. The building inspector may authorize minor repairs or alteration valued at less than one-hundred (\$500) dollars, which do not change the occupancy, area or fire protection of the building without issuing a building permit. 2

Sec. 29.04. Authority of building inspector (e)

(e) Unsightly premises; authority of inspector. The building inspector shall by personal, oral or written notice, require the owner or occupant of any premises within the village to remove there from and dispose of, within a reasonable stated time, any unsightly articles or material visible to the public, and which he reasonably finds detrimental to the appearance, neatness and cleanliness of the neighborhood or the village in general. Any such owner or occupant failing to comply with written notice aforesaid shall be subject to a forfeiture of ~~not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00)~~ for each day of such failure to comply, together with the costs of prosecution. In addition, the Village may ~~cause~~ the removal and disposal of such articles ~~Village of Brooklyn~~ or material from such premises and may levy a special charge against the property in an amount equal to such removal and disposal pursuant to Wisconsin Statutes Section ~~66.60~~ 66.0703.

(Ord. of 11-10-1997, § 29.04)

To:

(e) Unsightly premises; authority of inspector. The building inspector shall by personal, oral or written notice, require the owner or occupant of any premises within the village to remove there from and dispose of, within a reasonable stated time, any unsightly articles or material visible to the public, and which he reasonably finds detrimental to the appearance, neatness and cleanliness of the neighborhood or the village in general. Any such owner or occupant failing to comply with written notice aforesaid shall be subject to a forfeiture **as defined by Village fee schedule**, for each day of such failure to comply, together with the costs of prosecution. In addition, the Village may **order** the removal and disposal of such articles or material from such premises and may levy a special charge against the property in an amount equal to such removal and disposal pursuant to Wisconsin Statutes Section 66.0703.

(Ord. of 11-10-1997, § 29.04)

Sec. 29.06. Moving of buildings. (a)(4)

4. Before any permit to move any building or structure is issued by the Building inspector or the village, the person or party applying therefore shall give a bond to the village in the sum of \$~~1,500.00~~ with good and sufficient sureties to be approved

by the village board, said bond being conditioned among other things, that the person or party will save and indemnify the village against any judgments, costs or expenses which may accrue in any way to any third party or to the village because of the moving of the building or structure pursuant to the permit and being further conditioned that the person or party will pay to the village any damages or expenses incurred by the village because of the moving of the building or structure under the permit.

To:

4. Before any permit to move any building or structure is issued by the Building inspector or the village, the person or party applying therefore shall give a bond to the village in the sum of **\$50,000.00** with good and sufficient sureties to be approved by the village board, said bond being conditioned among other things, that the person or party will save and indemnify the village against any judgments, costs or expenses which may accrue in any way to any third party or to the village because of the moving of the building or structure pursuant to the permit and being further conditioned that the person or party will pay to the village any damages or expenses incurred by the village because of the moving of the building or structure under the permit.

Sec. 29.07. Street identification numbering. (b)

(b) Any person who shall violate the provisions of this ordinance shall be punished, ~~for a first offense, by a forfeiture of not less than ten dollars (\$10.00) according to the general penalties described in § 0.07,~~ together with costs of prosecutions. Any person who shall violate the provisions of this ordinance ~~section~~, if the same person has been previously convicted of a violation of this ~~ordinance section~~ within one (1) year prior to the second conviction, shall pay ~~a~~ **an increased forfeiture amount of not less than twenty-five dollars (\$25.00),** together with costs of prosecution. **The Village does hereby adopt a schedule of cash deposit/bond schedule for the first offense and ten dollars (\$10.00); for the second offense a twenty-five dollars (\$25.00).** ~~11~~
(Ord. of 11-10-1997, § 29.07)

To:

(b) Any person who shall violate the provisions of this ordinance shall be punished, according to the general penalties described in § 0.07 , together with costs of prosecutions. Any person, who shall violate the provisions of this section, if the same person has been previously convicted of a violation of this section within one (1) year prior to the second conviction, shall pay an increased forfeiture amount as defined by Village fee schedule, together with costs of prosecution. **11**
(Ord. of 11-10-1997, § 29.07)

Committee has reviewed chapter 20 and has suggested following changes be made from MCC

Sec. 20.03. Miscellaneous regulations relating to snowmobiles.

It shall be unlawful for the operator of any snowmobile to operate or park such

Snowmobile in or on any village-owned property in the Village of Brooklyn which has not been designated and posted as a "Snowmobile Operation Area." Any person violating the provisions of this section shall be subject to a forfeiture ~~of not less than Twenty-Five (\$25.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars for the first offense and not less than Twenty-five (\$25.00) Dollars nor more than Fifty (\$50.00) Dollars for the second or subsequent offense with one year each offense.~~
(Ord. of 8-12-1996, § 20.03)

To:

It shall be unlawful for the operator of any snowmobile to operate or park such snowmobile in or on any village-owned property in the Village of Brooklyn which has not been designated and posted as a "Snowmobile Operation Area." Any person violating the provisions of this section shall be subject to a forfeiture **as defined by Village fee schedule.**
(Ord. of 8-12-1996, § 20.03)

Sec. 20.04. Public address systems in parks. (d) & (e)

(d) The decisions of the Village Clerk may be appealed to the Village Board. ~~Appellant shall, in writing, notify the Village Clerk of the appeal within five (5) days of the Village Clerk's decision, stating in such notice the decision appealed from and reasons why such decision should be changed or modified. Within two (2) working days thereafter, the Village Clerk shall file such appeal notice with the President of the Village Board who shall schedule a time for the matter to be heard. Appellant shall be given at least five (5) days notice of the hearing, may be represented by counsel, may cross-examine witnesses, and may present witnesses. The proceedings shall be recorded. Within five (5) days after the hearing, the Village Board shall file a written decision in the matter with the Village Clerk and shall cause a copy thereof to be mailed to the appellant, by regular mail, at appellant's address listed in the application. The decision of the Village Board is final.~~

(e) The Police Department is authorized to require the discontinuance of any such system or equipment operating at a decibel level which interferes with the peace and enjoyment of other users of the park or those adjacent to the park, outside the prescribed hours or location. Any person violating the provisions of this ordinance shall be subject to a forfeiture ~~of not less than Twenty-Five (\$25.00) Dollars or more than Two Hundred Fifty(\$250.00) Dollars.~~(Ord. of 8-12-1996, § 20.04)

To:

(d) The decisions of the Village Clerk may be appealed to the Village Board.
The decision of the Village Board is final.

(e) **Any person or group who refuses to comply with this ordinance,** the Police Department is authorized to require the discontinuance of any such system or equipment operating at a decibel level which interferes with the peace and enjoyment of other users of the park or those adjacent to the park, outside the prescribed hours or location. Any

person violating the provisions of this ordinance shall be subject to a forfeiture **as defined by Village fee schedule** (Ord. of 8-12-1996, § 20.04)

Committee has reviewed chapter 34 and has suggested following changes be made from MCC

CHAPTER 34 No. PUBLIC HEALTH AND SAFETY

~~Sec. 34.01. Sale of mercury thermometers prohibited.~~

~~The sale or distribution of mercury fever or basal thermometers is prohibited. No person shall sell at retail or offer for sale at retail within the village any fever thermometer or basal thermometer containing mercury.
(Ord. of 9-10-2001, § 34.01)~~

~~Sec. 34.02. Penalties.~~

~~The penalty for violation of any provision hereof for which no other penalty is provided shall be a forfeiture of not less than \$25.00 nor more than \$150.00 for each violation. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.
(Ord. of 9-10-2001, § 34.02)~~

To:

CHAPTER 34 No. PUBLIC HEALTH AND SAFETY

Remove Sec. 34.01. and 34.02.

The Smoking Ordinance was discuss, there was no decision made at this time to make a Ordinance for smoking.

Motion: Mark Bruner/David Natzke to adjourn the meeting at 8:32 pm. *Motion carried unanimously.*

Steven Lust: Chair