

AGENDA  
COMMON COUNCIL MEETING  
TUESDAY, MAY 8, 2018 7:00 PM  
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR  
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE

1. Call to order/Roll Call
2. General Public Comments. Registration card required (located at podium in Council Chamber).

CONSENT AGENDA: The Consent Agenda contains items which staff considers to be routine and have already been discussed and recommended by a committee, board or commission at a previous meeting. Staff recommends that Council act on all of these items on a single roll call vote. If any member of Council wishes to have any item removed from the Consent Agenda and discussed, the Council member may request that item be removed from the Consent Agenda prior to the adoption.

3. Waive the reading of ordinances and resolutions. RECOMMENDATION: Waive the reading of all ordinances and resolutions adopted at this meeting.
4. Written reports from the City Clerk, Treasurer, and Building Inspector.  
RECOMMENDATION: Receive and place on file the written reports from the City Clerk, Treasurer, and Building Inspector.
5. Minutes from the April 10 & 17, 2018 Common Council Meetings.  
RECOMMENDATION: Approve the minutes.
6. Raze Order: 130 W. Berlin Street- Property Owners Derek and Kristy Kresl.  
RECOMMENDATION: Accept the Committee of the Whole Recommendation to move forward with the raze order for 130 W. Berlin Street.
7. Ordinance Repealing and Recreating the Sign Code for the City of Berlin and ETZA.  
RECOMMENDATION: Accept the Plan Commission & Joint ETZA Plan Commission recommendation to Approve and Adopt Ordinance #03-18 Repealing and Recreating the Sign Code for the City of Berlin and ETZA.
8. Ordinance Repealing All Exercising of the City's Extraterritorial Zoning Authority.  
RECOMMENDATION: Accept the Committee of the Whole Recommendation to have staff continue working on the Comprehensive Plan update and the ordinance to repeal all exercising of the City's Extraterritorial Zoning Authority with an effective date of November 1, 2018.
9. Bills List. RECOMMENDATION: Approve the list of bills for payment.

## END OF CONSENT AGENDA

10. Airspace Lease Between City of Berlin and Wisconsin Spice. RECOMMENDATION: Listen to presentation and action as appropriate.
11. Discussion on Transitional Housing at 145 W. Berlin Street. RECOMMENDATION: Discussion and action as appropriate.
12. Consideration of Waiver to Bypass Committee of the Whole Discussion on Proposed City of Berlin ATV/UTV Ordinance. RECOMMENDATION: Action as appropriate.
13. Proposed City of Berlin ATV/UTV Ordinance. RECOMMENDATION: If waiver to bypass committee discussion is approved in item #12, discussion and action as appropriate.
14. Vacant Building Registration Ordinance. RECOMMENDATION: Review draft Vacant Building Registration Ordinance and if appropriate approve and adopt Ordinance #04-08 Creating Vacant Building Registration Ordinance.
15. Resolution Regarding Examining County-Wide Emergency Medical Service for Green Lake County. RECOMMENDATION: Review EMS related resolution and if appropriate, approve and adopt Resolution #18-05 Urging the Green Lake County Board to Examine the Option for a County-Wide Emergency Medical Service (EMS).
16. Discussion on Common Stormwater Management. RECOMMENDATION: Discuss and action as appropriate.
17. Sidewalk Café Permit. RECOMMENDATION: Approve the Sidewalk Café permit submitted by Bellissimo for May 9-July 9, 2018.
18. License Applications- Bartender License for Ashley Jean Weber, Rebecca Anne Klawitter, Alycia Marie Allen & Bobbi J. Jacobson (approved by the PD).  
RECOMMENDATION: Grant or deny the license.
19. Old Business (To be used to request items of old business be put on a future agenda for further discussion or action; or used to make a motion for reconsideration of an item from the current meeting or immediately previous meeting; or to make a motion to take items off the table which were laid on the table only during the current meeting.)
20. New Business (To be used to request items of new business be put on a future agenda)
21. Public Appearances.
22. Motion to convene into closed session pursuant to Sec. 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to

become involved (*potential legal action related to wetland delineation disputes with DNR and Army Corps of Engineers in N. Industrial Park*)

23. Reconvene into open session and take appropriate action as a result of closed session discussion.

24. Adjourn.

Note: *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.*

# CITY OF BERLIN -- OFFICE OF THE TREASURER

HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF BERLIN, WISCONSIN:

I herewith present my report as City Treasurer for the month ending 4/30/2018

FUNDS	BEG BALANCE	ADJ/VOIDS	RECEIPTS	DISBURSEMENTS	BALANCE	INVESTMENTS	TOTAL W/ INVESTMENTS
GENERAL CITY	\$ 388,560.86		\$ 284,976.70	\$ 537,536.79	\$ 136,000.77	\$ 2,100,000.00	\$ 2,236,000.77
TAX COLLECTION ACCOUNT	\$ 1,488,542.80		\$ -	\$ -	\$ 1,488,542.80	\$ -	\$ 1,488,542.80
WATER INVESTMENTS	\$ 490,138.28		\$ 438,929.70	\$ 577,254.70	\$ 351,813.28	\$ 3,885,749.76	\$ 4,237,563.04
SEWER INVESTMENTS						\$ 1,588,910.90	\$ 1,588,910.90
SEWER BOND & INT	\$ 54,248.12		\$ 6.91	\$ -	\$ 54,255.03	\$ -	\$ 54,255.03
BOND & INT RESERVE	\$ -				\$ -	\$ 258,488.92	\$ 258,488.92
EQUIP REPLACMENT FUND	\$ 130,396.24		\$ 16.61		\$ 130,412.85	\$ 1,255,000.00	\$ 1,385,412.85
CAPITAL PROJECT BORROWING	\$ -			\$ -	\$ -	\$ -	\$ -
EMS ACCOUNT	\$ 68,697.86		\$ 36,913.23	\$ 35.00	\$ 105,576.09		\$ 105,576.09
<b>TOTAL OF ALL FUNDS</b>	<b>\$ 2,620,584.16</b>		<b>\$ 760,843.15</b>	<b>\$ 1,114,826.49</b>	<b>\$ 2,266,600.82</b>	<b>\$ 9,088,149.58</b>	<b>\$ 11,354,750.40</b>

FUNDS	BANK STATEMENT BALANCE	ADJUSTMENT	OUTSTANDING CHECKS	AVAILABLE BANK BALANCE
GENERAL CITY	\$ 171,462.40		\$ 35,461.63	\$ 136,000.77
TAX COLLECTION ACCOUNT	\$ 1,489,083.79		\$ 540.99	\$ 1,488,542.80
WATER & SEWER	\$ 360,413.46		\$ 8,600.18	\$ 351,813.28
SEWER BOND & INT	\$ 54,255.03		\$ -	\$ 54,255.03
EQUIP REPLACMT FUND	\$ 130,412.85		\$ -	\$ 130,412.85
CAPITAL PROJECT BORROWING	\$ -		\$ -	\$ -
EMS ACCOUNT	\$ 105,576.09		\$ -	\$ 105,576.09
<b>TOTAL OF ALL FUNDS</b>	<b>\$ 2,311,203.62</b>	<b>\$ -</b>	<b>\$ 44,602.80</b>	<b>\$ 2,266,600.82</b>

RESPECTFULLY SUBMITTED

*Dawn M. Thompson*

CITY OF BERLIN			BUILDING REPORT APRIL 2018											
TYPE OF PERMIT			MONTH				YEAR TO DATE				LAST YEAR TO DATE			
			No.	Estimated Value	Permit Cost	No.	Estimated Value	Permit Cost	No.	Estimated Value	Permit Cost	No.	Estimated Value	Permit Cost
		Single Family Residence				0	\$0.00	\$0.00						
		Multi-Family Residence				0	\$0.00	\$0.00						
		Residential Garage				0	\$0.00	\$0.00						
		Residential Garage Alteration				0	\$0.00	\$0.00						
		Residential Alteration	3	\$35,800.00	\$150.00	6	\$76,800.00	\$395.00						
		Commercial				0	\$0.00	\$0.00						
		Commercial Alteration				0	\$0.00	\$0.00						
		Industrial				0	\$0.00	\$0.00						
		Industrial Alteration				0	\$0.00	\$0.00						
		Signs	1	\$2,000.00	\$99.00	2	\$12,000.00	\$202.00						
		Miscellaneous	2	\$1,600.00	\$100.00	2	\$1,600.00	\$100.00	18	\$219,932.00	\$1,204.00			
		Demolition				0	\$0.00	\$0.00						
		Hospital				0	\$0.00	\$0.00						
		Church				0	\$0.00	\$0.00						
		School				0	\$0.00	\$0.00						
		Driveways				0	\$0.00	\$0.00						
		Trailer Homes				0	\$0.00	\$0.00						
		Total Building Permits	6	\$39,400.00	\$349.00	10	\$90,400.00	\$697.00	18	\$219,932.00	\$1,204.00			
						0	\$0.00	\$0.00						
		Commercial Plan Approval				0	\$0.00	\$0.00						
		Plumbing Permits	2	\$3,300.00	\$100.00	5	\$35,550.00	\$250.00	10	\$33,065.00	\$600.00			
		Electrical Permits	1	\$3,200.00	\$85.00	7	\$87,200.00	\$532.00	8	\$13,514.00	\$295.00			
		Heating Permits	2	\$6,200.00	\$100.00	16	\$105,372.00	\$1,120.00	15	\$84,640.00	\$975.00			
						0	\$0.00	\$0.00						
		Total Permit Fees			\$634.00	0	\$0.00	\$0.00						
		Totals	11	\$52,100.00	\$634.00	48	\$408,922.00	\$3,296.00	69	\$571,083.00	\$4,278.00			

## ORDINANCE # 03-18

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### AN ORDINANCE REPEALING AND RECREATING THE SIGN CODE FOR THE CITY OF BERLIN AND ETZA

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WHEREAS, the City of Berlin Plan Commission and ETZA Joint Plan Commission have each held public hearings regarding adoption of this ordinance on March 27, 2018; and

WHEREAS, the said bodies have recommended to the Common Council approval of this ordinance on March 27, 2018.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Chapter 82, Article X of the current Code of Ordinances of the City of Berlin is hereby repealed and recreated as follows:

#### CHAPTER 82 Zoning

#### ARTICLE X: SIGNS

##### Sec. 82-796. – Purpose.

- (a) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City of Berlin. The adoption of this Chapter reflects the formal finding of fact by the City of Berlin that regulation of signage advances the following compelling governmental interests:
- (1) Protect pedestrians, bicyclists, drivers, and passengers from injury caused by the faulty and uncontrolled construction and use of signs within the City.
  - (2) Protect pedestrians, bicyclists, drivers, and passengers from injury caused by lack of visibility, distractions, obstructions, and hazards created by certain signs or by cluttered, distracting, or illegible signage.
  - (3) Promote the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the City of Berlin in relation to the

signage displayed thereon, or overhanging, or projecting into such public spaces.

- (4) Preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
  - (5) Assure that public benefits derived from expenditures of public funds for the improvement and beautification of public streets and other public structures and spaces are protected by exercising reasonable controls over character and design of signage.
  - (6) Advance the aesthetic goals of the City throughout the community and ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.
- (b) This regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display – and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage.
- (c) Any sign authorized by this Chapter may contain a noncommercial message.

#### **Section 82-797. -Definitions and Rules for Sign Groups, Categories, and Types.**

This Section provides the definitions and rules related to Signs Groups, Sign Categories, and Sign Types. Additionally, Figure 82-800a lists the permitted signs by zoning district. Figure 82-800b and Figure 82-800c provide the regulations related to the number and size for these signs as they are applicable to each zoning district and/or Sign Type. Any Sign Type not addressed by this Chapter shall be construed to be prohibited.

(a) *Definition of a Sign.*

- (1) In this Chapter, the word “sign” means any object, device, display, structure, or part thereof, situated or visible from outdoors, that contains a visual display designed to identify, announce, direct, or inform through the

use of any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.

(2) Signs do not include:

- a. Traffic control and other public agency messages located within a right-of-way.
- b. Decorations that are incidentally and customarily associated with any national holiday or religious holiday, or with any community festival or similar event holding a permit under Chapter 18, Article X. – Special events on streets, highways and municipal parking lots, or Sec. 18-402 – Special event vending permit, or Sec. 50-74. – Reservation of park space.
- c. Flags that do not contain a commercial message, logo, or colors.
- d. Merchandise, pictures, or models of products or services incorporated in a window display.
- e. Works of art which do not identify a currently offered product.
- f. Building colors and lighting that do not convey a logo or message specific to the use therein.
- g. Scoreboards located on athletic fields, including any non-commercial messaging attached thereto.
- h. Signs which are located on the interior of or on the grounds of lands being used for, (i) passive outdoor recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas and similar land uses, (ii) active outdoor recreational activities, such as tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, volleyball courts, disc golf courses, and similar land uses, or (iii) outdoor open space institutional uses, such as cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar

land uses, which signs are primarily oriented to persons within the grounds.

- i. Sign located on the interior of a building and not attached to a window, which are oriented to persons within the building.

(b) *Permanent Business Signs Group.*

A permanent, on-site sign used in association with, (i) agricultural uses, such as cultivation, husbandry, the sale of agricultural products grown exclusively on the site, the sale, handling, transport, packaging, storage or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations, (ii) indoor institutional uses, such as indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), government facilities, schools, churches, homeless day shelters, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional business, jails, prisons, and similar land uses, (iii) passive outdoor recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas and similar land uses, (iv) active outdoor recreational activities, such as tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses, (v) outdoor open space institutional uses, such as cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses, (vi) commercial land uses, (vii) industrial land uses, (viii) multiple-family housing land uses, (ix) transportation land uses, such as airports, bus stations, train stations, park and ride stations, parking lots, and similar land uses, (x) telecommunication land uses, including structures that are designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, monopole towers, mobile

service support structures, supports, and equipment buildings, or (xi) land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities, composting, recycling and waste disposal, salvage facilities or junkyards, or sand and mineral processing. Refer to Figure 82-800a for permitted Sign Types by zoning district and Figure 82-800b for the maximum permitted size and number of signs per lot or per business.

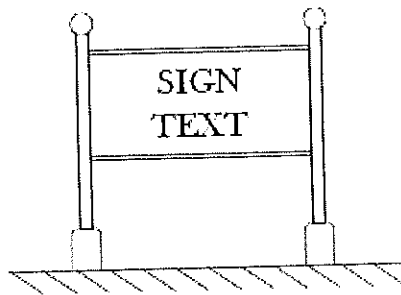
(1) *Rules for all Permanent Business Signs.*

- a. Signs in the Permanent Business Sign Group are available to land uses identified in Subsec. 82-797(b).
- b. The Permanent Business Sign Group contains the following Sign Categories: Freestanding Signs, On-Building Signs, and Daily Notice Signs.
- c. Total signage for all Sign Types per lot shall not exceed the maximum signage area established in Figure 82-800b.
- d. Permitted sign lighting: See Figure 82-800d.

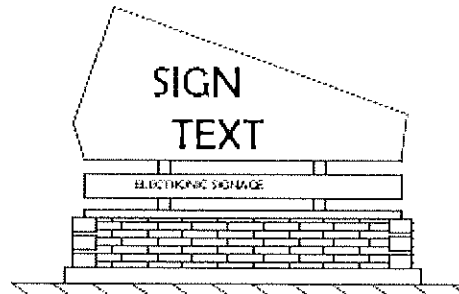
(2) *Freestanding Sign Category.*

A Permanent Business Sign permanently resting on or supported by a slab, pedestal, post, pylon, or any other form of base located on the ground.

- a. *Dual Post Sign.* A sign mounted on a post or posts, with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts. See illustration below.

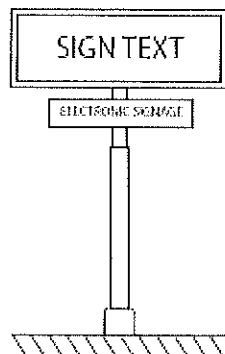


1. Permitted sign lighting: See Figure 82-800d.
- b. *Monument Sign*. A sign with a bottom edge located within 3 feet of a



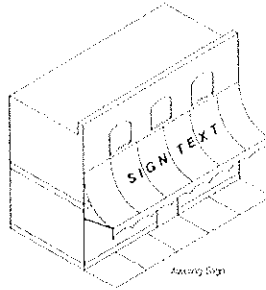
ground-mounted pedestal. See illustration below.

1. Permitted sign lighting: See Figure 82-800d.
- c. *Pylon Sign*.  
A sign erected upon one or more pylon, pole, or post, of a scale that is generally larger than a Dual Post Sign and typically used for larger businesses and on higher traffic roads. See illustration below.



1. Permitted sign lighting: See Figure 82-800d.
- (3) *On-Building Sign Category*.  
A Permanent Business Sign permanently affixed to an outside wall of a building.

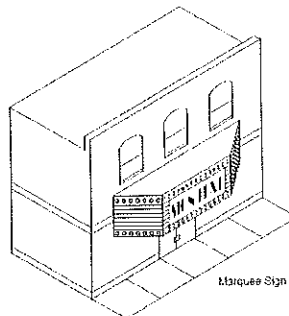
- a. *Awning/Canopy Sign*.  
A sign that is affixed (via sewing, painting, or similar method) to an awning or canopy which is mounted to the façade of a building. See illustration below.



1. Sign copy and graphics shall be horizontally and vertically centered on the face of the awning.
2. Sign copy shall not project above, below, or beyond, the awning surface.
3. Permitted sign lighting: See Figure 82-800d.

b. *Marquee Sign.*

A sign mounted to a permanent roof-like structure that projects out from the exterior wall of a structure. See illustration below.



1. Marquee Signs shall be mounted parallel to the vertical surface of the marquee and not project more than 18 inches beyond the vertical surface of the marquee.
2. Freestanding letters may be located on top of the marquee, provided the letters are no taller than 66 percent of the height of marquee.
3. No part of a Marquee Sign shall extend beyond the bottom edge of the vertical face of the marquee surface.
4. Permitted sign lighting: See Figure 82-800d.

c. *Projecting Sign.*

A sign mounted at any angle other than parallel to the wall on which it is mounted and/or extends more than 18 inches from the wall. See

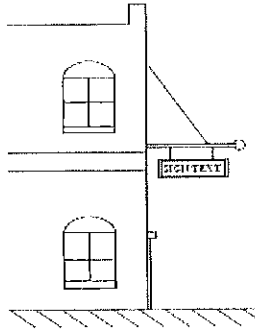
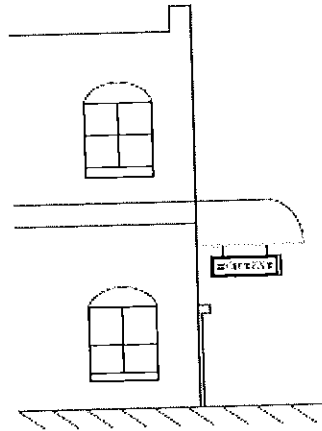


illustration below.

1. Projecting Signs shall have a minimum ground clearance of 8 feet above grade to the bottom of the sign if above pedestrian only areas, or 10 feet from grade to the bottom of the sign if above vehicular traffic areas.
2. Projecting Signs shall project no more than 4 feet beyond the structure to which they are mounted or no closer than 3 feet from an established curb line, whichever is less.
3. No Projecting Sign shall extend above the topmost edge of an exterior wall.
4. The top of the Projecting Sign shall not be installed above the window sill of the second story or 18 feet, whichever is less.
  - i. Exception: The sign may be raised to within 18 inches of the window sill if it is determined that the sign cannot reasonably be placed within the sign band area.
5. Projecting Signs shall not be placed within 15 feet of another Projecting Sign. If the 15-foot separation cannot be maintained, the City may permit a lesser distance to obtain the maximum separation distance.
6. Permitted sign lighting: See Figure 82-800d.

d. *Suspended Sign.*

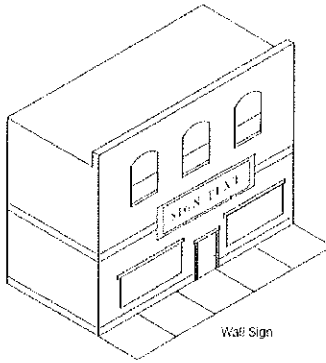
A sign that is mounted perpendicular to the nearest wall and suspended from the underside of a horizontal plane surface, such as a covered porch, arcade, or canopy. See illustration below.



1. No portion of a Suspended Sign shall have a minimum ground clearance of 8 feet above grade to the bottom of the sign if above pedestrian only areas, or 10 feet from grade to the bottom of the sign if above vehicular traffic areas.
2. Permitted sign lighting: See Figure 82-800d.

e. *Wall Sign.*

A sign that is mounted directly on, and parallel to, a building façade or other exterior, vertical building surface. A Wall Sign also includes a sign located on the interior of a building that is intended to be viewed from beyond the boundaries of the site, not to be confused with a Window Sign. See illustration below.

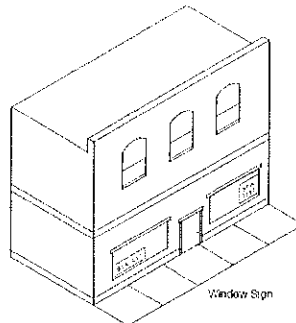


1. Wall Signs shall not project more than 12 inches horizontally beyond the edge of any wall or other surface to which they are mounted.
2. The top of the sign shall not extend above the top edge of the vertical wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.
3. Wall Signs shall be mounted so that they do not obscure the architecture features, windows, or doors of a building.
4. Permitted sign lighting: See Figure 82-800d.

f. *Window Sign.*

A type of sign that is attached to the inside face of an exterior window.

Window Signs may face toward the outside of the building, the inside, or both. See illustration below.



1. There is no limit in the number of Window Signs per lot or per building.
2. Permitted sign lighting: See Figure 82-800d.

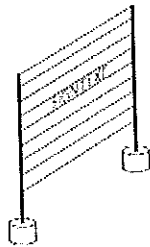
(4) *Daily Notice Sign Category.*

A Permanent Business Sign typically used to advertise daily specials, daily menu items, or on-site events that change on a regular basis, and which

usually includes changeable copy. This type of sign may or may not be associated with restaurants, taverns, music venues, and retail stores.

a. *Bulletin Board Sign.*

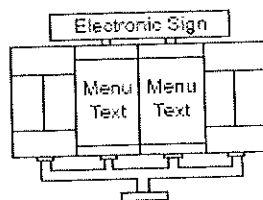
A type of freestanding Daily Notice Sign located on-site containing changeable copy. See illustration below.



1. Permitted sign lighting: See Figure 82-800d.

b. *Drive-Through Sign.*

A type of Daily Notice Sign used in conjunction with drive-through or

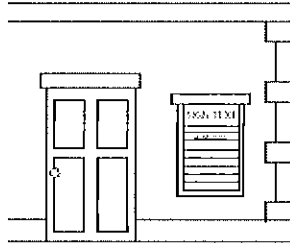


drive-in establishments. See illustration below.

1. Drive-Through Signs shall meet any location requirements for signs described in the site plan approved by the plan commission pursuant to Subsect. 14-12(c).
2. Drive-Through Signs shall be freestanding or mounted on the exterior wall of the building containing the use.
3. Freestanding two-way microphone/speaker devices shall not count toward the maximum permitted area of the Drive-Through Sign.
4. Permitted sign lighting: See Figure 82-800d.

c. *Menu Board Signs.*

A type of Daily Notice Sign mounted flat against a wall containing

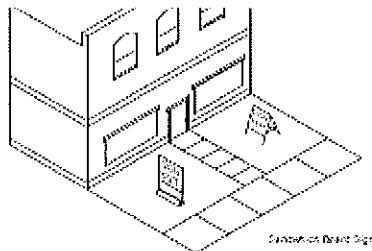


changeable copy. See illustration below.

1. Menu Board Signs shall not extend more than 3 inches from the wall on which they are mounted.
2. Anything attached to a Menu Board Sign shall not project outside the perimeter of the sign face nor project in excess of one inch from the sign face.
3. Menu Board Signs shall not include electronic message boards.
4. Menu Board Signs shall be fabricated of sign-grade wood, plastic, or metal and shall be manufactured to a professional standard of construction, finish, and graphics.
5. Permitted sign lighting: See Figure 82-800d.

d. *Sandwich Board Sign.*

A type of Daily Notice Sign placed on the ground and configured in either of the following manners (see illustration below):



1. A double-sided sign constructed to form an "A"-like shape, hinged or not hinged at the top, with each angular face held together at an

appropriate distance by a supporting element such as a folding bar, latch, or chain; or

2. A double-sided frame into which a sign face can be inserted, erected upon weighted metal or plastic base.

3. *Placement Requirements.*

If there is not adequate space available on a business's private premises to place a Sandwich Board Sign in a manner that is visible to the public, a Sandwich Board Sign may be placed between the side of the building with the customer entrance and the curb, provided that the following locational requirements are met:

- i. The sign shall be placed directly in front of the business to which it is related and in front of the same lot of the subject business.
- ii. The sign shall be placed so that a minimum of 4 feet in width of unobstructed travel way remains available on the sidewalk at all times.
- iii. Sign placement shall meet all requirements of the Americans with Disabilities Act.
- iv. Sandwich Board Signs shall be placed a minimum of 4 feet from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor seating and tables, trees and tree grates, bicycle racks, trash receptacles, light posts, and any other item impeding pedestrian or wheelchair movement.
- v. The sign shall not obstruct access to any bus stop boarding area, fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign.

Whether such a prohibited obstruction is created by the Sandwich Board Sign shall be the determination of the City.

- vi. The sign shall be placed a minimum of 10 feet from an intersection of roadways (measured from the point where the nearest boundary (usually the curb line) of each intersecting roadway intersects with each other), an exposed corner of a building, and any crosswalk.
  - vii. The sign shall not be placed in any “bump out” area.
  - viii. The sign shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sign shall be free of snow and ice. The sign shall not be placed on snow banks. Businesses that utilize Sandwich Board Signs shall hold the City harmless from damage to the signs due to snow removal and snowplowing.
  - ix. The sign shall not be permanently affixed to any structure within the right-of-way or sidewalk.
  - x. Sandwich Board Signs shall be kept inside the building when the business is closed.
4. *Configuration Requirements.*
- i. No portion of a Sandwich Board Sign shall be more than 4 feet high or more than 3 feet wide; including any part of its frame or supporting structure.
  - ii. Anything attached to a Sandwich Board Sign shall not project beyond the perimeter of the sign face nor project in excess of one inch from the sign face.
5. *Material Requirements.*
- i. Sandwich Board Signs shall be manufactured to a professional standard of construction finish, and graphics, shall be fabricated of sign-grade wood, plastic, or metal, and shall not be affixed to or mounted on wheels.
  - ii. Signs shall not be painted traffic yellow or construction zone orange, nor shall they be reflective or fluorescent. Signs shall

not resemble or contain any traffic sign, signal or device, as determined by the superintendent of streets.

- iii. Sandwich Board Signs shall be secured so as to remain stationary in moderate winds.

6. Permitted sign lighting: See Figure 82-800d.

(c) *Temporary Business Signs Group.*

A temporary, on-site sign used in association with the same land uses identified for the Permanent Business Signs Group in Subsect. 82-797(b). Temporary Business Signs are typically used to promote temporary activities. If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be considered to be temporary.

(1) *Rules for all Temporary Business Signs.*

- a. Signs in the Temporary Business Signs Group are available to all the same land uses identified for the Permanent Business Signs Group in Subsect. 82-797(b).
- b. Refer to Figure 82-800c for the rules pertaining to the maximum permitted quantity, area, and height of specific Sign Types.
- c. The Temporary Business Sign Group contains the following Sign Categories: Temporary Board & Banner Signs and Temporary Development Signs.
- d. Each lot shall be limited to 1 Temporary Business Sign per Category.
- e. Temporary Business Signs shall be located on-site and shall not be located within any street right-of-way.
- f. Temporary Business Signs may be freestanding or on-building in configuration.
- g. All temporary signs shall be anchored and supported in a manner which reasonably prevents the possibility of the signs becoming hazards to the public health and safety.

(2) *Temporary Board & Banner Sign Category.*

A sign located outside of a building for up to 3 limited periods of display in a calendar year. Such signs may or may not be used for the purpose of informing the public of a sale or special offer. Display of any Sign Type in the Temporary Board & Banner Category shall be limited to 30 days. Further, each business shall be limited to three 30-day display periods for the placement of any Sign Type in Temporary Board & Banner Sign Category collectively per calendar year.

a. *Board Sign.*

A type of Temporary Board & Banner Sign that is temporarily placed on the ground and made of rigid material such as plywood or corrugated



plastic. See illustration below.

1. Permitted sign lighting: See Figure 82-800d.

b. *Banner Sign.*

A type of Temporary Board & Banner Sign that is made of flexible material such as cloth or vinyl, and is supported along 1 or more sides or at 2 or more corners by wires, ropes, string, nails, or other removable fastening materials. See illustration below.

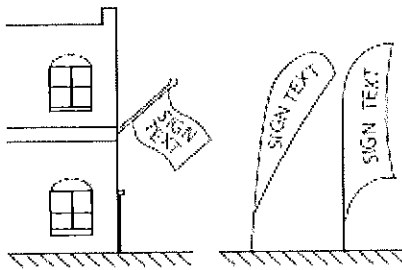


1. Banner Signs shall be mounted so that they do not obscure the windows or doors of a building.

2. Permitted sign lighting: See Figure 82-800d.

c. *Waving Sign.*

A type of Temporary Board & Banner Sign that is made of flexible material and is intended to attract attention to a site. See illustration below.



1. Waving Signs are permitted in the following configurations. All other configurations shall be construed to be prohibited by this Chapter:
  - i. A flag attached to a freestanding or wall-mounted flag pole that contains sign copy;
  - ii. A sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven in the ground, sometimes called a “feather sign”; or
  - iii. An inflatable sign capable of being filled with and expanded by air or other gas, including animated or “dancing” signs
2. *Placement Requirements.*

If there is not adequate space available on a business’s private premises to place a Waving Sign in a manner that is visible to the public, a Waving Sign may be placed between the side of the building with the customer entrance and the curb, provided that the following locational requirements are met:

- i. The sign shall be placed directly in front of the business to which it is related and in front of the same lot of the subject business.
- ii. The sign shall be placed so that a minimum of 4 feet in width of unobstructed travel way remains available on the sidewalk at all times.
- iii. Sign placement shall meet all requirements of the Americans with Disabilities Act.
- iv. Waving Signs shall be placed a minimum of 4 feet from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor seating and tables, trees and tree grates, bicycle racks, trash receptacles, sign-light posts, and any other item impeding pedestrian, wheelchair, or other pedestrian mobility device movement.
- v. The sign shall not obstruct access to any bus stop boarding area, fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign. Whether such a prohibited obstruction is created by the Waving Sign shall be the determination of the City.
- vi. The sign shall be placed a minimum of 10 feet from an intersection of roadways (measured from the point where the nearest boundary (usually the curb line) of each intersecting roadway intersects with each other), an exposed corner of a building, and any crosswalk.
- vii. The sign shall not be placed in any "bump out" area.
- viii. The sign shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sign shall be free of snow and ice. The sign shall not be placed on snow banks. Businesses that utilize Waving Signs shall hold the

City harmless from damage to the signs due to snow removal and snowplowing.

- ix. The sign shall not be permanently affixed to any structure within the right-of-way or sidewalk.
- x. Waving Signs shall be kept inside the building when the business is closed.

3. Permitted sign lighting: See Figure 82-800d.

d. *Beacon/Search Beacon Sign.*

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

1. Permitted sign lighting: See Figure 82-800d.

e. *Mobile/Portable Sign.*

A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. Licensed and operable business vehicles, trailers, or other pieces of equipment shall not be considered mobile or portable signs. Sandwich Board Signs meeting the definition and requirements of Section 82-797(b)(4)d. of this Chapter shall not be considered Mobile/Portable Signs.

1. Permitted sign lighting: See Figure 82-800d.

(3) *Temporary Development Sign Category.*

A sign located outside of a building, and which is limited to display only information associated with on-site activities during the active development of a building, site, or plat.

a. *Active Building Board Sign.*

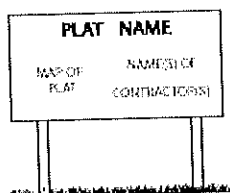
A type of Temporary Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on

the site under construction, and only during the time period in which the Building Permit is valid. See illustration below.

1. Permitted sign lighting: See Figure 82-800d.

b. *Active Plat Board Sign.*

A type of Temporary Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may display only information associated with on-site activities on the site of a land division plat under construction, and only during the time period when less than 75 percent of the lots in the plat phase have been sold. See illustration below.



1. Permitted sign lighting: See Figure 82-800d.

(d) *Permanent Miscellaneous Signs Group.*

A permanent sign that is available to all sites in the City regardless of land use, with the exception of the Community Information Sign, which is not permitted in R-1 Residential and R-2 Residential zoning districts.

(1) *Rules for all Permanent Miscellaneous Signs.*

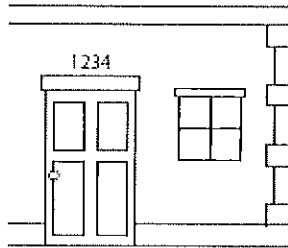
- a. Permanent Miscellaneous Signs are available to all land uses, with the exception of the Community Information Sign, which is not permitted in R-1 Residential and R-2 Residential zoning districts.
- b. Refer to Figure 82-800c for the rules pertaining to the maximum permitted quantity, area, and height of specific Sign Types.
- c. The Permanent Miscellaneous Sign Group contains the following Sign Categories: Identification & Safety Signs and Optional Miscellaneous Signs.

(2) *Identification & Safety Sign Category.*

A Sign Category that includes signs that the City finds essential in order to protect the public health, safety, and/or welfare. Specifically, these signs are used to provide information essential to the following public purposes: to deliver mail; to identify property addresses for the provision of emergency services such as fire or rescue service; to identify the management of rental properties for the provision of emergency services; to provide information about parking limitations or warnings against trespass; and, to provide information about required traffic flow where a safe path to a destination is not evident.

a. *Address Sign.*

A type of Identification & Safety Sign that contains address numerals or



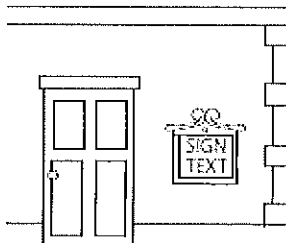
letters. See illustration below.

1. Address Signs shall be located on the building and shall be visible from a public street.
2. Permitted sign lighting: See Figure 82-800d.

b. *Building Management Identification Sign.*

A type of Identification & Safety Sign indicating the name and/or address of the property owner, tenant and/or manager of the property.

See illustration below.



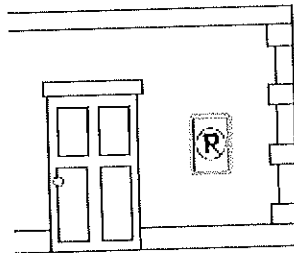
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1. Building Management Identification Signs shall be located on the building.

2. Permitted sign lighting: See Figure 82-800d.

c. *On-Site Warning Sign.*

A type of Identification & Safety Sign that indicates a warning from the property owner related to conditions on-site and/or that cites a City, State, or Federal law, order, rule, or regulation. Such signs shall contain no commercial message. Examples include signs listing parking hours or “No Trespassing,” “No Loitering,” or “Customer Parking Only” signs. See illustration below.

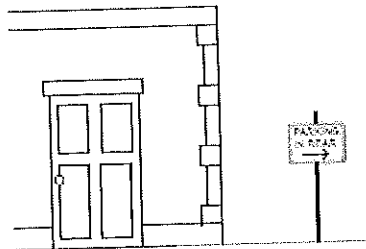


1. On-Site Warning Signs may be freestanding or on-building in configuration.

2. Permitted sign lighting: See Figure 82-800d.

d. *On-Site Directional Sign.*

A type of Identification & Safety Sign that includes a directional arrow or symbol to a specific business destination within a development or site. On-Site Directional Signs may also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less



than 1 square foot. See illustration below.

1. On-Site Directional Signs may be freestanding or on-building in configuration.

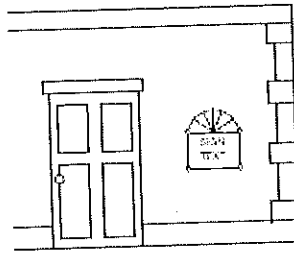
2. Permitted sign lighting: See Figure 82-800d.

(3) *Optional Miscellaneous Sign Category.*

A Sign Category that conveys information which the City of Berlin finds essential to encourage place making, particularly related to officially-recognized historic places, officially-designated neighborhoods, and communication of information to the general public.

a. *Building Plaque Sign.*

A type of Optional Miscellaneous Sign available to officially-recognized historic properties, sites, or districts, typically denoting the name of the building onto which it is mounted, its date of erection, historical information, or numbering in relation to a walking tour. See illustration

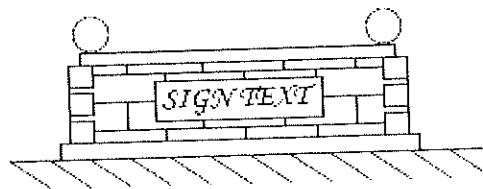


below.

1. Building Plaque Signs shall be located on a building or on the ground.
2. Permitted sign lighting: See Figure 82-800d.

b. *Neighborhood Sign.*

A type of Optional Miscellaneous Sign typically indicating the name of a neighborhood, neighborhood association, or subdivision recognized by the City of Berlin. See illustration below.



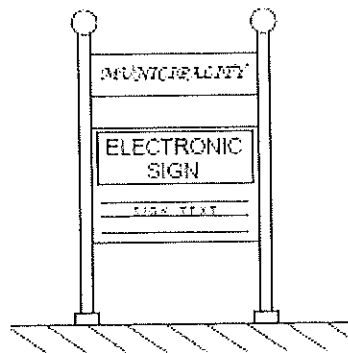
1. Neighborhood Signs shall require a conditional use permit.

2. Neighborhood Signs shall be configured as Monument Signs or Dual Post Signs.

3. Permitted sign lighting: See Figure 82-800d.

c. *Community Information Sign.*

A type of Optional Miscellaneous Sign typically providing information to the community regarding scheduled public events, public activities, and public facilities. See illustration below.



1. Community Information Signs shall be configured as Monument Signs and Dual Post Signs.

2. Community Information Signs may have changeable copy and may incorporate an electronic message board. Electronic message boards shall not be permitted within 100 feet of any parcel within a residential zoning district.

3. Permitted sign lighting: See Figure 82-800d.

(e) *Yard Signs Group.*

A sign that is intended to accommodate a wide variety of sign purposes (e.g. garage sale signs, for sale signs, political signs, “slow down for kids” signs, etc.), needed on a temporary basis. Such signs are freestanding, are mounted on 1 or 2 stakes or posts, and do not have footings.

(1) *Rules for all Yard Signs.*

a. Yard Signs are available to all land uses.

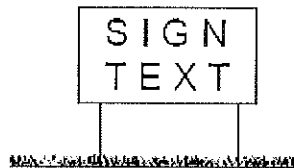
b. Refer to Figure 82-800c for the rules pertaining to the maximum permitted area and height for Yard Signs.

- c. Yard Signs shall be located on-site.
- d. Each lot shall be limited to 2 Yard Signs, except that, (i) a total of 5 Yard Signs shall be permitted between the deadline for candidate filing for any local, state, or federal election hosted by the City of Berlin and 2 days following said election, and (ii) a total of 20 Yard Signs shall be permitted on cultivated lots zoned as A-1 or A-2 during growing seasons.

(2) *The Yard Signs Group contains three Sign Types:*

a. *Stake Sign.*

A type of Yard Sign that consists of a sign face erected upon one or more metal wires or wood, metal, or plastic stakes of no more than 3 inches in width. See illustration below.



1. Permitted sign lighting: See Figure 82-800d.

b. *Frame Sign.*

A type of Yard Sign that consists of a frame into which a sign face can be inserted and erected upon two wood, metal, or plastic stakes or ground

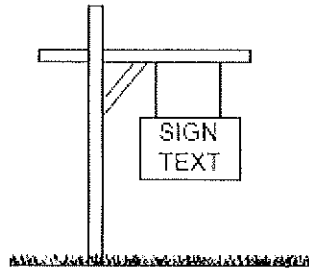


spikes. See illustration below.

1. Permitted sign lighting: See Figure 82-800d.

c. *Arm & Post Yard Sign.*

A type of Yard Sign mounted on a post or posts, designed with, (i) a bracket arm extending outward to support a hanging sign, (ii) the sign attached directly to the side of the post, or (iii) the sign mounted between two posts. See illustration below.



1. Permitted sign lighting: See Figure 82-800d.

(f) *Prohibited Signs.*

(1) *Abandoned Sign.*

Any sign remaining in place on a site or a portion of a site (such as a single tenant in a multitenant building) that has been vacant, closed, or otherwise unoccupied for a period of 365 days.

- a. Signs included in the Yard Signs Group, as defined in Section 82-797(e), shall not be considered abandoned as long they are maintained and are in functional condition.

(2) *Advertising Vehicle Sign.*

A vehicle, trailer, or other piece of equipment which contains any sign or advertising device.

- a. Business vehicles legally parked in any of the locations described below shall not be considered Advertising Vehicle Signs:
  1. A business vehicle parked on site at the place of business in a parking space that is designated for company vehicle parking or storage on a site plan approved by the City, where said vehicle is moved or operated on a regular basis; or
  2. A business vehicle legally parked on site at the residence of an employee (including driveways and legal off-street parking spaces).

(3) *Billboard.*

See Off-Premise Advertising Sign for further details and exceptions.

(4) *Flashing/Scrolling/Animated Sign.*

A sign having lights or illumination which flashes, scrolls, moves, rotates, twinkles, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. Electronic message boards meeting the definition and requirements of Section 82-798 of this Chapter shall not be considered flashing, scrolling, or animated signs.

(5) *Off-Premise Advertising Sign.*

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the site where the sign is located.

- a. Off-premise advertising signs include billboards but do not include Community Information Signs, or Board Signs, Banner Signs or Sandwich Board Signs that only convey the same type of information permissible in a Community Information Sign.
- b. Existing legal Off-Premise Advertising Signs made nonconforming by this Section shall be permitted to continue as legal, nonconforming signs, subject to the requirements of Section 80-812.

(6) *Roof Sign.*

A sign erected on a roof or above a parapet wall of a structure and which is wholly or partially supported by said structure.

(g) *Other Definitions.*

(1) *Advertising.*

Any writing, painting, display, emblem, drawing, sign or other device designed, used or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, or services.

(2) *Building frontage.*

That building elevation that fronts on a public right-of-way or navigable waterway.

(3) *Business/tenant frontage.*

That portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without building frontage, the building elevation providing customer access shall be considered the business frontage.

(4) *Commercial message.*

Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business product, service, idea or commercial activity. Electronic changeable copy is regulated as an electronic message board as defined in Section 82-798.

(5) *Copy.*

Words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

(6) *Changeable copy.*

Sign copy that may be changed manually to provide different information such as boards with changeable letters, bulletin boards, and chalkboards.

(7) *Customer entrance.*

The entrance that the public can use when an establishment is open to the public.

(8) *Electronic message board.*

See Section 82-798.

(9) *Height of sign.*

The vertical distance from the average ground level adjacent to the sign to the top of the highest attached component of the sign. See Section 80-801(b)

for details and for measurement of sign height from the centerline grade of the nearest adjacent public road.

(10) *Maintain.*

Maintaining the existing appearance of the sign; replacing or repainting the sign colors, and messages; or changing the face of an off-premise advertising sign. Maintenance is distinct from alteration of nonconforming signs. (See Section 80-812.)

(11) *Lighting, ambient.*

Illumination in which the only light that falls onto the sign come from sources that are available naturally (e.g. sunlight, moonlight) or from artificial lighting sources used for other purposes in the vicinity of the sign (e.g. street lights, lighting installed for other purposes or sites).

(12) *Lighting, backlit.*

Illumination that is arranged in such a way that the light is cast from behind the sign to the eyes of the viewer. Often, the lighting element is unshielded but concealed behind individual freestanding letters, creating a silhouette effect.

(13) *Lighting, external.*

Illumination resulting from light emitted directly from a shielded light fixture directed onto the sign face. External lighting includes gooseneck light fixtures, which are shielded light fixtures attached to a curved neck, located at the top of the sign, and angled downward onto the sign face.

(14) *Lighting, internal.*

Illumination emanating from a lighting element that is located behind the sign face and which is completely enclosed. Such illumination is diffused through a translucent material such as plastic or frosted glass. Internal lighting includes neon lighting, internally-lit cabinets, and internally-lit individual letters or characters.

(15) *Landmark sign.*

Signs painted on a building façade that are at least 50 years old which may no longer advertise an existing business activity and are determined to be a historic sign.

(16) *Plat phase.*

The collection of lots, rights-of-ways, and outlots located within the perimeter boundary of a Final Plat.

(17) *Sign area.*

The entire face of a sign, including the extreme limits of writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. See Section 80-801(c).

(18) *Sign face.*

The area or display surface used for the message.

(19) *Site.*

A lot or combination of lots under the jurisdiction of this Chapter. A site may also be determined to be a portion of a single lot where more than one building in a group development (approved by the City) contains separate businesses. For the purposes of this Chapter, the site shall be determined by the zoning administrator, or designee.

(20) *Three-dimensional signs.*

Signs that have a depth or relief on their surface.

Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured per Section 80-801(c)(2) and (3). Three-dimensional wall signs that project more than 18 inches beyond the structure on which they are mounted shall be regulated as Projecting Signs under Section 82-797(b)(3)c.

## Sec. 82-798 – Electronic Message Boards.

(a) *Electronic Message Board.*

A sign or component of a sign that displays words, lines, logos, graphic images, or symbols, which may be changed electronically to provide different information, and which includes computer signs, electronic reader boards, video screens, LCD signs, electronic time and temperature signs, and other signs with electronically-controlled changing or moving displays.

- (1) Unless otherwise prohibited by this Chapter, electronic message boards may be integrated into the design of any Permanent Business Sign or Community Information Sign, as permitted by Figure 82-800a.
- (2) Permitted electronic message board area shall be in addition to the total permitted sign area for a given site.
- (3) Messages and non-text images shall not change appearance more than once every 10 seconds, and transitions between messages shall be via instantaneous change. Use of electronic message boards for images, text, or lighting that change appearance in a manner not permitted above shall be considered flashing, scrolling, or animated signs, which are prohibited per Section 80-804.
- (4) Electronic message boards shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- (5) Electronic message boards shall comply with the lighting requirements of Section 82-560.
- (6) Electronic message boards shall be maintained so as to be able to display messages in a complete and legible manner.
- (7) In addition to the setback requirements of this Chapter, no sign containing an electronic message board shall be located within 100 feet of any parcel within a residential zoning district that is being used for residential occupancy at the time of sign placement.

**Sec. 82-799. - Fuel Price Boards.**

(a) *Fuel Price Boards.*

A sign or component of a sign that lists the price of gasoline sold on-site, as required by Wis. Stat. section 100.18(8).

- (1) Fuel price boards shall not be separate signs, but rather shall be integrated into the design of a permitted Permanent Business Sign.
- (2) Fuel price boards may list up to 1 price per type of fuel, which shall be displayed on a single structure.
- (3) Fuel price boards may not exceed 100 square feet per sign.
- (4) Fuel price boards may be illuminated, per the lighting requirements of Section 82-560.
- (5) Fuel price boards may contain changeable copy or electronic message boards, per the requirements of Section 82-798.

**Sec. 82-800 – Permitted Signs Rules.**

- (a) Signs shall be allowed on private property in the City in accordance with Figures 82-800a through 82-800d, which address permitted signage as it relates to permits, quantity, area, location, lighting, and zoning districts. The requirements set forth in Figures 82-800a through 82-800d shall be declared to be part of this Chapter.

- (1) Permitted signs by zoning district are located in Figure 82-800a.
- (2) Permitted sign characteristics for Permanent Business Signs are located in Figure 82-800b.
- (3) Permitted sign characteristics for all signs other than Permanent Business Signs are located in Figure 82-800c.
- (4) Permitted sign lighting for all signs is located in Figure 82-800d.

(b) *Guide to Figure 82-800a.*

If the letter “Y” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior

permit approval in the zoning districts represented by that column. If the letter “C” appears for a sign type in a column, such sign is allowed only with conditional use permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

- (1) Although generally permitted by this Section, a sign designated by a “Y,” “P,” or “C” in Figure 82-800a shall be allowed only if:
  - a. The sum of the area of all Permanent Business Signs on the lot conforms to the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located and conforms to any additional limitations in other applicable Sections of this Chapter.
  - b. The size, location, lighting, and number of signs on the lot conform to the requirements Figure 82-800b through 82-800d, which establish permitted sign dimensions and characteristics by sign type, and with any additional limitations in other applicable Sections of this Chapter.
- (2) All signs are permitted in a PUD district, but only as expressly allowed as part of an authorized development plan pursuant to Chapter 82, Article II, Division 15. For those signs that are permitted as part of such a development plan, a separate sign permit may or may not be required as indicated in Figure 82-800a.
- (3) *Key to Figure 82-800a and Figure 82-800b.*

Figure 82-800a and Figure 82-800b, the headings have the following meanings:

Abbreviations Used in Figures 82-800a and 82-800b on the following page.	Zoning Districts or Uses
A	A-1 Agricultural District, Chapter 82, Article II, Division 4 and A-2 Farmland Preservation District, Chapter 82, Article II, Division 5
B	B-1 Business District, Chapter 82, Article II, Division 9 and B-2 Business District, Chapter 82, Article II,

	Division 10
C	C-1 Conservancy District, Chapter 82, Article II, Division 2 and C-2 Conservancy District, Chapter 82, Article II, Division 3
INS	Institutional Uses. "Institutional Uses" shall mean, but shall not be limited to, public parks and playgrounds, schools, churches, convents, libraries, hospitals, clinics, nursing homes, assisted living facilities, museums, and adaptive reuses of churches. For clarity, "Institutional Uses" shall not mean single and two-family dwellings or bed and breakfast establishments.
M	M-1 Light Manufacturing District, Chapter 82, Article II, Division 11, M-2 Medium Manufacturing District, Chapter 82, Article II, Division 12, and M-3 Heavy Manufacturing District, Chapter 82, Article II, Division 13
PUD	PUD Planned Unit Development District, Chapter 82, Article II, Division 15
R1-2	R-1 Residential District, Chapter 82, Article II, Division 6 and R-2 Residential District, Chapter 82, Article II, Division 7
R-3	R-3 Residential District, Chapter 82, Article II, Division 8
R-MH	R-MH Manufactured Home District, Chapter 82, Article II, Division 14

Figure 82-800a: Permitted Signs by Purpose/Configuration and Zoning District/Use

	Zoning Districts								
	C	R-1/2 <sup>1</sup>	R-3	INS <sup>1</sup>	B	R-MH	PUD <sup>2</sup>	M	A
<b>Permanent Business Sign Group</b>									
<b>Freestanding Sign Category</b>									
Dual Post Sign	C	P <sup>3</sup>	P	P	P	P	P	P	P
Monument Sign	C	P <sup>3</sup>	P	P	P	P	P	P	P
Pylon Sign	N	N	N	C	P	N	P	C	N
<b>On-Building Signs</b>									
Awning/Canopy Sign	N	N	P	P	P	P	P	P	N
Marquee Sign	N	N	N	P	P	N	P	P	N
Projecting Sign	N	N	N	P	P	N	P	P	N
Suspended Sign	C	N	N	P	P	N	P	P	N
Wall Sign	C	P <sup>3</sup>	P	P	P	P	P	P	P
Window Sign	C	P <sup>3</sup>	P	P	P	P	P	P	P
<b>Daily Notice Signs</b>									
Bulletin Board Sign	C	N	P	P	P	P	P	N	N
Drive-Through Sign	N	N	N	N	P	N	P	N	N

Menu Board Sign	N	N	N	N	P	N	P	P	N
Sandwich Board Sign	C	N	N	P	P	N	P	P	P
<b>Temporary Business Sign Group</b>									
<b>Temporary Board &amp; Banner Sign Category</b>									
Board Sign	C	Y	Y	Y	Y	Y	Y	Y	Y
Banner Sign	C	N	Y	Y	Y	Y	Y	Y	Y
Waving Sign	N	N	N	Y	Y	N	Y	Y	N
Beacon/Search Beacon Sign	N	N	N	N	C	N	Y	C	N
Mobile/Portable Sign	N	N	N	N	Y	N	Y	Y	N
<b>Temporary Development Sign Category</b>									
Active Building Board Sign	P	P	P	P	P	P	P	P	P
Active Plat Board Sign	N	P	P	P	P	P	P	P	P

"Y" = Sign is allowed without prior permit approval.

"P" = Sign is allowed only with prior sign permit approval.

"C" = Sign is allowed only with prior conditional use permit approval.

"N" = Sign is not allowed in the zoning districts represented by that column under any circumstances.

*Table and footnotes continued as follows.*

<b>Zoning Districts</b>									
	C	R-1/2 <sup>1</sup>	R-3	INS <sup>1</sup>	B	R-MH	PUD <sup>2</sup>	M	A
<b>Permanent Miscellaneous Sign Group</b>									
<b>Identification &amp; Safety Sign Category</b>									
Address Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
Building Management Identification Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
On-Site Warning Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
On-Site Directional Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Optional Miscellaneous Sign Category</b>									
Building Plaque Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
Neighborhood Sign	N	P	P	P	P	P	P	P	P
Community Information Sign	P	N	N	P	P	P	P	P	N
<b>Temporary Miscellaneous Sign Group</b>									
<b>Yard Sign Category</b>									
Stake Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
Frame Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
Arm & Post Yard Sign	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Electronic Message Boards</b>									
Electronic Message Board	N	N	N	C	P	N	P	P	N

"Y" = Sign is allowed without prior permit approval.

"P" = Sign is allowed only with prior sign permit approval.

"C" = Sign is allowed only with prior conditional use permit approval.

"N" = Sign is not allowed in the zoning districts represented by that column under any circumstances.

Footnotes for Figure 82-800a:

1. Columns marked for R-1/2 shall apply to non-Institutional Uses only in R-1 and R-2 zoning districts. Institutional Uses in such zoning districts shall be governed by columns marked for INS.
2. All signs are permitted in a PUD district, but only as expressly allowed as part of an authorized development plan pursuant to Chapter 82, Article II, Division 15. For those signs that are permitted as part of such a development plan, a separate sign permit may or may not be required as indicated in the columns marked for PUD.
3. Dual Post Signs, Monument Signs, Wall Signs, and Window Signs in the R-1 and R-2 zoning districts are allowed for home occupations and bed and breakfast establishments only. Signs for Institutional Uses in such zoning districts shall be governed by columns marked for INS.

**Figure 82-800b: Permitted Sign Characteristics for Permanent Business Signs by Zoning District**

Zoning Districts <sup>1</sup>									
	C	R-1/2	R-3	INS	B	R-MH	PUD <sup>8</sup>	M	A
Permanent Business Sign Group									
Freestanding Sign Category (includes Dual Post, Monument, and Pylon Sign Types)									
Sign Area Calculation	1 square foot of sign area per 1 lineal foot of public right-of-way frontage; or at least 50 square feet per lot <sup>2</sup>								
Maximum Area of all Freestanding Signs (per side)	50 sq ft	8 sq ft	25 sq ft	100/150 sq ft <sup>3</sup>	100/150 sq ft <sup>3</sup>	100 sq ft	100/150 sq ft <sup>3</sup>	100/150 sq ft <sup>3</sup>	100 sq ft
Maximum Height – Dual Post or Monument Sign <sup>6</sup>	6 ft	6 ft	6 ft	8 ft	10 ft	6 ft	10 ft	10ft	6 ft
Maximum Height – Pylon Sign	---	---	---	8 ft	25/40 ft <sup>4</sup>	----	25/40 ft <sup>4</sup>	25 ft	---
Number per Lot	1/2 <sup>5</sup>								

On-Building Sign Category (includes Awning/Canopy, Marquee, Projecting, Suspended, Wall, and Window Sign, if allowed in a zoning district)									
Maximum Area per Building Façade (except Window)	1 square foot per linear foot of building frontage. <sup>7</sup> Not to exceed 20% of wall area per building façade (or 10% in R1-2 zoning districts).								
Window Signs	There is no limit in the number of Window Signs per lot or per building..								
Daily Notice Sign Category – If allowed in a zoning district, one Daily Notice Sign is permitted per business.									
Bulletin Board Sign (Max Area)	8	---	8	8	16	8	16	---	---
Bulletin Board Sign (Max Height)	8	---	8	8	8	8	8	---	---
Drive-Through Sign	Maximum Area: 24 sq ft    Maximum Height: 8ft								
Menu Board Sign	Maximum Area: 8 sq ft    Maximum Height: 4 ft								
Sandwich Board Sign	Maximum Area: 8 sq ft    Maximum Height: 4 ft Maximum Width: 3ft								
Electronic Message Boards (in addition to maximum permitted signage area)									
Maximum Area (per side)	---	---	---	10 sq ft	25 sq ft	---	25 sq ft	10 sq ft	---

Footnotes for Figure 82-800b:

1. See Section 82-797(b) for additional regulations for specific Sign Types.
2. For lots with narrow public right-of-way frontages, an alternative method, based on the width of the lot at the building façade, may be used to calculate maximum freestanding sign area. See Figure 80-201b.
3. For lots less than or equal to 1 acre: 100 sq ft. For lots greater than 1 acre: 150 sq ft.
4. For lots less than or equal to 1 acre: 25 ft. For lots greater than 1 acre: 40 ft.
5. For lots less than or equal to 1 acre: 1 sign per lot. For lots greater than 1 acre: 2 signs per lot.
6. See Section 80-801(b) for sign height measurement.
7. Regardless of the length of the building frontage, each tenant with exterior frontage is allowed a minimum of 30 square feet for on-building signage (subject to further reduction of size if needed to meet the wall area limitation). There is no limit to the number of on-building signs per lot or per building.

8. All sign characteristics in a PUD District may further restricted as part of an authorized development plan pursuant to Chapter 82, Article II, Division 15.

Figure 82-800c: Permitted Sign Characteristics for All Other Signs<sup>1</sup>

All Zoning Districts			
	Quantity	Maximum Area per Side	Maximum Height
Temporary Business Sign Group (Select 1 sign per Category)			
Temporary Board & Banner Sign Category			
Board Sign, if allowed in a zoning district	1 per lot	24 sq ft	6 ft
Banner Sign, if allowed in a zoning district		32 sq ft	6 ft
Waving Sign, if allowed in a zoning district		32 sq ft	12 ft
Beacon/Search Beacon Sign, if allowed in a zoning district		N/A	N/A
Mobile/Portable Signs, if allowed in a zoning district		24 sq ft	6 ft
Temporary Development Sign Category			
Active Building Board Sign	1 Active Building Board Sign or Active Plat Board Sign per lot <sup>2</sup>	24 sq ft	6 ft
Active Plat Board Sign, if allowed in a zoning district			
Permanent Miscellaneous Sign Group			
Identification & Safety Sign Category			
Address Sign	1 per address	4 sq ft	6 ft
Building Management	1 per building	1 sq ft	6 ft

Identification Sign			
On-Site Warning Sign	As needed for public safety and welfare	6 sq ft	6 ft
On-Site Directional Sign	2 per each vehicular entrance/exit and 1 per distinct parking area	6 sq ft	6 ft
<b>Optional Miscellaneous Sign Category</b>			
Building Plaque Sign	Up to 3 per designated historic property, site, or district	6 sq ft	6 ft
Neighborhood Sign	1 per Plat area or neighborhood recognized by the City Council	24 sq ft	6 ft
Community Information Sign, if allowed in a zoning district	1 per lot	32 sq ft	6 ft
<b>Yard Signs Group</b>			
Stake Sign	Total of 2 Stake Signs, Frame Signs <u>or</u> Arm & Post Yard Signs, in any combination, per lot <sup>3</sup>	6 sq ft	4 ft
Frame Sign		6 sq ft	4 ft
Arm & Post Yard Sign		8 sq ft	6 ft

Footnotes for Figure 82-800c:

- See Section 82-797(c) through (d) for additional regulations for specific Sign Types. All sign characteristics in a PUD District may further restricted as part of an authorized development plan pursuant to Chapter 82, Article II, Division 15.
- One Active Building Board Sign is permitted for each approved building with a valid Building Permit. One Active Plat Board Sign is permitted for each public street intersection at the perimeter of any plat phase with less than 75% of the lots sold.
- Up to five Yard Signs are permitted between the deadline for candidate filing for any local, state, or federal election hosted by the City of Berlin and 2 days following said election, and up to 20 Yard Signs shall be permitted on cultivated lots zoned as A-1 or A-2 during growing seasons.

**Figure 82-800d: Permitted Sign Lighting for All Signs**

	Permitted Sign Lighting Type		
	External	Internal Character/Cabinet	Backlit

<b>Permanent Business Sign Group</b>			
Dual Post Sign <sup>1</sup>	Y	Y	Y
Monument Sign <sup>1</sup>	Y	Y	Y
Pylon Sign	Y	Y	Y
Awning/Canopy Sign <sup>2</sup>	N	N	N
Marquee Sign	Y	Y	N
Projecting Sign	Y	Y	N
Suspended Sign <sup>3</sup>	Y	Y	N
Wall Sign <sup>1</sup>	Y	Y	Y
Window Sign <sup>1</sup>	N	Y	N
Bulletin Board Sign <sup>3</sup>	Y	Y	Y
Drive-Through Sign	Y	Y	Y
Menu Board Sign <sup>4</sup>	Y	Y	N
Sandwich Board Sign	N	N	N
<b>Temporary Business Sign Group</b>			
Board Sign	N	N	N
Banner Sign	N	N	N
Waving Sign	N	N	N
Beacon/Search Beacon Sign	N	Y <sup>7</sup>	N
Mobile/Portable Sign	N	Y	N
Active Building Board Sign	N	N	N
Active Plat Board Sign	N	N	N
<b>Permanent Miscellaneous Sign Group</b>			
Address Sign <sup>1</sup>	Y	Y	N
Building Management Identification Sign	N	N	N
On-Site Warning Sign	N	N	N
On-Site Directional Sign <sup>1</sup>	Y	Y	N
Building Plaque Sign <sup>1</sup>	Y	N	N
Neighborhood Sign <sup>6</sup>	Y	N	Y
Community Information Sign <sup>5</sup>	Y	Y	N
<b>Yard Signs Group</b>			
Stake Sign	N	N	N
Frame Sign	N	N	N
Arm & Post Yard Sign	N	N	N

“Y” = Lighting type is allowed for this Sign Type.

“N” = Lighting type is not allowed for this Sign Type.

Footnotes for Figure 82-800d:

1. Doesn't apply to C, R-MH, A and non-Institutional Uses in R1/2 and R3, for which no lighting is allowed.

2. Doesn't apply to C, A and non-Institutional Uses in R1/2, for which no lighting is allowed.
3. Doesn't apply to C, R-MH, and non-Institutional Uses in R1/2 and R3, for which no lighting is allowed.
4. Doesn't apply to non-Institutional Uses in R1/2 and R3, for which no lighting is allowed.
5. Doesn't apply to C, R-MH and A, for which no lighting is allowed.
6. Doesn't apply to R-MH, A and non-Institutional Uses in R1/2 and R3, for which no lighting is allowed.

**Sec. 80-801. - Sign Setback, Height, Measurement, and Flexibility.**

(a) *Sign Setbacks.*

All freestanding signs (including any and all parts) shall be set back from the following lot lines by the indicated footage amount, unless greater setbacks are required for signs located near state or federal highways under federal or state laws or regulations:

- |                     |                     |
|---------------------|---------------------|
| (1) Front Lot Line: | No setback required |
| (2) Side Lot Line:  | 10 feet             |
| (3) Rear Lot Line:  | 10 feet             |

(b) *Sign Height.*

The height of a freestanding sign shall be measured from the adjacent grade. Such information shall be supplied with the permit application and confirmed by the City.

(c) *Measurement of Sign Area.*

The measurement of sign area is based on the arrangement of sign copy and sign background.

(1) Sign Area of Wall Signs.

- a. For signs comprised of individual letters and related copy which are attached directly to a wall or to a background surface, sign area shall be

measured as the smallest single rectangle enclosing the entire sign message and related copy. (See Example 1 in Figure 80-801a.)

- b. For signs comprised of individual letters and related copy which are attached to a background surface with one or more non-neutral background colors, sign area shall be measured as the sum of the smallest rectangles and right triangles enclosing entire sign message and any and all non-neutral background color areas. (See Example 2 in Figure 80-801a.)
- c. For signs comprised of letters and related copy surrounded by one or more sign background colors on a single panel, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. (See Example 3 in Figure 80-801a.)
- d. For signs comprised of individual letters and related copy surrounded by one or more sign background colors on individual panels, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. (See Example 4 in Figure 80-801a.)

(2) *Sign Area of Freestanding Signs.*

For freestanding signs, sign area shall include the total sign area that can be viewed from any single vantage point. For example, for a typical freestanding sign which faces two directions, only one face of the sign shall comprise the sign area. Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles.

- (3) For three-dimensional signs, sign area shall be measured as the maximum horizontal length of the sign face multiplied by the maximum vertical height

of the sign face. This shall include the extreme limits of all sign components except the supporting framework.

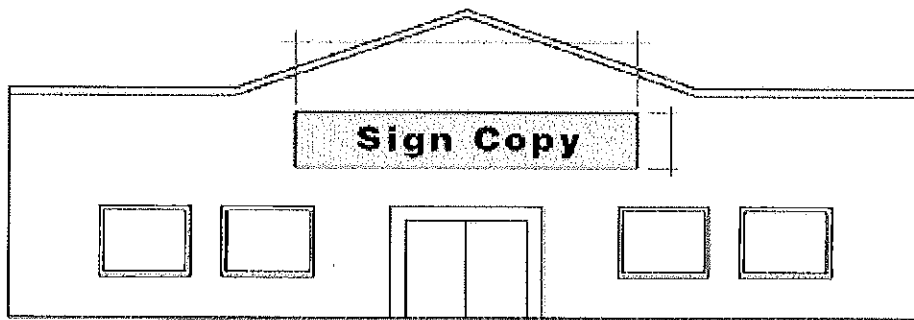
Figure 80-801a: Measurement of Sign Area



Example 2:  
Individual letters or  
words grouped on  
one or more non-  
neutral panels  

---

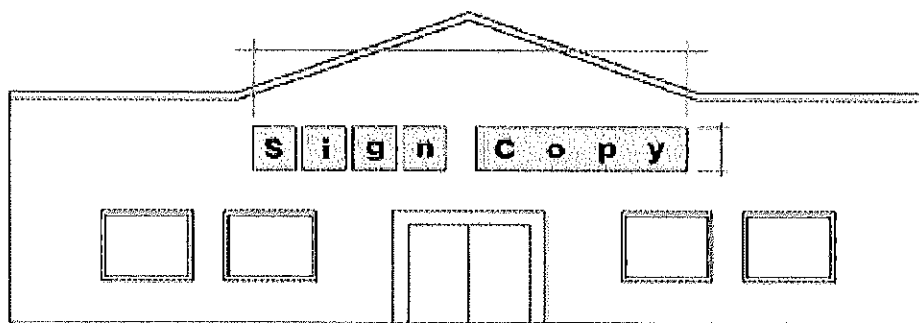
Smallest single  
rectangle  
rectangles



Example 2:  
Individual letters or  
words grouped on  
one or more panels  

---

Smallest s



Example 3:  
Individual letters on  
separate panels  

---

Smallest single  
rectangle

Sec. 80-802 to 80-803 – Reserved.

Sec. 80-804. - Sign Prohibitions and Limitations.

The regulations contained in this Section apply to signs in all zoning districts.

(a) *Sign Prohibitions.*

- (1) See Section 82-797(f) for a list of prohibited Sign Types.
- (2) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as “stop,” “look,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse users of streets or highways, as determined by the Superintendent of Streets.
- (3) Signs shall not interfere with street trees, street lights, traffic devices, or any city streetscaping installed in the right-of-way.
- (4) No fluttering, undulating, swinging, rotating, or otherwise moving signs, such as windsocks, motorized signs, pennants, and streamers, shall be permitted. This shall not apply to Banner Signs as defined in Section 82-797(c)(2)b. or Waving Signs as defined in Section 82-797(c)(2)c.
- (5) No signs shall project above the building parapet or eave.
- (6) No flashing, scrolling, or animated signs shall be permitted. Electronic message boards meeting the definition and requirements of Section 82-798 of this Chapter shall not be considered flashing, scrolling, or animated signs.
- (7) No signs shall be mounted to an unlicensed trailer or other unlicensed vehicle.
- (8) No billboards or off-premise advertising signs shall be permitted. Community Information Signs are not considered billboards or off-premise advertising signs. Existing legal Off-Premise Advertising Signs made nonconforming by this chapter shall be permitted to continue as legal, nonconforming signs, subject to the requirements of Section 80-812.
- (9) No abandoned signs shall be permitted.

(b) *Sign Limitations.*

- (1) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (2) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility.
- (3) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, public utility pole, public light pole or traffic regulatory structure.
- (4) Sign Lighting and Illuminated Signs.
  - a. Unless explicitly allowed for the Sign Type, only ambient lighting shall be permitted.
  - b. All illuminated signs shall comply with the lighting requirements of Section 82-560.
- (5) No sign shall be permitted to extend into a public right-of-way, except for permitted Projecting, Awning, Marquee, Suspending, Waving, and Sandwich Board Signs; or as may be specifically authorized as part of an approved development plan in a PUD zoning district. See Section 80-811(g) for installation and ground clearance requirements for signs that legally encroach into the public right-of-way.

Sec. 80-805 to 80-809. – Reserved.

Sec. 80-810. – Sign Permits – Application, Enforcement, and Revocation.

(a) *Applicability.*

- (1) Refer to Figure 82-800a for signs that require a sign permit.
- (2) Except as otherwise provided in Figure 82-800a, only those permanent or temporary signs which have been granted a permit in accordance with the provisions of this Section may be erected, installed, constructed, or maintained.

- (3) This Section shall apply and be construed to require a permit for any conversions or changes in, (i) the words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or images on signs, (ii) the structure of signs, (iii) the dimensions of signs, or (iv) the location of signs, that require a permit; except as follows:
- a. This Section shall not apply and no permit shall be required for changes of words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or images on permitted Electronic Message Boards so long as the structure, dimensions, and location of the Electronic Message Board does not change; and
  - b. This Section shall not apply and no permit shall be required for changes of words, letters, figures, designs, logos, symbols, fixtures, colors or images on a sign for which the same owner of such sign received a permit for that sign within a period of 180 days prior to the change(s) made and so long as the structure, dimensions, location and illumination of the sign does not change; and
  - c. This Section shall not apply and no permit shall be required for repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure; and
  - d. No new permit is required for signs which are legally in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs. Any alteration or relocation of such signs shall conform to the requirements of this Chapter.
- (4) Any sign permit granted hereunder may not be assigned or transferred to any other sign, including a modified sign structure.
- (b) *Sign Permit Application.*
- Each sign permit application shall include:
- (1) The name, address, phone number, and email address of the applicant, sign contractor, and property owner.

- (2) The property's zoning designation and use of the building for which the sign will provide information.
- (3) A signage plan, drawn to a recognizable scale, for the property shall be submitted showing the following:
  - a. Location, type, height, width, and area of the proposed sign.
  - b. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
  - c. All property lines and buildings, structures, and paved areas on the property.
  - d. All parking areas, driveways, and public roads.
  - e. Method of attachment, structural support, method of illumination, and sign materials.
  - f. Height of adjacent grade, for signs that have height limitations relating to such adjacent grade.
- (4) Any other information that may reasonably be requested by the zoning administrator, the building inspector, or designee of either, for the purpose of evaluation.

**Sec. 80-811. - Appearance, Construction, and Maintenance of Signage.**

- (a) Signs shall be mounted so that the method of installation is concealed.
- (b) All permanent signs and their supporting members shall be constructed in accordance with all applicable building and electrical codes.
- (c) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof. Improperly maintained signs shall be subject to removal.

- (d) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (e) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands, upon notice of the zoning administrator, the building inspector, or designee of either. Improperly maintained signs shall be subject to removal.
- (f) *Signs that Legally Encroach into the Right-of-Way.*
  - (1) Only those signs permitted pursuant to Section 82-804(b)(5) shall be allowed to encroach into the public right-of-way.
  - (2) Minimum Ground Clearance. All signs which are legally permitted to encroach into the public right-of-way, except for Waving Signs and Sandwich Board Signs, shall have a minimum ground clearance of 8 feet above the adjacent grade to the bottom of the sign if above pedestrian only areas, or 10 feet from adjacent grade to the bottom of the sign if above vehicular traffic areas, and shall not project beyond any public street curb line, or beyond any public street pavement edge if no curb is present.
  - (3) Installation of all signs extending over any right-of-way shall be erected by a licensed sign installer.

#### **Sec. 80-812. - Nonconforming Signs.**

- (a) *Nonconforming Signs.*

Signs legally established prior to the effective date of this Chapter, which do not conform to the provisions of this Chapter, such as brightness, scrolling, size, height, and location, shall be considered nonconforming signs.

(b) *Continuation of Nonconforming Signs.*

- (1) Nonconforming signs and sign structures shall not be reconstructed, altered, or moved to a new location without being brought into compliance with the requirements of this Chapter. If a new permit would be required for any conversion or changes to the sign pursuant to Sec. 82-810(a)(3), then such sign shall be deemed "altered" for purposes of this Subsect. and must be brought into compliance with the requirements of this Chapter.
- (2) Nonconforming signs may be maintained, so long as such maintenance does not trigger the requirements of a sign permit pursuant to Secs. 82-810(a)(3) and (4).
- (3) A tenant sign which comprises part of a group development sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire group development sign, or any of its parts, into compliance with the provisions of this Chapter.

(c) **Removal of Nonconforming Signs:** See Section 80-813.

**Sec. 80-813. - Removal of Signs and Sign Structures for Vacated Buildings.**

- (a) A building, portion of a building, or site shall be determined to be vacated based on the following criteria: (1) use of the property has been terminated or there is clear evidence of relocation of a known use to a different premises, (2) cessation of some or all utilities, or (3) lapse or termination of an occupancy permit. Vacation of a building, structure, or site shall have the following effect:
- (1) At 180 days, nonconforming signs shall lose their legal nonconforming status.
  - (2) At 180 days, the owner of the property shall be responsible for removing any Permanent Business Signs or Temporary Business Signs associated with the vacant building, portion of a building, or site located on the property. At the property owner's option, the property owner shall do one of the following: remove all signs and structure, or replace the face of such signs

with a blank sign face. If the property owner is granted an extension under Subsect. 80-813(a)(3) below, the requirement shall not apply during the extension period.

- (3) An extension allowing signs and/or sign structures associated with vacant buildings, portions of buildings, or sites to remain on the property for an additional 6-month time period after the original 180 days have lapsed may be granted under the following conditions:
- a. The property owner shall submit an application and allow City staff to inspect the vacated sign(s) and/or sign structure(s) for potential hazards, safety concerns, or blight.
  - b. City staff shall review the application and sign to determine that the sign will not be a hazard, safety concern, or blight for the duration of the extended time period.
  - c. Sign faces shall be replaced with a blank sign face and shall contain no sign copy. Painting over or otherwise obscuring the existing sign message shall not be permitted.

Sec. 80-814 to 80-829. - Reserved.

This ordinance shall be subject to the approval of the Town of Berlin and Town of Aurora Boards, and shall not be published until such approvals are confirmed. This ordinance shall then 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 \_\_\_\_\_, 2018.

ROLL CALL VOTE:

CITY OF BERLIN

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

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

APPROVED AS TO FORM:

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

ATTEST:

\_\_\_\_\_  
Jodie Olson, City Clerk

## CITY OF BERLIN

05/02/18 9:09 AM

Page 1

## \*Check Summary Register©

APRIL 30 2018

Name	Check Date	Check Amt	
11100 Cash in Bank m FNB			
Paid Chk# 061074 BMO HARRIS BANK	4/5/2018	\$446.25	APRIL - 2018 - EMPLOYER H.S.A.
Paid Chk# 061075 CITIZENS FIRST CREDIT UNION	4/5/2018	\$325.00	APRIL - 2018 - EMPLOYEE H.S.A.
Paid Chk# 061076 COMMUNITY FIRST CREDIT UNI	4/5/2018	\$540.00	APRIL - 2018 - EMPLOYEE H.S.A.
Paid Chk# 061077 FARMERS & MERCHANTS BANK	4/5/2018	\$1,849.82	PAYROLL 7 EMPLOYEE H.S.A. DEDU
Paid Chk# 061078 FIRST NATIONAL BANK	4/5/2018	\$1,402.50	APRIL - 2018 - EMPLOYER H.S.A.
Paid Chk# 061079 HORICON BANK	4/5/2018	\$100.00	PAYROLL 7 H.S.A. EMPLOYEE DEDU
Paid Chk# 061080 NATIONAL BANK OF WAUPUN	4/5/2018	\$220.00	PAYROLL 7 EMPLOYEE H.S.A. DEDU
Paid Chk# 061081 NORTH SHORE BANK, FSB	4/5/2018	\$75.00	PAYROLL 7 EMPLOYEE DEFERRED CO
Paid Chk# 061082 OPTUM CONSUMER SERVICES	4/5/2018	\$175.00	PAYROLL 7 - EMPLOYEE H.S.A. DE
Paid Chk# 061083 U.S. DEPARTMENT OF TREASU	4/5/2018	\$67.55	JACOB JOHANSEN - WAGE GARNISHM
Paid Chk# 061084 ADVANCED DISPOSAL SERVICE	4/6/2018	\$216.99	CITY OF BERLIN-PARKS TRASH SER
Paid Chk# 061085 APPLETON FINANCE DEPARTM	4/6/2018	\$448.50	APRIL 2018 WEIGHTS AND MEASURE
Paid Chk# 061086 CHARTER COMMUNICATION	4/6/2018	\$183.66	APRIL TV/INTERNET SERVICE AT S
Paid Chk# 061087 CHIER LAW OFFICE LLC	4/6/2018	\$495.38	RAZE OR REPAIR ACTION 130 W BE
Paid Chk# 061088 DIVISION OF UNEMPLOYMENT I	4/6/2018	\$1,443.16	UNEMPLOYMENT BENEFITS 03/01/20
Paid Chk# 061089 DREXEL BUILDING SUPPLY, INC	4/6/2018	\$186.63	LUMBER FOR BERLIN PUBLIC WORKS
Paid Chk# 061090 EMERGENCY MEDICAL PRODUC	4/6/2018	\$2,509.50	GLUCOGON KIT
Paid Chk# 061091 FARRELL EQUIPMENT & SUPPL	4/6/2018	\$273.62	SAFETY GLASSES AND CAUTION TAP
Paid Chk# 061092 FINISHLINE STUDIOS	4/6/2018	\$35.00	APRIL WEB HOSTING
Paid Chk# 061093 INTERSTATE BATTERY	4/6/2018	\$22.95	BATTERY FOR AMBULANCE
Paid Chk# 061094 J. F. AHERN COMPANY	4/6/2018	\$1,357.28	FIRE EQUIPMENT INSPECTION CITY
Paid Chk# 061095 KUNKEL ENGINEERING GROUP	4/6/2018	\$7,582.55	5TH WARD STREET PROJECTS
Paid Chk# 061096 LANDMARK SERVICES COOPER	4/6/2018	\$4,376.47	BULK OIL DELIVERY
Paid Chk# 061097 NATIONAL ELEVATOR INSPECTI	4/6/2018	\$88.00	ELEVATOR 507501 ROUTINE INSPEC
Paid Chk# 061098 PACKERLAND PORTABLES	4/6/2018	\$160.00	2 PORTABLES 03/20-04/17
Paid Chk# 061099 RED THE UNIFORM TAILOR	4/6/2018	\$87.34	YEARS OF SERVICE PINS
Paid Chk# 061100 RIDGE STONE PRODUCTS, INC	4/6/2018	\$172.62	GRAVEL FOR PUBLIC WORKS PARKS
Paid Chk# 061101 SECURIAN FINANCIAL GROUP	4/6/2018	\$777.49	APRIL GROUP LIFE PLAN- EMPLOYE
Paid Chk# 061102 SILVA, JACKIE	4/6/2018	\$926.65	APRIL HEALTH INSURANCE CITY PO
Paid Chk# 061103 VIKING ELECTRIC SUPPLY	4/6/2018	\$264.32	STREET LIGHTS
Paid Chk# 061104 VIVIAL	4/6/2018	\$42.50	DIRECTORY - CENTURYLINK, EAST
Paid Chk# 061105 ZOLL MEDICAL CORP	4/6/2018	\$28,246.50	X SERIES MANUAL MONITOR/DEFIBR
Paid Chk# 061106 BERLIN KIWANIS CLUB	4/9/2018	\$140.00	ANNUAL DUES
Paid Chk# 061107 FOX VALLEY TECHNICAL COLLE	4/9/2018	\$345.00	KURCZEK, BRADLEY J. - WARRANTS
Paid Chk# 061108 MURPHY, VICKI L	4/9/2018	\$35.71	TRAINING MEALS FOR DWP, KJB, S
Paid Chk# 061109 RAY O'HERRON CO. INC.	4/9/2018	\$462.26	DWP UNIFORM ALLOWANCE
Paid Chk# 061110 RED THE UNIFORM TAILOR	4/9/2018	\$15.59	DEPARTMENT SAMPLES
Paid Chk# 061111 TACTICAL SOLUTIONS	4/9/2018	\$197.00	CERTIFICATION OF RADAR UNITS (
Paid Chk# 061112 THEDA CARE	4/9/2018	\$0.00	PATIENT ID 25828
Paid Chk# 061113 WI CHIEFS OF POLICE ASSN, IN	4/9/2018	\$131.00	8 X NATIONAL POLICE OFFICE SEL
Paid Chk# 061114 THEDACARE LABORATORIES	4/9/2018	\$42.50	PATIENT ID 25828 BLOOD DRAW
Paid Chk# 061115 ADVANCED DISPOSAL SERVICE	4/13/2018	\$24,134.98	MARCH TRASH & RECYCLING PARKS
Paid Chk# 061116 BERLIN HEATING & COOLING	4/13/2018	\$200.00	WEATHERIZE EXTERIOR GAS PIPING
Paid Chk# 061117 BERLIN JOURNAL NEWSPAPER	4/13/2018	\$2,178.00	ADD'L PREPRESS WORK
Paid Chk# 061118 CenturyLink	4/13/2018	\$58.91	LONG DISTANCE SERVICE FOR MARC
Paid Chk# 061119 CHIER LAW OFFICE LLC	4/13/2018	\$717.15	BERLIN ETZA
Paid Chk# 061120 CITY INN & BANQUET HALL	4/13/2018	\$250.00	HALL RESERVATION FOR AUGUST 14
Paid Chk# 061121 CULLIGAN WATER	4/13/2018	\$18.50	CULLIGAN WATER SERVICE AT BERL
Paid Chk# 061122 EMC INSURANCE COMPANIES	4/13/2018	\$20,759.97	APRIL GENERAL LIABILITY INSURA
Paid Chk# 061123 ESCREEN INC	4/13/2018	\$67.90	NONdot URINE COLLECTION-NIGHBO
Paid Chk# 061124 FARMERS & MERCHANTS BANK	4/13/2018	\$3,640.64	FINAL H.S.A. PAYMENT
Paid Chk# 061125 GREEN LAKE COUNTY	4/13/2018	\$47.25	MARCH VAN USE - SENIOR CENTER
Paid Chk# 061126 NEUMAN, KAREN	4/13/2018	\$98.65	WASC TRAINING & MEETING IN GRE
Paid Chk# 061127 PQL	4/13/2018	\$194.13	105160000340
Paid Chk# 061128 RED THE UNIFORM TAILOR	4/13/2018	\$429.39	FIREFIGHTERS UNIFORM DETAILS
Paid Chk# 061129 SUPERIOR CHEMICAL CORP	4/13/2018	\$82.32	CHEMICALS FOR SENIOR CENTER
Paid Chk# 061130 THEDACARE AT WORK	4/13/2018	\$354.00	EAP CONTRACT

CC payables.

## CITY OF BERLIN

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## \*Check Summary Register©

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Name	Check Date	Check Amt	
Paid Chk# 061131 VALLEY AQUATIC SOLUTIONS, L	4/13/2018	\$384.95	CPO COURSE FOR ANDREW DEWITT
Paid Chk# 061132 WMCA	4/13/2018	\$65.00	WMCA MEMBERSHIP - JODIE OLSON
Paid Chk# 061133 BAYCOM INC	4/19/2018	\$168.00	FIRE DEPT. LITHIUM ION BATTERY
Paid Chk# 061134 BELLA BY DESIGN	4/19/2018	\$15.00	NAME PLATES FOR NEW ALDERPERSON
Paid Chk# 061135 CenturyLink	4/19/2018	\$91.22	MARCH CALL FORWARDING BPD
Paid Chk# 061136 BAKER & TAYLOR	4/13/2018	\$1,839.52	42 UNITS
Paid Chk# 061137 BERLIN TROPHY & SPEC PROD	4/13/2018	\$68.00	NAME TAGS FOR LIBRARY
Paid Chk# 061138 LISA M. OBRIST	4/13/2018	\$787.50	MARCH CLEANING
Paid Chk# 061139 MARTIN SYSTEMS, INC.	4/13/2018	\$371.40	ALARM MONITORING FOR BERLIN LI
Paid Chk# 061140 NATIONAL ELEVATOR INSPECTI	4/13/2018	\$88.00	ELEVATOR ROUTINE INSPECTION
Paid Chk# 061141 OSHKOSH OFFICE SYSTEMS	4/13/2018	\$214.85	MARCH COPIES-LIBRARY
Paid Chk# 061142 QUINN, R D PLUMBING	4/13/2018	\$334.85	NEW FLAPPERS INSTALLED AT LIBR
Paid Chk# 061143 STATE OF WI DSPS	4/13/2018	\$50.00	PERMIT TO OPERATE FEE - LIBRAR
Paid Chk# 061144 SUPERIOR CHEMICAL CORP	4/13/2018	\$165.15	TISSUE AND TOWELING FOR LIBRAR
Paid Chk# 061145 UNIQUE AUTO BODY	4/13/2018	\$0.00	LIBRARY PLACEMENTS FOR MARCH
Paid Chk# 061146 WI LIBRARY ASSN	4/13/2018	\$269.00	ADVANCED REGISTRATION FOR DANI
Paid Chk# 061147 WINNEFOX COOPERATIVE TEC	4/13/2018	\$469.41	MATERIALS FOR LIBRARY MEMBERS
Paid Chk# 061148 WINNEFOX LIBRARY SYSTEM	4/13/2018	\$111.31	BARCODES & JANUARY-MARCH POSTA
Paid Chk# 061149 ADVANCED TOOLING, INC	4/19/2018	\$57.20	DPW WOODCHIPPER KNIVES
Paid Chk# 061150 DOMINICK, SHANNON	4/19/2018	\$190.00	REIMBUSE FOR PAYMENT TO WISCON
Paid Chk# 061151 DTN, LLC	4/19/2018	\$510.00	MAY RADAR SERVICE - BFD
Paid Chk# 061152 EMERGENCY MEDICAL PRODUC	4/19/2018	\$582.58	MEDICAL SUPPLIES FOR THE BERLI
Paid Chk# 061153 FIRE INSPECTION SERVICES IN	4/19/2018	\$1,487.50	MARCH FIRE INSPECTIONS
Paid Chk# 061154 GREEN LAKE COUNTY CLERK	4/19/2018	\$1,847.50	GLCO DOG LICENSES THROUGH MARC
Paid Chk# 061155 HAVEY COMMUNICATIONS, INC	4/19/2018	\$9,041.90	2018 AMBULANCE OUTFITTING OF E
Paid Chk# 061156 KWIK TRIP BERLIN #777	4/19/2018	\$8.70	SAFETY TRAINING
Paid Chk# 061157 MADISON COLLEGE	4/19/2018	\$112.28	Id#2916871 ENTRY FIREFIGHTER P
Paid Chk# 061158 NOVAK, ANDREW	4/19/2018	\$80.00	WEMSA CONFERENCE
Paid Chk# 061159 UNIQUE MANAGEMENT SERVIC	4/19/2018	\$35.80	LIBRARY PLACEMENTS FOR MARCH
Paid Chk# 061160 BMO HARRIS BANK	4/19/2018	\$290.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061161 CITIZENS FIRST CREDIT UNION	4/19/2018	\$200.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061162 COMMUNITY FIRST CREDIT UNI	4/19/2018	\$165.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061163 FARMERS & MERCHANTS BANK	4/19/2018	\$631.07	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061164 FIRST NATIONAL BANK	4/19/2018	\$615.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061165 HORICON BANK	4/19/2018	\$100.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061166 NWB Bank	4/19/2018	\$95.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061167 NORTH SHORE BANK, FSB	4/19/2018	\$75.00	EMPLOYEE DEFERRED COMPENSATION
Paid Chk# 061168 OPTUM CONSUMER SERVICES	4/19/2018	\$50.00	PAYROLL 8 EMPLOYEE H.S.A. DEDU
Paid Chk# 061169 WI COUNCIL 32 AFSCME AFL-CI	4/19/2018	\$318.15	APRIL UNION DUES
Paid Chk# 061170 BERLIN WATER & SEWER UTILI	4/19/2018	\$67,396.53	FIRST QUARTER, WATER AND SEWER
Paid Chk# 061171 BANYON DATA SYSTEMS INC	4/25/2018	\$595.00	ADD WI RETIREMENT MODULE FOR P
Paid Chk# 061172 BERLIN JOURNAL NEWSPAPER	4/25/2018	\$720.63	20" AD BJ ORD# 18-04
Paid Chk# 061173 BERLIN ROTARY CLUB	4/25/2018	\$50.00	ROTARY DUES FOR 1ST QUARTER 20
Paid Chk# 061174 BURNS, TIMOTHY	4/25/2018	\$300.00	REFUND FOR OVERPAYMENT - INSUR
Paid Chk# 061175 CenturyLink	4/25/2018	\$3,719.94	MARCH PHONE SERVICE
Paid Chk# 061176 CLASSIC CAB, LTD	4/25/2018	\$12,682.86	MARCH CAB SERVICE
Paid Chk# 061177 COMPLETE OFFICE OF WI	4/25/2018	\$122.11	REPLACEMENT INK FOR DEB
Paid Chk# 061178 FARRELL EQUIPMENT & SUPPL	4/25/2018	\$657.84	3 BOLT AMBER STROBER BEACON
Paid Chk# 061179 GREEN LAKE COUNTY	4/25/2018	\$630.45	SPRING ELECTION SUPPLIES
Paid Chk# 061180 HAWKINS /ASH CPAs	4/25/2018	\$4,240.00	PROGRESS BILL FOR 2017 AUDIT
Paid Chk# 061181 IMAGETREND, INC	4/25/2018	\$900.00	FIELD BRIDGE SUPPORT ANNUAL FE
Paid Chk# 061182 INTERSTATE BATTERY	4/25/2018	\$231.90	BATTERIES FOR PUBLIC WORKS
Paid Chk# 061183 KRAUSE, CHAD R	4/25/2018	\$15.00	MEAL FOR COURT IN MILWAUKEE -
Paid Chk# 061184 KURCZEK, BRAD	4/25/2018	\$75.00	FIREARMS TRAINING BY FVTC
Paid Chk# 061185 MGD INDUSTRIAL CORP	4/25/2018	\$106.33	DPW SUPPLIES
Paid Chk# 061186 NATIONAL FIRE PROTECTION A	4/25/2018	\$175.00	ENGAGE TIER OF NFPA MEMBERSHIP
Paid Chk# 061187 OTIS ELEVATOR COMPANY	4/25/2018	\$643.06	SERVICE CONTRACT 2018-2019
Paid Chk# 061188 SUPERIOR CHEMICAL CORP	4/25/2018	\$317.77	AQUA SEAL DRAIN SEAL

## CITY OF BERLIN

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**\*Check Summary Register©**

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	Name	Check Date	Check Amt	
Paid Chk# 061189	TAPCO SAFE TRAVELS	4/25/2018	\$1,130.42	SUPPLIES FOR DPW
Paid Chk# 061190	THE CVIKOTA COMPANY INC	4/25/2018	\$1,890.42	MARCH COLLECTIONS
Paid Chk# 061191	UNITED COOPERATIVE	4/25/2018	\$1,495.97	WEED KILLER ETC FOR BERLIN PAR
Paid Chk# 061192	VIKING ELECTRIC SUPPLY	4/25/2018	\$442.02	LIGHT BULBS FOR DPW
Paid Chk# 061193	vonBRIESEN & ROPER, s.c.	4/25/2018	\$1,643.00	PROFESSIONAL SERVICES THROUGH
Paid Chk# 061194	WAUSHARA CO TREASURER	4/25/2018	\$12,291.45	HIGHWAY DEPT. MARCH 2018 SERVI
Paid Chk# 061195	WAYNE CONSULTANTS & MFG, I	4/25/2018	\$295.71	FORMULA #602 FOR DPW
Paid Chk# 061196	WEHMAN, DALE	4/25/2018	\$16.00	REIMBURSE FOR DOUBLE PAYMENT
	<b>Total Checks</b>		<b>\$244,469.33</b>	

## \*Check Summary Register©

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Name	Check Date	Check Amt
<b>11161 UTILITY CASH - FNB</b>		
Paid Chk# 014093 ALLIANT ENERGY/WP&L	4/6/2018	\$366.25
Paid Chk# 014094 BADGER LABORATORIES	4/6/2018	\$1,443.00 BOD/SS/P
Paid Chk# 014095 BALLWEG IMPLEMENT CO	4/6/2018	\$36.18
Paid Chk# 014096 BERLIN CITY TREASURER	4/6/2018	\$1,021.48 WASTEBASKET
Paid Chk# 014097 CONVERGENT SOLUTIONS, INC	4/6/2018	\$690.33 NEW PHONE/LINE
Paid Chk# 014098 CRANE ENGINEERING SALES IN	4/6/2018	\$1,338.02 SERVICE-RAS PUMP
Paid Chk# 014099 DREXEL BUILDING SUPPLY, INC	4/6/2018	\$13.02 PINE OS CORNER
Paid Chk# 014100 ENVIROTECH EQUIPMENT CO L	4/6/2018	\$1,568.00 PIRANHA SEWER HOSE
Paid Chk# 014101 HAWKINS /ASH CPAs	4/6/2018	\$2,070.00 PSC REPORT
Paid Chk# 014102 J. F. AHERN COMPANY	4/6/2018	\$755.70 ANNUAL INSPECTION
Paid Chk# 014103 JON LUNDT ELECTRIC, INC	4/6/2018	\$3,080.35 LIFT PUMP/SUMP PUMP
Paid Chk# 014104 KUNKEL ENGINEERING GROUP	4/6/2018	\$31,176.00 2018 STREET PROJECTS
Paid Chk# 014105 MARTELLE WATER TREATMENT	4/6/2018	\$4,419.40 LIQUID ALUM
Paid Chk# 014106 SUPERIOR CHEMICAL CORP	4/6/2018	\$1,220.09 KNOCK OUT/DIRECT HIT
Paid Chk# 014107 U S CELLULAR	4/6/2018	\$242.41 MALNORY/SOBIESKI/DUTY/VAN
Paid Chk# 014108 USA BLUEBOOK	4/6/2018	\$410.48 O2/LEL SENSORS
Paid Chk# 014109 WALTCO INC	4/6/2018	\$553.15 MARCH 2018 BADGER LAB SAMPLES
Paid Chk# 014110 ADVANCED DISPOSAL SERVICE	4/12/2018	\$208.51 SERVICES FOR APRIL 2018
Paid Chk# 014111 ALLIANT ENERGY/WP&L	4/12/2018	\$8,542.33
Paid Chk# 014112 BADGER LABORATORIES	4/12/2018	\$132.00 TOTAL COLIFORM BACTERIA
Paid Chk# 014113 BERLIN CITY TREASURER	4/12/2018	\$747.49 MARCH 2018 GAS/DIESEL
Paid Chk# 014114 BERLIN JOURNAL NEWSPAPER	4/12/2018	\$11.88 UPS TO BADGER LABS
Paid Chk# 014115 BERLIN POLICE DEPT	4/12/2018	\$7.00 LIEN-CRIMINAL HISTORY
Paid Chk# 014116 CORPORATE NTRWK SOLUTION	4/12/2018	\$630.00 MICROSOFT OFFICE/ADAPTER/MONIT
Paid Chk# 014117 CUMMINS GREAT LAKES INC	4/12/2018	\$3,462.41 SERVICE-ONAN GEN SET
Paid Chk# 014118 G & K SERVICES	4/12/2018	\$171.30 MATS/DUSTMOP
Paid Chk# 014119 MODERN RENTALS INC	4/12/2018	\$152.64 BREAKER BOSCH BRUTE
Paid Chk# 014120 THEDACARE AT WORK	4/12/2018	\$34.00 LIEN
Paid Chk# 014121 USA BLUEBOOK	4/12/2018	\$1,103.46 REGULATOR/COVERALLS
Paid Chk# 014122 WI ENVIRONMENTAL IMPROVE	4/12/2018	\$58,395.76 SDWL-PRIN & INTEREST
Paid Chk# 014123 ALLIANT ENERGY/WP&L	4/20/2018	\$872.64
Paid Chk# 014124 BALLWEG IMPLEMENT CO	4/20/2018	\$36.18 BOOT
Paid Chk# 014125 BERLIN JOURNAL NEWSPAPER	4/20/2018	\$11.88 UPS TO BADGER LABS
Paid Chk# 014126 ESCREEN INC	4/20/2018	\$33.95 MAYO/LIEN
Paid Chk# 014127 HAWKINS /ASH CPAs	4/20/2018	\$2,220.00 PROGRESS BILL - 12/31/17 AUDIT
Paid Chk# 014128 INTERSTATE BATTERY	4/20/2018	\$9.95 ADRY0070
Paid Chk# 014129 LINCOLN CONTR SUPPLY INC	4/20/2018	\$471.97 JAW PLIERS/VACUUM/FILTERS/FLAG
Paid Chk# 014130 MARTELLE WATER TREATMENT	4/20/2018	\$3,242.57 SODIUM HYPOCHLORITE
Paid Chk# 014131 OMNI GLASS & PAINT, INC	4/20/2018	\$312.00 DOOR CLOSER/DROP PLATE
Paid Chk# 014132 SCALETRON INDUSTRIES LTD	4/20/2018	\$1,328.73 SCALE
Paid Chk# 014133 THEDA CARE	4/20/2018	\$34.00 SOBIESKI-DRUG SCREEN
Paid Chk# 014134 WI STATE LABORATORY OF HY	4/20/2018	\$50.00 FLUORIDE
Paid Chk# 014135 BERLIN CITY TREASURER	4/26/2018	\$19,252.25 APRIL 2018 PAYROLLS
Paid Chk# 014136 CenturyLink	4/26/2018	\$44.36
Paid Chk# 014137 CINTAS FAS LOCKBOX 636525	4/26/2018	\$171.31 DUSTMOP/MATS
Paid Chk# 014138 CORPORATE NTRWK SOLUTION	4/26/2018	\$345.00 ACER - MONITORS
Paid Chk# 014139 GIDDINGS WELDING & FABRICA	4/26/2018	\$300.00 REPAIRED WASTE WATER SCREEN
Paid Chk# 014140 PUMP SOLUTIONS, INC	4/26/2018	\$2,493.68 WALCHEM PUMP
Paid Chk# 014141 U S POST OFFICE - POSTMASTE	4/26/2018	\$750.00 REGULAR STAMPS
<b>Total Checks</b>		<b>\$155,983.11</b>

Utilities payable

**CITY OF BERLIN**

**PAYROLL FOR APRIL - 2018**

**Net Payroll**

	<b>PAYDATE</b>	<b>Payroll #</b>	<b>PAYROLL TITLE</b>	<b>GENERAL CITY</b>	<b>UTILITY</b>		
	4/6/2018	7	General City	57,733.25			
	4/6/2018	7.01	Young payout	1,398.02			
	4/6/2018	7	Utility		9,959.69		
	4/6/2018	7.02	Peters/Mittelstaedt uniforms	415.57			
	4/6/2018	7.03	Election workers	1,352.15			
	4/11/2018	7.04	Fireman Qtrly	6,884.63			
	4/6/2018	7.01	Thoma payout		1,099.15		
	4/13/2018	7.05	Police Overtime	6,753.03			
	4/9/2018	7.06	Jones Payout	2547.71			
	4/10/2018	7.07	Schrader payout	278.52			
	4/20/2018	8	General City	59,259.11			
	4/20/2018	8	Utility		9,419.54		
			<b>TOTAL MONTHLY PAYROLL</b>	<b>136,621.99</b>	<b>20,478.38</b>		

DATE: 5/2/2018

TO: Common Council Members and Mayor

From: Lindsey Kemnitz

**RE: Airspace Lease between City of Berlin and Wisconsin Spice**

Wisconsin Spice is interested in building a skywalk across the S. Industrial Park Road in the south industrial park. Recently Wisconsin Spice acquired a property from Wilson Hurd and is remodeling the building for warehousing. The skywalk would be used to transport goods between the two locations. After reaching out to a couple of communities that have skywalks, the City of Milwaukee has a well drafted lease that the City could utilize. The skywalk would be in private ownership by Wisconsin Spice and if not maintained by the owners the City would have the authority to fix the skywalk and assess the responsible parties. Allen Sass will attend to present the idea before Council.

**RECOMMENDATION:** Direct Attorney Chier to draft the airspace lease between the City of Berlin and Wisconsin Spice similar to the City of Milwaukee's lease.

Document Number	AIRSPACE LEASE BETWEEN THE CITY OF MILWAUKEE, DEER DISTRICT LLC, AND WISCONSIN CENTER DISTRICT FOR A SKYWALK  Document Title
<p style="text-align: center;"><b>AIRSPACE LEASE BETWEEN THE CITY OF MILWAUKEE, DEER DISTRICT LLC, AND WISCONSIN CENTER DISTRICT FOR A SKYWALK</b></p>	
Recording Area	
<p>Name and Return Address</p> <p>Amy Turim Real Estate Development Services Manager City of Milwaukee Department of City Development 809 North Broadway Milwaukee, WI 53201-0324</p>	

## AIRSPACE LEASE

The City of Milwaukee, a Wisconsin municipal corporation ("Lessor" or "City"), Deer District LLC ("Deer District"), a Delaware limited liability company, and Wisconsin Center District, a local exposition district created and existing pursuant to Chapter 229 of the Wisconsin Statutes ("WCD") (Deer District and the WCD together called "Lessees"), pursuant to the provisions of sec. 66.0915(3), Wisconsin Statutes (2013-2014), do hereby make and enter into this Airspace Lease ("Lease") as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016 ("Effective Date").

1. Description. Lessor hereby leases to Lessees an airspace over West Juneau Avenue between North 5th Street and North 6th Street in the City of Milwaukee (the "Airspace"), for the purpose of constructing and maintaining a skywalk pedestrian bridge ("Skywalk") that will connect the Block 7 parking structure ("Parking Structure") with the new Milwaukee Bucks Arena ("Arena"), the Airspace being more particularly described as follows:

That part of West Juneau Avenue in the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 20, T7N, R22E, and the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 29, T7N, R22E, in the City of Milwaukee, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the South quarter corner of said Section 20 and a point on the North right of way line of West Juneau Avenue;

Thence South  $89^{\circ}18'32''$  West, coincident with said North right of way line, 42.16 feet to a jog in said North right of way line;

Thence North  $86^{\circ}05'44''$  West, coincident with said North right of way line, 1.98 feet to the Point of Beginning of said air space easement; (sidewalk elevation 20.4 feet, bottom of easement elevation 39.7 feet, top of easement elevation 55.3 feet);

Thence South  $18^{\circ}00'23''$  East, 80.41 feet to the South right of way line of West Juneau Ave; (sidewalk elevation 19.4 feet, bottom of easement elevation 41.7 feet, top of easement elevation 57.2 feet.);

Thence South  $89^{\circ}29'10''$  West, coincident with said South right of way, 19.72 feet to a point; (sidewalk elevation 19.8 feet, bottom of easement elevation 41.7 feet, top of easement elevation 57.2 feet.);

Thence North  $18^{\circ}07'55''$  West, 82.12 feet to a point on the North right of way line of West Juneau Avenue; (sidewalk elevation 20.7 feet, bottom of easement elevation 39.7 feet, top of easement elevation 55.3 feet.);

Thence South  $86^{\circ}05'44''$  East, coincident with said North right of way line, 20.46 feet to the Point of Beginning of said air space easement (sidewalk elevation 20.4 feet, bottom of easement elevation 39.7 feet, top of easement elevation 55.3 feet.).

Lease area as described containing 1534.85 square feet or 23854 cubic feet of area, more or less.

North referenced to the South line of the Southwest  $\frac{1}{4}$  of Section 20, T7N, R22E.

Vertical datum referenced to the City of Milwaukee.

See also, Exhibit A. The foregoing Airspace legal description shall be adjusted upon final "as-built" construction. Lessees shall provide the City Engineer with an "as-built" legal description of the Skywalk corresponding to the final plans, within 60 days after completion of the construction of the Skywalk.

2. Sublease. The City acknowledges that Deer District will convey title to the Parking Structure to the City pursuant to the terms of a Cooperation, Contribution and Development Agreement by and among the City, Deer District and the Redevelopment Authority of the City dated as of December 22, 2015, as amended. By acquiring title to the Parking Structure, the City will assume Deer District's interest as Lessee under this Lease, and the City will sublease its interest in this Lease to the WCD. The City further acknowledges, and consents to, a sublease of WCD's interest in this Lease and the subsequent sublease from the WCD to Deer District pursuant to an Arena Lease, Management Agreement and Operations Agreement by and between WCD and Deer District dated as of April 13, 2015, as amended ("Arena Lease") (the two foregoing subleases are collectively referred to as the "Subleases"). The Subleases shall incorporate all of the terms of this Lease in respect of the Airspace only and, as a condition of such Subleases, Deer District shall assume all obligations, responsibilities, rights and liabilities of the Lessees under this Lease solely with respect to the Airspace; provided, however, Deer District shall have no liability for matters caused by the affirmative actions of Lessees, including acts of negligence, had faith or willful misconduct.
3. Term. The Lease shall run for a period of 99 years from the Effective Date of this Lease; provided, however, that Lessees may terminate the Lease at any time during the 99-year period by giving Lessor due notice of Lessees' intention to terminate the Lease in writing by registered or certified mail at least six months prior to the termination date specified in the notice; the termination, however, shall not become effective until the structure authorized by the Lease is completely removed and the public right of way restored to the satisfaction of the City's Commissioner of Public Works ("Commissioner"). The Lease shall be effective upon execution by the parties. Lessor, at the expense of Lessees, shall cause this Lease and its authorizing ordinance (No. 160459) to be recorded with the Milwaukee County Register of Deeds upon execution of the Lease. Lessees shall provide Lessor with full payment for recording costs upon execution of the Lease.
4. Rental. The rental payable to Lessor by Lessees under the Lease shall be the sum of \$4,300.00 per year. Said rental shall commence upon the start of construction of the Skywalk. This rental shall be paid by Lessees in annual payments to the Office of the City Comptroller, the first payment being due within thirty (30) days following the start of construction of the Skywalk, and future annual payments to be due 30 days prior to the annual anniversary date of the Lease. At the option of Lessor, the rental amount may be reviewed and increased every ten years. Any such rental increases shall be proportionate to any increase in the average land values of neighboring properties.
5. Use and Occupancy. Lessees covenant and agree that upon the execution of this Lease, Lessees will in due course construct the Skywalk, which will be used only for a passageway for pedestrians. Lessees shall permit access to the Skywalk to all persons using the Parking Structure and seeking to gain access to or egress from the Arena. Lessees further covenant and agree that those portions of the Skywalk located within the Airspace will be operated, used, and maintained in accordance with operating standards, methods, and procedures that may be established from time to time by the Plan Commission of the City of Milwaukee. Lessor reserves the right to attach wiring to those portions of the Skywalk located within the Airspace whenever the Commissioner determines such wiring to be necessary to accommodate public travel on the public right-of-way, including but not limited to wiring to support the overhead contact system necessary to operate the Milwaukee Streetcar. The Commissioner shall notify Lessees of such determination, by certified mail, informing Lessees of the proposed work to be done by Lessor. Notwithstanding anything herein to the contrary, any such proposed work to attach wiring for the Milwaukee Streetcar shall not restrict the use of the Skywalk by Lessees, compromise the structural integrity of the Skywalk, or materially affect the design of the Skywalk. Lessor and Lessees shall work together to minimize the impact of such wiring on the aesthetics of the Skywalk. The attachment, maintenance and operation of such wiring (including any electricity costs) will be at Lessor's sole expense. Lessor shall provide notice at least sixty (60) days prior to the commencement of any such proposed work, which notice shall include the plans, specifications and method of attachment of the wires to the Skywalk.
6. Plans, Regulations, and Permits. Lessees shall have the plans and specifications for the Skywalk prepared by a registered professional engineer, which plans and specifications shall specifically provide for the prevention of ice accumulation on the Skywalk and methods by which pigeons and other birds will be prevented from roosting or nesting on the Skywalk. The plans and specifications shall be approved by the Commissioner and the Department of City Development Commissioner prior to the commencement of construction of the Skywalk. The Skywalk shall be constructed in compliance with the intent of the plans and specifications to the satisfaction of the registered

professional engineer who shall supervise the construction thereof. Lessees shall obtain the necessary permits for the construction of the Skywalk, pay all required fees, and comply with all building and zoning regulations of Lessor, the County of Milwaukee, and the State of Wisconsin which shall at any time be applicable to the construction and maintenance of the Skywalk.

7. Maintenance. Lessees shall safely maintain the Skywalk and regulate its use and occupancy so that the Skywalk or the use thereof will not be a hazard or danger to persons or property within the public right of way. No material changes to the Skywalk that deviate from the approved plans and specifications may be made during the course of this Lease without the prior written approval of the Commissioner.

8. Insurance and Indemnity. Lessees shall maintain and keep in force during the term of the Lease public-liability insurance in no event less than the amount of \$1,000,000.00 for an individual claim and \$5,000,000.00 for multiple claims arising out of an accident involving the Skywalk or the use or occupancy of the Airspace, and Lessor shall be named as an additional insured and shall be indemnified and held harmless from all claims, liabilities, or causes of action arising out of any injury to person, or persons, or damage to real or personal property arising out of the design, construction, maintenance, destruction, or dismantling of the Skywalk, or from collapse of the Skywalk; or which arise by reason of any material or thing whatsoever falling or being thrown from the Skywalk, excluding however, those matters set forth in the last sentence of this paragraph. A certificate of insurance in those sums, including Lessor as a party insured, shall be deposited with the City Clerk of the City of Milwaukee prior to commencement of construction of the Skywalk. This policy of insurance shall also contain a provision that during the period of construction of the Skywalk the aggregate limits of the policy for multiple claims shall be \$5,000,000.00. At the option of Lessor, these minimum amounts may be reviewed and reasonably adjusted every ten years. In the event that Lessor exercises its right to attach wires to the Skywalk pursuant to paragraph 5, above, Lessor shall indemnify Lessees and hold Lessees harmless from all claims, liabilities, or causes of action arising out of any injury to person, or persons, or damage to real or personal property arising out of the design, construction, maintenance, operation, destruction, or dismantling of the wiring, or from disconnection of the wiring; or which arise by reason of any material or thing whatsoever hitting, pulling, falling from, or being thrown at the wiring.

9. Termination of Lease in the Event of Condemnation. The City hereby agrees not to pursue a condemnation of all or any portion of the Airspace during the term of the Arena Lease, as amended from time to time. In the event that any governmental authority or agency shall require the use of or take all of, or a major portion of the buildings which are connected by the Skywalk, to the extent that the Skywalk would no longer be usable or useful to Lessees, this Lease shall be terminated as of the time the use and occupancy of the Skywalk and/or adjacent buildings are surrendered and the Skywalk is removed pursuant to this Lease. It is further understood that in the event of condemnation or acquisition by any governmental authority or agency of one or both of the adjacent buildings, the value of the leasehold interest created hereunder shall not be an element of damages, nor in any way be considered as a factor of valuation of the property acquired.

10. Removal of Street Facilities. Lessees shall, upon demand by Lessor, pay such charges as may be incurred by Lessor for the removal or relocation of any facilities, utilities, or structures within the public way in the vicinity of the Skywalk that are made necessary by reason of the construction of the Skywalk. Lessor shall first, however, provide Lessees with notice of such charges and any removal or relocation that may be required.

11. Act of God, Rioting, and Public Enemies. In the event of the destruction of all or a portion of the Skywalk by an act of God, casualty, public enemies, or by reason of riot or insurrection, the Lease shall terminate and Lessees shall not be required to pay any further rent to Lessor. Notwithstanding the foregoing, Lessees shall have the right to reconstruct the Skywalk located in the Airspace and this Lease shall not terminate, provided such reconstruction is commenced within six months of the damage or destruction, and in such event, Lessees shall pay rental for any period during which the Skywalk was damaged, destroyed, or inoperative.

12. Entry by Lessor. Lessor, by its officers, agents, or employees, may at all reasonable times during Lessees' business hours have access to and enter the Skywalk and Airspace to view the condition of the Skywalk and require any and all necessary repairs and alterations thereto for the public safety and well-being. This right shall in no way eliminate Lessees' obligation of determining and maintaining the structural adequacy of the Skywalk.

13. Default and Penalty. In the event default shall be made at any time by Lessees in payment of rent, and such default shall continue for a period of 30 days after written notice thereof by registered mail or certified mail to Lessees by Lessor, or if default shall be made in any of the other terms and conditions to be kept, observed, and performed by Lessees, and such default shall continue for 30 days after written notice thereof by registered or certified mail to Lessees from Lessor, or if default is of such a nature as to require more than 30 days to effect a cure, and Lessees shall not commence to cure such default within the 30-day period after notice as provided above, and thereafter diligently proceed to cure such default, then Lessor may at any time thereafter prior to the curing of such default within reasonable time, declare the term of Lease ended and terminated by giving Lessees written notice of its intention. If possession of the Airspace is not immediately surrendered, Lessor may re-enter therein and declare the Lease to be terminated; and in such event Lessor may require that Lessees remove and demolish the Skywalk at Lessees' own expense or Lessor may remove or demolish the Skywalk and require the payment of the expense thereof from Lessees to Lessor within 30 days thereafter.

14. Surrender of Premises. Upon the termination of the Lease, Lessees agrees to surrender or relinquish any claims or right to further utilize the Airspace. Lessees shall, prior to surrender of the Airspace, cause the Skywalk to be demolished and removed and the Airspace returned to the same condition as it was when first acquired by Lessees in compliance with the applicable building codes, unless otherwise directed by Lessor. In the event of the failure of Lessees to remove the Skywalk within six months after the termination of the Lease, Lessees shall pay liquidated damages to Lessor in the sum of \$100.00 for each and every day it remains in possession of the Airspace after the expiration of six months from the termination of the Lease.

15. Parties to Lease. The term "parties to the Lease" shall include the successors and assigns of Lessor and Lessees, respectively.

16. Effect of Lease. This Lease and the ordinance under which it is executed shall not operate to repeal, rescind, modify, or amend any ordinances or resolutions of the City of Milwaukee relating to the use or obstruction of streets, the granting of permits, and any regulations relating to the preservation of order and movement of traffic, or any other similar ordinances, resolutions, or regulations not specifically set forth in the ordinance of which this Lease is a part, or as authorized by sec. 66.0915(3), Wisconsin Statutes (2013-2014).

17. Assignment; Liens; Estoppel Certificates.

a. Each Lessee, and its successors and assigns, may assign its interest in this Lease to any party who holds fee title or a leasehold estate in the land abutting the Airspace. With respect to each assignment, if the assignee executes a written instrument whereby it agrees to assume and be bound by all of the responsibilities and obligations of Lessee under the Lease, the assignor shall be released from all obligations and liabilities under this Lease, and a notarized copy shall be submitted to the City Engineer for record-keeping purposes and the City Comptroller for billing purposes.

b. Lessees (and Deer District, as sublessee) shall have the right to pledge, mortgage, grant a security interest in, encumber, or collaterally assign their or its interest in this Lease or the Subleases to secure indebtedness for borrowed money of the Lessees or Deer District or the equity interest of Deer District, and the same shall not constitute or be deemed to be a violation of this Lease. Lessees shall take all actions and precautions required to ensure that the City's interest in the Airspace does not become attached by, or with, any lien (excluding any mortgage lien contemplated by the foregoing sentence), including, but not limited to, any construction lien, or lien of or by any laborer, contractor, subcontractor, materialman or supplier (including any lien under Subch. I of Wis. Stat. Ch. 779) relating directly or indirectly to any work that Lessees (or anyone claiming by, through or under Lessees) may perform or have done at the Airspace. Lessees shall indemnify, defend and hold harmless City from and against, any such lien (excluding any mortgage lien contemplated by the first sentence of this Section) which may attach or be asserted against the Airspace, together with all costs in connection therewith.

c. Upon request of Lessee, Lessor shall deliver to Lessee, within ten (10) days of request, a certificate stating that (a) the Lease is in full force and effect, (b) to Lessor's knowledge, Lessee is not in default thereunder, and (c) the current amount of rental payable under the Lease and the date through which payment has been made.

18. Notices. Notices required hereunder shall be sent to:

For the City (Lessor):

City Engineer  
Infrastructure Services Division  
841 North Broadway, Room 701  
Milwaukee, WI 53202

For the Wisconsin Center District (Lessee):

Wisconsin Center District  
Attn: President/CEO  
400 West Wisconsin Ave.  
Milwaukee, WI 53203

For Deer District, LLC (Lessee):

Deer District LLC  
1543 North 2<sup>nd</sup> Street, 6<sup>th</sup> Floor  
Milwaukee, WI 53212  
Attn: Mr. Peter Feigin

18. Signs. Lessee shall not place or maintain any signs or cause them to be placed in or on the leased premises so as to be readable from the street without the written approval of the Commissioner.

[Signature Pages Follow]

IN WITNESS WHEREOF, the City of Milwaukee has caused these presents to be signed by Tom Barrett, Mayor, and James R. Owczarski, City Clerk, and countersigned by Martin Matson, City Comptroller, at Milwaukee, Wisconsin, and its corporate seal to be hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF MILWAUKEE**

**COUNTERSIGNED:**

\_\_\_\_\_  
TOM BARRETT, Mayor

\_\_\_\_\_  
MARTIN MATSON, Comptroller

\_\_\_\_\_  
JAMES R. OWCZARSKI, City Clerk

STATE OF WISCONSIN )  
                                  )ss.  
MILWAUKEE COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2016, Tom Barrett, Mayor of the City of Milwaukee, above-named municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such Mayor of such municipal corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation by its authority and pursuant to Ordinance No. 160459, effective date \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: \_\_\_\_\_

STATE OF WISCONSIN )  
                                  )ss.  
MILWAUKEE COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2016, James R. Owczarski, City Clerk of the City of Milwaukee, above named municipal corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such City Clerk of said municipal corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, by its authority and pursuant to Ordinance No. 160459, effective date \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: \_\_\_\_\_

STATE OF WISCONSIN )  
                                  )ss.  
MILWAUKEE COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2016, Martin Matson, City Comptroller of the City of Milwaukee, the above-named municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such City Comptroller of said municipal corporation and acknowledged that he executed the foregoing instrument as such officer as the

8

Approved as to form and execution  
this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Assistant City Attorney

This instrument was drafted by the City of Milwaukee by Assistant City Attorney Thomas D. Miller.  
1053-2016-1474:231098  
TDM:tdm

## Jodie Olson

---

**From:** Dennis Plantz <dplantz@berlinpd.com>  
**Sent:** Wednesday, April 25, 2018 12:24 PM  
**To:** Corey Horn; Brad Kurczek; Lucas Meyer; Chad Krause; Dennis Plantz; Georgia Trochinski; Jason Young; Jessica Schroeder; Kevin Block; Noah Knetzger; Scott Strahan; Tim Jones; Vicki Murphy  
**Cc:** Jodie Olson; schramer@centurytel.net; Lindsey Kemnitz; Cary Eckstein (carybohnp@centurytel.net); Lindahl Justin (lindahljw@hotmail.com); PIONKE TOM (tjpionke@charter.net)  
**Subject:** New Transitional Housing - TLP at 145 W. Wisconsin St.

To ALL:

Be advised that the Wisconsin Department of Corrections intends to contract with Genesis Behavioral Services for Transitional Housing at **145 W. Berlin St.** in the City of Berlin. This service would be consistent with the current Transitional Housing located at 120 E. Huron St. (above Selsing/ Lloyd Law Office), which will be moved to the 145 W. Berlin St., and is not in violation of the Child Safety Zone Ordinance. I want to make you aware of this in the event of residents being upset over having subjects being released from prison (sex offenders as well) being placed in a residential neighborhood. I have not been advised as to the exact date of when the change of locations will occur.

Contact me if you have any questions or comments,

Chief

Dennis W. Plantz  
Chief of Police  
Berlin Police Department  
108 N. Capron St.  
PO Box 291  
Berlin WI 54923  
Tel.# (920) 361-0444 ext 1-5440  
Email [dplantz@berlinpd.com](mailto:dplantz@berlinpd.com)  
Fax (920) 361-4313

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DATE: May 3, 2018

TO: Mayor and Common Council

FROM: Jodie Olson

**RE: Proposed City of Berlin ATV/UTV Ordinance**

BACKGROUND: The Mayor requested this item be placed on the agenda. There has been no prior Committee discussion on this, so by ordinance it would go to the Committee of the Whole first or committee discussion waived by the council as per Code Sec. 2-45(b) *Matters to be considered. All matters and business of the city that must be considered by the common council shall first be submitted to the committee of the whole for its recommendation unless recommendations have been received from the four standing commissions or two-thirds of the elected members thereof waiving the prior submission.*

If Council approves the waiver by 2/3 of the Council, committee discussion can be bypassed. If waiver is not granted, this item can be placed on the June COTW meeting.

**RECOMMENDATION:**

1. Consideration of Waiver to Bypass Committee of the Whole Discussion on Proposed City of Berlin ATV Ordinance. RECOMMENDATION: Action as appropriate.
2. Proposed City of Berlin ATV/UTV Ordinance. RECOMMENDATION: If waiver to bypass committee discussion is approved, discussion and action as appropriate.

# ALL-TERRAIN VEHICLE ROUTE ORDINANCE

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## **ALL-TERRAIN VEHICLE ROUTE ORDINANCE**

### **1-1 APPLICATION:**

An ordinance to establish all-terrain vehicle routes for ATV/UTVs pursuant to section 23.33 (8)(b) and section 23.33(11) of the Wisconsin Statutes.

### **1-2 COMMON COUNCIL OF THE CITY OF BERLIN:**

WHEREAS the Common Council of the City of Berlin is committed to improving the economic prosperity and the recreational opportunities of the Berlin community.

Whereas, the Common Council, with support from the City of Berlin Chief of Police, and the City of Berlin Director of Public Works, has given due consideration to the protection of the public safety and has examined the terrain involved, the traffic patterns on the proposed route, and the positive collective experience of other Wisconsin communities who have opened up their roadways as All-Terrain vehicle routes.

### **1-3 PURPOSE:**

The purpose of this ordinance is to establish an all-terrain vehicle route and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interests.

### **1-4 APPLICABILITY AND ENFORCEMENT:**

- (a) The provisions of this ordinance shall apply to the areas designated including roadways and streets within the jurisdiction of the City of Berlin.
- (b) This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin
- (c) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
- (d) Fees and Fines
  - 1) Operating an ATV without a valid registration.....\$186
  - 2) Permitting Use of an ATV without Valid Registration.....\$186

3) Operating ATV in a Careless Manner.....	\$186
4) Operating on Private Property Without Consent.....	\$249
5) Intentional Agitation or Pursuit of an animal.....	\$249
6) Operating without a Helmet (If Required).....	\$135
7) Operating While Under the Influence (1 <sup>st</sup> Offense).....	\$438
8) Operating While Intoxicated With a Passenger.....	\$753
9) Refusal to Conduct Sobriety Test.....	\$438
10) Operating Without ATV Safety Course (If Required).....	\$148
11) ATV Exhaust Louder than 96 Decibels.....	\$186
12) Failure to Report an Accident.....	\$173
13) Interfere with Signs and Standards.....	\$312
14) Failure to Stop for Law Enforcement.....	\$425
15) Operating on Unopened Road / Highway .....	\$100

## 1-5

### LIMITATIONS:

The following limitations apply on all areas designated in this ordinance.

- (a) ATV/UTVs shall be operated at a speed not greater than the posted road speed limit. No ATV shall exceed 35 MPH in the City of Berlin.
- (b) No ATV/UTV may be operated on any designated route without fully functional headlights and taillights.
- (c) ATV/UTVs may be operated on paved roadway surfaces only, if operating on an ATV Route. ATV Trails may be off-road or a hard-packed surface, as designated by the City of Berlin.
- (d) ATVs/UTVs may be operated on any designated route only between the hours of 6:00 A.M. to 10:00 P.M. daily.
- (e) All ATV/UTV operators shall possess a valid driver's license.
- (f) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- (g) No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- (h) All ATV and UTV operators born after January 1<sup>st</sup>, 1988 must possess and carry a valid DNR ATV/UTV safety certificate.
- (i) ATV/UTV operators will yield the right of way to farm equipment, and any vehicle using the width of the roadway for business or commercial use.

- (j) ATV/UTVs may not travel on, through, or over private property without the expressed consent of the owner or a marked trail sign.

1-6

**AREAS DESIGNATED:**

- (a) As allowed by State of Wisconsin Statute, all public streets in the City of Berlin are designated as ATV routes: with a preferred route signed and maintained by the Waushara County ATV/UTV Association, the Berlin ATV/UTV Club, or their successors.
- (b) The attached map will reflect the preferred route that will be signed and maintained by an ATV/UTV Association or Club. Changes may be made by a simple majority vote.
- (c) The routes shall be designated "All-Terrain Vehicle Routes that may be used by operators of utility-terrain vehicles" pursuant to Wis. Stat. 23.33 (1m)(b).
- (d) The City of Berlin shall have the authority to suspend operation in any of the above areas for a reasonable period of time due to hazard, construction, or emergency conditions.

1-7

**ROUTE SIGNS:**

- (a) All preferred route signs shall be paid for and installed by the previously mentioned associations and clubs under the direction of the City of Berlin Director of Public Works.
- (b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
- (c) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the City of Berlin Director of Public Works.
- (d) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

1-8

**SEVERABILITY AND FILING:**

- (a) The provisions of this ordinance shall be deemed severable and it is expressly declared that the City of Berlin would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of

the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

- (b) The City Clerk is directed to send a copy of this ordinance to the Green Lake County Sheriff's Department, the City of Berlin Police Department, the State Traffic Control and the Wisconsin Department of Natural Resources.

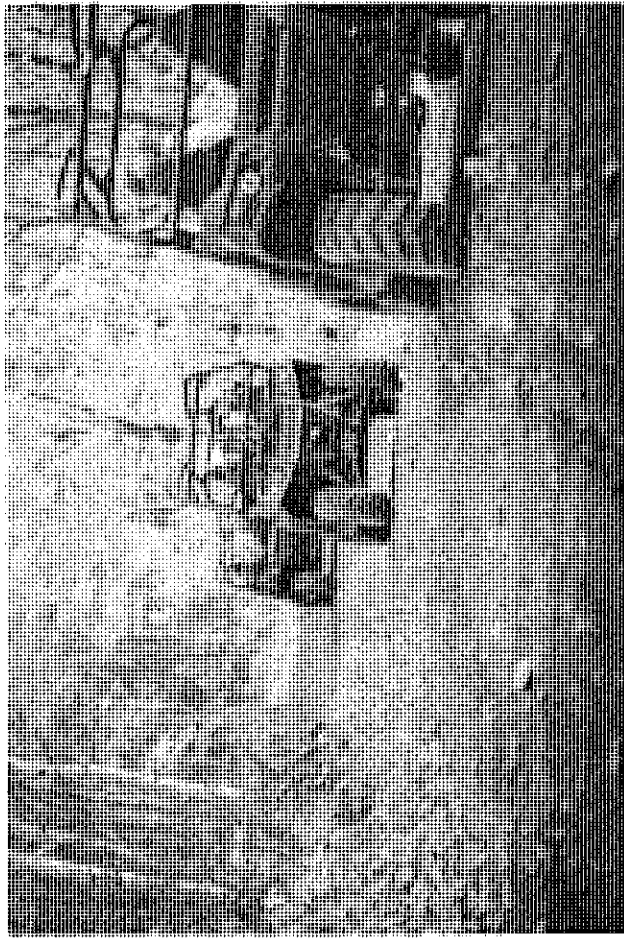
**EFFECTIVE DATE:**

This ordinance becomes effective upon passage and publication.

I, Susan Thom, Deputy Clerk of the City of Berlin, Green Lake County, State of Wisconsin, do certify that this Ordinance was passed by Common Council of the City of Berlin at a meeting held on

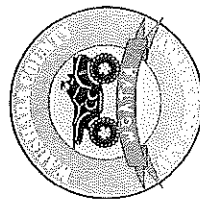
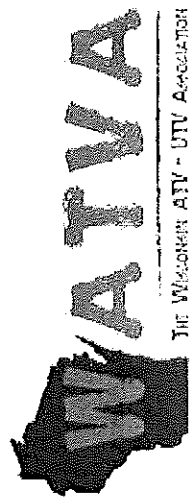
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Susan Thom, City of Berlin Deputy Clerk



# ATV / UTV Trail and Route Economic Impact

Compiled by the Waushara County ATV Association



# Waushara County ATV Association

## Mission:

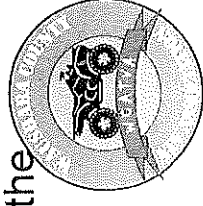
- The Waushara County ATV Association works to protect the family-friendly sport of ATV and UTV riding while educating local communities about the enormous economic impact of local ATV/UTV routes and trails.

## How We Operate:

- Waushara County ATV Association members are your neighbors, friends, family, and coworkers. Our club members are seeking to grow and nurture our communities and townships, and firmly believe that the addition of ATV and UTV routes and trails provides a revenue source relatively untapped in this area. Working with local officials, we've identified routes, trails, and locations that would provide the economic and recreational growth needed in our communities. We believe we should "Ride Local, Spend Local."

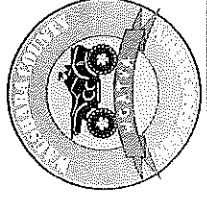
## What We Hope to Accomplish:

- The Waushara County ATV Association plans to open and maintain a network of routes and trails throughout Green Lake, Waushara, Adams, Fond Du Lac and Winnebago Counties that would connect cities, villages, townships, their businesses, and their people. This would add to the growing network of routes and trails in the Northeastern Region of Wisconsin. Instead of watching tourist dollars traverse Highways 49 and 21 towards the northern reaches of the state, we would instead attract those dollars to our local communities and businesses.

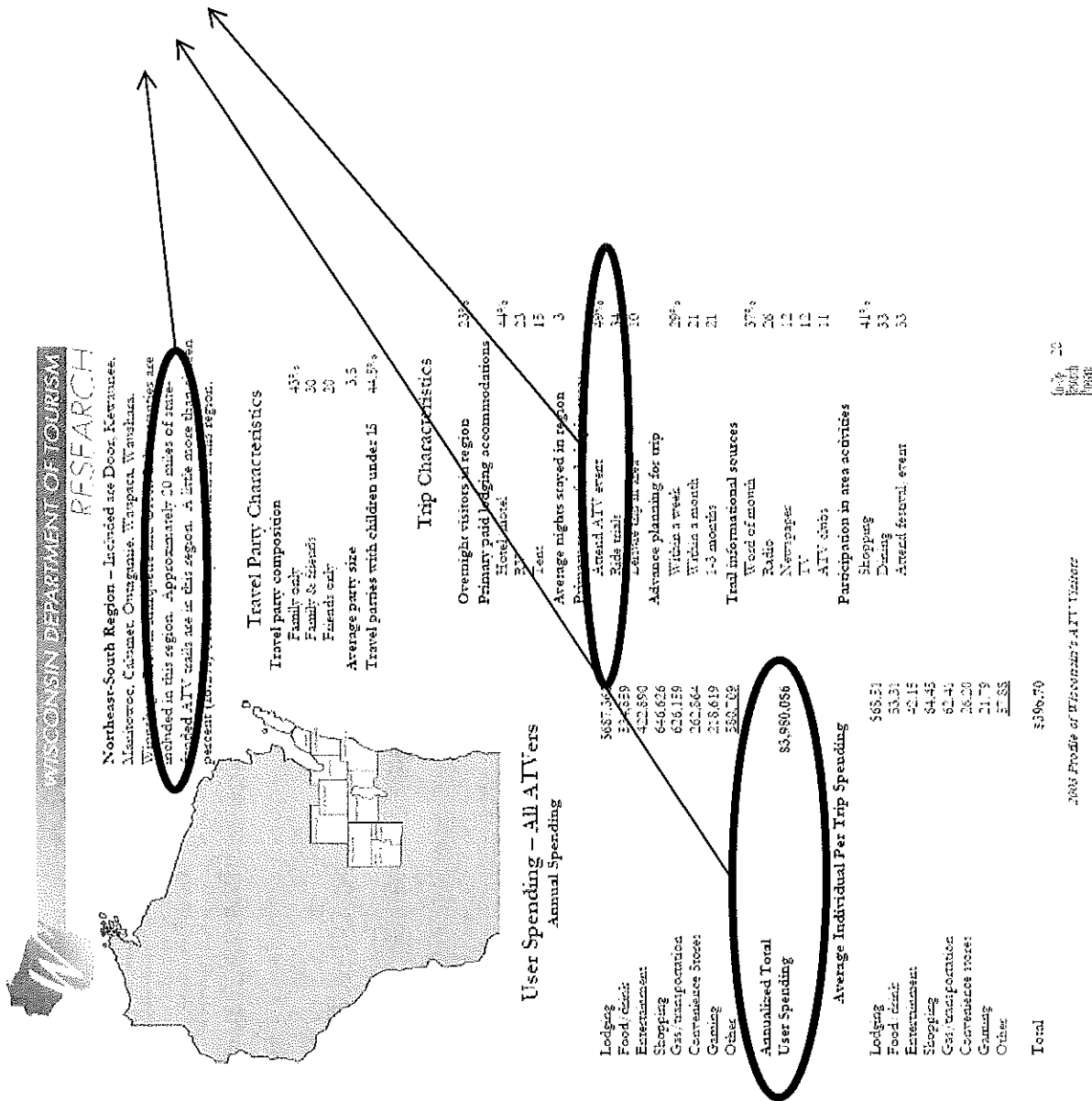


# ATV Statistics - Statewide

- **Over half were in the area to specifically ride the trails;** 21% were attending an ATV event as well as riding the trails; 17% were attending an ATV event and 5% were on a leisure trip.
- The majority **(62%) were on an overnight trip from home** and staying in RVs, hotel/motel, 2nd/vacation homes, with family and friends, campgrounds or rented cabins.
- Overall **ATV visitors stayed 3 nights in the area.** RV campers stayed the longest (3.7 nights) and hotel/motel visitors stayed the shortest (2.5 nights).
- The average **ATV party consisted of almost five people** and was primarily comprised of family and friends or family only groups. Over half of all travel groups did not have children under the age of 15.
- ATV users were planners. Twenty-five percent planned their trip within a month and 24% planned it between 1-3 months in advance. They relied on word of mouth recommendations, ATV clubs and the Internet ATV information.
- Other trip-related activities **ATVers participated in while in the area** included shopping, dining, visiting family/friends, attending ATV races, festival/event, water-related sports, going to a casino, museum/historic site, or other area activities.



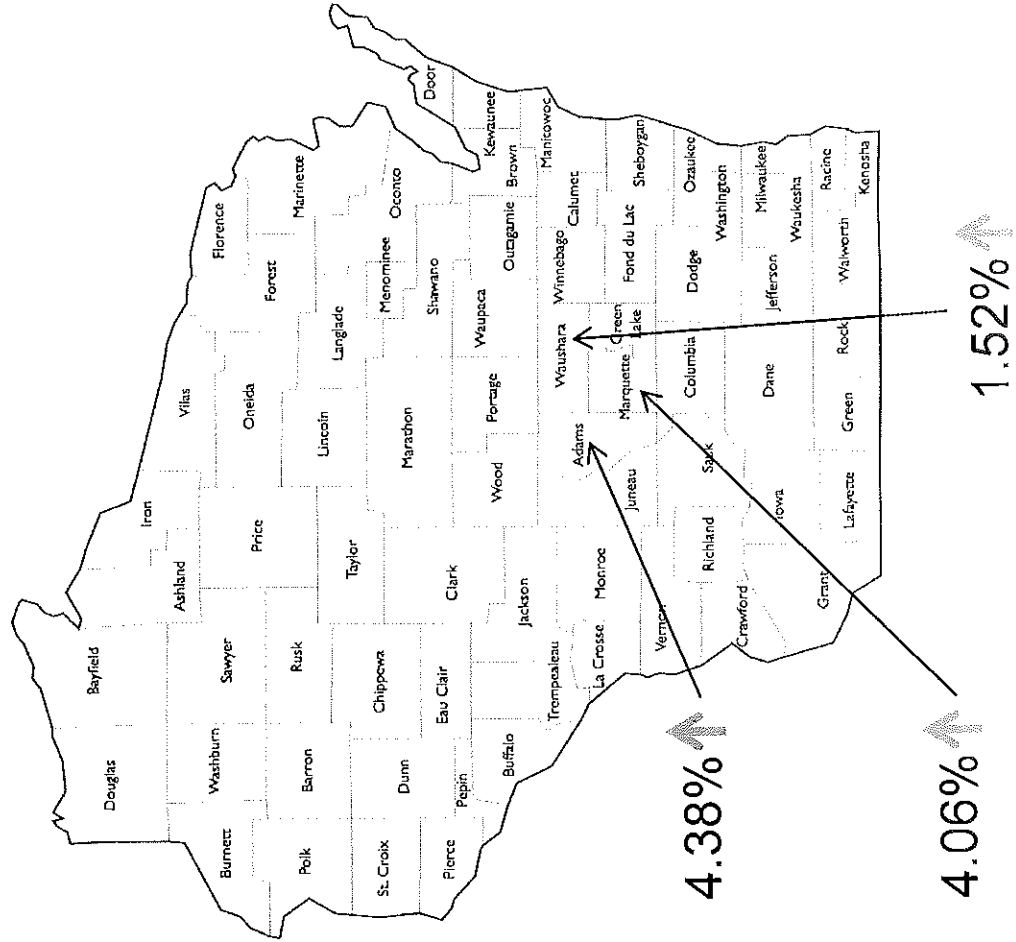
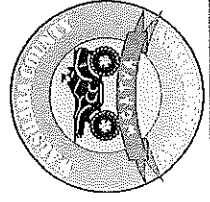
# Recreation Statistics – Northeast Region

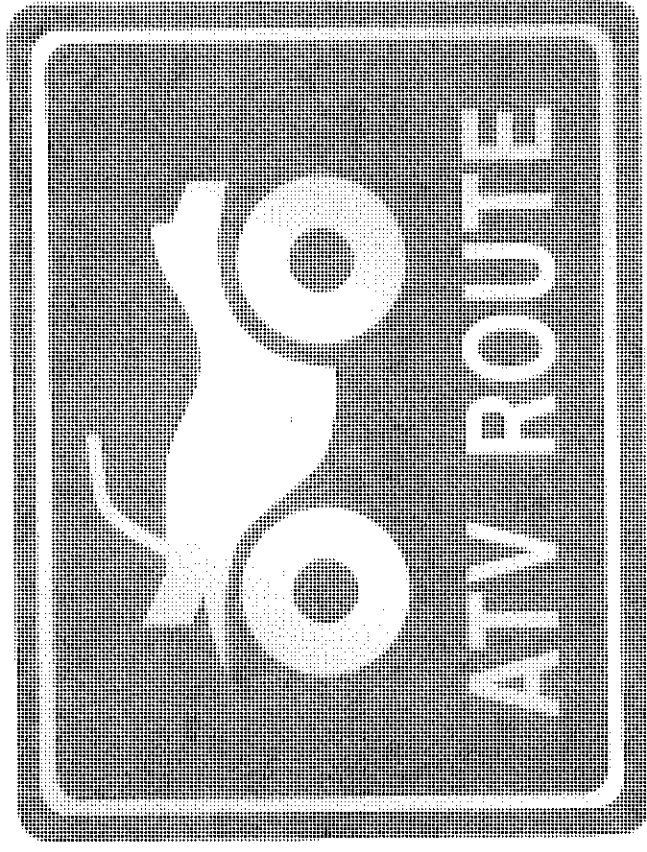


# Waushara County Tourism Statistics

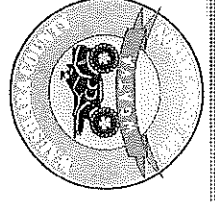
## 2015 Statistics

- 70.2 Million in Tourism Dollars Throughout Waushara County.
  - Amounted in a 1.52% increase year after year, and **ranks among the bottom ten** for growth.
    - Adjusting for Inflation, we had no statistical gain over the calendar year.
    - Because we cannot keep pace with the state average, it suggests we are also losing market share to our neighbors.
- Similarly, our neighbors in Marquette and Adams county have 4.06 and 4.38 percent increases, keeping pace with the state average (4.39%).
  - Data suggests that new opportunities for ATV and UTV routes and trails account for the large increase in tourism spending.
- We also rank in the bottom five for employment statistics, as we lost percentage of those employed in the County in 2015. (-1.59%)
  - Additional recreational activities throughout the county could expand our market share and create jobs throughout the county in multiple sectors.



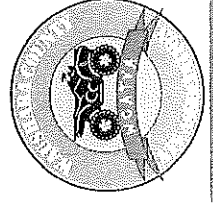
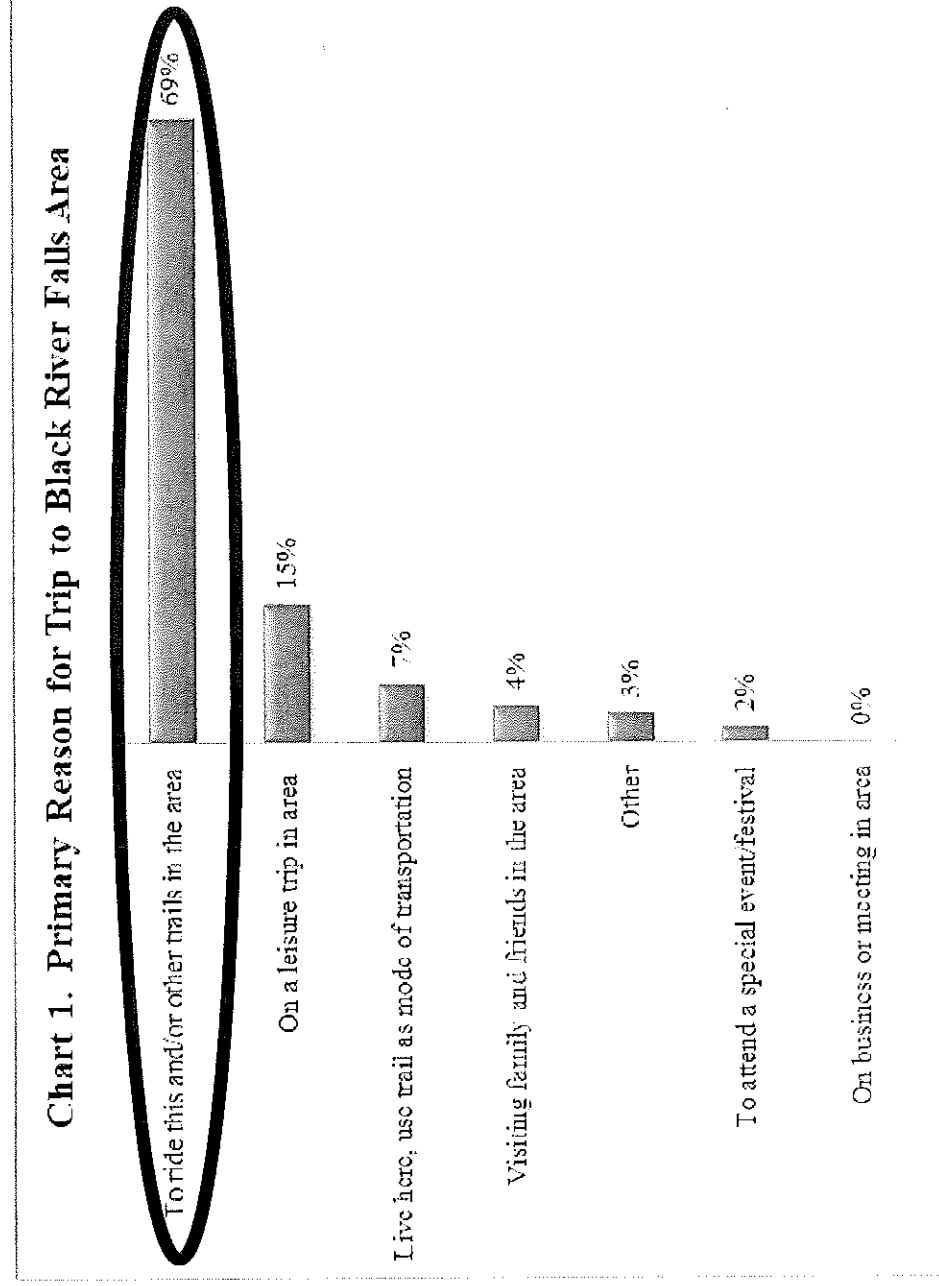


## Black River Falls ATV / UTV Economic Impact Study (2015)



# Economic Impact – Black River Falls

- Why did people who rode trails in Jackson County make the trip to Black River Falls?



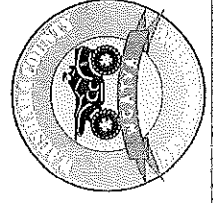
# Economic Impact – Black River Falls

- The impact to the economy in Jackson County is calculated between \$7.6 and \$9.3 million dollars!

Non-local respondents reported spending between \$355 and \$427 on average in Jackson County. The largest expenditures were for lodging and food and drink. Total expenditures at Jackson County businesses by non-county trail users are estimated to be between \$7.6 million and \$9.2 million annually. Some of these expenditures remain in the Jackson County economy as businesses make purchases from other local businesses and employees and owners spend their wages and profits on local purchases.

Table 3. Expenditures Per Capita - Jackson County Trail Users (in 2015 USD)

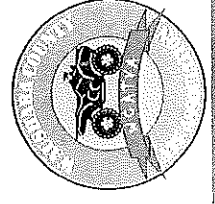
Business Sector of Spending	Average Individual Minimum*	Average Individual Maximum*	Expanded Minimum*	Expanded Maximum*
Lodging	\$102.04	\$122.72	\$2,204,086	\$2,650,730
Food & Drink	\$79.89	\$96.07	\$1,725,534	\$2,075,202
Entertainment	\$12.08	\$14.52	\$260,850	\$313,710
Shopping	\$17.10	\$20.56	\$369,309	\$444,147
Gas & Repairs	\$61.16	\$73.56	\$1,321,118	\$1,588,834
Convenience	\$23.87	\$28.71	\$515,621	\$620,107
ATV Rental	\$8.79	\$10.57	\$189,852	\$228,324
Gaming	\$34.64	\$41.66	\$748,228	\$899,852
Other	<u>\$15.58</u>	<u>\$18.74</u>	<u>\$336,556</u>	<u>\$404,756</u>
Total	<b>\$355.15</b>	<b>\$427.11</b>	<b>\$7,671,154</b>	<b>\$9,225,662</b>



# Economic Impact – Black River Falls

Table 1. Profile of Respondents – Jackson County ATV Trail Users

Gender (Age 18+)		Count	Male	Female				
Sample		122	69%	31%				
WI population – ACS		4.46M	49%	51%				
Age Group (Age 18+)		Count	18-24	25-34	35-44	45-54	55-64	65+
Sample		123	7%	15%	20%	33%	17%	8%
WI population – ACS		4.46M	13%	16%	16%	18%	17%	20%
Educational Attainment (age 25+)		Count	<High School	High School Grad.	Some College/ Tech	Associate Degree/ Certificate	Bachelor's Degree	Graduate/ Profess. Degree
Sample		125	0%	33%	26%	19%	18%	5%
WI population – ACS		3.89M	9%	32%	21%	10%	19%	10%
Household income range		Count	<\$25K	\$25K- \$44.9K	\$50K- \$74.9K	\$75K- \$99.9K	\$100K- 144.9K	\$150K+
Sample		112 <sup>1</sup>	2%	18%	27%	21%	25%	7%
WI population – ACS		2.29M	22%	25%	20%	13%	13%	7%



# Economic Impact – Black River Falls

- 91 Percent of ATV riders were from counties other than Jackson County, and most stayed overnight, providing much needed revenue to local businesses.

Map 1. Jackson County ATV Trail Users Survey Respondents by County

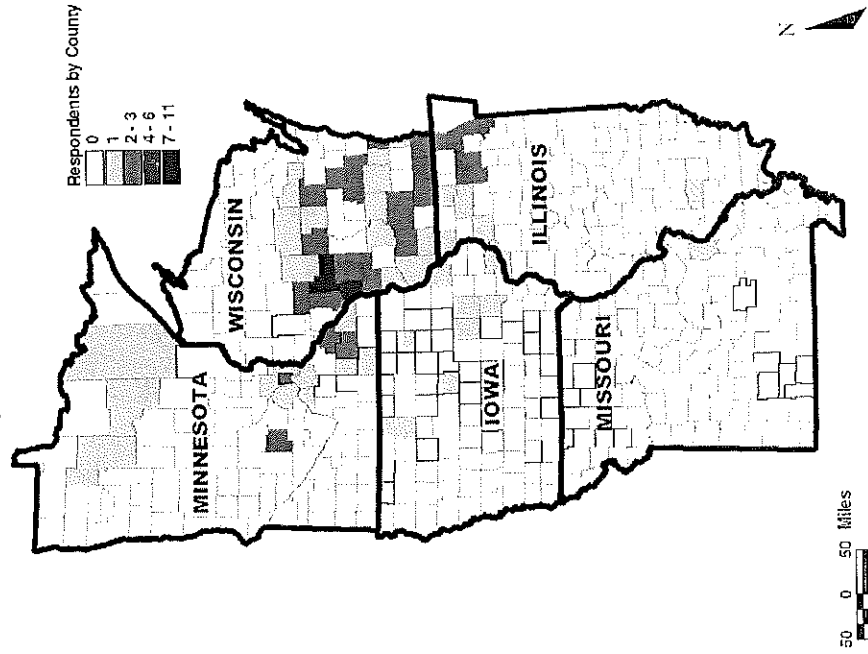


Chart 2. Resident of Jackson County?

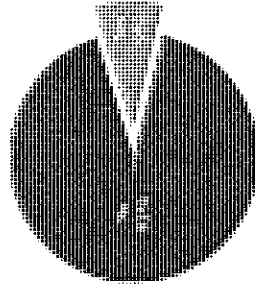


Chart 10a. Staying Overnight?

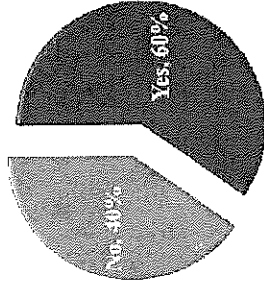
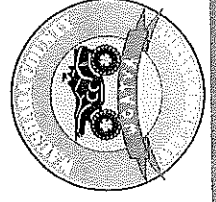
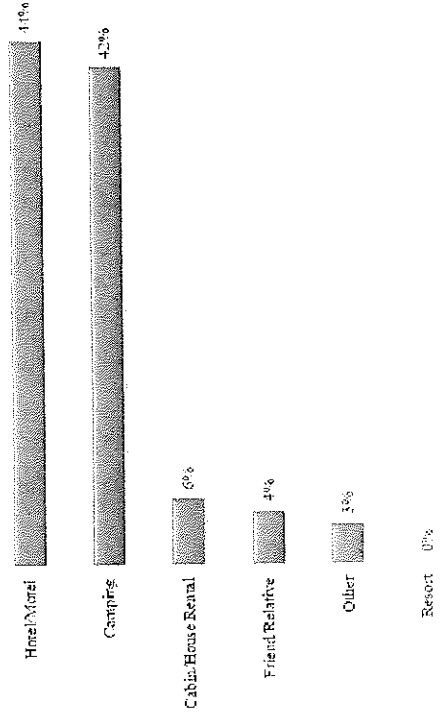
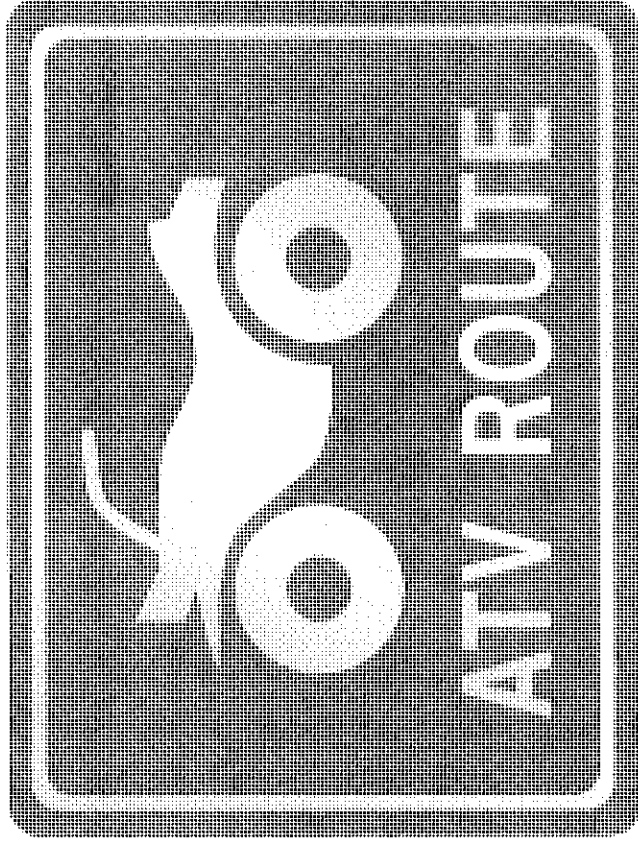
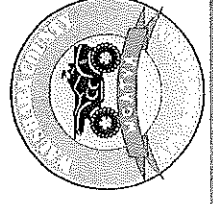


Chart 10b. Lodging Type for Overnight Visitors





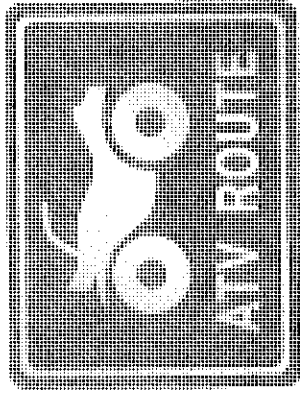
## How Do We Open Routes?



# How Do We Open Trails or Routes?

- Local clubs generally do most of the legwork - towns, cities, and villages are key to the approval process.

**Route** - A Route is a highway or sidewalk designated for use by ATV operators by the governmental agency having jurisdiction. Routes are identified at the beginning point by a 24"x18" sign showing a white silhouette of an ATV on a green background. White directional arrows (12"x9") on a green background, show the continuation of the route.



**Trail** - A trail is a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic. Trails are identified by 6"x6" signs showing a white silhouette of an ATV on a brown background.

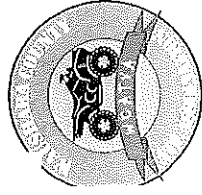
## Liability

- Municipalities and Private Land Owners are held to the standards of liability under Wisconsin State Statute 892.52, which holds immune from liability those who allow recreational activities as long as –
  - A) The land owner / municipality does not charge for the recreational activity use
  - B) There is a malicious failure to warn of an unsafe condition by a government body.
- The WCATVA does not charge for use, nor expects any municipality to charge for the use of these routes.

## MEETING THE LEGAL REQUIREMENTS FOR ROUTES

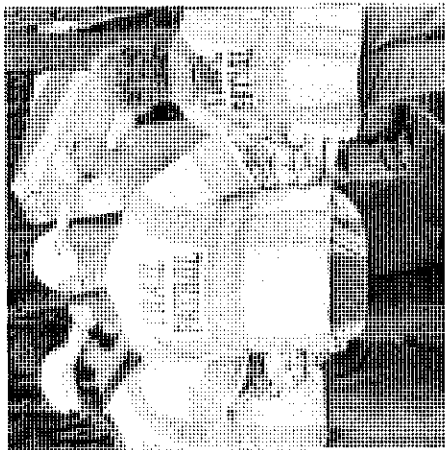
### Process

- When the route ordinance has been passed approved by the local jurisdiction, the clerk of jurisdiction MUST send a copy of the route ordinance to:  
 Department of Natural Resources  
 ATTN: ATV Section  
 P.O. Box 7921,  
 Madison, WI 53707
- The clerk of jurisdiction MUST also send a copy of the route ordinance to the law enforcement agency having jurisdiction over the highway(s).
- The unit of government that designated the route SHALL post the proper route signs or ensure that it is done. Sometimes the county, town, city or village, while maintaining supervisory responsibility, designates this task to an ATV club or an ATV association. Ultimately the designating unit of government is responsible for signing the route



# Enforcement

- County Law Enforcement may receive reimburse up to 100% of the funds spent to patrol ATV and UTV users throughout the county.



## All Terrain Vehicle (ATV) Enforcement Patrol Grant

This grant is issued to Wisconsin sheriff departments that participate in ATV enforcement efforts. The DNR can provide up to 100 percent of county net costs for the enforcement of ATV regulations. Actual funding received is based on total allotted funds split between participating agencies.

Patrol requirements are contained in NR 50.125, Wis. Adm. Code. Click on the Forms tab below to obtain the current patrol forms.

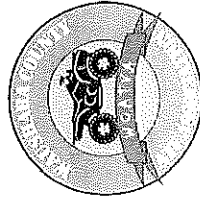
Submit a [Request for Patrol Form](#) (PDF) on or before June 1 of the patrol year. Submit the form to:

DNR  
ATV Administrator, LE/8  
PO Box 7921  
Madison WI 53707-7921

### (d) Fees and Fines

1) Operating an ATV without a valid registration.....	\$186
2) Permitting Use of an ATV without Valid Registration.....	\$186
3) Operating ATV in a Careless Manner.....	\$186
4) Operating on Private Property Without Consent.....	\$249
5) Intentional Agitation or Pursuit of an animal.....	\$249
6) Operating without a Helmet (if Required).....	\$135
7) Operating While Under the Influence (1 <sup>st</sup> Offense).....	\$438
8) Operating While Intoxicated With a Passenger.....	\$753
9) Refusal to Conduct Sobriety Test.....	\$438
10) Operating Without ATV Safety Course (if Required).....	\$148
11) ATV Exhaust Louder than 96 Decibels.....	\$186
12) Failure to Report an Accident.....	\$173
13) Interfere with Signs and Standards.....	\$312
14) Failure to Stop for Law Enforcement.....	\$425
15) Operating on Unopened Road / Highway .....	\$100

- While 99% of ATV / UTV Owners will follow the rules, ordinances have built-in Fee and Fine Schedules for County and Local Law Enforcement that will apply county-wide



# Grant Money Available

- WI DNR and private companies have grant money available to develop and sign routes and trails throughout Green Lake County and Waushara County.

## ATV Enhancement Grant

This grant is issued annually to a non-profit organization that promotes the safe and wise use of ATVs, ATV riding and ATV education.

### Who can apply Eligibility Describes How to apply Help

To be eligible for an ATV Enhancement Grant, an organization shall meet all of the following requirements.

1. The organization is a nonstock corporation organized in this state.
2. The organization promotes the operation of all-terrain vehicles in a manner that is safe and responsible and that does not harm the environment.
3. The organization promotes the operation of all-terrain vehicles in a manner that does not conflict with the laws, rules and departmental policies that relate to the operation of all-terrain vehicles.
4. The interest of the organization is limited to the recreational operation of all-terrain vehicles on all-terrain vehicle trails and other areas that are off the highways.
5. The organization has a board of directors that has a majority of members who are representatives of all-terrain vehicle clubs.
6. The organization provides support to all-terrain vehicle clubs.

## Recreational Trails Aids (RTA) Program

This is a federal program administered in all states. Municipal governments and incorporated organizations are eligible to receive reimbursement for development and maintenance of recreational trails and related facilities for both motorized and non-motorized recreational trail users. Eligible sponsors may be reimbursed for up to an amount of eligible project costs. Funds from this program may be used in conjunction with funds from the state snowmobile or ATV grant programs and Knudsen Nelson Stewardship development projects.

### Who can apply Eligibility Describes How to apply Describes Resources Help

#### Application materials

Because these grants are often coupled with grants from the Knudsen Nelson Stewardship Program, RTA grant application materials appear in the same booklet as [Stewardship Grant Application Materials](#).

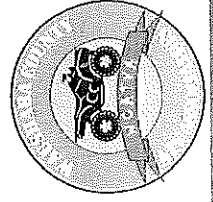
- [Stewardship Grant Application Materials](#)
- [Recreation Grant Application Materials](#)

## ATV Trail Aids

Counties, towns, cities, villages and tribes can apply for funds to acquire, insure, develop and maintain ATV trails, areas and routes.

### Troutes

Specific changes to NR 64 created Hybrid Trails ("Troutes") or all-terrain vehicle trail and route combinations. To learn more about troutes, view this [Troute information page](#). You may download the [Troute information page](#) as a PowerPoint file for use in presentations.



DATE: May 2, 2018

TO: Mayor and Common Council

FROM: Lindsey Kemnitz

RE: Vacant Building Registration Ordinance

Background: At the January Council meeting, the Council directed staff to put together a draft ordinance similar to the City of Milwaukee's Vacant Building Registration Ordinance. Attached is the ordinance for review.

ORDINANCE # 04-18

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AN ORDINANCE CREATING VACANT BUILDING REGISTRATION ORDINANCE

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

Chapter 14, Article V, of the Code of Ordinances shall be created as follows:

CHAPTER 14  
BUILDINGS AND BUILDING REGULATIONS

ARTICLE V: VACANT BUILDING REGISTRATION

Sec. 14-140. – Purpose.

- (a) The purpose of this article is to establish standards for the regulation and registration of vacant buildings. The adoption of this article reflects the formal finding of fact by the City of Berlin that registration of vacant buildings advances the following compelling governmental interests:
- (1) Decrease calls for police services, reduces incidence of fires, both accidental and intentional, and reduces the decline and disinvestment in neighborhoods.
  - (2) Stabilize and improve impacted neighborhoods, assist in the development of code enforcement efforts, and promote public safety through aggressive monitoring of vacant properties.
- (b) The common council further finds that a property owner or entity functioning as a trustee of an owner that does not register, permit inspection, insure, secure and maintain a vacant building places an undue and inappropriate burden on the taxpayers of the city and poses an increased risk to public safety. The common council therefore intends, as provided in this article, that the owner or entity functioning as a trustee of an owner of such property be charged the costs of any public safety services rendered to the property while non-compliant with this article as well as for any abatement necessary to bring the property into compliance with this article.
- (c) Registering of vacant residential buildings (excluding single and two-family dwellings) or any other vacant building, including, but not limited to, buildings

Page 1 of 11

designed for manufacturing, industrial, storage or commercial uses, is essential for the proper enforcement of the city's building, fire and zoning code and to safeguard persons, property and general welfare.

Sec. 14-141. -- Definitions.

In this article, unless the context or subject matter clearly requires otherwise, all words and phrases shall have definitions as set forth in Wis Stats. §236.02, and otherwise as follows:

*Owner* means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

*Secured* means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.

*Vacant* means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacancy.

*Violation* means that an order has been issued by the department and the conditions forming the basis for the order have not been fully abated.

*Unsecured* means any building that does not meet the definition of secured.

Sec. 14-142. -- Registration Required.

(a) The owner of any building that has become vacant shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement and pay a registration fee for each building with the building inspector on forms provided by the building inspector as prescribed below:

- (1) Each vacant building registration certificate shall be issued and shall be valid for 6 months from the date the certificate is issued.
- (2) There shall be no fee, and no inspection shall be required, for the initial registration of a vacant building,

- (3) If the building remains vacant beyond the 6 month validity period of the registration certificate, the owner shall be required to renew the registration certificate for another 6 month period and pay a vacant building inspection renewal fee in the amount set forth in the fee schedule on file in the city clerk-treasurer's office, and the building inspector and/or the fire inspector shall inspect the building for violations of this article. If the building is determined to be in violation of any of the provisions of this article during said renewal inspection, the normal renewal inspection fee shall be doubled for the next subsequent renewal if the building remains vacant beyond the 6 month extension of the certificate. If a building is determined to still be in violation of any of the provisions of this article during the next renewal inspection following a renewal for which the inspection fee was doubled, the normal inspection fee shall be tripled for the next subsequent renewal. If a building is determined to still be in violation of any of the provisions of this article during the next renewal inspection following a renewal for which the inspection fee was tripled, the normal inspection fee shall be quadrupled for the next subsequent renewal and all subsequent renewals thereafter if the building continues to remain in violation of any of the provisions of this article during such subsequent renewal inspections.

**Comment [M1]:** For purposes of the schedule, note that Milwaukee charges \$250.00.

- (4) An additional fee in an amount set forth in the fee schedule on file in the city clerk-treasurer's office shall be imposed if the owner does not provide access to city officials for inspection at the scheduled time.

**Comment [M2]:** For purposes of the schedule, note that Milwaukee charges \$50.00.

- (5) Vacant building inspection fees shall be set forth in a statement sent via first class mail to the owner. If the statement is not paid in full within 30 days thereafter, such fee shall be assessed against the building as a special charge pursuant to Wis. Stat. § 66.0627.

- (b) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the

enforcement of this article. This person shall reside within Green Lake County or Waushara County.

**Sec. 14-143. – Exemptions.**

The following are exempt from the provisions of this article:

- (1) Property owned by governmental bodies or the community development authority.
- (2) Property that is vacant as a result of a natural disaster and covered by emergency response requirements issued by the city emergency management director.
- (3) Property that is undergoing an active renovation or rehabilitation, provided a written plan for such renovation or rehabilitation has been submitted to and approved by the building inspector in accordance with and subject to the provisions of subsections 14-143(3)a - b.
  - a. An owner may request an exemption pursuant this subsection 14-143(3) by filing with the building inspector a written application and plan for the subject renovation or rehabilitation on a form furnished for such purpose. All plans submitted for approval shall include:
    1. The legal description of the lot or parcel of land as obtained from official records.
    2. The name and address of the owner of the premises.
    3. The name and address of the person or contractor completing the work.
    4. A detailed description of the renovation or rehabilitation.
    5. The projected cost of the renovation or rehabilitation.
    6. The time frame for completion of the renovation or rehabilitation.
  - b. The building inspector may revoke his or her approval of an exemption under this paragraph for violation of any condition or provision of application for such approval, for violation of any ordinance, law, lawful order or Wisconsin statute relating to the property, or if in the opinion of the building inspector the continuation of the exemption

will be contrary to this article's purpose of safeguarding persons, property and general welfare.

- (4) Single family two-family dwelling residential property.
- (5) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides within Green Lake County or Waushara County.

#### Sec. 14-144 – Owner Responsibilities.

The owner of any building that has become vacant shall:

- (1) Enclose and secure the building as provided in section 14-145.
- (2) Maintain the building in a secure and closed condition until the building is again occupied or demolished.
- (3) Acquire or otherwise maintain liability insurance on the building in an amount not less than schedule for required insurance on file with the city clerk-treasurer, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the building inspector.

**Comment [M3]:** For purposes of the schedule, the required amount should be \$1 million.

#### Sec. 14-145 – Minimum Requirements for Vacant Buildings.

The owner of any vacant building for which registration is required by this article shall provide access to the building inspector and fire inspector to conduct an exterior and interior inspection of the building to determine compliance with this section, following reasonable notice. If any owner of a vacant building does not provide access to the property at the scheduled time, the building inspector and/or the fire inspector may apply for and obtain a special inspection warrant pursuant to Wis. Stat. § 66.0119. In addition, failure to provide access to the property at the scheduled time shall subject the property owner to the fees specified in subsection 14-142(a)(4). In addition to any other applicable requirements required by this code of ordinances, vacant buildings shall comply with the following requirements:

- (1) *Lot Maintenance Standards.* The lot the building stands on and the surrounding public way and be maintained in such a condition so that it does not become a public nuisance, as such is defined in section 46-152.

(2) *Exterior Maintenance Standards.* The exterior of the building shall be enclosed, secured and maintained in such a condition so that it does not become a public nuisance, as such is defined in section 46-152, and shall also meet the following requirements:

- a. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition adequate to support the building and protected against the entry of rodents or other animals.
- b. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and shall be protected against the entry of rodents or other animals.
- c. Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. The windows and doors shall be equipped with hardware for locking and the locking mechanism shall be maintained in properly functioning condition. All points of possible ingress and egress shall be secured to prevent unauthorized entry.
- d. The roof shall be adequately supported and maintained in weathertight condition; the gutters, downspouts, scuppers and appropriate flashing shall be in good repair and adequate to remove the water from the building.
- e. Chimneys and flues shall be kept in sound, functional, weathertight condition and in good repair.
- f. Every outside stair or step shall be maintained in sound condition and in good repair; every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition for its purpose.

(3) *Interior Maintenance Standards.* The interior of the building shall be maintained in such a condition so that it does not become a public nuisance, as such is defined in section 46-152, and shall also meet the following requirements:

- a. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.
  - b. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.
  - c. Every exit door shall be secured with an internal deadbolt lock, or with a locking mechanism deemed equivalent or better by the department, and every exit door shall be capable of being opened from the inside easily and without the use of a key or special knowledge.
  - d. Interior stairs shall have treads and risers that have uniform dimensions, are sound, securely fastened and have no rotting, loose or deteriorating supports.
  - e. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.
- (4) *Building Security Standards.* The following apply to the securing of vacant buildings:
- a. All building openings shall be closed and secured.
  - b. If a building has been vacant for 6 months or longer, and the building inspector determines that the building is found to not be secure, the building inspector may send by first class mail a written notice of the violation to the owner of the building or to the authorized agent for service of process. Within 30 days of the mailing of the notice of violation, the owner shall be required to secure the building and install and maintain a working alarm system. The alarm system shall connect to all areas of the building subject to unauthorized human entry, including but not limited to, all exterior doors, windows or other readily accessible openings. The alarm system shall, upon detecting unauthorized entry, send an automatic signal to a licensed alarm business that has 24-hour live operators who will monitor the system and contact the building owner or designated agent.

**Sec. 14-146 -- Issuance of Variances.**

Upon written application by an owner or an owner's agent, the common council may approve a variance from compliance with of any provision of this article, including the requirement for inspections and fees, provided the spirit and functional intent of the article will be observed and the public health, welfare and safety will be assured as to the building in question.

**Sec. 14-147 -- Penalty.**

- (a) *Failure to Register.* Any property owner or entity functioning as a trustee of an owner that fails to register a vacant building as required under section 14-143 shall, upon conviction, be subject to a penalty as provided in section 1-16, and shall be held responsible for the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.
- (b) *Failure to Secure and Maintain.* Any property owner or entity functioning as a trustee of an owner having a duty to register a vacant building that fails its duty to secure and maintain the property as required under section 14-144 or section 14-145 shall, upon conviction, be subject to a penalty as provided in section 1-16, and shall be held responsible for the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law.

**Sec. 14-148 -- Maintenance or Securing of Vacant Building by City.**

- (a) *Summary abatement.* If the inspecting officer shall determine that a violation of this article exists and that there is great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer may 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) *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, such officer shall serve notice on the owner or to the authorized agent for service of process to abate the violation within 30 days from

the date of service. If such violation is not abated within such 30 day period, the city shall cause the nuisance to be abated. Service of notice hereunder may be made by personal service or U.S. First Class Mail to the owner's address listed in the county tax records department.

- (c) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances or razing of buildings by the city or its officials in accordance with other ordinances or as otherwise allowed by law.
- (d) *Injunctive or equitable relief.* Violations of this article may also be abated by injunctive or other equitable relief, for which conviction will include a right to collect reasonable attorney's fees for the city prosecuting attorney and a right to an award of damages for the city. The imposition of a penalty does not prevent injunctive relief.
- (e) *Cost of Abatement.* In addition to any other penalty imposed by this article, the cost of abating any violation of this article by the city shall be collected as a debt from the owner of the building. The rates charged for such city abatement shall be at the rates set forth on the fee schedule on file in the city clerk-treasurer's office, if applicable, but shall otherwise be at actual cost (which may include but not be limited to actual out of pocket costs, expert consultant and legal costs, actual staff compensation costs and expenses, and/or administrative fees for services rendered). The charges shall be set forth in a statement to the clerk-treasurer who, in turn, shall mail the statement to the owner, occupant or person in charge of the premises. If the statement is not paid in full within 30 days thereafter, such cost of abatement shall be assessed against the real estate as a special charge pursuant to Wis. Stats. § 66.0627.

#### Sec. 14-149 – Charge for Public Safety Services.

- (a) *Charges.* Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this article shall be charged for any public safety services rendered to the property by the police department or fire department while non-compliant with this article. The chief of police and fire chief shall provide a record of each service rendered to the property and the costs of services, investigation, administration and enforcement to the city clerk-treasurer. The costs

of the services, investigation, administration and enforcement by any police or fire personnel may be charged to the owner or entity functioning as a trustee of an owner and in whole or in part. Appeal of the determination of the chief of police or fire chief imposing costs against the owner or entity functioning as a trustee of an owner may be made solely to the common council by requesting a hearing. Notice of appeal must be in writing and submitted to the common council in care of the clerk-treasurer, with a copy submitted to the chief of police or fire chief as applicable. Chapter 68 of the Wisconsin Statutes does not apply to this article.

- (b) *Cost Recovery.* Upon receipt of a cost referral letter from the chief of police or fire chief pursuant to section 14-149(a), the city clerk-treasurer shall charge any premises owner or entity functioning as a trustee of an owner found to be in violation of this article the costs of enforcement, including administrative costs, in full or in part. A notice of intent to charge shall be issued to the premises owner or entity functioning as a trustee of an owner along with notice that, if the property is brought into compliance with the vacant building registration program within 30 days of the notice, the public safety service charge shall not be issued. If the property is not brought into compliance within 30 days, all costs shall be charged as a lien upon such premises and may be assessed and collected as a special charge pursuant to Wis. Stats. § 66.0627. The city clerk-treasurer, upon consultation with the chief of police and fire chief, shall establish reasonable rates for charges for the costs of administration and enforcement of this section.

This ordinance shall then take effect the day after publication. The numeric article and 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.

This ordinance shall take effect the day after publication.

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

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_\_AYES

BY: \_\_\_\_\_

\_\_\_\_\_NAYS

Richard D. Schramer, Mayor

\_\_\_\_\_ABSENT

APPROVED AS TO FORM:

ATTEST: \_\_\_\_\_

Jodie Olson

City Clerk-Treasurer

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

RESOLUTION #18-05

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A RESOLUTION URGING THE GREEN LAKE COUNTY BOARD  
TO EXAMINE THE OPTION FOR A  
COUNTY-WIDE EMERGENCY MEDICAL SERVICE (EMS)

---

WHEREAS, emergency medical services are essential to the people in our community and stable funding and available personnel are essential to continue providing EMS services at current levels of service, meet future demands and sustain the system into the future; and

WHEREAS, EMS in rural areas is a complex, coordinated response and emergency medical care system requiring people and agencies to perform an essential role as part of a coordinated, tiered, and seamless system of emergency medical care; and

WHEREAS, it is well-known that recruitment and retention of emergency medical service (EMS) personnel is a serious and growing challenge, particularly for rural providers with volunteer members. This is due to many challenges including minimal compensation, increased education & training requirements, and time commitments; and

WHEREAS, EMS revenues have declined over the years due to changes in the Federal Medical reimbursement; and

WHEREAS, EMS equipment and personnel costs continue to rise; and

WHEREAS, strict levy limits imposed by the State have complicated and limited the ability for municipalities to effectively manage budgets to address increasing costs for EMS service thru the levy process; and

WHEREAS, under WI §66.0602(3)e(6) the levy limit does not apply to county levies for county-wide emergency medical systems;

NOW, THEREFORE, BE IT RESOLVED, that the City of Berlin respectfully requests the Green Lake County Board consider a county-wide ambulance system and direct a comprehensive feasibility study be performed to explore the potential for a county-wide service to bring stability for emergency medical services within Green Lake County.

BE IT FURTHER RESOLVED that a copy of this signed resolution be forwarded to the Green Lake County Clerk to be provided to the Green Lake County Board for consideration.

Passed, approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

ROLL CALL VOTE:

CITY OF BERLIN

\_\_\_\_\_ AYES

BY: \_\_\_\_\_

\_\_\_\_\_ NAYS

Richard D. Schramer, Mayor

\_\_\_\_\_ ABSENT

ATTEST: \_\_\_\_\_

Jodie Olson, Admin-Clerk/Treasurer

# CITY OF BERLIN PERMIT APPLICATION

## Street Privilege and Special Event Vending

(Provisions of SEC. 18-401 thru SEC.18-402 Municipal Code Apply)

If you need additional space for any answers, attach additional sheets as necessary

☐ 18-401 Street Privilege  
(Temporary Construction)

☒ 18-401 Street Privilege  
(Sidewalk Café)

☐ 18-402 Special Event Vending\*  
(Multiple Vendors 18-402(a)(3) (c)(2))

Applicant's Name: Bellissimo Date of Application: 4-11-2018

Applicant's Telephone Number: 920-361-0809 Applicant's DOB/Organized: 08/2014

Applicant's Address: 103 W. Huron St., Berlin

Purpose of Application Request: Sidewalk cafe

If applicant is an organization, provide the name(s), title(s) or position(s), address(es), and telephone number(s) of authorizing official(s) (for corporations, all officers and directors, for LLC's, all members and managers, for partnerships, all partners, for trusts, all trustees):

Name, Title, and Address	Telephone Number
<u>Faruk Dzelil, owner</u>	<u>920-361-0809</u>
<u>1047 New Haven Ave</u>	
<u>Fond du Lac, WI</u>	
<u>54935</u>	

If applicant is an organization (corporation, LLC, partnership, trust, etc), provide the name(s), title(s) or position(s), address(es), and telephone number(s) of person(s) responsible for this request:

Name, Title, and Address	Telephone Number

Details of Activity or Event: (For extended details, use the back of this form and include sketch(es) or drawing(s) of the proposed obstruction, sidewalk café, or event).

What: Sidewalk Cafe  
When: Mon-Sun 11am-10pm Duration: May 9, July 9  
Where: 103 W. Huron St, Berlin

\*Note: Applicants for special event vending permit must be an organization representing at least 25 businesspersons, all of whom operate either a retail, service, manufacturing, or wholesale business within the city.

If applying for a special event vending permit, the permit will apply to: (check one)

☐ All businesses operating within the city ☐ Only specified businesses represented by the applicant

If the only specified businesses option is selected, attach a separate list or list on the back of this form the businesses participating in the event including name, address, and telephone number of each business.

X Applicant or Applicant's Agent's Signature: [Signature]

Name of Person Signing (please print): Faruk Dzelil

Title of person signing (if applicant is organization): owner

### For Office Use Only:

Included with Application: 20.00 Fee 24/11/18 Indemnification Form X Liability Insurance

Reviewed by: 5/2/18 City Attorney 5/2/18 Chief of Police 5/2/18 Street Superintendent

Common Council Approval: ☐ Yes ☐ No ☐ NA (Recurring or Temporary Construction)

Recommendation: Conditions for Approval or Reasons for Denial:



**City of Berlin**  
P.O. Box 272 108 North Capron Street  
Berlin, WI 54923  
920-361-5400 Phone 920-361-5454 Fax

### Indemnification, Defense, and Hold Harmless Agreement

The undersigned, as an applicant for a permit from the City of Berlin, hereby agrees to indemnify, defend, and hold harmless the City of Berlin and its employees and agents against all claims, liabilities, loss, damages, or expenses against or incurred by the City of Berlin on account of any injury to or death of any person, or any damage to property, caused by or resulting from the activities for which the permit was granted.


Specifically this Agreement applies to:

Sidewalk Cafe

(Description of Event)

On: Mon - Sun 11AM - 10pm

(Date(s) of Event)

By: Faruk Dzelil 

(Name of Applicant)

On Behalf Of: Bellissimo

(Name of Organization and Title if applicable)

*If signing on behalf of an organization, you must have authority from the organization to sign an agreement like this. By signing this agreement, you are warranting to the City of Berlin that you have such authority.*



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/13/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  WOLFE INSURANCE AGENCY, LLC 1173J S Washburn Oshkosh, WI 54901	<b>CONTACT NAME:</b> SCOTT WOLFE	
	<b>PHONE (A/C, No, Ext):</b> 920-379-2602	<b>FAX (A/C, No):</b>
<b>INSURED</b>  BELLISSIMO RISTORANTE, LLC 103 HURON STREET BERLIN, WI 54923	<b>E-MAIL ADDRESS:</b> SCOTT@SWOLFEAGENCY.COM	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> STATE AUTO INSURANCE COMPANY	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		
<b>NAIC #</b>		

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			1000172175	04/12/2018	04/12/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <b>EXCESS LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
X	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	WCP2270333	04/12/2018	04/12/2019	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CASUAL DINNING RESTAURANT

## CERTIFICATE HOLDER

## CANCELLATION

CITY OF BERLIN 108 N CAPRON STREET BERLIN, WI 54923	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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WISC. St.

---  
Huron St.

Bellissimo

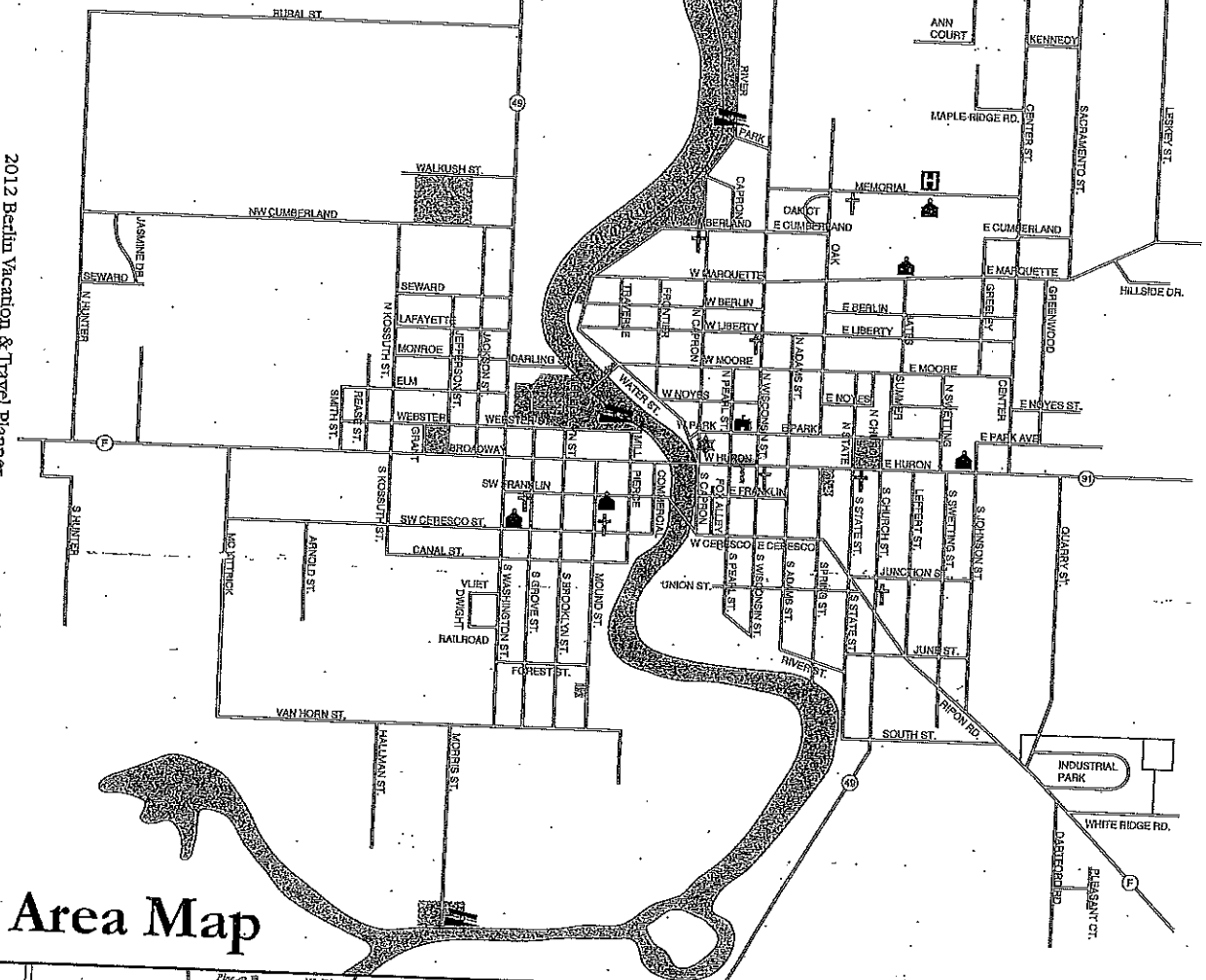
NO 1

2ft x 4ft

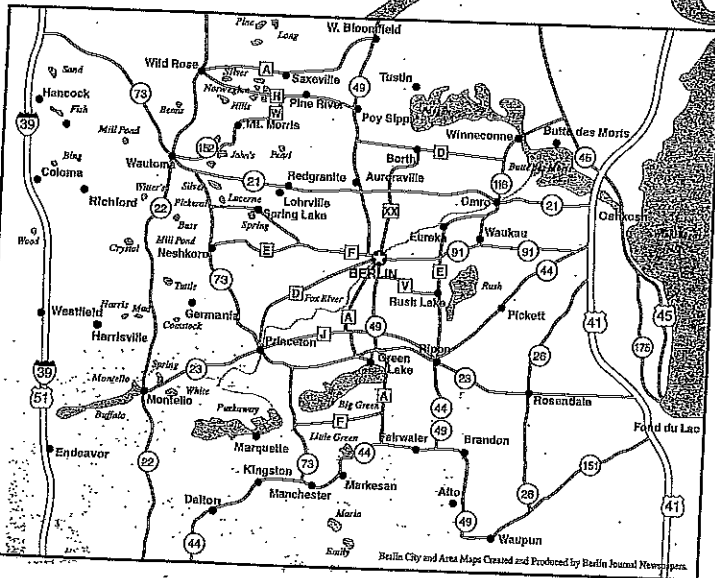
Front  
Door

NO 1










2ft x 4ft



## Area Map



### MAP KEY

	Schools		Hospital
	Churches		Aquatic Center
	Library		Boat Landings
	City Hall/ Police Station		Parks
	Campground		