

# CITY OF WISCONSIN DELLS MEETING AGENDA - REVISED

Meeting Description COMMON COUNCIL MEETING

Date: MONDAY, FEBRUARY 8, 2016 Time: 7:00PM Location: MUNICIPAL BUILDING  
300 LA CROSSE STREET, WISCONSIN DELLS, WI

MAYOR		COUNCIL MEMBERS		
BRIAN L. LANDERS		FIRST DISTRICT	SECOND DISTRICT	THIRD DISTRICT
		Jesse DeFosse	Mike Freel	Ed Fox
		Brian Holzem	Dar Mor	Ed Wojnicz
<b>OPENING</b>				
1	CALL TO ORDER & ROLL CALL			
2	PLEDGE OF ALLEGIANCE			
3	<p><b>APPROVAL OF CONSENT AGENDA ITEMS:</b></p> <ul style="list-style-type: none"> <li>a. Approval of the January 18, 2016 Common Council Meeting Minutes</li> <li>b. Schedule of Bills Payable dated February 8, 2016</li> <li>c. Applications for Bartender Licenses</li> <li>d. Application for a Temporary Class B Wine License submitted by the Downtown Dells Committee for a Wine Friday, April 29, 2016</li> <li>e. Application for Special Events Permit submitted by the Downtown Dells Committee and WDVCB for a Wine Tasting/Food Paring Event on Oak Street, Saturday, April 30, 2016</li> <li>f. Application for a Special Events Permit submitted by Downtown Dells Committee for the Taste of the Dells June 10-11, 2016</li> <li>g. Application for a Special Events Permit submitted by the BID Committee for the 2016 Summer Street Entertainment Series</li> <li>h. Application for a Special Events Permit submitted by Kilbourn City Live for a Music Festival October 1, 2016</li> </ul>			
4	<p><b>COMMITTEE UPDATES BY CHAIRPERSONS:</b></p> <p>(BID, PARKS &amp; REC, LIBRARY, LEGISLATIVE, PARKING BOARD, PLAN COMMISSION, FINANCE, PUBLIC WORKS, DESIGN REVIEW COMMITTEE &amp; PUBLIC SAFETY)</p>			
<b>AGENDA ITEMS</b>				
5	PUBLIC COMMENT/ CITIZEN APPEARANCES FOR ANY NON-AGENDA ITEM			
6	APPLICATION FOR CLASS B BEER AND CLASS C WINE LICENSES SUBMITTED BY THE PIZZA LAB,LLC, BURAK AKBEG AGENT, FOR THE PIZZA LAB AT 332 HWY 13, FOR THE LICENSING PERIOD OF FEBRUARY 16, 2016 THROUGH JUNE 30, 2016			
<b>RESOLUTIONS</b>				
7	RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,243,595 SEWERAGE SYSTEM REVENUE BONDS, SERIES 2016; AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO; AND APPROVAL OF RELATED \$2,654,524 FINANCIAL ASSISTANCE AGREEMENT			
8	RESOLUTION TO APPROVE THE TAX REFUND CLAIM SUBMITTED BY CHULA VISTA INC, d/b/a CHULA VISTA LAUNDRY FOR PROPERTY IN LAKE DELTON THAT THEY INCORRECTLY REPORTED IN WISCONSIN DELLS			
9	RESOLUTION TO INCREASE MEETING PER DIEM PAY FOR ELECTED CITY OFFICIALS STARTING NEW TERMS			



**CITY OF WISCONSIN DELLS  
OPERATOR'S (BARTENDER) LICENSE APPLICATION**

ITEM 3c

**FOR OFFICE USE ONLY**

Receipt# 63811  
Amount Paid: \$ 30.00  
License Exp. Date Provisional: \_\_\_\_\_ (not more than 60 days)  
Operators-June 30, 2016 (even year)  
Temporary Period \_\_\_\_\_ (not more than 14 days)  
Council Date Granted: \_\_\_\_\_  
License #: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Police Dept Verification

Police Chief:

Approved: [Signature]

Denied: \_\_\_\_\_

**Please Note:**

- You must be 18 years of age or older to apply.
- Answer all questions truthfully and completely. A background record check will be conducted by the Police Dept.
- A Beverage Server Certificate, proof of registration in the class, or proof of having an Operator License within the last two years must accompany all New License Applications.

Application Date 1/20/14

**License Applying For:**

- New \$60  
 Renewal \$60  
 Provisional \$10  
 Temporary \$10 (Bona Fide Clubs Only)  
Date(s) Needed (14 day max.): \_\_\_\_\_  
Limited to one per year. No training course required.

**Check the appropriate box that applies to you:**

- I have an Operator's License in effect at this time. (Attach proof if not held w/City of Wisconsin Dells)  
 I have held an Operator's License within past 2 years (Attach proof)  
 I have completed the Beverage Server Training Course within past 2 years (Attach Completion Certificate)  
 I am enrolled in the Beverage Server Training Course.  
Class Date and Location: \_\_\_\_\_  
(After completing the course, bring in your certificate to receive license)  
 I am applying for a Temporary Operator's License

**To the Common Council of the City of Wisconsin Dells, Wisconsin:**

I hereby apply for a license to serve from the date hereof to June 30, 2016, inclusive, fermented malt beverages and intoxicating liquors, subject to limitations imposed by Secs. 125.04, 125.12, 125.32, 125.68 of the Wisconsin Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, federal, state, or local, affecting the sale of such beverages and liquors if a license is granted to me.

**PLEASE PRINT**  
Name

Young Courtney Elizabeth

Home Address 104 Ridge Drive Wisconsin Dells WI 53965  
Street City State Zip

Mail License to (if different from Home Address) 508 8th Street Baraboo WI 53913  
Street City State Zip

**Previous Addresses within the past 10 years**

800 Broadway Baraboo WI, 508 8th Street Baraboo WI,

Drivers License # Y520-1058-8948-01 State Issued Wisconsin

Phone Number 1-608-434-2592 Date of Birth 12-8-88 Place of Birth Sauk County

Physical Description Sex F Race White Height 5'05" Eye Color: haz Hair Color: Brown

License to be used at (Name of Business) Roadhouse Saloon

(Continued)

- 1. Have you been convicted of any felony or misdemeanor? Yes  No
- 2. Have you been convicted of any license law or ordinance regulating the sale and/or consumption of fermented malt beverages or intoxicating liquors? Yes \_\_\_ No
- 3. Are there currently any charges, federal, state, or local pending against you? Yes \_\_\_ No
- 4. Do you currently have any outstanding forfeitures owed to the City of Wisconsin Dells? Yes \_\_\_ No

If you answered **yes** to any of the above questions, list the offense convicted of, pending conviction, date of conviction, and state and county of conviction.

<u>Date</u>	<u>Nature of Offense</u>	<u>County</u>	<u>State</u>
2010	No Registration	Sauk	WI
	No Insurance		WI
	Operating while Suspended		WI
2009	Operating while Revoked		WI
	Operating while Suspended		WI
	Retail Theft		WI
2008	Operating while Suspended		WI

**STATE OF WISCONSIN**

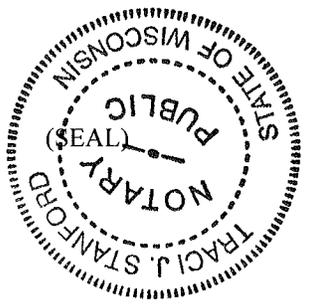
**COUNTIES OF COLUMBIA, SAUK, ADAMS & JUNEAU**

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application: that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Signature of Applicant: [Handwritten Signature] Date: 1/20/16

Subscribed and sworn to before me this 20th day of January, 2016.  
[Handwritten Signature]  
Notary Public

My Commission Expires: 10/25/2019



Application for Temporary Class "B" / "Class B" Retailer's License

ITEM 3d

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: \_\_\_\_\_

Town  Village  City of WISCONSIN DELLS

County of COLUM

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
 A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning FRIDAY, APRIL 29 and ending SATURDAY, APRIL 30 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization (check appropriate box) ->
 Bona fide Club  Church  Lodge/Society
 Chamber of Commerce or similar Civic or Trade Organization
 Veteran's Organization  Fair Association

(a) Name DOWNTOWN DELLS COMMITTEE

(b) Address PO BOX 473 WISCONSIN DELLS, WI 53965
(Street)  Town  Village  City

(c) Date organized FEBRUARY 2005

(d) If corporation, give date of incorporation \_\_\_\_\_

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:
President MARK SWEET, PO BOX 473, WISCONSIN DELLS, WI 53965

Vice President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer MARTIN STEFFES, 727 SUPERIOR ST., WISCONSIN DELLS, WI 53965

(g) Name and address of manager or person in charge of affair:
JOHN SCHOENHERR, 319 BROADWAY, WISCONSIN DELLS, WI. 53965

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number Retail store locations. list to be provided.

(b) Lot tent on OAK ST between BROADWAY and Alley. Block 700 BLOCK

(c) Do premises occupy all or part of building? Part A - yes. PART B no; under tent on city street.

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover:

3. Name of Event

(a) List name of the event 5th WISCONSIN DELLS WINE WALK

(b) Dates of event Friday, April 29 and Saturday, April 30 (only 1 day per State Statute)

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer Mark Sweet 1/22/2016
(Signature/date)

Officer DOWNTOWN DELLS COMMITTEE
(Name of Organization)
(Signature/date)

Officer \_\_\_\_\_
(Signature/date)

Officer \_\_\_\_\_
(Signature/date)

Date Filed with Clerk 1-27-2016

Date Reported to Council or Board 2-8-2016

Date Granted by Council \_\_\_\_\_

License No. \_\_\_\_\_

# City of Wisconsin Dells

## Application for: SPECIAL EVENTS PERMIT

ITEM 3e

Application Date: JANUARY 27, 2016 FEE \$160.00 Receipt No. \_\_\_\_\_  
Name of Applicant: DOWNTOWN DELLS COMMITTEE ; WISCONSIN DELLS CONVENTION and VISITORS BUREAU  
Address of Applicant: PO BOX 473 WISCONSIN DELLS, WI  
Daytime Telephone Number: (608) 254-2992 Email Address: outofthewoods@dells.com  
Name & Address of Officers, if Corporation: \_\_\_\_\_

### FOR SPECIAL EVENTS PERMIT:

Date(s) of Event: SATURDAY, APRIL 30  
Type of Event: Wine/Food Pairing with Fashion Show and Music  
Location of Event: OAK STREET between HIGH ROCK CAFE and NATIVE SUN Under large tent

Number and Types of Participants: 200-300  
Contact Person: MARK SWEET ; JENIFER DOBBS Telephone No: Mark 254-2992; Jennifer 254-8088

Fireworks: YES or NO

Beer/Wine Served or Sold: YES or NO (If yes, Temporary Class B Beer/Wine License must be applied for.)

### FOR PARADE/OR RUNNING/WALKING EVENT:

Assembly Area: \_\_\_\_\_  
Starting Time & Estimated Ending Time: \_\_\_\_\_  
Starting Point: \_\_\_\_\_  
Parade/Run Route: \_\_\_\_\_

Estimated Number of Units/or Runners: \_\_\_\_\_

MARK SWEET

Printed Name of Applicant

Mark Sweet

Signature of Applicant

1/27/2016

Date

Subject to compliance with Wisconsin Dells Municipal Code chapter 24

Date Approved: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Date Denied: \_\_\_\_\_ Reason(s): \_\_\_\_\_

Note: Incomplete, false, or misleading information on the application form can delay the review process and/or be grounds for denial of permit or license. Rev. 9/15

# City of Wisconsin Dells

## Application for: SPECIAL EVENTS PERMIT

ITEM 3F

Application Date: JANUARY 27, 2016 FEE \$160.00 Receipt No. \_\_\_\_\_

Name of Applicant: DOWNTOWN DELLS COMMITTEE

Address of Applicant: PO BOX 473 WISCONSIN DELLS, WI

Daytime Telephone Number: (608) 254-2992 Email Address: outofthewoodswiddells@frontier.com

Name & Address of Officers, if Corporation: \_\_\_\_\_

### FOR SPECIAL EVENTS PERMIT:

Date(s) of Event: JUNE 10-11, 2016

Type of Event: TASTE OF WISCONSIN DELLS

Location of Event: 700 BLOCK OF OAK STREET; CITY LOT 1; BOWMAN PARK

Number and Types of Participants: 7-10,000 based on past years - Family -

Contact Person: MARK SWEET; JENIFER DOBBS Telephone No: 254-2992; Mark 254-8088 Jenifer

Fireworks: YES or NO

Beer/Wine Served or Sold: YES or NO (If yes, Temporary Class B Beer/Wine License must be applied for.)

### FOR PARADE/OR RUNNING/WALKING EVENT:

Assembly Area: Corvette Adventures Parade - staging at Chula Vista Resort

Starting Time & Estimated Ending Time: 11:00 - 11:30AM; SATURDAY, JUNE 11 - ELM ST until 12PM

Starting Point: CHULA VISTA RESORT

Parade/Run Route: South on Hwy 13 to BROADWAY. west on BROADWAY to SUPERIOR. left on SUPERIOR to WASHINGTON left on WASHINGTON to ELM. Left on ELM to CITY LOTS 2, 4 and on ELM -

Estimated Number of Units/or Runners: Approximate 200 Corvettes. for parking.

MARK SWEET

Printed Name of Applicant

Mark Sweet

Signature of Applicant

1/27/2016

Date

Subject to compliance with Wisconsin Dells Municipal Code chapter 24

Date Approved: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Date Denied: \_\_\_\_\_ Reason(s): \_\_\_\_\_

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# City of Wisconsin Dells

## Application for: SPECIAL EVENTS PERMIT

ITEM 39

Date From: May 1, 2016

To: September 4, 2016

FEE \$160.00

Receipt No.

53927  
1/24/2016

Name of Applicant: Jenifer Dobbs, Festivals Manager of Wisconsin Dells Festivals, Inc. on behalf of Wisconsin Dells BID Committee

Address of Applicant: 701 Superior St., PO Box 390, Wisconsin Dells, WI 53965

Daytime Telephone Number: (608) 254-7180 Ext 311 Email Address: jenifer@wisdells.com

Name & Address of Officers, if Corporation: Jill Diehl, President - 560 Wisconsin Dells Parkway, Wisconsin Dells, WI; Dan Gavinski, Secretary/Treasurer, 1890 Wisconsin Dells Parkway, Wisconsin Dells, WI

### FOR SPECIAL EVENTS PERMIT:

Type of Event: Downtown Summer Entertainment Series: Various musical entertainers perform on the corner of Eddy Street and Broadway, Oak Street and new bump outs as determined by the BID committee, throughout the summer season. Performances to take place from 7:00 - 9:00 p.m.

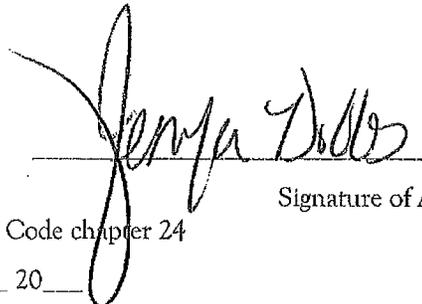
Location of Event: Intersection of Broadway and Eddy Street, on the sidewalk and bump-out areas, Oaks Street and new bump outs located on Broadway. Two sets of bleachers to be placed at the Eddy Street location for visitor seating.

Number and Types of Participants: Varies

Contact Person: Jenifer Dobbs - Festivals Manager, Wisconsin Dells Festivals, Inc.

Telephone No: Office: (608) 254-9879 Cell: (608) 516-7101

Fireworks: NO Sandwich Board Signs: NO

  
\_\_\_\_\_  
Signature of Applicant

Subject to compliance with Wisconsin Dells Municipal Code chapter 24

Date Approved: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Date Denied: \_\_\_\_\_ Reason(s): \_\_\_\_\_

Note: Incomplete, false, or misleading information on the application form can delay the review process and/or be grounds for denial of permit or license. Rev. 01/10

# City of Wisconsin Dells

## Application for: SPECIAL EVENTS PERMIT

ITEM **3h**

Application Date: 2/3/16 FEE \$160.00 Receipt No. \_\_\_\_\_

Name of Applicant: Kilbourn City Live

Address of Applicant: 441 Clara Ave #113, Wisconsin Dells

Daytime Telephone Number: (608) 393-6008 Email Address: leutephotography@gmail.com

Name & Address of Officers, if Corporation: Amanda McGowan, Jessie Defosse,  
Will Melssner, Kyler Rayston, Robbie English ~~XXXXXXXXXX~~

### FOR SPECIAL EVENTS PERMIT:

Date(s) of Event: Oct. 1st 2016

Type of Event: Music festival

Location of Event: Open parking lot and a city block from Broadway  
to Eddy Street

Number and Types of Participants: 1000-3000

Contact Person: Joe Leute Telephone No: 608-393-6008

Fireworks: YES or  NO

Beer/Wine Served or Sold:  YES or NO (If yes, Temporary Class B Beer/Wine License must be applied for.)

### FOR PARADE/OR RUNNING/WALKING EVENT:

Assembly Area: None

Starting Time & Estimated Ending Time: \_\_\_\_\_

Starting Point: \_\_\_\_\_

Parade/Run Route: \_\_\_\_\_

Estimated Number of Units/or Runners: \_\_\_\_\_

Printed Name of Applicant Joe Leute

Signature of Applicant Joe Leute

Date 2/3/16

Subject to compliance with Wisconsin Dells Municipal Code chapter 24

- Date Approved: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_
- Date Denied: \_\_\_\_\_ Reason(s): \_\_\_\_\_

Note: Incomplete, false, or misleading information on the application form can delay the review process and/or be grounds for denial of permit or license. Rev. 9/15

## SPONSORSHIP OPPORTUNITIES



DOWNTOWN WISCONSIN DELLS

Saturday, October 1, 2016 - Downtown Wisconsin Dells  
Noon – Midnight Free Admission

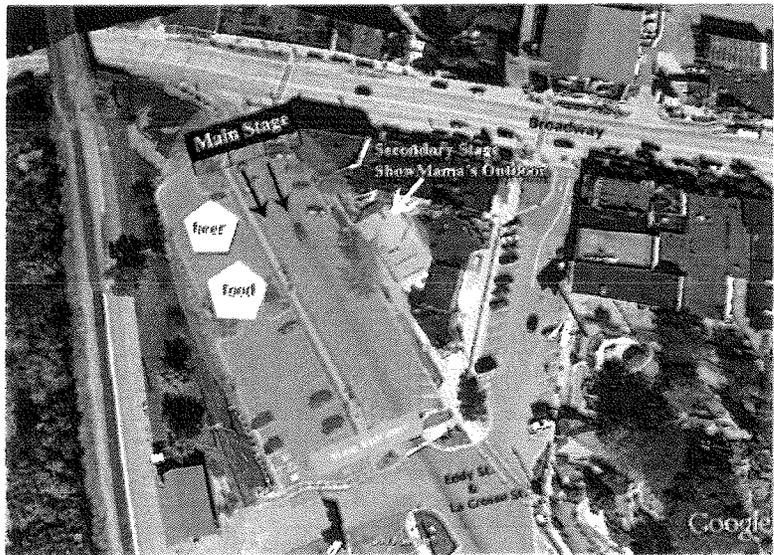
### Introducing Kilbourn City Live

Kilbourn City Live is a new music festival set to take stage in downtown Wisconsin Dells. We are excited to launch, what we plan to be, an annual event that highlights live music in a vibrant urban setting.

Kilbourn City Live will be a two stage "block party" styled music event featuring up-and-coming bands, who are already successfully touring the country, along with a notable headline act. This event is formatted to be family-friendly, energetic and to support the revitalization and culture of our historic downtown.

### Location:

The primary festival site will utilize the open parking lot and a city block of La Crosse Street from Broadway to Eddy Street. This location was chosen for it's high-visibility to pass thru traffic, as well a being a safe and secure location for patrons of the event. The site is also conveniently located for foot traffic access to and from the downtown area, and encourages festival-goers to partake in local dining, shopping and lodging.



The festival site will not only include the two music stages, but also a beer/beverage tent and small concessions tent.

### Our Goal:

At the heart of our mission of launching **Kilbourn City Live** is a desire to give back to the local community and enhance the experience and culture that is downtown Wisconsin Dells for both visitors and locals alike. It is our goal to develop **Kilbourn City Live** into a major music festival that draws in a large audience and is attractive to national headline acts.

ITEM 6

**ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION**

Submit to municipal clerk.

For the license period beginning February 16 20 16 ;  
ending June 30 20 16

TO THE GOVERNING BODY of the:  Town of } Wisconsin Dells  
 Village of }  
 City of }

County of Sauk Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

- 1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

- 2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name):  
Akbec, Burak The Pizza Lab LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Owner/Agent Burak Akbec</u>	<u>33A Grand Canyon Dr #212 Baraboo, WI</u>	<u>53912</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	<u>BURAK AKBEC</u>		
Directors/Managers			

- 3. Trade Name Pizza Lab Business Phone Number 510-388-9679
- 4. Address of Premises 332 St Hwy 13, Wisc Dells, WI 53915 Post Office & Zip Code 53915

- 5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No
- 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No
- 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No
- 8. (a) Corporate/limited liability company applicants only: Insert state WI and date 8/14/15 of registration.  
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No  
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

- 9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Commercial, strip mall, storefront. Sold only by bottle and stored in the prep/dishwash area
- 10. Legal description (omit if street address is given above): \_\_\_\_\_
- 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No  
(b) If yes, under what name was license issued? \_\_\_\_\_
- 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]  Yes  No
- 13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776].  Yes  No
- 14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

**SUBSCRIBED AND SWORN TO BEFORE ME**

this 5 day of January  
Darlene E. Berry  
(Clerk/Notary Public)

Burak Akbec  
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

My commission expires 06/02/2017  
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <u>1-11-2016</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING THE ISSUANCE AND  
SALE OF UP TO \$2,243,595 SEWERAGE SYSTEM REVENUE BONDS, SERIES 2016,  
AND PROVIDING FOR OTHER DETAILS AND  
COVENANTS WITH RESPECT THERETO**

WHEREAS, the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin (the "Municipality") is a member of the Wisconsin Dells-Lake Delton Sewerage Commission (the "Commission"), a commission created under Section 66.30, Wis. Stats. (now Section 66.0301, Wis. Stats.), pursuant to an Amended Contract (Charter Contract) Creating Commission pursuant to S. 66.30 Wis. Stats., For the Purpose of Providing Facilities for the Joint Treatment and Disposal of Sewage and the Operation Thereof and Providing a Plan for the Administration of Said Commission, dated January 13, 1986, between the Municipality and the Village of Lake Delton, Wisconsin ("Lake Delton"), as amended (collectively, the "Contract"), which Commission operates a wastewater treatment plant facility (the "Facility"); and

WHEREAS, the Facility is a revenue producing enterprise which is undertaken by the Municipality and Lake Delton through the Contract and which the Commission operates for a public purpose as a public utility serving the Municipality and Lake Delton in accordance with the terms of the Contract; and

WHEREAS, the Municipality is individually responsible for the operation and maintenance of its collector and interceptor system and for construction of the necessary interceptor lines to the point of entry into the Facility (collectively, this collector and interceptor system and the Municipality's proportionate share of the Facility shall be referred to as the "System"); and

WHEREAS, pursuant to Resolution No. 2562 adopted on August 16, 1999 (the "1999 Resolution"), the Municipality has heretofore issued its Sewerage System Revenue Bonds, Series 1999, dated August 25, 1999 (the "1999 Bonds"), which 1999 Bonds are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 3257 adopted on October 24, 2005 (the "2005 Resolution"), the Municipality has heretofore issued its Sewerage System Revenue Bonds, Series 2005, dated November 9, 2005 (the "2005 Bonds"), which 2005 Bonds are payable from the income and revenues of the System; and

WHEREAS, pursuant to Resolution No. 3667 adopted on April 20, 2010 (the "2010 Resolution"), the Municipality has heretofore issued its Sewerage System Revenue Bonds, Series 2010, dated May 12, 2010 (the "2010 Bonds"), which 2010 Bonds are payable from the income and revenues of the System; and

WHEREAS, the 1999 Bonds, the 2005 Bonds and the 2010 Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 1999 Resolution, the 2005 Resolution and the 2010 Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain improvements to the Facility are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Clean Water Fund Program Project No. 4151-07 by the Department of Natural Resources, and as described in the Department of Natural Resources approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. S-2014-0467 and dated September 15, 2014 and No. S-2014-0553 and dated October 21, 2014 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell sewerage system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the Prior Resolutions permit the issuance of additional bonds on a parity with the Prior Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, other than the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$2,243,595 Sewerage System Revenue Bonds, Series 2016, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Commission" means the Wisconsin Dells-Lake Delton Sewerage Commission which was created under Section 66.30, Wis. Stats., pursuant to the Contract, and of which the Municipality is a member;

(f) "Contract" means an Amended Contract (Charter Contract) Creating Commission pursuant to S. 66.30 Wis. Stats., For the Purpose of Providing Facilities for the Joint Treatment and Disposal of Sewage and the Operation Thereof and Providing a Plan for the Administration of Said Commission, dated January 13, 1986, between the Municipality and the Village of Lake Delton, Wisconsin, as amended;

(g) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;

(h) "Debt Service Fund" means the Sanitary Sewerage System Interest Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;

(i) "Facility" means the wastewater treatment plant facility operated by the Commission pursuant to the Contract;

(j) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

(k) "Fiscal Year" means the twelve-month period ending on each December 31;

(l) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;

(m) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from sewerage charges imposed by the Municipality or Commission, all payments to the Municipality or Commission under any wastewater treatment service agreements between the Municipality or Commission and any contract users of the System, and any other monies received from any source including all rentals and fees and any special assessments levied and collected in connection with the Project;

(n) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;

(o) "Municipality" means the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin;

(p) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;

(q) "1999 Bonds" means the Municipality's Sewerage System Revenue Bonds, Series 1999, dated August 25, 1999;

(r) "1999 Resolution" means Resolution No. 2562 adopted by the Governing Body on August 16, 1999 authorizing the issuance of the 1999 Bonds;

(s) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;

(t) "Prior Bonds" means the 1999 Bonds, the 2005 Bonds and the 2010 Bonds collectively;

(u) "Prior Resolutions" means the 1999 Resolution, the 2005 Resolution and the 2010 Resolution collectively;

(v) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Commission pursuant to the Contract as part of the System as described in the preamble hereto;

(w) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;

(x) "System" means the entire sewerage system of the Municipality specifically including the Municipality's proportionate share of the Facility and the Project and including all property of every nature now or hereafter owned by the Municipality for the collection, transmission, treatment and disposal of domestic and industrial sewerage and waste, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such sewerage system and including all appurtenances, contracts, leases, franchises, and other intangibles;

(y) "2005 Bonds" means the Municipality's Sewerage System Revenue Bonds, Series 2005, dated November 9, 2005;

(z) "2005 Resolution" means Resolution No. 3257 adopted by the Governing Body on October 24, 2005 authorizing the issuance of the 2005 Bonds;

(aa) "2010 Bonds" means the Municipality's Sewerage System Revenue Bonds, Series 2010, dated May 12, 2010; and

(bb) "2010 Resolution" means Resolution No. 3667 adopted by the Governing Body on April 20, 2010 authorizing the issuance of the 2010 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the Municipality's proportionate share of the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$2,243,595; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Clean Water Fund Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor

and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Sewerage System Revenue Bonds, Series 2016" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.438% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on May 1, 2016 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond (except the final maturity) and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by check or draft of the Municipality and mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the Prior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were created and established by Resolution No. 1125 adopted on March 25, 1985 are hereby continued and shall be used solely for the following respective purposes:

- (a) Sanitary Sewerage System Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Sanitary Sewerage System Operation and Maintenance Fund (the "Operation and Maintenance Fund") which shall be used for the payment of Current Expenses.
- (c) Sanitary Sewerage System Interest Special Redemption Fund (the "Debt Service Fund"), which shall be used for the payment of the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and Parity Bonds as the same becomes due.
- (d) Sanitary Sewerage System Depreciation Fund (the "Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the System.
- (e) Sanitary Sewerage System Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Prior Bonds, the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows: (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds and any Parity Bonds

coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source);

- (c) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and
- (d) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (d) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures.

Section 8. Deposits and Investments. The Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Sewerage System CWFPP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing sewerage services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Prior

Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Clean Water Fund Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(4) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Clean Water Fund Program for the purchase price of up to \$2,243,595 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Sewerage System CWFP Project Fund." The Sewerage System CWFP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Sewerage System CWFP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section 1.148-3(b) of the Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Commission To Act as Agent. The Governing Body appoints and authorizes the Commission to act as its agent pursuant to the Contract, in the following matters: expending Bond proceeds provided to it by the Municipality to pay the costs of the Project as more fully described in the preamble hereof, constructing the Project, operating the Facility and performing all other acts required to be performed by this Resolution or the Contract.

Section 18. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 19. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Clean Water Fund Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Clean Water Fund Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 20. Conflicting Resolutions. All ordinances, resolutions (other than the Prior Resolutions), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolutions, the Prior Resolutions shall control as long as any of the respective Prior Bonds are outstanding.

Passed: February 8, 2016

Approved: February 8, 2016

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Brian L. Landers  
Mayor

Attest:

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Nancy R. Holzem  
City Clerk

RESOLUTION NO. \_\_\_\_\_

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, that based upon the recommendation of the FINANCE COMMITTEE from their February 8, 2016 meeting;

IT APPROVES the claim for a tax refund in the amount of \$7,155.74 submitted by Chula Vista Inc, d/b/a Chula Vista Laundry. Chula incorrectly reported this property in the city limits when it is actually located in Lake Delton.

\_\_\_\_\_  
Brian L. Landers, Mayor

Attest: \_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_\_ ayes \_\_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

CITY OF WISCONSIN DELLS  
 KAREN TERRY  
 300 LACROSSE ST  
 WISCONSIN DELLS WI 53965

Please inform the treasurer of any address change.

CHULA VISTA LAUNDRY  
 PO BOX 30  
 WISCONSIN DELLS WI 53965

STATE OF WISCONSIN  
 PERSONAL PROPERTY TAX BILL FOR 2015  
 CITY OF WISCONSIN DELLS  
 ADAMS COUNTY

BILL NO. 143  
 Correspondence should refer to parcel number  
 PARCEL#: 291-09040-0000

Assessed Value Land Personal	Ass'd Value Improvements Property	Total Assessed Value	Ave. Asemt. Ratio	Est. Fair Mkt. Land Personal	Est. Fair Mkt. Improvements Property	Total Est. Fair Mkt.	<input type="checkbox"/> A star in this box means unpaid prior year taxes	
		279,100	0.9915			281,490		
Taxing Jurisdiction		2014 Est. State Aids Allocated Tax Dist.	2015 Est. State Aids Allocated Tax Dist.	2014 Net Tax	2015 Net Tax	% Tax Change	Gross Property Tax	
STATE OF WISCONSIN					47.76		7,155.74	
ADAMS COUNTY			18,212		2,070.66		First Dollar Credit	
CITY OF WISCONSIN DELLS			59,735		2,703.24		Lottery Credit	
MADISON TECHNICAL COLL			31,212		260.98		Net Property Tax	
WISCONSIN DELLS SCHOOL			34,066		2,073.10		7,155.74	
Total			143,225		7,155.74			
							<b>TOTAL DUE FOR FULL PAYMENT</b>	
							<b>PAY BY January 31, 2016</b>	
							<b>\$ 7,155.74</b>	
School taxes reduced by school levy tax credit		\$87.54	IMPORTANT: Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.				Net Assessed Value Rate (Does NOT reflect credits)	Warning: If not paid by due dates, installment option is lost and total tax is delinquent subject to interest and, if applicable, penalty. Failure to pay on time. See reverse.
Property Address		4031 N RIVER RD SERVICES				0.025638578		

PA-6083 (R. 6-14)

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

*Chula Reported Property in Wrong location.*

RETAIN THIS PORTION AS YOUR COPY

PAY 1ST INSTALLMENT OF:  
 \$7,155.74  
 By January 31, 2016

AND PAY 2ND INSTALLMENT OF:  
 \$0.00  
 By July 31, 2016

OR PAY FULL AMOUNT OF:  
 \$7,155.74  
 By January 31, 2016

Amount Enclosed: \$ \_\_\_\_\_  
 Make Check Payable and Mail to:  
 CITY OF WISCONSIN DELLS  
 KAREN TERRY  
 300 LACROSSE ST  
 WISCONSIN DELLS WI 53965  
 608-254-2012  
 2015 Personal Property Bill #  
 143  
 Parcel #  
 291-09040-0000  
 Alt. Parcel #

Amount Enclosed: \$ \_\_\_\_\_  
 Make Check Payable and Mail to:  
 CITY OF WISCONSIN DELLS  
 KAREN TERRY  
 300 LACROSSE ST  
 WISCONSIN DELLS WI 53965  
 608-254-2012  
 2015 Personal Property Bill #  
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 WISCONSIN DELLS WI 53965  
 608-254-2012  
 2015 Personal Property Bill #  
 143  
 Parcel #  
 291-09040-0000  
 Alt. Parcel #

CHULA VISTA LAUNDRY  
 Include This Stub With Your Payment

CHULA VISTA LAUNDRY  
 Include This Stub With Your Payment

CHULA VISTA LAUNDRY  
 Include This Stub With Your Payment



Reinhart Boerner Van Deuren s.c.  
P.O. Box 2018  
Madison, WI 53701-2018

22 East Mifflin Street  
Suite 600  
Madison, WI 53703-4225

Telephone: 608-229-2200  
Fax: 608-229-2100  
Toll Free: 800-728-6239  
reinhartlaw.com

*RB*  
1-21-16  
U-007

January 20, 2016

Don M. Millis, Esq.  
Direct Dial: 608-229-2234  
dmillis@reinhartlaw.com

**CLAIM FOR UNLAWFUL ASSESSMENT**

SERVED BY PROCESS SERVER

Nancy R. Holzem, Clerk  
City of Wisconsin Dells  
300 La Crosse Street  
Wisconsin Dells, WI 53965-1568

Dear Clerk:

Re: Tax Account No. 291-09040-0000

Now comes Claimant, Chula Vista, Inc. d/b/a Chula Vista Laundry, owner of certain personal property (the "Property") located in and property assessed by the Village of Lake Delton, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Unlawful Assessment against the City of Wisconsin Dells (the "City"), pursuant to Wis. Stat. § 74.35. You hereby are directed to serve any notice of disallowance on the undersigned agent of the claimant.

1. This Claim is brought under Wis. Stat. § 74.35, for a refund of unlawful real estate taxes imposed on Claimant by the City for the year 2015, plus statutory interest at the rate of 0.8% per month, with respect to the Property.

2. Claimant is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.

3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 300 La Crosse Street, in the City.

4. The Property is located in and properly assessed by the Village of Lake Delton for tax year 2015. The Village of Lake Delton issued a tax bill with respect to the 2015 assessment of the Property which has been paid by Claimant.

Nancy R. Holzem, Clerk  
January 20, 2016  
Page 2

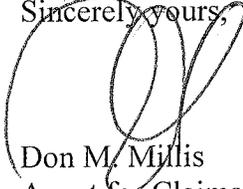
5. The City incorrectly entered the Property on the 2015 tax roll of the City as parcel no. 291-09040-0000, assessed the Property at \$279,100 and issued a 2015 tax bill in the amount of \$7,155.74. Claimant has paid the tax bill, a copy of which is attached to this Claim.

6. The Property was incorrectly entered on to the City's tax roll because the Property was neither located in nor used within the City. Therefore, the tax levied by virtue of the 2015 tax bill in parcel no. 291-09040-0000 is unlawful because, among other things, the property was not located or used within the City.

7. Claimant is entitled to a refund of <sup>2015</sup> ~~2014~~ tax in the amount of \$7,155.74, plus statutory interest at the rate of 0.8% per month from the date of this claim.

Dated at Madison, Wisconsin, this 20th day of January, 2016.

Sincerely yours,

A handwritten signature in black ink, appearing to be "DM", written over the typed name "Don M. Millis".

Don M. Millis  
Agent for Claimant

27439635

cc Mike Kaminski (via e-mail)

RESOLUTION NO. \_\_\_\_\_

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, that based upon the recommendation of the FINANCE COMMITTEE from their January 18, 2016 meeting;

IT APPROVES increasing the meeting per diem pay for elected officials from \$25 up to \$50. (This was reduced from \$50 down to \$25 in 2009.) Per State Statutes, this will take effect only at the beginning of new terms.

\_\_\_\_\_  
Brian L. Landers, Mayor

Attest:

\_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_\_\_ ayes \_\_\_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

RESOLUTION NO. \_\_\_\_\_

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, that based upon the recommendation of the PARKS, RECREATION & WATERWAYS COMMITTEE from their February 1, 2016 meeting:

TO APPROVE the Partnership Agreement with Game Day USA for events in 2016.

\_\_\_\_\_  
Brian L. Landers, Mayor

Attest: \_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_\_\_ ayes \_\_\_\_\_ nays \_\_\_\_\_ abst

Date Introduced: February 8, 2016

Date Passed:

Date Published:



## PARTNERSHIP AGREEMENT

### GAME DAY USA AND CITY OF WISCONSIN DELLS & VILLAGE OF LAKE DELTON PARKS AND RECREATION DEPARTMENT

This agreement between Game Day USA, Inc. ("Game Day USA") and City of Wisconsin Dells & Village of Lake Delton Parks and Recreation Department (WDLD – Parks & Recreation Dept) is for the purpose of providing youth baseball and/or softball events that have a positive impact on the local economy (restaurants, attractions, retail stores, etc.) and tax base as well as provide an additional source of revenue for the WDLD Parks & Recreation Dept.

#### Recitals

- A. Game Day USA is a sports management company, based in Naperville, Illinois, that is in the business of producing athletic events in family friendly vacation destinations; and
- B. WDLD Parks & Recreation Dept is home to excellent sports facilities including; Rotary Park, Veterans Park, Kaminski Park, and Captain Bob's Park.

#### Dells/Delton Parks and Recreation Dept agrees to:

1. Make the fields available for the entire day(s) of the event. **Tournaments:** Friday, Saturday, Sunday. Local field needs will come first, but WDLD Parks & Recreation will make every effort possible to avoid conflicts on Tournament Days
  - a. Rotary Park – 2 Fields
  - b. Kaminski Park – 2 Fields
  - c. Veterans Park – 2 Fields
  - d. Cpt. Bob's Park – 2 Fields
2. Inform Game Day USA of any local scheduling needs prior to scheduling on Monday for the upcoming week
3. Handle all aspects of the upkeep and maintenance of its ball fields during the event, which includes dragging and lining all fields, irrigation and watering, lights, restroom maintenance, trash pickup, and diamond dry (if necessary). Every reasonable effort will be made to control the above. If any questionable circumstances arise such as, but not limited to, weather or electrical issues with lights, this will be discussed at that time between the Game Day USA Tournament Director and a WDLD Parks & Recreation Staff Member to can to an agreeable resolution.
4. Manage and staff the food and beverage concession facilities and retain 100% of the profits from food and beverage concessions.
5. If Game Day USA cancels the day/days of the tournament due to surrounding communities' fields being rained out, but the WDLD Parks are playable within a reasonable amount of time, 50% of the rental rate will be due for the remainder of the day. If the fields are not playable, no rental rate will be due but staff time will still be observed for work done in attempt to ready the fields for play.

**Game Day USA agrees to:**

1. Oversee marketing and promotion for the event, including recruitment of all participants.
2. Accept all registrations by phone, mail and internet for the event.
3. Handle pre-event and on-site event management including staffing, posting of schedules and results, rules interpretation, bracket boards, dispute resolution, coaches meeting, etc.
4. Communicate with the WDL D Parks & Recreation Dept in advance of posting any schedules for field conflicts due to other usage.
5. Provide a copy of the Final Event Schedule on Tuesday prior to each weekend event allowing for proper maintenance and concession planning.
6. Furnish a certificate of insurance for the event, naming WDL D Parks & Recreation Department as additional insured.
7. Hire professional and experienced event staff and umpires to manage and officiate the event, and compensate them for their time, travel expenses, and accommodations.
8. Require Game Day USA staff members to assist with enforcement of "No Carry In Policy" at the various parks, when applicable.
9. Reserve the right to recruit event sponsors and vendors.
10. Purchase individual and team awards for participants, and present them to the championship teams.
11. Set up a souvenir booth on-site, and retain profits from tournament t-shirts and other souvenir items. Any souvenir sales other than t-shirts will require prior approval by WDL D Parks & Recreation.
12. Issue a check to WDL D Parks & Recreation for field rental. Rental fees will be established and discussed with Game Day USA and City of Wisconsin Dells Parks Committee.
13. Issue individual checks for the WDL D Parks & Recreation Grounds Crew on the Monday following the event. If hours are not reported to Game Day USA Staff in timely fashion, there will be a delay in the issuing of these.
14. Reimburse for field materials and utilities used at a rate set by WDL D Parks & Recreation and agreed to by Game Day USA.
15. Game Day USA will not charge participants and families a daily gate fee for these events.
16. Insurance Requirements – It will be the responsibility of Game Day USA to purchase liability (at least \$1,000,000 per occurrence / \$2,000,000 annual aggregate limits), property insurance and workers compensation insurance (statutory limits) to protect Game Day USA, the City of Wisconsin Dells and the Parks and Recreation Department. Game Day USA will provide a current Certificate of Insurance that names the City of Wisconsin Dells, its employees and elected officials as additional insureds. The Certificate of Insurance will provide the City of Wisconsin Dells with at least a 60 day notice of cancellation, nonrenewal or material change. Further the Certificate of Insurance will reference that coverage is provided for the Indemnification Clause that Game Day USA agrees to. The intention of this coverage is to protect Game Day USA and the City of Wisconsin Dells for any loss to program equipment and injury to any participant of these programs.

**INDEMNIFICATION**

17. Game Day USA hereby agrees to indemnify, defend and hold harmless the of Wisconsin Dells and Village of Lake Delton, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part or claimed to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of Game Day USA or of anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on City of Wisconsin Dells and Village of Lake Delton, its elected and appointed officials, officers, employees, agents, representatives and volunteers. The

obligation to indemnify, defend and hold harmless the City of Wisconsin Dells and Village of Lake Delton, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, shall be applicable unless liability results from the sole negligence of the City of Wisconsin Dells and Village of Lake Delton, its elected and appointed officials, officers, employees, agents, representatives and volunteers. Game Day USA shall reimburse the City of Wisconsin Dells and Village of Lake Delton its elected and appointed officials, officers, employees, agent or authorized representatives or volunteers for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. In the event that Game Day USA employs other persons, firms, corporations or entities (subcontractor) as part of the work covered by this Agreement, it shall be Game Day USA's responsibility to require and confirm that each sub-contractor enters into an Indemnity Agreement in favor of the City of Wisconsin Dells and Village of Lake Delton, its elected and appointed officials, officers, employees, agents, representatives and volunteers, which is identical to this Indemnity Agreement. This indemnity provision shall survive the termination or expiration of this Agreement.

The agreement shall apply to the following event dates for 2016, 2017, 2018. This agreement can be reviewed annually if required.

- June 3 – 5, 2016 (Tournament Weekend)
- June 10 – 12, 2016 (Tournament Weekend)
- June 17 – 19, 2016 (Tournament Weekend)
- June 24 – 26, 2016 (Tournament Weekend)
- July 1 – 3, 2016 (Tournament Weekend)
- July 8 – 10, 2016 (Tournament Weekend)
- July 15 – 17, 2016 (Tournament Weekend)
- July 22 – 24, 2016 (Tournament Weekend)

The term of the agreement shall be for the dates listed above with Game Day USA having the Right of First Refusal for corresponding dates in 2017 and 2018.

The parties have executed this Agreement on (date) \_\_\_\_\_

By: x  4/21/16  
Authorized Representative  
Game Day USA

x \_\_\_\_\_  
Authorized Representative  
Wisconsin Dells Lake Delton Parks and Dept

ITEM 11

**CITY OF WISCONSIN DELLS**  
**RESOLUTION NO. \_\_\_\_\_**

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, that based upon the recommendation of the CITY PLAN COMMISSION from their February 8, 2016 meeting;

TO APPROVE the Certified Survey Map for 410 Wisconsin and 828 Elm.

\_\_\_\_\_  
Brian L. Landers, Mayor

Attest: \_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_ ayes; \_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

# COLUMBIA COUNTY CERTIFIED SURVEY MAP No. \_\_\_\_\_

Located in Lots 16, 17 and 18, Block 48, Original Plat of Kilbourn City, SE1/4-SW1/4, Section 3, T13N, R6E, City of Wisconsin Dells, Columbia County, Wisconsin.

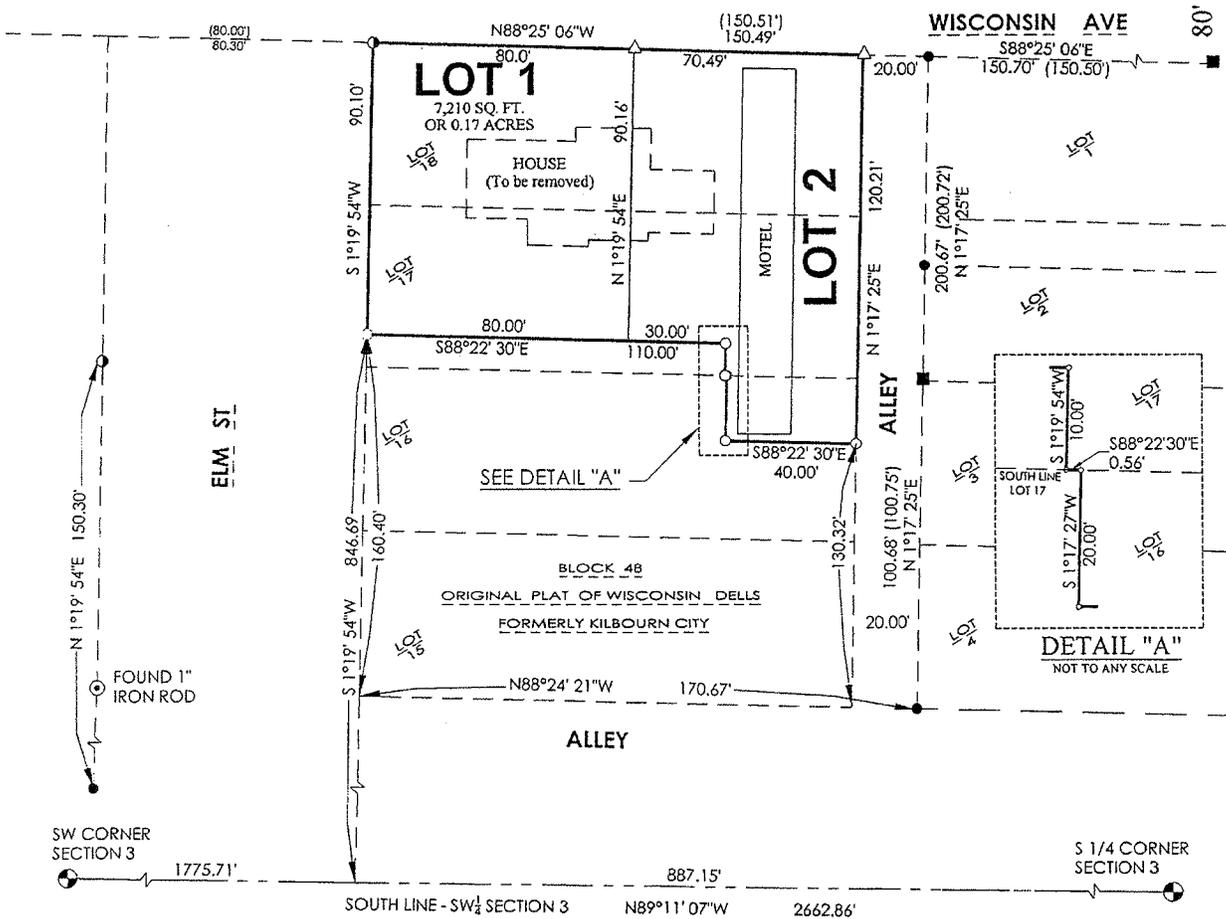
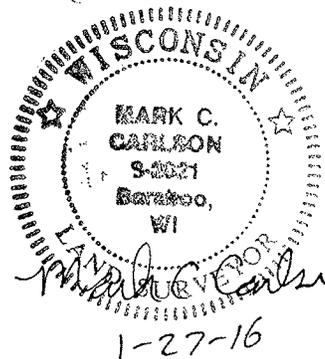
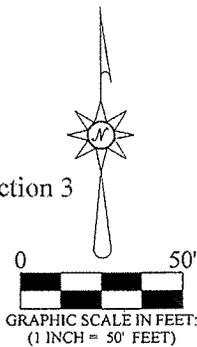
Client: City of Wisconsin Dells, 300 La Crosse Street, Wis Dells, WI, 53965

- ⊙ = Found government corner (3" alum, Col. Co. mon.)
- = Found 3/4" round iron rod (unless shown otherwise)
- = Set 3/4"x24" round iron rod weighing 1.5#/lin. Ft.
- ⦿ = Found 7/8" round iron rod
- ( ) = Recorded as
- △ = Set pk nail in pavement
- = Found 0.75" iron pipe

Lot 2 contains 7,565 SQ FT or 0.17 acres

Bearings are referenced to South line of SW1/4 of Section 3 and made to bear N89°11'07"W.

Carlson Surveying, a Div. of General Engineering,  
P O Box 340, Portage, WI 53901  
Phone: (608) 742-2169



ITEM 12

**CITY OF WISCONSIN DELLS  
RESOLUTION NO. \_\_\_\_\_**

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, that based upon the recommendation of the CITY PLAN COMMISSION from their February 8, 2016 meeting;

It APPROVES a Conditional Use Permit to GIDUP LLC in order to construct a Funeral Home on Lots 2 and 3 of Certified Survey Map 3957 with the conditions listed in the Staff Report.

\_\_\_\_\_  
Brian L. Landers, Mayor

Attest: \_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_ ayes; \_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

**Staff Report**  
**City of Wis. Dells Plan Commission, 02/08/2016**  
**Zoning Map Amendment**  
**Zoning Change and CUP – Funeral Home**

**GIDUP, LLC** has requested a zoning change and Conditional Use Permit for CSM 3957 Lots 2 & 3, which are parcels 1292.018 – 1292.050 and their associated common area. This property is currently Zoned R-5 Residential multi-family, and was the location of a proposed condominium development. In September 2015 the City approved allowing the current owner to dissolve the condominium. The currently owner would like to sell the property to GIDUP, LLC, (d/b/a Pica Funeral homes) for a future new funeral home. A Funeral home is not permitted in the R-5 Zoning district, but is permitted as a Conditional Use in the C-1 Commercial neighborhood. As there is a C-1 Commercial zone adjacent to the property, the applicant has requested the property be re-zoned and has submitted a Conditional Use Application for a Funeral home on this property. The applicant will purchase the property if it can be zoned and permitted for his desired use. As such, any approvals will be contingent on the applicant taking control of the property.

The applicant would like to obtain the property and permissions for a Funeral home, but would not be constructing the Funeral home immediately. The applicant has requested the CUP be issued for 3 years, so he can plan for the construction of the Funeral home in the future. Unless otherwise specified, CUP approval expires after one year if substantial work has not commenced. Prior to construction commencing on this site, a Site Plan application must be approved by the City. It is expected that the Site plan application will be submitted within a year prior to construction.

This site has a C-1 Zoning district to the south and west, R-1 Residential single family to the east, and R-5 Residential multi-family to the north. A C-1 Commercial - neighborhood Zone seems appropriate in this area, as a transition from STH 13 to the single family residences to the east. Still, this Zoning change to C-1 Commercial – neighborhood will allow more Commercial uses on these parcels than is currently allowed in the existing R-5 Residential – multi-family zoning. However, if this property is used for a single funeral home, it appears that the impact on the site would be less than the 28 condominiums this site is currently zoned for. In September of 2015, the City agreed to allow the platted condominium development dissolve.

A Funeral home would appear to be a low impact commercial use on this property. The applicant currently operates other funeral homes in the area, and expects to be conducting services on this site 4 or 5 times a month. Cremations would not be conducted on this site. The specifics of how the site will be laid out will be address during the Site Plan approval process. The City will want to ensure that adequate buffering will be provided between any new construction and the existing uses in the area, especially the homes to the east.

This property falls within Wellhead Protection Zone 1, for municipal Well 6. The embalming chemicals used at this funeral home are regulated substances. While a funeral home is not specifically listed as prohibited, the Zoning Codes includes in the list of permitted uses “municipally sewerred commercial and industrial uses that do not use regulated substances”. The applicant has stated that the embalming process is only required with about ½ of the services performed, and requires less than 5 gallons of chemical to be on-site. The applicant has provided numerous documents explaining that waste from the embalming process is no more dangerous than normal household sanitary wastes, and is normally discharged to the City sanitary sewer system. Contact was made with the DNR representative for the Clean Drinking Water program. This representative stated that funeral homes connected to a municipal sanitary sewer system are not considered to be a potential contaminate, and there are no problems with them being in the Wellhead zone.

Contact was made with the DNR Wellhead protection representatives, who indicated they did think this use posed a significant risk to the well. The DNR representatives did recommend the City had a clear understanding of how the chemicals are delivered, stored, used, and disposed of. The applicant stated that bulk deliveries could occur at another location, with only small quantities of the chemicals brought to this site at a time. As this use will involve construction of a new facility at some point in the future, specifics of how the chemical is handled and stored on the new Site can be developed with input from the City to ensure minimal risk. Contact was also made with the representative of the Wisconsin Rural Water Association that assisted in the development of the City and State Wellhead protection standards. This representative also stated that the use did not appear to present a significant risk to the Wellhead. The Rural Water representative stressed the importance of cooperation between the City and the facility operator. The applicant has displayed a willingness to cooperate fully with the City. While Funeral Home Directors are licensed by Wis. DSPS, and must follow State regulations, there are no regular State inspections of the facilities. The City would require that they be allowed to inspect the facility by request. The applicant has agreed to allow the City to inspect the facility at any time.

Based on the initial research into funeral home operations, they do not appear to pose a significant risk to the Wellhead zone. However, it still seems prudent for the City to retain certain oversight rights if this use is approved. These rights include approval of any final Site and Building design, a clear understanding of the facility operating procedures, and rights to inspect the facility to ensure those operating procedures are continuing. While every indication is that funeral home operations do not pose a hazard to the Municipal Wellhead, if the City determines that additional testing of the Well water is prudent, the City has the right to charge those costs back to the Funeral home facility.

**Zoning Map amendment Contingency:**

As the applicant is a proposed purchaser of the property, the Zoning change is contingent on approval of the CUP, and the applicant taking control of the property.

**CUP Contingencies:**

1. Approval of the CUP is contingent on the applicant taking control of the property.
2. Adequate buffering will be required between this use and the surrounding uses.

**Requested:**

1. The CUP is approved for 3 years to allow the applicant to prepare for the new construction.

**If embalming is to occur on the Site:**

1. The City approve of Site and Building design, specifically in relation to the embalming chemicals.
2. City is provided with operating procedures relating to the embalming process and handing of the embalming chemicals.
  - i. The total amount of embalming chemicals on site is to be less than 5 gallons.
  - ii. The City is to be allowed to inspect the facility.
3. The costs of any additional water testing desired by the City can be charged back to the Funeral home.

Chris Tollaksen  
City of Wis. Dells

**CONDITIONAL USE APPLICATION**  
**Wisconsin Dells, Wisconsin**  
 Version: May 21, 2007

**General instructions.** Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

- Office Use Only -

Initial application fee	<del>6525.00</del>
Receipt number	
Application number	2-2016

**1. Applicant information**

Applicant name GIDUP LLC  
 Street address P.O. Box 757  
 City Lake Delton  
 State and zip code WI 53940  
 Daytime telephone number 608 963 7550  
 Fax number, if any 608 253 4178  
 E-mail, if any gdpicba@gmail.com

**2. Subject property information**

Street address	
Parcel number	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)	
Describe the current use	

**3. Proposed use.** Describe the proposed use.

Funeral Home

**4. Operating conditions.** For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

Similar business operation to Funeral home located in city on Washington Avenue. Anticipating possibly 4-5 services per month at most, normal business hours during daytime to have someone on premise, otherwise minimal traffic and low impact usage.

CONDITIONAL USE APPLICATION  
Wisconsin Dells, Wisconsin  
Version: May 21, 2007

[Empty rectangular box]

5. **Off-site effects.** Describe any potential nuisances and mitigating circumstances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

Probably no effect

6. **Review criteria.** The plan commission in making its recommendation and the common council in making its decision must consider the factors listed below. Provide a response to each. (See Section 19.373 of the Municipal Code.)

a. Consistency of the proposed use with the city's comprehensive plan and neighborhood plan or other subarea plan, if any

b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site

Roadways have stop signs and clear markings for vehicle traffic. Pedestrian traffic at this location is very minimal.

c. The suitability of the subject property for the proposed use

Suitability would be, in my opinion, wonderful for a funeral home. Visible from well used roadway yet only access from side road. No thru streets going thru property.

d. Effects of the proposed use on the natural environment

Development of any kind in this area hasn't been an issue. No swamp land or forestation to consider.

e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances

This would be a business operation very similar to present operation in downtown Wisconsin Dells. Quiet and dignified would sum up the atmosphere. As for as any nuisance possible or foreseen would be the firing of rifles and playing taps at a veteran's funeral.

f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district

The property & buildings would be landscaped, maintained & taken care of.

g. Effects of the proposed use on the city's financial ability to provide public services

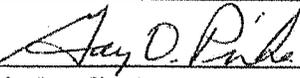
**CONDITIONAL USE APPLICATION**  
**Wisconsin Dells, Wisconsin**  
 Version: May 21, 2007

Probably no effect.

7. **Project map.** Attach a scaled map showing the information as listed at the end of this application. Use one of the following page sizes as appropriate: 8½" x 11", 11" x 17", or 24" x 36".

**8. Applicant certification**

- ◆ I certify that the application is true as of the date it was submitted to the City for review.
- ◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the agreement below.

	January 12, 2016
Applicant Signature	Date

<b>Governing Regulations</b>	The procedures and standards governing this application process are found in Chapter 19, Article 4, Division 6, of the City's Municipal Code.
------------------------------	---

**Reimbursement Agreement for Application Review Costs**

**A. Payment for Eligible Costs.**  
 By submitting this application for review, the applicant agrees to pay all administrative costs incurred by the City in the processing, study, and review of the application including costs for planning, legal, engineering, and related services, referred to herein as eligible costs.

- B. Guarantee of Payment.**  
 To guarantee reimbursement, the applicant shall submit one of the following along with this application:
1. an irrevocable letter of credit in the name of the City in an amount as set by the zoning administrator; or
  2. a cash deposit in an amount as set by the zoning administrator.

If a cash deposit is used to guarantee reimbursement, the City will periodically deduct from the cash account such amounts necessary to pay for eligible costs and submit a written statement to the applicant. If a letter of credit is used, the applicant agrees to pay such amounts as invoiced within 7 days of the invoice date. An interest rate of 1½ percent shall be charged on invoices not paid within 30 days of the invoice date. The City shall access the letter of credit to pay for overdue invoices, including late penalty charges, and submit a written notice to the applicant.

If remaining monies in the cash account are insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to deposit additional monies into the cash account in an amount as set by the zoning administrator. If the principal amount of the irrevocable letter of credit is insufficient to pay for current and reasonably anticipated eligible costs, the applicant agrees to submit a second letter of credit in an amount as set by the zoning administrator. The applicant may withdraw this application prior to final action by the City Council by submitting a written letter to the City. Upon such notice, the City shall cease all work related to the review of the application. However, withdrawal of this application does not terminate this reimbursement agreement.

If the applicant does not pay for eligible costs, the City Clerk/Treasurer shall add the outstanding balance to the tax roll as a special assessment against the subject property. In addition, the City may pursue other legal means to obtain the outstanding balance as allowed by law.

**C. Termination of Guarantee.**  
 If a cash deposit is used to guarantee reimbursement, the City agrees to reimburse the applicant any unused monies in the cash account, including earned interest, within 60 days of the date when the City Council takes final action on the application. If a letter of credit is used, the City shall send a written letter to the applicant releasing the applicant from the letter of credit when all outstanding invoices have been paid.

	January 12, 2016
Applicant Signature	Date

387

683533

STATE OF WISCONSIN } ss  
COLUMBIA COUNTY }  
RECEIVED FOR RECORD

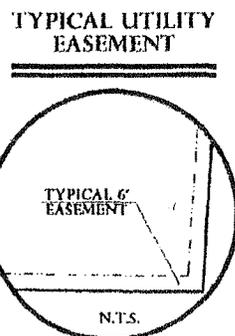
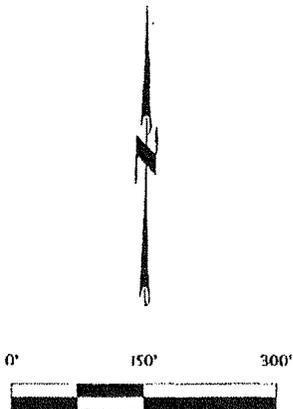
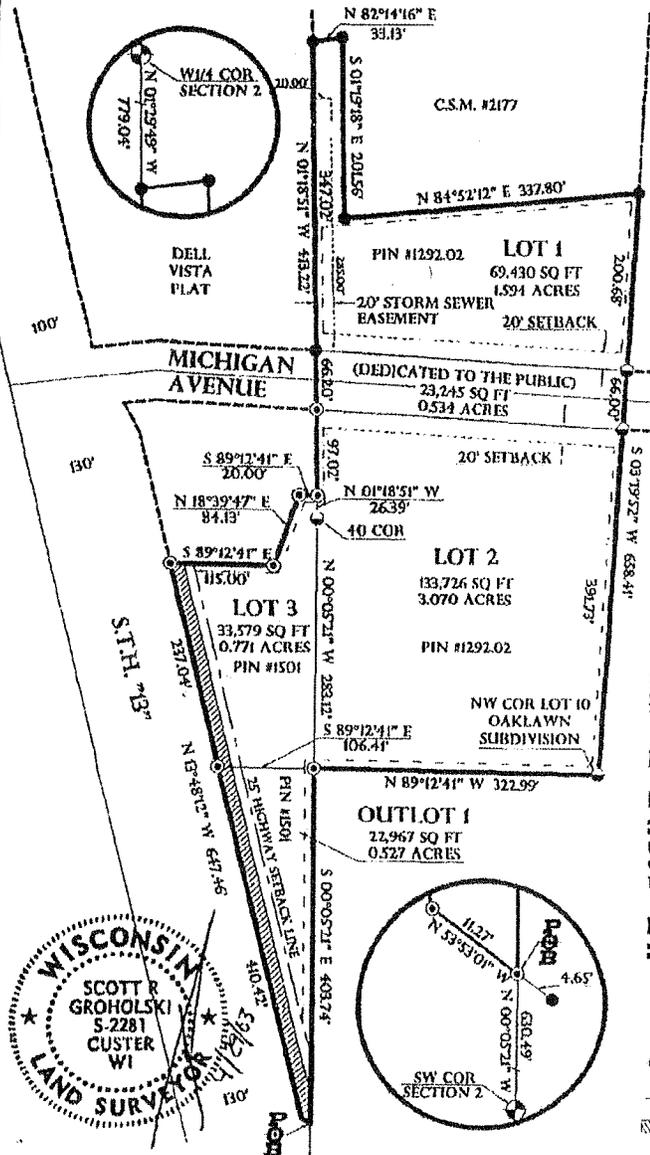
MAY 2, 2003

*Denny Judd*  
Reg of Deeds at 9:10A M

Vol 27 Page 73

### CERTIFIED SURVEY MAP 3957

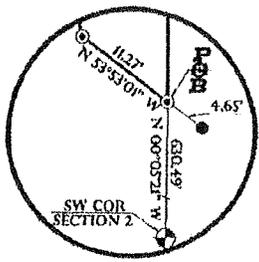
A CERTIFIED SURVEY MAP FOR  
MCKEE ASSOCIATES, INC.,  
LOCATED IN THE SW 1/4 OF THE SW 1/4 AND THE  
NW 1/4 OF THE SW 1/4 OF SECTION 2 AND THE  
SE 1/4 OF THE SE 1/4 AND THE NE 1/4 OF THE SE 1/4,  
SECTION 3, TOWNSHIP 13 NORTH,  
RANGE 6 EAST, CITY OF WISCONSIN DELLS,  
COLUMBIA COUNTY, WISCONSIN.



FIRST ADDITION TO OAKLAWN SUBDIVISION

DOT FILE #11-013-0095-03  
BASE FOR BEARING  
IS THE EAST LINE OF THE SW 1/4 OF THE SW 1/4, RECORDED TO BEAR N00°05'21"W. (REF CSM #3177)

- LEGEND**
- ⊙ 1" IRON PIPE SET
  - 3/4" RE-BAR FOUND
  - ⊙ 2" IRON PIPE FOUND
  - ⊙ HARRISON MONUMENT
  - - - SETBACK LINES
  - ▨▨▨▨ DENOTES NO ACCESS



**BOB** DINT  
LAND SURVEYING  
LANDSCAPE ARCHITECTURE  
SCOTT GROHOLSKI  
RLS #2281

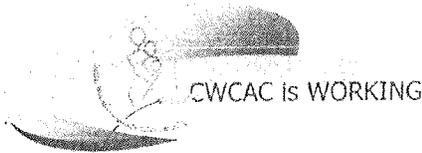
THIS INSTRUMENT WAS DRAFTED BY SCOTT GROHOLSKI AND DRAWN BY SCOTT GROHOLSKI

FIELD BOOK 9 PAGE 1  
JOB # 02.616

PAGE 1 OF 1 PAGES

*Central Wisconsin Community Action Council, Inc.*

1000 Hwy 13  
P.O. Box 430  
Wisconsin Dells, WI 53965



PHONE: (608) 254-8353  
FAX: (608) 254-4327  
Email - donna@cwac.org

**MEMO**

February 1, 2016

**To:** Chris Tollaksen

**From:** Fred Hebert

**RE: Proposed Funeral Home Development**

Central Wisconsin Community Action Council, Inc. does not oppose the development of a funeral home on Lots 2 & 3 of CSM 3957 in the City of Wisconsin Dells as stated in the Notice of Public Hearing scheduled for February 8, 2016. If allowed, please accept our written statement in lieu of a personal appearance favoring the action.

AN EQUAL OPPORTUNITY EMPLOYER

ADAMS COUNTY  
1874 Hwy 13  
PO Box 647  
Friendship, WI 53934  
(608) 339-0273



COLUMBIA COUNTY  
203 DeWitt Street  
Portage, WI 53901  
(608) 742-3320

DODGE COUNTY  
134 South Spring Street  
Beaver Dam, WI 53916  
(920) 885-9559

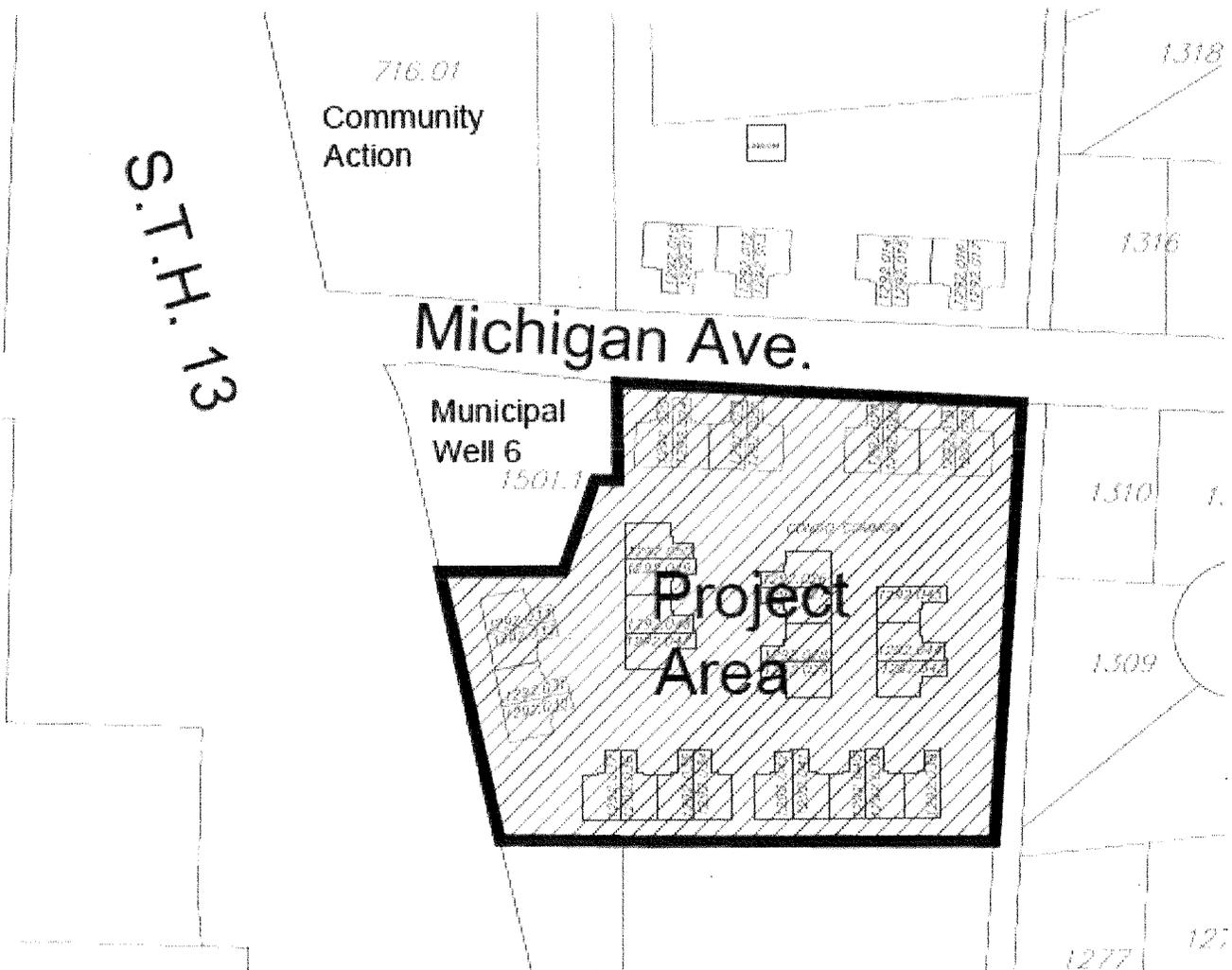
JUNEAU COUNTY  
One Kennedy Street  
PO Box 253  
Mauston, WI 53948  
(608) 847-1124

SAUK COUNTY  
505 Broadway  
Job Center, 2<sup>nd</sup> Floor  
Baraboo, WI 53913  
(608) 355-4812

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, February 8, 2016 at 5:00PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

A land owner-initiated zoning map amendment and Conditional Use Permit applications for a FUNERAL HOME from GIDUP, LLC for CSM 3957 Lot 2 and Lot 3. These lots contain Columbia Co. City of Wisconsin Dells tax parcels 1292.018 – 1292.050 and associated common area, located South-East of the Intersection of STH 13 and Michigan Ave. This property was part of the Oak Grove Condominium, which the City approved to dissolve in September 2015. The request is to rezone the parcels from “R-5 Residential – multi-family” to “C-1 Commercial – neighborhood”. The applicant is seeking to purchase the property for use as a FUNERAL HOME. A FUNERAL HOME requires a Conditional Use Permit per Chapter 19 Article 5 Division 3 of the Municipal Code. A copy of the application for the zoning change and a map of the parcels can be viewed at the Public Works office in the Municipal Building.



All interested persons will be given an opportunity to be heard at the Public Hearing. With reasonable notice the City will provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in the Public Hearing.

Dated this 26th of January 2016

Chris Tollaksen  
Planning and Zoning Administrator  
City of Wisconsin Dells

Publication Dates:

January 30, 2016

**CITY OF WISCONSIN DELLS**  
**RESOLUTION NO. \_\_\_\_\_**

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, that based upon the recommendation of the CITY PLAN COMMISSION from their February 8, 2016 meeting;

It APPROVES a Conditional Use Permit to Wisconsin Dells Property Management, LLC in order to allow overnight rentals in ½ of the duplex located at 1202 Chula Vista Parkway (parcel 291-00290-0040) with the conditions listed in the Staff Report.

\_\_\_\_\_  
Brian L. Landers, Mayor

Attest: \_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_ ayes; \_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

**Overnight Lodging CUP**  
**Wisconsin Dells Property Management, LLC**  
**Vacation rental of duplex home**  
**Staff report – Plan Commission 020816**

The City of Wisconsin Dells has received a request from Wisconsin Dells Property Management, LLC to allow Overnight rentals in ½ of the duplex located at 1202 Chula Vista Parkway (Parcel 291-00290-0040). This property is in the C-4 Commercial-large scale Zoning District, which requires a Conditional Use Permit per the City of Wisconsin Dells zoning code.

This is an existing duplex house and ½ is currently being rented as a single family residence. As an existing home this use should not have any significant effect on traffic flow, the natural environment or future development of the area. It is a unique request for ½ of the duplex to be a vacation rental and the other half to remain a residence. However, as a duplex building with a single owner of both units this may be acceptable.

The applicant had stated the home has 3 bedrooms and 3 bathrooms. The applicant has stated that the maximum occupancy of the overnight rental will be 8 people. The general standard is to have 1 bathroom for every 3 people. The parking requirement for a motel is 1 parking space per room, so this 3 room house should have 3 parking stalls. The house has a 2 car garage, with an apron that can provide 2-3 additional parking stalls. There can be concerns with allowing a garage and the apron as separate parking stalls for required parking, as a car on the apron will block a car in the garage. In this case, there appears to be adequate space for additional parking stalls to be added adjacent to the existing apron. It may be acceptable to not require the additional parking be constructed at this time, but any approval should be contingent on the parking being constructed and approved by the City, if it is deemed necessary in the future.

Overnight vacation rentals of single family homes present similar issues as employee housing facilities. The existence and extent of these issues lies primarily in the management of the property. If this house were to be a “party house”, it could create a substantial nuisance to surrounding properties and create issues for the City. However, at this time there are no other homes in close proximity to this structure. While the existence of a private residence in the same duplex unit seems to create the potential for a nuisance, it is expected that such nuisance would decrease the value of the private residence, which would not be in the best interest of the applicant as the owner of both dwelling units. As this seems to be a self-regulated situation, the City should still expect quality management of the overnight rental, and retain the right to revoke this permit if issues arise that are not immediately addressed.

It should also be noted that this use is only allowed in Commercial districts, and this property does fall within the C-4 Commercial-large scale district, which allows commercial uses but no longer allows residential uses. As this facility was constructed prior to the Zoning changes

prohibiting residential uses in the C-4 district, the residential use of this unit is considered legal non-conforming. However, the requested commercial use of this property is more consistent with the current code. As a commercial rental, the applicant shall pay PRT & room tax on the rental of the commercial unit. The applicant shall clearly report the tax payments for this facility to the city.

The applicant for this property is a Property Management company and assumed to be the booking agent. It is expected that as the applicant, the Management Company accepts ultimate responsibility for the management of the property. As such, the applicant will be responsible to correct any nuisances that may occur on the property. It should be made clear to the applicant that violation of conditions, poor management of the facility, or the creation of nuisances from this overnight use will result in revocation of the use permit. Due to the relative uniqueness of this use in the City, the issues this use has caused in the Village of Lake Delton, and the importance of the management of the use; it may still be prudent for the granting of this permit to be non-transferrable and any new owner or operator of the property will have to obtain a new CUP. If at some time in the future this property is to have different owners for the two (2) attached units, there should be a written agreement to allow the two (2) separate uses to continue.

As such, approval of this **CUP** should carry the following contingencies:

1. The building inspector ensures there are no code or safety issues with the house
2. The overnight rental of the house will be subject to PRT & room tax.
3. Additional parking spaces will be constructed, to City satisfaction, if deemed necessary by the City in the future.
4. Applicant abide by the following restrictions:
  - a. Owner provides current, primary contact information to the Police Dept.
  - b. Renters sign an agreement not to cause excessive noise, not to trespass on neighboring property, and not to cause any other nuisance

Optional:

- a. This permit is non-transferrable, any new owner or operator of the property will have to obtain a new Overnight Lodging permit.
- b. If this duplex is divided between two (2) different owners in the future, there shall be a written agreement between those owners to allow two (2) separate uses for these units.

Chris Tollaksen  
City of Wisconsin Dells  
02/08/16

**CONDITIONAL USE APPLICATION**  
**Wisconsin Dells, Wisconsin**  
 Version: May 21, 2007

**General instructions.** Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

- Office Use Only -

Initial application fee	\$525.00
Receipt number	53706
Application number	3-2016

**1. Applicant information**

Applicant name Wisconsin Dells Property Management, LLC  
 Street address P.O. Box 208  
 City Wisconsin Dells  
 State and zip code WI 53965  
 Daytime telephone number 608. 792. 5060  
 Fax number, if any 877. 449. 7747  
 E-mail, if any dring@itrip.net

**2. Subject property information**

Street address	<u>1202 Chula Vista Parkway, Wisconsin Dells, WI</u>	
Parcel number	<u>291-00290-0040</u>	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)	<u>Residential</u>	
Describe the current use	<u>Private residence/vacation home</u>	

**3. Proposed use.** Describe the proposed use.

Private residence/rental vacation home.

**4. Operating conditions.** For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

Property will be rented to families vacationing throughout the year. Guests renting this unit have to be a minimum of 25 years of age. There will be someone to check on the property before and after rental to make sure garbage is properly taken care of. Any concerns with renters will be addressed immediately.

# CONDITIONAL USE APPLICATION

## Wisconsin Dells, Wisconsin

Version: May 21, 2007

5. **Off-site effects.** Describe any potential nuisances and mitigating circumstances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

Families would be vacationing which would potentially increase visits to various attractions. There is a 2-car garage and driveway at the property so there would be no parking or storage issues.

6. **Review criteria.** The plan commission in making its recommendation and the common council in making its decision must consider the factors listed below. Provide a response to each. (See Section 19.373 of the Municipal Code.)

a. Consistency of the proposed use with the city's comprehensive plan and neighborhood plan or other subarea plan, if any  
*Actively renting to families throughout the year will increase the tourism opportunities in the Wisconsin Dells area.*

b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site  
*Effects should be minimal because it would be one or two vehicles*

c. The suitability of the subject property for the proposed use  
*The highly suited property has 3 large bedrooms and 3 bathrooms that will sleep 6 comfortably with 2 air mattresses for children.*

d. Effects of the proposed use on the natural environment *None*

e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances  
*None. There are no properties that are in the near vicinity. There is a cement common wall separating the two townhouses which eliminates any noise concerns.*

f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district  
*None*

g. Effects of the proposed use on the city's financial ability to provide public services *None known*

December 29, 2015

To Whom It May Concern:

It is my intention for Wisconsin Dells Property Management, LLC to handle all necessary permit processes for me and my property located as 1202 Chula Vista Parkway, Wisconsin Dells, Wisconsin. This property will be used for vacation rental purposes. Should you have any questions, please feel free to contact me.

Sincerely,



Anna Maria Myklebust, MD

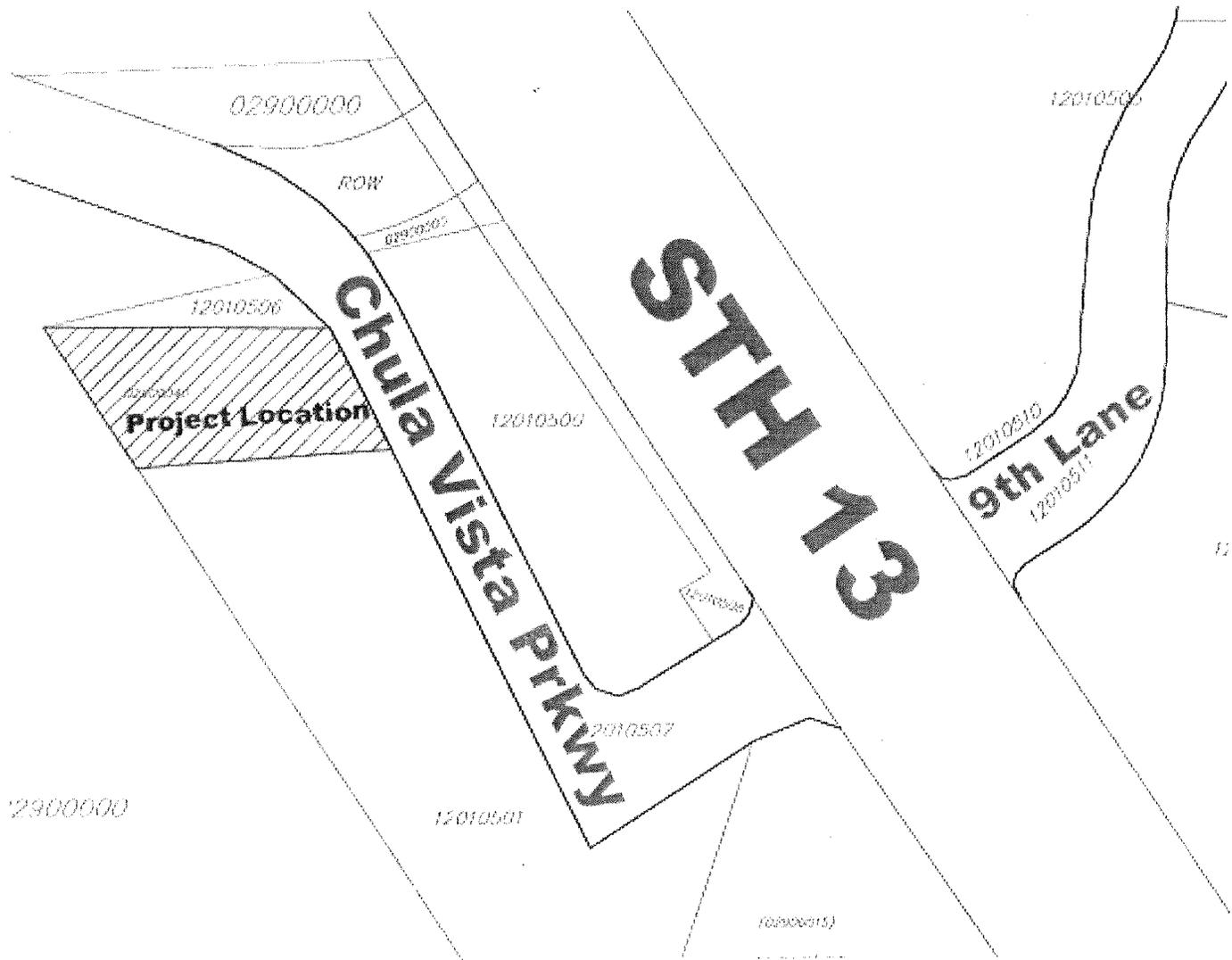
Phone: (608) 444-3486

Email: [drmia@charter.net](mailto:drmia@charter.net)

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, February 8, 2016 at 5:00PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

**Conditional Use Permit, per Municipal Code sec. 19.371(8)** requested by Wisconsin Dells Property Management, LLC. A Conditional Use Permit application has been submitted to allow "Overnight lodging" i.e. per night rental. in ½ of the duplex located at 1202 Chula Vista Parkway (Adams Co, City of Wis. Dells tax parcel 290-40), This use property is zoned C-4 Commercial-large scale, which requires a CUP for "Overnight lodging" per Chapter 19 Article 5 Division 3 of the Municipal Code.  
Copies of the CUP request are available for review at the City of Wis. Dells Public Works office in the Municipal Building at 300 LaCrosse St.



All interested persons will be given an opportunity to be heard at the Public Hearing. With reasonable notice the City will provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in the Public Hearing.

Dated this 26th of January 2016  
Chris Tollaksen  
City of Wisconsin Dells

Publication Date:  
January 30, 2016

RESOLUTION NO. \_\_\_\_\_

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, based upon the recommendation of the City Plan Commission from their February 8, 2016 meeting;

IT APPROVES a Conditional Use Permit and coinciding Site Plan to Ghost Outpost in order to allow Commercial Activity Without a Permanent Structure, Outdoor Commercial Food & Beverage Service, Outdoor Vendors and Walk-up Service Windows at 2233 and 2255 Wisconsin Dells Parkway, with the contingencies listed in the City Planner's staff report.

\_\_\_\_\_  
Brian L. Landers, Mayor

\_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_\_\_ ayes \_\_\_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

## **2233 & 2255 Wisconsin Dells Parkway**

### **Conditional Use Permit and Site Plan Application– Outdoor commercial food and beverage service, Outdoor vender, Walk up service window, and Commercial use without a permanent structure Staff Report for Plan Commission, 02/08/16**

The Planning & Zoning office has received a Conditional Use Permit application from the Ghost Outpost to allow outdoor sales on their property, tax parcel 0109. The initial use is a Tiki Bar that is located behind (west) of the Ghost Out-post haunted house. A tent may be set up to provide an outdoor seating/drinking area. The site map provided shows the location of these facilities. The applicant has stated that they also have a possible tenant that would like to operate a Walk-up service restaurant. The current desire is to re-model a shipping container and have it permanently installed on the site, with permanent sewer and water, to operate as a walk-up service BBQ restaurant. The applicant would like to continue to offer space on the site for other small non-permanent walk-up service restaurants on the site. The applicant has stated they may also want to use non-permanent structures for merchandise sales, possibly including sales in the form of activities such as a Dig site or Gem Stone mining. The Dig site would essentially be a sand box where patrons would dig for the item they purchase. The Gem Stone mining would utilize a water trough and screens to expose gem stones or other items from the sand.

The applicant has obtained this permit annually for the last 3 years. Originally a BBQ food truck operated on the site in 2012. The applicant was unable to attract any vendors in 2013 and 2014. In 2015 the Tiki bar was opened. The applicant would like the permit to be issued for longer and ideally permanently, with the understanding that if any issues arise and are not immediately corrected to the sole satisfaction of the City, the permit will be revoked.

The area would be expected to provide seating for around 50 people. A tent with picnic tables or other seating may be utilized. Bars and restaurants require a bathroom for every 40 people.

The Ghost Out-post haunted house has stated it has a capacity of approximately 30 persons. The haunted house would require 1 bathroom every 65 people. The two bathrooms would be adequate for 80 people in a bar seating and 130 people in the haunted house setting. The occupant load of the bar and haunted house is expected to be approximately 70 people. There are 4 additional bathrooms in the pyramid.

There is parking on-site for approximately 70 parking spaces. This supplies parking for 210 people. There is also a gravel parking lot on site that could handle another 48 cars. The total occupancy of the site is approximately 110, which requires 34 parking stalls.

#### **Suggested Considerations in reviewing the Conditional Use Request:**

- 1) All associated license are obtained and in good standing.
- 2) If any issues arise they are to be immediately corrected to the sole satisfaction of the City or the permit will be revoked.
- 3) Adequate restrooms to be provided and open when in operation. This can be provided by the haunted house and/or pyramid bathrooms.

Prepared by: Chris Tollaksen

# CONDITIONAL USE APPLICATION

## Wisconsin Dells, Wisconsin

Version: May 21, 2007

**General instructions.** Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

**- Office Use Only -**

Initial application fee	\$525.00
Receipt number	53939
Application number	5-2016

**1. Applicant information**

Applicant name Ghost Outpost

Street address 2233 Wisconsin Dells Parkway

City Wisconsin Dells

State and zip code WI 53965

Daytime telephone number (608) 254-1730

Fax number, if any \_\_\_\_\_

E-mail, if any STollaksen@intraxinc.com

**2. Subject property information**

Street address	2233 Wisconsin Dells Parkway	
Parcel number	291-0109-00000	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)	C-4 Commercial, large scale	
Describe the current use	Amusement Ride Walk-thru attractions	

**3. Proposed use.** Describe the proposed use.

Outdoor commercial food and beverage service.  
Outdoor vender  
Walk-up service window  
Commercial use without a permanent structure

We would like to provide concession stands to patrons visiting our property.  
We would also like to provide some outdoor retail sales, which would include activity based retail sales.

Our initial project was to construct a Tiki bar with a canopy for outdoor beverage service. We may like to add a permanent picnic shelter or possibly a tent behind the haunted house.

We have a new tenant who would like to serve BBQ out of a re-modeled shipping container. The container would have permanent water and sewer for the sinks, but would utilize the existing bathrooms on the back of the Haunted House that are accessible from the outside.

The BBQ would be served from a walk-up service window, with no seating inside.

We still would like to add other food service or retail kiosks, if we can find other tenants.

We would also like to construct a "dig site" and "Gem stone mining" trough on the property.

The dig site which would be a large sand pit where patrons would dig for buried items to purchase.

The Gem stone mining would involve a water trough, where patrons would purchase bags of sand and would use the water to sift away the sand and reveal the gem stones.

The sand water would NOT be directed to the City sanitary sewer system. The sand water would be discharged to a settling area to remove the sand and the water would either be recycled into the trough or allowed to infiltrate into the ground.

# SITE PLAN APPLICATION

## Wisconsin Dells, Wisconsin

Version: May 21, 2007

**General instructions.** Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this form from the zoning administrator.

**- Office Use Only -**

Initial application fee	\$300
Receipt number	_____
Application number	2-2016

**1. Applicant information**

Applicant name Ghost Outpost

Street address 2233 Wisconsin Dells Parkway

City Wisconsin Dells

State and zip code WI 53965

Daytime telephone number (608) 254-1730

Fax number, if any \_\_\_\_\_

E-mail, if any STollaksen@intraxinc.com

**2. Subject property information**

Street address	2233 Wisconsin Dells Parkway	
Parcel number	291-0109-00000	Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)	C-4 Commercial, large scale	
Describe the current use	Amusement Ride Walk-thru attractions	

**3. Proposed use.** Describe the proposed use.

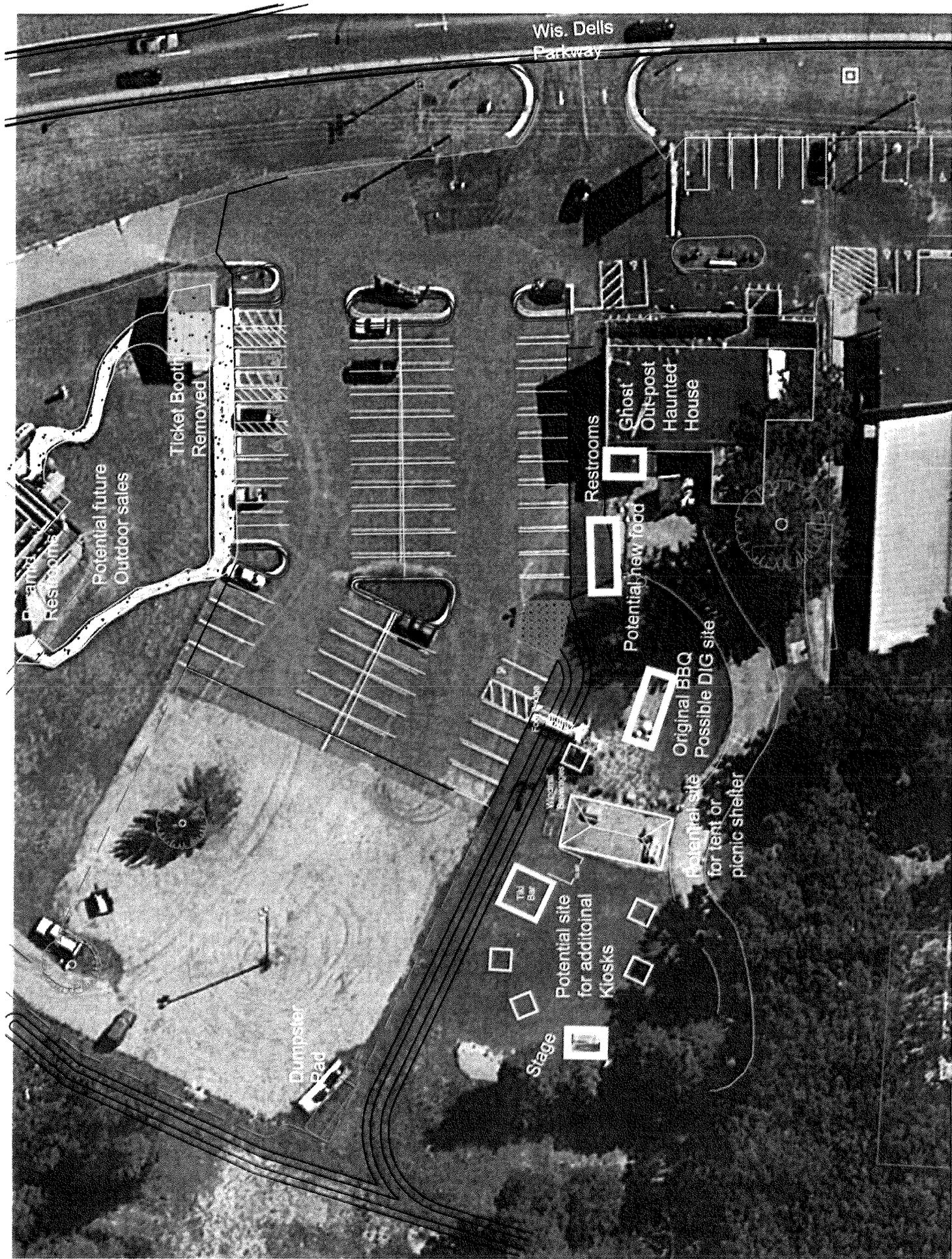
Outdoor commercial food and beverage service.  
 Outdoor vender  
 Walk-up service window  
 Commercial use without a permanent structure

We would like to provide concession stands to patrons visiting our property.  
 We would also like to provide some outdoor retail sales, which would include activity based retail sales.

Our initial project was be to construct a Tiki bar.  
 We hope to add a small permanent BBQ walk-up restaurant. We hope to potentially other food service kiosks.  
 At some point we hope to add a permanent picnic shelter or possibly a tent behind the haunted house.

We would also like to construct a "dig site" and "Gem stone mining" trough in front of the pyramid.  
 The dig site which would be a large sand pit where patrons would dig for buried items to purchase.  
 The Gem stone mining would involve a water trough, where patrons would purchase bags of sand and would use the water to sift away the sand and reveal the gem stones.

The sand water would NOT be directed to the City sanitary sewer system. The sand water would be discharged to a settling area to remove the sand and the water would either be recycled into the trough or allowed to infiltrate into the ground.



Wis. Dells Parkway

Ticket Booth Removed

Potential future Restrooms  
Outdoor sales

Dumpster Pad

Stage

Potential site for additional Kloosks

Restrooms

Potential new food

Ghost Outpost Haunted House

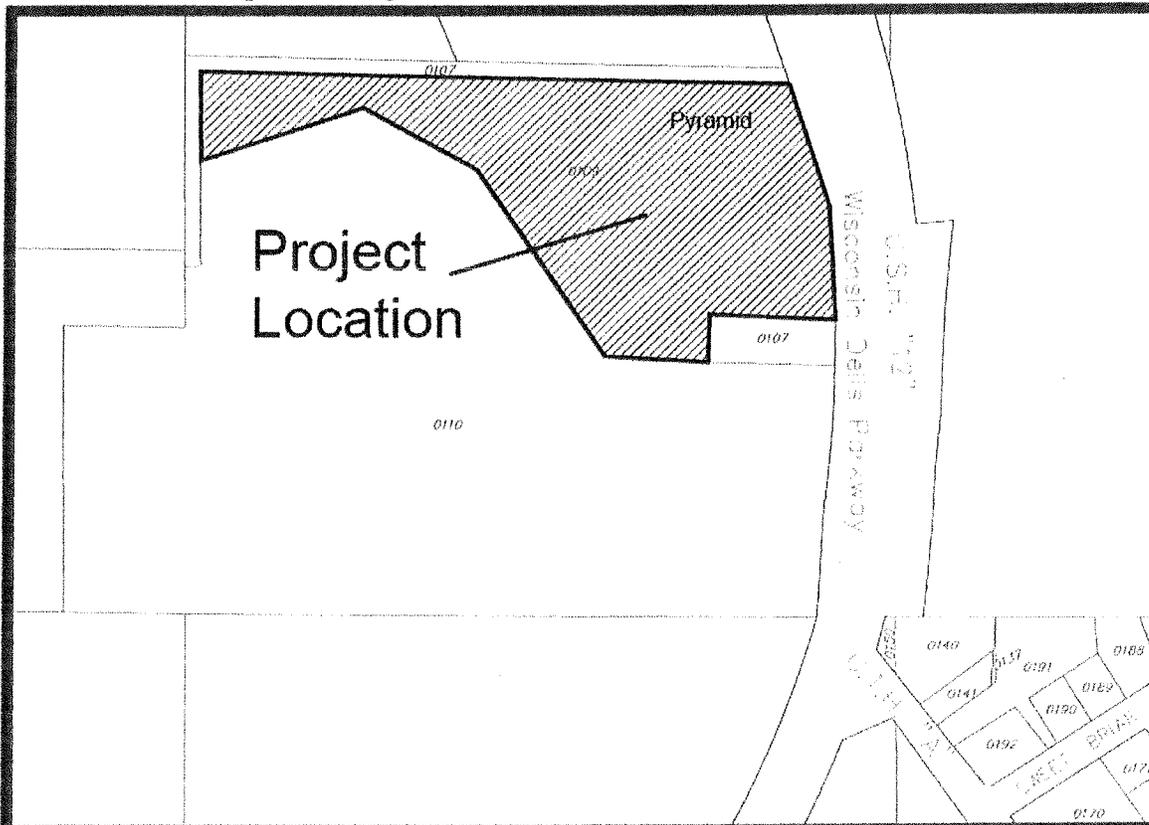
Original BBQ Possible DIG site

Potential site for tent or picnic shelter

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Wisconsin Dells Plan Commission will hold a Public Hearing on **Monday, Feb 8, 2016 at 5:00PM** in the Council Chambers of the Municipal Building at 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965, to consider the following:

Conditional Use Permit, per Municipal Code sec. 19.371(8), requested by Ghost Outpost in order to allow Commercial activity WITHOUT a permanent building, Outdoor commercial food and beverage service, Outdoor vendor, and Walk-up Service windows located at 2233 and 2255 Wisconsin Dells Parkway. The applicant would like to be able provide outdoor food and beverage services and/or retail sales from temporary structures and Walk-up Service windows on their property. The applicant operated a Tiki bar with outdoor seating in the summer of 2015. The applicant would like to continue to operate the Tiki bar, and potentially add a BBQ walk-up service window from a shipping container, and retain the right to rent to other food and/or retail vendors to operate from temporary structures. They would like to be able to add outdoor seating under a tent and/or permanent picnic shelter. The applicant would also like to perform retail sales outside of the Pyramid attraction at this location. These sales would primarily be in the form of outdoor activities including a "dig site" and "Gem stone mining", where customers would obtain the items through activities. The property is zoned C-4 Commercial-large scale, which requires a Conditional Use Permit for the Outdoor commercial food and beverage service, Outdoor vendor and Walk-up Service window per Chapter 19 Article 5 Division 3 of the Municipal Code. Copies of the application are available for review at the City of Wis. Dells Public Works office in the Municipal Building at 300 LaCrosse St.



All interested persons will be given an opportunity to be heard at the Public Hearing. With reasonable notice the City will provide appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in the Public Hearing.

Dated this 26th of January 2016

Chris Tollaksen  
Zoning Administrator  
City of Wisconsin Dells

Publication Dates:  
January 30, 2016

RESOLUTION NO. \_\_\_\_\_

BE IT HEREBY RESOLVED by the City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, based upon the recommendation of the City Plan Commission from their February 8, 2016 meeting;

IT APPROVES a Conditional Use Permit and coinciding Site Plan to Paris Investments (Jason Hallowell) in order to have a Group Lodging Facility and non-residential garage at 410 Wisconsin Avenue, with the contingencies listed in the City Planner's staff report.

\_\_\_\_\_  
Brian L. Landers, Mayor

\_\_\_\_\_  
Nancy R. Holzem, City Clerk

Vote: \_\_\_\_\_ ayes \_\_\_\_\_ nays  
Date Introduced: February 8, 2016  
Date Passed:  
Date Published:

**Conditional Use Permit – Group Lodging Facility  
CUP & Site plan - Garage non-residential  
410 Wisconsin Ave. - Workforce Housing  
Staff Report for Plan Commission, 2/08/16**

The City of Wis. Dells has received a Conditional Use Permit (CUP) application from Jason Hallowell (Paris Investments, LLC) for a Group Lodging Facility at the 410 Wisconsin Ave and for Garage non-residential in which he will provide laundry service for his tenants.

This facility has been operated as a Group Lodging facility for several years. The requirements for a Group Lodging license were updated several years ago and the license is now referred to as a Workforce housing license. Mr. Hallowell intends to purchase the facility and continue to run it for Workforce Housing. The applicant would also like to construct a new garage on the site, so he can install laundry facilities for his tenants. It has been the past practice of the City that new owners of a Workforce Housing facility obtain a new CUP from the City. New operators of a Workforce housing facility must obtain a one-time CUP for the use and then annually renew the Workforce Housing license. A Garage non-residential is a defined accessory land use in Zoning code, and requires a CUP in the C-1 Commercial neighborhood Zoning district, in which this facility is located.

The applicant has stated that as owner he will be actively managing the facility daily. He intends to operate the facility in a similar manner as the existing use, with 3 occupants per room. This provides approximately 65 sq ft per occupant, which exceeds the minimum 50 sq ft requirement of the Workforce housing license. There are 7 motel rooms. The Zoning Code requires 1 space per room, so there are 7 parking spaces required. The existing layout has 8 spaces in front of the motel rooms and 3 spaces in front of the garage for the house, so the existing facility has 11 of the required parking spaces.

The current owner will be donating the house on the property to the City for demolition. The applicant is aware of this. The garage that is attached to the house will not be part of the property donated to the City, but it is an older structure that is attached to the house and will be removed with the house. The applicant has submitted an application to build a new, smaller garage structure, in the approximate location of the existing garage. The applicant intends to install laundry facilities in the garage.

It has been past practice that any approval of a Group Lodging Facility use is granted solely to the current applicant, and cannot be transferred to another party. Any sale of the property will terminate the permit, and any subsequent owner will be required to obtain a separate CUP for this facility. Another past practice is to make it clear to the applicant that approval is contingent on continued diligence to the proper management of the facility. If the facility is deemed to become a nuisance to the surrounding properties, the permit may be revoked. The applicant operates another Workforce housing facility in the City, and has proven to be a good owner and manager of such a facility.

This property is located in a commercial area that is near a full grocery store, laundry, library, and other services the residences may need. This facility is off the main commercial area but is still close to the center of town. This use should not have a significant impact on the traffic circulation in this area. As this use will take place in an existing facility, the effects on the natural environment will be minimal. This use could have a negative effect on surrounding commercial properties, as employee housing can become a nuisance property if not properly managed. This property currently is in need of maintenance and the applicant is expected to address these items.

Approval of this CUP may contain the following contingencies.

1. The permit is issued to Jason Hallowell and is not transferrable (even if Paris Investments, LLC remains the owner)
2. The facility shall be properly maintained and managed to prevent it from becoming a nuisance.
3. The applicant will be the manager of the facility. The City may contact the applicant with any issues at the facility. That contact, included verbal only, will be considered "Official notice" of any enforcement items, and may be followed up with enforcement actions such as the issuing of citations and ultimately revocation of this permit.

Chris Tollaksen  
City of Wis. Dells

# CONDITIONAL USE APPLICATION

## Wisconsin Dells, Wisconsin

Version: May 21, 2007

**General instructions.** Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this file from the zoning administrator.

- Office Use Only -

Initial application fee	<b>\$525.00</b>
Receipt number	<b>53778</b>
Application number	<b>4-2016</b>

**1. Applicant information**

Applicant name Jason Hallowell FBO Paris Investments L.L.C.

Street address PO box 541

City Wisconsin Dells

State and zip code WI 53965

Daytime telephone number 608 432 3180

Fax number, if any \_\_\_\_\_

E-mail, if any \_\_\_\_\_

**2. Subject property information**

Street address	410 Wisconsin	
Parcel number	<small>Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.</small>	
Current zoning classification(s)	<b>C-1</b>	
Describe the current use	Student Housing	

**3. Proposed use.** Describe the proposed use.

Student Housing

**4. Operating conditions.** For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

Quiet times of 9pm - 8am

# CONDITIONAL USE APPLICATION

## Wisconsin Dells, Wisconsin

Version: May 21, 2007

5. **Off-site effects.** Describe any potential nuisances and mitigating circumstances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

Any issues are expected to be minor and not of a significant measure

6. **Review criteria.** The plan commission in making its recommendation and the common council in making its decision must consider the factors listed below. Provide a response to each. (See Section 19.373 of the Municipal Code.)

a. Consistency of the proposed use with the city's comprehensive plan and neighborhood plan or other subarea plan, if any

b. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site  
Reduction in vehicle traffic

c. The suitability of the subject property for the proposed use  
Success of this property is unlikely as a motel and is best suited for Student Housing for increasing cash flow to maintain the property and support improvements

d. Effects of the proposed use on the natural environment  
Not measurable

e. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances  
Property rules can be viewed at [www.DellsStudentHousing.com](http://www.DellsStudentHousing.com)

f. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district  
No change

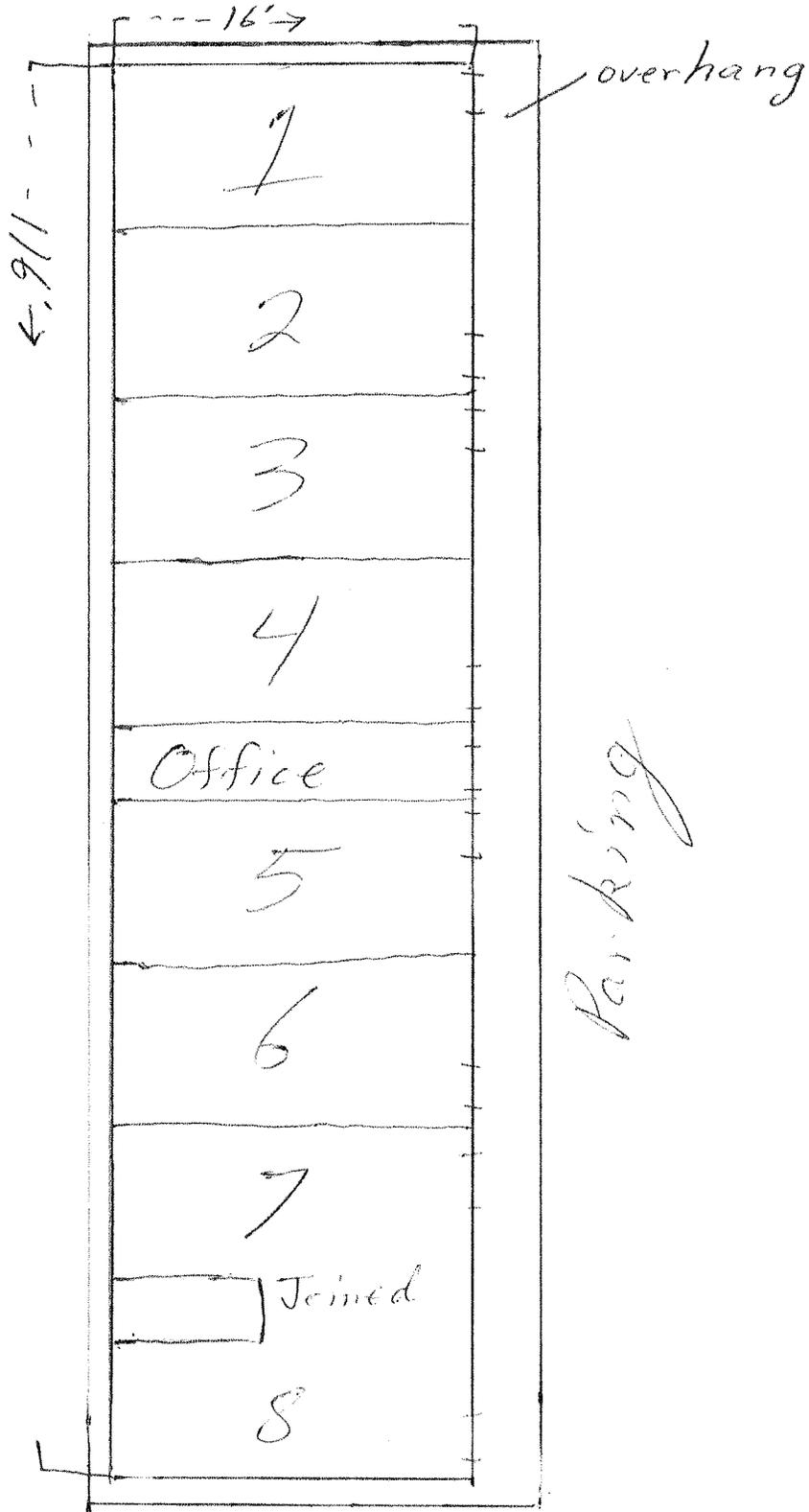
g. Effects of the proposed use on the city's financial ability to provide public services

Rules for the operation can be found at  
[www.DellsStudentHousing.com](http://www.DellsStudentHousing.com)

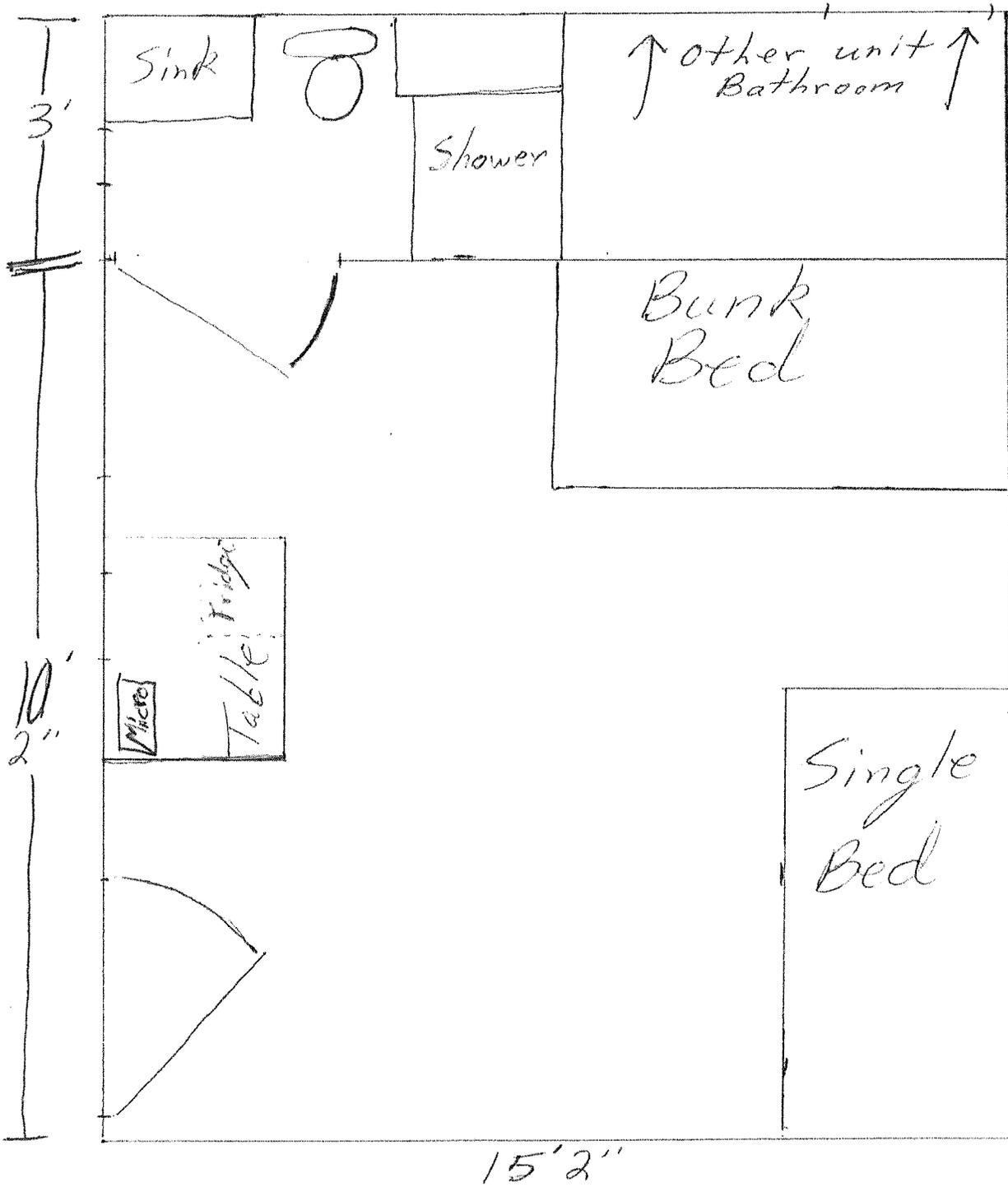
Retaining the current occupant number at 24 students for the property will help maintain cash flow for the owner to allow for more selective tenants in the winter months should there be any.

The potential new owner already operates an existing student housing facility in the City with the same number of occupants as what is proposed at 511 Vine st. (the old carter).

North ↑



# Standard Unit



# SITE PLAN APPLICATION

## Wisconsin Dells, Wisconsin

Version: February 27, 2008

**General instructions.** Complete this application as it applies to your project and submit one copy to the zoning administrator along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the zoning administrator who will ensure it is complete. If you have any questions, don't hesitate to contact the zoning administrator at 608-253-2542. You may obtain a digital copy of this form from the zoning administrator.

**- Office Use Only -**

Initial application fee	
Receipt number	
Application number	1-2016

**1. Applicant information**

Applicant name Jason Hallowell FBO Paris Investments L.L.C.

Street address PO Box 541

City Wisconsin Dells

State and zip code WI 53965

Daytime telephone number 608 432 3180

Fax number, if any \_\_\_\_\_

E-mail, if any \_\_\_\_\_

**2. Subject property information**

Street address	<u>410 Wisconsin</u>	
Parcel number		Note: the parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification(s)	<u>C-1</u>	
Describe the current use	<u>Student Housing</u>	

**3. Proposed use.** Describe the proposed use.

Student Housing

**4. Operating conditions.** For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

Quiet times of 9pm - 8am

**5. Potential nuisances.** Describe any potential nuisances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

Not measurable

**SITE PLAN APPLICATION**  
**Wisconsin Dells, Wisconsin**  
Version: February 27, 2008

6. **Review criteria.** In making its decision, the Plan Commission must consider five factors as listed below. Provide a response to each. (See Section 19.393 of the Municipal Code.)

- a. Consistency of the project with the city's comprehensive plan and neighborhood plan or other subarea plan, if any  
**Continues existing use**
- b. Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site  
**Reduction in vehicle traffic**
- c. Effects of the project on the natural environment  
**Not measurable**
- d. Effects of the project on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances  
**Not measurable**
- e. The overall appearance of the project  
**General repairs are to be done, removal of existing sign, install of small building for laundry**
- f. If the project is a multi-family real estate development (more than 3 dwelling units), does the project meet the following standards:
1. All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped in accordance with the project plan. Decorative design elements, such as fountains, pools, benches, sculpture, planters, exterior recreational facilities and similar elements may be permitted, providing such elements are incorporated as part of the landscaping plan; and, permanent and automatic irrigation facilities are provided in all planted landscaped area.  
**yes**
  
  2. Minimum open space is thirty (30%) percent of the net area being developed. The net area shall exclude dedicated or proposed-dedicated public rights-of-way.  
**yes**

**SITE PLAN APPLICATION**  
**Wisconsin Dells, Wisconsin**

Version: February 27, 2008

3. Common open space areas are designed and located within the project to afford use by all residents of the project. These common areas may include, but are not limited to: game courts or rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.

yes

4. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement, shall not be located within fifteen (15) feet of any door or window of a dwelling unit.

yes

5. Private waterways, including pools, streams and fountains, may be used to satisfy not more than fifty (50%) percent of the required open space.

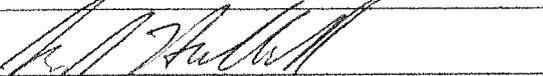
yes

6. Trash collection areas shall be provided within two hundred and fifty (250') feet of the units they are designed to serve. Such areas shall be enclosed within a building or screened with masonry walls having a minimum height of five feet. Access gates or doors to any trash area, not enclosed within a building, are to be of opaque material.

7. **Project map.** Attach a scaled map showing the information as listed at the end of this application. Use one of the following page sizes as appropriate: 8½" x 11", 11" x 17", or 24" x 36".

**8. Applicant certification**

- ◆ I certify that the application is true as of the date it was submitted to the City for review.
- ◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the agreement below.



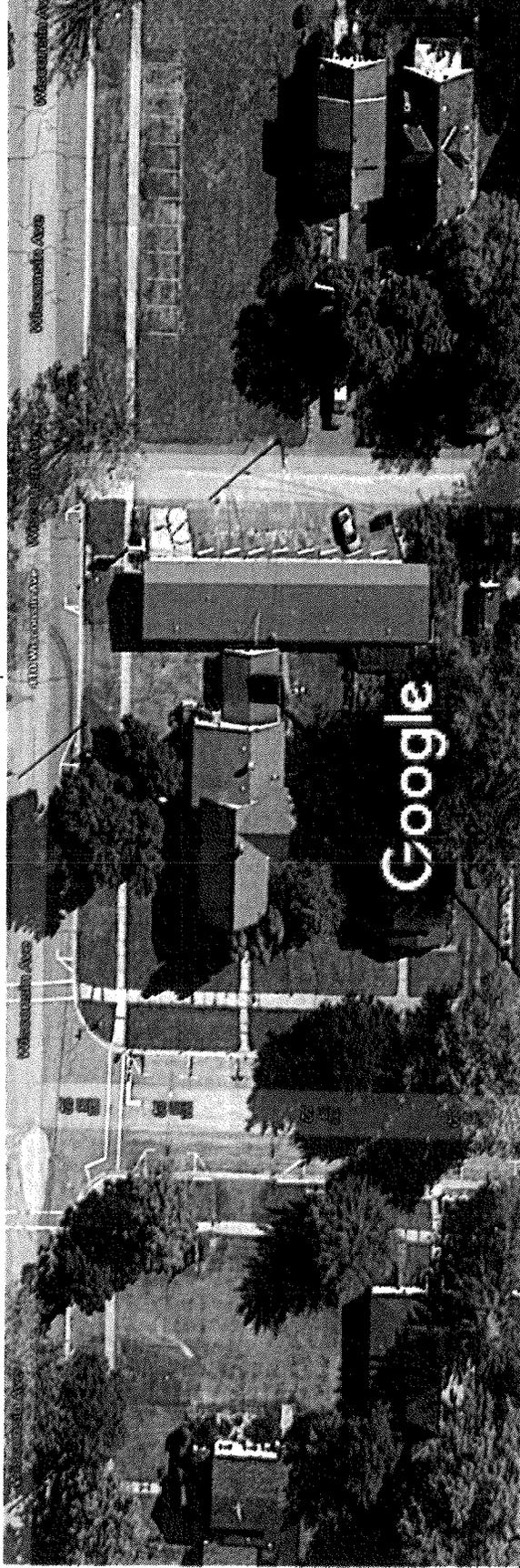
1-11-16

Applicant Signature

Date

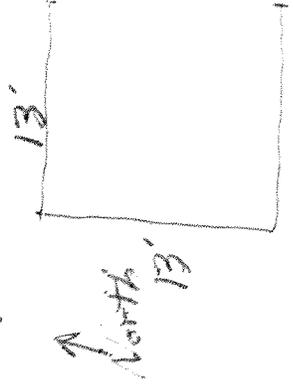
# Google Maps 410 Wisconsin Ave

↑ North



Map data ©2016 Google 20 ft

*Proposed possible laundry structure - 3 sided*



**ORDINANCE NO. A-789**  
**(Chapter 14 – Building & Mechanical Code)**

ITEM 17

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE:

This ordinance repeals Chapters 13 and 14 and recreates it as Chapter 14 - Property Maintenance Code.

SECTION II: PROVISIONS REPEALED AND RECREATED:

Wisconsin Dells Code Chapters 13 and 14 are repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

Recreated as Exhibit A.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 14.

\_\_\_\_\_  
Brian L. Landers, Mayor

\_\_\_\_\_  
Nancy R. Holzem, Clerk/Coordinator

First Reading passed: January 18, 2016  
Second Reading passed:  
Published: January 23, 2016

**CHAPTER 14**  
**Building and Mechanical Code**

**14.01 General Provisions.**

- (1) Title. This chapter shall be known as the “Building Code of the City of Wisconsin Dells” and is referred to in this Chapter as “this Code,” “this Chapter or “this Ordinance”.
- (2) Authority. This chapter is adopted under the authority granted, without limitation, by Wis. Stat. Secs. 62.17, 66.0103, 66.0413, 66.0435, 66.1019, 101.12, 101.65, 101.76 and 101.86, as may be amended from time to time.
- (3) Purpose. This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; and, regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using the buildings and the general public.
- (4) Scope. This chapter applied to the construction, addition, enlargement, alteration, modification, improvement, conversion, repair, demolition, relocation, or change of use of new or existing residential, commercial, agricultural, recreational or related accessory buildings and structures with the City of Wisconsin Dells (the “City”). In addition, this chapter applies to any structural changes; changes to mechanical systems, including plumbing, electrical and heating, air conditioning and ventilation; and, restoration or repair of an installation to its previous code-compliant condition, as determined by the City.
- (5) New Buildings. The construction requirements of this Chapter shall apply to one and two-family dwellings, to their accessory structures, and to parts thereof, which are hereafter erected. This Chapter shall also apply to public buildings and places of employment pursuant to Wis. Admin. Code sec. 361.02.
- (6) Existing Buildings. This Chapter shall also apply to buildings and conditions described in this Section:
  - (a) An existing building to be occupied as a one or two-family dwelling, which building was nor previously so occupied.
  - (b) An existing structure that is altered or repaired, when the cost of such

- alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure. The value to be determined by the building inspector, in consultation with the city assessor.
- (c) Additions and alterations, regardless of cost, made to an existing building, when deemed necessary in the opinion of the building inspector, shall comply with the requirements of this Code for new buildings.
  - (d) Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable sections of this Chapter.
  - (e) Any addition or alteration, regardless of cost, made to a building, shall be made in conformity with applicable sections of this Chapter.
- (7) Exclusions of Manufactured Homes. This Chapter shall not apply to manufactured homes [defined as a structure, transportable in one or more sections, which, in traveling mode, is eight (8) body feet more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein] manufactured in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq) as approved and administered by the United States Department of Housing and Urban Development (HUD).

#### **14.02 State Codes Adopted.**

The following provisions of the Wisconsin Administrative Code, as amended, are adopted and incorporated by reference:

- (1) Flammable, Combustible and Hazardous Liquids, Ch. SPS 310
- (2) Electrical Code, Ch. SPS 316.
- (3) Uniform Dwelling Code, Chs. SPS 320-325.
- (4) Smoke Detectors and Carbon Monoxide Detectors, Ch. SPS 328.
- (5) Heating, Ventilating and Air Conditioning Code, Ch. SPS 364.
- (6) Existing Building Code, Ch. SPS 366.
- (7) Commercial Building Code, Chs. SPS 361-366.

- (8) Historic Buildings, Chs. SPS 375-379.
- ~~(9) Existing Buildings, Chs. SPS 366.~~
- (10) Plumbing Code, Chs. SPS 381-387.

**14.03 Administration.**

- (1) This Code and other relevant state and local laws rules and regulations, shall be administered and enforced by the City building inspector or persons appointed or designated.
- (2) The building inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work, or any other permits which may be required. No person shall interfere with or refuse to permit access to any such premises.
- (3) The building inspector shall perform all administrative tasks required by City or state laws, rules and regulations regarding public health, safety and welfare pertaining to this chapter, including but not limited to the following:
  - (a) Administer and enforce the provisions of this chapter.
  - (b) Maintain records of all permits issued, inspections made, work approved and other official actions taken.
  - (c) Investigate all complaints made and violations found relating to the location, removal, construction or reconstruction of all structures or portions thereof.
  - (d) Assist the City Attorney in the prosecution of violations of this chapter.
  - (e) Permitted access to the properties and structures during reasonable business hours to make those inspections as deemed necessary to ensure compliance with this chapter; and, if necessary, procure a special inspection warrant.
  - (f) Prohibit the construction of any structures or modifications to any structures until the proper permits have been first applied for and issued by the City.
- (4) Under the direction of the building inspector, the City shall employ or contract with State certified inspectors for the inspection and implementation of this chapter. Nothing in this chapter, however, shall preclude the City from hiring or training persons to become fully certified for the building inspector positions. Inspectors shall have the authority to complete inspections for the following areas in which they are certified:
  - (a) Single family and two family residential inspectors shall be certified as:

1. Certified Uniform Dwelling Code - construction inspector.
2. Certified Uniform Dwelling Code - electrical inspector.
3. Certified Uniform Dwelling Code - HVAC inspector.
4. Certified Uniform Dwelling Code - plumbing inspector.

(b) Commercial inspectors shall be certified as:

1. Commercial building inspector, which includes commercial HVAC.
2. Commercial electrical inspector.
3. Certified Plumbing Inspector.

#### 14.04 Permits.

- (1) General Requirement. No person shall perform or authorize the performance of building, heating, ventilating, air conditioning, plumbing, electrical or fire protection, whether initial or new construction or remodeling, alteration, additions or replacement, unless the required permit or license is issued by the building inspector.
- (3) Application. Application for a permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land, and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the contractor, the use to which said building is to be put, and such other information as the building inspector may require.
- (3) Plans. With the application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to the adjoining roads, highways, streets, alleys, lot lines and buildings, and public and private utilities. Plans for buildings involving the state building code shall bear the stamp of approval of the Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
- (4) Approval of plans. If the building inspector determines that a building will comply in every respect with all the ordinances of the City and applicable laws and administrative rules, a building permit shall be issued which shall state the use to which said building is to be put. After being approved, the plans and specifications shall not be altered in any respect that involves any of the above-mentioned ordinances, laws or administrative rules, or which involves the safety of the building or occupants, except with the written consent of the building inspector. If adequate plans are presented for part of the building only, the building inspector may issue a

permit for that part of the building before receiving the plans and specifications for the entire building.

- (5) Grades. No work shall commenced until the proper grades have been reviewed by the city engineer, including the grade for sidewalks, streets, sewer and general construction.
- (6) Posting of Permit. The permit shall be posted on the building site in plain view.
- (7) Fees.
  - (1) Fees for permits and inspections shall be established and made part of the city fee schedule.
  - (2) All permit fees shall be doubled if work commences before the required permits are obtained, and the proper fees are paid. The fees shall be doubled for each violation and every day a violation occurs or continues shall constitute a separate offense.
- (8) Waiver of Plans-Minor Repairs.
  - (1) Plan Waiver. If the building inspector finds that the character of the work is sufficiently described in the application, the filing of plans for alterations, repairs or moving, may be waived.
  - (2) Minor Repairs. The building inspector may authorize minor repairs or maintenance work on any structure or to electrical, heating, ventilating or air conditioning systems installed therein, valued at less than one thousand dollars (\$1,000.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (9) Lapsing Permit. A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within one year, from the date of issuance thereof.
- (10) Stop Order. If the building inspector shall find at any time that applicable ordinances, laws, orders, administrative rules, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him, the building inspector she revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work

thereunder until the permit is reissued, except such work as a building inspector may order to be done as a condition precedent to the re-issuance of the permit as may be required for the safety, welfare protecting public???

- (11) Report of Violations. The police or other City officers shall report at once to the building inspector any building which is being carried on without a permit required by this chapter.

#### **14.05 Alterations and Repairs.**

The following provisions shall apply to buildings altered or repaired:

- (1) Alterations. Existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use, and given type of construction, when alterations are made to an existing building or structure, accommodating a legal occupancy and use but of substandard construction, which involves any or all of the following: beams, girders, columns, bearing, or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, or changes in locations of exit stairways or exits.
- (2) Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
- (3) Alterations when not permitted. Alterations or moving a building or structure shall not be permitted when an existing building or structure does not conform to the regulations of this chapter, has deteriorated from any cause whatsoever to an extent greater than 50% of the equalized value of the building or structure. Such a building or structure shall be considered a hazard to public safety and welfare and shall be ordered vacated thereafter may be ordered razed or removed.
- (4) Alterations and repairs required. When any of the structural components of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of the building or structure shall cause such structural components to be restored to their required strength; failing in which the building or structure shall be considered a hazard to public safety and shall be vacated and thereafter no further occupancy or use shall be permitted until the regulations of this chapter are satisfied.

**14.06 Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the building inspector.

**14.07 Inspection and Occupancy Permit.**

- (1) The owner or agent shall notify the building inspector when ready and the building inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, the building inspector shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If the building inspector finds that the work conforms to the provisions of this code, a certificate of occupancy shall be issued which shall contain the date and result of such inspection, a duplicate of which shall be filed in the office of the building inspector.
- (2) If the building inspector determines that a building has been constructed in accordance with all applicable codes, the inspector shall issue an occupancy permit. If the building fails to comply with any applicable code in a minor respect which does not threaten the safety, health or welfare of the building's occupants, the building inspector may issue a temporary occupancy permit for thirty (30) days or other specified term. No person may have occupancy of a building until an occupancy permit is issued.

**14.08 New Methods and Materials.**

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be used until approved in writing by the state Department of Safety and Professional Services. Such materials, methods of construction and devices when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions or use established by the state Department of Safety and Professional Services. The date, tests and other evidence necessary to prove the merits of such materials, method of construction or device shall be determined by the State Department of Safety and Professional Services.

**14.09 Disclaimer on Inspections.**

The purpose of the inspections under this chapter is to improve the quality of construction and structures in the city. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection are intended to report conditions or noncompliance with code standards that are readily apparent at the time of inspection. The

inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.

#### **14.10 Unsafe Buildings.**

- (1) It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Chapter have been complied with.
- (2) Whenever the Common Council, upon the inspection and report of the building inspector, finds any building or part hereof within the City to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Wis. Stat. Sec. 66.0413.
- (3) When the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary and shall cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

#### **14.11 Moving Buildings.**

- (1) General Requirements.
  - (a) No person shall move any building or structure upon any public way of the City without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
  - (b) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.

- (2) Continuous Movement. The movement of buildings shall be a continuous operation during all hours of the day and at night until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall remain overnight upon any street crossing or intersection or to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places and east end of the building during the night.
- (3) Street Repair. Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report to the Building Inspector, who shall inspect the streets, highways and curbs and gutters over which the building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall place them in good repair as they were before the permit was granted. On the failure of said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of the same.
- (4) Conformance with Code. No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the building inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Codes. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (5) Bond.
  - (a) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the City Attorney or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the

payment of any judgment together with costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall be not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the following into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (6) Insurance. The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering personal injury and property damage in an amount of not less than One Million Dollars (\$1,000,000.00) from an insurance company licensed to do business in the State of Wisconsin.
- (7) Permit Fees. The City shall establish a building moving fee in the City fee schedule.

#### **14.12 Reserved.**

#### **14.13 Enforcement and Appeals.**

- (1) Violations and Penalties.
- (a) Prohibitions. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this chapter.
- (b) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00) nor more than one thousand (\$1,000.00) for each day of non-compliance, together with the costs of prosecution.
- (c) Violations discovered by the building inspector shall be corrected within thirty (30) days, or more if allowed by the inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the building inspector.

- (d) Compliance with the requirements of this title is necessary to promote the safety, health and well-being of the community of the owners, occupants and frequenters of buildings. Violations of this title shall constitute a public nuisance that may be enjoined in a civil action.
- (2) Stop-work order. The building inspector may issue a stop-work order for a project to prevent further noncomplying work. No person, firm or entity may continue a construction project after a stop-work order has been issued. The person, firm or entity that receives such a stop-work order may contest the validity of the same by requesting a hearing before the board of zoning appeals pursuant to Section 14.10(3). The stop-work order shall remain in full force and effect until the board of zoning appeals has issued its determination. The appellant shall have the burden of proof at the board of zoning appeals.
- (3) Appeals.
  - (a) Boarding of Zoning Appeals. The board of zoning appeals created pursuant to the city zoning ordinance pursuant to Wis. Stat. Sec. 62.23(7)(e).
    - 1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the city building inspector in administering this title;
    - 2. Upon appeal, may authorize variances from the provisions of this title which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
    - 3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
  - (b) Who May Appeal. Appeals to the board of zoning appeals may be taken by any aggrieved person affected by any decision of the city building inspector.

**ORDINANCE NO. A-790  
(Chapter 22 – Sign Code)**

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE:

This ordinance repeals and recreates the city's sign code.

SECTION II: PROVISION REPEALED AND RECREATED:

Wisconsin Dells Code Chapter 22 is repealed and recreated.

SECTION III: PROVISION AS REPEALED AND RECREATED

Recreated as Exhibit A.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 22.

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Brian L. Landers, Mayor

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Nancy R. Holzem, Clerk/Coordinator

First Reading passed: January 18, 2016  
Second Reading passed:  
Published: January 23, 2016

## CHAPTER 22 | SIGN ORDINANCE

EXHIBIT     A    

- 22.01 Purpose and Applicability (P.1)
- 22.02 Definitions (P.2)
- 22.03 Administration and Sign Permits (P.5)
- 22.04 Maintenance and Repair (P.8)
- 22.05 Exemptions (P.8)
- 22.06 Prohibited Signs (P.10)
- 22.07 Super Graphics (Murals) (P.11)
- 22.08 Projecting Structures (P.12)
- 22.09 General Sign Regulations (P.13)
- 22.10 Specific Sign Regulations, per Zoning District (P.21)
- 22.11 Sign Illumination (P.25)
- 22.12 Nonconforming Signs & Structures (P.26)
- 22.13 Enforcement (P.26)
- 22.14 Severability (P.27)

### Section 22.01 Purpose and Applicability

- (1) **Purpose.** This chapter provides standards for on-site and off-site signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and enhancement of the city's image. The provisions of this chapter are intended to:
  - (a) Require creative and well-designed signs that contribute in a positive way to the city's visual environment, express local character, and help develop a distinctive image for the city.
  - (b) Require signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
  - (c) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review and approval process to allow for unique circumstances and creativity.
- (2) **Applicability.**
  - (a) **Sign Permits Required.** To ensure compliance with the regulations of this chapter, a sign permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits enumerated in Code sec. 22.05. See Code sec. 22.03 for sign permit application and processing requirements.
  - (b) **Sign Standards.** The sign standards provided in this chapter shall apply to signs in each zoning district in the city. Only signs authorized by this chapter shall be allowed.

- (c) **New Zoning Districts.** If a new zoning district is created after the enactment of this chapter, the Zoning Administrator shall have the authority to make determinations as to the applicability of appropriate sign regulations in compliance with Chapter 19 until this chapter is amended to govern the new zoning district.
- (d) **Design Standards.** The city's Downtown Design Standards will be used in the evaluation of sign permit applications for properties zoned C-2 to ensure that signs are well designed, compatible with their surroundings, and do not detract from the overall visual quality of the downtown. The process of design standards review shall be dictated by Chapter 19.

## Section 22.02 Definitions

- (1) **Abandoned Sign.** Subsection (a) - (c) below constitutes an abandoned sign.
  - (a) a sign that was lawfully erected on the property in conjunction with a particular use that has subsequently discontinued for a period of six (6) months;
  - (b) a sign face that remains blank (i.e. void of advertising matter) for a period of nine (9) months. Signs displaying an "available for lease" message, or similar message are considered to be blank signs; or,
  - (c) a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.
- (2) **Awning:** an architectural projection that provides weather protection, identity or decoration, and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
- (3) **Awning Sign:** a sign which is painted on, attached to, or supported by an awning.
- (4) **Blade Sign:** a special projecting sign attached to the building along the storefront frontage following one of three design alternatives provided by the City of Wisconsin Dells.
- (5) **Blank Sign:** a sign void of advertising matter, or a sign displaying an "available for lease" message or similar message.
- (6) **Canopy:** an architectural projection that provides weather protection, identity or decoration, and is wholly supported by the building to which it is attached and a ground mounting, by one or more stanchions. A canopy is comprised of a structure over which a covering is attached.
- (7) **Canopy Sign:** a sign which is painted on, attached to, or supported by a canopy.
- (8) **Directional Sign:** any sign which provides directions to motorists regarding the location of parking areas and access drives.
- (9) **Erect:** to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs.
- (10) **Facing or Surface:** the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

- (11) **Legacy Signs:** a sign designation intended to provide for the preservation of Wisconsin Dells' unique character, history and identity, as reflected in its historic and/or iconic signs.
- (12) **Illuminated Sign:** any sign which has characters, letters, figures, designs or outlines illuminated externally by electric lights or internally by luminous tubes.
- (13) **Incidental Sign:** secondary, informational signs (e.g. menu boards, open/hours of operation, short-term special events/promotions).
- (14) **Informational Sign:** any sign that provides information regarding the use or prohibited use of any area or room. These include restrooms, exit/entrance, office, heated pool, no parking, parking, loading dock.
- (15) **Internal Signs:** any sign placed within three (3) feet of a storefront window or door intended for viewing from the exterior.
- (16) **Marquee:** a permanent, roof-like structure projecting from a building at the entrance to the building with signage on the top or face of the structure.
- (17) **Marquee Sign:** a sign which is painted on, attached to, or supported by a marquee.
- (18) **Monument Sign:** a detached, self-supporting sign mounted or incorporated into a solid base.
- (19) **Multi-Tenant Sign:** any sign applied for and erected for use by multiple business owners within the same shopping center, commercial subdivision or distinct area of the city.
- (20) **Off-premises Sign:** an advertising sign or structure that pertains to goods or services not sold or provided on the premises where the sign is located, or any announcement whose subject is not available on the premises.
- (21) **On-premises Sign:** a sign or structure designed, used or intended to be used to advertise the principal purpose of the business, such as the major category of goods, materials, or services, sold or provided on the premises where the sign is located. On Premise does not include tickets sold for off-premise businesses.
- (22) **Other Advertising Structure:** any marquee, canopy or awning as further defined in this ordinance.
- (23) **Permittee:** a person receiving an erection permit pursuant to the provisions of this ordinance.
- (24) **Person:** any person, firm, partnership, association, corporation, company or organization of any kind.
- (25) **Pole Sign:** any sign supported by uprights or braces placed in the ground and not attached to any building.
- (26) **Portable Sign:** a sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, and "A" frame signs.
- (27) **Projecting Sign:** A sign attached to a building or other structure and extending more than eighteen (18) inches beyond the building plane.

- (28) **Projecting Structures:** Awnings, retractable awnings, canopies and marquees.
- (29) **Temporary Sign:** a sign, banner, pennant or other advertising display constructed of cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time. Billboards or other changeable face or copy signs are not temporary signs.
- (30) **Three Dimensional Sign:** A sign that has a depth or relief on its surface greater than six (6) inches exclusive of the supporting sign structure, and not to include projecting wall signs.
- (31) **Retractable Awning:** a cantilevered structure, entirely supported from a building, and constructed so that the awning cover and supporting frame retracts completely against the building, and in doing so, relieves the awning from wind, rain and snow loads.
- (32) **Roof Sign:** any sign erected, constructed or maintained wholly upon or above the roof of any building with the principal support attached to the roof structure.
- (33) **Sign:** any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, and is placed in view of the general public and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification or expression.
- (34) **Sign Area:** is the area encompassing all graphic content and any cosmetic or structural frame or trim. For signs that are part of a larger surface such as a wall or canopy, the sign area will be measured by enclosing all lettering, logos, trademarks and graphic trim within a simple shape, either circle, rectangle or triangle.
- (35) **Super Graphic:** a super graphic is a painted mural or scene that does not include letters, words or numbers advertising the business being conducted on the premise.
- (36) **Variable Message Sign:** an outdoor advertising sign, display or device using LCD, LED or plasma displays or other similar technology for the displaying of moving images, static images animation or changing the message. The display area of a variable message sign consists of that portion of the overall sign displaying these electronic images. Variable message signs include but are not limited to Commercial Electronic Variable Message Signs (CEVMS), animated signs, dynamic displays and changeable copy signs.
- (37) **Wall Sign:** a sign attached to or erected against the wall of a building with the face parallel to the building wall.
- (38) **Wind Sign:** a sign consisting of one or more flags, pennants, ribbons, spinners, or streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or manufactured air current.
- (39) **Window Sign:** a sign attached to, suspended behind, placed or painted upon, the window or glass door of a building, including internal signage.

## Section 22.03 Administration and Sign Permit Issuance

- (1) **Permit Required.** Except as provided in Code sec. 22.09 and Code sec. 22.10, it shall be unlawful for any person to erect, relocate or structurally alter, within the City of Wisconsin Dells, any sign or other advertising structure as defined in this ordinance, without first obtaining an erection permit from the Building Inspector and making payment of the fee required by Code sec. 22.03(5). All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and its requisite permit fees. No permit is required for repair, repainting or maintenance which does not entail structural change; or, for change of copy, message, or face panel. Change of copy, message or face pane is subject to review by the Design Review Committee.
- (2) **Application for Erection Permit.** Application for an erection permit shall be made upon a form provided by the Building Inspector and shall contain and have attached the following information:
  - (a) Name, address and telephone number of the applicant.
  - (b) Location of building, structure, or real estate to which or upon which the sign or other advertising structure is to be attached or erected.
  - (c) Position of the sign or other advertising structure in relation to nearby buildings, structures, signs or other advertising structures.
  - (d) One set of blueprints, ink drawings or scale drawings of the plans, specifications, copy and method of construction and attachment to the building or in the ground; and, location of proposed sign in relation to existing signs.
  - (e) Name of the person erecting the structure; and, name of electrical contractor, if any.
  - (f) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
  - (g) Size and cost of sign or advertising structure.
  - (h) Such other information as the Building Inspector shall require to show full compliance with this and all other laws and ordinances of the City.
- (3) **Electric Signs.** Any sign making use of electricity for illumination or motion shall be connected by a licensed electrical contractor.
- (4) **Permit Issuance.**
  - (a) Upon the filing of an application for an erection permit, the Building Inspector shall, not sooner than two (2) working days and not later than seven (7) working days.
    - (i) Examine the plans and specifications and the premises upon which the proposed structure shall be erected.
    - (ii) Refer the sign to the Design Review Committee per Article 3 Division 5 of the Zoning Code (Chapter 19).

- (iii) Issue a permit if the proposed structure complies with the requirements of this ordinance and all other laws and ordinances of the City of Wisconsin Dells.
  - (b) Every applicant shall pay to the Building Inspector a nonrefundable fee as established by resolution adopted pursuant to section 2.05 for each sign or other advertising structure regulated by this ordinance.
  - (c) If the work authorized under an erection permit is not completed within ninety (90) days after the date of issuance, the permit shall become null and void; except, the building inspector may extend an erection permit for an additional one hundred twenty (120) days for good cause shown. An extension may be granted only if sought prior to expiration of the underlying permit.
- (5) ***Inspection Fee.*** The Building Inspector shall inspect biennial, each sign or other advertising structure regulated by this ordinance for the purpose of ascertaining whether the structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this ordinance. To meet the expense of such inspection, the permittee, or owner of the property on which the sign is located, shall pay to the City Treasurer a fee as established by resolution adopted pursuant to Code Section 2.05 for each structure inspected. No inspection fee other than the application/permit fee as required in Code sec. 22.03(5) shall be charged during the calendar year in which the sign or other advertising structure is erected.
- (6) ***Appeals.***
- (a) Within thirty (30) days after denial of a sign permit by the zoning administrator per direction of the Design Review Committee, an appeal or request for variance may be filed with the Board of Appeals pursuant to Ord. sections. 1.04(2) and Chapter 19 Article 3 Division 2 (19.220-19.239)
  - (b) The board, upon appeal from a decision by the zoning administrator, may decide any question involving the interpretation of any provision of this ordinance.
  - (c) The board may vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the board shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this ordinance shall be granted by the board unless it finds:
    - (i) That there are special circumstances or conditions, fully described in the findings, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.

- (ii) That, for reasons fully set forth in the findings, the granting of the variance is for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose.
  - (iii) That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
  - (iv) Except as specifically provided, no action by the board shall have the effect of permitting, in any district, uses prohibited in such district.
- (7) ***Revocation of Permit.*** The Building Inspector may revoke any permit where there has been a violation of the provisions of this ordinance or a misrepresentation of fact on the permit application.
- (8) ***Identification Tags.***
  - (a) Each sign or other advertising structure shall have affixed to it an identification tag which shall be issued by the building inspector at the time of permit issuance pursuant to Code sec. 22.03(4).
  - (b) Following completion of the biennial sign inspection legal signs or other advertising structures that do not already have identification tags, shall have identification tags affixed thereto. Said tags shall be provided by the building inspector. The inspector may require for each sign, or other advertising structure, not already tagged a completed sign identification form, which shall contain the following information:
    - (i) Location of sign or other advertising structure.
    - (ii) Name of sign owner.
    - (iii) Name of owner of real estate upon which sign is located.
    - (iv) Dimensions of sign.
    - (v) Type of sign pursuant to this ordinance.
    - (vi) Cost to replace.
    - (vii) Date of erection.
  - (c) Each sign identification form filed pursuant to subsec. (2) shall be accompanied by a processing fee per sign face as established by resolution adopted pursuant to Code Sec. 2.05.
  - (d) Identification tags shall be attached at the bottom right corner of each sign face or at such other location as specified by the building inspector.

## Section 22.04 Maintenance and Repair

- (1) **Generally.** Every sign, or other structure, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign. In addition, the premises on which the sign is erected shall be kept in a clean, sanitary and inoffensive condition, free and clear of all noxious substances. If the sign, or sign structure, is not timely modified to comply with the standards outlined in this section, the Building Inspector, or his authorized agent, may proceed under Code sec. 22.13.
- (2) **Notice and Cure.** Any sign, or sign structure, wherever situated or placed, which is dangerous or which flakes, peels, flags, fades, deteriorates, or is unsightly in any other manner as determined by the City Building Inspector to be dangerous or unsightly in terms of its maintenance shall be repaired, reposted, repainted or restored as necessary pursuant to written notice given by the City Building Inspector to the owner. If a sign is not repaired, reposted, repainted or restored within the time specified, the provisions of Code sec. 22.13 shall apply.
- (3) **Repairs.** Repairs to and maintenance of signs and sign structures shall be completed in a timely manner or as determined by the building official. For good cause shown, the building inspector may extend the completion deadline. An application for extension must be in writing and must be received by the building inspector prior to the expiration of the underlying deadline. If repairs or maintenance are not timely completed, Code sec. 22.13 shall apply. In addition, the sign or sign structure shall be subject to the application provisions of Code sec. 22.03.

## Section 22.05 Exemptions

The following signs are exempt from the permit requirements of this ordinance:

- (1) Temporary real estate signs not exceeding sixteen (16) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property.
- (2) Temporary political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area. Such signs may be erected no earlier than sixty (60) days prior to an election or referendum and shall be removed no later than seven (7) days after the election or referendum.
- (3) Temporary signs advertising the date, time and location of a garage or yard sale and not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and shall be removed one (1) day after the sale.
- (4) Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospital, historical sites or public facilities.

- (5) Flags of any government or governmental agency or any patriotic, religious, charitable, civic, education or fraternal organization not exceeding fifty (50) square feet in area; except that the Flag of the United States of America shall be exempt, whatever its size.
- (6) Temporary signs in conjunction with special events such as philanthropic campaign or church, circus, carnival or other community activity. Such signs shall not exceed forty (40) square feet in area, shall not be erected more than fourteen (14) days in advance of the event and shall be removed within three (3) days after the termination of the event; and shall not be erected without consent of the Common Council.
- (7) Temporary displays or decorations customarily associated with any national, state, local or religious holiday or celebration. Such signs shall be erected no more than forty-five (45) days before and removed no later than fourteen (14) days after the celebration.
- (8) Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding sixty-four (64) square feet in area. Such signs shall not be erected prior to approval of a site plan and shall be removed no later than seven (7) days after completion of the project.
- (9) Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four (4) square feet in area.
- (10) Signs or advertising structures associated with governmental, patriotic, religious, charitable, civic, educational, or like organizations or activities provided such sign or structure shall not exceed forty (40) square feet in area.
- (11) Signs that are not designed or located so as to be visible from any street adjoining property, or public way; except that signs that are designed or located so as to be visible from adjoining property shall not be exempt.
- (12) Signs or nameplates, at single or two-family dwellings not exceeding three (3) square feet indicating the name or address of occupants.
- (13) Signs erected and regulated as part of the Wisconsin Dells Parks & Recreation baseball outfield sign program.
- (14) "Open" for business flags installed and displayed in conjunction with Business Improvement District (BID) program and criteria.
- (15) The mandated posting of business name and address on the rear alleyway entrance to businesses along Broadway, with letters and number less than 6 inches high and no logo or other advertisement.
- (16) Sandwich boards, "A" frame and Pedestal Signs in the C-2 District, following the downtown design standard and subject to review of the Design Review Committee (DRC).
- (17) Temporary Business Sign for an operating business for up to thirty (30) days after business opening, or until a sign permit has been obtained through the DRC review process, whichever comes first.

## Section 22.06 Prohibited Signs

The following are expressly prohibited under this ordinance:

- (1) Any sign or structure that constitutes a hazard to public health or safety;
- (2) Any sign or advertising structure that is erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, including sign of any kind attached to a stand pipe or fire escape.
- (3) Any sign that causes traffic hazards. No sign or other advertising structure shall:
  - (a) obstruct free and clear vision at any street intersection;
  - (b) any sign that interferes with, obstructs the view of or be confused with any authorized traffic sign, signal or device because of its position, shape or color; or
  - (c) Makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.
- (4) Any sign or other advertising structure that displays any matter in which the dominant theme of the materials taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (5) Any vehicular signs with a total sign area in excess of ten (10) square feet are prohibited when the vehicle:
  - (a) is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right of way;
  - (b) is visible from the street right of way that the vehicle is within one hundred (100) feet of; or,
  - (c) is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- (6) Any signs having a sign area of more than 300 square feet per facing.
- (7) Signs having more than two (2) faces visible at one time.
- (8) Temporary signs such as captive or tethered balloons, banners or portable devices, excluding those described in Code Sec. 22.05(16) and Code Sec. 22.05(17).
- (9) Revolving signs.
- (10) Any signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

- (11) Any signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (12) Any signs erected or maintained upon trees or utility poles, or painted or drawn upon rocks or other natural features.
- (13) Any interior signs visible from the public right-of-way which advertise or promote off-premises goods, services or businesses; and which feature a video display.
- (14) Obsolete or abandoned signs (see Code Sec. 22.02) that are not lawful nonconforming signs.

## Section 22.07 Super Graphics

### (Murals)

Super graphic (also known as murals) shall be allowed only with a conditional use permit per the requirements of this section. Any part of a super graphic incorporating letters, words or numbers advertising the business being conducted on the premise will be treated as a sign and shall meet the wall sign requirements in Code sec. 22.09 and Code sec. 22.10.

- (1) **Application.** An application for a Super Graphic shall be submitted to the Zoning Administrator and in addition to the information provided pursuant to Code sec. 22.03.
- (2) **Process.** The Design Review Committee shall make a recommendation to the Common Council who shall then approve or reject the proposed Super Graphic. Within thirty (30) days after denial of a super graphic application by the Common Council, an appeal or request for variance may be filed with the Board of Appeals pursuant to Ord. sections 1.04(2) and Chapter 19 Article 3 Division 2 (19.220-19.239).
- (3) **Standard of Review.** The Design Review Committee and City Common Council may attach to its approval of a sign application any conditions which in its judgment are necessary to carry out the purposes and intent of the standards listed below. In reviewing the application, the Design Review Committee and City Common Council shall determine whether or not the proposed Super Graphic does the following:
  - (a) harmonizes with the structure(s) on the parcel on which it is to be painted;
  - (b) is suitable and appropriate to the neighborhood;
  - (c) is well-designed and pleasing in appearance;
  - (d) does not constitute a nuisance to the occupants of adjacent or contiguous property as determined by the Zoning Administrator or the Design Review Committee; and,
  - (e) does not constitute a traffic and safety hazard (i.e. it is not distracting, or is not considered indecent or otherwise offensive to public morals).
- (4) **Maintenance.** The Design Review Committee may also require annual maintenance inspections of the super graphic by the building inspector, and revoke any

permit issued if a graphic design is not maintained. No sign application for a super graphic shall be required to repaint any super graphic exactly as it previously existed, pursuant to a previously approved graphic design permit.

- (5) ***Change of Ownership.*** In the event of a sale of the property which includes the Super Graphic, the new owner shall file an addendum to the Super Graphic Plan agreeing to be bound by all of the terms and conditions required by the city in approving the Super Graphic Plan accommodation.

## Section 22.08 Projecting Structures

- (1) ***Canopy Location.*** Canopies are not permitted over the public right-of-way.
- (2) ***Design Standards.***
  - (a) Projecting structures may not be supported by columns or posts located in the public right-of-way.
  - (b) Projecting structures shall be at least 10 feet above the public right-of-way
  - (c) The underside of a canopy or marquee shall be finished and enclosed
  - (d) Projecting structures may not extend more than six (6) feet over the public right-of-way.
  - (e) Projecting structures shall be pitched from the supporting walls a minimum of one (1) inch per foot.
  - (f) All projecting structures shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign with a minimum safety factor of two.
  - (g) No projecting structure shall have a height more than five (5) feet above the roof line of the supporting wall.
  - (h) If a projecting structure interferes with the illumination of the sidewalk, alternate lighting must be provided.
- (3) ***Projecting Structure Approval.***
  - (a) This section shall govern the issuance of a permit to construct or erect a projecting structure.
  - (b) Applications for permits to construct projecting structures shall be submitted pursuant to Code sec. 22.03.
  - (c) The Building Inspector shall determine if the application is complete. Incomplete applications shall be returned to the applicant for resubmission.
  - (d) Completed applications shall be referred to the Design Review Committee. The Design Review Committee shall review applications for projecting structures within 30 days of the day on which a completed application is submitted. The Design Review Committee shall approve or disapprove applications based upon design and construction criteria to be promulgated by the Design Review Committee.

- (e) Decisions of the Design Review Committee may be appealed to the Board of Appeals.
  - (f) Projecting structures in the STH right-of-way are subject to WisDot approval. All projecting structures may be subject to other agency approvals.
- (4) **Inspection.** Projecting structures shall be inspected every two (2) years by the Building Inspector or by a person designated by the City Planner/Zoning Administrator to perform the inspection. Inspection fees shall be established by a resolution approved by the Common Council pursuant to Code Sec. 2.05.
  - (5) **Declaration of Policy.** The erection of a projecting structure over the public right- of-way is declared to be a privilege granted by the City of Wisconsin Dells. There is no guarantee that all applications for projecting structures will be approved or that all designs will be permitted. Applications will be considered on a case by case basis and evaluated on their contribution to downtown Wisconsin Dells.

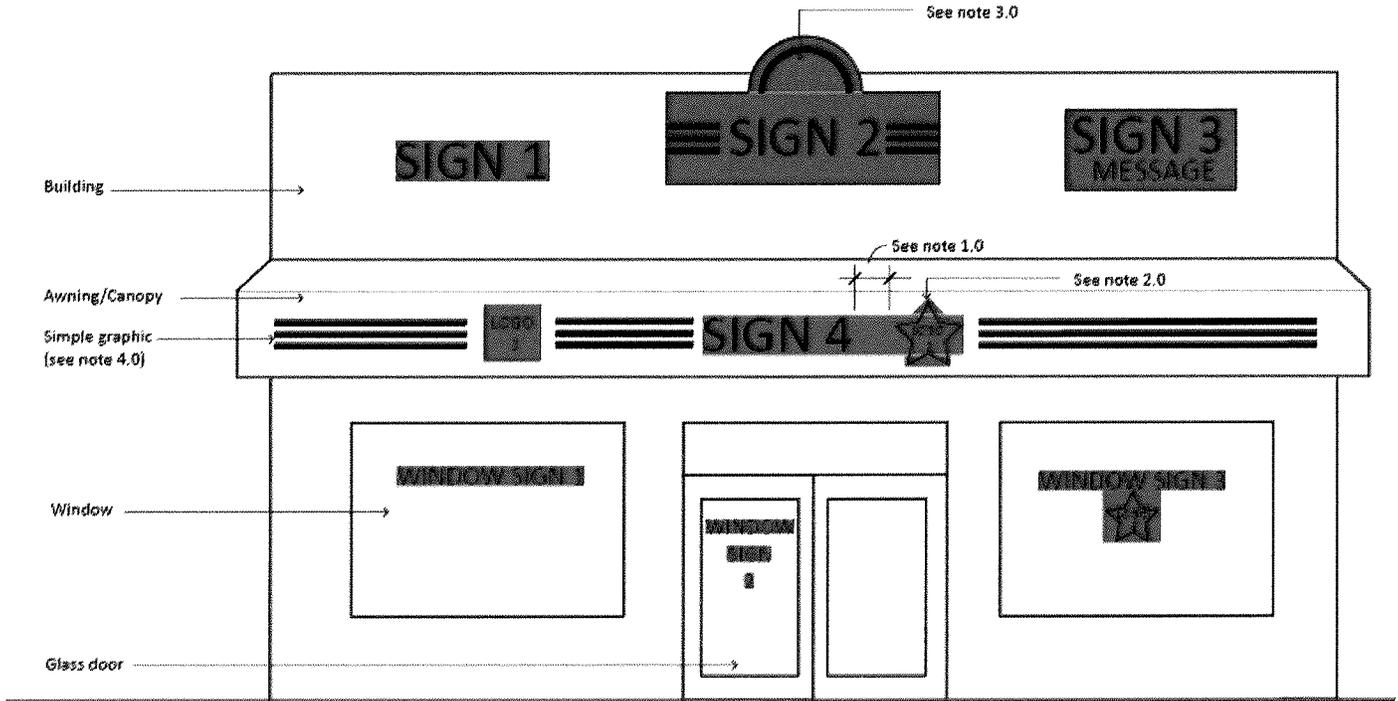
## Section 22.09 General Sign Regulations

The regulations in this section apply to signs in all areas of the City with Code sec. 22.10 providing additional sign regulations per said property’s designated zoning district. Any regulation shown stricter in Code sec. 22.10 shall take precedent.

- (1) **Total Allowable Sign Area.** The total sign area shall not exceed the limits established in Code sec. 22.09 and Code sec. 22.10.
  - (a) **Permitted Sign Area Calculation.** The area of a sign includes all graphic content and any cosmetic or structural frame or trim. For signs that are part of a larger surface such as a wall or canopy, the sign area will be measured by enclosing all lettering, logos, trademarks and graphic trim within a simple shape, either circle, rectangle or triangle (see Exhibit A on the next page).
  - (b) **Double Sided Signs.** The sign area calculation of two-sided signs shall only include the display of one side provided both sides of the sign:
    - (i) display the identical information;
    - (ii) physically connect at one point; and
    - (iii) run parallel to each other or have an angle of departure 45 degrees or less. If the above criteria has not been met, both sides of the sign shall be included in the permitted sign area calculation.
  - (c) **Three dimensional and Multiple-Faced Signs.** Where a sign consists of three or more sign faces, or one or more three-dimensional objects (i.e. balls, cubes, cluster of objects, sculptures, or statue like trademarks), the sign area shall be measured as the area of the smallest two-dimensional rectangle, circle or triangle within which the object(s) can be enclosed when viewed from a point where the largest area of the object(s) can be seen.

## Exhibit A: Sign Area Measurement Calculations

Illustration Not to Scale



■ Denotes sign area to be calculated

### Notes

- 1.0 If logos associated with signs are within a few feet of the sign lettering, that area is to be included in the total sign area calculation
- 2.0 Calculate sign area using simple shapes, specifically rectangles and a triangle
- 3.0 Calculate sign area using simple shapes, specifically rectangle and semi-circle
- 4.0 Simple graphics (unrelated to business logo are not included in area calculations)

### SIGNS

SIGN 1	Wall sign (individual letters)
SIGN 2	Wall sign (attached, projecting with 3D feature)
SIGN 3	Wall sign (low profile, attached board)
LOGO 1	Business logo
SIGN 4 and LOGO 2	Painted signs on awning/canopy with logo
WINDOW SIGN 1	Window sign
WINDOW SIGN 2	Window sign on door
WINDOW SIGN 3 and LOGO 3	Window sign with logo

## (2) Sign Design Requirements.

- (a) **Sign Location.** All signs shall be affixed, mounted, or otherwise installed in accordance with the building code adopted by the City of Wisconsin Dells. No sign shall be located in relation to a public street, right-of-way, sidewalk, or thoroughfare so as to create a traffic hazard by distracting motorists, obscuring traffic signs, or impairing drivers sight lines; nor create hazards by blocking doors, windows, or other openings which are necessary for safe emergency egress, adequate fire suppression, or police surveillance activities; nor create hazards to pedestrians by obscuring, disrupting, or otherwise interfering with the safe movement of pedestrians.
- (b) **Sign Structure.** A sign structure shall be limited to that portion of the structure that is only necessary for the support of the sign and shall be designed so as to adequately support the weight being imposed on the structure, including applicable wind loads. All other portions of the structure including sign roofs in the building setback area shall be considered as part of the sign display service area.

- (c) **Vertical Clearance.** No sign shall be less than eight (8) feet clear over any private drive or pedestrian walkway and no less than seven (7) feet clear above any covered walkway.
- (d) **Signs visible from Wisconsin River.** Off-premise signs located on property adjacent to the Wisconsin River are prohibited if they are intended to be visible from the River. On-premise signs intended to be visible from the Wisconsin River are permitted subject to review and approval by the Design Review Committee (DRC). In evaluating such signs, the Committee may consider the following factors: location, size, colors, design and layout; and such other factors as are relevant to that sign. The DRC is directed to consider appropriate aesthetic effects of the surrounding area.

(3) ***Directional Signs.***

- (a) **Height and Area Limitations.** Directional signs shall not exceed a height greater than four (4) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. Directional signs shall not exceed six (6) square feet in area.
- (b) **Location.** Directional signs may be placed at the entrance of the subject business. The sign may be a single sign with two (2) faces of equal size; or, may be two (2) single-faced structures of equal size.

(4) ***Legacy Signs.*** The legacy sign designation is intended to provide for the preservation of Wisconsin Dells' unique character, history and identity, as reflected in its historic and/or iconic signs. An approved Legacy Sign, listed in the Legacy Sign Inventory, is exempted from standards in this ordinance addressing total allowable sign area, location and materials. No applications will be accepted beyond December 31, 2017.

- (a) **Designation Criteria.** Prior to any sign being designated as a Legacy Sign, the Design Review Committee and the City Council shall find the Legacy Sign satisfies one or more of the following criteria:
  - (i) Is associated with events that have made a significant contribution to the broad patterns of Wisconsin Dells' or the State of Wisconsin's history or cultural heritage.
  - (ii) Is associated with the lives of persons important in the past.
  - (iii) Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of an important creative individual, or possesses high artistic values.
  - (iv) Has yielded, or may be likely to yield, information important in history.
  - (v) The sign exemplifies the cultural, economic and historic heritage of Wisconsin Dells.
  - (vi) The sign exhibits extraordinary aesthetic quality, creativity and innovation.

- (b) **Application for Designation.** Applications for designation shall be submitted by December 31, 2017. It may be submitted by any member of the public or the sign owner and supported by a Legacy Sign Treatment Plan (see subsection (c)). If an application for designation is submitted by a member of the public, written consent from the sign owner is required in order to continue processing the application for designation. Such application shall be made in writing, in a form deemed appropriate by the Zoning Administrator. The application shall include the owner's consent to the designation and agreement to abide by the requirements of this sign ordinance through the execution of a covenant. The Zoning Administrator may require the owner to submit information regarding the significance of the potential Legacy Sign including, but not limited to, photographs, plans, deeds, and any other materials that may provide information regarding the potential Legacy Sign designation. No application will be reviewed until the application fee is paid in full (see Code Sec. 2.05).
- (c) **Legacy Sign Treatment Plan.** The application for designation as a Legacy Sign shall include a Legacy Sign Treatment Plan. The Legacy Sign Treatment Plan will include the following (but is not limited to):
- (i) Description of the Legacy Sign, including current address, original address (if different), date of original construction and installation, sign type, original materials, text, type of illumination (if known), and a list of character-defining features.
  - (ii) Historic documentation, including approved permits, site plans, elevations, and dated photographs, as available.
  - (iii) Current photos of the Legacy Sign, including views of all visible elevations as well as contextual images of the property as a whole.
  - (iv) Provide a list of materials and/or parts to be replaced, and recurring maintenance items.
  - (v) Narrative statement of significance against designation criteria in Code Sec. 22.09(4)(a).
  - (vi) Where an applicant produces physical evidence or documentation sufficient to prove that a proposed Legacy Sign included intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by the City that no negative safety issues will result.
- (d) **Designation Process.** Applications for approval of Legacy Signs shall be reviewed by the Design Review Committee (DRC). The DRC shall determine whether the sign meets one or more of the criteria for approval as a Legacy Sign and, based on this determination, shall recommend to the City Council that the application be approved or denied. The DRC shall adopt a resolution stating its recommendation, focusing on the criteria set forth in Code Sec. 22.09(4)(a), and incorporating its reasons in support or denial of the application. Following DRC approval recommendation, the City Council shall adopt a resolution to approve or deny the application based on the criteria specified in Code Sec. 22.09(4)(a). A condition of approval may be added to any variance application for a property with a potential legacy sign requiring the property owner to designate and/or restore the potential legacy sign.

- (e) **Covenant by Recorded.** If the application is approved by the City Council, the City shall record a signed covenant in the office of the County Recorder at the Legacy Sign owner's expense. The covenant, which shall run with the land and be binding on successors and assigns, shall specify which elements of the Designated Legacy Sign are to be protected; and state that any alteration or removal of these elements shall be done in accordance with Code Sec. 22.09(4)(a). This covenant shall serve as notice of the approval as a Designated Legacy Sign, and shall not be removed from the property without the consent of the City Council.
- (f) **Design Standards.** Legacy signs shall comply with the following requirements (as applicable):
- (i) Restoration and or repair of an intact or nearly intact Legacy Sign shall be consistent with a documented appearance at the time of approved legacy sign designation.
  - (ii) Restoration and or repair shall not add typographical or other elements which result in an increase in the size of the restored and or repaired sign.
  - (iii) Text changes shall not result in changes to character defining features.
  - (iv) Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.
  - (v) The sign shall use materials and technology representative of its period of construction.
  - (vi) The sign shall be structurally safe or can be made safe without substantially altering its documented appearance at the time of approved legacy sign designation.
  - (vii) Relocation of a Legacy sign off site is discouraged unless it is technologically impractical or otherwise infeasible to maintain the Legacy Sign in the original location. The burden of proof is upon the applicant and shall be to the satisfaction of the Design Review Committee (DRC). Relocation of a Legacy Sign shall be to a location within the original premises, or to a location deemed appropriate by the DRC.
  - (viii) A Legacy Sign may be replaced as long as the replacement sign is consistent in look, materials and technologies as the documented appearance at the time of approved legacy sign designation.
- (g) **Maintenance.** The owner, lessees, and any other responsible persons shall take all steps necessary to maintain the Legacy Sign in good condition and to prevent any deterioration or decay that would adversely affect the value or integrity of the Legacy Sign. The Design Review Committee may require annual maintenance inspections of the sign by the building inspector. Failure to maintain the Legacy Sign in accordance with this Section is a violation of the Wisconsin Dells Municipal Code and is subject to loss of legacy sign designation and may be subject to prosecution.
- (5) **Multiple-tenant Signs.** Businesses located within a shopping center, commercial subdivision or distinct area of the city may joint together and request accommodations to the provisions of this ordinance to construct a Multiple-tenant Sign identifying their businesses on a single sign structure.

- (a) **Application.** An application for a Multiple-tenant Sign accommodation shall be submitted to the City Engineer and in addition to the information provided pursuant to Code sec. 22.03, shall be accompanied by a proposed Multiple-tenant Sign plan identifying the businesses to be advertised and shall be accompanied by a proposed Multiple-tenant Sign plan signed by the owners of said businesses or their representatives. Said plan should identify all businesses involved, a contact person, an written agreement between the owners of the businesses for sharing the cost of installation, maintenance and repair of the Multiple-tenant Sign and an agreement to limit the number of on-premises signs for each business and to limit the size of any on-premises sign for each business to a maximum height of 6 feet above grade.
  - (b) **Process.** The Design Review Committee shall conduct a public hearing on the proposed Multiple-tenant Sign. The procedure for the hearing shall be the same as the procedure followed for Conditional Use Permit and the fee shall be the same. The Design Review Committee shall make a recommendation to the Common Council who shall then approve or reject the proposed Multiple-tenant Sign.
  - (c) **Standard of Review.** The Design Review Committee and the Common Council shall review the application for a Multiple-tenant Sign permit in order to determine whether or not the proposed Multiple-tenant Sign identifies the businesses advertised with good taste and design and that the proposed signs are in harmony with its neighbors and does not unduly interfere with the existing on-premise signs. The Multiple-tenant Sign should be located near or adjacent to the driveway or access road to the businesses advertised. It is the intent of the city that the number and size of signs be reduced. All businesses depicted on Multiple-tenant Signs shall be restricted to one (1) free standing on-premises sign not exceeding 100 square feet in area nor 6 feet in height above grade. The city may impose such conditions on an accommodation approval as it deems necessary to make the findings required by this section or as it deems appropriate to protect the public health, safety and general welfare.
  - (d) **Change of Ownership.** In the event of a sale of a business included in a Multiple-tenant Sign, the Unified Sign Plan shall be changed to include the new owner who shall file an addendum to the Multiple-tenant Sign Plan agreeing to be bound by all of the terms and conditions required by the city in approving the Multiple-tenant Plan accommodation.
- (6) ***Monument Signs.***
- (a) **Height Limitations.** Monument signs shall not exceed twenty (20) feet in height as measured from the point on the site at which the base of the ground floor of a building thereon would be located. For the purpose of this subsection, “ground floor” is defined as follows: that level of a building on a sloping or multilevel site which has its floor line at or not more than three (3) feet above exit discharged grade for at least one-half of the required exit discharges.
  - (b) **Area Limitations.** Monument signs shall not exceed three hundred (300) square feet of area per face, or as defined in Section 22.10, whichever is stricter.

(7) *Pole Signs.*

- (a) **Height Limitations.** Pole signs shall not exceed forty-five (45) feet in height, or as restricted in Section 22.10, whichever is stricter, as measured from the point on the site at which the base of the ground floor of a building thereon would be located. For the purpose of this subsection, “ground floor” is defined as follows: the level of a building is on a sloping or multilevel site which has its floor line at or not more than 3 feet above exit discharged grade for at least one-half of the required exit discharges.
- (b) **Area Limitations.** Pole signs shall not exceed three hundred (300) square feet of area per face, or as defined in Code Sec. 22.10, whichever is stricter.
- (c) No pole sign shall be placed upon a tree bank.

(8) *Portable Signs.*

- (a) **Location.** The sign shall be located within ten (10) feet of the business entrance, but shall not be placed in a location where the paved area for passage is reduced to less than six (6) feet or within twelve (12) feet of an intersection, driveway, public stairwell or crosswalk.
- (b) **Usage.** The sign shall only be used during business hours.
- (c) **Material.** The sign shall be made of a durable material such as wood or metal.
- (d) **Liability Agreement.** A license agreement is required in a form and amount approved by the City indemnifying and holding the City harmless from liability and naming the City, its officers and employees as an additional insured on a general liability insurance policy.

(9) *Projecting Signs.*

- (a) **Area Limitations.** Projecting signs shall not exceed three hundred (300) square feet on each side, or as defined in Code Sec. 22.10, whichever is stricter.
- (b) **Projection over Public Property.** Every projecting sign shall be placed at least ten (10) feet above the public sidewalk over which it is erected. No projecting sign shall project more than four (4) feet, six (6) inches into the public way.
- (c) **Height.** The highest point of a projecting sign shall be no more than ten (10) feet above the roof line of the building upon which the projecting sign is placed, or as defined in Code Sec. 22.10, whichever is stricter.
- (d) **Content.** Projecting signs shall promote or relate only to on- premises goods, services or activities.
- (e) **Placement.** Projecting signs shall be a minimum of forty (40) feet apart; except that each building or business may have a projecting sign.
- (f) **Declaration of Policy.** The erection of a projecting sign over the public right-of-way is declared to be a privilege granted by the City of Wisconsin Dells. There is no guarantee that all applications for projecting signs will be approved or that all designs will be permitted. Applications will be considered on a case by case basis and evaluated on their contribution to downtown Wisconsin Dells.

(10) *Roof Signs.*

- (a) **Area Limitations.** No roof sign shall have a surface or facing exceeding three hundred (300) square feet.
- (b) **Height.** The highest point of a roof sign shall be no more than forty-five (45) feet above ground level.

(11) *Wall Signs.*

- (a) **Sign Quantity.** There may be one (1) on-premises and one (1) off-premises wall sign per premise face, or as restricted in Code Sec. 22.10, whichever is stricter.
- (b) **Area Limitations.** Total wall signage per premise face shall not exceed 300 square feet, or as restricted in Code Sec. 22.10, whichever is stricter.
- (c) **Projection setback line.** Wall signs attached to a wall at a height ten (10) feet or less above the sidewalk or ground shall not project more than two (2) inches. Wall signs attached to a wall at a height greater than ten feet shall not project more than eighteen (18) inches. Height. The highest point of a wall sign shall not be more than 10 feet above the roof line of the building upon which the wall sign is placed.

(12) *Wind Signs.*

- (a) **Exemption.** Wind signs which are less than 50 square feet in size are exempt from this Ordinance if such wind signs are blank or if such wind signs contain only a logo or graphic which logo or graphic shall not include any copy or printed words.
- (b) **Regulation.** Wind signs greater than 50 square feet in size or upon which there appears any copy or printed words shall be regulated as ground signs.

(13) *Window Signs.* There is currently no restrictions on window signage city-wide; however, there may be specific restrictions per zoning district (see Code Sec. 22.10).

(14) *Variable Message Signs.*

- (a) **Regulations.** In addition to the regulations imposed by this chapter, variable message signs are subject to the following restrictions:
  - (i) Variable Message Signs may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.
  - (ii) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.
  - (iii) No message may be displayed at intervals of less than 6 seconds.
  - (iv) No segmented or traveling message may last longer than 10 seconds.
  - (v) Display areas may be illuminated only to a degree of brightness that is reasonably necessary for adequate visibility. The City Engineer or designee shall be responsible for determining compliance with this requirement. Signs found to be brighter than reasonably necessary shall be adjusted by the person owning or controlling the sign in accordance with the instructions of the City Engineer.

- (vi) The brightness level of all messages must be uniform.
  - (vii) Intervals between messages must be black.
  - (viii) Flashing, intermittent or moving light or lights are prohibited, except those giving public service information, such as time, date, temperature, weather or similar information.
  - (ix) Lights that are directed at any part of the highway or that interfere with or obscure an official traffic device, sign or signal are prohibited.
  - (x) The maximum sign area shall be 300 square feet per facing.
  - (xi) The display area shall not exceed 50% of the total area of the sign.
- (b) **Conditional Permit.** Variable Message Signs are conditionally permitted in the commercial districts east of the Wisconsin River. The provisions of Wisconsin Dells Code Chapter 19, Article 4 Division 6 (19.370-19.39) shall apply to applications for such signs.

## Section 22.10 Specific Sign Requirements, per Zoning District

All signs shall comply with the standards of the applicable zoning district, in compliance with the provisions outlined within this section. See Code sec. 22.09 for general sign requirements.

- (1) *D-1 Conservancy and R-1 Residential (single-family) Zoning Districts*
- (a) **Permitted Signs.** The following signs or other advertising structures are permitted:
- (i) Signs pertaining to the sale, on premises, of agricultural products from such premises, provided there shall be no more than one (1) sign per premises and the size of such sign shall not exceed thirty (30) square feet;
  - (ii) Temporary Signs, excluding Code sec. 22.05(13-17);
  - (iii) For each multi-family dwelling or single family and two-family subdivision, there shall be permitted one identification sign not exceeding thirty-two (32) square feet in area located near the main entrance to the building or subdivision and indicating only the name of the building or subdivision and name of the owner, manager or developer thereof; and,
  - (iv) Signs pertaining to home occupations, professional offices, or any use permitted in the conservancy and residential districts; provided, there shall be no more than one (1) sign per premises having a maximum size of five (5) square feet, no such signs shall be illuminated. All signs erected hereunder shall be set back at least five (5) feet from any lot line.

(2) *R-2 Residential (single family & duplex), R-3 Residential (mixed), and R-9 Mobile Home Park Zoning Districts.*

(a) **Permitted Signs.** The following signs or other advertising structures are permitted:

- (i) Signs pertaining to the sale, on premises, of agricultural products from such premises, provided there shall be no more than one (1) sign per premises and the size of such sign shall not exceed thirty (30) square feet;
- (ii) Temporary Signs, excluding Code sec. 22.05(13-17);
- (iii) For each multi-family dwelling or single family and two-family subdivision, there shall be permitted one identification sign not exceeding thirty-two (32) square feet in area located near the main entrance to the building or subdivision and indicating only the name of the building or subdivision and name of the owner, manager or developer thereof; and,
- (iv) Signs pertaining to home occupations, professional offices, or any use permitted in the conservancy and residential districts; provided, there shall be no more than one (1) sign per premises having a maximum size of five (5) square feet, no such signs shall be illuminated. All signs erected hereunder shall be set back at least five (5) feet from any lot line.

(b) **Conditionally Approved Signs.** The following signs or other advertising structures are conditionally permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Wall signs; and Wind signs.

(3) *R-5 Residential (multi-family) District.*

(a) **Permitted Signs.** The following signs or other advertising structures are permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Temporary signs; Wall signs; Wind signs; and, Window Signs.

(4) *C-2 Downtown Commercial Zoning District.*

(a) **Total Allowable Sign Area.** The total sign area permitted (i.e. all sign areas within a facade combined) shall not exceed five (5) square feet per one (1) lineal foot of business frontage with the minimum of 144 square feet and a maximum of 300 square feet allowed.

(b) **Permitted Signs.** The following signs or other advertising structures are permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Projecting and Blade signs; Temporary signs; Wall signs; and, Window Signs. See Table (E) for restrictions on these permitted signs.

(c) **Off-Premise Signs.** Off-premise signs are prohibited, meaning content of signs is limited to the business, service, and activity available or conducted on the subject lot, except in the following condition.

- (i) When a business or service does not have direct access to a public street, signs directing traffic to the subject business or service may be located off premises at the nearest point of access. Such signs are counted as part of the total allowable sign area.

**Table E: Downtown C-2 District Permitted Signage**

Sign Type	Sign Description	Total Sign Area Restriction	Number of Signs Allowed	Maximum Area Per Sign	Maximum Sign Height
Total Sign Area Permitted	The total sign area permitted for each business shall be determined by multiplying the length of lineal business frontage	5 sq. ft. / 1 lineal ft. of business frontage with a minimum of 144 sq.ft. a maximum of 300 sq.ft.			
Monument Sign	Monument sign is a detached sign mounted or incorporated into a solid base, and shall be a self-supporting structure.	Included	1 per lot	60 sq.ft. (per sign face)	6 feet
Wall Sign	A sign attached to or erected against the wall of a building with the face parallel to the building wall	Included	1 sign per 50 feet of business frontage	60 sq.ft.	n.a.
Projecting Sign	A sign attached to a building or other structure and extending more than eighteen (18) inches beyond the building plane.	Included: Count only one side, except faces with angles beyond 45 degrees count each sign face	1 sign per 50 feet of business frontage	50 sq.ft. (per sign face)	n.a.
Blade Sign	A special projecting sign attached to the building along the storefront frontage following one of three design alternatives provided by the City of Wisconsin Dells.	Excluded	1 sign per public entrance per business, except each blade sign shall be at minimum of 40 ft apart	See Downtown Design Standards for three options allowed	See Downtown Design Standards for three options allowed
Awning/Canopy/Marquee Sign	A sign which is painted on, attached to, or supported by a projecting structure (i.e. awning, canopy or marquee).	Included	n.a.	75% coverage of valance/flat profile; 50% coverage of awning roof	n.a.
Window Sign	A sign attached to, placed against, painted on, or placed within three (3) feet of a window or door of the building which is intended for viewing from the exterior.	Excluded	n.a.	25% coverage of each window/door, excluding product display; 50% coverage of each window/door, inclusive of product display	n.a.
Portable Sign	A sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, and "A" frame signs.	Excluded	1 per business that has obtained a food license	6 sq.ft. per sign face, including boarder and trim)	3 feet (sandwich board); 4 feet (pedestal sign)
Incidental Sign (no permit required)	Secondary, informational signs (e.g menu boards, open/hours of operation, short-term special event/promotions).	Excluded	3 per business frontage up to 10 sq.ft. total	4 sq.ft.	

- (d) **Downtown Design Standards.** All signs shall adhere to the Downtown Design Standards pursuant Code sec. 22.01(2)(d) and Chapter 19.
- (5) ***C-1 Neighborhood Commercial, C-3 Highway Commercial, C-4 Large-scale Commercial, and M-1 Mixed Use Zoning Districts.***
- (a) **Permitted Signs.** The following signs or other advertising structures are permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Temporary signs; Wall signs; Wind signs; and, Window Signs.
- (b) **Pole Sign.**
- (i) ***C-1 Neighborhood Commercial.*** Off-premise pole signs shall not be less than 500 feet from any other sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. On-premises pole sign may be nearer than 500 feet to any other ground sign, if it is the only on-premises ground sign situated upon the premises or parcel upon which the business or commercial activity promoted is situated; and, if said sign has been conditionally approved pursuant to Code Chapter 19 Article 4 Division 6 (19.370-19.389). Such signs shall not exceed 50 square feet. Additional conditions may also be imposed.
- (ii) ***C-3 Highway Commercial.*** On-premises pole signs may project over a sidewalk but such sign shall not project more than 4 feet, 6 inches over a sidewalk and such signs shall be at least 10 feet above a sidewalk. Off-premises pole signs shall not be less than 500 feet from any other sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. An on-premises pole sign may be nearer than 500 feet to any other ground sign, if it is the only on-premises ground sign situated upon the premises or parcel upon which the business or commercial activity promoted is situated.
- (iii) ***C-4 Large Scale Commercial.*** Off-premises pole signs shall be not less than 100 feet from any other ground sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. An on-premises pole sign may be nearer than 100 feet to any other ground sign if it is the only on-premises ground sign situated upon the premises or parcel upon which the business or commercial activity is situated; and, if the business is located in a stand-alone building.
- (c) **Roof Sign.**
- (i) ***C-1 Neighborhood Commercial.*** Off-premises roof signs shall not be less than 500 feet from any other roof sign or sign structure on the same side of the street upon which the roof sign or sign structure is situated. On-premises roof sign may be nearer than 500 feet to any other roof sign if it is the only on-premises roof sign situated upon the premises or parcel upon which the business or commercial.
- (ii) ***C-3 Highway Commercial Districts.*** Off-premises roof signs shall not be less than 500 feet from any other roof sign or sign structure on the same side of the street upon which the roof sign or sign structure is situated. On-premises roof sign may be nearer than 500 feet to any other roof sign if it is the only on-premises roof sign situated upon the premises or parcel upon which the business or commercial.

(iii) **C-4 Large Scale Commercial District.** All roof signs shall be not less than 100 feet from any other roof sign or sign structure on the same side of the street upon which the roof sign or sign structure is situated.

(6) **I-1 Industrial District.**

(a) **Permitted Signs.** The following signs or other advertising structures are permitted Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Temporary signs; Wall signs; Wind signs; and, Window Signs.

(b) **Monument / Pole Sign.** One (1) pole or monument sign per premises identifying the industry or business situated thereon. Such sign shall not exceed one hundred (100) square feet, and shall be set back not less than ten (10) feet from any lot line.

(c) **Wall Sign.** Wall signage identifying the industry or business not exceeding one hundred (100) total square feet.

**Section 22.11 Sign**

**Illumination**

In addition to complying with the provisions of this sign ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of City and state electrical codes. No person may erect a sign with exposed electrical wires.

- (1) **Lighting Intensity.** In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed sixty (60) foot candles when measured with a standard light meter held perpendicular to the sign face at a distance of ten (10) inches.
- (2) **Light Shielding.** All sign lighting shall be designed, located, shielded or hooded so as to prevent the casting of direct light or glare upon adjacent roadways or surrounding properties. The use of unshielded lighting, including exposed light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is prohibited.
- (3) **Neon Illumination.** Neon signs or other exterior neon displays may be permitted in cases where they are custom designed to be compatible with the building's architectural character, and where the colors of such signs have been selected to harmonize with the building's exterior colors. Such lighting shall be subject to review and approval by the Design Review Committee.
- (4) **Compatibility.** Signs shall not have lights that rotate or have pulsating flashing or strobe lights, shall not resemble, imitate or approximate the shape, size, text, form or color of official railroad or official traffic signs, signals, or devices, and shall not obstruct or interfere with the effectiveness of said devices.

**Section 22.12 Non-Conforming Signs & Structures**

- (1) **Definition.** Any sign or projecting structure constructed in accordance with ordinances and other applicable laws in effect on the date of its construction, but which by reason of its type, size, height, location, design, material, method of illumination, number of signs, or construction is not in conformance with this Chapter shall be considered a legal non-conforming sign or projecting structure.
- (2) **Continuation/Loss of Status.** The lawful use of a nonconforming sign or projecting structure may continue unless one (1) or more of the following occurs:
  - (a) The sign or projecting structure is structurally altered in a way, except for normal maintenance or repair.
  - (b) When the sign or projecting structure is fifty (50) percent or more damaged by fire, flood, explosion, earthquake, war, riot or act of God.
  - (c) The sign or projecting structure is relocated.
  - (d) The sign or projecting structure fails to conform to Code Sec. 22.04 regarding maintenance and repair, abandonment, dangerous or defective.
  - (e) If located on property that is sold, with the full ownership of the property being transferred, the nonconforming sign and/or projecting structure must be brought into conformance with the sign regulations of this article at the time of the transfer unless the business will continue to operate under the same name.
- (3) **Compliance.** Within thirty (30) days of occurrence of any of the above, the sign or projecting structure shall be brought in compliance with this Chapter with a new permit secured, or the sign or projecting structure shall be removed at the owner’s expense.
- (4) **Maintenance and Repair.** Nothing in this Chapter shall relieve the owner or user of a legal non-conforming sign/projecting structure or the owner of the property in which the sign and/or projecting structure is located from the provisions of this Chapter regarding safety, maintenance and repair of the sign and/or projecting structure.

**Section 22.13 Enforcement**

- (1) **Order to Correct.**
  - (a) Whenever the City, its agents or employees, shall upon inspection of sign or structure find conditions in violation of this Code, an Order shall be issued to the owner and/or occupant of the sign or structure to correct the conditions.
  - (b) The order shall identify the conditions to be corrected and specify a time within which the owner and/or occupant shall comply.
  - (c) The order shall be served upon the owner and/or occupant by delivering a copy to the owner, occupant personally, or by delivering the same to and leaving it with an adult/competent person in charge of the premises, or in case no such person is found upon the premises by fixing a copy in a conspicuous place near the entrance

to the premises; or by regular U.S. Mail.

- (2) **Citation.** Any person, firm, corporation or organization who violates any provision of this Chapter or who fails to timely correct a condition shall be subject to penalties as provided at City Code Sec. 30.04. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this section shall preclude the City from commencing an action to prevent, remove or abate a violation of this section, including an action pursuant to Wis. Stat. Chap. 823.
- (3) **Abatement.**
- (a) The building official may determine that the public interest requires correction or abatement of the condition and, upon failure to comply with the order to correct, the building official may cause the abatement or removal of the offending condition.
  - (b) Such abatement removal shall be deemed a special benefit to the premises and the cost shall be charged against the owner, or owners of the property. If the cost is not paid within thirty (30) days, it shall be levied as a special charge against the premises.
  - (c) Except in the event of imminent danger or harm, notice of abatement shall be given and the owner or occupant may appeal the abatement to the Board of Appeals within three (3) days after service of the order.
- (4) **Written Order Duration.** A written order to correct a violation shall remain in effect for twenty-four (24) months from the date it is issued.

**Section 22.14**

**Severability**

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

ORDINANCE NO. \_\_\_\_\_  
(Rezoning of Parcels)

ITEM 19

The City of Wisconsin Dells, Columbia, Sauk, Adams and Juneau Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

The purpose of this ordinance is to amend certain parcels of the zoning map as requested by GIDUP LLC.

SECTION II: PROVISIONS AMENDED

The zoning map for the City of Wisconsin Dells as set forth in the official map provided for in the Wisconsin Dells Code of Ordinances is hereby permanently amended so as to zone the territory as provided below.

SECTION III: PROPERTY REZONED

The following tax parcels in Columbia County are hereby **rezoned from R-5 Residential Multi-family to C-1 Commercial-Neighborhood:**

11291-1292.018 thru 11291-1292.050 and associated common area.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII:

This ordinance becomes a part of Zoning Map for the Wisconsin Dells.

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Brian L. Landers, Mayor

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Nancy R. Holzem City Clerk