CITY OF WAUWATOSA
MEMORIAL CIVIC CENTER
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COMMON COUNCIL

Regular Meeting, Tuesday, January 4, 2005

PRESENT: Alds. Herzog, Jenkins, Kopischke, Krill, Krol, Maher, Stepaniak, Subotich, Sullivan, Treis, Bruderle-Baran, Becker, Birschel, Casey, Grimm -15

EXCUSED: Ald. McCarthy

ALSO PRESENT: Mr. Wontorek, City Administrator; Mr. Braier, Finance Director; Mr. Kesner, City Attorney; Mr. Kappel, Dir. of Public Works; Ms. Welch, Community Development Director; Police Lt. Leone; Fire Chief Redman; Ms. Ledesma, City Clerk; Ms. Williams, Deputy City Clerk

Mayor Estness in the Chair

The Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. Grimm, seconded by Ald. Kopischke that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. -15

PUBLIC HEARING

The first item of business was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE AMENDING CHAPTERS 24.07, 24.08 AND 24.10 BY CHANGING THE INTERIOR YARD SETBACKS FOR PRINCIPAL BUILDINGS ON CORNER LOTS IN THE ESTATE, AAA AND AA SINGLE FAMILY RESIDENCE DISTRICTS

The Common Council of the City of Wauwatosa do ordain as follows:

Part 1. That portion of Chapter 24.07.120 and Chapter 24.08.130 Side Yard Setbacks is hereby amended to read as follows:

Corner Lot:	Interior Lots:
	North or west side of lot – minimum 5 feet
	South or east side of lot – minimum 10 feet

And that portion of Chapter 24.10.120 Side Yard Setbacks

Corner Lot: Side yard setback between the building and the interior lot line-minimum 6 feet.

Part II. This Ordinance shall take effect and be in force from and after its passage and publication.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred a Zoning Code amendment for side yard setbacks on corner lots, recommends to the Community Development Committee that the zoning code amendment be approved.

Dated this 8th day of November 2004.

Nancy L. Welch, Secretary
City Plan Commission

Ms. Welch explained that the current ordinance requires corner properties to have bigger setbacks than other properties. The original intent was to assure some kind of side yard away from the street. However, it limits the construction of additions on homes. The proposed ordinance will correct this situation.

Joseph Cira, 10428 W. Vienna, indicated that he is on a corner lot and wished to confirm that this new ordinance would not be applied retroactively such that existing homes have to be relocated on a lot.

Mr. Kesner confirmed that the proposed ordinance will not require changes to existing structures on lots; these will become legal non-conforming structures. It will redefine the definition of a 'buildable area' of a lot.

No one of the public present wished to be heard in opposition to the proposed ordinance.

No one of the public present wished to be heard either for or against the proposed ordinance or had any comments or questions.

The public hearing was declared closed.

Ordered held to the next Common Council meeting, January 18, 2005.

PUBLIC HEARING

The second item of business was a public hearing to consider the following proposed ordinance:

ORDINANCE

AN ORDINANCE CREATING CHAPTERS 24.23.090 and 24.24.035 TO CREATE ADDITIONAL RESTRICTIONS ON THE DEVELOPMENT OF LARGE RETAIL SITES

The Common Council of the City of Wauwatosa do ordain as follows:

Part 1. Chapters 24.23.090 and 24.24.035 are created to read as follows:

Restrictions on permitted and special uses

A. All parcels or development sites with a total of 50,000 sq. ft. of retail development shall be required to meet additional design guidelines as stated below:

1. Aesthetic and Visual Characteristics
a. Facades and Exterior Walls including Sides and Backs. The building shall be designed in a ways that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community's identity, character, and scale. Long building walls of at least 100 feet shall be broken up with projections or recessions of sufficient depth along all sides, and in sufficient number, to reduce the unbroken massing into lengths of approximately 50 feet or less along all sides of the building. Projections from the façade can be used as an alternate approach.

Along any public street frontage, the building design should include windows, arcades, awnings or other acceptable features along at least 60 percent of the building length. Arcades and other weather protection features shall be of suffic ient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front façade shall be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g., parking lots, walkways, etc.) on site. Where the façade faces adjacent residential uses an earthen berm shall be installed, no less than 6 feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Plan Commission to effectively buffer adjacent land use as deemed appropriate.

b. Detail Features. The building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, or rear, with color, texture changes, wall offsets, reveals, or projecting ribs.

c. Roofs. The roof design shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.

d. Materials and Color. The buildings shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Examples of acceptable high-quality materials include: brick, wood, sandstone, and other native stone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities as building trims and as accents may be considered at the discretion of the Planning Commission. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.

e. Entryways. The building design shall provide design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings

by providing highly-visible customer entrances. Large retail buildings are encouraged to feature multiple entrances. Multiple entrances reduce walking distances from cars and facilitate pedestrian and bicycle access from public sidewalks. Multiple entrances also mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

If a building faces multiple public or private rights-of way, it shall feature at least one customer entrance on those sides. Where the principal building faces more than two abutting public or private rights-of-way, this requirement may be interpreted to apply only to the two sides of the building facing the primary street and one secondary street. Where additional stores will be located in the principal building, each store shall have at least one exterior customer entrance, which shall conform to the above requirements. The number of entrances shall be addressed at the preliminary development plan stage.

f. Smaller Retail Stores. The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. When principal buildings contain additional, separately owned stores, which occupy less than 50,000 square feet of gross floor area, with separate, customer, entrances:

1. The street level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60% of the horizontal length of the building façade of such additional stores.

2. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

g. Screening of Mechanical Equipment. Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

2) Site Design and Relationship to Surrounding Community.

a. Vehicular Access. The use shall provide safety and protection to adjacent residential uses by having motor vehicles access only from an arterial, major or business district road as designated in the Master Plan.

b. Buffers. The use shall provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the site property line where it adjoins residential uses or zones. The landscape buffer should include canopy trees at regular intervals to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area.

c. Outdoor Sales and Storage. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If

such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building façade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers.

d. Trash Collection Area and Time Limitations. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas should be screened, recessed or enclosed so that they are not visible from adjoining properties and/or public streets. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances. No area for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk or pedestrian right-of-way. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

e. Parking Lots and Structures. Parking areas must provide safe, convenient and efficient access for vehicles and pedestrians. They must be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance. No more than 60 percent of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outlot development and additional tree plantings and/or berms. Landscaping shall be used to define parking areas, primary vehicular drives and pedestrian areas in an aesthetically and environmentally pleasing manner. Parking structure facades should achieve the same high quality design and appearance as the buildings they serve. The parking structure's utilitarian appearance should be minimized by utilizing effective design treatments such as colonnades, arcades, awnings, street furniture and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting and signage should all be considered for garage facades.

f. Pedestrian Flows. The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a pedestrian-friendly, inviting image. Continuous internal pedestrian walkways, no less than six feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Sidewalks shall also connect the store to transit stops on or off-site and to nearby residential neighborhoods. If possible, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length. Sidewalks shall be provided along the full length of any building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. Internal pedestrian walkways shall provide weather protection

features such as awnings or arcades within 30 feet of all customer entrances, constructed parallel to the façade of the building. This is not intended to extend into the driving aisles or parking areas. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

g. Central Features and Community Spaces. The project is to provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered internal parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two of these areas.

h. Delivery and Loading Spaces. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned area adjacent to the site, such operations shall not be permitted between 9 pm and 6 am. (Section 7.46 Noise of the Municipal Code) For good cause shown, the Planning Commission may permit deliveries at additional times provided the applicant submits deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce emissions to a level 55 dB or less as measured at the lot line of any adjoining property?? Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site. A landscape buffer of substantial width should be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer should include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such set back and buffer area shall be required.

Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motor and/or refrigerators/generators running, unless the area where the trucks are parked is set back at least 50 feet from residential property to mitigate the truck noise.

The delivery and loading areas shall be screened or enclosed so that they area not visible from public streets, public sidewalks, internal pedestrian walkways or adjacent properties. The screen shall be of masonry construction and at least 10 feet high, measured from the loading dock floor elevations, to screen the noise and activity from the loading dock.

i. Traffic impacts. The applicant shall have a traffic impact study prepared according to the Standard Traffic Methodology. In addition to the general standards of the methodology, the traffic impact study shall include weekend traffic generation and impact analysis. The traffic impact study shall also study intersections within an area designated by the City Engineer to take into account the regional traffic draw of a large-scale retail establishment.

j. Outdoor Lighting. The applicant must provide an outdoor lighting report which provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent

properties or roadways. Outdoor lighting should provide clear visibility and a feeling of security. This can be accomplished by aiming the lights down and placing hoods on them. The light element should not protrude below the lower edge of the hood. To minimize any indirect overflow of light on adjacent residential properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses or residentially used properties.

k. Accessory Uses. All accessory uses must be compatible with the proposed development and be an allowed use under AA Business District zoning. The parking lot shall not provide space for overnight camping, storage of vehicles, or additional activities with the exception of those uses approved under other sections of this ordinance. The applicant must demonstrate that any accessory uses will not have negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any accessory uses must be oriented to face away from any residential use or residentially zoned property that is adjacent to the site.

l. Temporary or Seasonal Uses. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. The location and duration of all such sales/displays shall be reviewed and approved by the Board of Public Works.

m. Noise Abatement. A noise mitigation plan much be provided that indicates how the noise initiated by the land use will be mitigated to comply with noise regulations applicable in the City of Wauwatosa. The noise regulation will include mitigation so that any noise on the property or in the building will not be heard beyond the property line of the development.

n. Landscaping. Each parking area shall be surrounded by a 10 foot wide landscaped area around its edge. Shade and ornamental trees are also required in the parking areas, with the amount and placement to be determined through consultation with the City Forester. Species should be suitable for their location including resistance to salt damage and appropriateness for climate. Landscaping must be in compliance with Section 24.44 and receive approval from the Design Review Board.

o. Stormwater Management. Every application must be accompanied by a Stormwater Impact Statement in order for the permit application to be considered. The City Engineer shall prescribe the form(s) and information that shall be submitted to determine compliance with Title 18 of the Wauwatosa Municipal Code and other applicable stormwater rules.

3) Maintenance. The owner shall maintain the property in compliance with the approved plan. If the property is not found to be in compliance, the City may take action to correct the situation and costs of such corrective action shall be assessed as a special charge against the property, to be added to the property tax bill of the parcel consistent with Section 66.0627 of the Wisconsin Statutes.

Provisions shall be made for the removal or adaptive reuse of the structure by the applicant should the facility not be used for a period of 12 consecutive months. In order to assure compliance with this subsection, a letter of credit, bond, escrow or other financial security, in a form acceptable to the City Attorney, may be required by the City.

Part 2. This ordinance shall take effect and be in force from and after its passage and publication.

Proof of publication is in the file.

TO THE COMMON COUNCIL, CITY OF WAUWATOSA, WI,

The City Plan Commission, to whom was referred a Zoning Code amendment regulating retail establishments over 50,000 square feet, recommends to the Community Development Committee that the zoning code amendment be approved.

Dated this 8th day of November 2004.

Nancy L. Welch, Secretary
City Plan Commission

Ms. Welch explained that 'big box' development has generated controversy nationwide, and cities are looking at ways to manage their impact on local businesses, storm water, traffic, etc. Recent studies have been performed on the impact on communities when such facilities become vacant. One major retailer, for example, has over 400 vacant stores across the country in order to prevent competition. Approximately 5.4 million square feet are vacant in the Phoenix area.

Wauwatosa wishes to control the negative impacts without imposing absolute limits. A balance must be found between acceptable standards and flexibility. The proposed ordinance is not unique and is modeled after other existing ordinances. It provides for some kind of financial security for the city in the event it is left with vacant 'mistakes.'

The Chair entered into the record a letter from Briggs and Stratton Senior Vice President Thomas R. Savage, 12301 W. Wirth Street, urging the city to research this issue with the financial lending community so that an adopted ordinance does not send the wrong message to the redevelopment community.

She also entered a second letter into the record from the Metropolitan Builders Association, N16 W23321 Stone Ridge Drive, Waukesha, expressing concern about the provision in the proposed ordinance requiring developers to place money in escrow to be used if the building is abandoned.

The Chair inquired whether anyone of the public present wished to be heard in favor of the proposed ordinance.

Peter Schiller, 4515 N. 107th Street, a 35-year city resident, a retired deputy sheriff and a former fire fighter, noted that he used to inspect buildings as part of his duties. Vacant buildings present a variety of problems to a community if no one is responsible for their care. Transients may inhabit a vacant building. Medical personnel may be forced to break into a vacant building if transients require care. Protective services must check to make sure buildings are secure. Mr. Schiller voiced strong support for the proposed ordinance, noting that building owners must be held accountable, and not abandon one location for another.

The Chair inquired whether anyone of the public present wished to be heard in opposition to the proposed ordinance.

Joseph Cira, 10428 W. Vienna, appreciated that the city wants to have money in reserve in the event demotion of a vacant building becomes necessary. However, he does not want to see any 'big box' retail stores in the city at all. Smaller businesses should be encouraged. A retiree from Briggs and Stratton Corporation, Mr. Cira has watched the company downsize its Wauwatosa location. If

manufacturing ceases from that location, Wauwatosa will have a super, super 'big box' type vacant building to deal with. Mr. Cira noted that the store next to K-Mart on Mayfair Road has been vacant for years. The area does not need large box stores.

Patricia Hanz, 7915 Mary Ellen Place, assistant general counsel for Briggs and Stratton, assured those present that the company is not leaving the city. The headquarters will remain at the current location, and operations have been reduced to the extent they will be reduced. The company is considering selling off only a 10-acre parcel.

Gina Hanson, Wisconsin Chapter of the National Association of Industrial and Office Properties, N16 W23321 Stone Ridge Drive, Waukesha, agreed that storm water and traffic are issues of concern when considering a 'big box' development. However, the proposal goes too far. When making public policy, local issues must be considered – not just issues in North Carolina or Phoenix. Wisconsin needs economic development; this ordinance may hinder it and put Wauwatosa at a competitive disadvantage. Restrictions on development discourage developers, and this proposed ordinance may affect more than just the 'big box' retailers.

In addressing the issue of redevelopment of vacant sites, Ms. Hanson opined that more development restrictions will not encourage redevelopment. Tax base growth will be limited if properties remain abandoned. The escrow/bond/letter of credit requirement is a concern, since tying up funds is not a productive use of money. How long would money have to stay in escrow? Ms. Hanson suggested that restrictions can be addressed in developers' agreements.

Mike Fox, Continental Properties, W134 N8675 Executive Parkway, Menomonee Falls, noted that redevelopment of the Briggs and Stratton property could be affected by this ordinance. Design guidelines are reasonable. The provision regarding financial security for building demolition is a concern, however. He pointed out that if there is interest in redeveloping a vacant parcel, the work will get done without a letter of credit. From the lenders' standpoint, the escrow provision of the proposed ordinance is problematic. M & I and US Bank have both reviewed the ordinance. US Bank makes a loan for a project based on the collateral of the property. If the city might demolish a property, financing will become more difficult. Perhaps another approach can be found that is acceptable to all parties.

Matthew Pietz, 5908 W. St. Paul Avenue, Milwaukee, a candidate for the Fifth State Senate District, noted that the responsibility of a state representative is to resolve conflicts within the communities they represent. He noted that while Builders' Square has left West Allis, Lowe's is coming in to compete with Menard's and Home Depot. The city is looking at economics and the developers are looking at costs. Both sides need assurances and both sides must be honest and truthful in their dealings.

As no one of the public present had any other comments or questions, the public hearing was declared closed.

Ordered held to the next Common Council meeting, January 18, 2005.

OLD BUSINESS

The following item was held after a public hearing on December 20, 2004:

RESOLUTION R-05-1

WHEREAS, the Common Council of the City of Wauwatosa on December 21, 2004, approved Resolution R-04-278 eliminating street projects and special assessment policies for construction projects during the year 2005; and

WHEREAS, at that time, the Common Council delayed action on approval of repaving of Wright Street between North 68th Street and N. 74th Street in the City of Wauwatosa; and

WHEREAS, further review by members of the Common Council have alleviated concerns which formed a basis for the delay;

NOW, THEREFORE, BE IT RESOLVED THAT Resolution R-04-278 is hereby amended by adding the following project:

Street & Location	Ald. Dist.	Exist & (Prop.) Width	Pavement Construction Type	Assessed Sidewalk Work
Wright Street N. 68th St. to N. 74th St.	5	30'	B	Yes

BE IT FURTHER RESOLVED THAT all policies expressed in Resolution R-04-278 are hereby reaffirmed for the Wright Street project and directions to City staff contained in that Resolution are to be repeated for purposes of said project.

It was moved by Ald. Casey, seconded by Ald. Maher to approve the foregoing resolution. –

It was moved by Ald. Sullivan to refer the matter back to the Board of Public Works. –Motion failed for lack of a second.

Roll call vote of original motion, Ayes 15.

APPOINTMENTS BY THE MAYOR

Design Review Board A
Kent Ehley, 7437 Kenwood Avenue (reappointment)
Mark Weseloh, 6407 Powell Place (alternate)

It was moved by Ald. Bruderle-Baran, seconded by Ald. Krill to concur with the foregoing appointments. -15

APPLICATIONS, COMMUNICATIONS, ETC.

1. Notice of Claim: Fannie Jones, 6428 W. Custer St., Milwaukee
City Attorney

2. Letter from Thomas R. Savage, Senior Vice President, Administration, Briggs & Stratton Corporation, objecting to some aspects of the proposed ordinance creating additional restrictions on the development of large retail sites

Add to existing file

FROM THE COMMITTEE ON EMPLOYE RELATIONS

RESOLUTION R-05-2

WHEREAS, the Library Director recommends that staffing could be best served by changing a full-time library cataloger to two part-time positions, .4 FTE and .6 FTE respectively; and

WHEREAS, there is no budgetary impact as a result of the change;

NOW, THEREFORE, BE IT RESOLVED THAT one FTE library cataloger is changed to two part-time positions, .4 FTE and .6 FTE.

FROM THE COMMITTEE ON EMPLOYE RELATIONS

RESOLUTION R-05-3

WHEREAS, the duties of the Municipal Clerk III in the Court Clerk's office have changed since it was classified as a III; and

WHEREAS, there is currently a vacancy in the position; and

WHEREAS, the City Clerk recommends that the position be reclassified to a Municipal Clerk II;

NOW, THEREFORE, BE IT RESOLVED THAT the position of Municipal Clerk III be reclassified to Municipal Clerk II in the Court Clerk's office.

It was moved by Ald. Jenkins, seconded by Ald. Stepaniak
to approve the two foregoing resolutions. -15

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-4

WHEREAS, Jennifer Bellcour, 1252 N. 68th Street, Wauwatosa, WI, applied for an operator's license in conjunction with her employment at Bjonda, 7754 Harwood Avenue, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Jennifer Bellcour is hereby issued an operator's license for the period ending June 30, 2005;

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-5

WHEREAS, Kristina Owens, 3134 N. Downer Avenue., #5, Milwaukee, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory, 2350 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Kristina Owens is hereby issued an operator's license for the period ending June 30, 2005.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-05-6

WHEREAS, Eric Toy, 12830 Cardinal Crest Drive, Brookfield, WI, applied for an operator's license in conjunction with his employment at P. F. Chang's China Bistro, 2500 N. Mayfair Road, Wauwatosa, WI;

NOW, THEREFORE, BE IT RESOLVED THAT Eric Toy is hereby issued an operator's license for the period ending June 30, 2005;

It was moved by Ald. Treis, seconded by Ald. Krill
to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-05-1

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD A SCHOOL ZONE PARKING RESTRICTION ON PORTIONS OF 91ST STREET

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. The "North 91st Street – west side" portion of the "Schedule of Streets, and Portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following language:

(tt) from W. Clarke Street to the south side of the northern most driveway at Christ King

Part II. This ordinance shall take effect on and after its date of publication.

FROM THE COMMITTEE ON TRAFFIC AND SAFETY

ORDINANCE O-05-2

AN ORDINANCE AMENDING WAUWATOSA CODE SECTION 11.32.080 TO ADD PARKING RESTRICTIONS ON WEST STATE STREET

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. The West State Street – north side portion of the "schedule of streets, and portions" subsection of Wauwatosa Code Section 11.32.080 is hereby amended by adding the following language:

"(c) from N. 75th Street to Harwood Avenue"

Part III. This ordinance shall take effect on and after its date of publication.

It was moved by Ald. Becker, seconded by Ald. Herzog
to adopt the two foregoing ordinances. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-05-3

AN ORDINANCE AMENDING SECTION 12 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO NEWSBOXES

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 12.04.065 "Street occupancy permit—Newsboxes" is amended as follows:

A new subsection, number A.3., is created to read:

"3. Any newsbox placed in the public right of way pursuant to this Section or Section 12.04.068, shall require the issuance of a street occupancy permit, and payment of the street occupancy permit fee to the City, consistent with Section 12.04.060."

Part II. Section 12.04.065 number B.1.n., is created to read:

"n. Owners and operators of newsboxes shall be subject to the Littering prohibitions contained in Chapter 8.28 of this code."

Part III. Section 12.04.065 number C.3., is created to read:

"3. No such newsbox shall be placed in a location which unreasonably interferes with pedestrian use of the Right of Way or the ingress to and egress from legally parked motor vehicles."

Part IV. Section 12.04.068 titled "NEWSBOXES IN A BUSINESS IMPROVEMENT DISTRICT" is created to read as follows:

A. DEFINITION.

Throughout this section, the terms “Business Improvement District” and “District” refer to a Business Improvement District created pursuant to sec. 66.1109, Wis. Stats.

B. DISTRICT-OWNED MACHINES.

1. Within the boundaries of any Business Improvement District, newspapers and advertisers selling or distributing via vending machines or via newsracks in or on the Public Right of Way must utilize District-owned modular unit vending machines.

2. The District must obtain a street occupancy permit for modular-unit vending machines, consistent with the provisions of sec. 12.04.065, above, except that the “placement” provisions of sec. 12.04.065 C.1. and 2. shall not apply, and all size and location decisions for modular unit vending machines in the public right of way within the District shall be subject to the discretion of the Director of Public Works or his/her designee.

3. Appeals of any decision of the Director of Public Works regarding the implementation of this Section shall be made to the Board of Public Works.

C. APPLICATION, FEE.

Upon the filing of an application by a newspaper or advertiser with the Business Improvement District or designee and upon payment of an annual administrative fee set by the District, the District shall make available one unit in the District-owned modular vending machines. Each newspaper or advertiser may utilize only one unit in each District-owned modular unit vending machine. Said modular units shall be so designed to be capable of incorporating additional units into the modular system, which shall be added as needed.

D. LOTTERY.

1. If the number of applications exceeds the available modular units, the District will assign applicants to units on a lottery basis, to be conducted prior to April 1 of each year, for assignment to new owners after May 1 of the same year. The District shall continue the lottery system until such time as the District acquires sufficient modular units to accommodate all requests.

2. After completion of the lottery, if needed, the Business Improvement District’s Executive Director or designee shall provide written notice of the lottery results to the requesting newspapers and advertisers. The selected newspapers and advertisers shall pay the annual administrative fee to the District or designee.

E. LOGO.

Each newspaper or advertiser that pays the administrative fee and is assigned a space may affix one logo to its assigned modular unit. The newspaper or advertiser shall neatly maintain the logo and replace the logo as appropriate in order to maintain the aesthetic ambience intended for the Business Improvement District.

F. ALTERNATE DISTRIBUTION METHODS.

Nothing in this subsection shall be construed to limit or interfere with alternative methods of distribution available to newspapers and advertisers in other locations throughout the City, including the regulation of newsboxes pursuant to sec. 12.04.065 of this code.

G. ENFORCEMENT/PENALTY.

Any newsbox placed in the public right of way in violation of this section may be removed by the Department of Public Works, and the owner of the machine or the publications being distributed therein may be subject to the general penalty provisions of this code, in addition to the specific remedies described in Subsection 12.04.065 E, above. Such owners may also be required to pay to the City the actual costs of removal and disposal in relation to such machines.

Part IV. This ordinance shall take effect on and after its date of publication.

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-05-4

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF WAUWATOSA TO CONFORM TO STATE LAW REGARDING UNIFORM BUILDING CODE

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 15.04.011 of the Wauwatosa Municipal Code is hereby created to read as follows:

The following definitions are in addition to those listed in the Wisconsin Administrative Codes.

Section 15.04.011 Definitions.

1. "Approved" refers to an approval by the Buildings and Safety Division or its authorized representative. (Approval is not to be construed as an assumption of any legal responsibility for the design or construction).

2. "Building, addition" means new construction which increases the outside dimensions of a building.

3. "Building, alteration/remodel" means an enhancement, upgrading or substantial change or modification other than an addition, a repair or modifications to electrical, plumbing, heating, ventilating, air conditioning and other systems within a building.

4. "Building, existing" means any structure that is already constructed or one for which a legal permit has been issued prior to the adoption of this code.

5. "Building, height" means the vertical distance from grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

6. “Building, new” means any construction that results in the creation of a structure for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind.

7. “Building, repair” means the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixtures, systems or equipment.

8. “Building, structural repair” means the reconstruction or replacement of any load bearing component that has been damaged, deteriorated or is failing.

9. “Ceiling height” means the clear vertical distance from the finished floor to the finished ceiling. Any part of any room where the ceiling height is less than 5 feet, shall not be considered in computing the total floor area of the room for the purpose of determining the habitable occupancy thereof.

10. “Garage” means a structure used for storing motorized vehicles that has more than two sides completely enclosed.

11. “Garage, attached” means a private garage attached directly to the principal building or attached by means of an enclosed or open breezeway, porch, terrace, or vestibule, or a private garage so constructed as to form an integral part of the principal building.

12. “Garage, detached” means a private garage entirely separated from the principal building.

13. “Grade beam” means a concrete footing designed to carry all imposed loads and placed above the frost line with the top of the beam at or near grade.

14. “Imminent life or health safety violation” means a condition where the public may be seriously harmed unless immediate action is taken to remedy the violation. Examples include, but are not limited to, blocked exit or path of egress, structural deformity or condition suspected of imminent failure in the opinion of the inspector or a Wisconsin Registered Professional, non-operable required fire suppression or detection system, non-potable water due to cross connection or other source of contamination, electrical shock hazard due to an ungrounded system or condition.

15. “Stair tread depth” means the distance in inches as measured horizontally from nosing to nosing.

16.”Stair riser height” means the distance in inches as measured vertically from tread to tread.

Part II. Section 15.04.030 C. of the Wauwatosa Municipal Code is hereby repealed and recreated to read as follows:

C. Existing one and two-family dwellings constructed prior to June 1, 1980, all additions, alterations, remodeling, etc., thereto shall comply with the Uniform Dwelling Code except as modified herein:

1. Basement Conversion to Living Space

a. Existing stairways shall conform to the following:

i. Riser height shall be 8¼ inches maximum.

ii. Tread depth shall be 8½ inches minimum.

iii. Headroom shall be 72 inches minimum.

iv. Stair width shall be 34 inches minimum.

v. Handrails and guardrails shall be as permitted in COMM 21.04 (3).

b. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

c. Ceiling height: all habitable rooms shall have a minimum ceiling height of 6 feet, 8 inches for a minimum of 50% of the net floor area. Beams and ducts may not encroach more than 8 inches into ceiling area below the minimum ceiling height.

d. Smoke detectors: smoke detectors shall be provided in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

e. Basement bedrooms shall be designed as follows:

i. Doors shall be a minimum of 32 inches in width unless at least 50% of the bedroom doors in the dwelling are a minimum of 32 inches or have a net of 30 inches clear opening.

ii. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

iii. Exits: either an egress window within each bedroom or two exits from the basement level common area shall be provided. An egress window and areaway shall be designed in accordance with COMM 21.03 (6).

iv. Smoke detectors shall be located and installed in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

2. Partially Finished Attic Conversion to Living Space, Second Floor Levels

a. Design floor load: all new areas shall meet 50 pounds per square foot combined live and dead loads. If 50% or more of the existing habitable space is altered or remodeled, the existing floor shall also meet the minimum design load of 50 pounds per square foot.

b. Stairways: existing width, rise, run and headroom do not require modifications.

c. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05. If 50% or more of the existing habitable space is altered or remodeled, the light and ventilation requirements shall also apply to the existing space.

d. Ceiling height: all habitable rooms shall have a minimum ceiling height of 6 feet, 8 inches for a minimum of 50% of the floor area. If 50% or more of the existing habitable space is altered or remodeled, the ceiling height requirements shall also apply to the existing space.

e. Smoke detectors: smoke detectors shall be provided in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

f. Insulation shall comply with the following requirements:

i. Walls shall have a minimum of R-13.

ii. Sloped ceilings shall have a minimum of R-19.

iii. Ceilings or attics shall have a minimum of R-30.

g. Bedrooms shall be designed as follows:

i. Doors shall be a minimum of 32 inches in width unless at least 50% of the bedroom doors in the dwelling are a minimum of 32 inches or have a net of 30 inches clear opening.

ii. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

iii. Exits: either an egress window within each bedroom or two exits from the floor level common area shall be provided. An egress window shall be designed in accordance with COMM 21.03 (6).

iv. Smoke detectors shall be located and installed in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

3. Unfinished Attic Conversion to Living Space, Second Floor Levels

a. Design floor load: all new floor areas shall be designed for 50 pound loading (40 pound live load and 10 pound dead load).

b. Existing stairways shall conform to the following:

i. Riser height shall be 8¼ inches maximum.

ii. Tread depth shall be 8½ inches minimum.

iii. Headroom shall be 72 inches minimum.

iv. Stair width shall be 34 inches minimum.

v. Handrails and guardrails shall be as permitted in COMM 21.04 (3).

c. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

d. Ceiling height: all habitable rooms shall be provided with a ceiling height in accordance with COMM 21.06.

e. Smoke detectors: smoke detectors shall be provided in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

f. Insulation shall comply with the following requirements:

i. Walls shall have a minimum of R-13.

ii. Sloped ceilings shall have a minimum of R-19.

iii. Ceilings or attics shall have a minimum of R-30.

g. Bedrooms shall be designed as follows:

i. Doors shall be a minimum of 32 inches in width unless at least 50% of the bedroom doors in the dwelling are a minimum of 32 inches or have a net of 30 inches clear opening.

ii. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

iii. Exits: either an egress window within each bedroom or two exits from the floor level common area shall be provided. An egress window shall be designed in accordance with COMM 21.03 (6).

iv. Smoke detectors shall be located and installed in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

4. Unfinished Attic Conversion to Living Space, Third Floor Levels

a. Design floor load: all new floor areas shall be designed for 50 pound loading (40 pound live load and 10 pound dead load).

b. Exits: two interior exits, spaced either one-third of the longest diagonal of the floor in plan view or 20 feet from the third floor level to the second floor level are required.

c. Lofts shall comply with COMM 21.03 (4).

d. Existing stairways shall conform to the following:

i. Riser height shall be 8¼ inches maximum.

ii. Tread depth shall be 8½ inches minimum.

iii. Headroom shall be 72 inches minimum.

iv. Stair width shall be 34 inches minimum.

v. Handrails and guardrails shall be as permitted in COMM 21.04 (3).

e. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

f. Ceiling height: all habitable rooms shall be provided with a ceiling height in accordance with COMM 21.06.

g. Smoke detectors: smoke detectors shall be provided in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

h. Insulation shall comply with the following requirements:

i. Walls shall have a minimum of R-13.

ii. Sloped ceilings shall have a minimum of R-19.

iii. Ceilings or attics shall have a minimum of R-30.

i. Bedrooms shall be designed as follows:

i. Doors shall be a minimum of 32 inches in width unless at least 50% of the bedroom doors in the dwelling are a minimum of 32 inches or have a net of 30 inches clear opening.

ii. Light and ventilation: all habitable rooms shall be provided with natural light and ventilation in accordance with COMM 21.05.

iii. Exits: two exits from the third floor level are required.

iv. Smoke detectors shall be located and installed in accordance with COMM 21.09. In addition to being wired to house current, the detector shall have a battery back-up.

5. The following shall apply to all one and two-family dwellings:

a. Stairs: Exterior stairways above the second floor shall be enclosed.

b. Roofs: A new roof covering may be applied on top of an existing roof covering, but no more than two layers of roof covering will be allowed.

c. Energy: Energy calculations are not required for additions and alterations provided that the following insulation levels are provided:

i. Foundations shall be a minimum of R-5.

ii. Walls shall have a minimum of R-13.

iii. Sloped ceilings shall have a minimum of R-19.

iv. Ceilings or attics shall have a minimum of R-30.

d. HVAC

i. The mechanical portion of an air-conditioning unit outside of the exterior walls of the building shall have such outside unit located at least 10 feet from any rear lot line, and in

no case closer to the front or side lot line than that required for the wall of the primary building on the site. Replacement units relocated at the same location do not have to comply with this section provided that the adjoining property owner gives approval as to location.

ii. Appeal to Board of Public Works. Any person who feels aggrieved by orders or decisions of the buildings and safety division or any person seeking a variance from this rule may, within 10 days of receipt of said orders or decisions, appeal to the board of public works, and such board shall conduct a hearing in connection therewith within 14 days of said appeal and submit its findings and decision within 5 days thereafter. The board's decision shall be final and binding.

iii. Excessive Noise Prohibited. The issuance of a permit for air conditioning installations shall not be deemed or construed to permit any violation of the provisions of Section 7.48.090 of this code, relating to excessive noise which disturbs peace, quiet or repose of persons in the vicinity therein.

a. Floor Area. Garages shall not exceed 12% of the total lot area nor exceed one story in height to a maximum height of 16 feet as measured from the floor of the garage to the ridge of the roof.

b. Attached private garages shall be provided with the same type footings, foundations and construction as required herein for the principal building.

c. Detached private garages shall be constructed as follows:

i. Footings and foundations: all footing and foundations shall support any superimposed vertical dead and live loads. All footings shall be placed on undisturbed or compacted soil, free of organic material, unless the footing is reinforced to bridge poor soil conditions. Retaining walls with 4 or more feet of unbalanced lateral load and constructed in conjunction with a garage footing and foundation, shall be designed by a Wisconsin registered professional engineer or architect.

(A). Wood frame garages shall be constructed on frost footings designed to carry all imposed loads or on a grade beam with minimum dimensions of 8 inches wide by 8 inches deep. Two #4 rebars or equivalent shall be used to tie the corners of all grade beams. Exterior wall curbs shall be provided not less than 4 inches above the finished grade adjacent to the garage. Anchor bolts 3/8 inches in diameter, 6 inches long, shall be embedded a minimum of 3 inches in the concrete curb, a minimum of 8 feet on center. Other approved mechanical fasteners may be used in lieu of anchor bolts.

(B). Masonry garages shall be constructed on frost footings designed to carry all imposed loads or be designed by a Wisconsin registered professional engineer or architect.

ii. Floors. Floors shall be reinforced concrete construction not less than 4 inches in thickness and placed over at least 4 inches of granular fill. Reinforcement shall be a minimum of 6 x 6 inches, #10 wire mesh or equivalent to provide a minimum of 50 pounds per square foot live load. The floor shall slope a minimum of 1/8 inches per foot toward the exterior garage overhead door or into an interior floor drain that complies with COMM 82.

iii. Walls: all walls shall support any superimposed vertical dead and live loads.

(A). Frame construction: wood stud walls shall be framed with minimum 2 x 4 nominal lumber spaced a maximum of 24 inches on center. All walls shall be braced at the corners with a nominal 1 x 4 inches continuous member set into the face of the studs at an angle between 45 degrees and 60 degrees; a 4 x 8 foot by 3/8 inches plywood or oriented strand board sheathing, fastened with 6d sinkers or deformed nail or 1½ inches staple spaces 6 inches on the edge and 12 inches in the field; an approved "T" brace not less than 22 gauge thick and 1¾ inches wide or other approved bracing.

(B). Masonry construction: masonry walls shall be constructed with a minimum 8 inches nominal concrete masonry units. Masonry units shall be laid with type M, type S, or type N mortar with a maximum joint thickness of ½ inches.

iv. Roofs: roof and roof/ceiling assemblies shall support any superimposed dead and live loads. Rafters shall be framed with minimum 2 inches nominal lumber spaced a maximum of 24 inches on center. Roofs shall withstand a pressure of at least 20 pounds per square foot acting upward normal to the roof surface. Roof overhangs, eaves, canopies and cornices shall withstand an upward wind pressure of at least 20 pounds per square foot applied to the entire exposed area. Roofs shall be anchored to walls and columns to resist uplift.

(A). Frame construction: where rafters meet to form a ridge, the rafters shall be attached to a ridge board. The ridge board shall have a depth at least equal to the length of the cut end of the rafter abutting it. Where all rafters are placed directly opposite each other or are offset at the ridge board by less than the thickness of the rafter, the ridge board shall have a nominal thickness of at least 1 inch. Where one or more rafters are offset at the ridge board by more than the thickness of the rafter, the ridge board shall have a nominal thickness of at least 2 inches. Rafters shall bear a minimum of 1½ inches on wood or 3 inches on masonry or concrete. Rafters shall be notched to fit the exterior wall plate and fastened to the wall. Bird mouth cuts may not exceed 1/3 the depth of the rafter unless the seat cut bears fully on the wall plate. Roofs shall be anchored to resist horizontal thrust and uplift. Provisions shall be taken to absorb the horizontal thrust produced by the sloping roof, rafters or beams through collar ties installed in the upper third of the roof rafters on every third pair of rafters, or through the use of cross ties spaced not more than 4 feet on center, or through the use of metal straps or metal plates located at the ridge which tie the roof beams together.

(B). Trusses: metal plate connected wood roof trusses may be used and shall be designed in accordance with the Design Specifications for Metal Plate Connected Wood Trusses and the National Design Specification for Wood Construction. Truss members shall not be cut, bored or notched.

(C). Roof sheathing: plywood sheathing and similar sheathing materials which are rated by the American Plywood Association shall be grade marked and stamped and limited to the allowable loads and spans. Roof boards that are ¾ inches nominal thickness may be used for roof sheathing.

(D). Roof covering: all roofs shall be designed and constructed to assure drainage of water. Underlayment consisting of #15 asphalt–impregnated felt paper or equivalent or other type I material that shows no water transmission when tested in accordance with ASTM D 226 or ASTM D 4869 shall be provided under shingles. Fasteners shall be corrosion resistant. Shingles shall be installed in accordance with the manufacturer's recommendations.

7. Storage and accessory structures: storage and accessory structures shall be designed and constructed to support all imposed loads. Accepted practice construction methods (e.g. garage construction) or engineered design (e.g. pre-engineered metal structures) shall be used. Footings (frost, pier or grade beam) shall be required for all structures that exceed 100 square feet in area.

8. Decks – Attached. Decks attached to a building shall be constructed as follows:

a. Footings and foundations: all footing and foundations shall support any superimposed vertical dead and live loads. All footings shall be placed on undisturbed or compacted soil, free of organic material, unless the footing is reinforced to bridge poor soil conditions. All footings shall be placed a minimum of 48 inches below finished grade. Concrete pier footing/foundations shall be a minimum of 6 inches in diameter. A wood post placed as the footing/foundation shall be a minimum nominal dimension of 4 x 4 inches and shall be treated for soil contact in accordance with the American Wood preserver's Association (AWPA) standards C2 and C15. Footings and foundations may also be designed by a Wisconsin registered professional engineer or architect.

b. Wood frame construction: unless designed by a Wisconsin registered professional engineer or architect, the following shall apply:

i. Floor load: all deck floor areas shall be designed for 50 pound loading (40 pound live load and 10 pound dead load).

ii. Frame: all frame members shall be treated against decay in accordance with the AWPA standards or be a wood species that is naturally decay resistant or be protected from weather. All columns, beams and joists shall be sized in accordance with table 8.1. Columns not more than 6 feet in height shall be a minimum nominal dimension of 4 x 4 inches. Columns more than 6 feet in height shall be a minimum nominal dimension of 6 x 6 inches. Beams may not cantilever more than 12 inches. Ledger boards shall be attached directly to the existing building frame by a minimum ½ inch bolts or lag bolts with washers spaced not greater than 16 inches on center. Flashing shall be provided at the top of the ledger and installed in a manner to prevent water from entering the existing building. Joists shall have a minimum bearing of 1½ inches. Bridging shall be provided at intervals not greater than 8 feet.

iii. Decking: all decking material shall be a minimum thickness of 1¼ inches. All decking shall be installed perpendicular or diagonally to joist members with joints breaking on a joist.

iv. Stairs: all stairs shall be as permitted in COMM 21.04.

v. Handrails and guardrails shall be as permitted in COMM 21.04 (3).

Table 8.1

		6'	7'	8'	9'	10'	11'	12'	13'	14'	16'	18'
4'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	1 – 2x6	1 – 2x6 1 – 2x8	1 – 2x6 1 – 2x8	1 – 2x8 1 – 2x10	1 – 2x8 1 – 2x10	1 – 2x8 1 – 2x10	1 – 2x8 1 – 2x10	1 – 2x10 1 – 2x12	1 – 2x10	1 – 2x10 1 – 2x12	1 – 2x12
6'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	1 – 2x6	2 – 2x6 1 – 2x8	2 – 2x6 1 – 2x8	1 – 2x8 1 – 2x10	1 – 2x8 1 – 2x10	1 – 2x8 1 – 2x10	1 – 2x8 1 – 2x10	1 – 2x10 1 – 2x12	1 – 2x10	1 – 2x10 1 – 2x12	1 – 2x12
6'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	2 – 2x6	2 – 2x6 1 – 2x8	2 – 2x6 2 – 2x8	2 – 2x8 1 – 2x10	2 – 2x8 1 – 2x10	2 – 2x8 1 – 2x10	2 – 2x8 1 – 2x10	2 – 2x10 1 – 2x12	2 - 2x10 1 – 2x12	2 – 2x10 1 – 2x12	2 – 2x10 1 – 2x12
7'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	2 – 2x6	3 – 2x6 2 – 2x8	3 – 2x6 2 – 2x8	2 – 2x8 2 – 2x10	2 – 2x8 2 – 2x10	2 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	2 – 2x10 1 – 2x12	2 - 2x10 2 – 2x12	2 - 2x10 2 – 2x12	2 - 2x10 2 – 2x12
8'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	3 – 2x6 2 – 2x8	3 – 2x6 2 – 2x8	3 – 2x6 2 – 2x8	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	2 – 2x10 2 – 2x12	3 - 2x10 2 – 2x12	3 - 2x10 2 – 2x12	3 - 2x10 2 – 2x12
9'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	3 – 2x6 2 – 2x8	4 – 2x6 3 – 2x8	4 – 2x6 3 – 2x8	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	4 – 2x8 3 – 2x10	3 - 2x10 2 – 2x12	3 - 2x10 2 – 2x12	3 - 2x10 2 – 2x12	3 - 2x10 2 – 2x12
10'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	4 – 2x6 3 – 2x8	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	4 – 2x8 3 – 2x10	4 – 2x8 3 – 2x10	4 – 2x8 3 – 2x10	3 – 2x10 2 – 2x12	3 - 2x10 3 – 2x12	4 - 2x10 3 – 2x12	4 - 2x10 3 – 2x12
11'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	3 – 2x8 2 – 2x10	3 – 2x8 2 – 2x10	4 – 2x8 3 – 2x10	4 – 2x8 3 – 2x10	3 – 2x10 2 – 2x12	3 – 2x10 3 – 2x12	3 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12
12'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	3 – 2x8 2 – 2x10	4 – 2x8 3 – 2x10	4 – 2x8 3 – 2x10	3 – 2x10 2 – 2x12	3 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	3 – 2x12	3 – 2x12	3 – 2x12
13'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	3 – 2x8 3 – 2x10	4 – 2x8 3 – 2x10	3 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	3 – 2x10	3 – 2x12	4 – 2x12	4 – 2x12	4 – 2x12
14'	Joist Size	2x6 24" OC	2x6 16" OC 2x8 24" OC	2x6 16" OC 2x8 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 16" OC 2x10 24" OC	2x8 12" OC 2x10 16" OC	2x10 16" OC 2x12 24" OC	2x10 16" OC	2x10 12" OC 2x12 16" OC	2x12 16" OC
	Beam Size	4 – 2x8 3 – 2x10	3 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	4 – 2x10 3 – 2x12	3 – 2x12	4 – 2x12	4 – 2x12	4 – 2x12	ENG. BEAM REQUIRED	ENG. BEAM REQUIRED

9. Decks – Detached. Decks not attached to a building shall be constructed in the same manner as outlined in section 8, except that 48 inch deep footings are not required.

10. Foundation Repair and Damproofing

a. Application for permit shall include a statement of the existing defects and an analysis of the cause of those existing defects to ensure that all conditions responsible for foundation defects are corrected.

b. Plans and/or specifications must be submitted for approval prior to issuance of a permit.

c. Walls that are more than one inch out of plumb in 8 feet may be reinforced if supported by site specific engineering data showing benefit of the reinforcing. Site specific engineering must bear an original seal of a Wisconsin professional engineer or architect.

d. Foundation repairs performed that comply with the “Best Management Standards for Foundation Repair” as approved by the Building Inspectors Association of Southeastern Wisconsin are permitted as an accepted practice.

e. When the affected repair includes porches or stoops, frost depth footings must be provided.

Part III. Section 15.04.060 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

15.04.060 Firewalls. All interior fire walls shall be identified as to their hourly rating and permanently marked with red color using ½ x 3 inch letters and numerals every 25 feet above the finished ceiling. Other identification acceptable to the Wisconsin Department of Health and Human Services and the Wisconsin Department of Commerce may also be acceptable.

Part IV. Section 15.04.080 A. and H. of the Code of the City of Wauwatosa are hereby repealed and recreated to read as follows:

A. Building: new, addition, alterations and any structural repairs or modifications (e.g. foundation, beam, column, truss).

H. A building permit shall not be required for storage, play or recreational structures that do not exceed 100 square feet in area and 12 feet in height or decks that are detached and less than 24 inches high above grade.

Part V. Section 15.04.090 G. of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

G. Plans and Specifications. All plans shall be drawn to a scale not less than ¼ inches per foot, and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected.

1. Residential – New or Addition

a. Floor plans: showing each floor, square footage and location of all walls, rooms, doors, windows, structural features such as size of headers, exit passageways, stairways, and the location of smoke detectors. The use of each room shall also be shown.

b. Elevations: showing the sizes, location and configuration of doors, windows and skylights, exterior wall covering material, roof design and exterior material, and any architectural features relating to the dwelling's existing architectural style.

c. Cross-section: showing all construction details, framing, insulation, materials, interior finishes, ceiling heights and structural features.

d. Mechanical: showing plumbing fixtures, heating, cooling and ventilation systems, equipment, BTU, CFM and any applicable calculations and, when requested, a heating distribution layout shall be included.

e. Calculations: data and information for determining compliance with the energy conservation standards shall be submitted along with any structural calculations necessary to determine code compliance.

2. Residential – Alteration

a. Floor plans: showing the square footage, size and span of existing floor joists, location of lower floor bearing walls, area(s) that will have the ceilings raised (dormers), wall locations, window location including size of headers, door sizes and locations, location of smoke detectors, stairways, and any related architectural features.

b. Elevations: showing the sizes, location and configuration of doors, windows and skylights, exterior wall covering material, roof design and exterior material, and any architectural features relating to the dwelling's existing architectural style.

c. Cross-section: showing all construction details, framing, insulation, materials, interior finishes, ceiling heights and structural features.

d. Mechanical: showing heating, cooling and ventilation systems, equipment, BTU, CFM and any applicable calculations.

e. Calculations: any structural calculations necessary to determine code compliance.

3. Commercial

a. Floor plans: showing each floor, square footage and location of all walls, rooms, doors, windows, structural features such as size of headers, exit passageways, stairways, and the location of smoke detectors. The use of each room shall also be shown. A "code compliance" page shall be submitted showing building construction type, occupancy classification, accessible route(s), path of egress, and all fire-rated construction such as walls, compartments, stair enclosures, etc.

b. Elevations: showing the sizes, location and configuration of doors, windows and skylights, exterior wall covering material, roof design and exterior material, and any architectural features relating to the dwelling's existing architectural style. A rendering and material sample board(s) shall be submitted for review by the Design Review Board.

c. Cross-section: showing all construction details, framing, insulation, materials, interior finishes, ceiling heights and structural features.

d. Mechanical: showing plumbing fixtures, heating, cooling and ventilation systems, equipment, BTU, CFM and any applicable calculations and, when requested, a heating distribution layout shall be included.

e. Calculations: data and information for determining compliance with the structural, heating, mechanical, and energy conservation standards shall be submitted.

f. All plans shall bear an original stamp of a Wisconsin registered architect or engineer as required by COMM 61.50.

Part VI. Section 15.12.040 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

Section 15.12.040 Plumbers' license.

A. No person, firm or corporation shall perform plumbing work in the city without a state license, and a permit.

B. Notwithstanding subsection A of this section, a license is not required for an owner of an owner-occupied one or two family dwelling to repair or replace pipes, valves, faucets, fixtures, or install a water heater or clearwater sump and discharge pump located in said dwelling, or install a stormwater conveyance system that does not connect directly to a city storm sewer.

Part VII. Section 15.12.100 B. of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

B. It is unlawful to drain the rain water from any roof, foundation drainwater from tiles or conductors, clearwater wastes or surface water from any property or building, including buildings under construction in any area within the city where storm sewer is available except through an underground conductor directly connected to the storm sewer. Conveyance of clear water from any roof to an underground conductor must be in gutters and downspouts or in landscape beds specifically designed and approved for roof runoff. Exception: an approved stormwater management plan may allow discharge to on-site areas other than the city storm sewer.

Part VIII. Section 15.12.170 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

Section 15.12.170 Private Wells – Operation Permit – Inspection.

A. A well permit is valid for 5 years.

B. The owner, upon notice and prior to expiration, shall at their own expense, hire a master plumber or Department of Natural Resources certified well inspector to perform an on-site inspection to verify that:

1. No cross connection exists between the well and municipal water supply;

2. The well is operable by bringing water to the surface;

3. The well water is potable as evidenced by a safe water report; and

4. The well complies with the Wisconsin Administrative Code NR 811 and 812.

C. The owner shall supply the Wauwatosa Buildings and Safety Division with a copy of the safe water sample and Wisconsin Well and Pressure System Inspection Report (DNR form 3300-221).

Part IX. Section15.12.190 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

Section 15.12.190 Private wells--Operation Permit--Expiration or Revocation--Well Abandonment.

A. A private well operation permit shall expire every 5 years unless the well is inspected as provided in 15.12.170 and meets the requirements of this chapter.

B. All private wells shall, within 30 days after expiration of a well operation permit or within 48 hours after revocation of a permit, be permanently abandoned, and the owner thereof shall fill and seal such well in such manner as to prevent it from acting as a channel for contamination or vertical movement of water by methods set forth in the Wisconsin Administrative Code NR 812. (Ord. O-97-32 § 1 (part), 1997)

Part X. Section 15.12.250 of the Code of the City of Wauwatosa is hereby created to read as follows:

Section 15.12.250 Private Wells – Appeals. Any person who feels aggrieved by orders or decisions of the buildings and safety division or any person seeking a variance from this section may, within 10 days of receipt of said orders or decisions, appeal to the board of public works, and such board shall conduct a hearing in connection therewith within 14 days of said appeal and submit its findings and decision within 5 days thereafter. The board's decision shall be final and binding.

Part XI. Section 15.28.010 C. & D. of the Code of the City of Wauwatosa are hereby amended to read as follows:

C. All fences shall be constructed with approved materials. Barbed wire, razor wire, agricultural wire (except around plants and gardens), electrically charged fences, snow fence (wood or plastic), old doors, sheet metal, plywood, broken concrete, or similar materials are prohibited in any district. Chain link style fences are prohibited in front yards. Snow style fences may be used for safety barriers on a temporary basis when approved by the chief inspector.

D. Fences existing prior to the effective date of this section may be maintained and repaired. Any fence enlarged, altered or replaced shall conform to the provisions of this section. Exception: replacement of damaged or deteriorated sections is permitted, provided that not more than 50% of the existing fence is replaced.

Part XII. Section 15.28.030 A. of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

A. Residential Districts

1. Fences located in the front yard setback: . Fences more than 3 feet in height, more than 20% of the lot width in length, setback less than 18 inches from the front lot line and 3 feet from a side lot line, and having an open area less than 40% are prohibited.

2. Fences located in the rear yard and side yard abutting a street. Fences more than 4½ feet in height and setback less than 3 feet from lot lines are prohibited. Fences in the rear yard abutting a street shall have landscaping planted along the street side of the fence.

3. Fences at lot lines abutting alleys, nonresidential properties, multi-family properties (3 family or more) or any approved parking areas or lots if more than 4½ feet in height. Fences more than 6 feet in height are prohibited. Fences located adjacent to any alley shall be set back a minimum of 18 inches from the lot line.

Part XIII. Section 15.34.060 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

Section 15.34.060 Expiration Of Applications And Permits.

Every permit application or permit shall expire by limitation and become null and void as follows:

A. One and two-family application: 6 months from date of application.

B. One and two-family permit – 2 years from date of permit.

C. Commercial and multi-family application: 6 months from date of application.

D. Commercial and multi-family permit: – 2 years from date of permit.

E. Razing: One and two-family: – one month from date of permit.

F. Razing: Commercial and multi-family: – 3 months from date of permit.

G. Unused excavations – 3 months from date of permit.

Before any work can be recommenced, a new application or permit shall be obtained and new fees paid.

Part XIV. Section 15.34.080 of the Code of the City of Wauwatosa is hereby repealed and recreated to read as follows:

Section 15.34.080 Penalties.

A. Any person, firm, or corporation violating the provisions of Title 15 of the Wauwatosa Municipal Code shall be subject to a forfeiture of one hundred dollars for the first offense, which forfeiture shall increase by fifty dollars for each additional offense. Offenses resulting in imminent danger to life or health and safety conditions shall result in a forfeiture of one thousand dollars for each offense.

B. Failure to comply with any imminent life or health safety order, where there is proof of service, the chief inspector may cause such work to be performed in order to correct any imminent danger. The cost to perform such work shall be charged against the owner or owners of the property. If the cost to perform said work is not paid within 60 days, it shall be levied as a special charge against the premises as authorized by Section 66.0627 of the Wisconsin Statues.

Part XV. This ordinance shall be made available in the office of the Wauwatosa City Clerk, and shall become effective retroactive to January 1, 2005, 14 days following publication of notice of passage.

It was moved by Ald. Kopischke, seconded by Ald. Birschel
to adopt the two foregoing ordinances. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-7

WHEREAS, the Wauwatosa Department of Public Works provided an invoice to the Tosafest Committee for Public Works operations/services during Tosafest 2004 in the amount of $2,426.01, which was almost twice the amount invoiced in 2003 and previous years; and

WHEREAS, the increased expense was unanticipated by the Tosafest Committee, which has agreed to a reduced payment and has already paid $1,850.00 for these services, in addition to agreeing to pay all actual costs related to Public Works services provided for future Tosafest events should City resources be utilized for this purpose;

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Wauwatosa does hereby authorize a reduction in the invoice amount to the Tosafest Committee for Tosafest 2004 Public Works services to $1,850.00, which has already been paid in full by the Committee.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-8

WHEREAS, the 2005 adopted budget for the City of Wauwatosa reflects an increase in revenue for the stormwater management fee from $3.00 to $3.50 per Equivalent Residential Unit (ERU); and

WHEREAS, Section 18.01.050 A. of the Wauwatosa Municipal Code provides that the Common Council shall, by resolution, establish the rates for stormwater management fees;

NOW, THEREFORE, BE IT RESOLVED THAT pursuant to Section 18.01.050 A. of the Wauwatosa Municipal Code, Stormwater User Fees are hereby established effective January 1, 2005 at the rate of $3.50 per ERU per month or $10.50 per ERU per quarter.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-05-9

WHEREAS, the Wauwatosa Fire Department has sought the addition of one automobile for shared use by the Training Officer, Fire Education Coordinator, Mechanic and other like duty personnel; and

WHEREAS, budget priorities have forced the Fire Department to withdraw these requests in favor of more pressing budget needs; and

WHEREAS, a former police vehicle (P-100) is currently in good condition and will be serviceable for this purpose for several years;

NOW, THEREFORE, BE IT RESOLVED THAT former police automobile P-100 is hereby transferred to the Fire Department fleet for the uses described above;

BE IT FURTHER RESOLVED THAT the funds received by the City from the recent sale of 3 obsolete fire trucks are hereby transferred to the Fleet Reserve Fund to offset the lack of sale proceeds for vehicle P-100.

It was moved by Ald. Bruderle-Baran, seconded by Ald. Casey to approve the three foregoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 12/22/04 – 1/04/05 --

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 12/22/04 – 1/04/05: $820,628.19

It was moved by Ald. Casey, seconded by Ald. Bruderle-Baran that each and everyone of the accounts of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15.

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-05-10

WHEREAS, the City of Wauwatosa has had great past successes by annually participating with the Milwaukee Metropolitan Sewerage District and acting as a host site for household hazardous waste collection; and

WHEREAS, the City of Wauwatosa has been approached by MMSD to act as a host site for a Household Hazardous Waste Collection Day at the City Hall Municipal Parking lot in the southwest corner; and

WHEREAS, each resident of the City of Wauwatosa benefits from the removal of hazardous products from the City's waste stream;

NOW, THEREFORE, BE IT RESOLVED THAT Saturday, September 10, 2005 be set aside as a household hazardous waste collection day in the City of Wauwatosa;

BE IT FURTHER RESOLVED THAT the proper City officials are authorized to enter into an agreement with the Milwaukee Metropolitan Sewerage District to hold this event in the southwest corner of the City Hall Municipal Parking Lot and that any traffic routing plan be approved by the Engineering Department prior to the day of the event;

BE IT FURTHER RESOLVED THAT MMSD shall submit a traffic plan to the engineering department for approval prior to the event.

It was moved by Ald. Herzog, seconded by Ald. Grimm to approve the foregoing resolution. -15

There being no further business, the meeting adjourned at 8:17 p.m.

cal

Carla A. Ledesma, CMC, City Clerk