

AGENDA  
COMMITTEE OF THE WHOLE MEETING  
CITY OF BERLIN  
TUESDAY, MARCH 7, 2017, 7:00 PM  
CITY HALL COUNCIL CHAMBERS

1. Roll Call.
2. General Public Comments. Registration card required (located at podium in Council Chamber).
3. Update on 182 W. Noyes. RECOMMENDATION: Update and action as appropriate.
4. Update on Nuisance Abatement. RECOMMENDATION: Discussion only.
5. Code Amending Regarding Providing for Mail Service of Various Nuisance and Other Offense Notices. RECOMMENDATION: Recommend to Common Council to approve Ordinance Amending Code of Ordinances Providing for Mail Service of Various Nuisance and Other Offense Notices.
6. Motion to convene into closed session pursuant to Sec. 19.85 (1)(e), of the Wis. Statutes, to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (*discussion on ambulance contracts, ETZA agreement with Towns*)
7. Adjourn.

*In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.*

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
PROVIDING FOR MAIL SERVICE OF VARIOUS  
NUISANCE AND OTHER OFFENSE NOTICES

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

Section 46-157(c) of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 46-157. - Abatement.

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- (c) *Abatement after notice.* If the inspecting officer shall determine that a public nuisance, described in this article, exists within the city, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining such nuisance to remove the nuisance within ten days from the date of service. If such nuisance is not removed within such ten-day period, the proper officer shall cause the nuisance to be abated. Service of notice hereunder may be made by personal service or ~~registered mail~~ U.S. First Class Mail to the person's last known address. For property owners, the owner's address listed in the county tax records department may be utilized for serving notice.

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Sections 58-66(b)(1) and (2) of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 58-66. - Removal.

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- (b) *Notice and removal of snow from sidewalks.* If the owner, occupant or person in charge of a parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep such sidewalk clear of snow and ice as set forth in subsection (a) of this section, the superintendent of streets or police officer shall take the following action:
- (1) *Hazardous conditions.* If the superintendent of streets or police officer determines that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, he shall cause the issuance of a written notice to the owner, occupant or person in charge of the parcel or lot directing that the snow and ice be removed within two hours from the delivery of the notice. If the property owner, occupant or person in charge of the parcel or lot is unavailable to receive the written notice by

personal delivery, the superintendent of streets or police officer shall immediately cause the removal of the snow and/or ice. The superintendent of streets or police officer shall send a written notice via U.S. First Class Mail to the last known address of the property owner notifying him that a hazardous condition existed on the property which required immediate abatement.

- (2) *Nonhazardous conditions.* If the owner, occupant or person in charge of the subject parcel or lot fails to remove the snow within the time period established in subsection (a) of this section, the superintendent of streets or police officer shall cause the issuance of a written notice to the owner, occupant or person in charge of the subject parcel or lot directing the responsible person to remove the snow and ice no later than 12:00 noon of the day following the issuance of the notice. ~~The written notice shall be hand delivered when possible or mailed to the last known address of the owner of the subject property as identified on the records in the clerk-treasurer's office.~~ Service of said written notice hereunder may be made by personal service or U.S. First Class Mail to the person's last known address. For property owners, the owner's address listed in the county tax records department may be utilized for serving notice.

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Section 78-3(g)(1) of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 78-3. - Natural lawns.

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- (g) *Public nuisance; abatement after notice.*

- (1) The growth of a natural lawn as defined in section 78-1 shall be considered a public nuisance unless a natural lawn management plan has been filed and approved, and a permit issued by the city as set forth in this section. Violators shall be served with a notice of public nuisance by ~~certified mail~~ U.S. First Class Mail to the last known mailing address of the property owner.

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Section 78-4(e)(1) of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 78-4. - Length of lawn and grasses.

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- (e) *Abatement of nuisance.*

- (1) *First offense.* If the weed commissioner shall determine that a public nuisance as defined in subsection (b) of this section exists on private premises, the weed commissioner, or the weed commissioner's designee,

shall serve notice on the person causing or maintaining such nuisance to abate the nuisance within five days from the date of service. If such nuisance is not abated within such five-day period, the weed commissioner, or the weed commissioner's designee, shall cause the nuisance to be abated so as to conform with the provisions of this section and section 78-2. Service of notice hereunder may be made by personal service or ~~registered mail~~ U.S. First Class Mail to the person's last known address. For property owners, the owner's address listed in the county tax records department may be utilized for serving notice.

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Section 78-41(d)(3)b. of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 78-41. - Abatement of tree disease nuisances.**

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(d) *Abatement of nuisance; duty of forester.*

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- (3) a. If the city forester shall determine that a public nuisance exists within the city, as defined under this article, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the city forester shall cause such public nuisance to be abated, and shall charge the cost of such abatement to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- b. If the city forester shall determine that a public nuisance exists within the city, as defined in this article, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining such nuisance to remove the nuisance within five days from the date of service. If such nuisance is not removed within such five-day period, the city forester shall cause the nuisance to be abated. Service of notice hereunder may be made by personal service or ~~registered mail~~ U.S. First Class Mail to the person's last known address. For property owners, the owner's address listed in the county tax records department may be utilized for serving notice.

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This ordinance shall take effect the day after publication.

The numeric section numbers and headings shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_ AYES  
\_\_\_\_ NAYS  
\_\_\_\_ ABSENT

BY: \_\_\_\_\_  
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_  
Jodie Olson, City Clerk

\_\_\_\_\_  
Matthew G. Chier, City Attorney

DRAFT 2-1-2017