

**CHAPTER 9**

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## SOLID WASTE COLLECTION AND DISPOSAL

9.01 **DEFINITIONS.** (Rep. & Rec. GO 47-03), (Amd. GO 25-13) The following definitions shall apply in the interpretation and enforcement of this chapter.

- (1) **DEPARTMENT.** The Department of Public Works.
- (2) **PERSON.** Any individual, household, group of individuals, contractor, firm, corporation, partnership, association, state, county, city, village, township, sanitary district, or other government corporation.
- (3) **CITY.** The City of Green Bay.
- (4) **NON-RESIDENTIAL PROPERTIES.** Commercial, retail, industrial, institutional, manufacturing, and governmental facilities and properties.
- (5) **SOLID WASTE.** Solid waste consists of garbage, refuse, and other discarded, salvageable, and recyclable material, including waste material resulting from domestic use, public service activities, commercial, manufacturing, and industrial operations. Solid waste consists of the following categories:
  - (a) **Residential Waste.** Garbage, refuse, ashes, and other waste generated from typical residential activity. This type of waste includes, but is not limited to, metal, paper, cardboard, plastic, cans, bottles, wood, rags, rubber, glass, cloth, litter, leaves, shrubbery, tree trimming, branches, trunks and stumps, grass clippings, brush, and small quantities of construction and/or demolition waste, which are either recycled or disposed of.
  - (b) **Commercial Waste.** Wastes resulting from the operation of business enterprises including, but not limited to, offices, stores, restaurants, and similar businesses.
  - (c) **Industrial Waste.** Wastes resulting from industrial processes and operations.
  - (d) **Manufacturing Waste.** Waste resulting from manufacturing processes and operations.
  - (e) **Garbage.** Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.
  - (f) **Refuse.** Miscellaneous combustible and noncombustible, non-recyclable waste material resulting from residential and commercial activities including, but not limited to, cans, bottles, plastic, papers, ashes, glass, lawn and garden waste, metals, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard.
  - (g) **Bulky Waste.** Discarded articles of such size that do not fit in the collection cart including, but not limited to, appliances, large furniture items, bicycles, exercise equipment, play equipment, and other household items.
  - (h) **Construction and/or Demolition Waste.** Waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows,

doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick, except as indicated in §9.01(5)(a), Green Bay Municipal Code.

(i) Hazardous and/or Toxic Wastes. Waste material or substances which during normal storage or handling may be a potential cause of harm, sickness, or death, such as explosives, petroleum products, medical or pharmaceutical materials, corrosive chemicals, poisonous or pathogenic substances, pesticide chemicals, radioactive materials, toxic materials, and all other similar harmful substances whether in solid, liquid, or gaseous form.

(j) Nauseous and/or Offensive Wastes. Those wastes that are unwholesome or have an unpleasant smell or are otherwise nauseous and/or offensive, such as manure, filth, slops, carcasses, carrion, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances, and objects that may cause injury to any person or animal or damage to vehicles such as barbed wire, briar thorns, or similar materials.

(k) Sewage Plant Refuse. Debris collected on the primary screens of the sewage treatment plant consisting of sticks, rags, etc.

(l) Recyclable Waste. That portion of miscellaneous combustible and noncombustible waste material resulting from residential and commercial activities that can be recovered through processes to regain that material for human use including, but not limited to, the following:

1. Yard Waste. Yard waste means leaves, grass clippings, garden debris, and brush, including clean woody vegetative material no greater than 6" in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

2. Paper. That portion of paper which remains in substantially original condition at the time of disposal so that material is suitable for commercial-grade recycling. Paper does include the paper commonly used in the production of newsprint, magazines, books, and other physical media for written materials, cardboards, and other container boards. Paper is not suitable for recycling purposes when in a state which makes separation unreasonable or unduly expensive because the paper has been put to another use, such as wrappings for items that soiled the paper, thus rendering it unfit for commercial recycling.

3. Major Appliances. Major appliances are residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, boiler, dehumidifier, or water heater.

4. Co-Mingled Containers. Co-mingled containers are glass bottles and jars which contain a food or beverage product, aluminum beverage cans, plastic containers made of polyethylene terephthalate (PET) or high density polyethylene (HDPE), and steel and bi-metal cans which contained a food or beverage product.

5. Waste tire. Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(6) MOBILE HOME PARK. As defined in Wisconsin Statutes §66.0435, means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for the accommodation.

(7) SOLID WASTE DISPOSAL OPERATION. The site, facility, operating practices, and maintenance thereof for the utilization, processing, or final disposal of solid waste including, but not limited

to, sanitary landfill, incineration, composting, reduction, shredding, compression, salvage, and resource recovery.

(8) **SANITARY LANDFILL.** A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, but utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and by covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(9) **COLLECTING AND TRANSPORTING SERVICE.** A municipal or privately-operated agency, business, or service for collecting or transporting solid waste for disposal purposes.

(10) **CONDOMINIUM.** (Cr. GO 13-11) A residential property which is subject to the provisions of Ch. 703, Wis. Stats, and governed by a declaration or bylaw that requires all units to be owner-occupied.

**9.02 SOLID WASTE COLLECTION REGULATIONS.** (Rep. & Rec. GO 47-03), (Amd. GO 8-13), (Amd. GO 25-13)

(1) (Amd. GO 59-04) Residential and commercial waste shall be collected by the Department from all properties, provided such waste is properly handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Residential waste collection shall be provided once per week at no charge for a maximum of one 96-gallon container per property or dwelling unit, whichever is greater. The garbage cart must be one which was purchased from the City. All refuse must fit inside the garbage cart with the lid fully closed. Residential waste placed outside the garbage cart will not be collected.

(2) (Amd. GO 59-04) Recyclable waste to include co-mingled containers and paper shall be collected by the Department for all residential properties, up to and including six dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Recycling is mandatory, and residents will be required to comply with recycling regulations. Curbside recycling waste collection shall be provided once every two weeks to each household. There is no limit on the number of recycling carts collected at each resident. The recycling cart must be one which was purchased from the City. Recycling waste shall be placed out for collection separate from other residential waste on the regular collection day. All recycling waste must fit inside the recycling cart with the lid fully closed. Recycling waste placed outside the recycling cart will not be collected.

(3) **Special Assessment for Extra Solid Waste Pickup.**

(a) In those instances where the periodic solid waste pickup is not followed by residents or property owners, the Director of Public Works, or his designee, is hereby authorized, when scheduling time permits, to dispatch City crews to remove the following: (a) solid waste, (b) tires, (c) batteries, (d) waste oil, (e) yard waste, (f) electronic waste, or (g) construction, remodeling, and demolition waste, (h) bulky waste, or (i) other items that are placed out for collection that would not normally be collected. Any items removed are subject to removal charges noted below and any cost of disposal.

(b) The costs of such removal shall be the hourly rate (including fringe benefits) per employee dispatched, plus truck charges and administration fees, for the time spent collecting such solid waste from the time of dispatch to the time the truck returns to the municipal garage. There shall be a three-tenths hour

minimum charge for such dispatch. Should City crews be dispatched at a time to collect such solid waste items which requires the City to incur overtime, the appropriate hourly rate will be charged (whether time and one-half or double time).

(c) Should the property owner fail to pay such charge as invoiced within 30 days of the date of the invoice, the same shall become a lien upon the property as provided in §66.0627, Wis. Stats., and §9.02(8), Green Bay Municipal Code, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.

(d) The City will schedule two (2) bulky waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to two (2) cubic yards of bulky waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.

(e) The City will schedule four (4) overflow residential waste collection periods annually during which residents will not be charged. During these periods, the City will collect up to four (4) 32-gallon bags of waste per residence placed outside of a trash cart. At all other times, the above rules shall apply.

(f) Bulky waste may be disposed of by residents using the bulky waste drop-off location(s) provided by the City at no cost to the resident. The drop-off location(s) is/are for bulky waste only. Disposal of overflow volumes of residential waste at the drop-off location(s) is prohibited.

(4) Separation of Recyclable Waste.

(a) The following recyclable materials from single family and 2 to 6 unit residences, multifamily dwellings and non-residential facilities and properties shall be separated from other solid waste:

1. lead acid batteries
2. major appliances
3. waste oil
4. yard waste
5. aluminum containers
6. bi-metal containers
7. corrugated paper or other container board
8. foam polystyrene packaging
9. glass containers
10. magazines
11. newspaper
12. office paper

13. rigid plastic containers made of PETE, and HDPE
14. rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins
15. steel containers
16. tires
17. electronic waste or E-waste.

(b) Separation Requirements Exempted. The separation requirements of 9.02(4)(a) do not apply to the following:

1. Occupants of single family and 2 to 6 unit residences, multiple-family dwellings and non-residential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 9.02(4)(a) from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from solid waste burned as supplemental fuel.

3. A recyclable waste item specified in 9.02(4)(a)1. through 15. for which a variance has been granted by the Department of Natural Resources under § 159.11(2m), Wisconsin statutes, or § NR 544.14, Wisconsin Administrative Code.

(5)(a) Recyclable waste shall not be collected by the City from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in 1989 Wisconsin Act 335.

Items included in 1989 Wisconsin Act 335 are: aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, or other material printed on similar paper, newspaper or other material printed on newsprint, office paper, rigid plastic containers, steel containers, bi-metal steel/aluminum containers for carbonated and malt beverages.

All owners or designated agents of rented and leased residential properties are required to do all the following:

1. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

2. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the 1995 ban.

3. Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants, and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation and a contact person, including a name, address and telephone number.

All owners of these buildings are required to comply with State Statutes which ban the items listed above from landfilling and incineration beginning January 1, 1995.

(b) The requirements specified in 9.02(5)(a) do not apply to the owners or designated agents of multi-family dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(6)(a) Recyclable waste shall not be collected by the City from non-residential facilities and properties. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in 1989 Wisconsin Act 335.

(b) Recycling laws apply to both residential properties and non-residential facilities and properties. All non-residential facilities or properties are required to separate the materials subject to §159.67, Wis. Stats., which bans said material from landfills on January 1, 1995.

(c) Owners or designated agents of non-residential facilities and properties shall do all of the following to the materials specified in 9.02(4)(a)5. through 15.:

1. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

2. Provide adequate, separate containers for the collection of recyclable materials.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(d) The requirements specified in 9.02(6)(b) do not apply to the owners or designated agents of non-residential facilities and properties if the solid waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(7) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:

(a) Solid Waste not Collected by the City. (Amd. GO 59-04)

1. Industrial waste.

2. Manufacturing waste.

3. Hazardous and/or toxic wastes.
4. Nauseous and/or offensive waste.
5. Sewage plant refuse.
6. Batteries.
7. Tires.
8. Waste oil.
9. Medical and infectious waste.

(b) Preparation. (Amd. GO 59-04)

1. Residential and commercial waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.

2. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

3. Recyclable material such as glass, plastic bottles, tin, paper, cardboard and aluminum cans shall be co-mingled and placed in one container.

4. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other non-recyclable materials.

5. Branches, limbs, and cuttings from trees shall be cut in 3-foot to 8-foot lengths and must be at least ½" in diameter when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction or from any contracted job. If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.

6. Bulky waste will be picked up by a special collection crew. All amounts collected will be charged a fee except as designated in 9.02(3)(d) above. Said fee is to be a charge per cubic yard and will be established by resolution annually by the City Council. Items placed out due to periodic change of tenancy (move outs) from residences shall be charged for said service and proper disposal.

7. Hot cinders, ashes, or any smoldering embers shall not be placed in any collection container; however, cold ashes shall not be placed in cardboard or paper containers, but shall only be placed in sealed/tied plastic bags of a type and composition suitable for handling and disposal.

(c) Tipper Cart - Garbage and Refuse.

1. The cost of all garbage tipper carts provided by the City shall be at a charge established by resolution. One (1) tipper cart shall be provided to each property with a maximum capacity of 96-gallons. All tipper carts must be purchased from the City.

2. All tipper carts for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

3. Any tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

4. Any defective tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.

(d) Tipper Cart - Recycling.

1. The cost of all recycling tipper carts provided by the City shall be at a charge established by resolution. A minimum of one tipper cart is required at each residential unit as long as there are no more than six such units in a building. All tipper carts must be purchased from the City.

2. All tipper carts for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

3. Any tipper cart deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

4. Any defective tipper cart not replaced subsequent to the notification shall result in the issuance of a citation.

(e) Storage and Collection. (Amd. GO 13-11)

1. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

2. Mobile Home Park and Condominium Waste. On the scheduled day of collection, mobile home park and condominium waste shall be properly prepared and placed at the curblineline of the adjacent public street. No collection will be made on private property or in alleys, unless provided for by the Common Council and meeting the following conditions:

a. The property owner and lessee, if applicable, shall provide the City with an indemnification and hold harmless agreement protecting the City from any and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office.

b. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Insurance Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.

c. City collection vehicles are able to enter and leave the private property while proceeding in a forward motion, the private driveways or streets are of an adequate width to safely accommodate City collection vehicles and the solid waste is placed out for collection in an open area readily accessible for collection.

d. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.

3. Residential Waste. Waste materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Residential waste shall be placed in a garbage cart and placed at the curb a minimum of four (4) feet from regular recycling waste for collection. Pickups shall not be made on residential private property or in the alley adjoining residential property, except for mobile home parks and condominiums as defined above.

4. Recyclable Waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be placed in a recycling cart and placed at the curb a minimum of 4 feet from regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pickups shall not be made on residential, private property, or in the alley adjoining residential property except for mobile home parks and condominiums as defined above.

5. Mobile Home Park and Condominium Waste. Waste from mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of §9.02(7)(e)2, Green Bay Municipal Code.

6. Any solid waste, when placed out for collection, shall be out by 6:00 A.M. from June 1 through August 31 and shall be out by 7:00 A.M. from September 1 through May 31 on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

7. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

8. All solid waste placed out for collection becomes City property upon being collected.

9. (Rep. & Rec. GO 43-04) Garbage, recycling, or refuse containers shall be stored during the time period between collection days in the following locations:

- a. Tipper carts shall not be stored within 15' of the public right-of-way.
- b. Tipper carts shall not be stored on any street side or alongside of a building unless the cart is completely screened from view of an observer located at the public right-of-way.
- c. Tipper carts shall be stored in the backyard, garage, or any other convenient discreet location.
- d. All tipper carts must be stored with the lids completely closed.
- e. Do not store carts near a furnace, grill or any other heat source.

10. There shall be no variance from this section without the prior approval of the Director of Public Works therefore.

11. Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of §9.02(7)(e)9. above, shall be subject to the following:

a. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in his determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

b. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

c. All structures ordered under this section shall be at least three sided and constructed of opaque materials sufficient to ensure the waste is impervious to view from the exterior of the three sides. The walls of the structure shall be of a height equal to 1' taller than the garbage or refuse receptacle, but in no event in excess of 6' in height, and shall be maintained in a neat and orderly manner.

d. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.

(8) All charges by the City of Green Bay for early set-out as defined in §9.02(7)(e)6 and bulk pickups must be paid within 30 days after billing date or said charge will become a lien on the property according to §66.0627, Wis. Stats., and will be added to that year's taxes with interest.

### 9.03 **TRANSPORTATION**. (Rep. & Rec. GO 47-03)

(1) **TRANSPORTATION NUISANCE.** No person shall transport any material in any vehicle unless the vehicle is operated and constructed so that the contents shall not blow, scatter, leak, or spill upon streets or alleys or otherwise create a nuisance.

(2) All vehicles or conveyers, whether publicly or privately owned, used for the collection or transportation of solid waste shall not be kept in any street, alley, or public place, or upon any private premises within the City longer than is reasonably necessary to collect the solid waste except by permission of the Director of Public Works.

(3) **PRIVATE COLLECTOR'S LICENSE.** No person, except employees of the Department in the regular performance of duty, shall collect or transport waste materials on any street or alley without a license. Each license shall bear a number corresponding to the license plate issued which shall be prominently displayed on the vehicle used by such licensee in his business as herein provided. Such license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his license to be used by any other person, and any other person who shall use such license granted to another person shall be in violation of this subchapter. Such license shall be issued by the City Clerk upon approval of the Director of Public Works. The license fee for one year or fraction thereof shall be \$25 for the first vehicle and \$5 for each additional vehicle operated by such person.

This license does not provide authorization for the licensee to collect solid waste placed out by the property owner on public right-of-way for collection by the City.

Each license shall automatically expire on January 1 following issuance. Such license may be suspended or removed by the Director of Public Works for failure to comply with any of the rules of the Director of Public Works. Appeal from this decision may be made to the Common Council.

9.04 **SOLID WASTE DISPOSAL**. (Rep. & Rec. GO 47-03), (Amd. GO 25-13)

(1) Following collection, all solid waste shall be disposed of under the direction of the Director of Public Works in a manner approved by him with the concurrence of the Brown County Solid Waste Authority in conformance with the State Department of Natural Resources, Solid Waste Disposal Standards under terms approved by the Council.

(2) Prohibitions on Disposal of Recyclable Wastes Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in §9.02(4)(a)1. through 15., Green Bay Municipal Code, which have been separated for recycling, except:

- (a) waste tires may be burned with energy recovery in a solid waste treatment facility, and
- (b) microwave ovens may be disposed of in a landfill after the capacitor has been removed.

(3) No person shall burn any solid waste outdoors at any time within the City.

(4) No person in the City shall deposit, throw, place, or leave any solid waste upon any street, court, lane, alley, business, square, public enclosure, vacant lot, house yard, body of water, or any public place except in a container herein required. No person shall upset or turn over the contents of any waste containers in any street, alley, and other public place. No person shall remove any waste from containers on private premises without the consent of occupant, owner, or lessee of the premises, and no person shall remove any waste from a container which has been set out on public right-of-way for collection. No person shall remove any waste from public trash receptacles placed on public property.

(5) DISPOSAL OF CONSTRUCTION AND/OR DEMOLITION WASTE. (Amd. GO 59-04) All construction and/or demolition waste shall be disposed of at the Brown County Landfill Site or other licensed landfill site except as indicated in §9.02(4)(a), Green Bay Municipal Code. If collected by the City, rules contained in 9.02(3) shall apply.

Excavated material consisting of sand, clay, or other earth and broken concrete, brick, or rubble free of debris may be used for filling private property as herein provided. Prior to placing fill material, the owner of the property shall apply to the Director of Public Works for a permit to conduct the filling operation. The property owner shall cover the fill material with at least 6" of dirt and grade and level the site. When such property owner neglects to do so after sufficient notice, the Director of Public Works shall do the required work. The expense thereof shall be charged against the property involved and may be placed on the City tax roll as previously agreed by such property owner.

(6) DISPOSAL OF INDUSTRIAL AND/OR MANUFACTURING WASTE. Industrial and/or manufacturing waste shall be disposed of by the owner or occupant at the Brown County Landfill Site or other licensed landfill site.

(7) DEAD ANIMALS.

(a) Small Animals. The owner or custodian of dead dogs, cats, and other animals weighing less than 100 pounds shall notify the humane officer, who shall arrange to have such animals removed.

(b) Large Animals. The owner or custodian of dead animals weighing over 100 pounds shall be required to deliver such dead animals to the Brown County Landfill Site at their own cost. Dead animals weighing over 100 pounds shall be brought to the Brown County Landfill Site promptly after death. If any owner or custodian of a dead animal refuses to bring such animal to the Brown County Landfill Site within 24 hours after death thereof, the Director of Public Works may arrange for the collection and disposal of such animal; and all costs of collection, including truck service and any other expense, shall be charged against them as a special charge and collected in the same manner as other special charges are collected.

(8) DISPOSAL OF ANIMAL OFFAL AND OTHER OFFENSIVE WASTES. Animal offal, the droppings from pet animals, manure, and night-soil shall not be collected by the City. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary and responsible manner.

(9) DISPOSAL OF INFECTIOUS MATERIAL. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision of the Director of Public Works or his representative. Such refuse shall not be placed in containers for regular collection with normal solid waste.

(10) EXPLOSIVE MATERIAL. No person shall place or deposit any explosive material such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gun powder, gasoline, or similar material in a container for collection or disposal at any dumping grounds, private or municipal. It shall be the responsibility of the owner of such items to dispose of such wastes in a safe and legal manner.

(11) DOUBT OF PROPER DISPOSAL. When any person is in doubt as to the proper preparation, handling, and disposal of any type of solid waste, they shall contact the Department of Public Works for information concerning safe, legal and proper handling and disposal.

9.05 **DIRECTOR OF PUBLIC WORKS MAY MAKE RULES**. (Rep. & Rec. GO 47-03)

The Director of Public Works shall make reasonable rules for the regulation and administration of this subchapter as may be found necessary for the proper storage, collection, removal, and disposal of solid waste in the City. Collection schedules for all areas of the City shall be prepared and advertised so that all persons will know the correct collection day. Such rules shall be available for public inspection at the office of the Director of Public Works.

9.06 **ENFORCEMENT**. (Rep. & Rec. GO 47-03)

(1) The Director of Public Works shall enforce the provisions of this subchapter and see that all violations are promptly abated and a citation issued if necessary. The Chief of Police shall give attention throughout the City of any violation of this subchapter and promptly report to the Director of Public Works in writing every violation within the City which come to their knowledge.

(2) SPECIAL PENALTIES. If the owner, occupant, or lessee of any premises neglects or refuses to clean up and remove from such premises all solid waste when so ordered by the Director of Public Works, such owner, occupant, or lessee shall be liable to maximum penalty as provided by §9.07, Green Bay

Municipal Code. If such accumulation occurs on any street, alley, or public thoroughfare, such solid waste may be collected under the direction of the Director of Public Works, and the entire cost thereof shall be assessed against the abutting property. If said cost is not paid within 30 days, it will be added to the taxes as a lien on the property according to §66.0627, Wis. Stats.

(3) **FAILURE TO COMPLY.**

(a) The Director of Public Works may refuse to furnish collection service of solid waste to any person not complying and refusing to comply with this subchapter and the rules and regulations made by the Director of Public Works for the collection and disposal of solid waste.

(b) When services for the collection of solid waste have been withdrawn by the Director of Public Works from any person for failure to comply with such rules and regulations, resulting in an accumulation of solid waste on his premises which is offensive or a public nuisance, that person may be prosecuted under any ordinances of the City regulating the same.

**9.07 PENALTY.** (Amd. GO 8-94) Any person who violates any provisions of this subchapter or who shall fail or refuse to obey any order issued hereunder shall be subject to a forfeiture. Such forfeiture shall be not less than \$10 nor more than \$2,000, together with the costs of such action. Upon default or refusal to pay such forfeiture, such person shall be imprisoned for not more than 60 days. Each day of violation, disobedience, omission, neglect, or refusal shall be a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

**9.10 SANITARY LANDFILL OPERATIONS.** (Amd. GO 8-94)

(1) **PURPOSE.** A sanitary landfill operation is recognized as a safe, sanitary method of disposal of solid waste materials provided the operation is properly conducted. Sanitary landfill operations are regulated for the purpose of promoting and protecting the public health, safety, comfort, commerce, and general welfare and to provide assurance that our natural land resource may be restored or retained in usable form following the deposition of solid waste materials without polluting our air or water resources.

(2) **APPLICABILITY.** This section governs the operation of a sanitary landfill site located within the City by any person or municipality except the City, regardless of zoning districts, and the issuance of permits for such according to State Statutes.

(a) Reference and incorporation is made of the Solid Waste Disposal Standards adopted by the Wisconsin Department of Natural Resources.

(b) Requirements of this section and the standards referred to above are intended to be complementary and where varied shall be interpreted in favor of the more restrictive requirement or agency.

(c) Provisions for disposal of inert earth materials are regulated by permits issued by the Director of Public Works.

(3) **DEFINITIONS.** The definitions found in this Code and in Wisconsin Department of Natural Resources Solid Waste Disposal Standards (NR 180.04) are incorporated herein.

(4) **APPLICATION FOR SANITARY LANDFILL PERMIT.** No person shall establish, maintain, conduct, expand, or operate a sanitary landfill operation without first obtaining an annual permit to do so

from the City and, after receipt of such permit, obtaining an annual license to do so from the Wisconsin Department of Natural Resources. Such annual permit from the City and annual license from the Wisconsin Department of Natural Resources shall terminate annually on September 30.

(a) Form of Application. Persons desiring a permit shall annually, before September 1 or at least 30 days before the desired effective date, make application to the Director of Public Works on forms supplied by the Department of Public Works. A separate application shall be made for each proposed sanitary landfill operation.

(b) Surety Bond. Each applicant desiring a permit shall provide a surety bond conditioned upon compliance with this section, the amount of which shall be determined by the Director of Public Works. The Director of Public Works shall recommend to the Council the amount of such bond for confirmation by the Council. A copy of the proposed surety bond shall accompany the permit application.

(c) Copies of Application. Each applicant desiring a permit shall provide a copy of the license and permit application submitted to the Wisconsin Department of Natural Resources.

(d) Operational Procedures. Each application shall be accompanied by a set of operational procedures and plan materials, as required herein, indicating how the requirements of this section will be fulfilled.

(e) Review by Department. Upon receipt of the completed application, the Department of Public Works shall review the same to assure that all municipal provisions of this section are met. The Department of Public Works shall notify the applicant when the application is satisfactory and of the amount of the required surety bond.

(f) Notice and Hearing. The Director of Public Works shall forward a recommendation to the Common Council, which shall publish a Class 1 notice of the application and hold a public hearing thereon prior to approval.

(5) **REVOCAION OF A SANITARY LANDFILL PERMIT**. The Director of Public Works shall suspend or revoke any permit if it is found the operation is not in conformance with this section. The Director of Public Works shall make the determination as to whether or not there is in fact such a violation by applying local existing practices of good engineering.

(6) **LOCATION REQUIREMENTS**. Sanitary landfill permits shall be issued where consistent with the Solid Waste Disposal Standards of the Wisconsin Department of Natural Resources (NR 51.09).

In addition, the quality of the following environmental factors is desirable to protect and shall be considered by the Director of Public Works, who shall determine that these factors, where present, will be seriously impaired neither during nor at the completion of a sanitary landfill operation:

- (a) Surface drainage.
- (b) Soil drainage.
- (c) Floodplain or floodway areas.
- (d) Erosion susceptibility.

(e) Immediate surrounding land values.

(f) Preservation of historical sites, water quality, and forest, wildlife, and recreational areas.

(7) MAPS, PLANS, AND REPORT. Persons desiring a permit shall submit the following maps, plans, and report with their initial application for a permit and shall submit any revisions or additions thereto prior to the subsequent annual review and annual issuance of the permit.

(a) One set of the following information shall be submitted with the permit application to the City and one set with the application to the Wisconsin Department of Natural Resources pursuant to NR 180.06, Wis. Admin. Code.

1. A sanitary landfill shall not be established until the site location and proposed method of operation has been approved in writing by the Department. A minimum of three sets of the following information shall be submitted to the Department for consideration for approval:

a. Map or aerial photograph of the area showing land use and zoning within one-quarter mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, wells, watercourses, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography.

b. Site plan of the site showing dimensions, location of soil borings, proposed trenching plan or original fill face, winter cover stock piles, and fencing. Cross sections shall be included on the site plan or on separate sheets showing both the original and proposed fill elevations. The scale of the site plan shall not be greater than 200' per inch.

c. A report shall accompany the plans indicating:

(i) Population and area to be served by proposed site.

(ii) Anticipated type, quantity, and source of material to be disposed of at the site.

(iii) Geological formations and ground water elevations to a depth of at least 10' below proposed excavation and lowest elevation of the site. Such data shall be obtained by soil borings or other appropriate means.

(iv) Source and characteristics of cover material and method of protecting cover material for winter operations.

(v) Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compaction, and other needs.

(vi) Persons responsible for actual operation and maintenance of the site.

(vii) Intended operating procedure.

(b) The report shall also include a brief evaluation of each of the environmental factors listed in sub. (6).

(8) OPERATION OF SANITARY LANDFILL. Any person who maintains or operates a sanitary landfill site or who permits the use of property for such shall maintain and operate the site in conformance with the following practices as required by the Wisconsin Department of Natural Resources pursuant to NR 180, Wis. Admin. Code.

- (a) Open burning of solid waste is prohibited.
- (b) No solid waste shall be deposited in such a manner that material or leachings therefrom will have a detrimental effect on any ground or surface water.
- (c) Dumping of solid waste shall be confined to as small an area as practicable and shall be surrounded with appropriate facilities to confine possible windblown material within that area. At the conclusion of each day of operation, all windblown material shall be collected and returned to the area by the owner or operator.
- (d) Each single layer of garbage or refuse shall be compacted to a depth of approximately 2'. No more than three compacted layers may be placed prior to covering.
- (e) Solid waste shall be compacted and covered after each day of operation, or as specified by the Department of Natural Resources, with a compacted layer of at least 6" of suitable cover material. Surface water drainage shall be diverted around the landfill area.
- (f) Putrescible materials such as spoiled foods and animal carcasses shall be immediately covered and compacted as indicated in this section.
- (g) Special provision shall be made to dispose of toxic and hazardous wastes in compliance with NR 180, Wis. Admin. Code.
- (h) The boundaries of the disposal site shall be fenced for the protection of persons or animals and a minimum distance of 50' maintained between the disposal operation and adjacent property.
- (i) Effective means shall be taken to control flies, rodents, and other insects or vermin.
- (j) The approach road to the disposal site shall be of all-weather construction maintained in good condition and treated as necessary to minimize dust. The approach road shall connect as closely as possible to an arterial street.
- (k) The operation shall be conducted so that traffic at the site may travel over the filled area as much as possible to aid in compaction.
- (l) Equipment shall be provided to control accidental fires, and arrangements shall be made with the local fire protection agency to immediately acquire their services when needed.
- (m) An attendant shall be on duty at the site at all times while it is open for use.
- (n) A gate shall be provided at the entrance to the site and shall be kept locked when an attendant is not on duty.

(o) A sign identifying and showing the license number of the site and indicating the hours during which the site is open for use, penalty for nonconforming dumping, and other pertinent information shall be posted at the site entrance.

(p) The site shall be surrounded by rapidly growing trees, shrubbery, or other appropriate means to screen it from the surrounding area and to provide a natural windbreak.

(q) Within one week after final termination of a site or a major part thereof, the area shall be covered with at least 2' of compacted earth material adequately sloped to allow surface water runoff.

(r) The finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately upon completion or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

(s) Prior to completion of a sanitary landfill site, the Department of Public Works shall be notified so that a site investigation may be conducted by the Department before earth moving equipment is removed from the property.

(t) Following the completion and abandonment of the sanitary landfill site, inspection and maintenance shall be continued by the landfill owner or operator until the fill becomes stabilized.

(u) Hours of operation shall be reasonable and shall prohibit use on Sundays.

(v) Outdoor lighting shall be mounted in such a manner that no glare is created to public right-of-way or adjoining properties.

(w) Telephone or radio communications shall be maintained with either a public system or a company-monitored system when the site is in operation.

(9) INSPECTION AND ENFORCEMENT. Any authorized officer, employee, or representative of the City may enter and inspect any property, premises, or place at any reasonable time for the purpose of determining compliance within this section. No person may refuse access to any authorized officer, employee or representative of the Department of Public Works who requests access for purposes of inspection, and who presents appropriate credentials.

(10) EXEMPTIONS. The Director of Public Works may recommend, and the Council may grant, exemptions for any one or a number of requirements contained herein, provided the purpose and public interest of this section is served and provided such exemptions are not contrary to State requirements.

(11) APPEALS. All procedures and requirements contained herein are subject to review by the Council upon receipt of an appeal by an applicant for a permit or by a citizen of the City. The Council may delegate to an appropriate committee or officer the duty to hear any appeal under this section. The Council, committee, or officer shall provide procedures to hear any such appeal.

9.11 **DUMPING PROHIBITED.** (Cr. GO 38-99)

(1) No person shall place or dump solid waste on any property, unless such person owns, controls, leases, or is otherwise authorized by the property owner and such person does so in a manner consistent with other provisions of the Green Bay Municipal Code.

(2) PENALTY. The forfeiture for violating this section shall not be less than \$500, nor more than \$1,000.

**PUBLIC CONSTRUCTION**

9.15 **PROCEDURE.**

(1) The procedure to be followed by all departments, commissions, and utilities in performing public construction shall be as follows:

(a) (Amd. GO 19-16) The appropriate public agency shall approve the advertisement for bids for the project and request that the Improvement and Service Committee approve the request for advertisement of bids. The Committee shall forward its recommendation to the Council. After receipt of bids, the bids shall be referred to the agency and a recommendation made to the Committee for awarding or rejection of the contract. The Committee shall act on the recommendation of the agency and submit its recommendation to the Council. The work shall be accomplished under the direction of the Director of Public Works. The agency shall approve and accept the project and recommend payment. The Council shall authorize final payment by resolution. Pursuant to Wis. Stats. § 62.15(1), the City may elect to perform any public construction, in part or in whole, using their own forces, whenever or wherever it is determined that the best interests of the City would be served by doing so. This determination shall be made by the Director of Public Works.

(b) The Water Commission and its supporting staff shall be the corresponding authority for the supervision of the actual construction work on all water utility public works construction pursuant to §66.068(5), Wis. Stats. The Green Bay Water Commission and its supporting staff shall be responsible for the preparation of all plans, specifications, and progress payments to be made on such projects. In the event that the City of Green Bay and the Green Bay Water Commission participate in a joint public works construction project, the City of Green Bay, through the Department of Public Works, shall be the chief supervisor of such project, but the Green Bay Water Commission and its supporting staff shall submit to the Department of Public Works for review and/or redraft and approval of the plans and specifications for that portion of the project associated with water utility public works construction. The Green Bay Water Commission shall approve all progress payments associated therewith.

9.16 **QUALIFICATION.** Any person violating §133.03, Wis. Stats., or any subsequent amendment thereof, shall upon conviction thereof be disqualified as a bidder on any City project for three years from the date of such conviction; however, such person may complete any contract such person already has with the City at the time of such conviction. This prohibition applies to officers of convicted corporations, firms, or individuals who thereafter have business interests in new corporations or business enterprises.

## STREETS AND SIDEWALKS

### 9.20 TREE AND BRUSH TRIMMER LICENSE REQUIRED.

#### (1) DEFINITIONS.

- (a) Person means an individual, partnership, association, or corporation.
- (b) For Hire means that monetary compensation is expected to be received upon completion of the work.

#### (2) LICENSE REQUIRED.

(a) No person shall cut, trim, or prune any tree or brush for hire within the City of Green Bay unless that person has obtained a Tree and Brush Trimmer license.

(b) Application shall be made to the City Clerk, who shall forward said application to the Improvement and Service Committee for its recommendation of approval or denial to the Common Council. Every applicant shall furnish satisfactory evidence to the Improvement and Service Committee that the applicant has the capability to cut or trim trees and brush and to remove the trimmings resulting from the work.

(c) The application shall include the applicant's name, business address, and number of years involved in the service of cutting or trimming trees or brush.

(d) Any license issued under this section shall terminate on February 1 of each year.

#### (e) Fee Bond Required.

1. Each applicant shall deposit with the application a fee of \$25.

2. Before any license is issued, the applicant shall file with the City Clerk a bond to the City in the sum of \$1,000 conditioned that the licensee shall observe and obey all rules and regulations relating to the disposing of the tree or brush trimmed.

(f) Exceptions. The license requirement shall not apply to public service employees, including, but not limited to, employees of the City of Green Bay, electric, gas, water, or telephone companies while engaged in their occupation as a public service employee.

(3) PERMIT REQUIRED. All licensed trimmers shall, before beginning a new job for hire, obtain a trimming permit from the Department of Public Works.

#### (4) LICENSEE RESPONSIBILITY.

(a) Each person licensed as a tree and brush trimmer shall be responsible to properly dispose of all trimmings and scraps which shall result from the licensed activity.

(b) If the licensee fails to properly dispose of said trimmings, the City will dispose of them and charge the licensee the actual cost of said disposal.

(c) Any costs incurred by the City to dispose of said trimmings shall be taken from the bond posted with the City Clerk. No subsequent permits will be issued by the Department of Public Works until the licensee has replenished the bond posted to the original sum of \$1,000.

(5) REVOCATION OF LICENSE.

(a) If any person licensed under this section violates any provision of this section, the Common Council may, upon giving the licensee five days notice and an opportunity to be heard before the Improvement and Service Committee, revoke the license.

(b) Any person who has had a Tree and Brush Trimming license revoked under this section shall not be eligible to again receive a Tree and Brush Trimmer license within three months of the date of the revocation.

(6) PENALTY.

(a) Any person found to be trimming or cutting trees or brush for hire without a license, as herein prescribed, shall be subject to a forfeiture of not less than \$100 nor more than \$1,000.

(b) Any person violating any other provision of this section shall be subject to a forfeiture of not less than \$25 nor more than \$500.

(7) The Director of Public Works shall enforce this section.

(8) SEVERABILITY. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9.21 **RIGHT-OF-WAY EXCAVATION AND OCCUPANCY.** (Rep. & Rec. GO 4-01)

(1) DEFINITIONS.

(a) Director. The Director of Public Works or his/her designee.

(b) Excavate. To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

(c) Facility. Any equipment owned, operated, leased or subleased in connection with the operation of a service or utility service and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines, and other structures and appurtenances.

(d) Local Representative. A local person or persons, or designee of such person or persons, authorized by an occupant to accept service and to make decisions for that occupant regarding all matters within the scope of this chapter.

(e) Occupant. Any person having facilities above, on, in or below the boundaries of the public right-of-way. For the purposes of this section, "Occupant" shall exclude a private transmission facility regulated under §9.33, Green Bay Municipal Code.

(f) Person. A corporation, company, association, firm, partnership, limited liability company, limited liability partnership, and individuals and their lessors, transferees, and receivers.

(g) Public Utility. The meaning provided in §196.01(5), Wis. Stats.

(h) Right-of-Way. The surface and the space above and below an improved or unimproved public roadway, highway, street, bicycle lane, and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.

(2) EXCAVATION PERMIT.

(a) Permit Required. (Amd. GO 23-15) No cut, excavation, or service connection shall be made in any right-of-way unless a permit therefore is obtained from the Director. The provisions of this section shall not apply to the construction or replacement of public sidewalks.

(b) Obstruction. If any traveled portion of a street, alley, or sidewalk is obstructed in any manner while doing the work allowed by the above permit, a separate permit must be obtained from the Director in accordance with §9.27, Green Bay Municipal Code.

(c) Permit Application. Application for a permit shall be made to the Director. Permit applications shall contain and will be considered complete only upon compliance with the following requirements:

1. Form and Drawings. Submission of the completed permit application form as established by the Director, including all required attachments, drawings showing the location and area of the proposed facilities, and the size of the cut, excavation or service connection. The proposed excavation must accommodate all existing underground facilities within the proposed route.

2. Insurance. The permittee shall file a certificate of insurance with the City Risk Manager giving evidence of liability insurance in the amounts required by resolution of the Common Council for bodily injury and property damage aggregate. Such insurance shall not be cancelled or reduced without the insurer giving 10 days prior written notice to the Risk Manager. Cancellation or reduction of insurance shall automatically suspend the permit, and no further work shall be done under such permit until a new certificate of insurance complying herewith is filed with the Risk Manager.

3. Bond. A bond in the form of cash or a performance bond shall be deposited or filed with the City Clerk prior to the issuance of the permit. The Director shall determine the dollar amount based upon the estimated cost to restore the area involved to a condition the same or similar to that prior to the cut and/or excavation.

4. Payment. Payment of the permit fees and costs as set forth below.

5. Public Utilities. Subsections 2 and 3 shall not apply to a public utility.

6. Approval. Permits shall be acted upon within 30 days or be deemed granted.

(d) Permit Fee.

1. Fee Schedule. The permit fee shall be established by resolution of the Common Council in an amount sufficient to recover the costs incurred by the City. This fee shall recover the administrative and inspection costs of the permit application. Payment of said fee shall be collected prior to the issuance of the permit. The fee shall be waived for permits for utility work in new subdivisions and within the limits of public works projects, when work is undertaken in conjunction with the installation of pavement.

2. Substantial Projects. For those applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Director may assess the actual costs of the City employees' time engaged in review and inspection of the anticipated work, multiplied by a factor determined by the respective department to represent the City's cost for statutory expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage attributed to the work, plus all consultant fees associated with the work at the invoiced amount, plus 10% for administration.

3. City Exemption. The City and its contractors shall not pay fees for excavations due to general government functions.

4. Non-Refundable. Permit fees paid are not refundable.

5. Exceeding Application Specifications. A permittee exceeding the scope of the project reported under sub. (2)(c)1 shall reimburse the City for all additional costs incurred in addition to the normal fee for the entire project as established pursuant to sub. (2)(d)1 above.

(e) Location of Facilities.

1. Underground. The permittee shall endeavor to install facilities underground or within buildings or other structures in conformity with applicable codes, unless in conflict with state or federal law, existing above-ground facilities are used or otherwise approved by the Director. The Director may direct that the installation be made underground if the public health, safety or welfare so requires.

2. Limitation of Space. The Director may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy the right-of-way. In making such decisions, the Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public health, safety or welfare. In reaching this conclusion, the Director may consider a utility's obligation to serve.

3. Attachment to Bridges. Whenever a permittee requests permission to attach pipes, conduits, cables or wires to any City bridge structure, the applicant shall pay all costs associated with the granting of such permission, including, but not limited to, administrative expenses in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in case of repair, removal, or replacement of said bridge structure by the City.

(f) Style of Cut. All excavations in permanently improved streets shall be made by final saw cuts around the perimeter of the excavation. Any jagged edges or irregularities left by the person making the excavation will be re-sawed and a patch made accordingly at the expense of the permittee.

(g) Repair of Paved Areas.

1. Temporary. Excavated material shall be hauled away by the contractor. All excavations made in paved areas in the public right-of-way shall be backfilled with 3/4" crushed stone and compacted in 12" layers with mechanical compaction equipment. The crushed stone shall be so placed to within 3" of the finished grade, and the excavated area shall then be filled with 3" of cold mix bituminous surface which shall be paved to conform to the existing paved surface. The permittee shall be responsible for all costs associated with maintaining the temporary repair.

2. Permanent. Unless otherwise approved by the Director, disturbed pavement shall be replaced by an authorized contractor retained by the City pursuant to the Street Excavation Repair Policy, and the permittee shall be responsible for the cost of these repairs. If the replacement pavement settles or cracks within five years of the date of the permit and if failure of the replacement is due to improper backfill or compaction, the pavement and backfill in the excavation area shall be removed and replaced at the expense of the permittee.

(h) Repair of Unpaved Areas. All excavations in areas of rights-of-way which are not paved shall be backfilled with natural material compacted in 12" layers with mechanical compaction equipment. The surface shall be restored to its original condition, subject to the approval of the Director. The permittee shall guarantee this work for one year from the date of repair.

(3) OCCUPANCY.

(a) Obligation. An occupant shall provide the Director with the following:

1. The occupant's name, Digger's Hotline registration certificate number, address, and telephone and facsimile numbers.

2. The name, address, and telephone and facsimile numbers of a local representative, including current information regarding how to contact the local representative in an emergency.

3. The occupant shall keep all of the information listed above current at all times by providing the Director information as to changes within 15 business days following the date on which the occupant has knowledge of any change.

(b) Relocation of Facilities. An occupant must, promptly and at its own expense, permanently remove and relocate its facilities in the right-of-way whenever the City, acting in its governmental capacity and having determined that the public health, safety or welfare so requires, requests such removal and relocation. Notwithstanding the foregoing, an occupant shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the occupant therefore.

(c) Interference with Other Facilities During Municipal Construction. When the City performs work in the right-of-way and finds it necessary to maintain, support, shore, or move an occupant's facilities, the City shall notify the local representative. The occupant shall meet with the City's representative within 24 hours and coordinate the protection, maintenance, supporting, and/or shoring of the occupant's facilities. The occupant shall accomplish the needed work within 72 hours, unless the City agrees to a longer period. In the event that the occupant does not proceed to maintain, support, shore or

move its facilities within such time, the City may arrange to do the work and bill the occupant, said bill to be paid within 30 days.

(d) Abandoned and Unused Facilities.

1. Discontinued Operations. An occupant who has determined to discontinue its operations must either:

a. Provide information satisfactory to the Director that the occupant's obligations under this section for its facilities have been lawfully assumed by another occupant; or

b. Submit to the Director a proposal and instruments for transferring ownership of its facilities to the City. If an occupant proceeds under this clause, the City may, at its option:

i. accept the dedication for all or a portion of the facilities; or

ii. require the occupant, at its own expense, to remove the facilities; or

iii. require the occupant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

2. Abandoned Facilities. Facilities which for two years remain unused shall be deemed abandoned. Any occupant having abandoned equipment in any right-of-way shall remove it from that right-of-way within two years, unless the Director waives this requirement. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option, abate the nuisance, take possession of the facilities, or require the removal of the facilities by the occupant or the occupant's successor in interest.

3. Public Utilities. This subsection shall not apply to a public utility that is required to follow the provisions of §196.81, Wis. Stats.

(f) Emergency Situations. Each occupant or their agent shall immediately notify the City, by verbal notice on an emergency phone number provided by the City, of any event regarding its facilities that it considers to be an emergency. The occupant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the occupant shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this section.

(4) APPEAL OF DECISIONS. Any applicant, permittee or occupant aggrieved by a decision of the Director under this section may file a request for review before the Improvement and Services Committee. A request for review shall be filed within 10 days of receipt of notice of the decision. The Improvement and Services Committee shall commence a hearing within 30 days of the request. The determination of the Improvement and Services Committee shall be subject to approval by the Common Council. Ch. 68, Wis. Stats., shall not apply to the administrative process outlined above.

(5) SEVERABILITY. If any subsection, sentence, clause, phrase or portion of this section is held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(6) PENALTY. Any person who violates this section or fails to comply with the provisions of this ordinance shall be subject to a forfeiture of up to \$1,000. Each day such violation or failure to comply continues shall be considered a separate offense.

(7) (Cr. GO 23-15) The provisions of this section shall also apply to recorded easements held by the City whenever and wherever the term "right-of-way" is used herein.

#### 9.22 **GRADES.**

(1) ON FILE IN OFFICE OF DIRECTOR OF PUBLIC WORKS. The grades of all streets, alleys, and sidewalks as established by the Council shall be kept on file in the Office of the Director of Public Works

(2) RECORDED BY CLERK. The grades of all streets, alleys, and sidewalks shall be established and described by the Council, and the adoption of such grades and all alterations thereof shall be recorded by the City Clerk. No street, alley, or sidewalk shall be worked until the grade thereof is established and all streets, alleys, and sidewalks shall be constructed in accordance with such grade.

(3) ALTERING GRADES PROHIBITED. No person shall alter the grade of any street, alley, sidewalk, or public ground, or any part thereof, in the City unless authorized or instructed to do so by the Council or the Director of Public Works

(4) DATUM PLAN OF REFERENCE. The elevations given in all plans hereafter proposed for sewers, streets, gradings, pavements, bridges, public buildings, and all other public improvements shall be with reference to the established plan of reference and the bench marks on file in the Office of the Director of Public Works, entitled "Datum Plan of Reference."

#### 9.24 **CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS.**

(1) STATUTES ADOPTED. Sections 62.16 and 66.0907, Wis. Stats., relating to the construction and repair of streets and sidewalks, so far as they are applicable to the City and are not inconsistent with this chapter, are adopted by reference.

(2) PERMIT REQUIRED. No sidewalk shall be constructed or repaired unless a permit therefor is first obtained from the Director of Public Works.

(3) MATERIALS. Contractors building sidewalks and property owners constructing their own sidewalks shall obtain from the Office of the Director of Public Works plans and specifications indicating the mixture to use and the method of construction to be employed. Strict adherence to the plans and specifications is required.

(4) STAKES NOT TO BE REMOVED. After grade and line is furnished by the Director of Public Works to a contractor or property owner, such contractor or property owner shall preserve such grade stakes until the cement sidewalk has been constructed. Failure to preserve such line and grade stakes, necessitating the return of the Engineering Department to reset stakes, shall subject the contractor or property owner to the expense involved in resetting such grade stakes.

(5) MINOR REPAIRS TO SIDEWALKS. When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed \$100, the Improvement and Service Committee or the Director of Public

Works, if so required by the Council, may immediately repair such sidewalk without notice or letting the work by contract and charge the cost thereof to the owner of such lot or parcel of land in the manner provided in §66.0907(3)(f), Wis. Stats.

(6) **DAMAGE TO SIDEWALKS.** No person shall propel, drive, drag, or cause to be dropped or placed on any sidewalk in the City any object which will harm the sidewalk to the extent that it would render it hazardous or defective for pedestrian travel.

9.25 **LICENSE FOR SIDEWALK BUILDERS.** (1) **REQUIRED.** No person shall build or construct any cement sidewalk upon any street in the City unless he has obtained a sidewalk builder's license.

(2) **APPLICATION TO COUNCIL.** Any person intending to construct cement sidewalks upon streets in the City shall first apply to the Council for a license as a sidewalk builder. Upon the applicant's furnishing satisfactory evidence that the applicant is capable of building proper cement walks according to the requirements of the Council, the Council shall issue the applicant a sidewalk builder's license, which license shall terminate on April 1 of each year.

(3) **FEE; BOND.** Each applicant shall deposit with an application a fee of \$25. Before such license is issued, the applicant shall file with the City Clerk a bond to the City in the amount of \$2,000, conditioned that the licensee will observe and obey all the requirements of the City relating to sidewalks and to the rules and regulations relating thereto which may be prescribed by the Council, and indemnifying the City or any person in front of whose property the licensee shall construct a sidewalk to observe all the requirements of the Council and the lines and grades furnished by the Director of Public Works. A Certificate of Insurance shall be filed in accordance with §9.21, Green Bay Municipal Code.

(4) **REVOCAION OF LICENSE.** If any person holding a license as a sidewalk builder violates any ordinance of the City relating to the construction of cement sidewalk, the Council may, upon giving the offender two days notice and an opportunity to be heard before the City Protection and Welfare Committee, revoke the license. After the license has been removed, such person shall not again receive a license as a sidewalk builder within three months next of the date of the revocation.

9.26 **PROHIBITING HEAVY EQUIPMENT ON CERTAIN STREETS.** (Amd. GO 25-15) No person shall propel or move or cause to be propelled or moved any heavy equipment or similar machinery having cogs, spikes, or other projections on the outer circumference of wheels over or along any street or alley which has been paved with brick, macadam, asphalt, or other pavement without first having obtained a permit therefor from the Director of Public Works. The Director may grant a permit in writing to propel or move heavy equipment or similar machinery over paved streets or alleys in case any such equipment or other machinery cannot be moved or propelled to its destination over streets or alleys that are not paved. The Director of Public Works shall designate in such permit the streets, alleys, or portions thereof over or along which any such heavy equipment or similar machinery may be propelled or moved and designate the duration for which the permit shall remain valid. The requirements of this ordinance apply to all Implements of Husbandry (IOH) and Agricultural Commercial Motor Vehicles (Ag CMV) as defined by Wisconsin State Statutes §340.01(24)(a) and §340.01(10).

9.265 **TRANSPORT OF LOADS EXCEEDING STATUTORY SIZE OR LOAD LIMITS**  
(Cr. GO 24-15)

(1) Before a permit to transport any load exceeding statutory size or load limits is granted by the Building Inspection Department, the party applying therefor shall have a completed "Single Trip Permit

Application to Transport a Non-Divisible Load Exceeding Statutory Size and/or Weight" signed by the Director of Public Works and other officers in charge of maintenance for movement on highways and streets in their respective jurisdictions in accordance with Ch. 348, Wis. Stats. The "Single Trip Permit Application" shall be submitted to the Director of Public Works 48 hours prior to transporting said load.

(2) BOND REQUIRED. The party applying to transport any load exceeding statutory size or load limits shall file with the City Insurance Administrator a surety bond in the sum of \$5,000, which bond shall indemnify the City for any costs and expenses which may accrue against the City as a result of granting such permit.

(3) CERTIFICATE OF INSURANCE REQUIRED. No permit to transport any load exceeding statutory size or load limits shall be granted until the applicant files a certificate of insurance with the City Clerk giving evidence of liability insurance in the following amounts:

(a) Public Liability.

- |    |                 |  |
|----|-----------------|--|
| 1. | Bodily Injury   | \$1,000,000 each occurrence<br>\$1,000,000 aggregate |
| 2. | Property Damage | \$ 500,000 each occurrence<br>\$ 500,000 aggregate   |

(b) Auto Liability.

- |    |                 |  |
|----|-----------------|--|
| 1. | Bodily Injury   | \$ 100,000 each occurrence<br>\$ 300,000 aggregate |
| 2. | Property Damage | \$ 100,000 each occurrence                         |

(c) Both Public Liability and Auto Liability insurance coverages are required in addition to the \$5,000 bond in sub. (2).

(d) The applicant shall agree to indemnify and hold the City harmless from all liability arising out of the job. Such insurance shall not be cancelled or reduced without 30 days prior written notice thereof to the City Clerk. Such notice shall suspend the permit and no work shall be done under such permit until a new insurance certificate complying with this subsection has been filed with the City Clerk.

(4) The party receiving the permit shall comply with Ch. 348, Wis. Stats., and the Green Bay Municipal Code in transporting said load.

(5) The progress in transporting said load shall be as continuous as possible during all hours of the day, and day by day, and night if the Building Inspector or Director of Public Works so orders, until complete, with the least possible obstruction of traffic movement. If, in the opinion of the Director of Public Works, the move constitutes a hazard and obstruction of traffic movement, the Director may order that the move take place between the hours of 6:30 P.M. and 6:00 A.M.

(6) If the Director of Public Works deems it necessary to post "No Parking" signs and other traffic control signs along the route the load is to be transported on to allow the load to be transported safely, the

Director shall order them erected and taken down after the load is transported and bill the full cost to the party receiving the permit to transport the load. The City shall hold the sureties of the bond given by the person receiving the permit until the Director of Public Works receives payment in full for erecting and removing the necessary traffic signs.

(7) TREE TRIMMING.

(a) Permission shall in no case be granted to transport a load in, along, or upon the public streets of the City if the measurements shown on the "Single Trip Permit Application to Transport a Non-Divisible Load Exceeding Statutory Size and/or Weight" indicates that the street trees along the proposed route will be injured. Trees and shrubs shall not be trimmed or otherwise disturbed without the approval of the Director of Parks, Recreation, and Forestry and the owner.

(b) If it is necessary to trim any City-owned trees or shrubs to transport the load, such trimming shall be performed by the Parks, Recreation, and Forestry Department which will bill the full cost of such trimming to the party receiving such permit. The City shall hold the sureties of the bond given by the person receiving the permit until the Director of Parks, Recreation, and Forestry receives payment in full for trimming the trees.

(8) The Director of Public Works shall thereupon inspect the streets over which such load has been transported and ascertain their condition. If the transporting of the load has caused any damage to the streets, the Director of Public Works shall, at the expense of the load transporter, have them repaired by the City pavement repair contractor in as good condition as they were before the permit was granted. If the load transporter shall fail to pay promptly all bills for damage to streets consequent to the transporting of the load, the City shall hold the sureties of bond given by the load transporter responsible for payment of the same.

**9.27 OBSTRUCTING OF PUBLIC STREETS, ALLEYS, AND SIDEWALKS.**

(1) No person shall obstruct or cause to be obstructed in any manner any traveled portion of a public street, alley, or sidewalk except for an emergency situation without first obtaining a permit from the Director of Public Works or a designated representative. Any portion of a public street, alley, or sidewalk which is obstructed by such permit shall be signed and barricaded in accordance with the latest "Manual of Traffic Controls for Street Construction and Maintenance Operations for the City of Green Bay" as well as the "Wisconsin Manual of Uniform Traffic Control." Such permit shall be immediately revoked if the conditions of the permit are not fully complied with.

(2) Except for emergency situations or those cases deemed necessary by the Director of Public Works, permits shall not be issued on the arterial street system or within one block of signalized intersections between 7:00 A.M. and 9:00 A.M. or between 3:30 P.M. and 6:00 P.M.

(3) After a street, sidewalk, or alley is obstructed for an emergency, a permit shall be obtained from the Director of Public Works as soon as practicable, and the request for the permit shall be accompanied with a full explanation of the emergency warranting the obstruction.

(4) STREET CLOSURE FOR BLOCK PARTY. Local residential streets may be temporarily closed for purposes of conducting block parties, upon the written approval of 100 percent of the adult residents abutting that portion of the street sought to be closed. Applicants requesting a street closure for this purpose shall obtain a Street Obstruction Permit from the Director of Public Works, or a designated representative, pursuant to §9.27, Green Bay Municipal Code. As directed by the Director of Public Works,

or a designated representative, proper warning signs shall be placed upon any portion of the street permitted to be closed herein.

9.28 **CONSTRUCTION OF PRIVATE DRIVEWAYS.**

(1) **PERMIT REQUIRED.** Before a driveway or a curb cut for a driveway is made, a permit therefor shall be obtained from the Director of Public Works. Except in the case of a single-family or two-family dwelling, approval of the off-street parking site plan shall be received from the Plan Commission or its assigned officer, the Plumbing Inspector, and the Director of Public Works before application for a curb cut is made.

(2) **CONSTRUCTION STANDARDS.** All entrance or curb cuts shall be constructed in accordance with the following specifications and standards:

(a) **Culvert Pipe Required.** If, in the opinion of the Director of Public Works, it is necessary to place a culvert pipe under any driveway when making any street improvement to grade or establishing ditches for drainage, or when so requested by the abutting property owner, the Director shall place or cause to be placed a culvert of sufficient size to properly handle the flow of water. The culvert shall be of corrugated galvanized metal pipe or reinforced concrete pipe and shall not exceed by more than 4' the authorized width of the driveway.

(b) **Charges.** The cost of such culvert and installation shall be charged to the abutting property owners served by such drainage in accordance with Wisconsin Statutes.

(c) **Surfacing.**

1. Where curbs are installed, the area between the sidewalk and curb shall be surfaced with 6" of concrete or with 2" of asphalt over a 6" gravel or crushed stone base.

2. If a property owner chooses to surface this area prior to the installation of curb and gutter, the City shall replace such surface with a like material at the time the curb and gutter is installed.

(d) **Change of Location.** Whenever a property owner wishes to change the location of a private entrance or curb cut, he shall obtain a new permit for such relocation in accordance with this section; and as a condition thereof, shall be required to close up any existing curb cuts or driveways no longer in use by replacing the curb.

9.29 **DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ONTO SIDEWALKS.**

(1) **POSITIONS OF DOWNSPOUTS AND FLOW.** No downspout from any building shall terminate on or upon or in such a position that the contents of such spout be case upon or flow back upon or over any public sidewalk in the City.

(2) **EAVES OF BUILDINGS.** When the eaves of any building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be protected by proper spouts or otherwise so that no water shall fall or drain therefrom or run back upon or over any public sidewalk.

9.30 **SNOW REMOVAL.**

(1) **SIDEWALKS.** The lessee, occupant of first or ground floor, or person having charge of a building, or if there be no lessee, occupant, or person having charge, the owner of each parcel of real estate in the City abutting or bordering upon any street, avenue, highway, or other public place shall remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalk within 24 hours after such snow or ice has fallen or accumulated thereon; provided where footways or sidewalks have not been paved or duly established, snow and ice shall be removed to a width of not less than 4' from that portion of the street or way which is used in common as a footway.

(2) **RAILROAD TRACKS NOT TO BE BLOCKED.** No person shall throw, place, or pile or assist others in throwing, placing, or piling any snow, ice, or other impediment or obstruction to the running of cars upon the tracks of any railroad company in the space between the rails thereof or in a space between a track and a line 3' outside each rail.

(3) **DEPOSIT ON STREETS PROHIBITED.** No person shall throw or put, or cause to be thrown or put, any snow or ice into any street, avenue, or other public place in the City.

(4) **REMOVAL OF SNOW FROM ROOFS.** The lessee, occupant, or person having charge or if there be no lessee, occupant, or person having charge, the owner of any building abutting upon or so near to any public street or place that snow or ice may fall from the roof thereof into or upon such street or place, or upon the sidewalk thereof, shall cause all snow and ice to be removed from such roof within 24 hours after the same has ceased falling or forming or shall provide suitable guards so that the ice or snow will not be discharged upon the sidewalk.

(5) **WHEN CITY HAS TO DO WORK.** Whenever any owner, lessee, occupant, or person have charge of any parcel of real estate fails or neglects to remove snow and ice from any such sidewalk or roof as provided in this section, the Director of Public Works may, without notice, have the ice and snow removed therefrom, keeping an accurate account of the expenses of keeping the sidewalks clear of snow and ice in all cases where owners or occupants of abutting lots fail to do so and report the same to the Comptroller, who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land and report the same to the City Clerk. 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 such lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. The imposition and collection of any fine or penalty prescribed by this section shall not bar the right of the City to collect the cost of the removal of snow and ice from the sidewalks and roofs as herein provided.

9.31 **STREET NUMBERS.**

(1) All lots and parts of lots in the City shall be numbered in accordance with a map, designated "A Street Numbering Map," now on file in the office of the Director of Public Works. All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on such map.

(2) (Rep. & Rec. GO 12-02) (a) **Requirement.** Street address identification of a building or residence is deemed to be essential to the public safety and welfare. Each owner or occupant of any building or residence fronting upon any street and/or public alley shall cause the street number assigned by the City to be placed thereon within 20 days after completion of such building or residence.

(b) Method of Posting. So the number can be plainly seen from the street and, if applicable, alley, the number shall at all times be attached securely to the front of the building or residence and, if applicable, the side of the building facing the alley in a conspicuous position and not higher than the first or ground story of such building or residence. The number on such building or residence shall be not less than 4" high if the building is located within 100' of the center of the street or alley. If the building or residence is located more than 100' from the center of the street or alley, the owner or occupant may either: attach numbers not less than 6" high to the building or residence or conspicuously display numbers not less than 4" high at the right-of-way line within 10' of the driveway serving the building or residence upon a gate post, fence, or other appropriate place so as to be easily discernible from the street or alley. The numbers, as noted above, must be in Arabic numeral form. Written, script, or Roman numerals do not satisfy the requirements of this Code. Any building or structure in lawful compliance with the provisions of this Code in existence at the time of this amendment, which required, among other things, that numbers be in Arabic numeral form and at least 2-1/2" high, may continue under the previous requirements until such time as the numbers are changed or altered, at which time they shall fully comply with the requirements herein.

(3) If the owner or occupant of any building required by this section to be numbered neglects for a period of 20 days to duly attach and maintain the proper numbers on such building, such neglect shall be a violation of this section.

#### 9.32 STREET FRANCHISES.

- (1) North Quincy Street - American Can Company.
- (2) North Quincy Street - Proctor and Gamble Paper Products Company.
- (3) North Quincy Street - Green Bay and Western Railroad Company.

#### 9.33 PRIVATE TRANSMISSION FACILITIES. (Rep. & Rec. GO 13-08)

(1) PERMIT REQUIRED. (Amd. GO 21-09) Any person intending to place a private transmission facility in the public right-of-way shall obtain a revocable permit approved by the Director of Public Works. A private transmission facility is defined as any facility capable of transmitting digital or analog voice and/or video, liquids, solids, or gases.

(2) APPLICATION. At least 60 days before the desired effective date, application shall be made to the Department of Public Works on forms provided by the Department. The application shall be accompanied by a plan showing the type and location of the proposed facility. The plan shall also include the type, size and location of all existing utilities within 20 feet of the proposed facility and all other information as may be required from time to time by the Department of Public Works.

(3) CONDITION OF APPROVAL. The permit shall be subject to the following conditions:

- (a) A permit shall only be issued to the owner of the private transmission facility.
- (b) All underground facilities shall be installed in conduit.

(c) The applicant shall relocate the private transmission facility at the applicant's expense within seven days of receiving written notice by the City that the relocation is required.

(d) The applicant shall execute and deliver to the City a hold harmless agreement, on a form approved by the City, relieving the City from any and all liability arising out of installation, placement or use of the private transmission facility.

(e) The applicant shall provide and maintain a current certificate of insurance naming the City of Green Bay as an “additional insured” in an amount established by the most current Common Council resolution. The certificate of insurance shall be maintained in effect from start of installation until the transmission facility is abandoned and/or removed in accordance with this ordinance.

(f) The applicant shall become a member of "Digger's Hotline".

(g) The applicant shall comply with all applicable local, state, and federal regulations affecting private transmission facilities, particularly §9.21, Street Excavation Permit, and §9.27, Street Obstruction Permit, Green Bay Municipal Code.

(h) The Department of Public Works shall provide one copy of the approved permit to the applicant prior to commencing the installation of the approved facility. The approved permit may be recorded with the Brown County Register of Deeds by the Department of Public Works. If any of the required insurance coverages and/or endorsements expire during the term of this permit, the permit holder shall deliver renewal certificates and/or policies to the City of Green Bay Risk Management Division at least ten (10) days prior to the expiration date.

(i) The installation of all nonconductive conduit and/or pipe shall also include a locating wire or other equally effective means for marking the location of the facility.

(j) The Department of Public Works may require the permit holder to provide “as-built” plans of the facility.

(4) APPROVAL OF APPLICATION. Plans submitted with the application shall be reviewed by the Department of Public Works, which shall make recommendations to assist the applicant in meeting the conditions set forth in this section. The Director of Public Works shall have the authority to approve or deny the Private Transmission Facilities Permit application.

(5) REVOCATION OF PERMIT.

(a) The permit may be revoked by the Director of Public Works by issuing a written notice to the permit holder stating the reason for revocation. Upon receiving the revocation notice, the permit holder shall remove or abandon in place, to the satisfaction of the Director of Public Works, the facility at the holder's expense within 30 days.

(b) The permit shall be revoked at the time the ownership of the private transmission facilities changes, the permit holder shall remove or abandon in place, to the satisfaction of the Director of Public Works, the facility at the permit holder's expense within 30 days unless all conditions of approval of the original permit have been met by the new owner of the private transmission facilities.

(c) In the event the certificate of insurance is not renewed or maintained at any time, the permit shall be revoked and the transmission line shall be deemed abandoned.

(6) **APPEAL OF DECISION.** The permit holder may appeal the denial or revocation of permit by giving written notice to the Department of Public works within seven days of receiving the revocation notice. The Improvement and Service Committee shall hear the appeal and forward its recommendation to the Common Council for final action.

(7) **EXEMPTIONS.** (Amd. GO 21-09)

(a) The following are exempt from the provisions of this section:

1. Public utilities regulated by the Public Service Commission of Wisconsin.
2. Franchises granted by the City.
3. Sanitary, storm, and water lateral installations.

(b) Underground sprinkler (irrigation) system installations are exempt from §9.33(2) and §§9.33(3)(e) and (f), Green Bay Municipal Code.

(8) **PERMIT FEES.** The Director of Public Works may assess the actual costs of the City employees' time engaged in review and inspection of the anticipated work as established under §9.21(2)(d), Green Bay Municipal Code.

## **SPECIAL ASSESSMENTS**

### **9.40 EXEMPTIONS FROM SPECIAL ASSESSMENTS.**

(1) **CORNER LOT EXEMPTIONS.**

(a) Sanitary Sewers. Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100'. The full assessment shall be levied on the first side served up to a maximum of one-half of the total frontage.

(b) Storm Sewers. Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100'. The full assessment shall be levied on the first side served up to a maximum of one-half of the total frontage.

(c) Water Main. Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100'. The full assessment shall be levied on the first side served up to a maximum of one-half of the total frontage.

(d) Street Improvements.

1. Corner lots shall be exempt one-half of the total lot frontage, up to a maximum of 100' for any type of street improvement for which an assessment is levied, including curb and gutter and surfacing and resurfacing installations.

2. When the street right-of-way for both streets is owned by the City, the exemption shall be prorated for each side, up to a maximum of 100'.

3. When the street right-of-way for the second street is not owned by the City, the full assessment shall be levied on the first street paved and the exemption shall not be granted until the second street is paved. At that time, the property shall be exempt one-half of the total lot frontage, up to a maximum of 100', and the assessment prorated for each side.

(e) Sidewalks. No exemptions shall be allowed for sidewalk assessments levied against corner lots, since assessments are levied for the full cost and the full frontage on all lots.

(f) Unplatted Areas. In unplatted areas, corner lot size shall be assumed to be 80' by 120' of total lot frontage.

(2) **DOUBLE FRONTAGE EXEMPTIONS.** (Amd. GO 15-94)

(a) Any property fronting on two streets shall be assessed only for the first street installed, provided such property is not of sufficient depth to be divided into two lots of reasonable size or provided a dwelling is located upon the property so as to prevent such division. Sufficient depth shall be considered to be any depth in excess of 200'.

(b) Any property meeting the requirements for double frontage, as defined in (a) above, shall only be assessed for the first sidewalk installed, unless access is restricted.

(3) **PAYMENT OF DEVELOPMENT FEES.** If property has been subdivided in accordance with Ch. 14, Green Bay Municipal Code, and the development fees have been paid, the property shall be exempted from paying special assessments for the initial improvements for which the payment of the development fees was made. For property that has been subdivided and the development fees have been postponed or deferred, the special assessment shall not be exempted.

9.41 **GENERAL DEFERMENTS OF SPECIAL ASSESSMENTS.**

(1) **UNDEVELOPED LANDS.** The due date of any special assessments levied against property abutting or benefitted by public improvement may be deferred for sanitary sewers, storm sewers, or watermains when the assessments are levied against undeveloped land.

(a) Undeveloped land is land that has no residential, commercial, or industrial development.

(b) Deferments may only be granted for assessments levied against property which is part of a recorded plat or certified survey, if the Council determines that such deferment is in the best interest of the City.

(c) Deferments may be granted for street improvement assessments if the property subject to the levy is determined by the Council to be unbuildable due to inadequate size or area for development or an elevation preventing reasonable access to the proposed improvement.

(d) (Cr. GO 27-98) When a deferred assessment, granted after May 20, 1997, is paid, the amount due will be calculated based on the assessment rates in effect at the time payment is made.

(2) **INSTALLMENT PAYMENTS.** Such special assessment may be paid in installments within the time prescribed by the Common Council, following the termination of the deferment.

(3) INTEREST. Interest may be charged during the deferment period and/or the installment period. The interest rate for all City building projects for unpaid special assessments shall be reviewed annually and shall be established, and from time to time amended, by resolution of the Common Council.

**9.42 DEFERMENT OF SPECIAL ASSESSMENTS FOR INDIGENT PERSONS.**

(1) DEFERMENT OF SPECIAL ASSESSMENTS. Any special assessments levied against property owned by indigent persons may be deferred by the Council. Such deferment shall be granted only to owner-occupied, singly-family or duplex residential real estate. Such deferment shall be by resolution directing the City Treasurer to pay all or any portion of special assessments levied against such property.

(2) COPY OF RESOLUTION TO BE FILED WITH REGISTER OF DEEDS FOR BROWN COUNTY. A copy of such resolution, with a statement of the amount and date paid and a description of the property, certified by the City Clerk, shall be recorded with the Register of Deeds for Brown County; the amount shall thereby become a lien upon such real property in favor of the City prior to any other lien than prior outstanding tax certificates or prior liens hereunder, for the amount paid, with legal interest, and shall be enforceable after transfer of title of the property by sale, inheritance or will, in the manner provided by law for the enforcement of mechanics liens.

(3) DISCHARGE OF LIEN. The owner of such property, heirs, personal representatives, or assigns may discharge such lien at any time by paying the amount of such lien with accrued interest to the City Treasurer, who shall execute a satisfaction in such form as may be recorded with the Register of Deeds for Brown County.

(4) PURCHASE OF LIEN. The holder of any subsequent lien may purchase such lien by payment of the amount thereof with accrued interest to the City Treasurer, who shall execute a proper assignment thereof to such payee; and on recording such assignment, such assignee shall have the same rights the assignor had.

(5) TRANSFER OF TITLE BY SALE, ETC. After transfer of title by sale, inheritance or will, or when the basis for indigency no longer exists, the special assessment shall be due and owing in full unless installment payments have been provided for according to §9.41(3), Green Bay Municipal Code.

(6) LIMITS FOR THE DETERMINATION OF INDIGENCY. The Council shall establish by resolution limits for the determination of indigency. Such limits shall include:

- (a) Maximum combined annual income of husband, wife, and dependents.
- (b) Maximum combined assets of husband, wife, and dependents.

(7) SUBJECT TO REVIEW. Such income and asset figures shall be subject to periodic review and modification by the Council.

(8) APPLICATION. Application for deferment shall be made to the Council upon an affidavit form provided by the City Clerk verified by each applicant.

(a) The application shall list the relationship, ages, and employment status of the applicant and all dependents; a complete schedule setting forth all assets, liabilities, and income from all sources, including own and both spouses and their dependents; and any other pertinent information which may assist the City to evaluate such application.

(b) The above schedule of net worth and income shall be considered and treated as privileged information and shall not be made public without the applicant's consent.

(9) NOTIFY CLERK OF INCREASES. The applicant shall notify the City Clerk when there is a material change in the assets and/or annual income increases above the limits described in sub. (6).

(10) PROVIDING FALSE OR INCOMPLETE INFORMATION. If the applicant willfully provides false or incomplete information, or when the assets and/or annual income exceed the limits of sub. (6), the basis for indigency shall no longer exist and the special assessment shall become due and owing in full, unless installment payments have been provided for according to §9.41(3), Green Bay Municipal Code.

(11) APPLICATION REVIEWED BY IMPROVEMENT AND SERVICE COMMITTEE. The application for deferment shall be reviewed by the Improvement and Service Committee, which shall make a recommendation to the Council.

(12) INTEREST: DEFERMENT PERIOD. Interest may be charged during the deferment period; the interest rate shall not, however, exceed the legal rate prescribed by Wisconsin Statutes.

(13) INTEREST: INSTALLMENT PAYMENT PERIOD. Interest may be charged during the installment payment period. The interest rate for all City building projects for unpaid special assessments shall be reviewed annually and shall be established, and from time to time amended, by resolution of the Common Council.

9.43 **ASSESSMENTS FOR PAVEMENT CONSTRUCTION**. (Rep. & Rec. GO #14-85)

(1) DEFINITIONS.

(a) F.A.U. System. Those streets designated by action of the Council, approved by the Wisconsin Department of Transportation and the Federal Highway Administration, which are eligible for up to 75 percent federal funding.

(b) F.A.P. System. State highways and connecting highways in the City which are eligible for up to 100 percent federal and state funding.

(c) Principal Arterial. A major street assigned the functional classification of principal arterial by either the adopted Green Bay, Wisconsin, Comprehensive Plan or the adopted Brown County Comprehensive Plan.

(d) Minor Arterial. A major street assigned the functional classification of minor arterial by either the adopted Green Bay, Wisconsin, Comprehensive Plan or the adopted Brown County Comprehensive Plan.

(e) Collector. A major street assigned the functional classification of collector by either the adopted Green Bay, Wisconsin, Comprehensive Plan or the adopted Brown County Comprehensive Plan.

(f) Local Street. A City street which generally serves residential areas or small commercial and industrial areas which is not defined above as an F.A.P. street, F.A.U. street, principal arterial, minor arterial, or collector.

(g) (Rep. & Rec. GO 65-90) Residential Zones. Includes First Residence, Second Residence, Third Residence, Fourth Residence, Residential Park, and Planned Unit Residential Districts as defined by §§13.03, 13.035, 13.04, 13.05, 13.07, and 13.47, Green Bay Municipal Code.

(h) High-Type Pavement. Any pavement structurally equivalent or greater than a 6" concrete pavement; or a pavement with a minimum 1 1/2" bituminous surface on an 8" gravel base, 6" concrete base, or 6" cement stabilized base.

(i) Type "A" Street. A street not previously opened to traffic.

(j) Type "B" Street. A street previously opened to traffic but lacking curb and gutter or integral curb.

(k) Type "C" Street. A street with a high-type pavement and curb and gutter or integral curb.

(l) Bituminous Resurfacing. The resurfacing of a type "C" street with a 1 1/2" to 2" bituminous overlay from curb to curb.

(m) Bituminous Patching. Resurfacing of deteriorated areas on streets with approximately a 1" bituminous mat.

(n) Concrete Pavement. A Portland Cement concrete pavement with integral curb or curb and gutter meeting the standards and specification of the City's Department of Public Works which shall be used on F.A.U. streets, F.A.P. streets, principal arterials, minor arterials, collectors, and local streets in commercial and industrial areas.

(o) Bituminous Pavement. A pavement with a bituminous surface, adequate base, and concrete curb and gutter, generally for streets of residential use, meeting the standards and specifications of the City's Department of Public Works.

(p) Assessment Factor (A.F.). A basement price per front foot of street improvement, hereinafter referred to as "A.F.", which is computed for construction of bituminous pavement, concrete pavement, and bituminous resurfacing as follows:

1. Bituminous Pavement. The A.F. shall be computed to the nearest \$.10 by dividing the total cost from the previous year's record of bituminous pavement with a 37' width back to back of curb by the total length of the assessable frontage of such pavement and adding any anticipated increase in cost per assessable foot of such pavement.

2. Concrete Pavement. The A.F. shall be computed to the nearest \$.10 by dividing the total cost from the previous year's record of concrete pavements with a 45' width back to back of curb by the total length of the assessable frontage of such pavement and adding any anticipated increase in cost per assessable foot of such pavement.

3. Bituminous Resurfacing. The A.F. shall be computed to the nearest \$.10 by dividing the total cost from the previous year's record of bituminous resurfacing by the total length of the assessable frontage of the resurfaced streets and adding any anticipated increase in cost per assessable foot of bituminous resurfacing.

(2) ASSESSMENTS. (Amd. GO 31-93) Assessments shall be based as follows on an A.F. computed according to sub. (1) above:

	<u>Bituminous Pavements</u>	<u>Concrete Pavements</u>
(a) <u>Street Construction</u>		
1. Type "A" Street Residential Zones and Institutional Zone	100% A.F.	Same Rate as Bituminous Pavement
All Other Zone Classifications (Single-Family and Two-Family Use Apply Residential Zones Rate)	100% A.F.	100% A.F.
2. Type "B" Street Residential Zones and Institutional Zone	60% A.F.	Same Rate as Bituminous Pavement
All Other Zone Classifications (Single-Family and Two-Family Use Apply Residential Zones Rate)	90% A.F.	90% A.F.
3. Type "C" Street		
a. Local Street Residential Zones and Institutional Zone	30% A.F.	Same Rate as Bituminous Pavement
All Other Zone Classifications (Single-Family and Two-Family Use Apply Residential Zones Rate)	65% A.F.	65% A.F.
b. F.A.U. and F.A.P. Streets		
Residential Zones and	20% A.F.	Same Rate as

Institutional Zone		Bituminous Pavement
All Other Zone Classifications (Single-Family and Two-Family Use Apply Residential Zones Rate)	65% A.F.	65% A.F.

c. (Cr. GO 62-92) If a street is a bus route and/or heavy traffic route at the time of the special assessment, a 10% reduction in the assessment rate shall be given for residential zones and for single and two-family use in all other zone classifications.

(b) Bituminous Resurfacing All Pavement Types

1. All Street Types

Residential Zones and Institutional Zone 60% A.F.

All Other Zone Classifications (Single-Family and Two-Family Use Apply Residential Zones Rate) 90% A.F.

a. (Cr. GO 62-92) If a street is a bus route and/or heavy traffic route at the time of the special assessment, a 10% reduction in the assessment rate shall be given for residential zones and for single and two-family use in all other zone classifications.

(c) Bituminous Patching All Pavement Types

1. All Street Types 0% A.F.

(3) MAXIMUM ASSESSMENTS. If the total preliminary assessments for a particular project exceed the City's total cost of the project, the final assessment rate for all parcels in the project will be reduced proportionately. The City's total cost of the project shall include the City's share of the construction cost plus all engineering and administration costs [20 percent of construction cost in accordance with §66.60(5), Wis. Stats.].

(4) ASSESSMENT PROTECTION AND CREDIT. (Amd. GO 42-99)

(a) Any current owner who has previously been assessed under this section for pavement construction or reconstruction or for bituminous resurfacing prior to December 7, 1999, shall not again be assessed for the reconstruction or maintenance of such pavement for the following number of years after Council's acceptance of the street:

1. Bituminous Resurfacing - 20 years
2. Bituminous Pavement - 25 years

3. Concrete Pavement - 35 years

(b) After December 7, 1999, when reconstructing or resurfacing streets, credit will be given to the property owner at the time the street is reconstructed or resurfaced for the remaining useful life of existing pavement calculated on current Special Assessment Rates adopted by the Common Council. The useful life of pavement shall be established as follows:

1. Bituminous Resurfacing - 20 years

2. Bituminous Pavement - 25 years

3. Concrete Pavement - 35 years

(5) ALLEY ASSESSMENTS. There shall be no special assessments levied against parcels abutting any alley for improvements constructed in the alley unless the only frontage for the parcel is on the alley. If the only frontage for the parcel is on the alley, the special assessments for the improvements constructed in the alley shall be levied as if the alley were a street.

9.44 **PAYMENT OF SPECIAL ASSESSMENTS.**

(1) For subdivisions and certified survey maps recorded prior to March 16, 1982, and not fully improved, all special assessments for sanitary sewer, storm sewer, and watermains shall be deposited in full. In lieu of the full deposit herein, an irrevocable letter of credit from a local lending institution guaranteeing payment of the special assessment may be filed with the City prior to the awarding of the contracts for the installation of these improvements. Nothing herein shall prevent the City from exercising its police power under the statutes and ordinance. If, in the exercise of its police power, the special assessments are levied and the work performed, payment of the special assessments for sanitary sewers, storm sewers, and watermains will be due in 30 days of the date of billing or they will be placed on the current tax roll as a lien against the property.

(2) (Amd. GO 20-07) The special assessments for all other street improvements, sanitary sewers, storm sewers, watermains, bituminous resurfacing, alley improvements, and sidewalks shall be paid in cash in five annual installments at an interest rate established by resolution of the Common Council. If a property owner, based on financial hardship, requests additional time for payment of a special assessment, the Common Council may consider such request and may authorize up to 10 annual installments at an interest rate established by resolution of the Common Council. The interest rate for street improvements, sanitary sewers, storm sewers, watermains, bituminous resurfacing, alley improvements, and sidewalks shall be reviewed annually and shall be established and, from time to time, amended by the Common Council.

**HARBORS, RIVERS, AND BRIDGES**

9.50 **HARBOR LINES ON FOX AND EAST RIVERS.** The harbor lines of the Fox and East Rivers shall consist of pierhead and bulkhead lines as established by the United States War Department on a map marked Exhibit "A" attached to and made a part of Ordinance No. 7-63, which is incorporated herein. Such map shall be filed with the Wisconsin Public Service Commission, the City Clerk, and the Register of Deeds for Brown County. No dock, wharf, or pier which shall be hereafter built or constructed shall extend into such rivers beyond such lines. See Ordinance No. 46-72 and Ordinance No. 21-73, relating to bulkhead lines.

9.51 **BRIDGES.**

(1) **BRIDGETENDERS.** (Amd. GO 17-07)

(a) Department of Public Works to Employ. The jurisdiction and control of bridgetenders on all bridges in the City shall be under the Department of Public Works, which shall employ all bridgetenders.

(2) **DUTIES OF BRIDGETENDERS.** The duties of bridgetenders shall be those prescribed by the Director of Public Works.

(3) **BRIDGE HOURS.** Except on Sundays and legal holidays, it shall not be required to open the draws of bridges from 7 A.M. to 8 A.M., from 12 Noon to 1 P.M., and from 4 P.M. to 5 P.M., provided that the draws shall be opened promptly at all times for the passage of vessels carrying United States mail, vessels belonging to the United States, vessels of 300 short tons or over cargo capacity engaging in commercial transportation and their attendant towing tugs and tugs or fire boats when responding to emergency calls.

(4) **SIGNALS FOR OPENING BRIDGES.** The draws shall be opened promptly upon signals, given by blasts of a horn, steam whistle, or other approved signalling devices as follows:

(a) For Main Street bridge, two short blasts followed by one long blast.

(b) For Walnut Street bridge, on long blast followed by two short blasts.

(c) For Mason Street bridge, one long blast followed by one short blast and one long blast.

(d) If the draws cannot be opened immediately when the signals are given, a red flag or ball by day, or a red light by night, shall be conspicuously displayed by the bridgetender.

(5) **USE OF BRIDGE REGULATED.**

(a) Obstruction of Passage Limited. All vessels, steamboats, propellers, tugs, or other crafts, when passing any bridges in the City, shall be moved past as expeditiously as is consistent with property movement in the river. In no case shall any vessel, steamboat, propeller, tug, or other craft, while passing any bridge and obstructing the same, remain or obstruct the passage across such bridge more than five minutes, nor shall any vessel, propeller, or open craft be so anchored or fastened as to prevent the free and speedy opening of any bridge or the free passage of other crafts through the same.

(b) Free Passage Over Bridges Protected. No person shall in any manner obstruct the free passage over and upon the bridges of the City.

(c) Only Bridgetenders to Open Draws. No person, except the bridgetender or persons authorized to act in his or her absence, shall open or in any manner interfere with opening the bridges.

(d) Driving on Draw After Ringing of Bell Prohibited. No person shall ride or drive, or attempt to ride or drive, onto or upon the draw of any bridge in the City after the bell thereon has commenced ringing.

(e) Loitering on Bridges Prohibited. No person shall stand, sit, or loiter on any bridge or the abutments or railings, provided that the bridge is in passable condition.

9.52 **VESSEL DOCKING ALONG SIDE CITY PROPERTY.**

(1) No person shall dock any boat or other vessel at any City-owned property abutting any body of water within the corporate limits of the City except in conformity with regulations regarding docking at facilities created for such purpose or, where such facilities do not exist, by permit issued by the Director of Public Works or his designee.

(2) Any person desiring to dock a boat or other vessel at any property not specifically constructed for such purpose shall apply to the Director of Public Works for a permit and shall set forth the type and size of the vessel, the exact location where such vessel is requested to be docked, the length of time that such vessel shall remain so docked and any other information which, in the discretion of the Director of Public Works, is necessary to determine whether the property should be used for docking purposes. The request shall also contain a waiver of any liability which may accrue to the City as a result of the docking of such vessel and the owner shall therewith file a certificate of insurance providing liability coverage in amounts normally maintained by the City which names the City as an additional insured. The Director of Public Works may issue a permit to dock a boat or vessel for a period not to exceed seven days if it is determined that such docking will not interfere, obstruct, or hinder the use of the property for public purposes. Any permit for extending docking beyond the period above shall be done only by formal written agreement between the City and the person desiring dockage space.

(3) Nothing herein shall be interpreted to excuse compliance with applicable federal and state regulations concerning all vessels, crafts, or floats; and the owner of any boat or other vessel, or the person applying for a docking permit, shall be liable for any violations thereof.

(4) Fees for docking at facilities created for such purpose may be established and periodically amended by resolution of the Common Council. Such fees shall apply to the usual and ordinary docking of vessels used for public purposes.

(5) Any vessel docked for purposes of allowing public inspection or for any other established purpose shall be charged a fee, established by the Director of Public Works, adequate to cover all necessary City expenses plus reasonable dockage fees.

**PENALTIES**

9.55 **GENERAL PENALTY.** Any person who shall violate any provision of this chapter or any order, rule, or regulation made herein shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code.