

VILLAGE OF PORT EDWARDS

PLANNING, LEGISLATIVE, PROPERTY AND INFORMATION TECHNOLOGY COMMITTEE MEETING

Thursday 6 May 2021

5:00 P.M. AT THE MARSHALL BUEHLER CENTER

Due to the COVID-19 this meeting is with limited public in attendance and the Members will be meeting at least 6 feet apart. These steps are being taken so that the Committee can hold the meeting and still comply with the social distancing guidelines. The meeting room can accommodate up to 8 people including some public. If you a member of the public and wish to listen, please call the dial in number below and you will be acknowledged

Join Zoom Meeting - <https://zoom.us/j/92344351053?pwd=VHZwcVdPSmRZTm11VGFMt0Erb2JZdz09>

Meeting ID: 923 4435 1053, Passcode: 422317, One tap mobile +13017158592

Phone Audio only: Meeting Dial-in number: 715-423-6698, Access Code ID: 02067

Agenda:

1. Call to order.
2. Roll call.
3. Approve the agenda.
4. Approve minutes from the April 8, 2021 meeting.
5. Public comments on agenda items.
6. Chairperson comments.
7. Market Street Business District Ordinance Changes
8. Discuss Old Business
9. Discuss New Business
10. Discuss any correspondence
11. Future Agenda Items
12. Next meeting date, 3 JUN 2021
13. Adjourn

Dana Duncan - Chairman

VILLAGE OF PORT EDWARDS
Port Edwards, Wisconsin

COMMITTEE: Planning, Legislature, Property
and Information Technology Committee (PLPIT)

DATE: April 8, 2021

TO: JOSEPH ZURFLUH

cc: BETSY MANCL
DANA DUNCAN
JOHN BINGHAM
DIANE TREMMEL
PATRICK ARENDT

ERIK SAYLOR
SUE MITCHELL
TIARA GRUNDEN
SCOTT DREW

JP LACHAPELLE
DAILY TRIBUNE
WFHR/WGLX
NICK ABTS

Purpose of Meeting: **Regular Monthly Meeting**

Attendance: D. Duncan(Via Zoom), J. Bingham, Eric Saylor, R. Bossert, B., J. Zurfluh
Citizens: Tiara Grunden, Ben Martinson

Subjects Discussed, Action Taken, and Board Action Required:

1. ***Call to order:*** Meeting called to order by D. Duncan at 5:30p.m.
2. ***Roll Call:*** All Present.
3. ***Approve the agenda:*** (Bingham, 2nd Saylor), Motion carried All Ayes
4. ***Approve the previous months minutes:*** **MOTION** (Saylor, 2nd Bingham) to approve minutes of the 4 March 2021 meeting. (*Motion carried, all Ayes*).
5. ***Public comments on agenda items:*** None
6. ***Committee Chairman's comments:*** None
7. ***Update on 241/251 Market Ave.*** Paperwork for the sale is complete and sent to Mr. Noble. Closing should be completed the 1st week of April after his lawyer reviews. Total cost for the Village will be No More than \$35,000 from the TIF account (various deductions were included to collect past due fines and fees from Mr. Noble). Once the purchase is resolved we will work on the issues with the property and safety issues.
8. ***Market Street Condo Association Update.*** The Administrator working with Counsel will propose some language at the next meeting to be included in the ordinances that specifically address Business District enforcement rules.
9. ***Update on DMI.*** Informed all members of the legal action ongoing and that we have a scheduled weekly ZOOM calls with DMI (Joe Moore). Working issues with water meters, fencing repairs, fire suppression system, and escrow account closure. Escrow funds have been released. DMI requested a meeting with the Board on April 13th to discuss the way ahead.

10. Update on DMI and PUD request. The Planning commission met and have recommended a rezoning approval for the DMI property from B1/B2/M2 to PUD. This will assist in the Village development planning.

11. Discuss Old Business: None

12. Discuss New Business: Trustee Bingham questioned if a committee meeting could be postponed and not meet monthly. The President informed him that the decision to meet is on the Chairman of the committee as long as we meet legal and appropriate notification or cancellation rules for the public.

13. Correspondence received: None

14. Future Agenda Items:

- a. DMI
- b. Market street Ordinance changes

15. Next meeting date: 6 May 2021 at 5:30pm

16. Adjourn: Adjourned at 6:05pm. **MOTION** (Zurfluh 2nd Bingham)

Dana Duncan – Chairman

Attached: See PLPIT packet dated 8 April 2021

Port Edwards Business District Ordinances

SUMMARY- Due to the Unique nature of our Village Business District, the Village feels it necessary to apply some very direct code enforcement to ensure the safety, security and value of all the properties affected. The Ordinances and Rules and regulations of the Village apply to all properties within the Village limits, however specifically for our Business district the below ordinances apply and shall be enforced. In some cases, the interconnectivity of the properties requires a more multi-family enforcement rather than the stand-alone property atmosphere. The reliance on interconnect water, sanitation, roofing, power requires strict safety and security checks and enforcement to ensure a safe environment. The ability to attract and maintain prosperous business customers require a uniform, aesthetically appealing, safe and attractive environment that maintains the Village Values and small-town atmosphere.

Definition of the Village of Port Edwards Business District:

- a. Properties in the Port Plaza market Ave building (Parcels#.....)
- b. The US Post office Building, (Parcel #...)
- c. The Adjoining Kennel club and vacant storefront (parcel #.....)
- d. The Nekoosa Port Edwards Bank Building (Parcel #.....)
- e. The Port Auto Automotive shop (Parcel #.....)

INSPECTION OF DWELLINGS AUTHORIZED The chief housing official is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and the general public. All inspections and investigations of residential property must be conducted in compliance with the requirements for a reasonable search. Initially this means consent or a warrant must be obtained in order to enter the premises. For the purpose of making such inspections and to perform any duty imposed upon him by this code, the chief housing official is hereby authorized according to law to enter, examine, and survey at all reasonable times all such premises.

9.08 FREQUENCY OF INSPECTIONS The chief housing official shall cause a periodic inspection to be made of every multiple dwelling or leased dwelling unit. Such inspection shall include a thorough examination of all parts of such dwelling and the premises connected therewith. The chief housing official is also empowered to make similar inspections of all dwellings as frequently as may be necessary or convenient.

AERIALS. NO radio or Television aerial or satellites shall be installed, except with the Village approval. Any aerials/satellite dishes erected on the roof or exterior walls of the building without the consent of the village, in writing, is liable to removal without notice.

STORAGE OF VEHICLES. No recreational vehicles, including but not limited to trailers, campers, boats, boat trailers and snowmobiles may be parked on the Market Ave premises. This includes the front parking areas along the Port Plaza or the alley directly behind the building. In operative, immobile or junked cars and other vehicles may remain in the parking areas for no longer than 4 days without prior approval of the Village. These may be subject to removal by the Village at a cost to the owner /occupant.

DISPOSING OF REFUSE. All Business District owner/occupants should have adequate trash containers and garbage and refuse must be placed in the same. No storing of refuse and misc. supplies external to the building will be acceptable and will be subject to removal by the Village at a cost to the owner /occupant.

Facades-

Signs- Will be uniform in size and shape, as well as design. The Village policy on Business district signage is no larger than 5' (Horizontal) x 2' (Vertical). They may be lighted or static. They cannot protrude deeper than 12" from the wall front.

Insurance- All properties shall have adequate property insurance to address any damages internal or external. Any external damages caused by man or nature shall be repaired in 96 hours. Any extensions to that repair window shall be approved by the Administrator.

Windows- Shall be functional and of a standard design. Any specialty glass or windows will require Village approval (the Public Works Committee). Damaged windows shall be repaired in 96 hours. No windows shall be replaced with any Garage doors or sliding doors without Village approval of the design and concept.

Sidewalks- Shall be maintained by the owners of the property. The Village will continue to provide snow removal; however, any de-icing is the responsibility of the occupants of each business.

Alleys- Shall be maintained, clean and free of debris. Proper weed control will be conducted as well as

Trash and debris collection- All occupants will have proper Village supplied trash receptacles. They will be kept functional and placed and removed as per Trash removal guidance. No bulk trash items or storage shall be conducted in the Alleys. The Village will be responsible for snow removal as well as maintenance and repairs of the Alleys.

SAFETY: Fire inspections shall be conducted on a more frequent basis due to the composition of the Business district and the impact on the functioning of our local government. The Village will have the right to quarterly inspect all the properties in the Business district at no cost to the occupants. However,

violations and corrective actions once noted will be conducted at the expense of the occupant/owner in 30 days, with a follow up check to validate.

(1) ENTERING ON PREMISES. No person shall deny the Fire Inspector or the Deputy Inspector free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspectors in the performance of duties or refuse to observe any lawful direction given by the Inspector or Deputies

(2) CORRECTION OF FIRE HAZARDS. When any inspection by the Fire Chief or Deputy Inspector reveals a fire hazard, the Chief or the Deputy Inspector may serve a notice in writing upon the owner of the property giving the owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Chief or the Deputy Inspector may have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property and may also be entered on the tax roll as a special charge against the property.

(3) INSPECTION DUTIES. Fire Inspectors shall inspect, according to State regulations, all buildings, premises and public thoroughfares within the Village limits for the purpose of noting and causing to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of all explosives and inflammable liquids within the Village.

(4) WRITTEN RECORD OF INSPECTIONS. The Chief shall keep a written record of each property inspected, which shall conform to the requirements of the State Department of Commerce and shall make a report of such inspections available upon request.

PUBLIC NUISANCES

1) PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of sec. 10.02 of the Village ordinances.

2) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

ABATEMENT OF PUBLIC NUISANCES.

1) ENFORCEMENT. It shall be the duty of police officers, the Fire Chief and the Zoning Administrator to enforce those provisions of this chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer

shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

(2) SUMMARY ABATEMENT.

1) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct a police officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Village shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

2) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

3) ABATEMENT BY COURT ACTION. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Village President, who may direct the Village Attorney to commence an action in Circuit Court for the abatement of the nuisance.

4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. 10.15 of this chapter.

5) COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

PENALTY. In addition to the penalties provided in this chapter, any person who shall violate any provision of this chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 25.04 of this Code.

BUILDING CODE ENFORCEMENT

ADMINISTRATION AND ENFORCEMENT. The Village Building Inspector shall administer and enforce this chapter within the Village.

DEMOLITION PERMIT REQUIREMENTS FOR HIGH VALUE PROPERTIES

ENFORCEMENT AND VIOLATIONS. The Building Inspector, with the aid of the Police and Fire Departments, shall enforce the provisions of this section of the Building Code. Any person who violates, disobeys, neglects, omits or refuses to comply with of any of the provisions of this section of the Building Code, shall be subject to the penalties described in Sec. 25.04 of the General Provisions including the assignment of daily penalties for each day the property is found to be in violation of the Code. Such penalties shall be in addition to any other applicable penalties that may be described in a valid development agreement between the applicant and the Village or as may otherwise be allowed by law including the Village making a claim on the applicant's performance bond.

ILLEGAL DUMPING PROHIBITED. It shall be illegal for any person to dump, dispose, deposit, litter or store refuse in the Village outside of a container approved by the Village Board on either private or public lands.

DISPLAY OF BUILDING ADDRESS/STREET NUMBER REQUIRED.

(1) REQUIRED. Each principal building in the Village shall be assigned an official street number. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Engineer/Administrator. In the event a lot is not numbered, the Village Engineer/Administrator shall assign a number in cooperation with Wood County Emergency Management. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

(2) DISPLAY. The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by such person the official street number assigned to that building as provided in subsection (1) of this section. Each required number shall be affixed on the particular building in such a contrast, size, and location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall so be affixed in such location that it may be seen in like manner from such alley. Buildings set back more than 75 feet from a street or alley shall have a street number affixed to a sign in the front or rear yard in addition to the required number on the building. All signs must comply with the requirements of Chapter 17.25. Script, spelled-out, or Roman numerals are not acceptable.

(3) NONCOMPLIANCE. If the owner or occupant of any building neglects for 20 days to duly attach and maintain the proper numbers on the building, the Village shall serve such owner or occupant a notice requiring such owner or occupant to properly number the building. If such owner or occupant neglects to do so for ten days after service, such owner or occupant shall be subject to the provisions of 11.10, Penalty.

PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided below unless State Statutes supersede.

ZONING CODE

VIOLATION AND PENALTIES. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall forfeit a sum of not less than \$200 nor more than \$500, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.