



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**ORDINANCE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
THURSDAY, JUNE 5, 2025 – 5:00 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/82724966615?pwd=V4tTx1KrV1tbZqEqpzkdcfQ4UzyK0T.1>

Meeting ID: 827 2496 6615

Passcode: 908800

Dial by Location

+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

1. Call meeting to order

2. Roll call

3. Public Comment

- a. The Ordinance Committee will receive public comments relating to matters on the agenda. Speakers must be City residents, property owners, or business representatives. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information.

4. New Business

- a. Review and possible recommendation to the City Council relating to a proposed amendment to Section 2-53 of the City of Fort Atkinson Code of General Ordinances relating to the Order of Business for City Council Meetings (Houseman, City Manager)
- b. Review, discussion, and possible recommendation to the City Council relating to the creation of Section 1-16 (establishment of reinspection fees), the amendment of Section 18-82 (requiring a Certificate of Occupancy for a change in use), and an amendment to Section 34-2 (record keeping and reporting for Fire Inspections)

(Draeger, Building Inspector/Zoning Administrator and Peterson, Fire Chief)

5. Adjournment

Date Posted: June 3, 2025

CC: Ordinance Committee Members; City Council; City Staff; City Attorney; News Media

Notice is hereby given that a majority of the Fort Atkinson City Council will be present at this meeting at the location and time indicated above to gather information about any subject matters on this agenda over which they have decision-making responsibility. This may constitute a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d. 553, 494 N.W.2d 408 (1993), and must be noticed as such although the City Council will not take any formal action at this meeting.

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MEMORANDUM

DATE: June 5, 2025

TO: Committee/Commission/Board

FROM: Rebecca Houseman, City Manager

RE: Review and possible recommendation to the City Council relating to a proposed amendment to Section 2-53 of the City of Fort Atkinson Code of General Ordinances relating to the Order of Business for City Council Meetings (Houseman, City Manager)

BACKGROUND

Several members of the City Council have requested to review an amendment to Section 2-53 of the City's code of general ordinances relating to the Order of Business for City Council meetings to include the Pledge of Allegiance.

DISCUSSION

The proposed ordinance amendment makes two changes to the order of business for City Council meetings. The first change is to add the pledge of allegiance. The second change is to codify the use of a consent agenda.

On May 4, 2021, the City Council approved the use of a consent agenda with the process and rules set forth in the attached memo. However, this change was not codified in Section 2-53 of the City Ordinances. Staff proposes to codify the use of the consent agenda through this ordinance amendment.

While these items are included together in one ordinance amendment, any Committee member may make a motion to take separate action on each of the proposed changes. If another Committee member seconds, the items may be split and action on each may be taken separately.

FINANCIAL ANALYSIS

These ordinance changes are not expected to impact the City financially.

RECOMMENDATION

Staff recommends that the Ordinance Committee take action to recommend the City Council approve the Ordinance to amend Section 2-53 of the City of Fort Atkinson Code of General

Ordinances relating to the Order of Business for City Council meetings.

ATTACHMENTS

1. COFA Current Ord Sec. 2-53. Order of Business.
2. Draft Ord No. - Sec. 2-53 Order of Business
3. 5.4.21 Council Memo - Consent Agenda & Sample
4. COFA City Council Minutes 05-04-2021

Sec. 2-53. Order of business.

The order of business at all council meetings shall be as follows:

- (1) Call meeting to order.
- (2) Roll call.
- (3) Approval of minutes of previous council meeting.
- (4) Public hearings.
- (5) Public comment.
- (6) Petitions, request and communications.
- (7) Resolutions and ordinances.
- (8) Reports of officers, boards and committees.
- (9) Unfinished business.
- (10) New business.
- (11) Miscellaneous.
- (12) Claims, appropriations and contract payments.
- (13) Adjournment.

(Code 1969, § 1.02; Ord. No. 699, 8-3-10)

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND SECTION 2-53
OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES
RELATING TO THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS**

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Amends Sec. 2-53. Order of Business to read as follows:

“The order of business at all council meetings shall be as follows:

- (1) Call meeting to order.
- (2) Roll call.
- (3) Pledge of allegiance.
- (3)(4) Consent Agenda, including a Approval of minutes of previous council meeting
- (4)(5) Public hearings
- (5)(6) Public comment.
- (6)(7) Petitions, request and communications.
- (7)(8) Resolutions and ordinances.
- (8)(9) Reports of officers, board and committees.
- (9)(10) Unfinished business.
- (10)(11) New business.
- (11)(12) Miscellaneous.
- (12)(13) Claims, appropriates and contract payments.
- (13)(14) Adjournment.

(Code 1969, §1.02; Ord. No. 699, 8-3-10)”

Section 2. This ordinance shall take effect after passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin,
this _____ day of _____, 2025.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director

DRAFT



MEMORANDUM

DATE: May 4, 2021

TO: Fort Atkinson City Council

FROM: Rebecca Houseman LeMire, City Manager

RE: Review and Possible Action to Approve the Process and Rules to implement a Consent Agenda for Future City Council Meetings

BACKGROUND

In an effort to increase the efficiency of City Council meetings, staff has made a few changes to the agenda recently. The May 4th agenda will include some additional detail and requested action items, as well as the responsible staff member for the agenda item. In addition to those changes, I am requesting the Council consider implementing a Consent Agenda.

DISCUSSION

A Consent Agenda, or Consent Calendar according to Robert's Rules of Order, groups routine meeting discussion points into one agenda item. In so doing, the grouped items can be approved in one action, rather than through the filing of multiple motions. The use of a Consent Agenda can save anywhere from a couple of minutes of time during a Council meeting to a half hour or more, depending on the number of items on the Consent Agenda.

Typical items that are included on a Consent Agenda are those that are routine or recurring in nature, procedural decisions, non-controversial issues that do not require debate or deliberation, correspondence that does not require action, and items that have been previously discussed for which the Council has come to a consensus but that still need an official vote.

Examples of City of Fort Atkinson agenda items that may be appropriate for the Consent Agenda include:

- Previous City Council meeting minutes;
- Committee, Commission, or Board meeting minutes;
- Monthly verified claims;
- Monthly departmental reports, such as from the Building Inspector;
- Committee, Commission, and Board Appointments;
- Temporary Class B Alcohol Licenses; and
- Operator's Licenses (if the Council continues to approve these).

Staff has attached a "sample" May 4, 2021 City Council Agenda using a Consent Agenda format.

PROCESS AND RULES

The Consent Agenda process will only work if the reports and other matters for the meeting agenda are known in advance and distributed with the agenda packet in sufficient time to be reviewed by all Council members prior to the meeting.

Staff recommends the following Process and Rules to implement the Consent Agenda for the Fort Atkinson City Council:

1. When preparing the meeting agenda, the City Manager and Council President determine which items belong on the Consent Agenda.
2. The City Manager prepares a numbered list of the items to be included on the Consent Agenda after the Public Comment agenda item.
3. The list and supporting documentation are included in the City Council's packet distributed, at the latest, the Friday prior to the meeting.
4. After reading the Consent Agenda statement (see below), the President asks members if there are any items to be removed from the Consent Agenda.
5. If any Council member requests that an item be removed from the Consent Agenda, it must be removed. Members may request that an item be removed for any reason. Typical reasons may include: to further discuss the item, to ask in-depth questions about the item, to register a correction, or to vote against the item.
6. Once the item has been removed, the President can decide whether to take up the matter immediately or place it elsewhere on the meeting agenda.
7. When there are no items removed or no additional items to be removed, the President will entertain a motion to adopt the Consent Agenda, items X through Y. After a motion, a second, and a vote, the Consent Agenda is adopted. The Council President can move on to the next item on the agenda.
8. When preparing the minutes, the Clerk records the action on the Consent Agenda, including the individual items approved, and the action on any items removed.

Staff will include the following language at the beginning of the Consent Agenda, providing direction and setting expectations for the Council and the public in attendance:

“The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.”

Other area communities that use a Consent Agenda include the City of Jefferson, the City of Beloit, the City of Janesville, the Village of Johnson Creek, the City of Milton, and the City of Cambridge. The Cities of Edgerton, Evansville, Lake Mills, and Watertown do not use Consent Agendas.

FINANCIAL ANALYSIS

Staff does not expect that the item will have a financial impact on the City.

RECOMMENDATION

Staff recommends that the City Council review and discuss the use of a Consent Agenda for future City Council meetings to increase efficiency and save time. Staff further recommends that the City Council approve the Process and Rules to implement a Consent Agenda included in this memo and direct staff to begin its use with the May 18, 2021 City Council agenda.

ATTACHMENT

Sample May 4, 2021 City Council agenda with Consent Agenda



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**CITY COUNCIL MEETING
REMOTE VIA PHONE USING ZOOM
TUESDAY, MAY 4, 2021 – 7:00 PM**

<https://us02web.zoom.us/j/85115081013?pwd=V3g2TWlrL0NxbDVDcmpNeWQvTUJoQT09>

Meeting ID: 851 1508 1013

Passcode: 052404

Dial by Location

+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 563-7760. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

1. **Call meeting to order**
2. **Roll call**
3. **Public Hearings – None.**
4. **Public Comment:** *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*
5. **Consent Agenda:** *The Consent Agenda outlined below is hereby presented for action by the City Council. Items may be removed from the Consent Agenda on the request of any one Council member. Items not removed may be adopted by one action without debate. Removed items may be taken up either immediately after the Consent Agenda or placed later on the agenda at the discretion of the Council President.*
 - a. Review and possible action relating to the **minutes of the April 20, 2021 Regular City Council meeting** (Ebbert)
 - b. Review and possible action relating to **Council appointments to Committees, Commission, and Boards** by Council President and City Manager (Scherer/LeMire)

- c. Review and possible action relating to **Citizen appointments to Committees, Commissions, and Boards** (LeMire)
- d. List of **vacancies for Citizens on City Commissions, Committees, and Boards** (LeMire):
 - i. Tourism Committee (one seat)
 - ii. Board of Zoning Appeals (two seats)
- e. Review and possible action relating to the **minutes of the April 27, 2021 Plan Commission meeting** (LeMire)
- f. Review and possible action relating to **Temporary Class “B”/”Class B” Retailer’s Licenses for the Fort Atkinson Club** for events on June 18, 2021 and July 16-17, 2021 (Ebbert)
- g. Review and possible action relating to granting of **operator licenses** (Ebbert)
- h. Review and possible action relating to the **Verified Claims** presented by the Director of Finance and authorization of payment (Ebbert)

6. Petitions, Requests, and Communications:

- a. Presentation of plaque to **Jeff Hottman** for years of service (Bump)
- b. Presentation of plaque to **Brian Bishofberger** for years of service (Christensen)

7. Resolutions and Ordinances:

- a. Review and second reading relating to an **Ordinance** to create Section 10-14 of the City of Fort Atkinson Municipal Code (**prohibiting large-scale commercial animal breeding**) (LeMire)
- b. Review and second reading relating to an **Ordinance** to amend section 6-86 of the City of Fort Atkinson Municipal Code (**retail Class A liquor license quota**) (Ebbert)
- c. Review and second reading relating to an **Ordinance** to amend Section 6-33 of the City of Fort Atkinson Municipal Code (**authority to issue operator’s licenses**) (LeMire)
- d. Review and second reading relating to an **Ordinance** for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from **UMU, Urban Mixed Use, to PUD, Planned Unit Development**, to accommodate the **U-Haul Storage redevelopment project** (Juarez)

8. Reports of Officers, Boards, and Committees:

- a. City Manager’s Report (LeMire)

9. Unfinished Business – None

10. New Business:

- a. Review and possible action relating to the purchase of **miBudget municipal budgeting module from Civic Systems for \$4,700** (Ebbert)
- b. Review and possible action relating to the establishment of a **Consent Agenda** for future City Council meeting agendas (LeMire)

11. Miscellaneous – None

12. Claims, Appropriations and Contract Payments:

- a. Review and possible action relating to **disallowance of claim** for sewer backup from Safeco Insurance (Ebbert)

13. Adjournment

Date Posted: April 29, 2021

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**CITY COUNCIL MEETING MINUTES
REMOTE VIA PHONE USING ZOOM
TUESDAY, MAY 4, 2021 – 7:00 PM**

CALL MEETING TO ORDER

President Scherer called the meeting to order at 7:00 pm.

ROLL CALL

Present: Cm. Becker, Cm. Hartwick, Cm. Housley, Cm. Johnson and Pres. Scherer. Also present: City Manager, City Clerk/Treasurer, City Attorney, City Engineer, Police Chief and Parks & Recreation Director.

REVIEW AND POSSIBLE ACTION RELATING TO THE MINUTES OF THE APRIL 20, 2021 REGULAR CITY COUNCIL MEETING

Cm. Becker moved, seconded by Cm. Housley to approve the minutes of the April 20, 2021 regular council meeting. Motion carried.

PUBLIC HEARINGS – NONE.

PUBLIC COMMENT: *The City Council will receive comments from City residents. Comments are generally limited to three minutes per individual. Anyone wishing to speak is required to sign up in advance or state the following items for the record when called upon: name, address, subject matter, and contact information. No action will be taken on any public comments unless the item is also elsewhere on the agenda.*

Peggy Race spoke in support of the prohibition large-scale commercial animal breeding Ordinance that the City Council is reviewing this meeting at its second reading.

Paula Brown also spoke in support of the prohibition large-scale commercial animal breeding Ordinance.

Jeff Okazaki of the Jefferson County Humane Society spoke in support of the prohibition large-scale commercial animal breeding Ordinance.

Megan Nicholson spoke in support of the prohibition large-scale commercial animal breeding Ordinance.

PETITIONS, REQUESTS, AND COMMUNICATIONS:

*Presentation of plaque to **Jeff Hottman** for years of service*

*Presentation of plaque to **Ron Bishofberger** for years of service*

No action was required.

RESOLUTIONS AND ORDINANCES:

Review and second reading relating to an Ordinance to create Section 10-14 of the City of Fort Atkinson Municipal Code (prohibiting large-scale commercial animal breeding)

Manager LeMire stated this is the second reading of the Ordinance. Statements of support were presented during the Public Comments.

Cm. Becker moved, seconded by Cm. Johnson to suspend the rules and waive the third reading. Motion carried on a roll call vote.

Cm. Becker moved, seconded by Cm. Hartwick to approve and adopt Ordinance to create Section 10-14 of the City of Fort Atkinson Municipal Code (prohibiting large-scale commercial animal breeding). Motion carried on roll call vote.

Review and second reading relating to an Ordinance to amend section 6-86 of the City of Fort Atkinson Municipal Code (retail Class A liquor license quota)

Clerk Ebbert stated this is the second reading of the Ordinance to allow additional “Class A” Intoxicating Liquor Licenses. No comments, concerns or questions have been presented since the presentation of this Ordinance.

Cm. Becker moved, seconded by Cm. Johnson to direct the City Manager to prepare this Ordinance for a third and final reading at the meeting on May 18, 2021. Motion carried.

Review and second reading relating to an Ordinance to amend Section 6-33 of the City of Fort Atkinson Municipal Code (authority to issue operator’s licenses)

Manager LeMire provided the Ordinance for its second reading. The passing of this Ordinance would allow the Clerk to issue operator’s licenses once a successful background check is approved by the Police Department.

Cm. Becker moved, seconded by Cm. Johnson to direct the City Manager to prepare this Ordinance for a third and final reading at the meeting on May 18, 2021. Motion carried.

Review and second reading relating to an Ordinance for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from UMU, Urban Mixed Use, to PUD, Planned Unit Development, to accommodate the U-Haul Storage redevelopment project
Engineer Selle presented the Ordinance. Comments have not been received by Staff. This change would accommodate the U-Haul Storage redevelopment project.

Cm. Becker moved, seconded by Cm. Johnson to suspend the rules and waive the third reading. Motion carried on a roll call vote.

Cm. Becker moved, seconded by Cm. Johnson to approve and adopt Ordinance for a Zoning Map Amendment to change the zoning of the property located at 1309 High Street from UMU, Urban Mixed Use, to PUD, Planned Unit Development, to accommodate the U-Haul Storage

redevelopment project contingent upon approvals of the General Development Plan and Specific Implementation Plan. Motion carried on a roll call vote.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES:

City Manager's Report.

No action was taken.

Review and possible action relating to council appointments to committees, commission, and boards by council president and city manager.

Cm. Becker moved, seconded by Cm. Johnson to approve the Council Appointments as presented by President Scherer and Manager LeMire in the associated memo. Motion carried.

Review and possible action relating to Citizen Appointments to Committees, Commissions, and Boards.

Cable Television Committee:

- a. Matthew Bills for a five- year term ending in 2026 (reappointment)
- b. Mark Thomas Bernhardt for the remainder of a five-year term ending in 2024 (appointment)

Economic Development Commission:

- c. Bill Camplin for a three-year term ending in 2024 (reappointment)
- d. James Nelson for a three-year term ending in 2024 (reappointment)

Parks & Recreation Advisory Board:

- e. Don Neste for a 3-year term ending in 2024 (reappointment)
- f. Steve Mahoney for a 3-year term ending in 2024 (School District Representative; reappointment)

Plan Commission: Eric Schultz for a 3-year term ending in 2024 (reappointment)

Sex Offender Residence Board: Mary Zentner to a 2-year term ending in 2023 (reappointment)

Board of Zoning Appeals: Jim Woodman to a 2-year term ending in 2023 (reappointment)

Cm. Hartwick moved, seconded by Cm. Johnson to approve the Citizen Appointments as presented by Manager LeMire in the associated memo. Motion carried.

List of Vacancies for Citizens on City Commissions, Committees, and Boards:

Tourism Committee (one seat)

Board of Zoning Appeals (two seats)

No action was required.

Review and possible action relating to the minutes of the April 27, 2021 Plan Commission meeting

Cm. Becker moved, seconded by Cm. Johnson to accept and file the minutes of the April 27, 2021 Plan Commission meeting. Motion carried.

UNFINISHED BUSINESS - NONE

NEW BUSINESS:

Review and possible action relating to the purchase of miBudget municipal budgeting module from Civic Systems for \$4,700.

Clerk Ebbert reviewed the estimate for the miBudget module to enhance the flow of the annual budget preparation. The program allows Staff to electronically manage their year end projections, future year budget while viewing prior year budgets, actuals and calculations. The initial cost may be reimbursed through the American Rescue Plan Act from the federal government.

Cm. Becker moved, seconded by Cm. Johnson to approve the purchase of the Civic Systems miBudget budgeting module in an amount not to exceed \$4,700 and the annual support cost of \$875, divided among the general fund and utility funds as shown in Table 1 in the associated memo. Motion carried on a roll call vote.

Review and possible action to approve the Process and Rules to implement a Consent Agenda for Future City Council Meetings

Manager LeMire reviewed a sample consent agenda and discussed the process of approving, removing an item and how Council would address questions of items on the agenda.

Cm. Hartwick moved, seconded by Cm. Johnson to approve the Process and Rules to implement a Consent Agenda, and to direct staff to begin its use with the May 18, 2021 City Council agenda. Motion carried.

MISCELLANEOUS:

Review and possible action relating to Temporary Class "B"/"Class B" Retailer's Licenses for the Fort Atkinson Club for events on June 18, 2021 and July 16-17, 2021.

Cm. Becker moved, seconded by Cm. Johnson to approve the Temporary Class "B"/"Class B" Retailer's Licenses for the Fort Atkinson Club events on June 18th and July 16-17th. Motion carried.

Review and possible action relating to granting of operator licenses.

Cm. Housley moved, seconded by Cm. Johnson to approve the operator licenses as recommended in the associated memo. Motion carried.

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS:

Review and possible action relating to disallowance of claim for sewer backup from Safeco Insurance.

Clerk Ebbert presented the claim for disallowance pursuant to Wisconsin Statute §893.80.

Cm. Becker moved, seconded by Cm. Johnson to disallow the claim from Safeco Insurance related to a sewer backup at 1137 Peterson Street. Motion carried on a roll call vote.

Review and possible action relating to the Verified Claims presented by the Director of Finance and authorization of payment.

Cm. Hartwick moved, seconded by Cm. Housley to approve the list of verified claims and authorize payment. Motion carried on a roll call vote.

ADJOURNMENT

Cm. Housley moved, seconded by Cm. Becker to adjourn. Meeting adjourned 8:29 pm.

Respectfully submitted

Michelle Ebbert

City Clerk/Treasurer



MEMORANDUM

DATE: June 5, 2025

TO: Committee/Commission/Board

FROM: Jedidiah Draeger, Building/Zoning Administrator
Bruce Peterson, Fire Chief

RE: Review, discussion, and possible recommendation to the City Council relating to the creation of Section 1-16 (establishment of reinspection fees), the amendment of Section 18-82 (requiring a Certificate of Occupancy for a change in use), and an amendment to Section 34-2 (record keeping and reporting for Fire Inspections) (Draeger, Building Inspector/Zoning Administrator and Peterson, Fire Chief)

BACKGROUND

Staff is seeking feedback from the Ordinance Committee on possible changes to several sections of the City's Code of General Ordinances relating to the following items:

1. Creation of Reinspection Fees
2. Requirement of a Certificate of Occupancy for a Change of Use
3. Records and Reporting Requirements for Fire Inspections

DISCUSSION

Staff is requesting feedback on the proposed creation of **Section 1-16**, which is outlined in the attached document for review. **This section adds the ability for staff to charge reinspection fees for reinspections relating Chapters 15, 18, 30, 38, 42, 66, 70, 78, 90, 98, and 102.** Any such reinspection fees would need to be approved by the City Council through the annual Fee Resolution. The goal of staff is to implement these ordinance changes and establish reinspection fees starting in 2026. Currently, the only method of cost recovery for some of these code regulations is citations, which wind through the Municipal Court system and may or may not be paid. Adding the ability to charge reinspection fees for items requiring follow up and reinspection would allow City staff to recoup some of the costs associated with these programs through adding them to the property owner's property tax bill.

On the attached document, note that all text in blue is new or added; text in black is existing, and text in red is proposed to be deleted.

Staff is requesting feedback on the proposed amendment to **Chapter 18, which creates 18-82 requiring a certificate of occupancy for change in use**. This proposed amendment and intent are included in the attached document for review. Requiring a certificate of occupancy for changes in use will allow the City to ensure that a new use is in compliance with the Zoning Ordinance and the Building Code.

Staff is requesting feedback on the proposed amendment to **Chapter 34-2, which creates subsection (I) relating to records and reporting**. Chapter 34 covers Fire Prevention and Protection, and the new subsection provides property owners and business owners to self-report their required annual inspections. It also provides the Fire Chief with the authority to require the reports be completed electronically, which would create efficiencies and transparency in record-keeping.

FINANCIAL ANALYSIS

The exact financial impact of these proposed ordinance changes is unknown, as any proposed reinspection fees have not been established.

However, the goal for the reinspection fees and the fire inspection self-reporting is to create efficiencies within departmental operations and offset the costs associated with providing services. For example, if the City chooses to contract for code enforcement services, the reinspection fees will likely offset the cost of the contract. If the City chooses to subscribe to fire inspection self reporting software, the requirement for electronic submission will allow full time staff to use their time more efficiently by only physically inspecting and reinspecting those buildings that need it.

RECOMMENDATION

Staff recommends that the Ordinance Committee provide feedback and direction relating to the proposed Ordinances included in this staff report.

ATTACHMENTS

- 1. Inspection fee Ordinance 2025_6.3.25
- 2. Chapter_1___GENERAL_PROVISIONS
- 3. Sec._18_81.___Building_permit_required__permit_and_fee.
- 4. Chapter_34___FIRE_PREVENTION_AND_PROTECTION



Proposed New Section and Amendments of the Fort Atkinson Code of Ordinances to Implement Re-Inspection Fees

Sec. 1-16. – Reinspection Fee Charges.

(a) General Provisions.

1. **Purpose.** The purpose of this section is to:
 - a. Assist the City in recovering the cost of enforcing its housing, zoning, property-related, and other municipal codes;
 - b. Promote the appropriate regulation and control of buildings and real estate within the City;
 - c. Protect and promote the public health, safety, and general welfare of the community;
 - d. To help protect the character and the social and economic stability of the city;
 - e. Maintain and protect the value of land and buildings within the City;
 - f. Address and remedy code violations related to real estate within the City.
2. **Findings.** The City Council finds and determines that the cost to enforce the City's housing, zoning, building, and related municipal codes exceeds the revenue received through reinspection fees. The imposition of such fees is necessary to recover a portion of these costs and to ensure continued enforcement efforts.

(b) Reinspection Fees.

1. **Fees Imposed.**

To compensate for inspection and administrative costs, the City may impose a reinspection fee on the owner or occupant of any property for each reinspection conducted by a City staff member, officer, or employee to determine compliance with an order to correct a violation of the Fort Atkinson Municipal Code, including but not limited to violations of:

 - Chapter 15 (Zoning Ordinance)
 - Chapter 18 (Buildings and Building Regulations)
 - Chapter 30 (Environment)
 - Chapter 38 (Health and Sanitation)
 - Chapter 42
 - Chapter 66 (Planning)
 - Chapter 70 (Land Division and Development)
 - Chapter 78 (Shoreland-Wetland Zoning)



- Chapter 86 (Solid Waste)
- Chapter 90 (Streets, Sidewalks, and Other Public Places)
- Chapter 98 (Utilities)
- Chapter 102 (Vegetation)

Reinspection fees shall be assessed in accordance with the City of Fort Atkinson adopted fee schedule. No fee shall be charged when compliance is verified at the time of reinspection.

Increased fees may apply for successive re-inspections or for recurring violations, as provided in the adopted fee schedule. Reinspection fees may also be charged where a substantially similar violation is observed within twelve (12) months of a prior correction order.

If there has been a change of ownership or occupancy after the city issues a correction order, the Director of neighborhood and building services may waive the reinspection fee if in his or her opinion the new owner or occupant was not aware of the prior order to correct a violation or condition.

Reinspection fees shall be charged against the property on which the inspection occurred, shall be a lien upon the property, and shall be assessed and collected as a special charge pursuant to Wis. Stat. § 66.0627.

2. Permit-Related Re-inspections.

A reinspection fee may be imposed when a contractor, property owner, or authorized agent requests an inspection for permit-related work, and the work is not ready or accessible at the scheduled time. The applicable fee shall be as set forth in the City's fee schedule referenced in Chapter 110. Failure to pay such fees after one notice may result in withholding of future permits until all outstanding fees are paid in full.

3. Fourth Offense Reinspection Waiver Process.

Any property owner or lessor receiving a reinspection fee for a fourth or subsequent offense related to the same violation may request a waiver of the fee. The request must be made in person to the Director of Neighborhood and Building Services or the Director's designee within seven (7) calendar days of receiving notice of the fee.

The Director or the Director's designee shall meet with the property owner or their representative to review the violation and discuss corrective action. The property owner shall submit a written abatement plan within ten (10) calendar days of the meeting. If the Director approves the plan and the plan is successfully completed, the fourth offense reinspection fee shall be waived. The Director shall notify the property owner of the availability of this waiver process at the time of issuance of the fourth offense reinspection fee.

Section 15.10.61: Fees

(1) Fees for procedures, re-inspections and permits shall be established and amended by the City Council. See ~~Chapter 110~~ Sections 1-10 and 1-16 of the City of Fort Atkinson Municipal Code.



Proposed additions and Amendments to Chapter 18 – Buildings and Building Regulations and Chapter 34 – Fire Prevention and Protection

Intent:

To enhance the overall safety of residents, business owners, patrons, and property owners by systematically monitoring changes in building use and occupancy through the issuance of certificates of occupancy and review of business plans. This effort will be coordinated with the Fire Department, which will utilize self-reporting software to conduct and document fire safety inspections of commercial properties in a safe and efficient manner.

Sec. 18-82. - Certificate of Occupancy Required for Change of Use. (addition)

(a) **Requirement.** No building or structure, or part thereof, shall be used or occupied, and no change of use of any building or structure, or portion thereof, shall occur until a Certificate of Occupancy has been issued by the building inspector. A change of use shall include any modification in the type of occupancy, use classification, or activity conducted within a space as defined by the Wisconsin Commercial Building Code.

(b) **Application.** The owner, agent, or tenant shall submit an application for a Certificate of Occupancy to the building inspector on a form provided by the city, along with any required documentation demonstrating code compliance for the new use.

(c) **Inspection.** Prior to issuing a Certificate of Occupancy, the building inspector shall inspect the premises to ensure compliance with all applicable building, fire, health, and zoning regulations. If the premises fail the initial inspection, any subsequent reinspection required to verify compliance shall be subject to the reinspection fee provisions set forth in Chapter 1-16 of this code.

(d) **Penalty.** Any person who occupies or permits the occupancy or use of a building in violation of this section shall be subject to the penalties outlined in section 1-10 of the City of Fort Atkinson Code of Ordinances. Each day of noncompliance shall constitute a separate offense.

(e) **Exemptions.** Minor changes of use that do not impact occupancy classification, life safety, or code compliance, as determined by the building inspector, may be exempt from this requirement.



Sec. 34-2. - Enforcement and penalty.

(a)*Enforcement.* The authority having jurisdiction (AHJ) shall be authorized to ascertain and cause to be corrected any condition liable to cause fire or any violation of any law or order relating to the fire hazard or to the prevention of fire. This chapter shall be administered and enforced by the fire department fire chief, fire officers and fire inspectors.

(b)*Notice of violations.* Whenever the AHJ determines violations of this chapter, a written notice shall be issued to confirm such findings.

(c)*Serving notice of violation.* Any order or notice of violation issued pursuant to this chapter shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:

(1) Personal service.

(2) Emailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.

(3) Mailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.

(d)*For unattended or abandoned locations.* A copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:

(1) Emailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.

(2) Mailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.

(3) Published in a newspaper of general circulation wherein the property in violation is located.

(e)*Duty to correct.* Upon notification of a violation, the responsible party shall have the duty to correct the violation(s) within the time specified by the AHJ.

(f)*Failure to comply.* Any person who fails to comply with the provisions of this chapter, fails to carry out an order made pursuant to this chapter, or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by the AHJ.

(g)*Citations.* The fire department chief, fire officers and fire inspectors are authorized to issue citations for violations of the provisions of this chapter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined and set by the AHJ. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day upon which a provision of this chapter shall be violated shall constitute a separate offense.



City of Fort Atkinson
Building Inspector/Zoning Administrator
101 N. Main Street
Fort Atkinson, WI 53538

(h) *Cost recovery method and process.* The fire chief shall report in writing to the finance director the cost(s) for providing special service(s) and materials where authorized under this chapter. The city clerk shall invoice the responsible party. Any fees remaining unpaid as of November 1st of each year shall be placed on the annual tax roll for collection as a special charge together with a reasonable administrative charge per parcel. The city clerk shall spread the same, as a special tax, on the tax roll against the property owner for whom the service was rendered. The amount therein charged to each lot or parcel of land shall be entered by the city clerk in the tax roll as a special tax against the lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

(l) Records and Reporting.

(1) The owner or person in control or in charge of any building shall install, inspect, repair, and maintain, or cause to be installed, inspected, repaired, and maintained, such fire prevention, detection, or suppression equipment as is required by the adopted codes in Section 34-3 of this Chapter.

(2) Record of all tests, inspections, and maintenance required under this Chapter shall be retained for a minimum of three (3) years.

(3) Inspection reports shall be submitted to the Fort Atkinson Fire Department immediately upon completion in a manner determined by the Fire Chief to be in the best interest of Public Safety.

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Title; effective date; citation.

The ordinances embraced in this and the following chapters shall be known as the "Revised Code of Ordinances of the City of Fort Atkinson, Wisconsin," or "this Code," and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.035.

(Code 1969, § 0.07)

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, the following definitions and rules of construction shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

Acts by agents. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

City. The word "city" shall mean the City of Fort Atkinson, Wisconsin, and shall extend to and include its several officers, agents and employees.

City clerk, chief of police or other city officers. The words "city clerk," "chief of police" or other city officers or departments, when referred to by title only, shall be construed to mean the city clerk, chief of police or such other municipal officers or departments, respectively, of the city.

Code. The word "Code" shall mean the provisions of chapters 1 through 110, inclusive, and as may be subsequently amended of the Revised Code of Ordinances of the City of Fort Atkinson.

Common council; council. The words "common council" and "council" shall mean the Common Council of the City of Fort Atkinson, Wisconsin.

Gender; number. Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

Law. The word "law" shall mean any statute, ordinance or regulation promulgated by the state, the United States, the county, the city or any agencies thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

Month. The word "month" shall mean a calendar month.

Person. The word "person" shall extend and apply to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

Shall, may. "Shall" is mandatory; "may" is permissive.

State. The words "the state" or "this state" shall mean the State of Wisconsin.

Tense. Words used in the past or present tense include the future as well as the past and present.

Wisconsin Statutes, Wis. Stats. The term "Wisconsin Statutes" or "Wis. Stats." wherever used in this Code shall mean the Wisconsin Statutes, as amended from time to time.

Year. The word "year" shall mean a calendar year.

(Code 1969, § 0.01)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

Sec. 1-5. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-6. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-7. Provisions considered as continuation of existing ordinances.

The provisions appearing in this Code so far as they are the same as those of the Code of the City of Fort Atkinson, 1969, and of ordinances existing at the time of adoption of this Code shall be considered as a continuation thereof and not new enactments.

Sec. 1-8. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Sec. 1-9. Finance director to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this Code, are adopted by reference, they shall be deemed incorporated in this Code as if fully set forth herein; and the finance director is hereby directed and required to file, deposit and keep in his/her office a copy of the code, standard, rule, regulation, or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the finance director's office hours, subject to such orders or regulations the finance director may prescribe for their preservation.

(Code 1969, § 0.03)

Sec. 1-10. Penalty provisions.

- (a) *General penalty.* Unless otherwise provided in this Code, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) *Penalty when none expressed.* If a person is convicted of an act or omission prohibited by this Code, and for which no penalty is expressed, the person shall be subject to a forfeiture not to exceed \$1,000.00 plus costs of prosecution.
 - (2) *Separate violations.* Each day a violation of this Code exists or continues shall constitute a separate offense.
 - (3) *Parties to offense.*
 - a. Whoever is concerned in the commission of an offense that is a violation of this Code is a principal and may be charged with and convicted of the commission of the offense although the person did not directly commit the act and although the person who directly committed the act has not been convicted of some other degree of the offense or of some other offense based on the same act.
 - b. A person is concerned in the commission of the offense if he/she:
 1. Directly commits the offense; or
 2. Intentionally aids and abets the commission of the offense.
- (b) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the city, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for forfeiture and costs.
- (c) *Failure to pay forfeiture.* Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty assessments imposed for the violation of any nontraffic regulation provision of this Code may, upon order of the court entering judgment therefor, and having jurisdiction of the case, be subjected to any and all additional penalties as contained in Wis. Stats. ch. 800.

(Code 1969, § 0.04)

Sec. 1-11. Ordinances saved from repeal.

All ordinances heretofore adopted by the common council are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

- (1) The issuance of corporate bonds and notes of the city.
- (2) The establishment of grades, curblines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries of public officials and employes.
- (4) Rights with licenses or franchises or the creation of any contract with the city.
- (5) The lighting of streets and alleys.
- (6) The annexation of territory to the city.
- (7) The naming and changing of names of streets, alleys, public grounds and parks.

(Supp. No. 29)

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- (8) The letting of contracts without bids.
 - (9) Tax and special assessment levies.
 - (10) Any cable television authorization or franchise granted in accordance therewith.
 - (11) Any ordinance regarding civil emergencies.
 - (12) The official map of the city.
 - (13) The platting code subdivision ordinance.
 - (14) Release of persons, firms or corporations from liability.
 - (15) Construction of any public works.
 - (16) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
 - (17) Budget ordinances, resolutions and actions.
 - (18) Any ordinance regarding zoning.
 - (19) Any ordinance regarding city and ward boundaries.
 - (20) Any ordinance that is temporary in effect.

(Code 1969, § 0.05)

Sec. 1-12. Effect of repeals.

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the common council shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended unless the privilege of repealing such obligation or privilege has been reserved by the city.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended; except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect any prosecution for any offense, or the levy of any penalty or forfeitures pending at the time when any ordinance aforesaid shall be repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution shall provide in all respects, as if such ordinance or ordinances had not been repealed; except that all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code.

(Code 1969, § 0.06)

Sec. 1-13. Official map.

- (a) *Intent.* It is the intent of the common council to repeal and re-establish an official map for the purpose of serving and promoting the public health, safety, convenience economy, orderliness and general welfare to

the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to facilitate adequate provision for transportation, parks, playgrounds, and stormwater drainage; and to facilitate the further subdivision on larger tracts into smaller parcels of land.

- (b) *Authority.* The ordinance codified in this section is enacted under the authority granted by Wis. Stats. § 62.23(6).
- (c) *Official map.* The official map shall show the location and extent of all platted and existing streets, highways, parkways, parks, and playgrounds within the corporate and extraterritorial limits of the City of Fort Atkinson as heretofore, platted, laid out, adopted, and established by law. There is hereby established, as the official map of the City of Fort Atkinson, the map which accompanies and is made a part of this section bearing the date of February 1, 2021. This map is hereby designated as the "Official Map of the City of Fort Atkinson" and all notations, references, and other information shown thereon shall be as much a part of this section as though the matters and information thereon were fully described herein.
- (d) *Changes and additions.*
 - (1) The common council may change or add to the official map as to establish the exterior lines, or widen, narrow, extend, or close any platted, existing, proposed, or planned streets, highways, parkways, parks, or playgrounds.
 - (2) The common council shall refer any change or addition to the official map to the city plan commission for review and report their recommendation to the common council within 60 days of referral.
 - (3) A public hearing of parties in interest and citizens before the common council shall be required before any changes or additions to the official map are effective. At least 15 days' notice of said hearing shall be required by publication.
 - (4) Changes and additions made by duly approved subdivision plats shall not require the public hearing if the changes or additions do not affect any land outside the area being platted.
- (e) *Building permits.*
 - (1) For the purpose of preserving the integrity of the official map, a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered. No permit shall hereafter be issued for any building in the bed of any existing or proposed street, highway, or parkway shown on the official map. No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on this map.
 - (2) The city building inspector may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building with reference to any street, highway or parkway shown on the official map.
- (f) *Municipal improvements.* No public sewer or other municipal street utility or improvement shall be constructed in any street, highway, or parkway within the corporate limits of the City of Fort Atkinson until such street, highway, or parkway is duly placed on the official map or is otherwise approved through a plat of subdivision approved by the city.
- (g) *Appeals.* The board of zoning appeals shall have the power to review any administrative decision of the city building inspector to deny a permit for the creation of a structure under this section and to grant relief from the requirements of this section under the provision of Wis. Stats. §§ 62.23(6)(d), (f), and (g).
- (h) *Certification of map.* There shall be a certified copy of the official map that shall be kept in the office of the city clerk and shall be available for the inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the official map described in and

accompanying this section and shall show the date of adoption of the ordinance codified herein and shall be signed by the president and counter-signed by the city clerk. Thereafter, no change or addition to such official map shall become effective until it shall have been indicated by the appropriate convention of the aforesaid certified copy of the official map and a certificate placed thereon or attached thereto, bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the city council president and countersigned by the city clerk.

- (i) *Recording of map.* The city clerk shall be responsible immediately upon adoption of the official map or any amendment thereto for recording a true copy of the amended official map with the Jefferson County Register of Deeds.
- (j) *Enforcement.* It shall be the duty of the city building inspector to enforce the provisions of this section.
- (k) *Penalties.* Any person who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any provisions of this section shall be subject to section 1-10.

(Code 1969, §§ 23.01(A), (D)—(F); Ord. No. 814, 2-17-22)

Sec. 1-14. Wards and boundaries.

The City of Fort Atkinson shall be divided into ten wards with the gymnasium of the municipal building, located at 101 N. Main Street, being designated as the polling place for all wards. All wards are outlined upon the official map on file in the municipal office and are described as follows:

Ward One: All of that portion of the city bounded on the west by the corporate city limits starting at the north side of the Rock River, on the north by Madison Avenue; east to Lexington Blvd.; south to Coventry Circle; east and south to Commonwealth Drive; on the east by Commonwealth Drive and Wilson Avenue and the corporate city limits to Riverside Drive; on the south by Riverside Drive and the corporate city limits to said west corporate city limits.

Ward Two: All of that portion of the city bounded on the west by the corporate city limits north of Madison Avenue; on the north by Campus Drive; south along Banker Road; east along W. Cramer Street; south along Blackhawk Drive; east along Hillcrest Drive; south along Zaffke Street; west along Messmer Street; south along Zaffke Street; west along Caswell Street; south along Roosevelt Street; east along Madison Avenue; south along Jackson Street to the Rock River; then west along the Rock River; north along Wilson Avenue; continuing north and west along Commonwealth Avenue; then north and west on Coventry Circle; then north on Lexington Boulevard; then west along Madison Avenue to the western corporate city limits, excluding those parcels within these boundaries located within the Town of Koshkonong.

Ward Three: All of that portion of the city bounded to the west by Banker Road approximately 180 feet south of Campus Drive; to the north and west by the corporate city limits and Ward Ten; on the east by North Main Street; to the south by Frederick Avenue; south along Nelson Street; west by Caswell Street; north by Zaffke Street; west by Hillcrest Drive; north by Blackhawk Drive and to the west by Cramer Street.

Ward Four: All of that portion of the city bounded on the west at the intersection of Jackson Street and Van Buren Street; west by Madison Avenue; north by Roosevelt Street; east on Caswell Street; north by Zaffke Street; east on Messmer Street; north by Nelson Street; on the north by Frederick Avenue; on the west by North Main Street; on the south by Madison Avenue, Adams Street and Riverside Drive; and west by Robert Street and Van Buren Street.

Ward Five: All of that portion of the city bounded by the south side of the Rock River from the west corporate city limits to Jackson Street; west on Van Buren Street; on the east by south Robert Street; east to South Third Street West; south on Grove Street; east on South Sixth Street; east to South Main Street; south to West

Hilltop Trail; west to Janesville Avenue; south to the corporate city limits (including the Klement Business Park); and west to the corporate city limits.

Ward Six: All of that portion of the city bounded on the north by West Hilltop Trail from Janesville Avenue to South Main Street; on the east by South Main Street; south to the corporate city limits on the west side of South Main Street; west and south along the corporate city limits to Hackbarth Road; then west along Hackbarth Road and the corporate city limits to Janesville Avenue; then north to West Hilltop Trail.

Ward Seven: All of that portion of the city bounded on the north by Madison Avenue from Adams Street to North Main Street; on the east by North and South Main Street; south to Whitewater Avenue; south to the corporate city limits on the west side of Whitewater Avenue; then west, south and north, following corporate city limits to the intersection of Krause Avenue; north along South Main Street to South Sixth Street; west to Grove Street; north along Grove Street to South Third Street to Riverside Drive and north on Adams Street.

Ward Eight: All of that portion of the city bounded on the north by the corporate city limits from North Main Street to the Rock River; on the east by the corporate city limits south to East Sherman Avenue; on the south by East Sherman Avenue; on the west by North Main Street; also including the airport property.

Ward Nine: All of that portion of the city bounded on the north by East Sherman Avenue from North Main Street east to the corporate city limits; south along corporate city limits to Fox Hill Road; west and south along corporate city limits to Whitewater Avenue; on the west by Whitewater Avenue and South and North Main Street.

Ward Ten: A part of the Southwest one-quarter of the A part of the: Southwest one-quarter of the Northwest one-quarter, including a part Lot 1 of Jefferson County Certified Survey Map No. 4382, recorded in Volume 22 of Certified Survey Maps on Pages 67 and 68 as Document No. 1111558 of Jefferson County Records and a part Lot 1 of Jefferson County Certified Survey Map No. 3015, recorded in Volume 12 of Certified Survey Maps on Page 161 as Document No. 933327 of Jefferson County Records; the Northwest one-quarter of the Northwest one-quarter; the Northeast one-quarter of the Northwest one-quarter; and the Northwest one-quarter of the Southeast one-quarter; all of Section 33, Township 6 North, Range 14 East, Town of Koshkonong, Jefferson County, Wisconsin, being more particularly described as follows:

Commencing at the West one-quarter Corner of said Section 33; thence, along the West line of said Northwest one-quarter, N00°50'50"W, 659.35 feet to the Southwest corner of the North one-half of said Southwest one-quarter of the Northwest one-quarter and the point of beginning; thence, continuing along said West line, N00°50'50"W, 1,585.47 feet to its intersection with the Southerly right-of-way line of Hoard Road; thence, along said Southerly right-of-way line, the following courses: thence N81°26'33"E, 78.53 feet; thence N74°24'16"E, 222.73 feet; thence N65°10'44"E, 104.08 feet; thence N53°29'50"E, 201.09 feet; thence N68°43'40"E, 186.78 feet; thence N85°36'25"E, 187.98 feet; thence N89°56'56"E, 340.11 feet; thence S84°06'56"E, 135.37 feet; thence N79°34'29"E, 76.69 feet to a point on a line lying 33.00 South, as measured at right angles and parallel to, the North line of said Northwest one-quarter; thence, along said parallel line, S88°21'29"E, 501.67 feet to the West line of the Parcel described in Document No. 1183482; thence, leaving said Southerly right-of-way line along last said West line, S01°01'56"E, 632.80 feet; thence, continuing along said West line and the West line of the Parcel described in Document No. 891833, S01°08'04"E, 657.67 feet to the Southwest corner of last said Parcel, lying on the North line of the 4th Addition to Arrowhead Village; thence, along last said North line and the North line of the 2nd Addition to Arrowhead Village, N88°12'31"W, 660.42 feet to the Northwest corner of said 2nd Addition to Arrowhead Village; thence, along the West line of said 2nd Addition to Arrowhead Village and the East line of said Southwest one-quarter of the Northwest one-quarter, S01°00'47"E, 661.10 feet to the Southeast corner of aforesaid North one-half of said Southwest one-quarter of the Northwest one-quarter, said corner also being the Northeast corner of Berry Hill; thence, along the North line of said Berry Hill and the South line of said North one-half of said Southwest one-quarter of the Northwest one-quarter, N88°09'18"W, 692.43 feet to the Easterly right-of-way line of Banker Road; thence, along said Easterly right-of-way line, S21°41'03"W, 54.53 feet to the beginning of a tangent curve, being concave Easterly, having a radius of 1,965.17 feet and a chord which bears S16°54'10"W, 327.61 feet; thence, along said Easterly right-of-way line, Southerly, 327.99 feet along the arc of said curve through a

central angle of 09°33'46" to the point of tangency thereof; thence, continuing along said Easterly right-of-way line, S12°07'17"W, 526.33 feet to the Southwest corner of the Parcel described in Document No. 1370575; thence, along the Westerly prolongation of the South line of last said Parcel, N89°29'25"W, 33.69 feet to the centerline of said Banker Road; thence, along said centerline, N12°07'17"E, 231.00 feet to its intersection with the South line of said Northwest one-quarter; thence, along last said South line, N88°05'45"W, 33.53 feet to its intersection with the Westerly right-of-way line of Banker Road; thence, along said Westerly right-of-way line, N12°07'17"E, 308.06 feet to the beginning of a tangent curve, being concave Easterly, having a radius of 2031.17 feet and a chord which bears N16°54'10"E, 338.61 feet; thence, continuing along said Westerly right-of-way line, Northerly, 339.00 feet along the arc of said curve through a central angle of 09°33'46" to the point of tangency thereof; thence, continuing along said Westerly right-of-way line, N21°41'03"E, 30.72 feet to aforesaid South line of the North one-half of said Southwest one-quarter of the Northwest one-quarter; thence, along last said South line, N88°09'18"W, 552.09 feet to the point of beginning.

(Ord. No. 576, 7-17-01; Ord. No. 706, 7-5-11; Ord. No. 808, § 1, 11-2-21; Ord. No. 817, § 1, 6-7-22)

Sec. 1-15. Conflict and severability.

- (a) *Conflicting provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to matters and questions arising out of the subject matter of such chapter.
- (b) *Severability of Code provisions.* If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The common council hereby declares that they would have passed this Code as originally enacted and as subsequently created, amended or revised, and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

(Code 1969, § 0.02)

ARTICLE I. IN GENERAL

Secs. 18-1—18-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT¹

DIVISION 1. GENERALLY

Sec. 18-31. Penalty.

Any person found guilty of a violation of any provision of this chapter shall be subject to section 1-10; and each day such violation continues shall constitute a separate violation.

(Code 1969, §§ 14.01, 14.05; Ord. No. 787, 2-18-20)

Sec. 18-32. Citations.

The building inspector is authorized to issue citations for violations of the provisions of this chapter.

(Ord. No. 787, 2-18-20)

Sec. 18-33. Licensing of electricians, plumbing contractors, building contractors, and heating, venting and air conditioning contractors.

Except as otherwise specifically provided in this article, the provisions in Wis. Stats. Ch. 101 and Chapter SPS 305 State of Wisconsin Administrative Code describing and defining regulations with respect to the licensing of electricians, plumbing contractors, building contractors, and heating, venting and air conditioning contractors to work within the city limits are hereby adopted by reference. Excluded from this adoption is any reference to any statutory penalty provisions contained therein.

(Ord. No. 524, 6-2-98; Ord. No. 787, 2-18-20)

Sec. 18-34. Intent.

The intent of this section is to adopt the licensing and certification procedures for electricians, plumbing contractors, building contractors, and heating, venting and air conditioning contractors as developed by the State of Wisconsin. Any future amendments to the aforementioned statute and administrative code provisions will also be adopted by virtue of this section.

¹Cross reference(s)—Administration, ch. 2.

(Ord. No. 524, 6-2-98; Ord. No. 787, 2-18-20)

Sec. 18-35. Penalties.

Any person who violates any provision of this article shall, upon conviction, be subject to a penalty as set forth in section 1-10 of the City of Fort Atkinson Code of Ordinances.

(Ord. No. 524, 6-2-98; Ord. No. 787, 2-18-20)

Secs. 18-36—18-55. Reserved.

DIVISION 2. RESERVED²

Secs. 18-56—18-80. Reserved.

DIVISION 3. PERMITS

Sec. 18-81. Building permit required; permit and fee.

No person shall build or cause to be built any structure without first obtaining a building permit for such construction. Such building permit shall be issued by the city upon receipt of all required information and proof of licensure. A copy of such permit issued shall be filed with the city building department. The building permit fee shall be per chapter 110.

(Code 1969, § 14.02(B); Ord. No. 787, 2-18-20)

Secs. 18-82—18-115. Reserved.

²Editor's note(s)—Ord. No. 604, adopted Apr. 15, 2003, repealed §§ 18-56—18-61, being the substantive sections of div. 2, Building Board, derived from the 1969 Code, § 14.08(A)—(F).

Chapter 34 FIRE PREVENTION AND PROTECTION¹

ARTICLE I. FIRE PROTECTION AND FIRE PREVENTION²

Sec. 34-1. Responsibility.

The responsible party for every new and existing building, structure or premises shall construct, arrange, equip, maintain and operate in accordance with this chapter to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion and other hazardous conditions. Compliance with this chapter does not relieve the responsible party from compliance with other ordinances or Wisconsin Statutes and Administrative Rules.

(Ord. No. 726, 12-2-14)

Sec. 34-2. Enforcement and penalty.

- (a) *Enforcement.* The authority having jurisdiction (AHJ) shall be authorized to ascertain and cause to be corrected any condition liable to cause fire or any violation of any law or order relating to the fire hazard or to the prevention of fire. This chapter shall be administered and enforced by the fire department fire chief, fire officers and fire inspectors.
- (b) *Notice of violations.* Whenever the AHJ determines violations of this chapter, a written notice shall be issued to confirm such findings.
- (c) *Serving notice of violation.* Any order or notice of violation issued pursuant to this chapter shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:
 - (1) Personal service.
 - (2) Emailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.
 - (3) Mailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.

¹Editor's note(s)—Ord. No. 726, adopted Dec. 2, 2014, repealed the former ch. 34, §§ 34-1—34-88, and enacted a new ch. 34 as set out herein. The former ch. 34 pertained to similar subject matter and derived from: Code 1969, §§ 5.03(A)—(E), (G)—(M), 5.05(1)—(7), 18.01; Ord. No. 491, adopted Nov. 5, 1996; and Ord. No. 632, adopted Jan. 17, 2006.

Cross reference(s)—Police and fire commission, § 2-341 et seq.; buildings and building regulations, ch. 18; alarms and alarm systems, § 22-31 et seq.

²Note(s)—These are Fort Atkinson Code of Ordinances rules in addition to the requirements in the NFPA, ICC and Wisconsin Administrative Codes as adopted.

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- (d) *For unattended or abandoned locations.* A copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:
 - (1) Emailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
 - (2) Mailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
 - (3) Published in a newspaper of general circulation wherein the property in violation is located.
 - (e) *Duty to correct.* Upon notification of a violation, the responsible party shall have the duty to correct the violation(s) within the time specified by the AHJ.
 - (f) *Failure to comply.* Any person who fails to comply with the provisions of this chapter, fails to carry out an order made pursuant to this chapter, or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by the AHJ.
 - (g) *Citations.* The fire department chief, fire officers and fire inspectors are authorized to issue citations for violations of the provisions of this chapter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined and set by the AHJ. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day upon which a provision of this chapter shall be violated shall constitute a separate offense.
 - (h) *Cost recovery method and process.* The fire chief shall report in writing to the finance director the cost(s) for providing special service(s) and materials where authorized under this chapter. The city clerk shall invoice the responsible party. Any fees remaining unpaid as of November 1st of each year shall be placed on the annual tax roll for collection as a special charge together with a reasonable administrative charge per parcel. The city clerk shall spread the same, as a special tax, on the tax roll against the property owner for whom the service was rendered. The amount therein charged to each lot or parcel of land shall be entered by the city clerk in the tax roll as a special tax against the lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

(Ord. No. 726, 12-2-14)

Sec. 34-3. Codes adopted.

- (a) *Adoption of National Fire Protection Code (NFPA) 1, Fire Code.* The provisions of the NFPA 1, Fire Code, the referenced publications of NFPA 1 Chapter 2 and the Annexes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: A copy of National Fire Protection Code (NFPA) 1, Fire Code, is on file in the offices of the fire department and the legislative reference bureau. Copies of NFPA 1, Fire Code, may be purchased from the National Fire Protection Association at 11 Tracy Drive, Avon, MA 02322; and may be purchased or accessed free of charge at www.nfpa.org.

- (b) *Adoption of International Fire Code (IFC).* The provisions of the International Fire Code (IFC), the referenced publications of IFC Chapter 45 and the Appendixes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

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- (c) *Adoption of International Property Maintenance Code (IPMC).* The provisions of the International Property Maintenance Code (IFC), the referenced publications of IFC Chapter 08 and the Appendixes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: Many of the model codes created by the International Code Council (ICC) and adopted by the city may be viewed free of charge on the ICC internet site. To access these codes go to <http://www.ecodes.biz/> and click on "Free Codes." Online viewers should determine whether the version available on the Internet is the version adopted above.

Note: A copy of the International Codes (ICC) adopted is on file in the offices of the fire department and the legislative reference bureau. Copies of the International Codes may be purchased from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, (708) 799-2300, website www.iccsafe.org.

- (d) *Adoption of Wisconsin Department of Safety and Professional Services Codes.* The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

SPS 303	Petition for variance procedures
SPS 305	Licenses, certification and registration
SPS 307	Explosive materials and fireworks manufacturing
SPS 308	Mines, pits and quarries
SPS 314	Fire prevention
SPS 316	Electrical
SPS 318	Elevator code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured home communities
SPS 328	Smoke detectors
SPS 330	Fire department safety and health standards
SPS 332	Public employee safety and health
SPS 333	Passenger ropeways
SPS 334	Amusement rides and attractions
SPS 335	Infectious agents
SPS 340	Gas systems
SPS 341	Boilers and pressure vessels
SPS 343	Anhydrous ammonia
SPS 345	Mechanical refrigeration
SPS 361-366	Wisconsin Commercial Building Code
SPS 370	Historic buildings
SPS 371	Solar energy systems
SPS 375-379	Existing buildings

- (e) *Adoption of the Wisconsin Agriculture, Trade and Consumer Protection Codes.* The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

ATCP 93	Flammable and combustible liquids
ATCP 94	Petroleum products
<i>Note:</i> Copies of the Wisconsin Department of Safety and Professional Services Codes and the Wisconsin Agriculture, Trade and Consumer Protection Codes respectively are available from:	
https://docs.legis.wisconsin.gov/code/toc/sps	
https://docs.legis.wisconsin.gov/code/toc/atcp	

- (f) Where different code provisions conflict, the most restrictive provisions, as determined by the AHJ, shall govern.
- (g) Any fire hazard not herein addressed by this chapter or adopted standards will be addressed on the basis of the current editions of the National Fire Protection Association and the International Code Council, Inc., Standards and Codes.

(Ord. No. 726, 12-2-14)

Sec. 34-4. Fire department organization and personnel.

- (a) *Organization.* The fire department shall consist of a fire chief and such other officers, fire inspectors, firefighters and other members as may from time to time be appointed, pursuant to the provisions of state statute, the ordinances and resolutions of the council, and the rules and regulations governing the fire department.
- (b) *Chief of the fire department.* The fire chief shall have command of the fire department. It shall be his/her duty to see that all rules and regulations pertaining to the fire department are properly enforced.

(Ord. No. 726, 12-2-14)

Cross reference(s)—Officers and employes, § 2-96 et seq.

Sec. 34-5. Fire and rescue services.

- (a) *Coordination.* The operation and coordination of all fire and rescue services shall be in accordance with fire department policies, procedures and this section.
- (b) *Service requests.* Requests for fire, rescue and emergency medical service will be received by or forwarded to the authorized emergency communications center and promptly dispatched.
- (c) *Additional resources.* The fire chief or his designee will have the authority to request any additional resources from other jurisdictions under the joint mutual aid or MABAS agreements.
- (d) *Ambulance service(s).* Ambulance service(s) shall be provided in accordance with the agreement for ambulance services and this section.

(e) *Fees.*

- (1) Fees for the Fort Atkinson Fire Department for apparatus and equipment shall be in accordance with the apparatus and equipment charge out rate schedule.
- (2) Fees for the Fort Atkinson Fire Department for personnel costs shall be in accordance with the department pay schedule.
- (3) Fees for the Fort Atkinson Fire Department Rescue Squad Services providing emergency medical rescue services shall be the sum of all costs incurred for the response.

(Ord. No. 726, 12-2-14)

Sec. 34-6. Cost recovery for driving over fire hose.

- (a) No person shall damage in any way any fire hose nor shall anyone drive over any fire hose with any type of vehicle.
- (b) If a fire hose is driven over, the person(s) responsible will be held responsible for all costs incurred to the city for cleaning, testing, drying and if necessary, the repair or replacement cost of the hose in addition to being subject to a penalty.

(Ord. No. 726, 12-2-14)

Cross reference(s)—Traffic and vehicles, ch. 94.

Sec. 34-7. Cost recovery for special services and materials required.

- (a) All costs for special services associated with an incident response including, but not limited to, class A or B foam and private vendor services, shall be recovered in an action by the city against the property owner of record.
- (b) When, in the opinion of the AHJ, a danger exists, the AHJ shall be authorized to order the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, or adjacent buildings or nearby areas. The AHJ shall be authorized to employ the necessary resources to perform the required work in order to mitigate the danger. Costs incurred by the AHJ in the performance of emergency work shall be the responsibility of the property owner or other responsible party creating such danger.

Note: See Wis. Stats. § 66.0413 for: (1) the authority of municipalities to order removal or repair of buildings that are dangerous, unsafe, unsanitary, or otherwise unfit for human habitation; and (2) extensive criteria relating to executing this authority, such as for dilapidated buildings.

(Ord. No. 726, 12-2-14)

Sec. 34-8. Cost recovery for false alarms.

- (a) *Building life safety systems or devices.* False alarms shall not exceed three per calendar year. Activated alarms during a storm, e.g., lightning strikes, are not included in these restrictions.
- (b) *Penalties.* Any property owner in violation of this article shall forfeit to the city the sum of all costs incurred for the response to the reported false alarm. Each additional false alarm shall constitute a separate penalty.

(Ord. No. 726, 12-2-14)

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Sec. 34-9. Cost recovery for responses to nuisance fires.

Any person, industry, commercial establishment, railroad, apartment house complex or other who shall cause multiple nuisance fires including, but not limited to, rubbish and grass fires, shall forfeit to the city the sum of all costs incurred for the response to the reported nuisance fire. Each additional nuisance fire shall constitute a separate penalty.

(Ord. No. 726, 12-2-14)

Sec. 34-10. Cost recovery for incidents involving hazardous materials.

Replacement cost of any extinguishment agent, neutralizers, chemicals or materials. Any person, firm or corporation shall forfeit to the city the sum of all costs incurred for the response to any flammable or combustible liquid, gas, solid or any hazardous material or chemical involved in any fire or spill.

(Ord. No. 726, 12-2-14)

Sec. 34-11. Frequency of fire prevention inspections.

Fire inspections of all public buildings and places of employment, as defined in Wis. Stats. ch. 101, shall be provided for at least once per calendar year or more often as ordered by the fire chief, provided the interval between each such inspection shall not exceed 15 months.

(Ord. No. 726, 12-2-14)

Sec. 34-12. Burning regulations.

- (a) No person shall burn any material when the burning is performed outside of a building, except:
 - (1) One- and two-family dwelling cooking and recreational fires; or
 - (2) By permit.
- (b) All burning shall be controlled in such a manner that unreasonable amounts of smoke and debris are not produced.

(Ord. No. 726, 12-2-14)

Cross reference(s)—Environment, ch. 30; health and sanitation, ch. 38.

Sec. 34-13. Outdoor wood burning furnaces prohibited.

- (a) *Intent and purpose.* The Common Council of the City of Fort Atkinson hereby finds that:
 - (1) It is recognized and found that wood smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke.
 - (2) Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA), have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.

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- (3) This chapter is adopted for the purpose of protecting the public health, safety, comfort, and the general welfare of the people of the City of Fort Atkinson; educating citizens affected by this section; and assisting property owners and managers in maintaining compliance.
- (b) *Definition.*
- Outdoor wood burning furnace:* A furnace, or similar device, designed and intended, and/or used, through the burning of wood, for the purpose of heating the principal structure or another accessory structure on the premises. These types of furnaces are characterized by a short stack height. They are typically located out-of-doors and are contained in freestanding structures, or enclosed within another accessory structure, such as a garage or corral. This definition includes outside wood burning water stoves.
- (c) *Prohibition of outdoor wood burning furnaces in the City of Fort Atkinson.* It shall be unlawful for any person to operate or use an outdoor wood burning furnace in the City of Fort Atkinson.
- (d) *Nonconforming use.*
- (1) *Continuation of nonconforming uses.* The lawful use of any existing "outdoor wood burning furnace" existing at the time of the effective date of this chapter may be continued, although such use does not conform to the provisions of this law as hereinafter provided.
- (2) *Extension or enlargement.* No nonconforming or pre-existing "outdoor wood burning furnace" shall hereafter be extended, enlarged or expanded.
- (3) *Abandonment and discontinuance.* Any currently existing and used "outdoor wood burning furnace" which is abandoned or not used for a period of 12 consecutive months shall not be permitted to be re-established as a nonconforming use, cannot be used, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the "outdoor wood burning furnace" by the end of said 12 months, the City of Fort Atkinson Fire Inspector shall give written notice by certified mail, personal service, or posting to the property owner upon which the "outdoor wood burning furnace" is located. Such notice shall provide that such person shall remove the same within 15 days of the notice. Should the "outdoor wood burning furnace" not be removed in the time specified, the fire inspector shall arrange for the removal of the "outdoor wood burning furnace". The cost of said removal shall be charged to the owner of said premises. Said cost, if not paid within 30 days, shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the general City of Fort Atkinson tax and as a part thereof.
- (4) *Termination.* At such time as the useful life of a nonconforming or pre-existing "outdoor wood burning furnace" has elapsed or would need to be repaired to function properly, the unit cannot be repaired or replaced and must be abandoned, not used, and removed from the property immediately.
- (e) *Enforcement and inspection.* The City of Fort Atkinson Fire Department shall have the power, whenever they deem it necessary, to enter upon the premises/property to inspect and ascertain compliance with the requirements of this section.

(Ord. No. 726, 12-2-14)

Sec. 34-14. Discharge and sale of fireworks.

The provisions of Wis. Stats. § 167.10, pertaining to the regulation of fireworks, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for the violations thereof, are hereby adopted and made a part of this chapter by reference.

(Ord. No. 726, 12-2-14)

Secs. 34-15—34-40. Reserved.