AGENDA OF THE COMMON COUNCIL

TUESDAY, September 15, 2015, 7:00 P.M.
COUNCIL CHAMBERS
ROOM 203, CITY HALL

- Roll call.
- Pledge of Allegiance.
- Invocation.
- Approval of minutes of the August 18, 2015, meeting.
- Approval of the Agenda.
- Report by the Mayor.
- Announcements.

RECOGNITION

Recognition of Lee Johanek, Adam Grimm, Darren Olson, and Scott Breitenbach for their performance and representation of the City of Green Bay in the 2015 APWA Wisconsin Snow Plow Roadeo.

PUBLIC HEARINGS

Vacation of the portion of the alley between South Monroe Avenue and South Quincy Street, south of East Walnut Street. (Item #13)

Zoning Ordinance No. 8-15
An ordinance rezoning 1576 Kimball Street from Low Density (R1) District to General Commercial (C1) District. (Item #17)

Zoning Ordinance No. 9-15
An ordinance amending Zoning Ordinance No. 6-15 to permit a car wash as part of the Planned Unit Development Overlay District for 1576 Kimball Street. (Item #18)

REFERRAL OF PETITIONS & COMMUNICATIONS

1. Referral of communications and petitions received by the City Clerk.

   Late communications.

REPORTS FOR COUNCIL ACTION

2. Report of the Economic Development Authority.

3. Report of the Redevelopment Authority.

With regard to Item #1, the Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

4. Report of the Traffic Commission.

5. Report of the Finance Committee.

6. Report of the Improvement & Service Committee.

7. Report of the Personnel Committee.

8. Report of the Protection & Welfare Committee.

9. Report of the Protection & Welfare Committee granting Operator Licenses.

RECEIVE & PLACE ON FILE

Municipal Court Report for July and August, 2015.

Building Permit Report for August, 2015.

2014-2015 Weights & Measures Annual Report.

RESOLUTIONS

10. Resolution approving Temporary Limited Easement (TLE) on Humboldt Road.

11. Resolution approving Hold Harmless Agreement with Wisconsin Public Service to place semi-permanent soil vapor probes in City sidewalk.

12. Resolution authorizing purchase of 702 North Quincy Street, Parcel Number 7-544.

13. Resolution vacating a portion of the alley between South Monroe Avenue and South Quincy Street, south of East Walnut Street.

ORDINANCES - FIRST READING

14. General Ordinance No. 18-15
An ordinance amending Section 29.208 of the Code relating to parking regulations.

15. General Ordinance No. 19-15
An ordinance amending Section 6.21 of the Code relating to public vehicle licensing.

ORDINANCES - THIRD READING

16. General Ordinance No. 12-15
An ordinance creating Section 6.39 of the Code relating to mobile food establishments.

17. Zoning Ordinance No. 8-15
An ordinance rezoning 1576 Kimball Street from Low Density (R1) District to General Commercial (C1) District.

18. Zoning Ordinance No. 9-15
An ordinance amending Zoning Ordinance No. 6-15 to permit a car wash as part of the Planned Unit Development Overlay District for 1576 Kimball Street.

COMMITTEE OF THE WHOLE

To review and discuss, with possible action, the Kennedy litigation.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Kris A. Teske
Green Bay City Clerk

Supporting documents for the numbered items in this agenda are contained in the Appendix of Supplemental Information.

ACCESSIBILITY: Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.

CITY OF

GREEN BAY

1854

Titletown, USA

APPENDIX OF SUPPLEMENTAL INFORMATION

FOR COUNCIL MEETING

OF TUESDAY, SEPTEMBER 15, 2015

7:00 P.M.

PETITIONS & COMMUNICATIONS

IMPROVEMENT & SERVICE COMMITTEE

Request by Amanda Patterson, owner of Café Madrid, to put tables and chairs in from of her business at 154 N. Broadway.

PROTECTION & WELFARE COMMITTEE

Notice of the change of agent for Confetti's, Inc. at 217 E. Walnut Street.

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REPORT OF THE GREEN BAY ECONOMIC DEVELOPMENT AUTHORITY MEETING

September 15, 2015

The Economic Development Authority having met on Wednesday, September 9 2015 considered all matters on its agenda and wishes to report the following:

1. To receive and place on file request by Ald. Moore for a report on how a Class One (1) rating for the Green Bay Metro Fire Department (GBMFD) can affect economic development, and how the City will use this information in recruiting and retention efforts.

2. To receive and place on file Economic Development Department Strategy: Autumn 2015

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REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY
September 15, 2015

The Green Bay Redevelopment Authority, having met on Tuesday, September 8, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To authorize Economic Development staff to proceed with the potential acquisition of Parcel 7-544 (702 N. Quincy Street).

2. To purchase 1915 Harold Street for $32,500; 1300 E. Walnut Street for $5,000; 701 12th Avenue for $8,846.32; 700 11th Avenue for $3,093.63; and 2903 West Point Road for $33,000 using Neighborhood Enhancement Funds.

REPORT OF THE
TRAFFIC COMMISSION
September 15, 2015

The Traffic Commission having met Monday, August 24, 2015, considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the report by the Police Department of the 2015 2nd quarter serious injury and fatality crashes.

2. To receive and place on file the request to consider reducing the speed limit to 20 mph on Beach Lane.

3. To refer to the Brown County Public Works Department the request to construct a traffic signal or roundabout at Huron Road and East Mason Street.

4. To receive and place on file the request to construct roundabouts at:
   A. Nicolet Drive at UWGB Main Entrance
   B. Nicolet Drive at South Circle Drive
   C. Nicolet Drive at East Shore Drive
   D. Nicolet Drive at Mahon Court
   E. University Avenue at WIS 57 Northbound offramp

5. To install flags on top of the STOP signs on South Irwin Avenue at Porlier Street

6. For the Police Department to enforce speeds near the intersection on Porlier Street and South Irwin Avenue

7. To receive and place on file the request to consider removing the NO PARKING zone on Lawe Street from South Clay Street to South Roosevelt Street.

8. To receive and place on file the request to consider moving the NO PARKING zone from the east side of Hartung Street to the west side between Deckner Avenue and East Mason Street.

9. To postpone until the September 21, 2015 Traffic Commission meeting, the request to review the parking restrictions on Henry Street south of Morrow Street.

10. To remove the NO PARKING zone on the south side of Pine Street from a point 180 feet west of Jefferson Street to a point 60 feet east of Madison Street.

11. To remove the15-MINUTE PARKING zone on the south side of Pine Street from a point 50 feet east of Adams Street to a point 130 feet east of Adams Street.

12. To establish a NO PARKING zone on the south side of Pine Street from a point 50 feet west of Jefferson Street to a point 60 feet east of Madison Street.

13. To establish a NO PARKING 15-MINUTE LOADING ONLY zone on the south side of Pine Street from a point 50 feet east of Adams Street to a point 50 feet west of Jefferson Street.

14. To refer to the City's Neighborhood Traffic Calming Policy through Ald. Zima that the City consider placing speed bumps in the alleyways within the 4 city blocks bordered by Walnut Street, Ashland Avenue, Dousman Street, and Chestnut Avenue.

15. To receive and place on file the report on the expected traffic impacts from the future Meijer supercenter store to be located near the intersection of Taylor Street and Badgerland Drive in the Village of Howard.

16. To receive and place on file the request to allow overnight on-street parking on weekends except during snow emergencies in residential areas.

REPORT OF THE FINANCE COMMITTEE
SEPTEMBER 15, 2015

The Finance Committee having met on Wednesday, September 9, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To refer back to Purchasing for an RFP to purchase a new Type III ambulance.

2. To refer to staff for report the request by Ald. Guy Zima, on behalf of Scott Vanidestine, that the City consider purchasing Tough Book laptops for all squads in the Police Department.

3. To approve four new officers into the Police Department and move to the Joint Finance Committee in October, 2015

2015 Contingency Fund
$92,220

REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
September 15, 2015

The Improvement and Service Committee, having met on September 9, 2015 considered all matters on its agenda and wishes to report and recommend the following:

1. To hold the request by Mitchell Hyde, owner of Jekyll & Hyde Bar, 226 S. Broadway, to place tables and chairs in front of his business in City right-of-way.

2. To approve the request by Oak Park Place for an approximate 1000-foot water main extension on Erie Road to the north. The extended water main will serve a senior assisted living facility which is part of the Grandview Planned Unit Development.

3. To approve the request by Adams Street Pub and Grille to amend its existing dumpster rental space agreement in the Cherry Street Ramp, to be year-round instead of only during June, July, and August of each year.

4. To refer to staff the request by Ald. Wery to investigate options to allow overnight on-street parking on weekends except during snow emergencies in residential areas.

5. To receive and place on file the request by Ald. Moore for a list of approved and bonded Capital Improvements from 2013, 2014 and 2015, and update status of each project.

6. To receive and place on file the report of the expected monetary effect on the 2016 budget of the City being charged for recycling as opposed to previous years when we were paid for recycling.

7. To approve the request by Ald. Danzinger on behalf of John Vernon, 2520 He-Nis-Ra Lane, for additional on-street parking exemptions until the end of 2015 with a 1 year renewal.

8. To approve the request by Ald. Steuer, on behalf of area residents, that a sidewalk study be performed on Taylor Street from Dousman Street to Bond Street.

9. To receive and place on file the request by Ald. Moore to draft a resolution requesting elected federal representation to amend the Transportation Code allowing local municipalities the right to make minor and emergent repairs to railroad crossings including but not limited to cold patching, and to direct staff to work with state legislators to amend state statues to require railroads to make required repairs or allow municipalities to complete the repairs.

10. To approve the request by the Department of Public Works of an agreement with Suburban Wildlife Solutions LLC (formally Kurt Schroeder) to provide professional trapping services of nuisance animals at City owned storm water facilities for 2015-2016 and 2016-2017 trapping seasons.

11. To approve the report of the Purchasing Manager:

    A. To award a contract for Door & Frame Replacement at the Pine and Main Street parking ramps to Blue Sky Contractors, LLC for $21,470.

12. To approve the award of the contract TRAFFIC SIGNAL REPAIR – 2015 to the low, responsive bidder, Bodart Electric, in the amount of $151,938.80.

13. To receive and place on file the bid results for contract PARKS PROJECT 3-15 BAY BEACH TOT RIDES to the low, responsive bidder, SMA Construction Services, LLC., in the amount of $496,739.03.

14. To approve the request by Wisconsin Public Service Corporation to place semi-permanent soil vapor probes in the sidewalks of N Jefferson Street and Elm Street.

15. To approve the following Temporary Limited Easements (TLE):

    HUMBOLDT ROAD (CTH N) CORNELIUS DRIVE TO SPARTAN ROAD
    PROJECT ID. # 4987-02-56

Joseph A & Tamara H Bethel Parcel 3	$450.00	TLE
Wayne F Wilquet Parcel 5	$200.00	TLE
Marvin Rucker Parcel 7	$200.00	TLE
Beck M Krueger Parcel 8	$200.00	TLE
Bruce H & Julie M Shefchik Parcel 9	$300.00	TLE
Stanley C Zdeb & Julie I Perry Parcel 11	$875.00	TLE
Jeffery M Wery Parcel 12	$450.00	TLE

16. To hold the application for a Concrete Sidewalk Builder's License by Blaser Construction.

REPORT OF THE PERSONNEL COMMITTEE
September 15, 2015

The Personnel Committee, having met on Wednesday, September 9, 2015 considered all matters on its agenda and reports and recommends the following:

1. To approve the request to fill the following replacement position and all subsequent vacancies resulting from internal transfers.
    a. HR Administrative Assistant – Human Resources

2. To approve the reclassification of the Plan Review Administrator position in Community Services from grade 36 ($53,941-$67,143) to grade 38 ($61,230-$76,072) effective at the beginning of the next pay period following City Council approval on 2-1 vote with Ald. Tom DeWane voting no.

3. To approve the reclassification of the Public Works Supervisor Parking Services position from grade 33 ($45,055-$56,097) to grade 34 ($47,793-$59,516) effective at the beginning of the next pay period following City Council approval on 2-1 vote with Ald. Sladek voting no.

4. To approve out of state travel for Lt. Ben Allen to attend the C.O.P.S. National Conference on Law Enforcement Wellness and Trauma in Grapevine, Texas November 13-15, 2015.

5. To approve out of state travel for Division Chief Bill Zehms to attend the Emergency Medical Services World Expo in Las Vegas, Nevada, September 15-19, 2015.

6. To receive and place on file the request by Ald. Moore to fund the compliance inspector position solely through the 2016 budget and return the 50% which is currently funded through CDBG, back to Block Grant Funding.

7. To refer the draft Code of Conduct for Elected Officials to the City Attorney's Office for a written opinion on what authority the City has to prepare this on 2-1 vote with Ald. Sladek voting no.

8. To receive and place on file the report of Routine Personnel Actions for regular employees.

PROTECTION & WELFARE COMMITTEE REPORT
September 15, 2015

The Protection & Welfare Committee, having met on Tuesday, September 1, 2015, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for one of ten available "Class B" Combination License by WNC of Green Bay LLC at 2350 E. Mason Street with the approval of the proper authorities.

2. To approve the application for a "Class B" Combination License by Scoreboard Grille LLC at 2511 W. Mason Street with the approval of the proper authorities. (Currently Fuzzy's 63 Bar & Grill LLC)

3. To approve as amended the prior taxi cab ordinance.

4. To amend as directed and refer to the Sex Offender Residency Board for review and recommendation the resolution in opposition to the State of Wisconsin Assembly Bill 290 which would override local sex offender ordinances and establish much less restrictive requirements for residency.

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

RESOLUTION RELATING TO 2015 ASSEMBLY BILL 290 WHICH
REGULATES THE LOCATION OF SEX OFFENDERS
AND BANS SIMILAR REGULATION BY MUNICIPALITIES

September 1, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the CITY OF GREEN BAY adopted a Sexual Offender Ordinance, due primarily to the State of Wisconsin's unwillingness to assist in scrutinized placement of offenders. Furthermore, the State of Wisconsin would not ensure that the City of Green Bay would cease to operate as a dumping ground for the placement of the vast majority of sexual offenders in Brown County; and

WHEREAS, 2015 Wisconsin Assembly Bill 290 ("AB 290") proposes to invalidate Green Bay Municipal Code § 27.622 relating to the prohibition of certain sexual offenders from residing within 2,000 feet of areas where children are known to congregate; and

WHEREAS, the regulation of where certain sexual offenders reside rationally advances the legitimate public purpose of protecting children from sexual assault; and

WHEREAS, the CITY OF GREEN BAY is charged with the authority and responsibility to determine how to handle its local affairs and government; and

WHEREAS, 2015 Wisconsin Assembly Bill 290 ("AB 290"), in overriding local ordinances, significantly weakens the City of Green Bay's Sex Offender Ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the COMMON COUNCIL hereby opposes the enactment of AB 290 and any similar or subsequent legislation which would prevent the City of Green Bay from restricting the residence location of certain sexual offenders.

Adopted: _____, 2015

Approved: _____, 2015

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

DATE:

kkb

8a.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES
September 15, 2015

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Bell, James J
Biersteker, Laurie A
Bradl, Becky R
Brandt, Emily E
Brzozowski, Chester A
Carroll, Scott E
Cegelski, Cory R
Chatman Jr, Alphanzo
Cortes-Rodriguez, Adriana
Decota, Andrew M
Derong, Michael R
Ferry, Alexia B
Fraser, Scott R
Gerhartz, Brian R
James, Ann M
Kelly, Samuel J
Kolar, Benjamin M
Lamers, Todd J
Lauderdale, Melanie L
Leonhard, Robert J
Lewis, Tracy L
Lipke, Mark J
Lipke, Nicole R
Loch, Lisa M
Luckett, Serena E
Makoutz, Robert A
Mocci, Violet M
Olson, Heather N
Paszek Stegmayer, Dyanne
Peters, Teal
Prechter, Candice A
Pritzl, Lauren R
Reeves Jr., Bobby L
Sanchez Martinez, Alejandra
Schmidt, Patricia A
Sieracki, Kristine M
Stilen, Dora L
Swoboda, Lyndsay M
Theis, Amber J
Thompson, Randale C
VanCamp, Amber L
VandeHei, Dawn C
Washington, Deon D
Wedd, Kaitlyn E
Wege, Karleen C
Welker, Benjamin M
White, Paula J
Wilson, Judith E
Zeddies, James M

RESOLUTION APPROVING
TEMPORARY LIMITED EASEMENT (TLE)
HUMBOLDT ROAD
September 15, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the following Temporary Limited Easements (TLE):

HUMBOLDT ROAD (CTH N) CORNELIUS DRIVE TO SPARTAN ROAD
PROJECT ID. # 4987-02-56

Joseph A & Tamara H Bethel Parcel 3	$450.00	TLE
Wayne F Wilquet Parcel 5	$200.00	TLE
Marvin Rucker Parcel 7	$200.00	TLE
Beck M Krueger Parcel 8	$200.00	TLE
Bruce H & Julie M Shefchik Parcel 9	$300.00	TLE
Stanley C Zdeb & Julie I Perry Parcel 11	$875.00	TLE
Jeffery M Wery Parcel 12	$450.00	TLE

Adopted _____, 2015

Approved _____, 2015

_____
Mayor

ATTEST:

_____
City Clerk

jld

RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
WISCONSIN PUBLIC SERVICE
TO PLACE SEMI-PERMANENT SOIL VAPOR PROBES
September 15, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Wisconsin Public Service Corporation to place semi-permanent soil vapor probes in the sidewalks of N Jefferson Street and Elm Street.

Adopted _____, 2015

Approved_____, 2015

_____
Mayor

ATTEST:

_____
City Clerk

aeb

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RESOLUTION AUTHORIZING PURCHASE OF 702 NORTH QUINCY STREET, PARCEL NUMBER 7-544

September 15, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to the recommendation of the Redevelopment Authority at its September 8, 2015, meeting, the City of Green Bay is authorized to purchase 702 North Quincy Street, Parcel Number 7-544.

BE IT FURTHER RESOLVED that the Mayor, Clerk, and staff are authorized to sign all necessary documents for the purchase of this property.

Adopted _____

Approved _____

_____
Mayor

_____
Clerk

bc

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RESOLUTION VACATING A PORTION OF THE ALLEY BETWEEN SOUTH MONROE AVENUE AND SOUTH QUINCY STREET, SOUTH OF EAST WALNUT STREET (AV 15-01)

September 15, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, based on the request for vacation filed heretofore, the report of the Plan Commission, and the public hearing held on the matter, it appears to be in the public interest that a portion of the alley between South Monroe Avenue and South Quincy Street, south of East Walnut Street, described on the attachments hereto, be, and the same is hereby, vacated, abandoned, and discontinued, subject to petitioner reserving a utility easement within the easterly six feet of the alley for Wisconsin Public Service facilities.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution to be filed with the Register of Deeds for Brown County, Wisconsin.

Adopted _____

Approved _____

_____
Mayor

_____
Clerk

bc

Attachments (legal description and map)

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DESCRIPTION OF THE PORTION OF THE ALLEY BETWEEN SOUTH MONROE AVENUE AND SOUTH QUINCY STREET, SOUTH OF EAST WALNUT STREET, TO BE VACATED (AV 15-01)

That part of the Alley lying westerly of Lot 848, and easterly of Lot 849; Plat of Navarino, City of Green Bay, Brown County, Wisconsin, described as follows:

Beginning at the southwest corner of said Lot 848, Plat of Navarino;

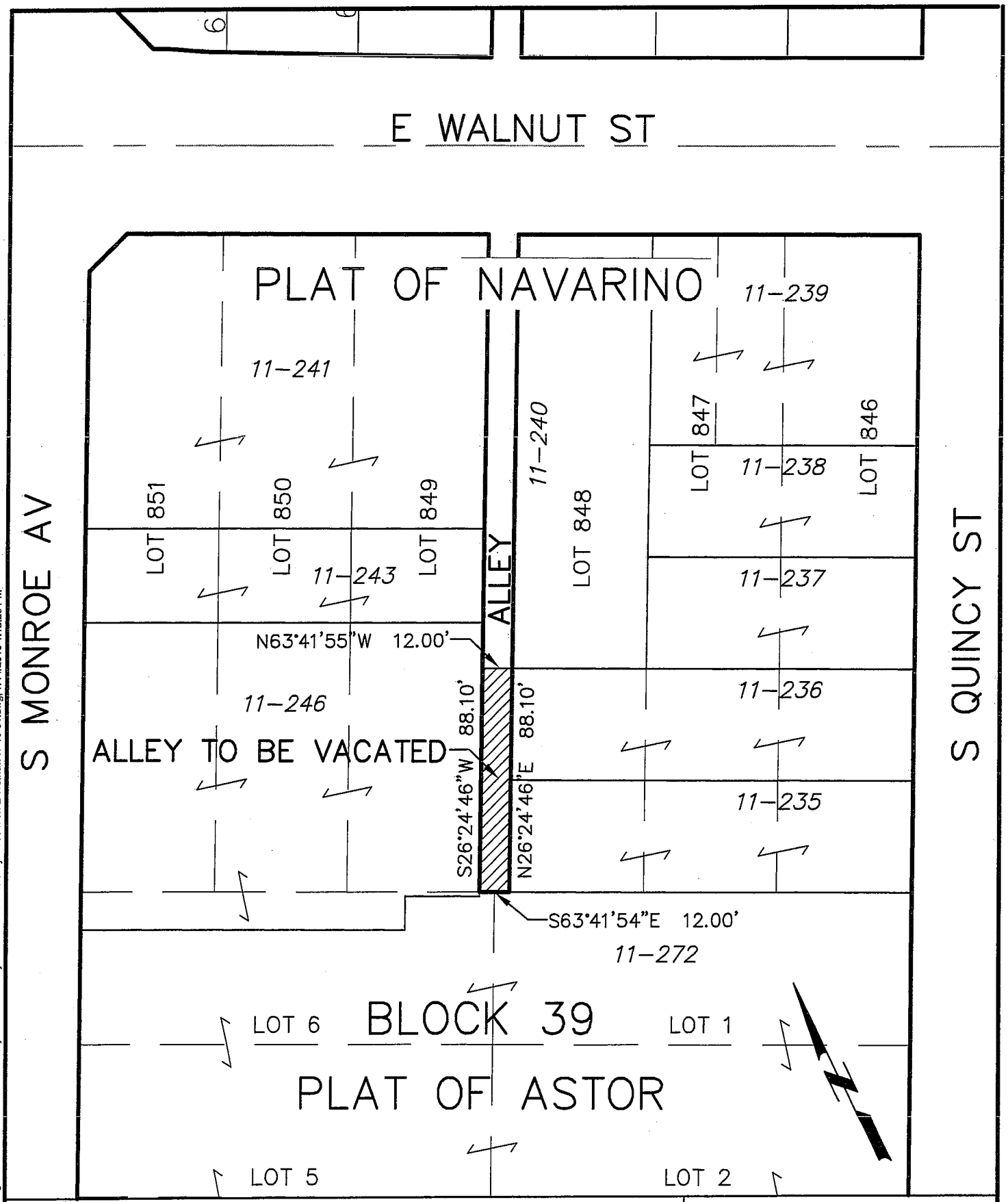
thence N26°-24'-46"E, 88.10 feet, along the west line of said Lot 848 to the northwest corner of the north 44 feet of the south 88 feet of said Lot 848;

thence N63°-41'-55"W, 12.00 feet, to the east line of said Lot 849, Plat of Navarino;

thence S26°-24'-46"W, 88.10 feet along said east line of said Lot 849, to the southeast corner of said Lot 849;

thence S63°-41'-54"E, 12.00 feet, to the point of beginning.

Parcels Affected	Owners Name and Mailing Address
11-246, 11-235	Green Bay Area Public School District
& 11-236	200 S Broadway
	Green Bay, WI 54303



DISCLAIMER
This Computer Aided Drafting and Design (CADD) drawing is a compilation of records and data located in various Public and Private offices. Bearings and distances on this map are based on Brown County basemap. A field survey has not been completed. Brown County and/or City of Green Bay are not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

CITY OF GREEN BAY, WISCONSIN DEPT. OF PUBLIC WORKS– ENGINEERING DIVISION	PORTION OF ALLEY BETWEEN MONROE AVENUE AND QUINCY STREET SOUTH OF EAST WALNUT STREET TO BE VACATED (AV 15-01)

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13 b.

GENERAL ORDINANCE NO. 18-15

AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following PERMIT PARKING ONLY 7:00 AM – 5:00 PM MONDAY – FRIDAY zone:

> NORTHLAND AVENUE, south side, from a point 140 feet west of Adams Street to a point 50 feet west of Adams Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING zone:

> NORTH FISK STREET, west side, from a point 95 feet south of Dousman Street to Dousman Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zone:

> HAZEL STREET, west side, from Christiana Street to a point 50 feet north of Christiana Street

SECTION 4. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

bc

09/15/15

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GENERAL ORDINANCE NO. 19-15

AN ORDINANCE
AMENDING SECTION 6.21,
GREEN BAY MUNICIPAL CODE,
RELATING TO PUBLIC VEHICLE LICENSING

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 6.21, Green Bay Municipal Code, amended as follows:

6.21 ~~**TAXICAB LICENSING**~~ **PUBLIC VEHICLE LICENSING**

(1) DEFINITIONS

(a) "Applicant" means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) "Public Vehicle" means any vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes. A public vehicle shall include, but is not limited to: taxicabs, limousines, horse and horse drawn carriages, pedicabs, shuttles, bar and party busses, motorcycles used for tours, and human service vehicles, but does not include any of the following:

1. Vehicles operated primarily as funeral cars,
2. Vehicles operated by city, state or federal governments,
3. Vehicles operated primarily as ambulances,
4. Vehicles operated primarily for transporting property,
5. Commercial motor vehicles.

~~(b) "Taxicab" means a vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes, but does not include any of the following:~~

~~1. Vehicles operated primarily as funeral cars.~~
~~2. Vehicles operated by city, state or federal governments.~~
~~3. Vehicles operated primarily as ambulances.~~
~~4. Vehicles operated primarily for transporting property.~~
~~5. Commercial motor vehicles~~

(c) "~~Taxicab~~ Public Vehicle Business" means any enterprise that owns a ~~taxicab~~ public vehicle or manages the operation of a ~~taxicab~~ public vehicle.

(d) "Public Vehicle Operator" means any person who operates a vehicle or vehicles which transport passengers for hire or compensation, except vehicles operated solely as those exempted under Section 6.21(b), Green Bay Municipal Code.

(2) LICENSES REQUIRED

(a) Business License. No person may engage in a ~~taxicab~~ public vehicle business unless each ~~taxicab~~ public vehicle used in the business is licensed. A ~~taxicab~~ public vehicle business license shall expire on ~~July 1~~ December 31 of each year.

(b) OPERATOR'S LICENSE. No person may operate a vehicle for ~~taxicab~~ public vehicle purposes upon a highway unless the person is licensed as a ~~taxicab~~ public vehicle operator. A ~~taxicab~~ public vehicle operator's license shall expire on ~~July 1~~ May 31 of each year.

(3) BUSINESS LICENSE APPLICATION PROCESS

(a) Application. A person wishing to obtain a ~~taxicab~~ public vehicle business license shall apply to the city clerk upon an approved form and pay to the clerk ~~the proper~~ a $25.00 license fee for each ~~taxicab~~ public vehicle managed by the person. The clerk shall forward the application to the police department for review. ~~If the police department approves the application, the clerk shall place the application upon the next available Protection & Welfare Committee meeting for consideration.~~ The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity,

2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity,

3. The applicant made a false statement on the application,

4. The applicant is under eighteen (18) years old.

(b) Appeal. If the police department denies an application for a business license, the applicant may appeal within fifteen (15) days after the ~~clerk~~ police department mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(c) Hearing Before Committee. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(d) Issuance. The clerk shall issue the ~~taxicab~~ public vehicle business license if the applicant has been approved by the common council and has satisfied all other provisions of this section.

(e) Vehicle Inspection. Before a ~~taxicab~~ public vehicle business may operate a ~~taxicab~~ public vehicle on a highway, the ~~taxicab~~ public vehicle shall obtain a license sticker from the police department by passing an inspection. The police department shall collect $25 for each motor vehicle inspection~~, and $10 for inspecting any other vehicle~~. This paragraph does not apply to a vehicle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection,

2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

(f) Insurance. Every public vehicle shall be covered by liability insurance coverage containing limits of liability of not less than $500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each vehicle shall be filed with the Risk Management Division.

(g) Police Department Review. The police department shall affix a license sticker to the rear of each inspected vehicle if the department determines that the vehicle is:

1. Licensed with the city clerk,
2. In a safe operating condition,
3. Registered pursuant to Wis. Stat. Ch. 341,
4. Insured as required by ~~Wis. Stat. § 344.15(1)~~ this subchapter,
5. Conspicuously displaying on the exterior driver and passenger side of the vehicle:
   a. The name or trade name of the ~~taxicab~~ public vehicle business,
   b. The phone number of the ~~taxicab~~ public vehicle business,
   c. A unique number assigned by the ~~taxicab~~ public vehicle business that identifies the particular vehicle.
   ~~d. All rates or fees charged to passengers~~
6. Conspicuously displaying within the front passenger compartment:
   a. A display holder within which ~~taxicab~~ public vehicle operators can show their licenses while operating the ~~taxicab~~ public vehicle,
   b. All rates or fees charged to passengers.

(4) OPERATOR'S LICENSE APPLICATION PROCESS

(a) APPLICATION. A person wishing to obtain a ~~taxicab~~ public vehicle operator's license shall apply to the city clerk upon a common council approved form and pay to the clerk the proper license fee and submit an acceptable passport-sized photo. The clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity,
2. The applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity,
3. The applicant made a false statement on the application,
4. The applicant is under eighteen (18) years old.

~~(b) HOSPITALITY TRAINING. Prior to issuance of a permanent operator's license an applicant must complete a hospitality training course which has been approved by the City of Green Bay and evidenced by a certificate of completion. The hospitality training course shall be provided free of charge to the licensee.~~

(~~c~~b) Appeal. If the police department denies an application for an operator's license, the applicant may appeal within fifteen (15) days after the ~~clerk~~ police department mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(~~d~~c) Issuance. The clerk shall issue a public vehicle operator's license if the applicant has been approved by the police department or the common council and has satisfied all other provisions of this section.

~~1. Temporary License. The clerk shall issue a temporary taxicab operator's license if the applicant has been approved by the police department or the common council, and has satisfied all other provisions of this section except for the completion of an approved hospitality training course within the last twelve (12) months. A temporary operator's license shall expire upon ninety (90) days after the date of issuance or upon issuance of a permanent operator's license. Only one temporary operator's license may be issued within a twelve (12) month period.~~

~~2. Permanent License. The clerk shall issue a permanent taxicab operator's license if the applicant has been approved by the police department or the common council, has completed an approved hospitality training course within the last twelve (12) months, and has satisfied all other provisions of this section.~~

(5) ~~TAXICAB~~ PUBLIC VEHICLE REGULATIONS. The owner and operator of a ~~taxicab~~ public vehicle are both responsible for ensuring compliance with this subsection.

(a) Maintenance. No person may operate a vehicle registered under this paragraph unless the vehicle complies with all the conditions necessary to become a licensed ~~taxicab~~ public vehicle at the time it is in operation.

(b) Receipts. Upon a customer's demand, the operator of a ~~taxicab~~ public vehicle shall provide a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment. The receipt may be provided in electronic form if payment is made by electronic means.

(c) Rates. ~~Taxicabs~~ Public vehicles may charge for service at a rate per unit of time, a rate per unit of distance, a flat rate per ride, or by using a taximeter.

1. Report to Clerk. The owner or operator of a ~~taxicab~~ public vehicle shall at all times maintain a schedule of rates on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk

2. Taximeters. A ~~taxicab~~ public vehicle may use a taximeter to determine the cost of service, subject to the following regulations:

   a. No person shall use or permit to be used upon any ~~taxicab~~ public vehicle a taximeter which is in error more than 4% in efficiency and more than 1% in excess interval under test.

   b. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.

   c. The case of the taximeter shall be sealed and have its cover gear intact.

   d. Upon complaint to the Clerk's Office, the taximeter subject to complaint shall be inspected by the inspection department.

(d) Operator ID Display. No person may operate a ~~taxicab~~ public vehicle unless the person who is licensed to operate it is displaying his or her operator's license.

(6) LICENSE SUSPENSION OR REVOCATION. Any person may file a complaint with the city clerk alleging a licensee has violated any provision of this Code or state law that substantially relates to the licensed activity. ~~The common council may require the complainant to post surety of up to $500 fine the complainant of up to $500.~~ If the common council determines that the complaint is true, it shall revoke the license or suspend the licensee's license for not less than ten (10) and not more than ninety (90) days. If the common council determines the complaint to be unsubstantiated, it shall dismiss the complaint ~~and return any surety fine posted by the complainant~~. If the common council determines the complaint is false and the complainant acted in bad faith, it shall dismiss the complaint ~~and award the complainant's surety fine to the licensee~~. Chapter 68, Wis. Stats., shall not apply to ~~taxicab~~ public vehicle licensing decisions.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

KKB:bc

09/15/15

GENERAL ORDINANCE NO. 12-15

AN ORDINANCE
CREATING SECTION 6.39,
GREEN BAY MUNICIPAL CODE,
RELATING TO MOBILE FOOD ESTABLISHMENTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.39, Mobile Food Establishments, Green Bay Municipal Code, is hereby created as follows:

6.39 **MOBILE FOOD ESTABLISHMENTS**.

(1) DEFINITIONS

(a) "Mobile Food Establishment" means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code.

(b) "Mobile" shall mean the state of being in active, but not necessarily continuous movement.

(c) "Mobile Food Vendor" means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the City of Green Bay.

(d) "Edible Goods" shall include but are not limited to:

1. Prepackaged and prepared food including, but not limited to, ice cream, hot dogs, deserts, and pizza.
2. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.

(e) "Sell" shall mean the act of exchanging a good for profit or in return for a donation.

(f) "Service Base" means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

(g) "Vehicle" shall mean any motor vehicle as defined by Wis. Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71). Vehicle shall also include any bicycle or other self-propelled device.

(h) "Vend" shall mean to sell or to transfer the ownership of an article to another for a price in money.

(2) LICENSE REQUIRED

(a) No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of Green Bay, without having obtained an approved license from the City Clerk.

(b) All mobile food establishments used for vending food shall be licensed for such use by the Brown County Health Department and all other applicable agencies. Mobile food establishments shall acquire the appropriate licenses and permits for any additional food items not required under this subchapter if deemed necessary by the Brown County Health Department.

(c) LICENSE. Every mobile food vendor shall have a license issued by the City Clerk to conduct business in the City of Green Bay. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.

(d) LICENSE FEE. The license to operate a mobile food establishment shall be $500.00. If an applicant requests a license under this subchapter from an existing City of Green Bay based business that sells food based products, the license fee shall be $300.00.

(e) LICENSE RENEWAL. Upon renewal of license, each applicant must provide a new application, a renewal fee of $500.00, and any new permitting documentation upon the license renewal. License renewal from an existing City of Green Bay based businesses shall be $300.00. If the applicant fails to submit the application and renewal fee within thirty (30) calendar days after the expiration of the license, the applicant shall reapply as a new applicant.

(f) TRANSFER OF LICENSE. A license issued under this subchapter shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.

(g) SURRENDER OF LICENSE; ALTERATION OF LICENSE; FAILURE TO DISPLAY LICENSE. On the expiration of a license issued under this subchapter, the license holder shall surrender the license to the City Clerk. No person shall alter or change in any manner any license issued under the provisions of this subchapter, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

(3) LICENSE APPLICATION PROCESS.

(a) APPLICATION. Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the City Clerk and pay the proper license fee for each mobile food establishment managed by the person. The City Clerk shall forward the application to the police department for review. If the police department approves the application, the City Clerk shall issue the license to the applicant.

(b) APPLICATION DENIAL. An applicant of a mobile food establishment may be denied where:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
3. The applicant made a false statement on the application.
4. The applicant is under eighteen (18) years old.

5. The applicant is found to have unpaid civil judgment(s) which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.

(c) APPEAL. If the police department denies an application for a license, the applicant may appeal within fifteen (15) days after the City Clerk mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(d) HEARING BEFORE COMMITTEE. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee decision.

(e) ISSUANCE. The Clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the police department.

(4) LICENSE SUSPENSION OR REVOCATION. The Common Council may revoke or suspend, no less than ten (10) and not more than ninety (90) days, any license under this subchapter for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any State law or City ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.

(5) INSURANCE.

(a) LIABILITY INSURANCE. The license holder under this subchapter shall have in force liability insurance for each mobile food establishment.

(b) PROOF OF INSURANCE. As evidence of liability insurance, the licensee shall furnish a certificate of insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Green Bay, its employees and agents as additionally insured in an amount not less than one million dollars ($1,000,000.00). Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the City of Green Bay by certified mail.

(6) SANITATION REQUIREMENTS.

(a) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the Brown County Health Department including, but not limited to, the time, temperature, plumbing, operation and maintenance for mobile food establishments.

(b) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and Brown County Health Department regarding preparation facilities, serving areas and operation areas.

(c) The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the Brown County Health Department for annual inspections of the establishment at a location designated by the Health Department.

(d) Authorities of the Brown County Health Department may require that mobile food establishments found to violate sanitation and health requirements to have follow-up inspections to verify compliance.

(e) Service Base Required.

1. All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the Brown County Health Department.

2. Any food item desired to be cooked or prepared on the mobile food establishment shall first be inspected by the Brown County Health Department.

3. All mobile food units shall be cleaned and serviced as often as necessary from the service base.

4. The service base shall be inspected and approved by the Brown County Health Department prior to operating the mobile food establishment.

5. All mobile food establishments shall return to its service base at least once every twenty-four (24) hours for service and maintenance.

(7) CONDUCT OF BUSINESS.

(a) REGULATIONS GENERALLY. The following regulations shall apply to mobile food establishments during the regular order of business:

1. A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.

2. A licensee shall not use the license provided by the City after expiration or revocation of the license.

3. A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.

4. A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the City of Green Bay between the hours of 6:00 a.m. and 9:00 p.m. All sales within the portion of the downtown district of Green Bay, as defined and displayed in Exhibit A under this subchapter, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.

5. No mobile food establishment shall conduct business at a stationary location for a duration exceeding four (4) hours per location per day.

6. All persons conducting business on a sidewalk or terrace must maintain within twenty-five (25) feet of their sales location, a clean, sanitary and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters or storm drain. Each person conducting business on a sidewalk or terrace under the provisions of this chapter shall carry a minimum thirty (30) gallon container for placement of such litter by customers or other persons.

7. A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subchapter.

8. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.

9. All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.

10. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.

11. No person shall provide or allow any dining area to the mobile food establishment, including, but not limited to, tables and chairs, booths, stools, benches or stand up counters.

12. Signage may only be permitted when placed on the mobile food establishment. No separate free-standing signs are permitted.

13. Any special or civic event organizer desiring to hold five (5) or more mobile food establishments on the property where the event will be held shall notify the Brown County Health Department at least seven (7) business days prior to the event.

(b) VEHICLE REGULATIONS.

1. Any vehicle or other on-street units used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.

2. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with Chapter 27, Subchapter II, Green Bay Municipal Code.

3. All mobile food establishments shall be entirely self-contained in regards to gas, water, electricity, and equipment(s) required for operation of the unit.

4. All mobile food vehicles must have valid license plates and registration as provided by Chapter 341, Wisconsin Statutes.

5. No vehicle or unit may violate any traffic or parking statute or ordinance when stopping to make sales. Meter bags will not be issued to license holders under this subchapter.

6. No flashing or blinking lights, or strobe lights are allowed on a mobile food establishment or related signage when the establishment is parked and engaged in serving customers. All lighting is subject to review by the City of Green Bay Traffic Engineer and shall be removed if deemed to be in conflict with safe travel.

7. All mobile food establishments shall comply with all Federal, State, and local regulations regarding vehicle size requirements.

(c) ZONING RESTRICTIONS.

1. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.

2. No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.

3. No more than two (2) mobile food establishments shall be allowed to conduct business on private property.

4. No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.

5. No mobile food establishment shall conduct business within five hundred (500) feet of Bay Beach Amusement Park or any fair, festival, special event or civic event that is licensed or sanctioned by the City of Green Bay unless the licensee has obtained written permission from the event sponsor.

6. A mobile food establishment shall be located on a paved surface at all times unless it is part of a City sanctioned special event.

7. No person may conduct business on a sidewalk or curbside in any of the following places:

   a. Within twenty (20) feet of the intersection of the sidewalk with any other sidewalk.

   b. Within ten (10) feet of the extension of any building entrance or doorway to the curb line.

   c. Within one hundred-fifty (150) feet of a public entrance of any business which is a licensed or permitted restaurant by the Brown County Health Department, during the hours the particular business is open for sale, unless written permission is granted by the business.

   d. Within one hundred-fifty (150) feet of a City park where food concessions are sold, during the hours that concessions are being sold, unless written permission is granted by the Parks Department.

8. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district. The subsection shall not apply to ice-cream trucks.

(d) EXEMPTIONS.

1. Upon application and approval from the Protection and Welfare Committee, the licensee may periodically and infrequently extend the hours of service of the mobile food establishment outside the designated zone displayed in Exhibit A from 6:00 a.m. to 3:00 a.m. for business purposes only. This exemption shall not be applicable in any residential zoning district.

2. Upon application and approval from the Protection and Welfare Committee, the owner of private property may allow more than two (2) mobile food establishments to conduct business on said property during the normal hours of operation.

3. For event purposes, a mobile food establishment may conduct business on publicly owned property after the approval from the Parks Department and the Department of Public Works or participates in a City sanctioned special event.

(8) PENALTIES. A licensee or vendor who violates any provision of this subchapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than $1 nor more than $500.00 for each offense.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

PJL:bc

07/21/15

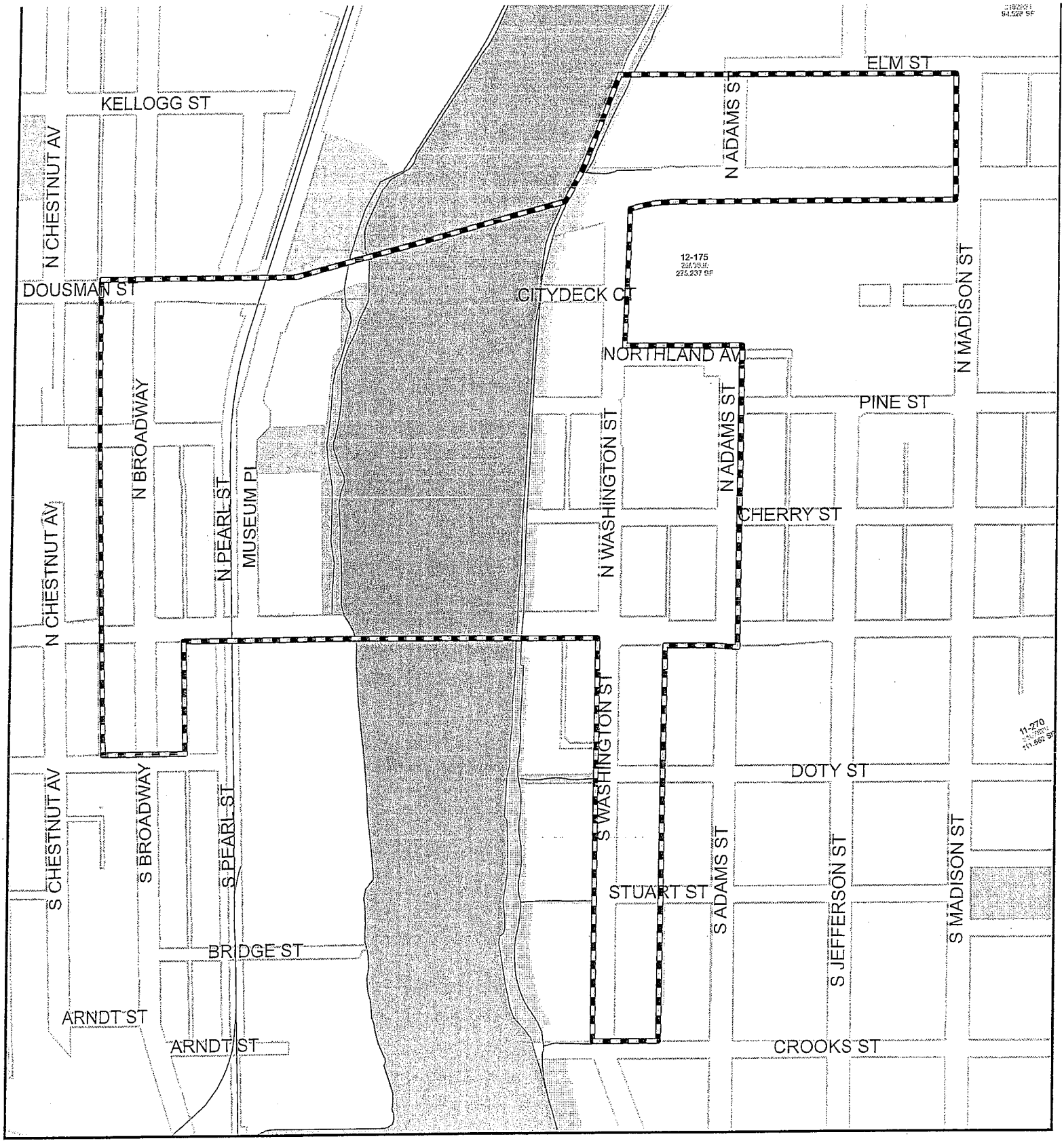

Exhibit A

375 187.5 0 375 750 1,125 1,500 Feet

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
Map prepared by City of Green Bay Planning Department.

Extended Service Hours L

16j

ZONING ORDINANCE NO. 8-15

AN ORDINANCE
REZONING 1576 KIMBALL STREET
FROM LOW DENSITY (R1) DISTRICT
TO GENERAL COMMERCIAL (C1) DISTRICT
(ZP 15-08A)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density (R1) District to General Commercial (C1) District:

GUESNIERS 4TH ADD E 1/2 OF LOT 6 & W 1/2 OF LOT 5 BLK 1 ALSO VACATED ALLEY (Tax Parcel Number 8-471)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

bc

08/18/15

Attachment – Map

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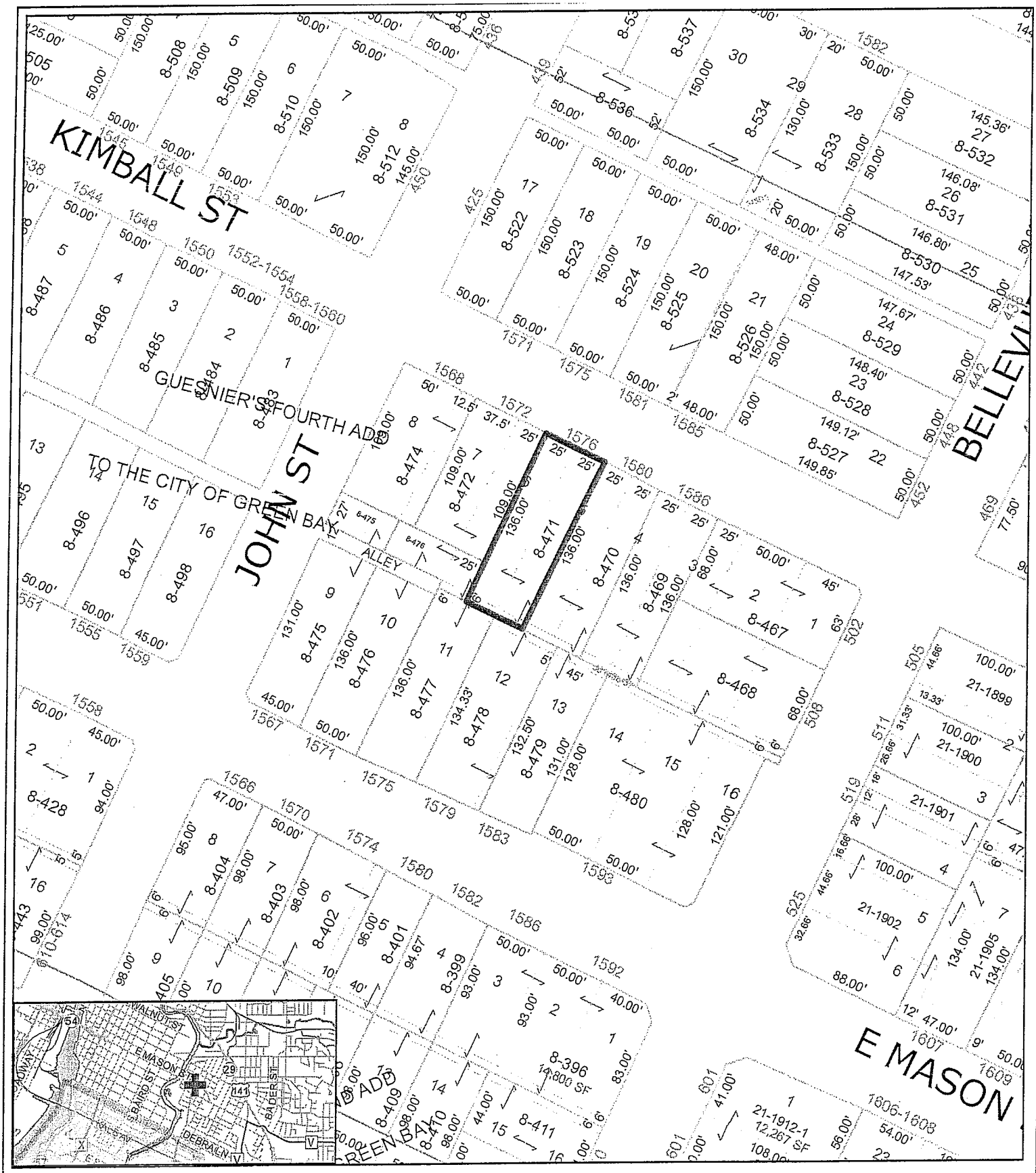

Zoning Petition (ZP 15-08A)

Request to rezone 1576 Kimball Street from Low Density Residential (R1) to General Commercial (C1); amend the existing Planned Unit Development (PUD) overlay

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Map prepared by City of Green Bay Planning Department. P.N. July 2015. .\Planning\City\ZPMaps\2015\ZP15-08A

N

0 100 200 Feet

Subject Area

ZONING ORDINANCE NO. 9-15

AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 6-15 TO PERMIT A CAR WASH AS PART OF THE PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR 1576 KIMBALL STREET (ZP 15-08A)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development District on the following described properties:

GUESNIERS 4TH ADD E 1/2 OF LOT 6 & W 1/2 OF LOT 5 BLK 1 ALSO VACATED ALLEY (Tax Parcel Number 8-471)

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

A. Purpose and Intent. To permit the construction of a car wash and related parking accessory to the proposed Grand Central Station. The proposed uses shall be consistent with both Exhibits A and B attached.

B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:

1. Car wash
2. Other uses as permitted within the General Commercial (C1) District.

C. Dimensional and Area Requirements. Dimensional and area requirements for principal and accessory structures on the subject property shall be as required as follows:

1. Front and corner side yard setback: 15 feet.
2. Interior side yard: 0'. If adjacent to residential uses, the setback shall be compliant with Chapter 13-1820, Green Bay Municipal Code.
3. Rear yard setback: The car wash shall be no closer than 55 feet from the Kimball Street right-of-way and shall comply with the requirements found in Chapter 13-1820, Green Bay Municipal Code.
4. The height of the Grand Central structure shall not exceed the 15 feet above grade.

D. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code. All canopy lighting shall be recessed.

E. Signage. All signage for the current project shall be regulated as required in Chapter 13-2010, Table 20-2, Green Bay Municipal Code; however, no signage shall face north to Kimball Street except for direction signage approved by staff.

F. Site Plan Review & Standards.

1. A site plan shall be submitted and review per Chapter 13-1800, Green Bay Municipal Code.
2. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Municipal Code.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2015.

APPROVED:

_____
Mayor

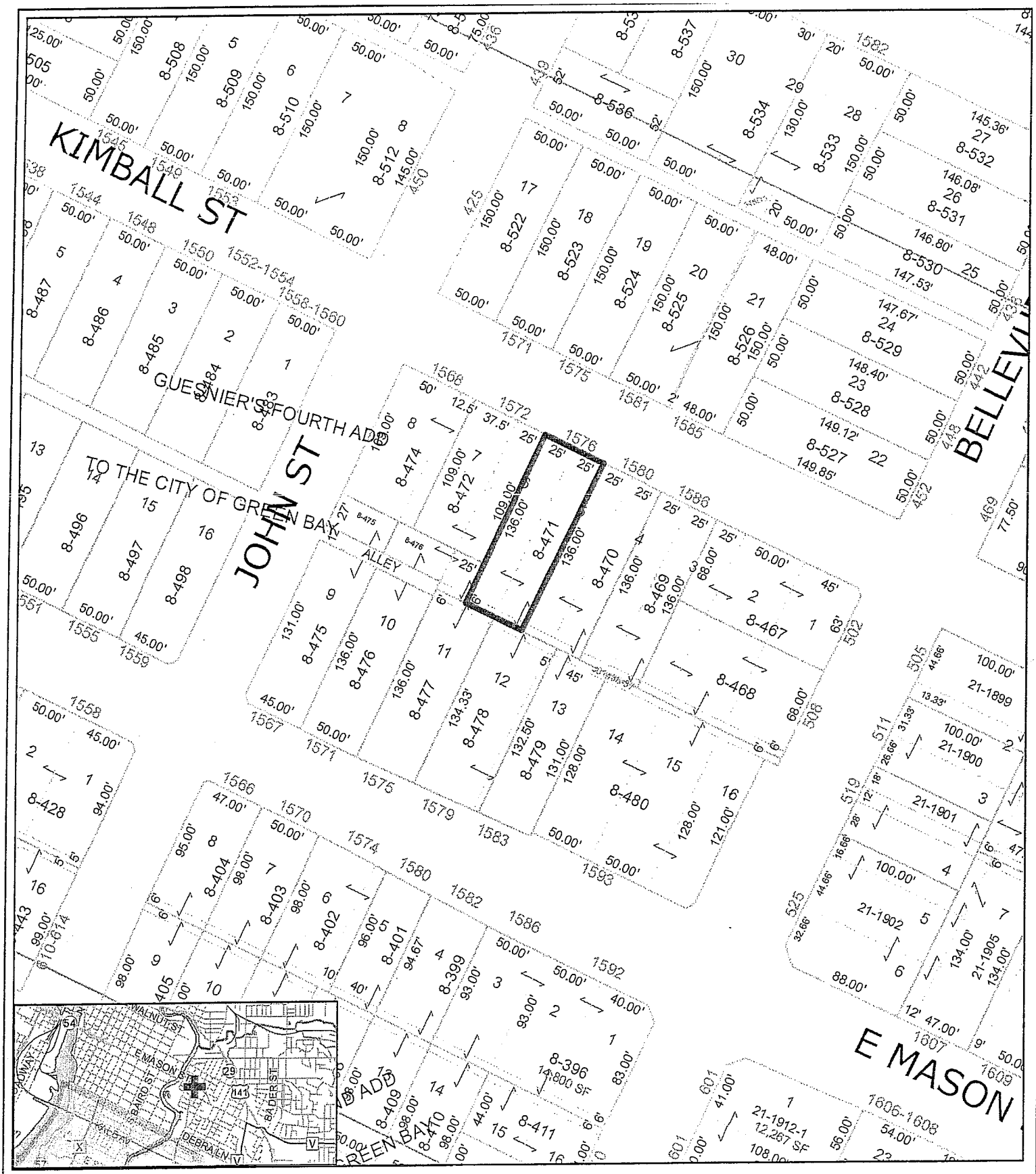
ATTEST:

_____
Clerk

PN:bc

08/18/15

Attachments: Location Map
Exhibit A – Site Plan
Exhibit B – Building Elevations



Zoning Petition (ZP 15-08A)

Request to rezone 1576 Kimball Street from Low Density Residential (R1) to General Commercial (C1); amend the existing Planned Unit Development (PUD) overlay

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
Map prepared by City of Green Bay Planning Department. P.N. July 2015. .\Planning\City\ZPMaps\2015\ZP15-08A

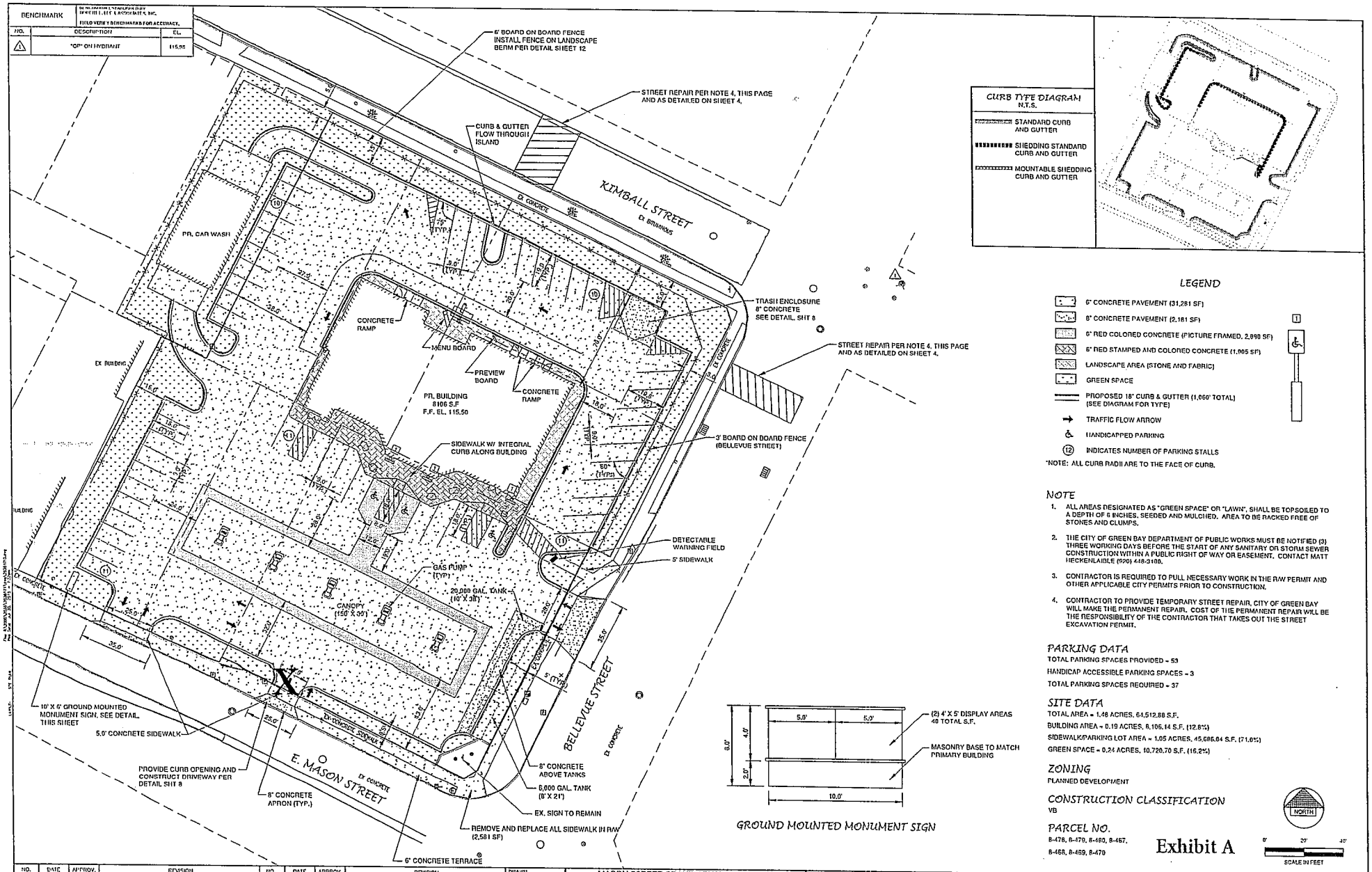
N

0 100 200 Feet

Subject Area

18c

BENCHMARK		
NO.	DESCRIPTION	EL.
1	"OP" ON HYDRANT	115.95



LEGEND

- 6" CONCRETE PAVEMENT (31,281 SF)
- 8" CONCRETE PAVEMENT (2,181 SF)
- 6" RED COLORED CONCRETE (PICTURE FRAMED, 2,890 SF)
- 6" RED STAMPED AND COLORED CONCRETE (1,905 SF)
- LANDSCAPE AREA (STONE AND FABRIC)
- GREEN SPACE
- PROPOSED 18" CURB & GUTTER (1,060' TOTAL) (SEE DIAGRAM FOR TYPE)
- TRAFFIC FLOW ARROW
- HANDICAPPED PARKING
- (12) INDICATES NUMBER OF PARKING STALLS

*NOTE: ALL CURB RADII ARE TO THE FACE OF CURB.

NOTE

1. ALL AREAS DESIGNATED AS "GREEN SPACE" OR "LAWN", SHALL BE TOPSOILED TO A DEPTH OF 6 INCHES, SEEDED AND MULCHED. AREA TO BE RAKED FREE OF STONES AND CLUMPS.
2. THE CITY OF GREEN BAY DEPARTMENT OF PUBLIC WORKS MUST BE NOTIFIED (3) THREE WORKING DAYS BEFORE THE START OF ANY SANITARY OR STORM SEWER CONSTRUCTION WITHIN A PUBLIC RIGHT OF WAY OR EASEMENT. CONTACT MATT HECKENLAIBLE (920) 448-3100.
3. CONTRACTOR IS REQUIRED TO PULL NECESSARY WORK IN THE R/W PERMIT AND OTHER APPLICABLE CITY PERMITS PRIOR TO CONSTRUCTION.
4. CONTRACTOR TO PROVIDE TEMPORARY STREET REPAIR. CITY OF GREEN BAY WILL MAKE THE PERMANENT REPAIR. COST OF THE PERMANENT REPAIR WILL BE THE RESPONSIBILITY OF THE CONTRACTOR THAT TAKES OUT THE STREET EXCAVATION PERMIT.

PARKING DATA

TOTAL PARKING SPACES PROVIDED = 53

HANDICAP ACCESSIBLE PARKING SPACES = 3

TOTAL PARKING SPACES REQUIRED = 37

SITE DATA

TOTAL AREA = 1.48 ACRES, 64,512.88 S.F.

BUILDING AREA = 0.19 ACRES, 8,106.14 S.F. (12.6%)

SIDEWALK/PARKING LOT AREA = 1.05 ACRES, 45,686.04 S.F. (71.0%)

GREEN SPACE = 0.24 ACRES, 10,720.70 S.F. (16.2%)

ZONING

PLANNED DEVELOPMENT

CONSTRUCTION CLASSIFICATION

VB

PARCEL NO.

8-478, 8-479, 8-480, 8-467, 8-468, 8-469, 8-470

GROUND MOUNTED MONUMENT SIGN

NORTH

0' 20' 40'
SCALE IN FEET

Exhibit A

NO.	DATE	APPROV.	REVISION	NO.	DATE	APPROV.	REVISION
1	8/24/15	AJS	REVISED CITY SUBMITTAL				
2	8/10/15	AJS	STORM WATER REVISIONS				

DRAWN REB
CHECKED JCK
DESIGNED AJS

MASON STREET GRAND CENTRAL STATION
FOR BAYLAND BUILDINGS, INC.
CITY OF GREEN BAY
BROWN COUNTY, WISCONSIN

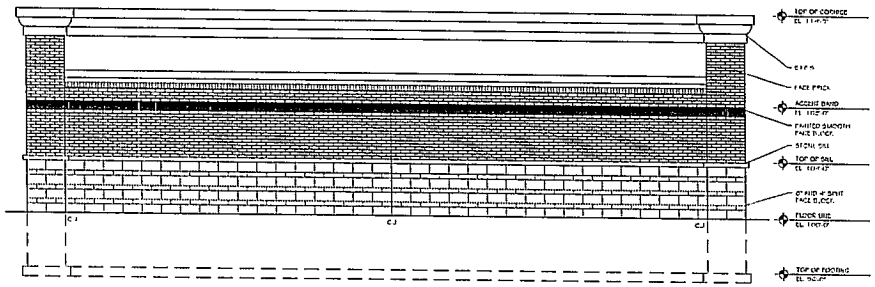
SITE PLAN

DATE 8/20/15
FILE 2000120
JOB NO. 2000120

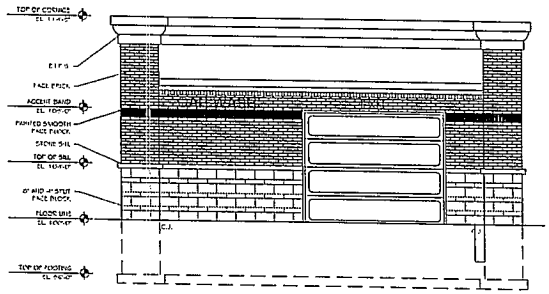
Robert E. Lee & Associates, Inc.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBART, WI 54155
INTERNET: www.releeinc.com
PHONE:(920) 662-9541
FAX:(920) 662-9141

SHEET NO. 3

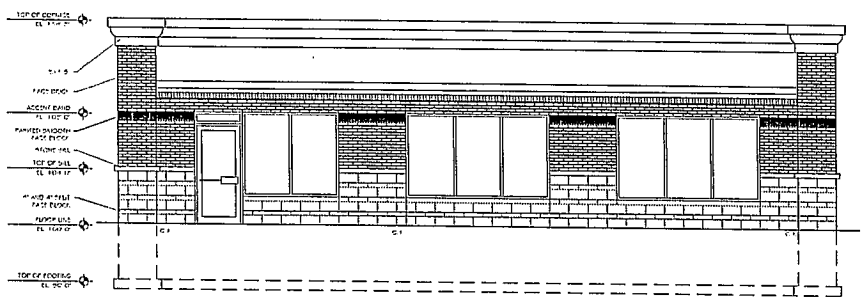
P81



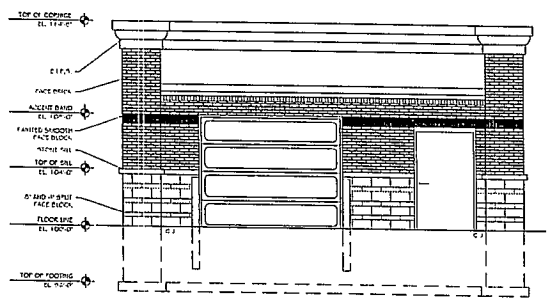
WEST ELEVATION
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



EAST ELEVATION
SCALE: 1/16" = 1'-0"



NORTH ELEVATION
SCALE: 1/16" = 1'-0"

APPROVED

OWNER'S SIGNATURE DATE

AGENT'S REPRESENTATIVE DATE

Exhibit B

SCALE: 1/16" = 1'-0"

BAYLAND

BAYLAND BUILDINGS
P.O. BOX 13521 GREEN BAY, WI 54307
(920) 498-6300 FAX (920) 498-3033
www.baylandbuildings.com
DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:
15-8694
, WISCONSIN; COUNTY OF:

SCALE VERIFICATION
THIS BAR MEASURES 1" ON ORIGINAL. ADJUST SCALE ACCORDINGLY.

NOTICE OF COPYRIGHT
THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS AN ARCHITECTURAL WORK UNDER SECTION 102 OF THE COPYRIGHT ACT, 17 U.S.C. § 102, AMENDED BY HR 2987, PL 101-650, EFFECTIVE ARCHITECTURAL WORKS CREATED FROM DECEMBER 1990. THE RIGHT EXTENDS TO BOTH BUILDING PLANS AND BUILDINGS OF THIS DESIGN, AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN, UNDER SUCH PROTECTION, CONSTITUTES THE ORIGINAL CREATION OF THE BUILDING REPRESENTED. COPYING THESE PLANS, IN WHOLE OR IN PART, OR CONSTRUCTING A BUILDING WITHOUT WRITTEN PERMISSION FROM BAYLAND BUILDINGS, INC. CONSTITUTES TORTIOUS INTERFERENCE WITH THE RIGHTS OF BAYLAND BUILDINGS, INC.

JOB NUMBER: -

SALES REP:
TOM AMBROSIUS
(920) 371-2544

DRAWN BY: DPO

DATE: 7-21-15

REVISIONS:

ISSUED FOR:
- [ ] PRELIMINARY
- [ ] BID SET
- [ ] CONSTRUCTION

SHEET

A2.0