



## CITY OF BURLINGTON

Administration Department  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1161 - (262) 763-3474 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

### AGENDA COMMITTEE OF THE WHOLE

Wednesday, February 20, 2019

6:30 p.m.

Common Council Chambers, 224 East Jefferson Street

Mayor Jeannie Hefty  
Susan Kott, Alderman, 1st District  
Theresa Meyer, Alderman, 1st District  
Bob Grandi, Alderman, 2nd District  
Ryan Heft, Alderman, 2nd District  
Steve Rauch, Alderman, 3rd District  
Jon Schultz, Council President, Alderman, 3rd District  
Thomas Preusker, Alderman, 4th District  
Todd Bauman, Alderman, 4th District

#### Student Representatives:

Jack Schoepke, Student Representative (BHS)  
Morgan Tracy, Student Representative (BHS)

1. **Call to Order - Roll Call**
2. **Citizen Comments**
3. **Approval of Minutes** (*T. Bauman*)
  - A. To approve the February 5, 2019 Committee of the Whole Meeting Minutes.
4. **PRESENTATIONS:**
5. **DISCUSSION:**
  - A. A discussion regarding dogs in City parks.
  - B. A discussion regarding Wastewater Rate Implementation.
6. **RESOLUTIONS:**
  - A. **Resolution 4932(34)** - To consider approving the Annual Contract between the City of Burlington and the Racine County Economic Development Corporation (RCEDC) for 2019 Economic Development Initiatives in the amount of \$47,638.82.
  - B. **Resolution 4933(35)** - To accept A Unanimous Petition for Direct Annexation of 0.48 acres at 1063 Spring Valley Road in the Town of Burlington, Racine County, Wisconsin.

- C. **Resolution 4934(36)** - To approve restructuring and modifications to the Burlington Tax Incremental District (TID) Restructured Policy Manual.
- D. **Resolution 4935(37)** - To approve a Final Plat and Development Agreement for the proposed Glen at Stonegate Subdivision, Addition No. II.

7. **ORDINANCES:**

- A. **Ordinance 2043(9)** - To amend Section 119-5(B)(1)(a), "Official Maps, Based on the Flood Insurance Study (FIS) of the Municipal Code of Burlington.
- B. **Ordinance 2044(10)** - To repeal and recreate Chapter 155, "Fire Prevention, Protections and Control Code" of the Code of the City of Burlington.

8. **MOTIONS:**

- A. **Motion 18-913** - To consider approval of a Certificate of Appropriateness and recommendation regarding the revised signage for property located at 457 Milwaukee Avenue.
- B. **Motion 19-921** - To consider approving a Certificate of Appropriateness for property located at 164 E. Washington Street.

9. **ADJOURNMENT** (*S. Kott*)

*Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.*

*Note: Notice is hereby given that a majority of the members of the Park Board may be present at the meeting. Although this may constitute a quorum of the Park Board the Park Board will not take any action at this meeting.*



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 3A**

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**DATE:** February 20, 2019

**SUBJECT:** APPROVAL OF MINUTES - To approve the February 5, 2019 Committee of the Whole Meeting Minutes.

**SUBMITTED BY:** Diahnn Halbach, City Clerk

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**BACKGROUND/HISTORY:**

The attached minutes are from the February 5, 2019 Committee of the Whole meeting.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the attached minutes from the February 5, 2019 Committee of the Whole meeting.

**TIMING/IMPLEMENTATION:**

This item is scheduled for final consideration at the February 20, 2019 Common Council meeting.

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**Attachments**

COW Minutes

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**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Jeannie Hefty, Mayor**  
**Diahnn Halbach, City Clerk**  
**Tuesday, February 5, 2019**

1. Prior to the Call to Order of the Committee of the Whole meeting, Mr. Dieter Holtz and Mr. Steven Wolke was sworn in by Chief Anderson as Patrol Officers for the City of Burlington.

**Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to order at 6:30 p.m. Roll Call - Present: Mayor Hefty, Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Jon Schultz, Alderman Todd Bauman. Excused: Alderman Tom Preusker.

Student Representatives: Present: None. Excused: Jack Schoepke (BHS), Morgan Tracy (BHS).

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Assistant City Administrator/Zoning Administrator Megan Watkins, Public Works Director Peter Riggs, Human Resource Manager Jason Corbin, Building Inspector Gregory Guidry, and Fire Inspector Wes Miner.

2. **Citizen Comments** - There were none.

3. **Approval of the Committee of the Whole Meeting Minutes from January 15, 2019**

Motion: Alderman Bauman. Second Alderman Grandi. With all in favor, the motion carried.

4. **DISCUSSION:** To discuss Scheduling Practices for the Common Council Meetings.

Administrator Walters explained that as part of best practices, staff has been accommodating to Aldermanic schedules when controversial items may be presented during a Common Council meeting to allow a full quorum for discussion and consideration. Walters further explained that staff is seeking direction on whether or not the current flexible schedule should be retained depending on the timing and/or action needed of a controversial item, or if items should be placed on the agenda when asked by the Mayor, pursuant to staff's ability to complete necessary due diligence for a productive discussion.

Alderman Bauman responded that every item has value and importance and felt that meetings shouldn't be held up regardless of full attendance. Bauman stated that if staff is prepared to present, then the meeting should move forward.

Alderman Schultz felt that better discussions take place when there is a full quorum and felt if the item is a hot topic, the meeting should be moved to a date when there is full attendance.

Alderman Heft stated that it's preferable to have everyone in attendance, however, items shouldn't be tabled or moved if someone can't attend a meeting.

Alderman Grandi stated that he felt if agenda items are ready to be presented, then the agendas should be scheduled accordingly and not based on attendance.

Alderman Bauman also stated that items are first introduced and discussed at the Committee of the Whole meeting and there are other opportunities for an item to be discussed before being voted on at a Common Council meeting.

Administrator Walters stated that per this evening's feedback, staff would move forward with scheduling meetings pursuant to staff's ability to prepare an item for discussion regardless of full attendance.

5. **\*\*\* Due to inclement weather and worsening road conditions, Mayor Hefty postponed the remaining Committee of the Whole meeting and the Common Council meeting to February 20, 2019.**

6. **ADJOURNMENT**

Motion: Alderman Bauman. Second: Alderman Rauch. With all in favor, the motion carried and the meeting was adjourned at 6:42 p.m.

Minutes respectfully submitted by:

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Diahnn C. Halbach  
City Clerk  
City of Burlington



**DATE:** February 20, 2019

**SUBJECT:** DISCUSSION - A Discussion Regarding Dogs in City Parks.

**SUBMITTED BY:** Peter Riggs, Director of Public Works

**BACKGROUND/HISTORY:**

Chapter 234-2 B of the City of Burlington's Municipal Code prohibits dogs in City parks except for designated dog parks. The Park Board has discussed dogs in parks at several meetings in the recent past: 11/17/16, 1/12/17, 2/16/17, 3/16/17, 8/16/18, and 1/17/19 (minutes are attached for further detail on those discussions). At the 1/17/19 meeting of the Park Board a motion to recommend a change to the ordinance to allow dogs in parks failed to pass on a vote of 2 in favor and 4 opposed. The Park Board has consistently recommended support for the existing ordinance.

Staff surveyed 32 other Wisconsin communities to discover what limitations they place on dogs in their parks. These results are attached. Of the 32 communities 13 do not allow dogs in any parks, 10 allow dogs in all parks, and 9 allow dogs in specified parks or areas. 5 of the 13 communities that do not allow dogs in parks, do allow dogs on trails.

Central to the discussion of dogs in parks is the desire to expand recreational opportunities to dog owners to enjoy City of Burlington parks and the events hosted in these facilities. The concerns for allowing dogs in parks generally center on hygiene, safety, and nuisance behavior that would negatively impact the enjoyment of the parks for some users.

**BUDGET/FISCAL IMPACT:**

Allowing dogs in parks will require the installation of dog waste stations. It is estimated a total of 25 stations would be sufficient. Staff would recommend installation of a bag dispenser but no matching can. Instead we would use our existing garbage cans for consistency of collection and to save costs. Signage would also need to be updated. The out of pocket expenses are estimated at \$8,700, excluding labor.

In addition, we estimate 2 hours a week in labor would be necessary to empty cans and respond to concerns regarding dog waste. Labor, fleet, and material costs are estimated at \$7,100 per year.

A detailed breakdown of these costs is attached. The 2019 Budget did not include funds specifically designated for this purpose.

**RECOMMENDATION:**

Allowing dogs in parks is a challenging policy decision. It requires a determination of what better serves the public good: accommodating recreational needs of dog owners or minimizing concerns of hygiene, safety, and recreational enjoyment of those that do not want dogs in the parks. The Park Board has discussed this topic on several occasions, most recently they were not in favor of allowing dogs in parks, which is consistent with prior recommendations. Staff has received anecdotal feedback recommending both options. A nonscientific peer community survey shows a balance between communities that allow dogs in parks and those that do not, but the majority of communities do allow dogs in some parks.

From an operational perspective it is an additional demand for resources and therefore would not be recommended by staff. However, these costs are minimal and the labor demand could be absorbed with existing staffing without dramatic impact to other services. The operational impacts would be a deterrent to allowing dogs in parks, but it is not a significant deterrent.

Staff is seeking direction from the Council regarding dogs in the park as to whether or not staff should draft a modification to Chapter 234-2B. A copy of Chapter 234-2B is attached.

**TIMING/IMPLEMENTATION:**

This item is presented for discussion at the February 20, 2019 Committee of the Whole meeting.

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**Attachments**

Chapter 234-2B Dogs in Parks

Dogs in Parks Park Board Minutes

1-17-19 Park Board Minutes\_DRAFT

Dogs in Parks Cost Estimates

Dogs in Parks Survey

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## Chapter 234. Parks and Public Areas

### § 234-2. Park regulations.

- A. Closing hours. No person shall be in a municipal park between 10:00 p.m. and 5:00 a.m. daily, except for such instances where a permit for a special occasion or use during prohibited hours has been issued by the Park Board or Supervisor of Streets and Parks. If a permit is for a special occasion or use to occupy a municipal park beyond the hours allowed, the Park Board or Supervisor of Streets and Parks shall, upon issuance of such permit, immediately notify the Police Department in writing. This provision shall not include any municipal parking lots adjacent to any park.  
[Amended 5-18-2010 by Ord. No. 1898(1)]
- B. Dogs in parks.  
[Amended 11-20-2007 by Ord. No. 1849(22)]
- (1) No person shall permit any dog owned by him or in his care and control to be upon the grounds of the City parks, unless said park or portion of a park has been designated and posted as a dog park as set forth in Subsection **B(2)** of this section.
  - (2) Dog park. A park, area of a park or other public land may be designated by the City as a dog park, and shall be posted as such. Use of a dog park shall be at the risk of the user, who shall be solely responsible for himself or herself, and his or her dogs, children and guests. No dog is allowed in a City dog park unless the dog has been properly vaccinated and licensed, is wearing a collar or harness, is wearing rabies and license tags, is not aggressive, and is not in heat. No more than two dogs are allowed per owner or custodian. The owner or custodian shall immediately remove all solid dog waste as set forth in § **104-6B**. No food, alcohol or glass bottles are allowed in any dog park. Dogs must be leashed while entering and leaving the fenced area of a dog park.
- C. Horses, donkeys, mules and ponies in parks. No person shall ride or otherwise have in his custody any horse, donkey, mule or pony in any of the parks of the City, except on any established bridle path, or if such animals are a part of a fair, exhibition, carnival, circus or other organized activity approved by the Park Board or are otherwise licensed by the City.  
[Amended 11-18-2003 by Ord. No. 1740(20)]
- D. Vehicles in parks. No person shall operate a motor vehicle, snowmobile or other off-road vehicle in any City park, except with the permission of the Park Board and the Supervisor of Streets and Parks. This subsection shall not apply to official City vehicles when performing official duties nor to snowmobiles operated on signed and designated snowmobile trails.
- E. Storage of boats and other watercraft on City of Burlington park property.  
[Added 6-6-2017 by Ord. No. 2028(5)]
- (1) It shall be unlawful for anyone to leave unattended a boat or watercraft in any Park within the City of Burlington.
  - (2) Any boat or watercraft left on City of Burlington park property shall be deemed to have been abandoned within the meaning of this section:
    - (a) Whenever any boat or watercraft has been allowed to remain standing at any City of Burlington park within the City limits for over 24 hours, it shall have been deemed to have been abandoned by the owner.
  - (3) Abandonment prohibited. No person shall abandon any boat or other watercraft or leave any such boat or watercraft within the confines of any City of Burlington park for such time or under such circumstances as to cause such boat or watercraft to reasonably appear to have been abandoned.
  - (4) Removal. The Chief of Police or the Director of Public Works, or their designee, is hereby authorized to remove or have removed any boat or watercraft that has been left in any City of Burlington park, its shores, or any City of Burlington park property in violation of this chapter. Except for procedure notification as set forth, the owner of such boat or other watercraft shall be entitled to all the rights otherwise set forth in this section.
  - (5) Impounding of boats or watercraft stored or abandoned in violation of this chapter. The Chief of Police or the Director of Public Works or their designee is hereby authorized to remove or have removed any boat or watercraft which has been stored or abandoned in violation of this chapter. Such watercraft shall be impounded until lawfully claimed or disposed of in accordance with Subsection E6(d) of this section.
  - (6) Notice and disposition of impounded boats or watercraft.
    - (a) In all cases whereby reasonable diligence of the Chief of Police or any member of the Police Department is able to determine the owner of a stored boat or watercraft, a written notice shall be provided to that owner either personally or by registered mail. The notice shall provide that the boat or watercraft has been stored under the terms of this section



**CITY OF BURLINGTON**

**Department of Public Works**

Street & Park and Water Departments  
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**CITY OF BURLINGTON PARK BOARD MINUTES  
THURSDAY NOVEMBER 17, 2016 6:30PM  
2200 S. Pine Street, Burlington, WI 53105**

Chairman Darrel Eisenhardt, Commissioners Jennifer Amborn, Clay Brandt, Lori Hintz, Jeff Schopp, Ald. Ruth Dawidziak, Jim Bergles, Director of Public Works

**Chairman Darrel Eisenhardt called the meeting to order at 6:30 P.M.**

**Roll Call: Present:** Commissioners Jennifer Amborn, Clay Brandt, Jeff Schopp, Jim Bergles, Director of Public Works and Chairman Darrel Eisenhardt. **Excused:** Lori Hintz and Ald. Ruth Dawidziak.

**Introduction of new student representative Alexis Meyers:** Chairman Eisenhardt introduced Alexis Meyers, the new student representative and welcomed her to the Park Board. Ms. Meyers stated she is a freshman in high school and wanted to get involved in the community, which is why she volunteered for the Park Board.

**Approval of October 19, 2016 Park Board Minutes:** Chairman Eisenhardt entertained a motion for approval of the October 19, 2016 Park Board Minutes. Motion to approve made by Commissioner Amborn. Seconded by Commissioner Brandt. All voted aye, motion carried.

**Citizens Comments:** None

**Aldermanic Report: Ruth Dawidziak:** None

**DPW Report: Jim Bergles, Director of Public Works:** Jim Bergles, Director of Public Works reported the signs were put up in the Parks stating that animals were not allowed in the Parks.

Mr. Bergles received a few calls from residents who were not happy, but as Mr. Bergles explained, the ordinance has been in effect for years, it's just there have not been signs put up since the old ones wore out. There were far more complaints on dogs being in the Parks, and not cleaning up after their pets.

An Alderman had contacted Chairman Eisenhardt, regarding the possibility of allowing dogs on some trails within the Parks. Chairman Eisenhardt asked this item be put on the January 2017 Park Board Agenda.

Mr. Bergles reported the DPW crews were using a new leaf machine this week and it was working really well. Echo Park took five hours less to complete than normal because of the machine, and it also worked exceptionally well at the Cemetery.

Mr. Bergles also reported that additional trees will be cut throughout the winter, and DPW crews are currently picking up leaves.

**New Business:**

**Financial Report:** The Financial Report was presented by Jim Bergles, Director of Public Works.

**Old Business:**

**Review Comp Plan:** After reviewing the costs for prefabricated bathrooms for Congress Field, Mr. Bergles stated it would be less expensive to have it bid out from start to finish and have local contractors build it. Also included in the quote requests could be the upgrades needed at Hintz Sports Complex. Mr. Bergles will have the necessary paperwork drawn up and published in the paper for bids some time prior to the January 2017 Park Board meeting.

**Other Items:** Seth Wilson, Boy Scout was in attendance and Chairman Eisenhardt presented him with an award from the Park Board for the completion of his project at McCanna Park. Seth completed the wood replacement on the bridge at McCanna Park. All Park Board members were very impressed with the wonderful job and thanked him for the outstanding job he had done, adding the bridge will be enjoyed by the community for many years to come.

Chairman Eisenhardt reported the ending balance of BB2000 is \$1666.98.

Chairman Eisenhardt stated there will be no Park Board meeting in December. The January Park Board meeting date conflicts with the Chamber Dinner. Deb Rintamaki will check dates best available and notify the Park Board members when the January Park Board meeting will be.

**There being no further items for discussion, Chairman Eisenhardt entertained a motion to adjourn. Motion to adjourn made by Commissioner Brandt. Seconded by Commissioner Schopp. All voted aye and Chairman Eisenhardt adjourned the meeting at 7:02 P.M.**

**Minutes Respectfully submitted by:**

**Deb Rintamaki  
Department of Public Works**



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**CITY OF BURLINGTON****Department of Public Works**

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**CITY OF BURLINGTON DRAFT PARK BOARD MINUTES  
THURSDAY, JANUARY 12, 2017 6:30PM  
2200 S. Pine Street, Burlington, WI 53105**

Chairman Darrel Eisenhardt, Commissioners Jennifer Amborn, Clay Brandt, Lori Hintz, Jeff Schopp, Ald. Ruth Dawidziak, Jim Bergles, Director of Public Works, Student Rep. Alexis Meyers

**Chairman Darrel Eisenhardt called the meeting to order at 6:30 PM.**

**Roll Call: Present:** Commissioners Clay Brandt, Lori Hintz, Jeff Schopp, Ald. Ruth Dawidziak, Jim Bergles, Director of Public Works. **Excused:** Commissioner Jennifer Amborn. Student Representative Alexis Meyers arrived a few minutes after roll call. **Also Present:** Mayor Jeannie Hefty and Alderman Bob Grandi.

**Chairman Eisenhardt entertained a motion for approval of November 17, 2016 Park Board Minutes:** Motion to approve made by Ald. Dawidziak. Seconded by Commissioner Brandt. All voted aye, motion carried. Chairman Eisenhardt stated there were was no meeting in December 2016, therefore no minutes.

**Introduction of New Park Board Member:** Chairman Eisenhardt welcomed Lisa Wassick who is the newly appointed Park Board Member. Lisa stated that she has been involved with Little League for ten years and enjoys serving her community. Ms. Wassick looks forward to being on the Park Board.

**Citizens Comments:** Commissioner Jeff Schopp introduced his son, Charlie, who was present to observe the Park Board meeting to earn his Boy Scout citizenship badge.

**Aldermanic Report: Ruth Dawidziak:** Reported the City Council had approved additional funds for the Park Board for 2017: \$30,000. She also stated that the bathroom remodeling for Congress field was put into the City's Capital Improvement Program, and costs would be covered through the City.

**DPW Report: Jim Bergles, Director of Public Works:** Reported that due to all the trouble with vandalism at the Riverwalk pavilion, he would like permission from the Park Board to remove a tree and berm with bushes that currently blocks the view of the pavilion from the street.

Low growing flowers would be put in place of the tree and bushes that are there currently there. This would give the Police Department a clear view of the pavilion and allow them to see if anyone is by the pavilion, and help prevent further vandalism.

Mr. Bergles will come back with final plans done by Aaron DeGrave, Park Foreman, prior to beginning any work in the spring.

After some discussion, Chairman Eisenhardt entertained a motion to approve the Department of Public Works redesigning the landscaped area around the pavilion at the Riverwalk, to help prevent vandals from being out of site completely and further destroying City property. Motion to approve made by Commissioner Schopp. Seconded by Commissioner Brandt. All voted aye, motion carried.

Mr. Bergles also reported that an agreement between Baseball2000 and the City of Burlington would be going to the next Council meeting whereby the City would fund the cost of a proposed backstop at a cost of \$48,000, of which Baseball2000 agrees to repay 25% of the costs back to the City over a five year period.

#### **New Business:**

##### **Dog Park Committee Report – Karlie Thate, Dog Park President**

Chris Hohensee, Dog Park Committee Treasurer was present to distribute the Dog Park's Financial Statement for the year. Ms. Hohensee stated they had successful fundraisers this year, and that they also had people walking their dogs in the City of Burlington Christmas Parade. Their ending fund balance for 2016 was \$4169.20.

##### **Discussion regarding dogs/animals on designated paths in City Parks**

Mayor, Jeannie Hefty, Alderman Bob Grandi and City resident Jacklyn Zinnen were present to discuss dogs not being allowed in City of Burlington Parks.

Deb Rintamaki distributed a study she had done for the Park Board of surrounding communities in 2014 (when the question came up at that time) and again on January 9, 2017, showing which communities allowed dogs in parks. Sixteen communities were contacted. Two communities had changed from no to yes, Elkhorn and Whitewater. However, both required that dogs be leashed at all times. Five communities allowed them on leashes, but only on designated trails. The City of Janesville only allowed them, on leashes, before May and after September, when parks are not open. There were no municipalities that allowed them without being leashed. The remaining eight were no, not even if leashed.

Alderman Grandi stated he was surprised that dogs on leashes could not be in any of the City Parks. His thoughts were that the Dog Park was for socializing of dogs with other dogs, and that the City should allow dogs in other Parks, on leashes to make the Parks open and inviting for all. He asked the Park Board for their approval of a compromise.

Mayor Jeannie Hefty stated she had been contacted by a large number of people who walk and run with their dogs daily, and they want to have the dogs with them in the Parks. She asked the Park Board to see the other side for use of Parks and maybe come up with a compromise for all.

Jacklyn Zinnen, city resident, asked the Park Board to change their rules. She understands the issues of people not picking up after their dogs, but thought perhaps if they placed bags throughout the parks, this could help eliminate that problem. She also stated that she thinks the parks should give an inviting message to all types of people, and perhaps if dogs were allowed just on trails in Parks, this would be a good compromise.

Chairman Eisenhardt explained that the ordinance has been a City ordinance for over 20 years. The old signs had been down for a long time, and the new signs were replacements. Chairman Eisenhardt thanked Mayor Jeannie Hefty, Alderman Bob Grandi and Ms. Zinnen for their remarks and asked the Park Board members to come back to the February Park Board meeting with their thoughts and ideas on allowing dogs in City Parks.

**Burlington Little League: Nick Hancock:** Nick Hancock and Kevin Tomczyk were present to request help from the Park Board with costs in replacing the underground wiring at Branen field. A light pole had fallen last year, and while the City temporarily got them working, a permanent solution is needed. New wiring needs to be trenched in, and that itself could cost \$20,000.00. Netting will also need replacing, although they were hoping for it to last another year. The Park Board asked if Little League had any money to be used towards this, and they responded they did not have anything budgeted.

Mr. Tomczyk stated the lights were needed for night play, especially during the early part of the season, when it got darker earlier. They are limited for space, and the older players use the lighted fields the most.

They estimated the netting would probably cost between \$3000 and \$4000 dollars. Jim Bergles, Director of Public Works indicated he would check with Midwest Netting to see if they could receive a discount.

Mr. Tomczyk stated they would like to put in outdoor batting cages, possibly in one to three years, in addition to playground equipment, which was discussed several years ago.

The Park Board determined Little League needed to determine the best alternative, if they should use LED lighting, are new poles required, and if trenching was required for new wire installation. When they have determined this and have a definitive plan, they should seek out quotes for the work to be done and then come back before the Park Board.

Little League was also requesting to move the dumpsters at Hintz Sports Complex. The current location is in an area that is an attraction to small children. Jim Bergles, Director of Public Works stated it should

not be a problem as long as John's Disposal had access to pick them up and as long as they were put on a hard surface area.

The Park Board asked if Little League had any plumbers that would be willing to donate their time for the remodel of the bathrooms. This would help to offset costs. Mr. Tomczyk thought perhaps there would be.

**Water Shut Off Valve at Hintz Sports Complex: Jim Bergles, Director of Public Works**

Mr. Bergles also reported that the water valve at Hintz Complex needs to be replaced. He thought the cost would be approximately \$1500.00, and will come back to the March meeting with pricing. Wanasek Corp. will do the replacement.

**Racine Co. 4H – Homeless Night Out (April 2017): Deb Rintamaki:** Jen Reese of Racine County 4H had contacted Deb Rintamaki of the Department of Public Works requesting the use of Echo Park on Friday, April 28, 2017, to bring awareness to Homelessness. Deb Rintamaki requested the fees be waived, and that although the Parks don't open until May 1<sup>st</sup>, it would not present a problem for them.

Chairman Eisenhardt entertained a motion to approve the use of Echo Park as requested, at no charge to Racine County 4H. Motion to approve made by Commissioner Hintz. Seconded by Commissioner Schopp. All voted aye, motion carried. Deb thanked the Park Board on behalf of Jen Reese and the Racine County 4H.

**Hot Chocolate Fest – Jan Ludtke, Chamber of Commerce”** Jan Ludtke of the Burlington Chamber of Commerce and Dave Kmetz came before the Park Board to present Hot Chocolate Fest which is going to be held February 10, 11 and 12, 2017 at Echo Lake and various other locations.

The festivities will begin Friday night at 5:00 PM. There will be hockey games on two portable rinks, open broom ball for younger children, a camp fire with storytelling, and hot chocolate and chili contest by various restaurants in the City. They will be bringing in portable lights for night time activities.

There will also be activities taking place at Camp McLean. There will be a snowman made out of wood, that will be used for donations of hats and mittens that will then be given to Love Inc.

Mr. Kmetz stated the sponsorship has been very good and they are hoping to turn it into a yearly event.

After some discussion, Chairman Eisenhardt entertained a motion to waive the fees for use of Echo Park for Hot Chocolate Fest on February 10, 11<sup>th</sup> and 12, 2017. Motion to waive made by Commissioner Hintz. Seconded by Ald. Dawidziak. All voted aye, motion carried.

**Old Business: None**

**Other Items:** The Park Board discussed not leaving the bathrooms open at the Hintz Complex during Chocolate Fest this year, since there are plenty of portables brought in by Chocolate Fest. Director of Public Works, Jim Bergles will discuss this with the Chocolate Fest Committee.

Jim Bergles, Director of Public Works reported that the old gas station recently torn down on State Street was going to be a green space area.

There being no further items for discussion, Chairman Eisenhardt entertained a motion to adjourn. Motion to adjourn made by Commissioner Brandt. Seconded by Commissioner Schopp. All voted aye and Chairman Eisenhardt adjourned the meeting at 8:14PM.

Minutes respectfully submitted by:

Deb Rintamaki  
Department of Public Works



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**CITY OF BURLINGTON  
PARK BOARD MINUTES  
THURSDAY, FEBRUARY 16, 2017 6:30PM**

Chairman Darrel Eisenhardt, Commissioners Jennifer Amborn, Clay Brandt, Lori Hintz, Jeff Schopp, Lisa Wasik, Ald. Ruth Dawidziak, Jim Bergles, Director of Public Works, Student Rep. Alexis Meyers

**Chairman Eisenhardt called the meeting to order at 6:30 PM.**

**Roll Call: Present:** Commissioners Jennifer Amborn, Clay Brandt, Jeff Schopp, Ald. Ruth Dawidziak, Jim Bergles, Director of Public Works and Chairman Darrel Eisenhardt. **Excused:** Commissioners Lori Hintz and Lisa Wasik. **Absent:** Alexis Meyers, Student Representative. Also present Jeannie Hefty, Mayor.

**Approval of January 12, 2017 Park Board Minutes:** Chairman Eisenhardt entertained a motion for approval of the January 12, 2017 Park Board Minutes. Motion to approve made by Commissioner Brandt. Seconded by Commissioner Schopp. All voted aye, motion carried.

**Citizens Comments:** None

**Aldermanic Report: Ruth Dawidziak:** None

**DPW Report: Jim Bergles, Director of Public Works**

**New Business:**

- a. **Little League: Nick Hancock:** Nick Hancock came before the Park Board to present costs for the lighting repair/replace at Branen Field. Mr. Hancock had obtained three quotes. He stated that Donnie Hefty, WWTP Foreman and Electrician had looked at the lighting and suggested they replace with LED lighting in a few years.

Costs to repair the current wiring was \$8500.00. Mr. Hancock stated that for all lighting to be replaced the approximate cost would be between \$115,000 and \$120,000. Lighting poles needed would go from 8 to 4. Little League will have it in their in their 5 to 10 Year Plan. New lighting would be 25 years maintenance free.

The Park Board discussed the amount, and amount they thought would be agreeable to for repayment. A Memorandum of Understanding would be drawn up by Jim Bergles, Director of Public Works and signed by Little League to the terms of a payback agreement.

After some discussion, Chairman Eisenhardt entertained a motion to approve \$8500.00 for repair of the copper wiring for Little League, with reimbursement of 25% of the \$8500.00 (\$2125.00) to repaid within a maximum time frame of three years. Jim Bergles, Director of Public Works to write or have written a Memorandum of Understanding between the Park Board and Little League payback arrangements. Motion to approve made by Commissioner Amborn. Seconded by Commissioner Schopp. All voted aye, motion carried.

Mr. Hancock also had obtained quotes for the remodel of the bathrooms at the Hintz Complex. This item is not coming from the Park Board Development Funds, and Chairman Eisenhardt asked Mr. Hancock to work with Jim Bergles, Director of Public Works with the quotes he received.

- b. Request for Mackenzie's Memorial Bench at Wehmhoff-Square: Jim Bergles, Director of Public Works:** The family of two year old Mackenzie Schuler had requested to purchase a bench in MacKenzie's honor and have it placed at Wehmhoff-Square. Jim Bergles, Director of Public Works also stated there is going to be a tree planted at Wehmhoff-Square in her memory. He thought it could possibly coincide with Arbor Day.

Jim Bergles thought perhaps the bench could be placed at Echo Park by the playground equipment, but will get confirmation from the family for approval prior to changing location from Wehmhoff-Square to Echo Park.

After some discussion, Ald. Ruth Dawidziak recommended approving the bench to what the family wished. Chairman Eisenhardt entertained a motion to approve the bench and tree to be placed and planted where the family wished. Seconded by Commissioner Schopp. All voted aye, motion carried.

- c. Geese Control in Parks: Jim Bergles, Director of Public Works:** Jim Bergles, Director of Public Works presented information regarding the removal of goose excrements from City of Burlington Parks, which has become a larger problem in recent years.

Mr. Bergles had contacted a company that specializes in such removals by using dogs. The dogs are trained to scare the geese, without harming them. The company also uses boats in the water. Eventually the geese will leave and not return

The completed process usually takes two years to successfully complete. The cost for a 12 week program would be \$4500.00. The start date would be March 6, 2017 through May 28, 2017. Parks to be done would be Echo Park and Wehmhoff-Jucker. The contract may be cancelled at after four weeks if it is felt the program is not being successful.

Jim Bergles stated goose eggs already in nests can also be sprayed with corn oil. Corn oil will stop the eggs from developing and hatching even if the geese stay on them. After the eggs don't hatch, and the geese continue to sit on them, the geese eventually move on.

The Park Board thought this was something that needed to be done. Chairman Eisenhardt entertained a motion to approve hiring Migratory Bird Management, LLC to eradicate the geese at Echo and Wehmhoff –Jucker Parks as presented. Motion to approve made by Commissioner Schopp. Seconded by Commissioner Amborn. All voted aye, motion carried.

**d. Veteran's Memorial Wall – Echo Park, Mayor Jeannie Hefty and Tom**

**Stelling:** Jeannie Hefty, Mayor and Tom Stelling came before the Park Board to present an idea presented to her last fall from Veterans regarding a memorial wall at Echo Park.

There are currently 1900 names on crosses, and it has become time consuming to write the names on 1900 crosses each year. The proposed wall, drawn by Tom Stelling, Architect, would be a concrete wall covered with granite, with names engraved on the panels. A rendering of the wall was distributed for review.

The pine trees would have to be removed, but the flags currently there would remain on site. The pine trees are diseased and would have been removed this year regardless.

All Park Board members thought the wall would be a beautiful addition and memorial to all Burlington area Veterans. Mayor Hefty stated November 2017 was the targeted completion date.

Chairman Eisenhardt entertained a motion to approve constructing the Veteran's Memorial Wall as presented. Motion to approve made by Ald. Dawidziak. Seconded by Commissioner Schopp. All voted aye, motion carried.

- c. **Lewis Street Wall/Water Tower:** Jim Bergles, Director of Public Works stated there would be an informational meeting on Monday, February 27, 2017 at the Department of Public Works to discuss the future of the Water Tower and surrounding wall, which has badly deteriorated and the public's input is important to determine the future of both. Cost estimates to replace the wall only would be over \$250,000, and structural integrity of the Water Tower still needs to be determined.

**Old Business:**

- a. **Discussion regarding dogs in Park:** This item had been previously discussed at the January Park Board meeting. Chairman Eisenhardt asked the Commissioners if they had any alternative ideas regarding allowing animals in City of Burlington Parks.

The Park Board Commissioners discussed not only what the surrounding communities are doing, but what is best for City of Burlington Parks. There was concern regarding the current ordinance of not allowing pets anywhere in Parks, and nothing actually being done to enforce it.

Several Park Board Members felt that perhaps Pets should definitely not be allowed at Festivals or Farmer's Market, even if they should decide to allow leashed pets in certain Parks.

After a lengthy discussion, it was determined that Deb Rintamaki will look up the actual ordinances from other communities to see what the wording is and bring it to the March Park Board meeting. At that time, a determination will be made.

**Other Items:** Jim Bergles, Director of Public Works stated that there has been an infestation of grubs at Echo Park, which is killing the grass. Spraying for the grubs is the only way to get rid of the them. Other parks may possibly also become infected, leaving large dead areas of grass in the parks.

Originally Mr. Bergles had requested at budget time the approve of purchasing a sprayer, which would make the job completed four times faster than manually spraying, but it was rejected.

Mr. Bergles asked if the Park Board could approve it through Park Board Funds, and perhaps it could be paid back through the Park Dept. budget next year. He stated the price was currently \$3000 less than originally quoted, and action would have to be taken quickly to retain the low pricing. The original quote was \$7500.00.

The sprayer could also be used at the ball diamonds. The Park Board members thought it was a good idea, but since the item was not on the Agenda, action would have to be taken to approve at the March 2017 Park Board meeting. Ald. Ruth Dawidziak motioned to have the item on the March Agenda, and that Jim Bergles, Director of Public Works, should look into funding, possibly by going back to Council for approval, previously to the March Park Board meeting. Seconded by Commissioner Schopp. All voted aye, motion carried.

There being no further items for discussion , Chairman Eisenhardt entertained a motion to adjourn. Motion to adjourn made by Commissioner Brandt. Seconded by Commissioner Schopp. All voted aye and Chairman Eisenhardt adjourned the meeting at 8:32 PM.

Minutes Respectfully submitted by,

Deb Rintamaki  
Department of Public Works



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**CITY OF BURLINGTON****Department of Public Works**

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**CITY OF BURLINGTON PARK BOARD MINUTES**  
**THURSDAY, MARCH 16, 2017 6:30PM**  
**2200 S. Pine Street, Burlington, WI 53105**

**Chairman Darrel Eisenhardt, Commissioners Jennifer Amborn, Clay Brandt, Lori Hintz, Jeff Schopp, Lisa Wasik, Ald. Ruth Dawidziak, Jim Bergles, Director of Public Works, Student Rep. Alexis Meyers**

Chairman Darrel Eisenhardt called the meeting to order at 6:30 PM.

**Roll Call: Present:** Commissioners Jennifer Amborn, Clay Brandt, Lisa Wasik, Alderman Ruth Dawidziak, Student Rep Alexis Meyers and Chairman Darrel Eisenhardt. **Excused:** Commissioners Lori Hintz and Jeff Schopp. **Also excused:** Jim Bergles, Director of Public Works

**Approval of February 16, 2017 Park Board Minutes:** Chairman Eisenhardt entertained a motion to approve the February 16, 2017 Minutes. Motion to approve made by Ald. Dawidziak. Seconded By Commissioner Brandt. All voted aye, motion carried.

**Citizens Comments:** None

**Aldermanic Report: Ruth Dawidziak:** None

**DPW Report: Jim Bergles, Director of Public Works:** None

**New Business:**

**Arbor Day – Deb Rintamaki./DPW:** Deb Rintamaki presented the proposed Arbor Day Celebration for Wehmhoff-Square on Friday, April 28, 2017 at 10:00AM. After some discussion it was determined that perhaps Echo Park would be a better location, but the date and time were acceptable. Deb Rintamaki will notify Jim Bergles, Director of Public Works the Park Boards decision.

**Congress Bathrooms Task Order: Deb Rintamaki/DPW:** Jim Bergles, Director of Public Works had the resolution and task order for Kapur and Associates to proceed with the restroom facility replacement at Congress Street Ball Diamond for the not-to-exceed amount of \$15,118. This item informational of previous approval for work to be done to replace the bathrooms.

**Little League Toilet Replacement – Nick Hancock:** Mr. Hancock came before the Park Board to request additional funds for two toilets that needed replacing because they were cracked. After some discussion, Chairman Eisenhardt asked Mr. Hancock to come back to the April Park Board meeting, when at that time they will know better the balance of the Park Development Funds, and what money they actually have.

**Old Business:**

**Dogs in Parks: Ordinances from other Communities – Deb Rintamaki:** The Park Board had received and reviewed the Ordinances from other communities regarding dogs in parks. Ald. Dawidziak read a statement from Mayor Hefty.

“I was planning on attending tonight's meeting by now I am unable.

I would like this put in the Park Board minutes under communications, because I was supposed to bring this forth.

I have heard from more individuals that feel they are the ones being punished by the abusers.

They enjoy our beautiful parks and respect them. Many also travel with their dogs so they know the other cities allow this. Needless to say higher population than we have.

They are strong about this, and want to be the police on this issue. Everyone has smartphones, and they have the ability to possibly turn in the abusers. Many carry additional bags in their pockets.

They know a 5' leash is appropriate and also gives control of their dog.

They enjoy the exercise they receive and also for their dogs.

They feel that this is not going along with what they are seeing in fun and enjoyable activities that are happening now in our city.

Needless to say, is it the City's fault that created this no regard for our parks. I didn't even know I shouldn't be walking in the parks with my dog. It wasn't being enforced.

I believe why not give a trial period of allowance with no leash, and get the word out you are being watched and photoed for abuse in our parks. Fines will be given!

Please consider more discussion on this topic.”

Chairman Eisenhardt stated the Commissioner Schopp had sent him an email stating he was in favor of allowing dogs with leashes, but not at all at Wehmhoff-Square.

The Park Board reviewed the various ordinances from other communities and all were in agreement that dogs did not belong where children are running around and playing, even if a dog is leashed.

Several of the Commissioners stated they were responsible dog owners themselves, but did not feel comfortable having dogs in parks, even if leashed. They also felt that people can walk their dogs by going on the sidewalks, to the Dog Park, or on the Bike Trails.

During discussion the members stated that dogs can be unpredictable, even though they may have never before displayed any type of aggressiveness, they are dogs, not people. Parks should be for children to enjoy. You would not take your child to a bike trail just to play, likewise dogs should not be allowed where children are playing. There are also people who are allergic to dogs and cannot be in the immediate area of where they are, and there are other people who are just afraid of dogs.

Bob Prailles was present and asked to comment on dogs being allowed in Parks. Mr. Prailles stated he was against dogs in parks and that he believed parks should remain for children to enjoy. He stated he

does not like going to events when people have their dogs there, with the dogs going up to people and licking them, even when the dog is leashed.

Mr. Prailles also stated that even if every person picked up their dog excrements, they can't pick it up when the dogs urinate, in the grass, where people sit and children play. He personally knows of someone who had a dog that was thought to be friendly. One time the dog got loose, and bit eight children. Something no one thought was possible of the dog. He didn't want to see something like this happen again.

The issue of liability was brought up if a dog owner did not have their own insurance, the City would then be liable. After a lengthy discussion, all members felt the best thing for the Parks in the City of Burlington and for the majority of the residents would be to leave the ordinance as is, and the signs up. They thought the Police Dept. should start enforcing the ordinance, and instead of giving a \$500.00 ticket immediately, they could possibly give out a warning ticket first.

Chairman Eisenhardt entertained a motion to leave the ordinance for no dogs allowed in parks to remain as it currently states. Motion to leave the ordinance for no dogs allowed in Parks made by Commissioner Wasik. Seconded by Commissioner Brandt. All voted aye, motion carried. Deb Rintamaki, will ask Jim Bergles, Director of Public Works to contact the Police Dept. regarding enforcing the no dogs in park ordinance.

**Other Items:** Eric Goslawski came before the Park Board requesting the fees be waived for the September 16<sup>th</sup> Park Reservation for Echo Park. They will be holding a Fundraiser for Nora Lawton, a four year old that is living with Barder-Biedl syndrome. They plan on having family friendly events such as possibly bouncy houses in addition to craft beers and music. Chairman Eisenhardt explained he felt all would agree to waive the fees, they could not do so at this evenings meeting since it was not on the Agenda. Mr. Goslawski was also instructed to contact City Hall for a Special Event Permit. Mr. Goslawski will come back to the April Park Board Meeting, and Deb Rintamaki will place him on the Agenda.

There being no further items for discussion, Chairman Eisenhardt entertained a motion to adjourn. Motion to adjourn made by Commissioner Brandt. Seconded by Ald. Dawidziak. All voted aye, and Chairman Eisenhardt adjourned the meeting at 7:26 PM.

Minutes Respectfully Submitted by:

Deb Rintamaki  
Department of Public Works



**Department of Public Works**

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**CITY OF BURLINGTON PARK BOARD MINUTES  
THURSDAY, AUGUST 16, 2018 6:30PM**

**President Jennifer Amborn called the meeting to order at 6:30 PM.**

**Roll Call:** Present: President Jennifer Amborn, Commissioners, Jason Ledbetter, Jeff Schopp, Patricia Hoffman, and Aldermanic Representative Steve Rauch. Also present: Peter Riggs, Director of Public Works. Excused: Commissioners Clay Brandt & Lisa Wasik & Park Foreman Aaron DeGrave. Absent: Student Representative Koleton Mangold.

**Approval of July 19, 2018 Park Board Minutes:** President Amborn entertained a motion to approve the July 19, 2018 Park Board Minutes. Motion to approve made by Commissioner Rauch. Seconded by Commissioner Hoffman. All voted aye, motion carried.

**Citizen Comments:** None.

**Aldermanic Report:** None.

**Director of Public Works Report:**

**A. Discussion regarding the storage of boats and other watercraft in City parks.**

Director Riggs gave a background of the City ordinance development regarding the storage of boats and other watercraft in the City parks. He reminded the board this issue has been previously discussed in February of 2015 by the Park Board and was to correct an issue of abandoned watercraft at McCanna Park. The direction of the board at that time was to procedure with an ordinance that would prohibit storage of watercraft in any city parks. This ordinance went before the City Council in June of 2017 and was passed into code at that time. The ordinance states that any boat that is left unattended for more than 24 hours can be impounded at the discretion of the Burlington Police Department or the Director of Public Works. The ordinance goes on with a protocol on contacting the owner of the boat is possible and if none made then disposal of the boat could be made by the City. Riggs stated that this is informational only at this point as the review of this issue was initiated by a citizen who requested the City reconsider allowing a way for the storage of boats at a fee. Riggs noted that if the board would want a potential rental option the board would have to reopen the ordinance and make recommendation to the City Council to formally adopt a change to it. Alderman Rauch questioned if the rental option could be limited to Rockland Lake specifically as this one seems to be the one most used for storage. Riggs stated an ordinance could be crafted specifically for Rockland Lake that provided an exception to include a rental tag or some kind of rental storage program that the City could create; however there would have to be an administrative process implemented and work done at Rockland Lake to allow for an appropriate storage location.

Burlington resident, Tom Miller, was present at the meeting and advised the board he personally used his boat 15 times throughout the summer and would gladly pay for a “locker” or “storage space” from April to September. Riggs noted there were currently four (4) abandoned boats on shore at Rockland Lake.

Commissioner Schopp stated there were also several small boats in the lake waterlogged and obviously hadn't been used in quite some time.

Commissioner Ledbetter questioned how many people go out to Rockland Lake to fish. Miller and a few other residents in the audience stated the area was fished fairly often. President Amborn questioned if it was worth looking into for the City to purchase storage lockers for the boats. Riggs stated staff could check into some pricing on some lockers or racks but there would need to be some significant brush cleanup of the area especially if a storage system would be installed or an area was designated for boats. Riggs also stated a permitting process could also be done to where each boat user is required to somehow display their permit and should they not remove their watercraft they would sign a liability waiver to allow the City to remove / dispose of them.

Riggs advised that City employees do maintain the park and would be the ones to "police" the area. Riggs advised the board he had spoken with Lieutenant Zmudzinski, Burlington Police Department, regarding the four (4) boats currently on shore and what the process is for removal. Zmudzinski stated the PD would take possession of them and attempt to locate owners, in the case none are located the boats would be disposed of with any profits going back to the City.

Riggs stated he would take direction from the board on how they wanted to approach this. Commissioner Schopp suggested the City review the options that were available including fees, storage and separating this lake from the others. He also questioned if this storage would again be allowed who would be responsible for the brush removal & pier upkeep. It was determined that Riggs would research the concerns discussed including what other communities were doing in regards to this, rental options, fee structures and making Rockland Lake an exclusion from the other parks. Riggs stated he would attempt to get more information to make a more formal presentation with a recommendation regarding boat storage for the September Park Board meeting.

#### **B. Discussion regarding dogs in City parks.**

Riggs provided historic information on dogs in the City parks including the fact that this issue was discussed by the board in March of 2017. At that time the board offered a recommendation to allow dogs unleashed in the City parks. Riggs stated the board determined that recommendation was not in the best interest of the park system for the City of Burlington due to cleanliness, dog feces/urine and liability issues.

Riggs advised the board he felt some of the driving force behind this issue was due to fact that a dog owner had been using Wehmhoff Square as their own personal dumping ground for their dog's feces/urine which created a lot of issues. Those parties no longer reside near the park so that issue should no longer pose a problem. He brought up Mayor Jeannie Hefty's letter to the Park Board advocating for a change to the existing ordinance. Riggs reminded the board that they were merely the recommending body regarding this matter and the ultimate decision was up to the City Council.

Commissioner Hoffman expressed her want for the board to further explore an ordinance change to allow dogs in City parks as she was a big believer in promoting a family friendly community. Hoffman felt large fines could be put into effect for those who do not follow the leash & cleanup requirements. Commissioner Schopp noted there already was a \$500 fine in effect for non-compliance. Resident Teagan Yonash agreed allowing the dogs in City parks would a family friendly option; however voiced his concern regarding how difficult it could be to keep dog owners accountable for feces pickup. Resident Bob Prailes felt that dog owners had several other options other than City parks for dogs to go. Dog owners could walk them on City sidewalks or take them to the Dog Park. Prailes commented that it wasn't fair to park users to allow even a well behaved and leashed dog as there may be users who are not "dog people" or may have children that are afraid. Prailes also voiced concerns regarding the fact that dogs are unpredictable as far as jumping, licking or biting. Commissioner Hoffman questioned the board if anyone was aware if other communities felt the same way about dogs in parks as dogs seem to be

everywhere. President Amborn stated that the Village of Waterford has a strict no dog policy in City parks and they direct dog owners to their Dog Park. Alderman Representative Rauch stated he felt that there were most likely various different rules and regulations for dogs depending on community. Commissioner Schopp stated he had done some research of surrounding area communities regarding this issue and found this decision was not an easy one. Areas in Dane County and Milwaukee County were much more apt to approve of dogs in parks as there were not as many other areas for owners to take them as in Burlington. Discussion ensued regarding where dogs were allowed and not allowed to go in the surrounding area. President Amborn questioned if dogs were allowed on the bike trails. Riggs confirmed they were allowed. Resident & BB2K representative Greg Hoffman voiced his concern with dogs urinating and defecating in the parks where kids play. Greg stated he wouldn't want his grandkids playing somewhere that could potentially have dog urine or feces. Commissioner Hoffman reminded the board and residents present that all animals urinate and defecate including squirrels, birds and chipmunks most likely at all City parks and at least any dogs that would be present would be vaccinated.

Riggs advised the board could add this item on a future agenda and formally vote to consider an ordinance change or they could simply decide to leave the issue and ordinance as it stands. Riggs reiterated that just a 1 ½ ago the board unanimously approved a recommendation to the City Council of the current ordinance to not allow dogs in parks. Commissioner Hoffman requested additional review of this matter but the majority of the board did not feel this issue needed to be discussed again after only years since the ordinance change. The board determined the current no dogs in parks ordinance stands and decided to not reexamine the matter any further at this time.

**Public Works Rodeo 2018** - Riggs advised the board the Public Works Rodeo was next week Friday, August 24, 2018 from 11:30 – 1:30 pm at the Public Works Department.

**Rotary Roundup** – Riggs advised the board of the Rotary Roundup on Saturday, September 15, 2018 which is the reforestation fundraiser for Burlington targeting Echo Park.

Aldermanic Representative Rauch mentioned a possible dead Ash tree on the south side of the road at the field where BHS was just allowed to utilize for practices. Riggs stated he would work with Racine County Public Works to determine if they would be removing that or the City.

Commissioner Schopp questioned if the County could possibly relocate one of their stop signs which is parallel to the Bike Path on Bushnell Road. This sign blocks drivers sight of any children on bikes potentially crossing there. Riggs stated he would bring that up with Racine County Public Works as well.

**Congress Street restroom** – Riggs stated the new restroom was opened with City staff doing a great job with the addition of the retaining wall and bushes which was not part of the original plan. This was the last large project approved by the Park Board for this year.

#### **New Business:**

**A. Discussion regarding the design & installation location of a Scherrer Cares Buddy Bench at Bushnell Park donated by the Burlington Kiwanis.**

Bob Prailes, Kiwanis, was present at the meeting and advised the board that Scherrer Construction donated the sign to the soccer club. Prailes stated that they would like to install the bench by the flagpole at Bushnell Field. The bench would be bolted down to a three foot poured concrete walkway with landscaping. No major concerns were brought up from the board and all were in agreement to recommend its installation for approval. Riggs advised the only staff concern was the extended maintenance 20 years from now and the sustainability of the bench. Riggs stated he would run the installation past Racine County just to ensure they were made aware. Commissioner Hoffman motioned to approve the installation of a Scherrer Cares Buddy Bench by the flagpole at Bushnell Park with the contingency that the Kiwanis and the City work together on continued maintenance of the bench. Commissioner Schopp seconded the motion and all voted aye. Motion carried.

**Old Business:**

**A. Discussion regarding updated design plans and installation location of a Scherrer Cares Buddy Bench at Echo Park donated by the Burlington Jaycees.**

Riggs advised the board of the updated design options for the Buddy Bench. The board was in agreement with design option #1 and the location near the playground area as determined by Public Works staff. Commissioner Rauch motioned to approve design option #1 with the installation of the Scherrer Cares Buddy Bench to be located near the playground area as determined by Public Works staff. Commissioner Ledbetter seconded the motion and all voted aye. Motion carried.

**B. Discussion regarding the updated plans to construct a pavilion at the Dog Park as part of an Eagle Scout project.**

Tristan Yonash presented his updated plan to the board including increasing the height of the structure by a foot for liability purposes as well as extending the size of the concrete pad. Yonash advised the estimated cost for a premade structure from Glenville Timberwrights in Baraboo, WI was \$37,000. This structure would come pre-assembled and pre-drilled and with the help of fellow scouts, Yonash advised he could have it put up in a day or two. Teagan Yonash, scout leader & Tristan's father, noted the structure would have all oak pegs and be timber framed.

Riggs reiterated in order for Tristan to begin his fundraising process Boy Scouts of America (BSA) required he have the approval of the beneficiary of the project that being the Park Board. Riggs stated tonight the board could approve the concept of this project which would allow Tristan the ability to start fundraising. Yonash also stated he still needed to secure the funding for the structure of \$37,000 and \$13,000 for the platform. The building permit associated with this project would still require approvals from the Building Inspector, City Engineer and Director of Public Works prior to any work beginning. The board was in agreement with the revised plan and Yonash's continued coordination with the City and appropriate departments for approvals. Commissioner Ledbetter motioned to approve updated plans to construct a pavilion at the Dog Park with continued coordination with the City and appropriate departments for recommendations and approvals. Commissioner Rauch seconded the motion and all voted aye. Motion carried.

**C. Discussion regarding updated Baseball 2000 (BB2K) signage and field use.**

Commissioner Ledbetter requested the board consider having the City Attorney review the lease agreement and the signs being considered for posting at Beaumont Field.

Bud Milroy, BB2K, shared a message center structure concept that would allow information regarding the field to be shared easily. Milroy advised he had reviewed all of the information about the field maintenance that has been shared with the board thus far. That information is part of the orientation of the regular field users. He advised BB2K would be working with local teachers, the Tech Ed Department at BHS and the STEM (Science, Technology, Engineering, and Math lab education) program at Dyer School to build a message center and website.

Commissioner Ledbetter requested that all recommended all signs still be reviewed and approved by the Park Board prior to their installation and posting in the spring.

It was determined the lease review and revision process would start at the September meeting and the sign approval issue would be tabled until after that time.

**Other Items:**

None.

**There being no further items for discussion, President Amborn entertained a motion for adjournment. Motion to adjourn made by Commissioner Ledbetter. Seconded by Commissioner Schopp. All voted aye, and President Amborn adjourned the meeting at 7:55 PM.**

**Minutes submitted by:**

Patricia Hoffman

Transcribed by:

Angela Hansen

Administrative Assistant - Department of Public Works



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# DRAFT

## CITY OF BURLINGTON PARK BOARD MINUTES THURSDAY, JANUARY 17, 2019 6:30PM

**Acting Chairman Lisa Wasik called the meeting to order at 6:30 PM.**

**Roll Call:** Present: Commissioners, Clay Brandt, Jeff Schopp, Jason Ledbetter, Patricia Hoffman, Lisa Wasik and Aldermanic Representative Steve Rauch. Also present: Peter Riggs, Director of Public Works. Excused: President Jennifer Amborn and Park Foreman Aaron DeGrave.

**Approval of October 18, 2018 Park Board Minutes:** Aldermanic Representative Rauch entertained a motion to approve the October 18, 2018 Park Board Minutes. Motion to approve made by Aldermanic Representative Rauch. Seconded by Commissioner Brandt. All voted aye, motion carried.

**Citizen Comments:** Bob Prailes advised he would be running the Kiwanis car on the ice at Echo Park this year and questioned when it could be set up. Riggs stated he would check on it and get back to him.

**Aldermanic Report:** Aldermanic Representative Rauch advised that the dogs in the parks issue would be presented before the Committee of the Whole on Tuesday, February 5, 2019 and City Council on Wednesday, February 20, 2019.

### **Baseball 2000 (BB2K) Report:**

Bud Milroy, BB2K, advised the board he provided copies of the updated bylaws to the members. Milroy also noted that the updated lease was approved by the City Council and he was in the process of getting all members signatures. Milroy also advised the board they would be launching a website courtesy of Sports Engine. This provider would also be working with BB2K to run and link the teams, websites and calendars for games and schedules to allow for the public to view.

Milroy's main intention for attending tonight's meeting was to inform the board that BB2K had been looking into the replacement of the scoreboard. They have since found a sponsor, Lynch Chevrolet, who would be willing to put in the new scoreboard at no cost to the City or BB2K contingent upon sole advertising rights on the board for an agreed amount of time. Milroy stated he was working with Lynch to draw up an agreement regarding the scoreboard, including donated installation by Burli Signs. Riggs and the board commended Milroy and BB2K on the new scoreboard. Due to questions raised by commissions regarding structure durability and size, Riggs noted he would be vetting the issue further as to whether or not the City Engineers, Kapur & Associates, would need to be involved as well as if Park Board approval would be necessary.

## **Director of Public Works Report:**

**Riverside Park** – Riggs advised that the City’s grant application has been approved for the Riverside Park kayak launch and pavilion project. This grant will be a matching grant in nature up to \$85,000. Riggs advised the City would be working with Blake, Ayers & Associates, in order to write up a plan for these improvements. Riggs advised the plan and task order regarding this project would be presented to the board at their February meeting.

**CORP Update** – Riggs advised the board it was CORP update time. He advised City would be working with Blake, Ayers & Associates, over the course of approximately three months conducting surveys, field inventory and study sessions to incorporate into the new CORP document. Riggs noted that the Riverside Park improvements and the Park Development fund would also be discussed during this time. Teagan Yonash questioned if during this CORP time could scouts come to the City regarding Eagle project potential. Riggs advised that the CORP provides a list of needs in the community regarding this and stated he would advise Yonash of any opportunities when the time gets closer. Yonash also questioned what the plans were for the old Riverside Park Pavilion. Riggs stated there were no plans that he was currently aware of for the old pavilion. Yonash questioned if the City had no plans for it could it be used by the Boy Scouts. Riggs advised he would look further into it. Several commissions questioned what the timeline was for the new Riverside Park pavilion and Riggs advised tentatively Ayers would provide a task order for the scope of work to the Park Board at their February meeting where a recommendation could be made to City Council for March. Work would most likely not commence until late spring early summer with completion in 2019.

## **New Business:**

### **A. Update regarding Parkway Tree Planting Cost Share Program**

Riggs advised the board that during the budgeting process the City Council was able to allocate \$10,000 to this program which would amount to approximately 50 residents, on a first come first serve basis, the ability to obtain a reimbursement of up to \$200 for the installation of a new parkway tree. Riggs advised the resident would have to first obtain a right of way permit from the City, providing which species of tree from the approved Parkway Tree Planting list would be installed, as well as a plan of where the tree would be located on the parkway. Staff would review and inspect each permit to ensure the trees chosen would be suitable and sustainable for the area. Reimbursements would be provided after staff ensures the tree was installed as agreed upon in the permit and all invoices obtained during the process had been submitted.

Several commissioners questioned how this new program would be communicated to City residents. Riggs noted he would be putting an article in the summer newsletter as well as on the City’s Facebook page. Riggs also requested feedback from the board regarding their thoughts on other ways to communicate this option to residents. Commissioner Hoffman noted that the language in the current Park Board policy may need to be amended as it indicates priority is on reforestation over forestation. Riggs agreed and would look into amending the language. Commissioner Brandt suggested a letter be sent to those who had a tree removed advising them of the program. Riggs agreed and stated he could do that and provide a date in that letter stating when the program would be open to the general public that wanted a parkway tree.

## **Old Business:**

### **A. Update regarding the Dog Park Eagle Scout Project.**

Tristan Yonash was present at the meeting to update the board regarding the project he recently completed at the Dog Park. Yonash advised all work at the Dog Park has been completed and he was awarded his Eagle Scout Award. Yonash noted that in the spring he would be reopening the mounded tunnel and adding hazard signs for kids who have been playing on the tunnels. He would also be reseeding and realigning obstacles as needed. Teagan Yonash advised they were working on a dedication ceremony with the Mayor and Chamber and would keep Riggs advised of the date as well. Riggs reminded Yonash that any signage to be added at the Dog Park would have to come back to the Park Board for approval prior to being ordered and installed. Riggs offered to assist Yonash with the signage approval process.

## **B. Discussion regarding dogs in parks.**

Acting Chairman Wasik advised this item is on the agenda tonight for discussion and a possible recommendation to the City Council whether to change the current ordinance to allow dogs in parks.

Riggs provided the board with the history of the matter as discussed by the Park Board and the City Council. As of March 17, 2018 the last vote of the Park Board was to leave standing the current ordinance stating no dogs in parks.

Bob Prailes, Burlington resident, stated his opposition for dogs in parks based on the fact that he felt dogs could be unpredictable. Prailes also noted the City has a Dog Park for dogs to run and play in where children and other people who want to enjoy a park would not be. Prailes also mentioned how difficult he felt it would be to enforce only certain restrictions on dog owners if dogs were allowed but only in certain parks or not on playground areas.

Teagan Yonash, Burlington resident, agreed that enforcement would be very difficult if dogs were allowed in parks as each park would be a case by case as all are set up differently. Yonash also felt the dog waste issue would also be a detriment in the parks.

Ryan Heft, Burlington resident & 2<sup>nd</sup> District Alderman, advised the board that the biggest complaint he receives from residents is the fact that dogs are not allowed in the parks. Heft noted that visitors to the City not knowing the policy regarding dogs bring their dogs to events and a majority of communities are allowing dogs in parks. Heft noted that he could see both the pros and cons regarding this issue; however felt if Burlington is striving to be a welcoming progressive community for growth, allowing dogs in parks would be a good start. Heft advised the Dog Park was great but was more a place for dogs to play and many constituents complain they want to walk their dogs and go to events with them.

Acting Chairman Wasik stated she had spoken with a representative with the Farmers Market which utilizes Wehmhoff Square for their event with a variety of vendors several of which are food related. The Farmers Market is highly concerned with dogs being in the park during these times not only due to food vendors but children running around. Wasik stated she was a dog owner herself but always felt safety first and people before animals. She felt there were plenty of walking trails, the Dog Park and open areas in the City to walk dogs that opening them up to being in the parks was unnecessary.

Aldermanic Representative Rauch stated he felt the Park Board should leave the ordinance as is and let the Council decide.

Riggs wanted to ensure three correspondences were added to the minutes as official record:

- Correspondence #1 - email from Park Board President Jennifer Amborn stating her recommendation to keep the ordinance the same – not allowing dogs in parks

- Correspondence #2 – email from Alderman Jon Schultz stating his recommendation to keep the ordinance the same – not allowing dogs in parks
- Correspondence #3 – email from Alderman Bob Grandi stating his recommendation in favor of changing the ordinance – allowing dogs in parks

Riggs also agreed that there was a liability factor and Attorney John Belajic would have to vet that issue further.

Commissioner Hoffman voiced her support allowing dogs in parks noting that proper signage could help the public understand the rules and responsibilities that come with bringing your dog into a park. She also noted that she didn't feel there was any enforcement regarding dogs in parks now. Riggs noted he had spoken with Police Chief Mark Anderson who confirmed the Police Department had not written a citation regarding a dog in the park in over five years.

Acting Chairman Wasik made a motion to recommend to the City Council the approval of an ordinance change to allow dogs in parks. Roll Call: Ayes: Commissioners Hoffman & Ledbetter. Nays: Commissioners Brandt, Schopp, Acting Chairman Wasik and Aldermanic Representative Rauch. Motion denied.

**Other Items:** None.

**There being no further items for discussion, Acting Chairman Wasik entertained a motion for adjournment. Motion to adjourn made by Commissioner Hoffman. Seconded by Aldermanic Representative Rauch. All voted aye, and Acting Chairman Wasik adjourned the meeting at 7:40 PM.**

**Minutes submitted by:**

Angela Hansen  
Administrative Assistant - Department of Public Works

## Dogs in Parks - Expense Estimates

### Set up Costs

Item	Quantity	Purchase*	Installation	Total	Notes
Receptacle	25	\$ 190.00		\$ 4,750.00	May be eliminated if we use existing cans
Dispenser	25	\$ 119.00	\$ 58.00	\$ 4,425.00	
Sign	25	\$ 28.00		\$ 700.00	Installation included with Dispenser
Post	25	\$ 38.00		\$ 950.00	Installation included with Dispenser
Park Rules Signs	20	\$ 110.00	\$ 14.50	\$ 2,490.00	
Bags (2,000)	25	\$ 75.00		\$ 1,875.00	Ongoing annual expense for replacement bags
<b>TOTAL</b>				<b>\$ 15,190.00</b>	
<b>TOTAL w/existing cans</b>				<b>\$ 10,440.00</b>	
<b>TOTAL w/existing cans excluding installation</b>				<b>\$ 8,700.00</b>	

*\*Does not include expected quantity discounts*

### Annual Operating Costs

Item	Hours*	Rate	Total
Seasonal EE	26	\$ 11.00	\$ 286.00
Full Time EE	78	\$ 45.00	\$ 3,510.00
Truck	104	\$ 14.00	\$ 1,456.00
Bags (2,000)**	25	\$ 75.00	\$ 1,875.00
<b>TOTAL Annual Operating Costs</b>			<b>\$ 7,127.00</b>

*\*Assumes 2 hours of service per week*

*\*\*Assumes 1 roll per station per year*

MUNICIPALITY	POPULATION (FROM 2010 CENSUS)	DOES THE MUNICIPALITY ALLOW DOGS IN PARKS?	DOES THE MUNICIPALITY ALLOW DOGS ON TRAILS?	DATE INFORMATION OBTAINED
Beloit	36,966	Yes - leashed	Yes - leashed	1/24/2019
Brown Deer	11,999	NO	Yes - leashed	2/4/2019
Cedarburg	11,412	Some - leashed	Some - leashed	2/4/2019
Delavan	8,463	Yes - leashed	Yes - leashed	1/14/2019
Edgerton	5,461	NO	NO	1/24/2019
Elkhorn	10,053	Yes - leashed	Yes - leashed	1/9/2019
Elm Grove	6,170	Yes - leashed	Yes - leashed	1/15/2019
Fort Atkinson	12,368	NO	NO	1/14/2019
Hartford	14,277	NO	Yes - leashed	1/16/2019
Hartland	9,279	Yes - leashed	Yes - leashed	1/15/2019
Janesville	63,575	Some - September to May - leashed	Some - September to May - leashed	1/14/2019
Lake Geneva	7,689	Some - leashed	Some - leashed	1/14/2019
Little Chute	10,449	Yes - leashed	Yes - leashed	2/4/2019
Marinette	10,968	NO	NO	2/4/2019
Merton	3,679	NO	Yes - leashed	1/15/2019
Middleton	17,442	Some - leashed	Some - leashed	1/24/2019
Monona	7,533	Yes - leashed	Yes - leashed	1/24/2019
Monroe	10,827	NO	NO	2/4/2019
Mt. Pleasant	26,197	NO	NO	1/24/2019
Muskego	24,135	Some - leashed	Some - leashed	1/14/2019
New Berlin	39,584	Some - leashed	Some - leashed	2/4/2019
Pewaukee	13,195	NO	NO	1/16/2019
Platteville	12,457	NO	Yes - leashed	1/15/2019
Pleasant Prairie	19,719	Yes - leashed	Yes - leashed	1/24/2019
Portage	10,473	NO	Yes - leashed	1/15/2019
Sun Prairie	29,441	Some - leashed	Some - leashed	1/24/2019
Sussex	10,518	Yes - leashed	Yes - leashed	2/4/2019
Union Grove	4,915	NO	NO	2/4/2019
Verona	10,619	NO	NO	1/24/2019
Waunakee	12,097	Yes - leashed	Yes - leashed	1/24/2019
West Bend	31,078	Some - leashed	Some - leashed	2/4/2019
Whitewater	14,390	Some - leashed	Some - leashed	1/14/2019

NO	13	8
YES	10	15
SOME	9	9

PAR - 1/17/19  
AH - updated 2/4/19



**DATE:** February 20, 2019

**SUBJECT: DISCUSSION:** A discussion regarding Wastewater Rate Implementation.

**SUBMITTED BY:** Peter Riggs, Director of Public Works

**BACKGROUND/HISTORY:**

The 2019 Budget contains a 3% increase to the wastewater rate effective January 1, 2019. Prior to this adjustment, the most recent wastewater rate increase was approved as part of the 2017 budget as a 20% increase for all customer classes except septage hauler rates, which increased by 12%.

Wastewater customer classes are: Category A, category B, extraterritorial, and septage haulers. Category A customers are residential, commercial, and industrial properties with typical strength waste discharges. Category B are industrial properties with high strength waste discharges including Ardagh Glass, Echo Lake Foods, Lavelle, Matheson Tri-Gas, Nestles, and Packaging Corp. Extraterritorial customers are other sanitary collection systems including Browns Lake Sanitary District and Bohners Lake Sanitary District. Septage haulers transport special waste such as septic tank, holding tank, landfill leachate, or other special waste. Septage hauler customers include Clean Harbors, Covanta ES, Elite Environmental, J&J Sanitation, Lakeland Septic, PATS Services, and Super Nova.

A notice was sent to all Category B, extraterritorial, and septage hauler customers on September 13, 2018 regarding the potential for a 2019 rate adjustment. A second notice was sent on January 15, 2019 confirming the rate adjustment and informing them it was effective January 1, 2019.

During the implementation of the 2019 rate increase a discrepancy was discovered with the rate charged to Category B, extraterritorial, and septage hauling customers. It has been determined that the 2017 rate increase has not been applied to invoices for these customers, resulting in under charging them for service. The result is a gap between the rates charged to Category A customers and all other customers of the utility.

While no one single issue directly caused this error, it is suspected that contributing factors were complications from staff turnover and different billing processes for Category A customers and all other customers. The centralization of Department of Public Works administrative staff helped identify the error and should ensure errors of this nature do not occur in the future.

**BUDGET/FISCAL IMPACT:**

Wastewater revenues are a function of volume, rate, and strength of waste. As such, it can be difficult to forecast revenues due to the uncertainty of volume and strength. This is especially true for Category B customers whose usage, and strength can vary dramatically from month to month and year to year. Therefore, a trending method is typically used to forecast expected revenues for future budgets. The 2019 Budget was forecast in this way, which means, the under realized revenue was accounted for to some extent.

Category B, extraterritorial, and septage hauling customers accounted for roughly half of all wastewater revenue. This was \$1,648,000 of revenue in 2017 and \$1,748,000 of revenue in 2018. The uncollected revenue is estimated at \$298,000 for 2017 and \$311,000 for 2018, for a total of \$609,000. See attached Table 1 for additional details. Correcting the rate for these customers is necessary to protect the financial status of the utility.

**RECOMMENDATION:**

Adjusting the rate to its full amount will result in invoices larger than expected for affected customers. Setting an future implementation date for the adjustment will allow notice to be given to affected customers. This courtesy will result in additional lost revenue for each month of delay of implementation. Below are a few options for implementation dates and the expected impact of lost revenue. See attached Table 2 for detail.

1. Immediate Implementation: Rates effective 3/1/2019. Estimated \$54,737 lost revenue in 2019.
2. Short Delay: Rates effective 4/1/2019. Estimated \$82,105 in lost revenue in 2019.
3. Moderate Delay: Rates effective 7/1/2019. Estimated \$164,211 in lost revenue in 2019.
4. Long Term Delay: Rates effective 1/1/2020. Estimated \$328,422 in lost revenue in 2019.

Staff recommends option 3, moderate delay. This would provide ample time to inform customers and also ensure the rates are adjusted in 2019.

Staff does not recommend recouping 2017, 2018, or 2019 lost revenue from these customers.

**TIMING/IMPLEMENTATION:**

This item is presented for discussion at the February 5, 2019 Committee of the Whole. Implementation of the rate correction for Category B, extraterritorial, and septage hauler customers is recommend by staff to be effective July 1, 2019.

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**Attachments**

Table 1

Table 2

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**Table 1: 2017 & 2018 Wastewater Revenues  
Impact of Rate Implementation**

<b>Customer Class</b>	<b>2017</b>	<b>Lost Revenue</b>	<b>2018*</b>	<b>Lost Revenue</b>	<b>2-Year Total</b>	<b>2 Year Lost Revenue</b>
Category A	\$ 1,564,332.12		\$ 1,516,119.60		\$ 3,080,451.72	\$ -
Category B	\$ 568,537.97	\$ 113,707.59	\$ 581,959.77	\$ 116,391.95	\$ 1,150,497.74	\$ 230,099.55
Extrateritorial	\$ 682,702.51	\$ 136,540.50	\$ 690,242.87	\$ 138,048.57	\$ 1,372,945.38	\$ 274,589.08
Septage Hauler	\$ 396,874.29	\$ 47,624.91	\$ 476,239.02	\$ 57,148.68	\$ 873,113.31	\$ 104,773.60
<b>TOTAL Non-Category A</b>	<b>\$ 1,648,114.77</b>	<b>\$ 297,873.01</b>	<b>\$ 1,748,441.66</b>	<b>\$ 311,589.21</b>	<b>\$ 3,396,556.43</b>	<b>\$ 609,462.22</b>
<b>TOTAL All Customers</b>	<b>\$ 3,212,446.89</b>	<b>\$ 297,873.01</b>	<b>\$ 3,264,561.26</b>	<b>\$ 311,589.21</b>	<b>\$ 6,477,008.15</b>	<b>\$ 609,462.22</b>

**Figure 2: Implementation Options - Lost Revenue**

Customer Class	2019 Budget	Option 1	Option 2	Option 3	Option 4
		3/1/2019	4/1/2019	7/1/2019	1/1/2020
Category A	\$ 1,520,000.00	\$ -	\$ -	\$ -	\$ -
Category B	\$ 686,260.00	\$ 22,875.33	\$ 34,313.00	\$ 68,626.00	\$ 137,252.00
Extrateritorial	\$ 715,850.00	\$ 23,861.67	\$ 35,792.50	\$ 71,585.00	\$ 143,170.00
Septage Hauler	\$ 400,000.00	\$ 8,000.00	\$ 12,000.00	\$ 24,000.00	\$ 48,000.00
<b>TOTAL Non-Category A</b>	<b>\$ 1,802,110.00</b>	<b>\$ 54,737.00</b>	<b>\$ 82,105.50</b>	<b>\$ 164,211.00</b>	<b>\$ 328,422.00</b>
<b>TOTAL All Customers</b>	<b>\$ 3,322,110.00</b>	<b>\$ 54,737.00</b>	<b>\$ 82,105.50</b>	<b>\$ 164,211.00</b>	<b>\$ 328,422.00</b>
Lost revenue as a % of total revenue		1.65%	2.47%	4.94%	9.89%



**DATE:** February 20, 2019

**SUBJECT: RESOLUTION 4932(34)** - To consider approving the Annual Contract between the City of Burlington and the Racine County Economic Development Corporation (RCEDC) for 2019 Economic Development Initiatives in the amount of \$47,638.82.

**SUBMITTED BY:** Carina Walters, City Administrator

**BACKGROUND/HISTORY:**

The Racine County Economic Development Corporation (RCEDC) has been an important asset in the City’s economic development. In particular, the RCEDC works closely with staff and businesses wishing to locate to and/or expand in Burlington. Such initiatives have included both federal and state funding. Further, RCEDC has been an essential resource during the 2016 Downtown Strategic Plan sessions, as well as the continual monthly meetings with downtown business owners to facilitate the initiatives from the plan.

The cost of this assistance to Burlington is divided into two components. First, for economic and community development assistance, the cost is \$42,400 and is the same as it has been since 2016. Second, the annual cost of administration of Burlington’s CDBG RLF is \$5,238.82, based on 20 percent of the loan payments (see Attachment A) and is an expense charged to the Burlington CDBG RLF loan fund (originally sourced with Wisconsin CDBG program). This cost may change should additional loans be made or should other loans be paid in full. The RCEDC will notify Burlington of any changes. The cost of administering the Burlington TID RLF is currently covered through monthly servicing fees charged directly to the RLF loan recipients. As both programs are restructured, administrative costs may need to be re-evaluated with a new proposal to be considered by City of Burlington in the future.

Payments will be made during the first week of each quarter, upon the receipt of an invoice from the RCEDC. The cost of developing any additional materials and significant printing and mailing of items necessary to implement these services are outside the scope of the Agreement and will be negotiated on an as necessary basis.

**BUDGET/FISCAL IMPACT:**

Costs associated with this contract are within the 2019 annual budget.

**RECOMMENDATION:**

Staff recommends approval of this annual renewal to retain valuable services and resources with RCEDC.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the February 20, 2019 Committee of the Whole meeting and due to timing is scheduled for final consideration at the same evening Common Council meeting.

**Attachments**

- Res 4932(34) RCEDC Annual Agreement
- RCEDC Annual Agreement

**A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN  
THE CITY OF BURLINGTON AND THE RACINE COUNTY ECONOMIC  
DEVELOPMENT CORPORATION (RCEDC) FOR 2019**

**WHEREAS**, the *Racine County Economic Development Corporation* provides economic development, community development, and related technical assistance to the City of Burlington; and,

**WHEREAS**, the *Racine County Economic Development Corporation* also coordinates this assistance on a day-to-day basis with the City Administration, as well as coordinating the discussion of policy-related issues with the City Administration, the Mayor and City Council; and,

**WHEREAS**, the City of Burlington believes that it is in the City's best interest to contract with the *Racine County Economic Development Corporation* for organizational development assistance, business retention assistance, business attraction activities, community development assistance, and business financing assistance; and,

**WHEREAS**, the *Racine County Economic Development Corporation* has been a qualified provider of such economic development related services for the City of Burlington in the past; and,

**WHEREAS**, the cost of this assistance shall cost \$47,638.82 with payments being made during the first week of each quarter, upon the receipt of an invoice from the RCEDC.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the City of Burlington shall enter into an agreement with the *Racine County Economic Development Corporation* for a period of one year, beginning January 1, 2019, as stated in the attached agreement (Exhibit "A"), dated January 24, 2019.

**BE IT FURTHER RESOLVED** that the City Administrator is hereby authorized and directed to execute this agreement on behalf of the City.

Introduced: February 20, 2019

Adopted:

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Jeannie Hefty, Mayor

Attest:

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Diahnn Halbach, City Clerk

January 24, 2019

Jeannie Hefty, Mayor  
City of Burlington  
300 North Pine St.  
Burlington, WI 53105

Dear Mayor Hefty:

This letter is intended to serve as a letter agreement between the City of Burlington, hereinafter referred to as "Burlington" and the Racine County Economic Development Corporation (RCEDC). In accordance with this agreement, the RCEDC agrees to continue to provide economic and community development technical assistance to Burlington. Such assistance will be coordinated on a day-to-day basis with the Administration and, with regard to policy-related issues coordinated with City Administration, the Mayor and City Council.

As in years past, this letter agreement combines the economic development services contract with the administration of Burlington's Revolving Loan Fund (RLF).

## **PURPOSE**

The purpose of the agreement is to further the overall goals of community and economic development by facilitating job growth and investment, resulting in new tax base for Burlington, through interagency cooperation and services provided by the RCEDC. In particular, this Agreement will result in the provision of technical assistance relative to Burlington's initiative to conduct various development and redevelopment projects in the central business district and its environs.

## **AGREEMENT**

The RCEDC agrees to provide direct economic and community development assistance to Burlington in accordance with the objectives promulgated by the Mayor, City Council and City Administrator. The RCEDC has assigned Jenny Trick, Executive Director as the economic development staff person to Burlington who will act as the City's economic development advocate, in partnership with other RCEDC staff, and will expend best efforts to promote business recruitment, business retention and expansion, community development and business finance resources to support Burlington and its companies.

Throughout the balance of the agreement, it should be noted that there are three primary categories of assistance – that are provided directly from RCEDC; activities that RCEDC is a collaborative partner; and activities that RCEDC tracks to determine the health of Racine County. All of these activities are captured in the RCEDC work plan as shown in the attached Snapshot document.

## **I. RCEDC Direct Role – Business Development**

- A. RCEDC will develop and implement community and economic development programs, with priority on 1<sup>st</sup> and 2<sup>nd</sup> stage businesses (less than 100 employees) that result in the retention and creation of jobs and increase the tax base in Racine County.
1. RCEDC will recruit 10 new companies to Racine County;
  2. RCEDC will provide direct assistance to 18 expanding Racine County companies;
  3. RCEDC will market and administer micro-funding grant programs to Racine County businesses and facilitate 25 grant applications;
  4. RCEDC will provide financial assistance (loans, grants and facilitate state and local incentives) that support job creation with a goal to create and or retain 550 jobs in Racine County;
  5. RCEDC will provide technical and financial assistance to projects that result in private investment and new construction with a goal to facilitate \$71 million in new investment of which \$40 million will be new construction;
  6. RCEDC will provide technical and financial assistance to projects that on average result in jobs created and or retained with average wage levels of \$20/hour or greater;
  7. RCEDC will provide technical and financial assistance to projects that result in the receipt of local and state incentives that total \$2 million;
  8. RCEDC will provide financial assistance to projects that result in a total of \$9,000,000 in new RCEDC loans;
  9. RCEDC will measure the average percentage of RCEDC loan recipients' revenue growth after business financing was provided with a goal to see 10% revenue growth;
  10. RCEDC will generate 90 new prospects with the goal of converting 30% of the prospects into projects;
  11. RCEDC will complete 200 outreach calls and visits to businesses and intermediary parties (lenders, real estate professionals, etc.);
  12. RCEDC will launch or fund one new program; and
  13. RCEDC will provide technical and financial assistance to economically disadvantaged projects with a goal to assist a minimum of 5% of the total number of projects.
- B. RCEDC will provide technical assistance to communities on a number of major, multi-year projects including the following:
1. Highway K business park development (Caledonia);
  2. Long range planning and public utility expansion (Yorkville);
  3. Implementation of development transparency and expedited plan reviews (Racine County);
  4. Expansion of Business and Manufacturing Park (Burlington);
  5. Redevelopment of Highway 11 Commercial Corridor (Sturtevant);
  6. Redevelopment of Rootworks area (Racine);
  7. Redevelopment of Uptown area (Racine);

8. Support to Foxconn, its Supplier Companies, Innovation Center and related activities (Mount Pleasant, Racine, and Racine County);
  9. Racine County State of the Area Report (Western Racine County);
  10. Residential development (multi-family, townhouses, condos, etc.) (Racine County);
  11. Talent recruitment and Greater Racine County website and related marketing (Racine County).
- C. In addition to the above, RCEDC will assist City businesses via direct contact or referrals from the Mayor and Director of City Planning and report findings to the Mayor. When meeting with local companies, RCEDC staff will provide information on existing State, federal and local economic development resources that may assist the needs of local businesses. These programs include low-interest loans, tax credit programs, grants and workforce development assistance.
- D. Provide assistance through the development of customized proposals to businesses interested in establishing a location within the City per direct contact or referral from the Mayor or City Leadership. This activity includes providing copies of such proposals, when requested, to the Mayor and City Administrator, as well as a status report on such businesses as part of this agreement's semi-annual reports, coordinating regular meetings with the Mayor and City Administrator, and maintaining a periodic business follow-up procedure.
- E. Provide written and verbal semi-annual reports to the Mayor, City Council and City Administrator. This activity will include a summary of the activities conducted during the reporting period.

## **II. RCEDC Direct Role - Marketing**

- A. RCEDC will play an active role in positioning Racine County as a preferred location to do business, work and live through a variety of ways:
1. Attend domestic tradeshows and events for the purpose of recruiting new investment and businesses to Racine County;
  2. Maintain membership and regularly attend Chicago Area Industrial Real Estate (AIRE) networking functions;
  3. Maintain membership and regularly attend Milwaukee's NAIOP Commercial Real Estate Development Association and Commercial Association of Realtors Wisconsin (CARW) networking functions;
  4. Actively engage in social media and publish e-newsletters on economic development activities and events;
  5. Host a minimum of four educational networking events including the annual meeting;
  6. Author media articles featuring Racine County economic development issues;
  7. Update RCEDC, Business Lending Partners (BLP, the finance division of RCEDC) and Greater Racine County websites, marketing materials and social media platforms with projects, local company news and national and international articles of business interest;

8. Feature local project successes on the RCEDC and BLP websites; and
9. Coordinate Greater Racine County ([www.GreaterRacineCounty.com](http://www.GreaterRacineCounty.com)) messaging, social media and related with the goal to increase the number of people living and working in Racine County.

### **III. RCEDC Direct Role - Talent**

At no other time have there been greater concerns about the talent shortfall than now. With historically low unemployment rates, businesses expanding, new companies establishing locations in Racine County, historically large construction projects and Foxconn's hiring underway, this subject demands more resources—so RCEDC will be dedicating financial resources to this effort. Beginning in January 2019, Racine County will begin a workforce development strategic plan.

- A. RCEDC will work in partnership with Racine County Workforce Development in the creation of a county-wide workforce strategic plan and will allocate funding to add a staff person dedicated to talent recruitment activities. The effort will result in a plan to align Racine County workforce resources to benefit Racine County residents and employers.
- B. RCEDC working with Racine County and Real Racine will implement the Greater Racine County talent recruitment initiative, including the management of the [www.GreaterRacineCounty.com](http://www.GreaterRacineCounty.com) website which includes a local job board, videos, and a robust marketing strategy to attract talent to Racine County by providing critical information to individuals and families relocating to southeast Wisconsin on why Racine County is a great place to live and work. This marketing initiative will work in companion with WEDC's talent attraction campaign.

### **IV. RCEDC Direct Role - Business Finance**

- A. Through business retention and recruitment activities, provide existing and potential businesses with information and assistance relative to available State, federal and local business development financing programs. This activity includes providing business loans to businesses utilizing appropriate RCEDC business finance staff to develop loan applications. This activity also includes providing grants available through the Racine County Matching Grant Program to qualifying businesses.
- B. The RCEDC has been designated as the Burlington Revolving Loan Fund (RLF) program administrator since August 19, 1992. The services being provided by the RCEDC relate to two separate RLFs: 1) The State regulated Community Development Block Grant (CDBG)-RLF; and 2) the Tax Incremental District (TID)-RLF. Both RLF's are in the process of undergoing changes with the assistance of RCEDC. The Burlington CDBG RLF is undergoing a State mandated "RLF Close Program" whereby a re-use of funds are being sought within the next two years and the RLF being discontinued. The Burlington TID RLF is being restructured as a City-wide program no longer restricted to businesses within the TID and the Policy Manual is being re-written to meet the current needs of local business. General services for both RLF's continue to include the following:
  1. Review and, if necessary, revision of the RLF program as needed.

2. Preparation of the appropriate marketing plan and marketing materials to promote the programs.
3. Implementation of the marketing program, therefore re-lending the loan funds.
4. Meetings with potential applicants to inform them of the parameters of the RLF program.
5. Screening of applications relative to their eligibility for the RLF program.
6. Working with eligible businesses in the preparation of applications to the RLF program and the review of these application materials for any deficiencies.
7. Recommendations to the Community Development Authority and/or Council of the Whole (City Council) relative to loans that qualify for the RLF program.
8. Coordination of all loan closings.
9. Annually risk rating all loans in the portfolio to evaluate the level of risk for the loan;
10. Meeting with loan recipients during the term of their loans to identify how the business is performing and refer to other resources available to support or help grow their business;
11. Major servicing actions will be considered by the RCEDC and City of Burlington staff and a recommendation forwarded to the City Council for formal consideration. Major servicing actions will be considered by the RCEDC staff, together with the Mayor or City Administrator or other designated City staff. These actions would include:
  - a. Actions that do not significantly affect the interest of the City of Burlington in an adverse manner.
  - b. Subordination to a new senior lien holder (usually a bank) provided no new money is being let that would adversely impact the City's loan.
  - c. Other servicing actions that can be defined as minor.
12. Collection of monthly payments and monitoring of the projects for compliance with Wisconsin Department of Administration regulations, and all other aspects of servicing the loans. In performing the work for this contract the RCEDC agrees to adhere to the following:
  - a. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
  - b. Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall, on the grounds of race, color, national origin, sex, age or handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
  - c. Coordinate the City's RLF program with other State and federal business loan programs in order to ensure the lowest cost business financing for the customer.

## **V. RCEDC Collaborative Role**

- A. Coordinate the City's economic development initiatives with, but not limited to, the following agencies:
  - Gateway Technical College
  - Milwaukee 7
  - Real Racine
  - Southeastern Wisconsin Regional Planning Commission
  - U.S. Economic Development Administration
  - U.S. Small Business Administration

- UW-Parkside and its Small Business Development Center
- Wisconsin Economic Development Corporation
- Wisconsin Department of Administration
- We Energies

## **VI. RCEDC Data Inventory**

A. RCEDC will measure the well-being of Racine County by compiling relevant data including demographic, development, workforce, other business related factors and work with partner organizations to mitigate challenges, by tracking factors such as:

1. Per capita income in Racine County and annual change;
2. Median earnings by industry sector and annual change;
3. Age distribution in workforce;
4. Crime incidents and annual change;
5. Employment by major industry classification and annual change;
6. In/out commuting patterns, total and by industry;
7. Total annual wages by major industry sectors and annual change;
8. Number of industrial acres available for development;
9. Number of municipal-identified infill sites, percentages ready for development and percentage change;
10. Change in equalized value of Racine County & contract communities;
11. Commercial and industrial vacancy absorption rates;
12. Residential market (number of homes sales and median sales prices);
13. Manufacturing activity indicators; and
14. Inventory level indicators.

## **VII. Burlington/RCEDC Special Projects**

In addition to the above activities, RCEDC will work in partnership with the City on the special projects detailed below:

- A. Assist in the completion of the new Tax Increment District to support the expansion of the Burlington Manufacturing and Office Park, residential development and supportive commercial development.
- B. In cooperation with the City and if applicable private land owners, develop a marketing campaign to recruit new development to the above new Tax Increment District.
- C. Assist the City in developing an application for the CDBG Close program to utilize its CDBG RLF resources that meet the strategic objective of the City.
- D. Assist the City in the implementation activities identified by the Roger Brooks secret-shopper activity.

## **TIME PERIOD FOR THIS AGREEMENT AND COMPENSATION**

The above-referenced assistance will be provided by the RCEDC staff during the time period beginning January 1, 2019 to December 31, 2019.

The cost of this assistance to Burlington is divided into two components. First, for economic and community development assistance, the cost is \$42,400 and is the same as it has been since 2016. Second, the annual cost of administration of Burlington's CDBG RLF is \$5,238.82, based on 20 percent of the loan payments (see Attachment A) and is an expense charged to the Burlington CDBG RLF loan fund (originally sourced with Wisconsin CDBG program). This cost may change should additional loans be made or should other loans be paid in full. The RCEDC will notify Burlington of any changes. The cost of administering the Burlington TID RLF is currently covered through monthly servicing fees charged directly to the RLF loan recipients. As both programs are restructured, administrative costs may need to be re-evaluated with a new proposal to be considered by City of Burlington in the future.

Payments will be made during the first week of each quarter, upon the receipt of an invoice from the RCEDC. The cost of developing any additional materials and significant printing and mailing of items necessary to implement these services are outside the scope of the Agreement and will be negotiated on an as necessary basis.

### **INDEPENDENT CONTRACTOR**

RCEDC shall be an independent contractor of Burlington. Neither RCEDC nor any of its officers, employees, or agents shall be considered to be an employee of Burlington as a result of the obligations undertaken pursuant to this agreement. RCEDC's officers, employees and agents shall make no commitments or representations to third parties without prior approval of Burlington. In addition, RCEDC hereby holds harmless Burlington and its departments, officers, employees and agents from and against all claims, demands and liability for damages to third persons of any type whatever arising solely out of the actions of RCEDC under this agreement.

### **LIABILITY INSURANCE**

The RCEDC is to carry liability insurance and list Burlington as an additional insured on the policy.

### **TERMINATION**

This agreement may be terminated by either party upon thirty (30) days written notice in the event of default by the other party of any material provision hereof which remains unremedied for thirty (30) days following written notice of such default.

### **NOTICES**

Notices under this agreement shall be mailed by registered mail to the Mayor and City Administrator, 300 N. Pine Street, Burlington, WI 53108, for the City, and to Jenny Trick, Executive Director, 2320 Renaissance Blvd., Sturtevant, WI 53177, for RCEDC, or shall be personally served on either said person or the person in charge of either respective office.

**ASSIGNMENT**

RCEDC agrees that it will not assign this agreement or any portion thereof, or any of its responsibilities hereunder, to any other party without first obtaining the written permission of the City.

If the terms and conditions of this proposal are satisfactory, please sign the two original documents where indicated and return to the RCEDC for RCEDC final signature.

Sincerely,



Jenny Trick, Executive Director

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF BURLINGTON**

By: \_\_\_\_\_  
Jeannie Hefty, Mayor

Witness: \_\_\_\_\_  
Diahn Halbach, City Clerk

**RACINE COUNTY ECONOMIC  
DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Jenny Trick, Executive Director

<b>Attachment A</b>
---------------------

Burlington Revolving Loan Fund 2019

	<u>Monthly</u>	<u>Annually</u>
Dawley Manufacturing (Int. Rate Change)	\$793.44 x 7 months	\$ 5,554.08
<u>Burlington Hotel Group</u>	<u>\$1,720.00 x 12 months</u>	<u>\$ 20,640.00</u>
<b>Total</b>		\$ 26,194.08

\$26,194.08 x 20% = **\$5,238.82** Annually

**Administrative Fees will be invoiced quarterly** based upon actual loan payments received. Invoices will be higher in early 2019 when Dawley's loan is still active and prior to it maturing in July 2019.

Burlington TID Revolving Loan Fund 2018

The loans listed below pay a 0.5% servicing fee directly to RCEDC each month with their monthly payments, thus, Administrative fees of 20% of loan payments are not taken.

- Fox Crossing Burlington, LLC
- Fox Crossing Phase II
- Musicology, LLC
- Hampton Hometown
- WIN Properties

*R:Contracts/Burlington/2019*



**DATE:** February 20, 2019

**SUBJECT:** RESOLUTION 4933(35) - To accept A Unanimous Petition for Direct Annexation of 0.48 acres at 1063 Spring Valley Road in the Town of Burlington, Racine County, Wisconsin.

**SUBMITTED BY:** Megan Watkins, Assistant City Administrator | Zoning Administrator

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**BACKGROUND/HISTORY:**

Gary and Heather Kellermeier of 1063 Spring Valley Road have submitted a petition for direct annexation for property located at 1063 Spring Valley Road. This parcel is contiguous and across the street from the Aurora Health Center. The property petitioned for annexation will consist of 0.48 acres and will be permanently zoned Rs-1, Single Family Residential District. The applicant is requesting this annexation in order to have access to municipal water and sewer for their residence.

The passage of this resolution is the first step in the annexation process with the Council simply accepting the petition for annexation. The next step will be for the Plan Commission to review the annexation and requested zoning and to make a recommendation to the City Council for consideration.

**BUDGET/FISCAL IMPACT:**

The 2018 Town of Burlington property tax amount for the parcel was \$2,789.89. In the event that this land is annexed to the City, then pursuant to Wis. Stat. ss. 66.1105(4)(gm)1 the City of Burlington pledges to pay the Town of Burlington an amount equal to the property taxes levied on the territory that is being annexed for a term of five years.

**RECOMMENDATION:**

Staff recommends Council accept this petition of direct annexation.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the February 20, 2019 Committee of the Whole meeting and due to timing is scheduled for final consideration at the same evening Common Council meeting.

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**Attachments**

RES 4933(35) Direct Annexation for 1063 Spring Valley Road  
Annexation Petition  
Aerial Map

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**A RESOLUTION ACCEPTING AN UNANIMOUS PETITION FOR DIRECT  
ANNEXATION OF 0.48 ACRES AT 1063 SPRING VALLEY ROAD  
IN THE TOWN OF BURLINGTON, RACINE COUNTY, WISCONSIN**

**WHEREAS**, a *Unanimous Petition for Direct Annexation* of the following territory in the Town of Burlington, Racine County, Wisconsin was filed with the City Clerk on January 17, 2019:

Beginning at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, Township 2 North, Range 19 East of the 4<sup>th</sup> P.M., run thence North on the West line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, 560.00 feet to a point which marks the place of beginning of a parcel of land hereinafter described; thence continue North on the said West line 105.00 feet to a point; thence East parallel with the South line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section, 200.0 feet to a point; thence South parallel with the West line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section, 105.00 feet to a point; thence West parallel with the South line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section, 200.00 feet to a point and the place of beginning. Said land being in the Town of Burlington, Racine County, Wisconsin.

Lands contain 0.48 acres).

Current population of such territory is 4 persons (2 electors); and,

**WHEREAS**, the City Attorney has investigated said petition and certified to the Common Council that it was signed by all of the owners of real property in assessed value and land area in the above territory, proposed for annexation as of the date of filing the petition and shown on the scale map attached thereto, is contiguous to the City of Burlington and is unincorporated; and,

**NOW, THEREFORE, BE IT RESOLVED** the Common Council of the City of Burlington, Wisconsin, determines that the *Petition for Direct Annexation* of the above-described property is sufficient and legal petition conforming with the requirements of Sec. 66.0217(5) of the Wisconsin State Statutes.

**BE IT FURTHER RESOLVED** in the event that this land is annexed to the City, then pursuant to Wis. Stat. ss. 66.1105(4)(gm)1 the City of Burlington pledges to pay the Town of Burlington an amount equal to the property taxes levied on the territory that is being annexed for a term of five years.

**BE IT FURTHER RESOLVED** that this petition be forwarded to the Plan Commission for review and recommendation.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to notify the Clerk of the Town of Burlington by personal service or registered mail, return receipt requested, of the Resolution of Acceptance.

Introduced: February 20, 2019

Adopted:

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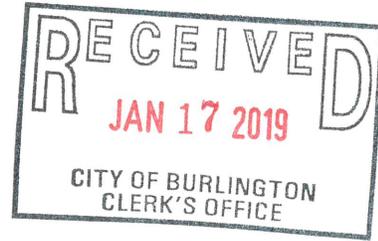
Jeannie Hefty, Mayor

Attest:

---

Diahnn Halbach, City Clerk

January 8, 2019



City Clerk Diahnn Halbach  
300 N. Pine Street  
Burlington, WI 53105

Re: Annexation of 0.488 Acres of Property from the Town of Burlington to  
the City of Burlington

Dear Ms. Halbach:

In accordance with Section 66.0225, Wis. Stats., I respectfully submit for your information the enclosed Petition for Direct Annexation by Unanimous Consent filed with the City of Burlington, Racine County by Gary T. Kellermeier and Heather R. Kellermeier to annex real property located in the Town of Burlington to the City of Burlington.

The Petitioner requests to have the property zoned Single Family Residential at the time of annexation.

Per Wis. Stats. copies of this Notice are provided to:

Clerk Town of Burlington  
Clerk City of Burlington

If you have any questions in regard to this letter or the enclosed Petition, please call the undersigned at 262-745-7524.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary T. Kellermeier".

Gary T. Kellermeier

Enclosures:

Copy of Request for Annexation Review Application WI DOA  
Copy of Petition for Direct Annexation by Unanimous Consent

## PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

BY UNANIMOUS CONSENT OF PROPERTY OWNERS OF TERRITORY LOCATED IN THE TOWN OF BURLINGTON RACINE COUNTY WISCONSIN TO THE CITY OF BURLINGTON RACINE COUNTY WISCONSIN PURSUANT TO SECTION 66.0217 WIS STATS.

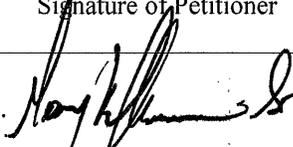
THIS PETITION of Gary T. Kellermeier and Heather R. Kellermeier, hereinafter referred to as Petitioners as the owners of record of real property known as 1063 Spring Valley Road, Burlington, Wisconsin which is in the territory sought to be annexed, do respectfully state represent and show to the City of Burlington as follows:

1. The Petitioners are the owners of record of the real property in the territory sought to be annexed which property is located contiguous to the City of Burlington in the Town of Burlington Racine County Wisconsin and legally described in Exhibit A herein after Subject Territory.
2. The Petitioners respectfully request all of the Subject Territory contiguous to the City of Burlington Racine County, Wisconsin and currently in the Town of Burlington Racine County, Wisconsin be annexed to the City of Burlington.
3. Attached hereto as Exhibit B and incorporated herein by reference is a scale map of the subject Territory sought to be annexed.
4. There are two electors residing in the Subject Territory sought to be annexed hereunder.
5. The current population of the Subject Territory sought to be annexed hereunder is four.
6. The Subject Territory is presently zoned Residential by the Town of Burlington pursuant to the Town of Burlington and Racine County Ordinance.
7. The Petitioner believes this Petition and the Subject Territory sought to be annexed hereunder meets all legal requirements for annexation and such annexation is in the public interest.

As provided by law this Petition Exhibit A Legal Description of Lands to be Annexed and Exhibit B Scaled Annexation map will be filed with the Clerk of the City of Burlington Racine County Wisconsin and also with the Clerk of the Town of Burlington Racine County Wisconsin.

We, the undersigned, constituting all of the owners of the real property, and all of the electors residing in, the following territory of the Town of Burlington, Racine County, Wisconsin, lying contiguous with the City of Burlington to annex the territory described below and shown on the attached scale map to the City of Burlington, Racine County, Wisconsin.

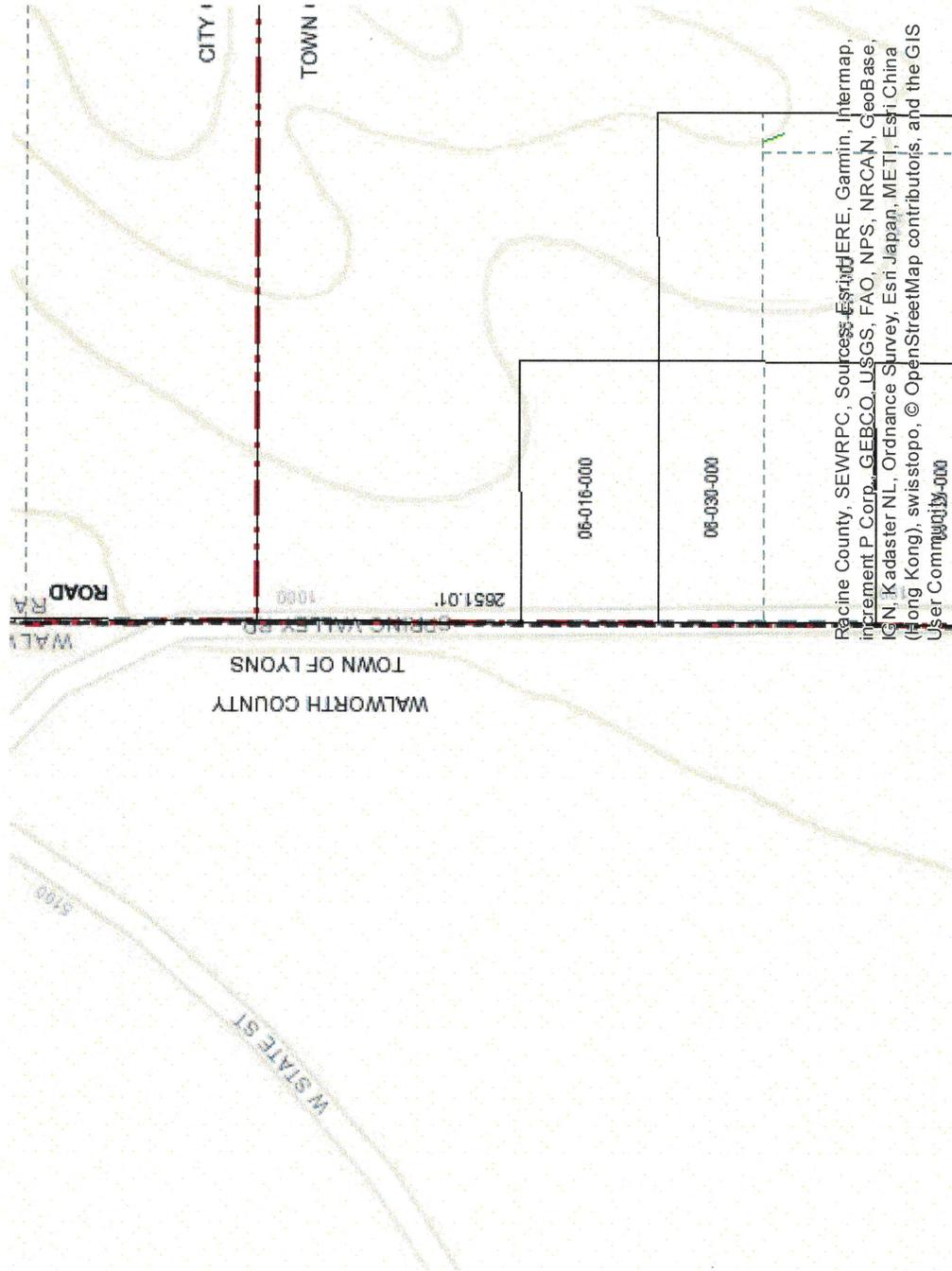
We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

Signature of Petitioner	Date of Signing	Owner/Elector	Address or Description of Property
1. 	1-8-19	Owner	1063 Spring Valley Road Burlington, WI 53105
2. <i>Heather Z. Kellerman</i>	1-8-19	Owner	1063 Spring Valley Road Burlington, WI 53105

**EXHIBIT A: LEGAL DESCRIPTION OF LAND TO BE ANNEXED**

Beginning at the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, T2N, R19E of the 4<sup>th</sup> P.M., run thence North on the West line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 6, 560.00 feet to a point which marks the place of beginning of a parcel of land hereinafter described; thence continue North on the said West line 105.00 feet to a point; thence East parallel with the South line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section, 200.00 feet to a point; thence South parallel with the West line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section, 105.00 feet to a point; thence West parallel with the South line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section, 200.00 feet to a point and the place of beginning. Said land being in the Town of Burlington, Racine County, Wisconsin.

**EXHIBIT B: PLAT OF SURVEY**



PLAT OF RESURVEY AND PROPOSED HOUSE LOCATION  
FOR  
WARD A. McDONALD and MARY L. McDONALD

Description

Beginning at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 6, T2N., R19E., of the 4th P.M., run thence North on the West line of the Northwest 1/4 of the Northwest 1/4 of Section 6, 560.00 feet to a point which marks the place of beginning of a parcel of land hereinafter described; thence continue North on the said West line 105.00 feet to a point; thence East parallel with the South line of the Northwest 1/4 of the Northwest 1/4 of said section, 200.00 feet to a point; thence South parallel with the West line of the Northwest 1/4 of the Northwest 1/4 of said section, 105.00 feet to a point; thence West parallel with the South line of the Northwest 1/4 of the Northwest 1/4 of said section, 200.00 feet to a point and the place of beginning. Said land being in the Town of Burlington, Racine County, Wisconsin.

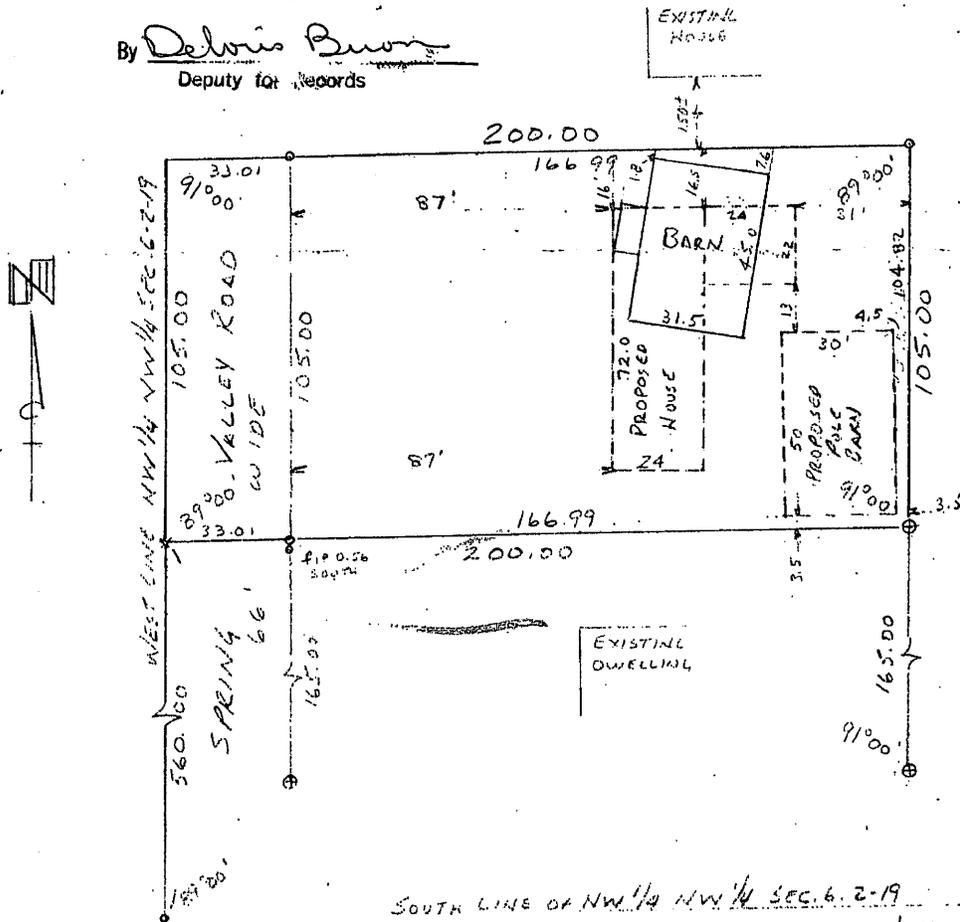
The above description is taken from warranty deed dated April 28, 1972.

002-02-19-06-016-000

Racine County Recorder File No 7165  
Received for [Signature]

JUN 2 1977

By Debra B. Brown  
Deputy for Records



SOUTH LINE OF NW 1/4 NW 1/4 SEC. 6-2-19



- ~ LEGEND ~
- o FOUND IRON PIPE
  - ⊕ FOUND CONC. MONUMENT
  - o SET SPIKE IN ADJUTMENT
  - x SET 1"X24" IRON PIPE SCALE. 1"=40'

"I CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE PLAT IS AN ACCURATE SURVEY AND A TRUE REPRESENTATION THEREOF AND CORRECTLY SHOWS THE EXTERIOR BOUNDARY LINES AND LOCATION OF BUILDINGS AND OTHER IMPROVEMENTS ON SAID PROPERTY AND THE CORRECT MEASUREMENTS THEREOF."

Kenneth R. Reesman  
WISCONSIN REGISTERED LAND SURVEYOR

3-29-77  
DATE

77046  
JOB NUMBER

REVISED 4-25-77 RBR

**EXHIBIT C: PURPOSE OF ANNEXATION**

Petitioner's Name and Address: Gary T. Kellermeier and Heather R. Kellermeier  
1063 Spring Valley Road  
Burlington, WI 53105

**Tax Key Number:** 002-02-19-06-016-000

**Intent:** The intent of this petition is to connect to municipal sewer and water services.

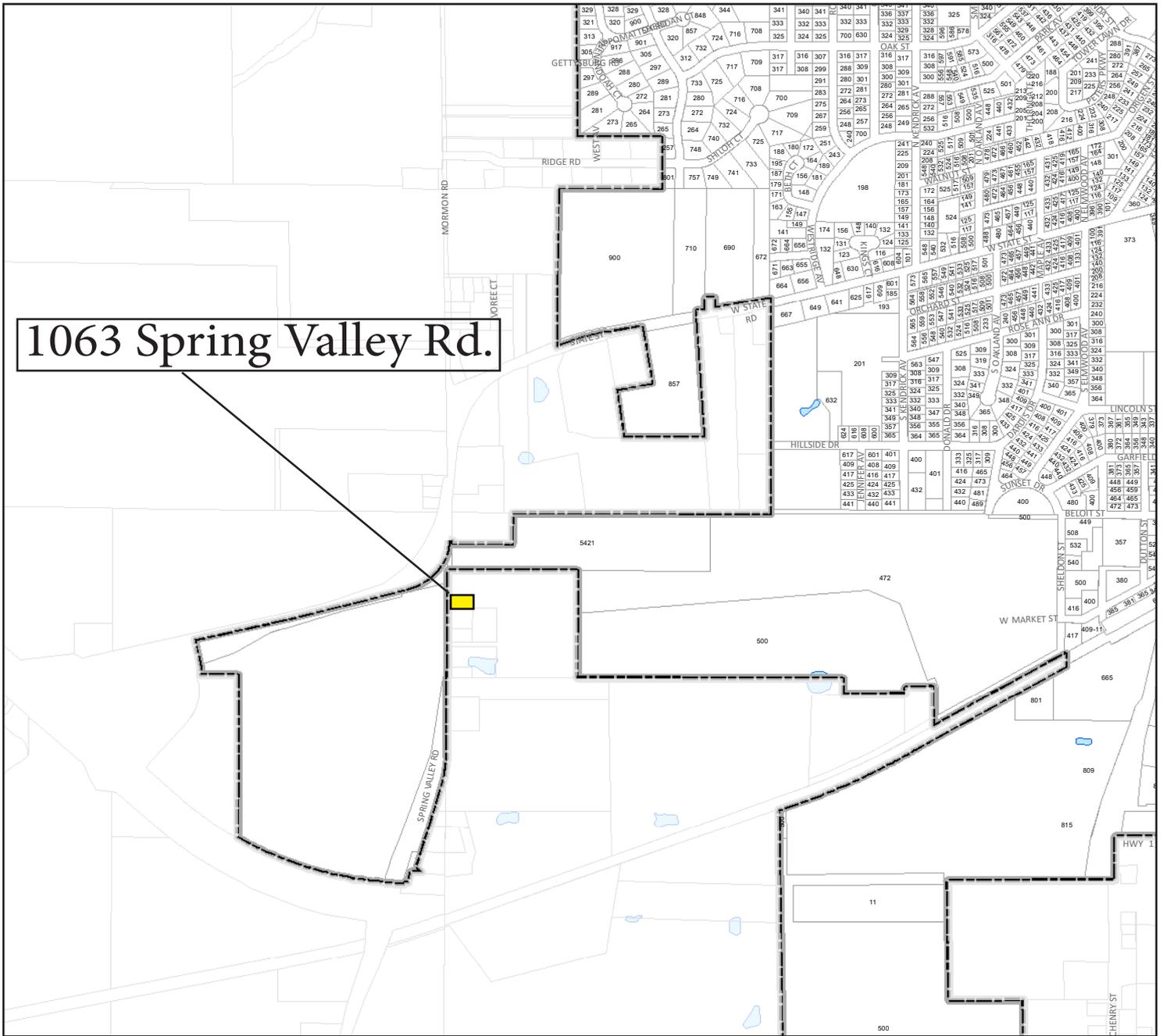
**Number of Electors:** 2

**Approximate Value:** Land \$24,600 Improvements \$146,000

**Present Land Use:** Undeveloped \_\_\_\_% Commercial \_\_\_\_%  
Industrial \_\_\_\_% Residential   x  % Recreational \_\_\_\_%

**Anticipated Land Use:** Undeveloped \_\_\_\_% Commercial \_\_\_\_%  
Industrial \_\_\_\_% Residential   x  % Recreational \_\_\_\_%

1063 Spring Valley Rd.





**DATE:** February 20, 2019

**SUBJECT:** **RESOLUTION 4934(36)** - To approve restructuring and modifications to the Burlington Tax Incremental District (TID) Restructured Policy Manual.

**SUBMITTED BY:** Carina Walters, City Administrator

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**BACKGROUND/HISTORY:**

The original Burlington Tax Incremental District (BTID) policy manual was created in 1998 as part of the downtown redevelopment.

The intent of the policy manual was to provide the Community Development Authority (CDA), charged with TID development parameters, on who to allocate the city's revolving loan fund dollars to businesses.

As TID 3 and ER-TID 1 closed in 2018, Racine County Economic Development Corporation (RCEDC) and staff have been working towards updating the Burlington Tax Incremental District manual.

Attached is a memorandum from Carolyn Engel, Business Finance Manager for the Racine County Economic Development Corporation (RCEDC), regarding amending the the Revolving Loan Fund Loan manual. This evening, Carolyn will walk the Council through suggested changes of the manual, which is attached to your Council packet.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the TID Restructured Policy Manual.

**TIMING/IMPLEMENTATION:**

This item is scheduled for discussion at the February 20, 2019 Committee of the Whole meeting and is scheduled for final consideration at the March 5, 2019 Common Council meeting.

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**Attachments**

Res 4934(36) Restructured Policy Manual  
Memo and Revised TID RLF Policy Manual

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**RESOLUTION AMENDING THE CITY OF BURLINGTON REVOLVING LOAN FUND  
POLICY AND PROCEDURES MANUAL**

**WHEREAS**, the Racine County Economic Development Corporation (RCEDC) provides economic development assistance to the City of Burlington; and

**WHEREAS**, the City of Burlington Revolving Loan Fund (RLF) encourages economic development and the creation and retention of employment in the City of Burlington; and

**WHEREAS**, RCEDC desires to amend the rules and regulations of the program's guidelines through the City of Burlington's *Community Development Block Grant - Revolving Loan Program - Policies and Procedures Manual*.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Burlington that an amendment to the *Community Development Block Grant - Revolving Loan Program Policies and Procedures Manual* as prepared by RCEDC for the City of Burlington is hereby approved.

Introduced: February 20, 2019

Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk

**TO: CITY OF BURLINGTON**

**FROM: CAROLYN ENGEL, BUSINESS FINANCE MANAGER**

**RE: RESTRUCTURE OF BURLINGTON RLF**

**DATE: FEBRUARY 5, 2019**

***Introduction***

Over the past few months, RCEDC staff has met with the City to discuss incentives to assist with business recruitment and expansion in the City of Burlington. Much of that discussion involved the restructure of the existing City’s Revolving Loan Fund (RLF) for Tax Incremental District (TID) Number Three into a loan and grant fund available to businesses throughout the City. The first draft of the proposed new Policy Manual was presented to City Council in August 2018. Based upon the meetings that occurred since that time, revisions have been made to the proposed Manual which is attached for the City’s consideration.

**The Proposed RLF Program Parameters**

Attached is a redlined version of the RLF Policy Manual indicating the proposed changes with the restructuring of the RLF parameters. A number of changes were made to the Manual to update it consistent with current procedures. Key changes as a result of the re-structure to a City-wide RLF are summarized below and specify the parameters under the existing TID RLF and the proposed changes with the City-wide RLF.

**LOAN FUND PARAMETERS**

Program Parameters	Burlington TID RLF	Proposed Parameters for City of Burlington RLF
<p><b>Program Objectives:</b></p>	<ol style="list-style-type: none"> <li>1. To encourage the creation and retention of permanent jobs.</li> <li>2. To encourage the leveraging of new private investment in the TID in the form of private fixed asset investment, particularly in land, buildings, furniture and fixtures and equipment.</li> <li>3. To perpetuate a positive and proactive business climate which encourages the retention and expansion of existing businesses and helps to attract desirable new businesses.</li> <li>4. To maintain and promote a diverse mix of employment opportunities and to minimize seasonal or cyclical employment fluctuations.</li> <li>5. To implement the City of Burlington’s Riverwalk/Redevelopment Plan goals and objectives.</li> </ol>	<ol style="list-style-type: none"> <li>1. To encourage the creation and retention of permanent jobs <u>particularly those that pay above median income.</u></li> <li>2. To encourage the leveraging of new private investment in the <del>TID</del> <u>City of Burlington</u> in the form of private fixed asset investment, particularly in land, buildings, furniture and fixtures and equipment.</li> <li>3. To perpetuate a positive and proactive business climate which encourages the retention and expansion of existing businesses and helps to attract desirable new businesses.</li> <li>4. To maintain and promote a diverse mix of employment opportunities and to minimize seasonal or cyclical employment fluctuations.</li> <li><u>5.</u> To implement the City of Burlington’s</li> </ol>

		<p>Riverwalk/Redevelopment Plan goals and objectives.</p> <p><u>6. To encourage thriving retail areas by providing incentives to businesses to enhance or fill empty storefronts and vacant buildings.</u></p> <p><i>RCEDC Note: Changes to program objectives were made to incorporate strategic initiatives from the City's 2016-2019 Strategic Plan.</i></p>
<b>Administration</b>	RCEDC will report annually to the City of Burlington regarding the use of the Burl RLF funds.	<p>RCEDC will report <b>semi</b>-annually to the City of Burlington regarding the use of the Burl RLF funds.</p> <p><i>Note: This will be part of RCEDC's semi-annual report to the community.</i></p>
<b>Target Area:</b>	Burlington TID #3	City of Burlington
<b>Approval Process:</b>	<p>1. RCEDC Loan Committee</p> <p>2. Burlington CDA</p> <p>Note: Loans less than \$15,000 are reviewed by RCEDC Staff and bypass Loan Committee</p>	<p>1. RCEDC Loan Committee</p> <p>2. Burlington <del>CDA</del><b>Common Council</b></p> <p><del>Note: Loans less than \$15,000 are reviewed by RCEDC Staff and bypass Loan Committee</del></p> <p><i>RCEDC Note: Final approval of loan applications is recommended to be the City Common Council since the RLF program would now be available City-wide. Separate approval of loans less than \$15,000 was removed as there has not been a demand for these funds.</i></p>
<b>Review of Servicing Actions</b>	<p><i>In Agreement with RCEDC:</i></p> <p>Minor servicing actions will be considered by the RCEDC staff, together with the City Administrator and Mayor. These actions will include:</p> <ul style="list-style-type: none"> <li>• Actions that do not significantly affect the interest of the City in an adverse manner.</li> <li>• Subordination to a new senior lien holder (usually a bank) provided no new money is being lent.</li> <li>• Other servicing actions that can be defined as minor.</li> </ul>	<p><i>Add to Policy Manual:</i></p> <p>Minor servicing actions will be considered by the RCEDC <del>staff</del><b>Loan Committee</b>, together with the City Administrator and Mayor. These actions will include:</p> <ul style="list-style-type: none"> <li>• Actions that do not significantly affect the interest of the City in an adverse manner.</li> <li>• Subordination to a new senior lien holder (usually a bank) provided <del>no new money is being lent.</del><u>it has minimal impact to collateral coverage (typically less than 20%).</u></li> <li>• Other servicing actions that can be defined as minor.</li> </ul>
<b>Administrative Costs</b>	<p>Administrative expenses of up to fifteen (15) percent of program income may be used for direct loan administrative costs.</p> <p>Summary of additional Fees:</p> <ul style="list-style-type: none"> <li>• Legal Costs</li> </ul>	<p><del>Administrative expenses of up to fifteen (15) percent of program income may be used for direct loan administrative costs.</del></p> <p>Summary of additional Fees:</p> <ul style="list-style-type: none"> <li>• Legal Costs</li> </ul>

	<ul style="list-style-type: none"> <li>• Consulting fees for credit analysis, business plan reviews and technical assistance</li> <li>• Office supplies, copying, typing, mailing and related expenses</li> <li>• Training costs</li> </ul> <p>Other fees charged to Borrower:</p> <ul style="list-style-type: none"> <li>• Loan Processing Fee – 1.5% <u>not to exceed</u> \$2,000</li> <li>• Loan Servicing Fee - .005%</li> <li>• Out of Pocket Costs</li> </ul>	<ul style="list-style-type: none"> <li>• Consulting fees for credit analysis, business plan reviews and technical assistance</li> <li>• Office supplies, copying, typing, mailing and related expenses</li> <li>• Training costs</li> </ul> <p>Other fees charged to Borrower:</p> <ul style="list-style-type: none"> <li>• <del>Loan Processing Fee – 1.5% <u>not to exceed</u> \$2,000</del></li> <li>• Loan Servicing Fee - .005%</li> <li>• Out of Pocket Costs</li> </ul> <p><i>RCEDC Note: Removed cap of 15% of program income to be used for Administrative Fees. This is less than other programs with the final amount addressed in the City's Agreement with RCEDC executed annually. Note: No fees will be pulled without City approval.</i></p>
<p><b>Eligible Uses:</b></p>	<ul style="list-style-type: none"> <li>• The acquisition of land and buildings.</li> <li>• Machinery and equipment acquisition, furniture and fixtures.</li> <li>• Site preparation and the construction or reconstruction of buildings or the installation of fixed equipment.</li> <li>• Clearance, demolition, removal of structures, rehabilitation and renovation of buildings, facade renovation and other such improvements.</li> <li>• Leasehold improvements, where the lease period is for the term of the RLF - TID loan or five years, whichever is less.</li> <li>• Business acquisition through purchase of assets or stock.</li> <li>• The payment of assessments for sewer, water, street, and other public utilities if the provision of the facilities will directly create or retain jobs.</li> <li>• Working capital.</li> <li>• Training costs related to the jobs created or retained as a result of the RLF - TID loan.</li> <li>• Other costs which represent opportunities to further the goals and objectives of development in the TID.</li> </ul>	<ul style="list-style-type: none"> <li>• The acquisition of land and buildings.</li> <li>• Machinery and equipment acquisition, furniture and fixtures.</li> <li>• Site preparation and the construction or reconstruction of buildings or the installation of fixed equipment.</li> <li>• Clearance, demolition, removal of structures, rehabilitation and renovation of buildings, facade renovation and other such improvements.</li> <li>• Leasehold improvements, where the lease period is for the term of the <del>RLF</del> <u>Burl RLF</u> loan <del>or five years, whichever is less.</del></li> <li>• Business acquisition through purchase of assets or stock.</li> <li>• The payment of <u>fire suppression expenses and</u> assessments for sewer, water, street, and other public utilities if the provision of the facilities will directly create or retain jobs.</li> <li>• Working capital.</li> <li>• <u>Training costs related to the jobs created or retained as a result of the <del>RLF</del> <u>Burl RLF</u> loan.</u></li> <li>• <u>Mixed-use buildings are eligible for Burl RLF financing. Improvements to the residential portion will be considered where safety improvements are needed.</u></li> </ul> <p>Other costs which represent opportunities to further the goals and objectives of</p>

		<u>development in the TID:the City of Burlington’s Strategic Plan.</u> <i>RCEDC Note: All eligibility criteria are intended to be guidelines at the discretion of the Burlington City Council.</i>
<b>Ineligible Uses:</b>	<ul style="list-style-type: none"> <li>• Refinancing or consolidating of existing debt.</li> <li>• Reimbursement for expenditures made more than nine months prior to a complete loan application being received, unless the time limit is extended or waived by the Community Development Authority for good cause.</li> <li>• Specialized equipment that is not essential to the business operation.</li> <li>• Residential building construction or reconstruction (unless such reconstruction is intended to convert the building or a portion of the building to a business or industrial operation).</li> <li>• Routine maintenance.</li> <li>• Other activities that the Loan Review Committee may identify during the administration of the program.</li> </ul>	<i>No Recommended Changes.</i>
<b>Ineligible Businesses:</b>	<ol style="list-style-type: none"> <li>1. Speculative investment companies.</li> <li>2. Lending institutions.</li> <li>3. Gambling operations.</li> <li>4. Non-public recreation facilities.</li> <li>5. Other businesses not serving the interests of the City of Burlington.</li> </ol>	<i>No Recommended Changes.</i>
<b>Eligibility:</b>	<p><u>Community Benefits.</u> Applicants must demonstrate the project will benefit the community through one or more of the following:</p> <ol style="list-style-type: none"> <li>1. <u>Tax base</u> enhancement.</li> <li>2. There is a <u>predetermined need for the applicant’s type of business</u> to be located in the TID.</li> <li>3. <u>Jobs.</u> At least one (1) full-time permanent position or full-time equivalent must be created or retained for every \$35,000 of program funds requested. The jobs shall be created within a period of 24 months following the closing of the loan and shall be maintained for a minimum of 12 months.</li> </ol>	<p><u>Community Benefits.</u> Applicants must demonstrate the project will benefit the community <u>by meeting one or more of the objectives listed in Section 1.2 of the Policy Manual.</u></p>
<b>Loan Amount:</b>	Loan amounts are subject to the availability of program funds and to the following guidelines. A minimum loan size of \$2,500 and a maximum loan size	Loan amounts are subject to the availability of program funds and to the following guidelines. A <del>minimum loan size of \$2,500 and a</del> maximum loan size

	of \$100,000 for each borrower. Loan amounts may be higher if the project is determined to be of significant economic impact and is so designated by the City of Burlington	of \$100,000 for each borrower. Loan amounts may be higher if the project is determined to be of significant economic impact and is so designated by the City of Burlington
<b>Private Funds Leveraged:</b>	1:1 Lower ratio at discretion of Committee Leveraged dollars can be project costs or renovations to residential portions of property.	<i>No Recommended Changes.</i>
<b>Equity:</b>	Typically 10% but no requirement.	<i>No Recommended Changes.</i>
<b>Interest Rate:</b>	Min. 50% of Prime; Max Prime plus 2%	<i>No Recommended Changes.</i>
<b>Terms:</b>	Working capital up to 7 years Equipment up to 10 years Real Estate up to 12 year term, 20 year amortization	<i>No Recommended Changes.</i>
<b>Deferrals:</b>	Principal and interest may be deferred up to 1 year.	<i>No Recommended Changes.</i>
<b>Grants</b>	None.	<p><u>Grants.</u>  <u>Grants of up to \$15,000 may be granted by the City of Burlington City Council for those projects to be determined to have a significant community impact. Grants would be determined on a case-by-case basis as deemed appropriate by City Staff and City Council. If City Staff is in support of a grant request, RCEDC Staff and the RCEDC Loan Advisory Committee will review the request from the applicant and make a recommendation to City Council. The presentation would include the following for the City to consider:</u></p> <ul style="list-style-type: none"> <li>• <u>Description of project;</u></li> <li>• <u>Extent to which the project meets these Program Objectives and other eligibility criteria for funds as described within this Policy Manual; and</u></li> <li>• <u>Confirmation that the Borrower is current with all tax obligations and has no financial concerns that may be found in RCEDC public records checks and review of financials.</u></li> </ul> <p><u>No more than 30% of available funds will be allocated towards grants annually with the remaining 70% allocated towards loans. This will be reviewed annually by City Council.</u></p>

<b>Prepayment:</b>	No penalty	<i>No Recommended Changes.</i>
<b>Collateral:</b>	See the best collateral position possible	<i>No Recommended Changes.</i>

City of Burlington

~~Economic Development~~  
Revolving Loan Fund Program  
~~Tax Incremental District Number Three~~  
(Burl City RLF)

**Policies and Procedures Manual**

Prepared by:  
Racine County Economic Development Corporation  
~~May 11, 1998~~  
Last Revised: ~~May 11, 2000~~February 2019

## **TABLE OF CONTENTS**

### **FOREWORD**

### **SECTION 1. GENERAL PROVISIONS**

- 1.1 PURPOSE
- 1.2 OBJECTIVES
- 1.3 AMENDMENTS

### **SECTION 2. ADMINISTRATION**

- 2.1 LOAN REVIEW BOARD
- 2.2 MEETINGS
- 2.3 RECORDS
- 2.4 ADMINISTRATION

### **SECTION 3. ELIGIBILITY CONSIDERATIONS**

- 3.1 ELIGIBLE AREA
- 3.2 ELIGIBLE APPLICANTS
- 3.3 ELIGIBLE ACTIVITIES
- 3.4 INELIGIBLE ACTIVITIES
- 3.5 INELIGIBLE BUSINESS
- 3.6 PROGRAM REQUIREMENTS

### **SECTION 4 TERMS AND CONDITIONS**

- 4.1 TERMS AND CONDITIONS

### **SECTION 5 APPLICATION PROCEDURES**

- 5.1 DISCUSSION OF REQUIREMENTS
- 5.2 PRIORITY
- 5.3 TIMING
- 5.4 LOAN APPLICATION
- 5.5 REVIEW PROCESS

### **SECTION 6. DISTRIBUTION OF FUNDS**

- 6.1 LOAN PROCEDURES

### **SECTION 7. POST APPROVAL REQUIREMENTS**

- 7.1 OBLIGATION OF LOAN RECIPIENT

### **SECTION 8. PERFORMANCE MONITORING**

- 8.1 PRIVATE LEVERAGE COMMITMENTS
- 8.2 HIRING OF NEW EMPLOYEES
- 8.3 DEFAULT

### **SECTION 9. USE OF LOAN REPAYMENTS AND REPORTING**

- 9.1 BURLINGTON RLF ACCOUNT

### **SECTION 10. LOAN SERVICING**

- 10.1 MONITORING
- 10.2 RECORDKEEPING

## FOREWORD

In 1998, the City of Burlington established the Revolving Loan Fund for Tax Incremental District (TID) Number Three and allocated funds for a Revolving Loan Fund for businesses in that district. These funds ~~are-were intended~~ to be used to improve properties and enhance the tax base within the TID. Business owners within the TID ~~are-were~~ eligible for this program to finance business expansion or start-up projects.

With the closing of the TID, the RLF funds are being re-allocated into a RLF to benefit all City of Burlington businesses. The funds through this program are provided in the form of low-interest loans depending upon the particular needs of the applicant. Loan funds that are repaid to the City will be used to assist other businesses within the ~~TID~~ City of Burlington. The purpose of this plan is to set forth the operating and administrative procedures for loans from the City of Burlington Revolving Loan Fund (RLF-Burl RLF~~TID~~).

## SECTION 1. GENERAL PROVISIONS

### 1.1 PURPOSE

The purpose of the policies and procedures contained within this manual, hereafter referred to as the ~~RLF-TID~~ Burl City RLF Manual, is to present the criteria which governs the economic development activities assisted with funds made available through the City of Burlington's Revolving Loan Fund (~~RLF-TID~~ Burl RLF) program. All criteria set forth in the Manual are subject to the discretion of the Burlington City Council.

### 1.2 OBJECTIVES

Economic development activities assisted with funds made available through the ~~RLF-TID~~ Burl RLF Program are intended to meet the following objectives:

1. To encourage the creation and retention of permanent jobs particularly those that pay above median income.
2. To encourage the leveraging of new private investment in the ~~TID~~ City of Burlington (City) in the form of private fixed asset investment, particularly in land, buildings which contribute to increasing assessed values, but also investments in ~~;~~ furniture and fixtures and equipment.
3. To perpetuate a positive and proactive business climate, which encourages the retention and expansion of existing businesses and helps to attract desirable new businesses.
4. To maintain and promote a diverse mix of employment opportunities and to minimize seasonal or cyclical employment fluctuations.
5. To implement the City of Burlington's Riverwalk/Redevelopment Plan goals and objectives.
- ~~5.6.~~ To encourage thriving retail areas by providing incentives to businesses to enhance or fill

empty storefronts and vacant buildings.

### 1.3 AMENDMENTS and MODIFICATIONS

The City of Burlington may from time to time amend the provisions imposed by the policies and procedures contained within the ~~RLF—TID~~Burl RLF Manual and such amendments are subject to ~~prior~~-written approval by the City of Burlington ~~Community Development Authority that provides the funds used to capitalize the RLF—TID~~Common Council.

## SECTION 2. ADMINISTRATION

### 2.1 LOAN COMMITTEE

1. The City of Burlington accepts full responsibility for the appropriate administration of the ~~RLF—TID~~Burl RLF program. Funding decisions relative to ~~RLF—TID~~Burl RLF loans will be made by the ~~Community Development Authority~~City of Burlington Common Council based upon a recommendation by the Racine County Economic Development Corporation (RCEDC) ~~Loan Committee~~Loan Advisory Committee and RCEDC Staff.
2. The City of Burlington has entered into an agreement with the RCEDC whereby the City of Burlington designates RCEDC as its agent for the administration of the ~~RLF—TID~~Burl RLF Program (RLF Administrator).
3. The RLF Administrator shall explain the Program to prospective applicants, provide written information, assist applicants in completing applications, and process requests for financing. The ~~RLF~~ Administrator, where necessary and appropriate, shall counsel or guide loan applicants to other more appropriate technical and financial resources when the loan applicant has needs beyond those available from the ~~RLF—TID~~Burl RLF program.
4. The ~~RLF~~ Administrator shall periodically review all financial statements and loan amortization schedules of ~~RLF—TID~~Burl RLF loan recipients, review and approve documentation of business expenditures financed with ~~RLF—TID~~Burl RLF proceeds, record ~~RLF—TID~~Burl RLF security instruments, maintain the ~~RLF—TID~~Burl RLF accounting records which shall be segregated from other community accounts, and report semi-annually to the City of Burlington regarding the use of the ~~RLF—TID~~Burl RLF funds.
5. The RCEDC ~~Loan Committee~~Loan Advisory Committee shall function as the ~~RLF—TID~~Burl RLF Loan Review Committee which will ~~consist of~~include individuals representative of broad Racine County community interests, and having special expertise and knowledge of commercial lending and economic development processes. The Loan Review Committee shall have the authority to review, select and recommend loan applications ~~of \$15,000 or more~~ to the governing body for final approval. ~~RCEDC Staff shall will conduct the loan review for loans applications of less than \$15,000 and recommend the loan application to the governing body for final approval.~~ The Committee shall also have the authority to make policy recommendations for the administration of the program.

6. The RCEDC attorney shall prepare all loan agreements, review all promissory notes and mortgage or lien instruments, and counsel the City of Burlington on default matters. All attorney fees incurred shall be charged to the borrower. (See Section 2.4 Administration)
7. The RLF Administrator shall be responsible for the maintenance of all other records for the ~~RLF~~ ~~THD~~ Burl RLF, particularly those related to the expenditures of the ~~RLF~~ ~~THD~~ Burl RLF moneys for program administration purposes.
8. Minor servicing actions will be considered by the RCEDC Loan Advisory Committee together with the City Administrator and Mayor. These actions will include:
  - Actions that do not significantly affect the interest of the City in an adverse manner.
  - Subordination to a new senior lien holder (usually a bank) provided it has minimal impact to collateral coverage (typically less than 20%).
  - Other servicing actions that can be defined as minor.

## 2.2 MEETINGS

~~RCEDC Loan-Loan Advisory Committee Review~~ meetings to review loan applications shall be held on an as-needed basis. ~~Community Development Authority meetings shall be held on the first Thursday of every month.~~ All Committee members shall be given prior notice of each meeting. A majority of the Committee in attendance at a meeting constituting a quorum shall be required for official Committee action. Official actions must have the support of the majority of the ~~total Committee~~ Committee members present. ~~Vacant positions on the Committee shall be counted in determining the total number of Committee members.~~ Loan recommendations as previously described will be brought before the City of Burlington Common Council for final approval.

## 2.3 RECORDS

Written records of all program activities, including program meetings, loan applications, and related documents, shall be maintained in appropriate files by RCEDC. All files, electronic and/or paper files will, will be maintained by RCEDC in a secure place with limited access by authorized personnel. The City of Burlington's legal counsel shall be consulted with regard to compliance with state and municipal open records laws.

The following files shall be established and maintained for each loan recipient:

1. Loan Application and Recommendation File. All application, business financial statements, personal financial statements, credit reports, business plan documents, a summary of the credit analysis, recommended actions for the application, and other supporting loan information submitted to the City of Burlington and/or RCEDC, including all applicable correspondence, shall be placed in a permanent loan application file. The minutes of the RCEDC ~~Loan Committee~~ Loan Advisory Committee and ~~the Community Development Authority~~ Burlington Common Council meetings summarizing the action taken on the loan requests shall also be maintained ~~under a separate cover in the RCEDC archives~~ in the loan files.
2. Loan Closing-/Collateral Files. Contains copies of all the legal documents from the loan closing, including security instruments, the note and other applicable correspondence.

Original loan and collateral documents shall be placed in a locked, fireproof ~~safe and located in the municipal offices of the City of Burlington~~ filing cabinet at the offices of RCEDC. Copies of the loan closing documents and an amortization schedule will be provided to the loan recipient, along with an invoice, if applicable, for loan closing and servicing fees.

3. Loan Servicing File. Contains all records of subsequent activity related to the supervision and monitoring of the loan. This file will include:

- List of applicable loan covenants;
- Records of site visits conducted periodically to each loan recipient, the scheduling of which depends on the nature of the project;
- Certificates of insurance for builders risk, property-casualty, and life insurance, as applicable;
- Evidence of payment of real estate taxes, if applicable;
- Borrower financial statements as required by the loan covenants;
- Documentation for job creation and retention ~~including low and moderate income certifications forms.~~ ;
- All Copies of written correspondence; and
- Records of important ~~telephone~~ conversations.

4. "Tickler " System. To ensure that loan repayments, financial information, the loan agreement covenants, UCC updates, and other time sensitive documentation requirements are tracked and obtained as required, the following information where applicable will be maintained in the Loan Servicing File and/or loan servicing software, or elsewhere as indicated for monitoring:

- Expiration dates for property, casualty and life insurance policies;
- Due dates for all financial statements;
- Scheduled dates of annual loan performance and covenant reviews;
- Dates for site visits;
- Due dates for property tax payments; ~~and dates by which the City of Burlington expects to hear from the borrower regarding confirmation of payment of taxes~~
- Review dates for job monitoring; and
- Monitoring of UCC financing statements for necessary renewals.

~~Expiration dates for UCC financing statements will be maintained in the Portfolio Status Report and reviewed monthly to assure that filing updates occur at least 45 days prior to the expiration of the UCC filing on hand.~~

5. Repayment Monitoring will be tracked via computer program and include the loan amortization schedule, status of payments, and the outstanding balance of the loan, observations suggesting concerns or problems will be reported to the RCEDC ~~Loan Committee~~ Loan Advisory Committee.

6. Loan Review. All loans are to be reviewed on an annual basis, and at such other times as may be deemed necessary by the ~~RLF-TID~~ RLF Administrator or the City of Burlington. The review will follow receipt of the fiscal year-end financial statements and will result in the loan being 'risk rated' based upon RCEDC's review. ~~, the year-end progress reports,~~

~~and site visits. A report on the~~ The loan ~~review risk rating~~ shall be in the file and may include review of address the following: timeliness of monthly payments, ~~condition of collateral securing the loan and status of security documents (i.e. mortgages, UCC filings)~~; overall financial condition of the business; the presence of material liens or lawsuits, ~~and~~ violations of loan covenants and suggested corrective actions.

If the business is experiencing problems with any of the above criteria, the RLF Administrator is to work with the loan recipient to identify actions that are needed to correct the identified deficiencies, including possible restructuring of the loan to protect the City of Burlington's interest and meet the needs of the business.

In the event the findings of the loan review suggest serious problems, particularly if the loan is at risk for default, RCEDC will cooperate with the RCEDC attorney and the City of Burlington attorney in order to initiate steps necessary to protect the loan and to insure the maximum repayment of the balance due. Corrective actions may be achieved through restructuring or if necessary, foreclosure.

## 2.4 ADMINISTRATION

Reasonable administrative funds may be withdrawn with City approval from the ~~RLF-TID~~ Burl RLF to cover personnel costs and other administrative expenses should they be required. ~~Local Burl RLF~~ funds may be used in situations when loan repayments are insufficient to cover administrative costs. ~~Administrative expenses up to fifteen (15) percent of program income may be used for direct loan administrative costs.~~ In addition to paying costs for the RLF administrator, these funds may be used for the following:

- Legal costs.
- Consulting fees for credit analysis, business plan reviews and technical assistance.
- Office supplies, copying, typing, mailing, and related expenses.
- Training costs.

The ~~City of Burlington will also require the~~ following fees are required for the program:

- Loan Processing Fee ~~Processing Fee~~ - An amount equal to 1.5% of the loan amount ~~not to exceed \$2,000.~~
- Loan Servicing Fee - A monthly loan servicing fee equal to one-half of one percent (.005%) of the monthly loan payments.
- ~~Out-of-Pocket Fees~~ - All out-of-pocket expenses including but not limited to legal fees related to closing or servicing the loans will be the responsibility of the Borrower. determining the value of collateral and perfecting security interest of the City of Burlington's and other fees to cover charges directly related to either processing an application or servicing a loan, including but not limited to, appraisals, title reports, lien searches, credit reports, UCC filing fees and Register of Deeds fees. All fees collected go to the RLF-TID. The accounting of the fee revenue placed in the RLF-TID will include separate line items to track administrative

~~expenses recovered.~~

•

- ~~Closing/Legal Fees—A fee of \$800 for the preparation the loan agreement, the note, all security agreements and related documents as required by the authorization will be charged on loans of \$50,000 or more. A fee of \$250 will be charged on loans of less than \$50,000.~~

### SECTION 3. ELIGIBILITY CONSIDERATIONS

Note: All eligibility criteria are intended to be guidelines and subject to the discretion of the Burlington City Council.

#### 3.1 ELIGIBLE AREA

The area served by the ~~RLF—TID~~Burl RLF program ~~shall be within the Tax Incremental District (TID) Number three of~~is the City of Burlington.

#### 3.2 ELIGIBLE APPLICANTS

1. Applicants shall be any business wishing to establish a new operation, expand an existing operation or construct or improve a facility for lease to business (es) located in the Eligible Area and which comply with the Program Requirements (Section 3.6).
2. Applications may be submitted by the sole proprietor, managing partner, managing member or Chief Executive Officer of any business wishing to establish a new operation, expand ~~an existing~~an existing operation or construct or improve a business facility within the Eligible Area.
3. No member of the governing body, the RCEDC ~~Loan Committee~~Loan Advisory Committee, or any other official, employee, or agent of the City of Burlington who exercises decision-making functions or responsibilities in connection with the implementation of this program is eligible for financial assistance under this program.
4. No program loans will be made which are in conflict with Section 946.13 of the Wisconsin Statutes (Private Interest in Public Contract Prohibited).
5. Applicants shall not be disqualified based on age, race, religion, color, handicap, sex, physical condition, development disability as defined in s. 51.01(5), sexual orientation or national origin.

#### 3.3 ELIGIBLE ACTIVITIES

Program loans shall be available to eligible applicants for the following activities:

1. The acquisition of land and buildings.
2. Machinery and equipment acquisition, furniture and fixtures.

3. Site preparation and the construction or reconstruction of buildings or the installation of fixed equipment.
4. Clearance, demolition, removal of structures, rehabilitation and renovation of buildings, facade renovation and other such improvements.
5. Leasehold improvements, where the lease period is for the term of the ~~RLF-TID~~Burl RLF loan ~~or five years, whichever is less.~~
6. Business acquisition through purchase of assets or stock.
7. The payment of fire suppression expenses or assessments for sewer, water, street, and other public utilities if the provision of the facilities will directly create or retain jobs.
8. Working capital.
9. Training costs related to the jobs created or retained as a result of the ~~RLF-TID~~Burl RLF loan.
10. Mixed Use Buildings are eligible for Burl RLF financing. Improvements to the residential portion will be considered where safety improvements are needed.
- ~~10.11.~~ Other costs which represent opportunities to further the goals and objectives of development in the TID-City of Burlington's Strategic Plan.

### 3.4 INELIGIBLE ACTIVITIES

Program loans shall not be available for the following activities:

1. Refinancing or consolidating of existing debt.
2. Reimbursement for expenditures made more than nine months prior to a complete loan application being received, unless the time limit is extended or waived by the ~~Community Development Authority~~City of Burlington for good cause.
3. Specialized equipment that is not essential to the business operation.
4. Residential building construction or reconstruction (unless such reconstruction is intended to convert the building or a portion of the building to a business or industrial operation).
5. Routine maintenance.
6. Other activities that the Loan Review Committee may identify during the administration of the program.

### 3.5 INELIGIBLE BUSINESSES

Program loans shall not be available for the following businesses:

1. Speculative investment companies.
2. Lending institutions.
3. Gambling operations.
4. Non-public recreation facilities.
5. Other businesses not serving the interests of the City of Burlington.

### 3.6 PROGRAM REQUIREMENTS

To be eligible for funding, a proposed project ~~must~~would ideally meet ~~all of~~ the following minimum requirements:

1. Private Funds Leveraged. ~~Generally, t~~The applicant must leverage a minimum of one dollar (\$1.00) of private funds for every one dollar (\$1.00) of loan funds requested. Lower leverage would be permitted at the discretion of the RCEDC Loan Review Committee and Burlington City Council. Private funds used to leverage the ~~THD~~Burl-RLF loan may be used for any eligible project costs or renovations or improvements to residential portions of the project real estate. Consideration of private funds towards any other ineligible project costs as leverage of the ~~THD-Burl~~ RLF would require approval of the Community Development Authority~~City of Burlington~~.<sup>2</sup>
- ~~2. Community Benefits~~. Applicants must demonstrate the project will benefit the community ~~through one or more of the following:~~
  - ~~(a) tax base enhancement;~~
  - ~~(b) there is a predetermined need for the applicants type of business to be located in the THD; and~~
  - ~~1.2. (c) At least one (1) full time permanent position or full time equivalent must be created or retained for every \$35,000 of program funds requested. The jobs shall be created within a period of 24 months following the closing of the loan and shall be maintained for a minimum of 12 months by meeting one or more of the objectives listed in Section 1.2 of this Policy Manual.~~

The City of Burlington reserves the right to waive the above requirements.

3. Financial Feasibility and Business Viability. The applicant must demonstrate that the proposed project is viable and the business will have the economic ability to repay the funds.
4. Project Completion. Projects shall be completed within 12 months from the date of the loan approval unless prior approval is given by the Community Development Authority~~RCEDC Loan Advisory Committee~~. Applicants shall provide ~~the City of Burlington~~ a project implementation schedule ~~not exceeding 24 months for project completion and job creation~~.
5. Records. Loan recipients will maintain those records that are necessary for the City or its designated agent, to determine if the performance of the business complies with the terms of the loan agreement. The records ~~will~~may include, but may not be limited to, purchase orders,

invoices, records of payments, canceled checks, ~~and~~ payroll records and/or business certifications indicating the number of new or retained employees as a result of that are a part of the Project. The City or its designated agent will have access to all records pertinent to the Project for the purposes of examination and transcription.

6. Compliance With Applicable Laws. Applicants shall comply with all applicable local, state, and federal laws and codes.
7. Nondiscrimination. Recipient businesses will not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, or handicap.

## SECTION 4. TERMS AND CONDITIONS

### 4.1 TERMS AND CONDITIONS

Loan terms and conditions shall be structured on need and ability to repay. Minimum standards shall include the following:

1. Loan Amount. Loan amounts are subject to the availability of program funds, and to the following guidelines. A ~~minimum loan size of \$2,500 and a~~ maximum loan size of \$100,000 for each borrower. Loan amounts may be higher if the project is determined to be of significant economic impact and is so designated by the City of Burlington. ~~Unless a loan is so designated, aggregate RLF-TID loans outstanding to any single borrower or related borrowers shall not exceed the maximum loan amount. Related borrowers shall include companies with common ownership where the principal owners or their immediate family directly or indirectly control at least 50% of the company's voting stock.~~
2. Interest Rate. Loans shall be subject to a minimum interest rate of fifty percent (50%) of the current prime rate as published in the Wall Street Journal at the time of application. The maximum interest rate shall be the prime rate of interest plus 2%, as published in the Wall Street Journal at the time of loan application. The interest rate shall be established by the RCEDC Loan Advisory Review Committee, taking into consideration the borrower's ability to repay, the desirability of the borrower and the project relative to the ~~TID-Burl RLF~~ economic development goals, and the availability and cost of other financing alternatives available through private financial institutions. The interest rate will be fixed for the term of the loan or may be variable, based upon criteria established by the RCEDC ~~Loan Committee~~ Loan Advisory Committee, except as provided in section 3.6(4). (Penalty for the Failure to Create or Retain Jobs)
3. Terms for Loans. Loan terms and amortization schedules should not exceed the useful life of the collateral.
  - Working capital loans shall have a maximum term of seven years.
  - Loans for machinery, equipment and fixtures shall have a maximum term of ten years.
  - Real estate loans shall have a maximum term of 12 years which can be amortized on a

20-year basis with the option of refinancing for an additional eight years.

Amortization schedules shall be set up for monthly payments. At the option of the ~~Loan Committee~~Loan Advisory Committee, amortization ~~schedules-periods~~ may be longer than the loan term, with the balance of the loan to be paid as a balloon payment or by refinancing at an interest rate which the ~~Loan Committee~~Loan Advisory Committee determines to be appropriate.

4. Deferral of Payments. Payment of interest and/or principal may be deferred for up to one (1) years if merited in the loan application. Interest shall accrue during the deferment period and may be paid in full or added to the principal amount of the loan. Following the deferral period, interest and principal shall be paid for the remaining term of the loan.

5. Grants. Grants of up to \$15,000 may be granted by the City of Burlington City Council for those projects to be determined to have a significant community impact. Grants would be determined on a case-by-case basis as deemed appropriate by City Staff and City Council. If City Staff is in support of a grant request, RCEDC Staff and the RCEDC Loan Advisory Committee will review the request from the applicant and make a recommendation to City Council. The presentation would include the following for the City to consider:

- Description of project;
- Extent to which the project meets these Program Objectives and other eligibility criteria for funds as described within this Policy Manual; and
- Confirmation that the Borrower is current with all tax obligations and has no financial concerns that may be found in RCEDC public records checks and review of financials.

No more than 30% of available funds will be allocated towards grants annually with the remaining 70% allocated towards loans. This will be reviewed annually by City Council.

~~5.6.~~Prepayment. Borrower may prepay the loan in full or in part at any time without penalty.

~~6.7.~~Collateral. The City of Burlington will seek to have the best collateral position possible to ensure that ~~RLF-TID~~Burl RLF loans are adequately secured. The collateral requirements will be determined on an individual basis by the RCEDC ~~Loan Committee~~Loan Advisory Committee and may include: mortgages and/or liens on land, buildings, machinery, equipment, accounts receivable, inventory or other assets of value owned by the borrower, principal owners, other co-borrowers or guarantors. The collateral position of the ~~RLF-TID~~Burl RLF may be subordinated to private sector financial institutions participating in the project, if approved by the ~~Loan Committee~~Loan Advisory Committee. Personal guarantees from the principals of the business will may be required. In addition, life insurance coverage on the principal owner naming the City as ~~assignee, with a declining balance equal to the outstanding loan balance will~~assignee -also may also be required but more typically in cases of a collateral shortfall where the Burl RLF loan size exceeds \$100,000.

~~7.8.~~Insurance. Businesses receiving loans secured by real estate and fixed assets will be required to obtain property-casualty insurance equal to the amount of outstanding loan balance and have the City of Burlington -listed as a mortgagee and/or; loan loss-payee ~~or an additional insured~~ on

the insurance policy. Proof of insurance with appropriate endorsement or coverage documents will be requested ~~by the City~~ prior to the closing of the loan.

## SECTION 5. APPLICATION PROCEDURES

### 5.1 DISCUSSION OF REQUIREMENTS

Prior to submitting an application, the applicant shall discuss the program with the ~~Loan~~ RLF Administrator. The RLF Administrator shall assist the applicant, as is reasonably necessary, in completing the application. All financial information will be kept in a secured place with limited access by authorized personnel only.

### 5.2 PRIORITY

Applications shall be reviewed in the order received and based on readiness for the proposed project to proceed. The Administrator of the City of Burlington and the staff of the RCEDC ~~will, on a semi-annual basis, determine~~ will determine whether sufficient funds are available in the ~~RLF~~ —THD Burl RLF to accept applications for new business loans. ~~Following a determination on the availability of funds, the Administrator will determine the best methods for and RCEDC will promote the Burl RLF as to~~ -advertising the availability of the funds to the business community.

In the event that loan funds requested exceed available funds, the following criteria will be used to determine which business(es) will be awarded the loan(s):

1. Eligibility of the applicants.
2. Eligibility of the project to be undertaken.
3. The extent to which private funds are to be leveraged.
4. The extent to which jobs are to be created, and the type jobs and wages.
5. The extent to which the loan can be secured.
6. Evidence of ability to repay the loan.
7. Size of the loan requested.
8. Timing of the proposed expenditures.
9. Completeness of application.
- ~~9.~~10. The extent to which the applicant meets the City's Strategic Plan.
- ~~10.~~11. Other factors as deemed appropriate.

### 5.3 TIMING

Applications may be submitted at any time during the calendar year.

### 5.4 LOAN APPLICATION

Applicants shall submit an application using the Burl RLF application forms which may require and business plan using the form available from the RLF – TID Program and that includes the following be included:

1. Project description of how the business plans to use the requested funds.
2. A business plan that includes the history and description of the business and analysis of management ability.
- ~~3. Personal History Statement for each officer and director (regardless of ownership) and each proprietor, partner member or stockholder with 20% or more ownership of the small business concern (SBC) and, if different, each owner with 20% or more ownership of the alter-ego.~~
- ~~4.3. Personal Financial Statement current within 90 days for each proprietor, partner member or stockholder with 20% or more ownership of the SBC operating business concern, and, if different, each owner with 20% or more ownership of the alter-ego of any eligible passive company used to hold the project real estate.~~
- ~~5.4. Resumes of owners and -anythe principals involved in the day-to-day management.~~
- ~~6.5. Accountant prepared B-balance sheet and income statements for the previous three years for the SBC operating business concern. Please attach the accountant's report for further explanation.~~
- ~~7.6. A balance sheet and income statement dated within 90 days of the application with an aging of the accounts receivable and accounts payable listed.~~
- ~~8.7. Accountant prepared annualized Financial projections, including both balance sheet and income statements for the first two years with a description of the assumptions attached.~~
- ~~9.8. For a new business, a monthly cash flow analysis for the first 12 months of operation or three months beyond break even, (whichever is longer) together with a description of assumptions attached.~~
- ~~10.9. A schedule of debts which includes the original amount, date, monthly payment, interest rate, present balance, maturity, to whom payable and collateral.~~
- ~~11.10. The names of affiliated (through management control) or subsidiary businesses as well as the last two fiscal year-end financial statements and a current financial statement for each of these firms.~~

- | ~~12.11.~~ A copy of key cost documents related to the project such as real estate purchase agreements, contractor cost estimates, equipment costs, etc.
- | ~~13.12.~~ An accepted offer to purchase ~~d~~ land and/or buildings ~~or a pre-lease agreement.~~
- | ~~14.13.~~ If applicable, a copy of the existing or proposed lease agreement.
- | ~~15.14.~~ An independent appraisal for construction projects on an "as completed basis" and otherwise as required.
- | ~~16.15.~~ Environmental analysis, if applicable.
- | ~~17.16.~~ A letter from the participating lender stating the terms and conditions of its participation ~~and the reason why it will not finance the entire project.~~
- | ~~18.17.~~ A resolution from the Board of Directors of the borrower authorizing it to borrow or (if applicable) a Partnership Borrowing Agreement.
- | ~~19.18.~~ If applicable, corporate documents, including but not limited to Articles of Incorporation, Corporate By-laws, etc.

The ~~City of Burlington~~ RLF Administrator reserves the right to waive one or more of the above requirements for loans less than \$50,000 when analyzing the loan request for a recommendation to the RCEDC Loan Advisory Committee and City of Burlington.

## 5.5 REVIEW PROCESS

Specific steps in the review process include the following:

1. Preliminary Review. The RLF Administrator will review the application for completeness and verify that the proposed project meets the minimum requirements provided in Section 3.6. If the application is not complete, the Administrator will inform the applicant of the deficiencies.
- | 2. Formal Review. The RCEDC ~~Loan Committee~~ Loan Advisory Committee will meet to review applications of \$15,000 or more within applications within 30 days of the receipt of a completed application or at some other predetermined schedule. ~~The RCEDC Staff will meet to review applications of less than \$15,000 within 30 days of the receipt of a completed application.~~ Once the review is completed and the proposal is acceptable for funding, the RCEDC ~~Loan Committee~~ Loan Advisory Committee or Staff will forward the proposal to the City of Burlington ~~Community Development Authority~~ Common Council for final approval.
- | 3. Negotiation of Terms. Upon the acceptance by the City of Burlington, the RLF Administrator will contact the business in writing to review and explain the terms of the loan.
4. Notice of Award. If the application is approved, a closing will be scheduled to execute the necessary loan documents.
- | 5. Rejection of Award. If the application is not approved, the RLF Administrator will send a

letter to the applicant stating the reasons for rejection and offer to meet with the applicant to explore ways to strengthen the loan request or to identify alternative funding sources.

## SECTION 6. DISTRIBUTION OF FUNDS

### 6.1 LOAN PROCEDURES

Prior to releasing funds, the following documentation must be in place or provided at the appropriate time during the term of the loan.

1. Notice of Award. The RCEDC Loan-Review Committee and City of Burlington must have reviewed and approved ~~athe loan request-complete application for an eligible applicant.~~
2. Loan Agreement. The RCEDC attorney or ~~designee, designee~~ shall prepare a loan agreement which shall be executed by the ~~Mayor of the~~ City of Burlington and ~~the Chief Executive Officer of the business~~ the Borrower.
3. Promissory Note. A promissory note shall be prepared by the RCEDC attorney and signed by the Borrower at the time of loan closing. The note must be dated; it must reference the agreement between the City of Burlington and the business; and it must specify the amount and repayment terms of the loan.
4. Security. Agreements provided as security for all loans shall be prepared by the ~~RCEDC attorney~~ RCEDC attorney and executed at the time of the loan closing. The ~~Loan-RLF~~ Administrator shall record the instrument and place a copy in the project-loan file.
- ~~—~~ Repayment Schedule. A loan repayment or amortization schedule shall be prepared by the RLF Administrator after the loan proceeds are fully disbursed. The repayment schedule shall be dated and signed by ~~both the CEO and the Chief Executive Officer of the business~~ the Borrower. ~~At that time, the repayment schedule shall be attached to both party's copies of the agreement.~~
5. Evidence of Permits. Documentation must be provided by the applicant that all necessary permits, licenses, and any other registrations required have been obtained by the applicant prior to the release of program funds.
6. Evidence of Expenditures. Documentation must be provided by the business to evidence program expenditures prior to the release of funds. Documentation shall include bills and invoices or receipts for materials, final bills of sale or canceled checks. All documentation shall be reviewed and approved by the RLF Administrator.
7. Fixed Equipment. ~~Fixed-e~~ Equipment financed with program funds must have been purchased, delivered, and installed, prior to final disbursement of the ~~RLF-TID Burl~~ RLF funds. The RLF Administrator shall verify the installation of ~~fixed~~ equipment.

With the above documentation in place, the RLF Administrator will schedule a loan closing. All

documents will be executed before funds are disbursed and mortgages and UCC Statements shall be recorded with the Register of Deeds and the Department of Financial Institutions.

## SECTION 7. POST APPROVAL REQUIREMENTS

### 7.1 OBLIGATION OF LOAN RECIPIENT

In addition to the terms and conditions of the loan, all borrowers shall agree to comply with the following:

1. The creation or retention of the agreed upon number of jobs within an agreed upon period of time detailed within the~~24 months of the date of the execution of the~~ loan agreement ~~with the City of Burlington.~~
2. Not to discriminate on the basis of age, race, religion, color, handicap, sex, physical condition, development disability as defined in s. 51.01(5), sexual orientation or national origin in any employment or construction activity related to the use of the business loan funds.
3. To use the loan money only to pay the cost of services and materials necessary to complete the project or activity for which the loan funds were awarded.
4. To permit inspections by persons authorized by the City of Burlington, of all projects and properties assisted with loan funds. Related project materials shall also be open to inspections which include, but may not be limited to, contracts, materials, equipment, payrolls, and conditions of employment. Requests for inspection shall be complied with by the borrower.
5. To maintain records on the project as may be requested by the City of Burlington or the Loan Administrator. These files shall be maintained as long as the loan is active or for at least three (3) years after completion of the work for which the loan has been obtained, whichever is longer.
6. To submit periodic progress reports to the Administrator in accordance with the schedule in the loan agreement. These reports shall report on project progress including number of jobs created or retained during the loan agreement.
7. To maintain ~~fire and extended coverage~~ insurance on the project property required during the term of the loan. The City of Burlington shall be listed as Loan Loss Payee ~~and/or~~, Mortgagee, ~~or "additional" insured~~ on the policy as determined by the RLF Administrator. ~~Term-A collateral assignment of lifelife~~ insurance may be required of the applicant ~~to cover the loan balance through the life of the loan.~~

## SECTION 8. PERFORMANCE MONITORING

### 8.1 PRIVATE LEVERAGE COMMITMENTS

The RLF Administrator shall monitor the use of the funds and expenditure of private leverage commitments. Documentation may include invoices or receipts for materials and supplies, letters from lenders, final bills of sale, and/or canceled checks.

## 8.2 HIRING OF NEW EMPLOYEES

The RLF Administrator shall monitor the borrower's progress in meeting the specific loan criteria.

## 8.3 DEFAULT

1. In addition to the grounds specified in the loan agreement, the following shall be considered default:

- (a) Defaulting on other loans with private lenders.
- (b) Cessation of operations or relocation of operations from the Eligible Area.
- (c) Sale of the business.

2. In the event the business is in default on any of the terms and conditions of the loan agreement, all sums due and owing, including penalties shall, at the City of Burlington's option, become immediately due and payable. To exercise this option, the RCEDC's attorney shall prepare a written notice to the business. The notice shall specify the following:

- (a) The default.
- (b) The action required to cure the default.
- (c) A date, not less than thirty (30) days from the date of the notice, by which the default must be cured to avoid foreclosure or other collective action.
- (d) Any penalties incurred as a result of the default.

## SECTION 9. USE OF LOAN REPAYMENTS AND REPORTING

### 9.1 ~~RLF-TID~~BURL RLF ACCOUNT

Repaid ~~RLF-TID~~Burl RLF loan funds shall be deposited into an interest bearing account at a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) and may be reloaned in a manner consistent with the policies of the ~~RLF-TID~~Burl RLF Manual. A separate accounting record for each loan shall be kept to account for all funds loaned. (Section 10.2(b)).

~~The RLF-TID account shall be audited on an annual basis and the Administrator shall report at the end of calendar year of the program to the City of Burlington regarding the use of program income.~~

## SECTION 10. LOAN SERVICING

### 10.1 MONITORING

The RLF Administrator shall monitor each loan to ensure compliance with the loan terms and conditions and the financial health of the business to insure continued repayment of the loan. The monitoring will also ensure that all recordkeeping requirements are met, particularly in regard to job creation and expenditures of matching funds.

The RLF Administrator will notify the loan recipient in writing of any payment deficiency and the action that will be taken should the payment not be made. Should there be a late ~~payment, payment~~; the RLF Administrator will contact the loan recipient to determine the reason for the delayed payment. Contact may need to be made with other participating lender(s) to determine if their loans are current and to alert the lender of a potential problem. All payments shall be applied first to accrued late payment penalties, then to interest accrued, and then to principal.

A loan servicing file, repayment monitoring file and “tickler” file shall be established and maintained for each loan recipient to insure complete, accurate and timely information on the status of the loan. The files will include records of all payments, observations and comments of the RLF Administrator, all written correspondence, a record of important ~~telephone~~ conversations, a list of applicable loan covenants, certificates of insurance ~~for builders risk, property casualty,~~ and life insurance, as applicable; and documentation for job creation and retention ~~including low and moderate income certifications forms.~~ (Section 2.3)

## 10.2 RECORDKEEPING

The RLF Administrator shall maintain the following financial management records will be comprehensive and designed to provide the following information:

- (a) Revolving Loan Funds Status Report. - Contains the business name, loan date, loan amount, terms, and date repayment begins.
- (b) Revolving Loan Fund Obligations Journal. - records all deposits and disbursements to and from the ~~RLF-TID Burl RLF~~, including funds used for ~~RLF-TID Burl RLF~~ administration. (See Appendix)
- (c) ~~RLF-TID Burl RLF~~ Loan Repayment Register Records. - records repayments made by each business which has received a loan from the ~~RLF-TID Burl RLF~~. It also tracks the balance of repayments from all loans from the ~~RLF-TID Burl RLF~~. Payments are divided into principal and interest payments with a declining principal balance.



DATE: February 20, 2019

SUBJECT: **RESOLUTION 4935(37)** - To approve a Final Plat and Development Agreement for the proposed Glen at Stonegate Subdivision, Addition No. II.

SUBMITTED BY: Megan Watkins, Assistant City Administrator | Zoning Administrator

**BACKGROUND/HISTORY:**

Birchwood Realty and MC Home Builders met with City staff May of 2018 with their intention of developing the vacant lot north of the existing Glen at Stonegate Subdivision. This 23-acre lot, owned by Birchwood Realty, LLC, is considered Addition No. II of the Glen at Stonegate Subdivision and the final phase of this residential development project.

The Final Plat submitted by Birchwood Realty, LLC for the Glen at Stonegate, Addition No. II proposes to develop thirty single-family lots. The original subdivision and Addition No. I contain 63 lots, which are nearly all built out.

The proposed residential lots for Addition II range in size from 11,094 square feet to 56,989 square feet. The larger proposed lots contain primary environmental corridor, wetlands, and a drainage easement. The proposed outlot is 124,184 square feet in size, located in the southeast corner of the proposed addition, and consists of a storm water pond, wetland, environmental corridor, and a drainage easement.

The Plan Commission discussed and approved this Final Plat at their February 12, 2019 meeting.

Per Chapter 278 of the Municipal Code, a final plat and development agreement is the last step in the approval process with the subdivision addition.

**BUDGET/FISCAL IMPACT:**

The Developer shall deposit with the City an irrevocable letter of credit, in an amount equal to 115% of the City Engineer's estimate of the total cost of installation of public construction, in the amount of \$1,037,411.55. The letter of credit shall be required in lieu of a surety bond required under the provisions of the Municipal Code.

**RECOMMENDATION:**

The Plan Commission recommended approval of the final plat at their February 12, 2019 meeting.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the February 20, 2019 Committee of the Whole and scheduled for final consideration at the March 5, 2019 Common Council meeting.

**Attachments**

- Res 4935(37) Stonegate Addition II
- Final Plat
- Development Agreement
- Letter of Credit Memo
- Declaration of Restrictive Covenants



**A RESOLUTION APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR  
THE PROPOSED GLEN AT STONEGATE SUBDIVISION ADDITION NO. II**

**WHEREAS**, the Plan Commission of the City of Burlington, at its meeting of February 12, 2019 did review the Final Plat for The Glen at Stonegate Subdivision, Addition II, owned by Birchwood Realty, LLC for property located north of the existing The Glen at Stonegate Subdivision. The property is on parcel 206-03-19-22-009-000 located at 2500 S. Teut Road; and,

**WHEREAS**, the Plan Commission did recommend conditional approval of the Final Plat for The Glen at Stonegate Subdivision, Addition II at the February 12, 2019 meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the Final Plat for The Glen at Stonegate, Addition No. II prepared by Chaput Land Surveys, bearing the date of October 12, 2018; consisting of two sheets and attached hereto as Attachment "A" and the Development Agreement for The Glen at Stonegate, attached hereto as Attachment "B" are hereby conditionally approved upon the following:

1. Execution of the developer's agreement; provision of all deposits required in the developer's agreement, financial guarantees; easement documents; Deeds, Covenants, Restrictions and the letter of credit in an amount and form accepted by the City Attorney.

**BE IT FURTHER RESOLVED** that said Final Plat for The Glen at Stonegate Subdivision Addition No. II be rejected without further action of the Common Council if all the conditions and requirements of a conditional approval are not met within 180 days from the date of the Common Council's conditional approval of the Final Plat.

**BE IT FURTHER RESOLVED** that the City Clerk forward a copy of this resolution to the subdivider.

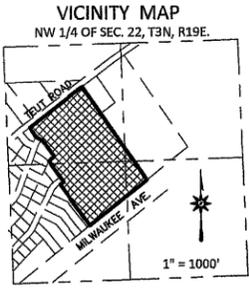
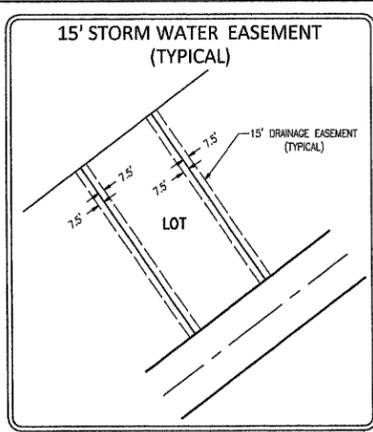
Introduced: February 20, 2019

Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk



# THE GLEN AT STONEGATE ADDITION NO. II

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

### LEGEND

- Indicates set 1.27" diameter iron rod, weight 4.303 lbs. per lineal foot, at least 18" in length.
- Indicates found 1.27" diameter iron rod.
- Unless noted all other lot corners have a 1" iron pipe, weight 1.68 lbs. per lineal foot, at least 18" in length, set.
- Ⓧ Indicates lands dedicated to the City of Burlington for street purposes.

### NOTES

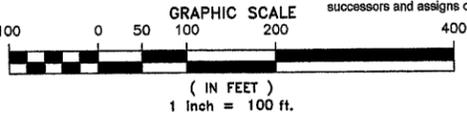
- Dimensions along curves are arc lengths.
- All dimensions are measured and shown to the nearest hundredth of a foot.
- Bearings are referenced to the West line of the Northwest 1/4 of Section 22, Town 3 North, Range 19 East, Wisconsin State Plane Coordinate System, South Zone N.A.D. 1927, which bears N01°56'41"W.
- Vertical Datum is based on N.G.V.D. 1929. Reference Benchmark is the West 1/4 corner of Section 22, T3N, R19E. Elevation = 766.66'
- Indicates wetlands as field delineated by Stantec, June 2018.
- Lots containing wetland areas to have deed restrictions to be determined by the City of Burlington.
- Denotes no vehicular access to Teut Road or Milwaukee Avenue.
- Outlot 7 is reserved for storm water management and is owned by a fractional ownership of each lot owner through a homeowners association.
- No grading, filling and excavation shall be permitted within the Primary Environmental Corridor as shown on the plat.
- No building or structure shall be erected within the Primary Environmental Corridor as shown on the plat.

### The UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by Birchwood Realty, Grantor, to WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies, Grantee, Wisconsin Bell, Inc. d/b/a AT&T Wisconsin, a Wisconsin corporation, Grantee, and CHARTER COMMUNICATIONS OPERATING, LLC, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



CURVE	LOT	ARC	RADIUS	CHORD BEARING	CHORD	DELTA	TANGENT BEARING	TANGENT BEARING
1	64	23.28'	208.00'	S49°35'56"W	23.27'	06°24'47"	N46°23'32"E	N52°48'19"E
2 N.	TOTAL	215.25'	133.00'	S80°49'51.5"E	192.51'	92°43'39"	N52°48'19"E	S34°28'02"E
2 N.	69	52.70'	133.00'	N64°09'23.5"E	52.36'	22°42'09"	N52°48'19"E	N75°30'28"E
2 N.	70	63.47'	133.00'	N89°10'45"E	62.87'	27°20'32"	N75°30'28"E	S77°09'00"E
2 N.	71	65.67'	133.00'	S63°00'16"E	65.01'	28°17'26"	S77°09'00"E	S48°51'34"E
2 N.	72	33.41'	133.00'	S41°39'48"E	33.32'	14°23'32"	S48°51'34"E	S34°28'02"E
2 CL	CL	161.84'	100.00'	S80°49'51.5"E	144.75'	92°43'39"	N52°48'19"E	S34°28'02"E
2 S.	89	108.43'	67.00'	S80°49'51.5"E	96.98'	92°43'39"	N52°48'19"E	S34°28'02"E
3 E.	TOTAL	202.58'	133.00'	S09°10'08.5"W	183.56'	87°16'21"	S34°28'02"E	S52°48'19"W
3 E.	75	28.61'	133.00'	S28°18'16"E	28.56'	12°19'32"	S34°28'02"E	S22°08'30"E
3 E.	76	62.23'	133.00'	S08°44'15"E	61.66'	26°48'30"	S22°08'30"E	S04°40'00"W
3 E.	77	93.51'	133.00'	S24°45'57"W	91.41'	40°11'55"	S04°40'00"W	S44°51'55"W
3 E.	78	18.43'	133.00'	S48°50'07"W	18.42'	7°56'24"	S44°51'55"W	S52°48'19"W
3 CL	CL	152.32'	100.00'	S09°10'08.5"W	138.02'	87°16'21"	S34°28'02"E	S52°48'19"W
3 W.	88	102.05'	67.00'	S09°10'08.5"W	92.47'	87°16'21"	S34°28'02"E	S52°48'19"W

REQUIRED SETBACKS	
SETBACK	DISTANCE (FT)
STREET	25
REAR	25
SIDE	8 MIN 20 TOTAL

This Instrument was drafted by Donald C. Chaput Professional Land Surveyor S-1316



**CHAPUT**  
LAND SURVEYS

234 W. Florida Street  
Milwaukee, WI 53204  
414-228-8066  
www.chaputlandsurveys.com

Sheet 1 of 2  
Drawing No. 2944-grb

**SURVEYORS CERTIFICATE**

I, Donald C. Chaput, a Wisconsin Professional Land Surveyor do hereby certify:

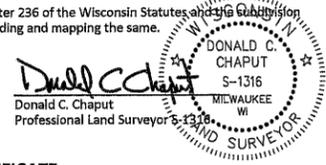
That I have surveyed, divided and mapped "The Glen at Stonegate Addition No. II", being part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin bounded and described as follows: Commencing at the Northwest corner of the Southwest 1/4 of said Section 22, thence South 01°52'37" East along the West line of said Southwest 1/4 Section of 41.67 feet to a point on the Northwesterly line of Milwaukee Avenue; thence North 51°36'09" East along said Northwesterly line 1138.41 feet to a point on the Easterly line of "The Glen at Stonegate Addition No. I" and the point of beginning of the lands hereinafter described; thence North 38°23'51" West along said Easterly line 572.49 feet to a point; thence North 52°48'19" East along said Easterly line 45.93 feet to a point; thence North 34°54'39" West along said Easterly line 284.41 feet to a point; thence North 48°10'13" East along said Easterly line 82.88 feet to a point; thence North 37°12'34" West along said Easterly line 294.12 feet to a point; thence Southwesterly 23.28 feet along said Easterly line and arc of a curve, whose center lies to the Southeast, whose radius is 208.00 feet, and whose chord bears South 49°35'56" West 23.27 feet to a point; thence North 34°29'05" West along said Easterly line 164.49 feet to the centerline of Teut Road; thence North 52°48'19" East along said centerline 743.96 feet to a point; thence South 34°28'02" East 1305.17 feet to a point on the Northwesterly right-of-way line of State Trunk Highway "83" and "36"; thence South 51°36'09" West along said Northwesterly line 794.35 feet to the point of beginning.

That such plat is a correct representation of all the exterior boundaries of the lands surveyed and the subdivision thereof made.

I further certify that I have made such a survey, land division and plat by the direction of Birchwood Realty, LLC.

That I have fully complied with the provisions of chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Burlington, in surveying, dividing and mapping the same.

Dated this 12TH day of October, 2018



**OWNERS CERTIFICATE**

Birchwood Realty, LLC, a Wisconsin limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that said limited liability company caused the land described on this Map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the the subdivision regulations of the City of Burlington, and Chapter 236 of the Wisconsin Statutes.

Birchwood Realty, LLC, does further certify that this map is required by S.236.20 or 236.12 to be submitted to the following for approval or objection:

- 1. The City of Burlington
2. The Wisconsin Department of Administration
3. Racine County, Wisconsin.
4. The Wisconsin Department of Transportation

IN WITNESS WHEREOF, Birchwood Realty, LLC, has caused these presents to be signed by the hand of \_\_\_\_\_, its \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018

In the presence of:

(Witness)

STATE OF WISCONSIN)
:SS
COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_ of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the \_\_\_\_\_ of said corporation and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires \_\_\_\_\_
My commission is permanent.

**CONSENT OF CORPORATE MORTGAGEE**

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedications of the land described in this plat and does hereby consent to the above certification of the owners.

IN Witness whereof said \_\_\_\_\_ has caused these presents to be signed by this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_ and its corporate seal to be hereunto affixed

STATE OF WISCONSIN)
:SS
COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_ of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the \_\_\_\_\_ of said corporation and acknowledged the same.

Notary Public
State of Wisconsin
My commission expires \_\_\_\_\_
My commission is permanent.

**CITY COUNCIL RESOLUTION**

Resolved that the plat of "The Glen at Stonegate Addition No. II" in the City of Burlington, Birchwood Realty, LLC, a Wisconsin limited liability company, owner is hereby approved by the City Council.

Approved \_\_\_\_\_ Jeannie Hefty - Mayor

Signed \_\_\_\_\_ Jeannie Hefty - Mayor

I hereby certify the foregoing is a copy of a resolution adopted by the City Council of the City of Burlington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Diahnn Halbach - City Clerk

**CITY TREASURER CERTIFICATE**

STATE OF WISCONSIN)
:SS
RACINE COUNTY)

I, Steve DeQuaker, being duly appointed, qualified and acting Treasurer of the City of Burlington, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of \_\_\_\_\_, 2018 affecting the lands included in the plat of "The Glen at Stonegate Addition No. II"

\_\_\_\_\_  
Date Steve DeQuaker - City Treasurer

**THE GLEN AT STONEGATE ADDITION NO. II**

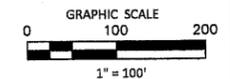
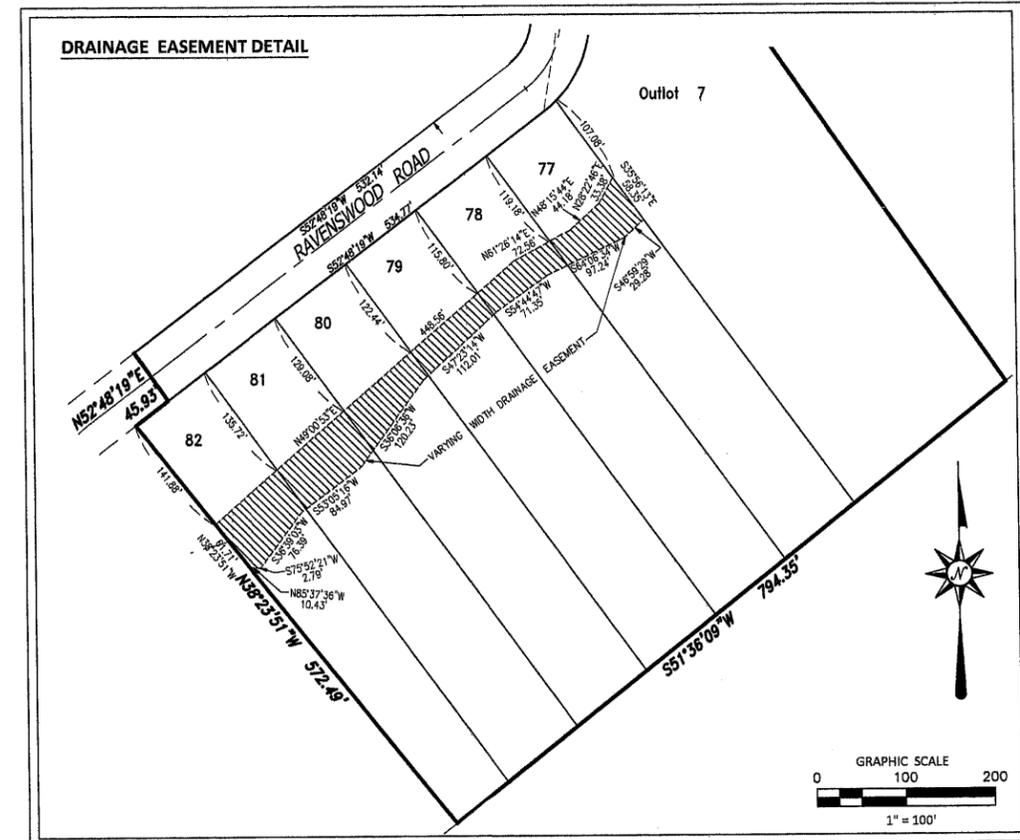
Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

**COUNTY TREASURER CERTIFICATE**

STATE OF WISCONSIN)
:SS
RACINE COUNTY)

I, Jane F. Nikolai, being duly appointed, qualified and acting Treasurer of the County of Racine, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of \_\_\_\_\_, 2018 affecting the lands included in the plat of "The Glen at Stonegate Addition No. II"

\_\_\_\_\_  
Date Jane F. Nikolai - County Treasurer



**CHAPUT LAND SURVEYS**

234 W. Florida Street Milwaukee, WI 53204 414-224-8068 www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput Professional Land Surveyor S-1316

Drawing No. 2944-grb

Sheet 2 of 2

THE GLEN AT STONEGATE, ADDITION NO. II  
A SUBDIVISION  
PLANNED UNIT DEVELOPMENT AGREEMENT

This Agreement is entered into by and between BIRCHWOOD REALTY LLC, a Wisconsin limited liability partnership (the "Developer") and the CITY OF BURLINGTON, a municipal corporation of the State of Wisconsin, located in Racine County (the "City").

RECITALS:

WHEREAS, the Developer is the owner of the following described real estate (the "Property"):

Part of the West ½ of Section 22, Township 3 North, Range 19 East of the Fourth Principal Meridian, and more particularly described as follows: Beginning at a concrete monument at the West ¼ corner of said Section 22, run thence south 02° 06' 31" East, along the west line of the Southwest ¼ of Section 22, 41.64 feet to the north line of State Truck Highway #36-83; thence north 51° 35' 30" East, along the north line of said Highway, 1933.05 Feet; thence north 34° 27' 57" West, 1305.30 feet to the center line of Loomis Road; thence south 52° 48' 19" West, along Loomis Road, 862.33 feet; thence south 50° 38' 49" West, along Loomis Road 111.67 feet; thence south 46° 43' 19" West along Loomis Road, 79.91 feet to the west line of the Northwest ¼ of Section 22; thence south 1° 56' 41" East, along the west line of the Northwest ¼ of Section 22, 1589.01 feet to the place of beginning. Excepting therefrom the following: Being a part of the Southwest ¼ of the Northwest ¼ of Section 22, Township 3 North, Range 19 East, more particularly described as follows: Commencing at the Southwest corner of said Northwest ¼; thence north 01° 56' 41" West, along the west line of the Northwest ¼, 144.38 feet to the place of beginning; thence continuing north 01° 56' 41" West, along said west line, 421.50 FEET; thence south 46° 34' 12" East, 299.99 feet; thence south 43° 25' 48" West, 296.09 feet to the place of beginning. Said land being in the City of Burlington, County of Racine and State of Wisconsin. Also excepting therefrom the following: Part of the Northwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 22, Township 3 North, Range 19 East, City of Burlington, County of Racine and State of Wisconsin, being more particularly described as follows: Commencing at the Northwest corner of the Northwest ¼ of Section 22; thence south 01° 56' 41" East along the west line of said Northwest ¼, 1116.25 feet to the point of beginning; thence south 48° 51' 35" East, 142.88 feet; thence south 41° 04' 56" West, 99.50 feet; thence south 48° 51' 35" East, 44.03 feet; thence south 41° 24' 36" West, 99.50 feet to said west line of said Northwest ¼; thence north 01° 56' 41" West, along said west line, 273.08 feet to the point of beginning. Also excepting therefrom the following: Lots 32-63 and Outlot 6 of the Glen at Stonegate Addition Number One, according to the recorded plat thereof, recorded as Document No. 2101133. Also excepting therefrom the following: Being a combination of Lot 14 and a 1/31 interest in Outlots 1, 2 and 5, the Glen at Stonegate, recorded in the Racine County Register of Deeds, in the Southeast ¼ of the Northeast ¼ of Section 21, Town 3 North, Range 19 East, and unplatted lands in the Government Lot 4, Section 22, Town 3 North, Range 19 East, City of Burlington, County of Racine and State of Wisconsin, more particularly described below: Commencing at the Northeast corner of Lot 48, in the Glen at Stonegate No. 1, a recorded subdivision in Racine County Register of Deeds, said corner being the point of intersection of the Southerly right-of-way line of Stonegate Road, and the west line of said Government Lot 4; thence south 43° 25' 49" West, along said southerly right-of-way line, 107.38 feet to the point of beginning, said point being the Northwest corner of Outlot 3 in said subdivision; thence south 46° 34' 12" West, along the southwesterly line of said outlot and the southwesterly line of Lot 48 in said subdivision, 157.01 feet to the southeast corner of said Lot 48, said corner being in the Northwest corner of Lot 47 in said subdivision; thence south 43° 25' 48" West, along the northwesterly line of said Lot 47

and the south line of Lot 14 in the Glen at Stonegate Subdivision, 100.01 feet to the west line of said Lot 14; thence north 46° 34' 12" West along the west line of said Lot 14, 157.00 feet to the southerly right-of-way line of Stonegate Road, said corner being in the Northwest corner of said Lot 14; thence north 43° 25' 48" East, along said southerly line, 100.00 feet to the point of beginning. Also excepting part of the Southwest ¼ of the Northwest ¼ of Section 22, Township 3 North, Range 19 East of the Fourth Principal Meridian, in the City of Burlington, recorded in the County of Racine on September 27, 2017 as Document No. 2475684, State of Wisconsin and being more particularly described as follows: Commence at the Northwest corner of said Section 22; thence south 01° 56' 41" East along the west line of said Northwest ¼ Section 22, 1389.34 feet to the Southwest corner of Lot 61 of the Glen at Stonegate Addition No. 1, a subdivision of record in the Office of the Register of Deeds in and for Racine County, Wisconsin and the place of beginning of this description; thence south 48° 51' 35" East along the southerly line of said Lot 61, 53.00 feet to the Northwest corner of Lot 62 of said subdivision; thence south 43° 16' 15" West along the westerly line of said Lot 62, 54.54 feet to a point on the west line of said Northwest ¼ Section 22; thence north 01° 56' 41" West along said west line 74.62 feet to the place of beginning.

WHEREAS, the Developer desires to develop the Property for single-family residential purposes; and

WHEREAS, based upon the recommendation of the Planning Commission of the City, the Common Council of the City resolved that the General Development Plan and Preliminary Plat for the Subdivision be conditionally approved subject to various conditions including the approval and filing of the Final Plat of Subdivision; and

WHEREAS, the Planning Commission of the City has recommended approval of the Final Plat of Subdivision and this Development Agreement; and

WHEREAS, the Common Council of the City has approved the Final Plat of Subdivision for The Glen at Stonegate, Addition No. II on the condition that the Developer enter into this Development Agreement with the City relative to the manner and method by which the Property is to be developed; and

WHEREAS, the Developer agrees to develop the Property as herein described in accordance with this Agreement.

## AGREEMENTS SECTION I- GENERAL

- A. Required Plans. The Developer has presented to the City its Final Plat, prepared by Chaput Land Surveyors, containing two sheets, dated October 12, 201, for the Subdivision and other documentation including, but not limited to a Plan Set for the Glen at Stonegate, Addition No. II, prepared by Stantec Engineering, containing twenty-four sheets, dated September 4, 2018, (the "Plan Set"), all of which are incorporated herein by reference, for the proposed development of the Property. All references in this Agreement to various Plans and/or plan requirements shall refer to the Plan Set and any other specific plans referenced herein and presented to the City. The City and the Developer agree that the provisions of this Agreement shall apply to the Subdivision development to undertaken by the Developer.

- B. Compliance with Code. The Developer, entirely at its own expense, shall construct and install all improvements and provide all plans, specifications and other documents in accordance with the provisions of this Agreement and the provisions of the Municipal Code of the City of Burlington. The Developer shall award contracts for and install all of said improvements in accordance with the City's standard engineering and public works practices, and the applicable statutes of the State of Wisconsin; such contract specifications being subject to the approval of the City Engineer.
- C. Required Plans. The Developer has provided a detailed Plan Set, including site grading and utility plans for the Property, and shall develop and construct the subdivision in accordance with the Plan Set and related site grading and utility plans, as well as any other plans required by the City for the Subdivision. The Developer shall provide such other engineering and landscaping plans as may be reasonably requested and/or required by the City; which additional plans shall be subject to City approval.
- D. Existing Flora. The Developer shall make reasonable efforts to protect and retain all existing trees not actually lying within proposed roadways, easement areas, drainage ways, building foundation sites, sidewalks, or driveways. Such trees are to be reasonably protected and preserved during construction in accordance with sound conservation practices, including the practical preservation of trees by use of walls or islands or retaining walls wherever abutting grades are altered.
- E. Archive Recording Documents. Non-diazo, double matte mylar (0.004" minimum thickness) reproducible copies of all final plans supplied by the Developer to the City shall include as-built elevations, lengths and other pertinent information for sanitary sewer, storm sewer and water main improvements. Each original or copy shall be certified by the Developer's engineer. The Developer will supply "as built" and street plans in electronic format compatible with the City's data storage system.
- F. Utility Alignment. Sanitary sewers, water mains and storm sewers shall each be designed and laid out in accordance with the Utility Plan presented by the Developer and approved by the City Engineer. Utilities shall be constructed within the confines of easements granted to the City as hereinafter set forth.
- G. Improvement Standards. The Developer hereby agrees to use materials and make the various installations in accordance with the approved plans and specifications as hereinafter set forth, including those standard specifications as the Common Council or its committees may have adopted and published prior to the date of this Agreement. Current improvement standard specifications for utilities are set forth in the current edition of "Standard Specifications for Sewer and Water Construction in Wisconsin", for sanitary sewer, water system and storm sewer construction.
- H. Building and Occupancy Permits.
1. No building permits shall be issued until:

- a. The sanitary and storm sewer and water mains have been installed, tested and approved by the City.
  - b. Grading and erosion control plans have been submitted to and approved by the City Engineer; and drainage has been rough graded and approved by the City Engineer. Building elevations shown on the grading plan for each lot may be changed only with the advance approval of the City engineer.
  - c. Lots have been rough graded and approved by the City.
  - d. All streets and curb and gutter required to serve the Subdivision have been installed and accepted and dedicated to the City.
  - e. The Final Plat has been recorded with the Racine County Register of Deeds.
  - f. All lighting has been installed in street right-of-ways or a payment to WE Energies for such installation has been previously made, and/or contemporaneously with the execution of this Agreement is made, by the Developer, with proof of such payment provided to the City by the Developer.
2. No occupancy permits shall be issued until:
- a. Streets have been paved (except for the final lift of asphalt).
  - b. The gas, telephone, and electrical services have been installed and are in operation.
  - c. The water system is installed, tested and approved by the City.
  - d. The sanitary sewer system is installed, tested and approved by the City.
  - e. All City, codes and ordinances and building codes have been complied with.
  - f. Sidewalk and required street trees have been installed for subject lot; provided that such installation may be deferred to no later than May 15 for occupancy permits requested after December 1 of any year.
  - g. The storm water system is installed and approved by the City.
3. It is also understood and agreed by and between the parties hereto that upon application to the Plan Commission and the Common Council, the Plan Commission and Common Council may waive any requirements for installation of utilities and other improvements prior to the issuance of a building permit within the Property.
4. The City shall have no obligation to perform repairs or maintenance on said improvements until accepted by the City.

5. Notwithstanding the foregoing, building permits may be granted for four speculation homes on lots 64, 82, 83 and 93 for display purposes, only prior to meeting the conditions set forth in subparagraph 1 above. An occupancy permit shall not be required for display purposes.

## SECTION II - REQUIRED IMPROVEMENTS

- A. Generally. The Developer, entirely at its own expense, shall, except as herein provided, design and install the improvements required by Chapter 278 of the Municipal Code in accordance with those sections, the approved Plan Set, the Grading and Utility Plans submitted by the Developer and as directed by the City.
- B. Streets. The Developer hereby agrees:
  1. To grade, surface and improve public streets situated within the Property in accordance with the Plan Set and the Site Grading and Utility Plans submitted by the Developer and approved by the City Engineer prior to construction.
  2. That street improvements will be made and a first lift of asphaltic concrete pavement will be placed on the streets no later than October 1, 2019. No occupancy permits shall be issued until all such improvements have been made in their entirety; provided that occupancy permits may be issued for residences constructed prior to the final street surfacing and landscaping. Temporary occupancy shall be granted to the four speculation homes on lots 64, 82, 83 and 93 prior to improvements completed in their entirety.
  3. To execute appropriate cross-easements benefitting the Homeowner's Association and its members and benefitting the City for public safety purposes.
- C. Sanitary Sewer. The Developer agrees:
  1. To construct, furnish, install and provide a complete sewerage collection system throughout the entire Property in accordance with the Plan Set and the Site Grading and Utility Plans submitted by the Developer and approved by the City Engineer prior to construction.
  2. That the construction of sanitary sewers will be completed in accordance with approved plans and specifications and acceptable to the Common Council no later than October 1, 2019.
  3. No occupancy permits shall be issued until the sanitary sewer line improvements have been made and until the sanitary sewer lines have been dedicated to and accepted by the City.
- D. Water. The Developer hereby agrees:
  1. To construct, furnish, install and provide a complete system of water distribution throughout the entire Property in accordance with the Plan Set and the Site Grading and Utility Plans submitted by the Developer and approved by the City Engineer prior to construction.

2. That the construction of the system of water distribution will be completed in accordance with approved plans and specifications and acceptable to the Common Council no later than October 1, 2019.
3. That no occupancy permits shall be issued until the water distribution lines have been dedicated to and accepted by the City.

E. Surface Water Drainage. The Developer hereby agrees:

1. To construct, furnish, install and provide adequate facilities for storm and surface water drainage throughout the Property in accordance with the Plan Set and the Site Grading and Utility Plans submitted by the Developer and approved by the City Engineer prior to construction.
2. To record written easements with adjoining property owners providing for the use and maintenance of off-site drainage facilities servicing the Property.
3. That the construction of the facilities for storm and surface water drainage will be completed in accordance with plans and specifications acceptable to the City Engineer no later than October 1, 2019. No occupancy permits shall be issued until such facilities have been approved by the City.
4. That storm sewer lines shall be properly dedicated to and maintained by the City after acceptance. All other surface water drainage facilities within the Property shall be maintained by the Homeowners Association pursuant to the provisions of the Declaration of Restrictions, Covenants and Easements submitted to the City, approved by the City Plan Commission and Common Council and recorded at the office of the Racine County Register of Deeds.
5. That the City is authorized to come upon any lot or the common area for the purpose of maintaining or modifying surface water drainage. This shall be considered a right but not an obligation of the City and shall be construed as an easement in favor of the City.

F. Landscaping. The Developer hereby agrees:

1. To complete the landscaped berms within the Landscape Easement areas described on the Final Plat and in the Landscaping Plans approved by the City.
2. To require each lot in the developed subdivision to be landscaped in accordance with the Landscape Plan submitted by the Developer and approved by the City. It is intended that the Landscape Plan provide for the minimum amount of landscaping and that additional landscaping may be undertaken by the lots owners and/or the Homeowner's Association subject to the terms and conditions of the Declaration of Restrictions, Covenants and Easements recorded at the office of the Racine County Register of Deeds.

3. To assure that street trees are planted as required by this Agreement and City Ordinance prior to final occupancy, with the exception of prevailing weather conditions from November 1 to April 30 of the following year and must be installed no later than June 30 of the following year at the current owner's expense.
  4. To remove and lawfully dispose of all destroyed trees, brush, tree trunks, shrubs and other natural grown and all rubbish.
  5. To require each Lot owner to complete landscaping the lot pursuant to an approved landscape plan within one (1) year after the issuance of the occupancy permit for the lot.
- G. Street Signs. The Developer hereby agrees to install street signs with such design, at such locations and at such times as the City may reasonably direct or, at the option of the City, to reimburse the City for the cost of the same.
- H. Sidewalks. The Developer agrees to install public sidewalks shown on the approved Plan Set for each parcel or lot prior to final occupancy, with the exception of prevailing weather conditions from November 1 to April 30 of the following year and must be installed no later than June 30 of the following year at the current owner's expense.
- I. Other Utilities. The Developer shall be responsible for and cause electrical power, telephone facilities, cable television facilities and natural gas facilities to be installed not later than October 1, 2019, in such a manner as to make proper and adequate service available to each building and dwelling unit in the development. None of such services shall be located on overhead poles. Plans indicating the proposed location of each such utility to service the development shall be provided to the City prior to the installation of the utility. No occupancy permit may be issued for any lot until all such utility services have been made available to such lot as required in Section IH2 of this Agreement.

### SECTION III - EASEMENTS, DEDICATION AND MAINTENANCE OBLIGATIONS

Subject to all of the other provisions of this Agreement and all exhibits and plans and specifications incorporated herein, it is agreed as follows:

- A. Easements. The Developer shall grant to the City easements over and across such portions of the Property as the City may reasonably request for the purpose of maintenance of the utilities dedicated to the City hereunder.
- B. Dedication of Utilities. The Developer shall, without charge to the City, upon completion of all of the above utility improvements, unconditionally give, grant, convey and fully dedicate the sanitary sewer improvements, water improvements and storm sewer improvements (but not including storm water detention and retention ponds) to the City, its successors and assigns, forever, free and clear of all encumbrances whatever, together with, including without limitation because of enumeration, all structures, mains, conduits, pipes, lines, machinery, equipment and

appurtenances which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, the City shall have the right to connect or integrate other sewer, water, or storm water facilities provided hereunder as the City decides, with no payment or award to, or consent required of, the Developer. Dedication shall not constitute acceptance of any improvement by the City. All improvements will be accepted by the City by separate resolution at such time as said improvements are in acceptable form and according to City specifications.

- C. Maintenance of Dedicated Utility Improvements. The City shall have the right and obligation to maintain dedicated and accepted utility improvements; provided that in undertaking such maintenance and repair obligations, the City shall not be responsible for destruction of or damage to building and other improvements (i.e.: driveways, walks, landscaping, etc.) and the City shall have no obligation to restore the Property as a result of maintenance and repair to such utilities except to the extent of normal backfilling to then existing surface elevations.

#### SECTION IV - PAYMENT OF FEES

- A. Generally. The Developer shall pay all fees, expenses, costs and disbursements which the Developer is required to pay pursuant to ordinances of the City of Burlington Municipal Code and this Agreement. Unless required to be paid as a condition of the approval of this Agreement, such amount shall be paid within thirty (30) days after being billed therefore, or as otherwise established herein.
- B. Plan Review and Improvement Review Fee. The Developer shall pay a plan review fee equal to the actual legal, technical and administrative review and processing costs of the City Attorney, City Engineer and other consultants and publication costs that are associated with performing necessary reviews and approval services relating to the approval of site plans, plats and this Agreement. The City agrees that a detailed, itemized statement of such costs shall be submitted to the Developer.
- C. Professional Fees and Inspection Fees. In accordance with provisions of the Municipal Code and this Agreement, the Developer shall be responsible for all professional (technical and legal) fees incurred by the City in connection with development of the Property. The City shall be reimbursed for engineering services, whether provided by a staff engineer or technician, or designated employee, or by a consultant, and shall also be reimbursed for services rendered by the City Attorney. Additionally, the Developer shall reimburse the City for costs of inspection and related services provided by the City or by a consultant on the basis of all such services rendered. The inspector of the improvements on behalf of the City shall be the City Engineer or his designee.
- D. Street Sign Fee. The Developer shall reimburse the City the cost of installation of street signs for the public streets within the Property.
- E. Park Fee. The Developer shall pay public park fees under the provisions of Section 278-81 of the Subdivision of Land Ordinance.

## SECTION V - FINANCIAL GUARANTEE

- A. Amount. If required by the City, the Developer shall deposit with the City an irrevocable letter of credit, in an amount equal to 115% of the City Engineer's estimate of the total cost of installation of public construction, which shall assure the faithful performance of the Developer's obligations under this Agreement. The letter of credit shall be required in lieu of a surety bond required under the provisions of the Municipal Code.

The amount of the letter of credit shall be reduced from time to time in amounts equal to the value of improvements which have been installed, completed and approved by the City or shall be increased in the event of delay in the installation of improvements and the escalation of costs. In no event shall the amount of the letter of credit be reduced below the aggregate total estimated cost of the improvements not yet installed or accepted, plus fifteen percent (15%). The City is hereby authorized to contact directly the Developer's financial agent from time to time regarding the sufficiency of the financial guarantee. The termination of the initial letter of credit, following acceptance by the City shall be no earlier than one (1) year after the acceptance date of all improvements required of the Developer hereunder. The term of the letter of credit shall be extended through any applicable warranty period.

- B. Form. Irrevocable letters of credit shall be approved as to form by the City Attorney. Letters of credit shall be payable to the City and shall be conditioned upon and guarantee to the City the performance by the Developer of its obligation under this Agreement.

- C. Liability not Released. The letter of credit given hereunder is a security device only, which in no manner limits the liability of the Developer to the City however arising and regardless of the amount.

- D. Reservation of Assessment Rights. In the event that the letter of credit does not provide sufficient funds to complete the improvements to be dedicated to the City as provided herein, in addition to the remedies for default provided to the City by this financial guarantee, the City reserves the right, without notice or hearing, to impose special assessments or charges on each of the lots in the subdivision for any amount to which it is entitled by virtue of this Agreement with the Developer. Such special assessments or charges shall be collected on the next succeeding tax roll as are other special assessments or charges. This provision constitutes the waiver of notice and consent of Developer and its successors and assigns to all special assessments or special charges proceedings which may be required by law.

- E. Events of Default. Any one of the following conditions, occurrences, or actions shall constitute an event of default by the Developer during the completion period:

1. The Developer's failure to cure the defective construction of any improvement within the applicable cure period; or
2. The Developer's failure to perform work within a period of more than sixty (60) consecutive days or failure to complete the improvements in the time frame provided herein; or

3. The Developer's insolvency, the appointment of a receiver for the Developer, or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer; or
  4. The filing of an action for foreclosure of any lien against the Property or a portion of the Property or assignment of conveyance of the Property in lieu of foreclosure; or
  5. Any other failure to comply with this Agreement. The City may, upon written notice to the Developer, declare a default hereunder; on condition that the City must first give the Developer sixty (60) days advance written notice of intent to declare default, specifying the nature of such default, during which time the Developer may correct the alleged default.
- F. City's Right upon Default. When any event of default occurs, the City may draw on the irrevocable letter of credit, or cash deposit in escrow to the extent of the face amount of the credit less ninety (90) percent of the estimated cost (as set forth in this Agreement) of all improvements theretofore accepted by the City for which reduction has not been made pursuant to this Agreement. The City shall have the right to complete improvement itself, assume any contract for the improvements, or contract with a third party for completion, and the Developer hereby grants to the City, its successors, assigns, agents, contractors and employees a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining and repairing such improvements. Alternatively, the City may assign the proceeds of the irrevocable letter of credit or cash deposit in escrow to a subsequent developer (or a lender) which agrees in writing to complete the unfinished improvements and provides security acceptable to the Common Council. In addition, the City also may suspend Final Plat approval, during which time the Developer shall have no right to sell, transfer, or otherwise convey any portion of the Property without the express written approval of the City or until the improvements are completed and accepted by the City. The City may avail itself of any and all remedies available under this Agreement and/or under the laws of the State of Wisconsin.
- G. No Waiver. Acceptance of the dedication of any improvement does not constitute a waiver by the City of the right to draw funds under the irrevocable letter of credit or cash deposit in escrow on account of any defect in or failure of the improvement, or failure to pay the cost thereof, that is detected or which occurs after the acceptance of the dedication.

## SECTION VI - GUARANTEE AND INDEMNIFICATION

- A. Guarantee of Public Improvements. The Developer shall guarantee all improvements dedicated to the City ("Public Improvements") against defects due to faulty materials or workmanship which appear within one (1) year from the date of acceptance of dedication of such improvements, as provided in Section III of this Agreement. The Developer shall repair or replace any such improvements deemed by the City necessary to eliminate such defects and shall pay for all damages to City property or easements and all other City costs resulting from such defects during such period.

The Developer shall cause to be repaired or replaced any defective work within a reasonable period of time but not to exceed ninety (90) days from receipt of a written notice from the City



Property Damage (each person) \$1,000,000.00

Property Damage (each accident) \$5,000,000.00

Comprehensive automobile liability and property damage insurance for operations of owned, hired and non-hired motor vehicles.

Bodily Injury Including Death (each person) \$1,000,000.00

Bodily Injury Including Death (each accident) \$5,000,000.00

Property Damage (each person) \$1,000,000.00

Property Damage (each accident) \$5,000,000.00

3. Fire and extended coverage which shall insure against losses and damages to completed work, materials, or equipment covering the improvements to be dedicated to the City until the same have been accepted by the City.
4. The Developer shall file a Certificate of Insurance showing the City as additional insured and containing a ten (10) day notice to the City of cancellation.

#### SECTION VII - MISCELLANEOUS REQUIREMENTS

- A. Survey Monuments. The Developer hereby agrees to properly place and install all survey or other monuments required by statute and ordinance. However, placement of survey monuments may be deferred until improvements have been completed as provided by Section 236.15(l)(h), Wisconsin Statutes.
- B. Declaration of Restrictions, Covenants and Easements. The Developer hereby agrees to cause to be recorded at the office of the Racine County Register of Deeds the Final Plat of Subdivision and the Declaration of Restrictions, Covenants and Easements for the Property submitted by the Developer and approved by the City.
- C. Debris. The Developer shall be responsible for cleaning up any debris resulting from construction by Developer hereunder within the Property. The Developer shall clean up all debris within forty-eight (48) hours after receiving notice from the City.
- D. Clean Up. During construction of the improvements required hereunder, the Developer shall be responsible for cleaning up the mud and dirt on the roadways within the Property and its abutting streets resulting from construction of such improvements. The Developer shall clean the roadways within twenty-four (24) hours after receiving notice from the City.
- E. Erosion Control. Erosion control shall be carried out pursuant to all applicable state codes and statutes, and to Section 278 of the Land Division Ordinance of the City of Burlington, as

follows: The Developer shall cause all grading, excavating, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation and washing are prevented, in accordance with the plans and specifications approved by the City Engineer. In addition:

1. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
2. Temporary vegetation and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.
3. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
4. Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

#### SECTION VIII - GENERAL PROVISIONS

- A. Amendments. This Agreement may be amended or modified only by an instrument in writing executed by all of the parties to this Agreement.
- B. Ownership. The Developer certifies to the City that Birchwood Realty, LLC is sole owner of the Property.
- C. No Waiver. No waiver of any provision of this Agreement will be deemed a waiver or constitute a waiver of any other provision, nor shall it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both the City and the Developer; nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The City's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the Developer or the acceptance of any improvement.
- D. Attorney's Fees. The Developer shall pay all City Attorney's fees relative to the preparation and enforcement of this Agreement. Should either party be required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the prevailing party, plaintiff or defendant, shall be entitled to costs, including reasonable attorney's fees, from the opposing party. If the court, arbitrator, or mediator awards relief to both parties, each shall bear its own costs in their entirety.
- E. Third-Party Rights. No person or entity who or which is not a party to this Agreement shall have any right of action under this Agreement.
- F. Scope. This Agreement constitutes an entire agreement between the parties and no statement(s), promise(s), or inducement(s) that is/are not contained in this Agreement shall be

binding on the parties.

- G. Time. For the purpose of computing time periods for City action and other time periods herein, such times in which war, civil disasters, act of God, or extreme weather conditions occur or exist shall not be included if such times prevent the Developer or the City from performing its obligations under the Agreement.
- H. Binding Effect. Except as otherwise herein provided, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the Developer and any successor municipality or municipal corporation to the City.
- I. Enforcement. Any party to this Agreement, or their respective successors or assigns, may either in law or in equity by suit, action, mandamus, or other proceedings, enforce and compel performance of this Agreement against any other party hereto and their respective successors and assigns.
- J. Limited Liability. Any payments required of the City hereunder shall be payable solely from the revenues derived for the purposes of this Agreement and shall not constitute an indebtedness of the City, the State of Wisconsin, or any political subdivision thereof, or a loan of the credit thereof, within the meaning of any constitutional or statutory provision and the holders of this contract shall have no right to compel the exercise of the taxing power of the City, the State of Wisconsin, or any political subdivision thereof to pay any amounts due hereunder.
- K. Notice. Any notice required or permitted by this Agreement shall be deemed effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:

Info to Developer: Birchwood Realty LLC  
120 Livia Lane  
Wrightsville, PA 17368

Info to City: City Administrator  
300 N. Pine Street  
Burlington, WI 53105

- L. Term of Agreement. This Agreement shall be in full force and effect for a period of fifteen (15) years from the date on which was executed by the last party so executing the same as hereinbefore set forth, unless extended by agreement of the parties hereto or terminated by the agreement of the parties hereto or by the completion of all duties to be performed hereunder. This Agreement shall be deemed extended for five (5) years if the City records in the real estate records of Racine County, prior to expiration of any term hereof, a statement that the work required hereunder has not been completed. Notwithstanding the foregoing provisions, applicability of the statutes of limitation to this agreement under the laws of the State of Wisconsin shall continue to survive any termination of this Agreement.
- M. Immunity. Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity under any applicable State law.
- N. Governing Law and Venue. This agreement shall be governed, controlled, construed, and

interpreted by and under the laws of the State of Wisconsin, without giving effect to the conflict of laws provisions. The venue for any legal action arising under and/or pertaining to the Agreement shall be solely and exclusively be in Racine County Circuit Court in Racine County Wisconsin. The Developer expressly waives his right to bring such action in or to remove such action to any other court, whether state or federal.

- O. Terms and Definitions. The definitions of terms used herein are as set forth in Chapter 236 of the Wisconsin State Statutes and in the City of Burlington Land Division Ordinance as amended from time to time unless the context requires otherwise.
- P. Membership in the HOA. Contemporaneously with the sale and closing of each lot in the The Glen at Stonegate, Addition No. II, whether improved or not improved with a residence, the purchaser of the lot shall become a member of The Glen of Stonegate Homeowners Association, Inc. (the "HOA") with respect to the lot that is the said sale parcel. The purchaser's compliance with the provisions of this present paragraph is expressly contingent upon the HOA first entering into an agreement with the Developer, wherein the HOA assumes the obligations and duties specified in the agreement with respect to The Glen at Stonegate, Addition No. II.
- Q. Department of Public Works Requirement. Attached hereto as Exhibit "A" are certain standards and requirements that shall be followed by the Developer and the City with respect to the installation of street lights in the Subdivision and maintenance of the roadways in the Subdivision.
- R. Subordination. The Mortgagee joins in this Agreement for the sole purpose of agreeing that in the event of the foreclosure of its mortgage interest in the lands of the Subdivision, this Agreement shall survive such foreclosure and the lands in the Subdivision shall remain subject to this Agreement.

#### SECTION IX - NONASSIGNMENT

This Agreement, which is and shall be binding upon the Developer, the Developer's mortgagees, contractors, agents, officers, employees, personal representatives, guardians, heirs, successors, individual, firm, partnership, or corporation, shall not be assigned without the express approval of the City, which approval the City may grant or deny, in its sole discretion.

There is no prohibition on the right of the City to assign its rights under this Agreement. The City shall release the original irrevocable letter of credit or cash deposit in escrow if it accepts new security from any subdivider or lender who obtains the Property. However, no act of the City shall constitute a release of the original Developer from its liability under this Agreement.

#### SECTION X - SEVERABILITY

If any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability shall not affect the validity of any other part, term, or provision and the rights of the parties shall be construed as if the part, term, or provision was never part of the Agreement.



APPROVED:

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John Bjelajac-City Attorney

This instrument drafted by  
John Bjelajac Attorney at Law

**MEMORANDUM**

Date: January 18, 2019

To: Megan Watkins, Assistant City Administrator/Zoning Administrator

From: Peter Riggs, Director of Public Works

RE: Street Lights, Paving, and Snow Plowing in Stonegate

The City of Burlington will require the following for regarding manholes and inlets in the roadway in the proposed expansion of the Stonegate development.

1. All manholes within roadway pavement shall be set to binder grade but will require excavation and adjustment prior to surface paving. Steel rings adjustments are not allowed.
2. Low point interim inlets shall be set to binder grade and then adjusted prior to surface paving.
3. Asphalt curb wedging is required until surface paving occurs.
4. The City will perform snow removal on roadway in a manner consistent with City wide snow removal operations.

The City of Burlington will require the following regarding street light installation in the proposed expansion of the Stonegate development.

1. The City will coordinate with WE Energies for the addition of street lights.
2. The developer will pay all costs for street light procurement and installation.
3. Street light poles and fixtures will match existing poles used throughout the subdivision.
4. Spacing and placement of street lights shall be determined by the City in a manner consistent with the existing street lights in the subdivision.
5. The Developer will be responsible for the schedule of work and coordination of installation of street lights.

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**To:** Megan Watkins, Director of Administrative Services **Date:** July 30, 2018

**From:** Greg Governatori, P.E.

**CC:** John Bjelajac, City Attorney  
Mike Timmers, Construction Manager

**Subject:** Glen at Stonegate Addition II Letter of Credit Recommendation.

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At the request of the City of Burlington we have prepared a letter of credit request for the original phase 2 plans prepared by Bonnestro, Rosene, Anderlik & Associates. It should be noted that current engineering plans signed and sealed by a professional engineering are required prior to construction. It is anticipated the changes to the development will be minor.

The improvements for Addition II will consist of installing sanitary sewer, watermain, storm sewer, curb and gutter, and paving to complete the development as shown on the preliminary plat. As part of this work, and letter of credit requirements, the watermain will be looped from Ravenswood Road to Stonegate Road.

The storm water sediment basins were originally installed as part of the addition one work and will continue to be utilized for storm water management. These basins will remain in place until which time the development is constructed. It has been discussed that the additional construction and new development will require an updated storm water management model meeting current design standards for storm water runoff. Minor modifications and maintenance of the existing storm water facility in addition II may be required to meet current standards.

We have reviewed the quantities and prepared a letter of credit at the request of the City. As part of our review we have adjusted the unit prices of certain items to reflect average unit prices. In the event the project requires public completion by the City, a competitive bid process will be required.

We recommend a Letter of Credit in the amount of \$1,037,412.00 be provided. This includes the 115% requirement as per the Developer's Agreement.



**Glen at Stonegate Addition II - Estimate for LOC**  
 City of Burlington, Racine County, Wisconsin

<b>Road Work</b>				LOC Amt - Engineer's Est	
Item No.	Item Description	Unit	Bid Qty.	Bid Unit \$	Bid Total \$
	Clearing/grubbing	SY	1000	\$ 3.50	\$ 3,500.00
	Strip and Stockpile Topsoil	CY	2400	\$ 4.50	\$ 10,800.00
	Excavation Common	CY	2400	\$ 6.50	\$ 15,600.00
	10" Base Aggregate Dense 1 1/4-Inch	TN	4010	\$ 13.00	\$ 52,130.00
	1.75" HMA Pavement Type 3LT 58-28 S	TN	600	\$ 68.00	\$ 40,800.00
	2.25" HMA Pavement Type 4LT 58-28 S	TN	780	\$ 68.00	\$ 53,040.00
	Concrete Curb & Gutter 30-Inch Type D	LF	3260	\$ 15.50	\$ 50,530.00
	Concrete Sidewalk 4-Inch	SF	14670	\$ 5.10	\$ 74,817.00
	Silt Fence	LF	2400	\$ 2.00	\$ 4,800.00
	Inlet Protection (Type C)	EACH	8	\$ 75.00	\$ 600.00
	Landscaping Trees	EACH	66	\$ 300.00	\$ 19,800.00
<b>SUBTOTAL - Road Work</b>				<b>\$</b>	<b>326,417.00</b>
<b>Sanitary Sewer</b>				LOC Amt - Engineer's Est	
Item No.	Item Description	Unit	Bid Qty.	Bid Unit \$	Bid Total \$
	10" PVC SDR 35 Sanitary Sewer (Granular)	LF	1616	\$ 85.00	\$ 137,360.00
	6" PVC SDR 35 Sanitary Lateral (30 EA)	LF	980	\$ 65.00	\$ 63,700.00
	Sanitary MH Cover R-1661	EACH	9	\$ 375.00	\$ 3,375.00
	48" Dia Sanitary MH (9 EA)	VF	99	\$ 325.00	\$ 32,175.00
<b>SUBTOTAL - Sanitary</b>				<b>\$</b>	<b>236,610.00</b>
<b>Watermain</b>				LOC Amt - Engineer's Est	
Item No.	Item Description	Unit	Bid Qty.	Bid Unit \$	Bid Total \$
	Connect to Existing 8" Watermain	EACH	2	\$ 2,400.00	\$ 4,800.00
	8" PVC C-900, DR-18 Watermain (Granular Backfill)	LF	1808	\$ 65.00	\$ 117,520.00
	Tracer Wire Access Box	EACH	2	\$ 150.00	\$ 300.00
	Curb Boxes	EACH	31	\$ 800.00	\$ 24,800.00
	1 1/4" Copper Type "K" Water Lateral	LF	900	\$ 52.00	\$ 46,800.00
	1 1/4" water Service Brass Sets	EACH	31	\$ 475.00	\$ 14,725.00
	8" Gate Valve	EACH	2	\$ 1,800.00	\$ 3,600.00
	Hydrant Assembly	EACH	4	\$ 5,300.00	\$ 21,200.00
	6" DI CL-53 Hydrant Lead	LF	40	\$ 110.00	\$ 4,400.00
	Watermain Testing/Flushing	LS	1	\$ 2,000.00	\$ 2,000.00
<b>SUBTOTAL - Water</b>				<b>\$</b>	<b>240,145.00</b>

<b>Storm Sewer</b>				LOC Amt - Engineer's Est	
<b>Item No.</b>	<b>Item Description</b>	<b>Unit</b>	<b>Bid Qty.</b>	<b>Bid Unit \$</b>	<b>Bid Total \$</b>
	19x30-Inch(18"x 28.5" Arch Pipe)	LF	108	\$ 75.00	\$ 8,100.00
	24" RCP CL III Storm Sewer	LF	485	\$ 60.00	\$ 29,100.00
	12" RCP CL V Storm Sewer	LF	81	\$ 55.00	\$ 4,455.00
	15" RCP CL IV Storm Sewer	LF	334	\$ 50.00	\$ 16,700.00
	24" RCP FES w/ Grate	EACH	1	\$ 2,500.00	\$ 2,500.00
	60" Dia Storm MH	EACH	2	\$ 3,100.00	\$ 6,200.00
	48" Dia Storm MH	EACH	5	\$ 2,300.00	\$ 11,500.00
	Manhole Cover R-2561	EACH	7	\$ 575.00	\$ 4,025.00
	Inlet Cover Type H (2'x3')	EACH	7	\$ 535.00	\$ 3,745.00
	2'x3' Catch Basin	EACH	7	\$ 1,800.00	\$ 12,600.00
<b>SUBTOTAL - Storm</b>				<b>\$</b>	<b>98,925.00</b>
<b>SUBTOTAL</b>				<b>\$</b>	<b>902,097.00</b>
15% Contingency per Developer's Agreement				<b>\$</b>	<b>135,314.55</b>
<b>TOTAL - LOC</b>				<b>\$</b>	<b>1,037,411.55</b>

SUPPLEMENTAL DECLARATION OF THE RESTRICTIONS, COVENANTS AND EASEMENTS  
FOR THE GLEN AT STONEGARE ADDITION NO. II

This supplement to the Declaration of Restrictions, Covenants and Easements (the "Supplemental Declaration") is made by BIRCHWOOD REALTY, LLC, a Wisconsin limited liability company (the "Developer").

RECITALS

WHEREAS, on April 22, 2004, the previous Developer, Stonegate Development Group, LLC, caused to be executed the Declaration of Restrictions, covenants and easements for the Glen at Stonegate, a subdivision (the "Declaration"); and

WHEREAS, The Declaration was subsequently recorded at the office of the Racine County Register of Deeds on June 1, 2004, as Document No. 1974736; and

WHEREAS, a Supplemental Declaration of Restrictions, Covenants and Easements for the Glen at Stonegate Addition No. I was subsequently recorded at the office of the Racine County Register of Deeds on September 8, 2006 as Document No. 2101134; and

WHEREAS, pursuant to the provisions of Section 2.2 of the Declaration, the Developer was given the option to subject all or a portion of adjacent property to all of the terms and conditions of the Declaration, by appropriate reference thereto; and

WHEREAS, it is the Developers intention to develop the property described on Exhibit "A" attached hereto as an extension of the single-family subdivision known as The Glen at Stonegate as contemplated in the Declaration under the name of The Glen at Stonegate Addition No. II; and

WHEREAS, IT IS THE INTENTION OF THE Developer to subject all of the property described on Exhibit A attached hereto to the Declaration.

SUPPLEMENTAL DECLARATION

NOW, THEREFORE, the Developer hereby declares as follows:

1. That except as provided herein, the property described on Exhibit A attached hereto, and hereinafter known as the Glen at Stonegate Addition No. II shall be subject to all of the terms and conditions of the Declaration, Covenants and Easements for the Glen at Stonegate, a subdivision, dated April 22, 2004, and

recorded at the office of the Racine County Register of Deeds on June 1, 2004, as Document No. 1974736.

2. That each and every owner of a Lot in The Glen at Stonegate Addition No. II shall have all of the rights, duties and responsibilities of a Lot Owner in the Glen at Stonegate Subdivision.
3. That "Common Areas" shall now include Outlot 7, which is subject to Section 3.10 of the Declaration and is for the express purpose of stormwater management.
4. That Lots 64-70 are subject to a Landscape easement as shown on the final plat for The Glen at Stonegate Addition No. II and is subject to all the responsibilities and obligations of maintenance as referenced in the Declaration in Section 3.10 (f).

That obligation shall include replacement of dead plants and trees in accordance with the approved Landscape Plan, dated \_\_\_\_\_ which was approved by the City and the Developer. Any deviations from the approved Landscape Plan must be approved in writing by the Developer and subsequent to the Developer, the Homeowners Association.

5. Architectural Control: Pursuant to Section 3.5 of the Restrictive Covenants the Developer shall maintain Architectural control of the new phase. The Developer agrees to allow one (1) member of the existing ACC Board to be part of the review process. That member shall have 72 hours to review the plans upon receipt from the Developer and provide their comments or approval. That transmission from the Developer may be via USPS, email or delivery. All other terms and condition and requirements for ACC shall remain in effect. The initial Architectural Control Committee shall be:

- 1) Chris Conigliaro  
MC Homebuilders, LLC  
[cconigliaro@mchomebuildersllc.com](mailto:cconigliaro@mchomebuildersllc.com)  
5008 Green Bay Road  
Kenosha, WI 53412

- 2) Jim Duerrwaechter  
MC Homebuilders, LLC  
[jduerrwaechter@mchomebuildersllc.com](mailto:jduerrwaechter@mchomebuildersllc.com)  
5008 Green Bay Road  
Kenosha, WI 53142





**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 7A**

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**DATE:** February 20, 2019

**SUBJECT: ORDINANCE 2043(9)** - To amend Section 119-5(B)(1)(a), "Official Maps, Based on the Flood Insurance Study (FIS) of the Municipal Code of Burlington.

**SUBMITTED BY:** Megan Watkins, Assistant City Administrator | Zoning Administrator

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**BACKGROUND/HISTORY:**

The City of Burlington is a member of the National Flood Insurance Flood Program. To remain compliant, we need to update the City's ordinance to reflect the current mapping and studies that are required by both the Federal Emergency Management Agency (FEMA) and the Wisconsin Department of Natural Resources (WDNR). This revision does not affect flood insurance zones, floodplain delineations, flood elevations, and/or floodways in the City.

This is simply an administrative update to revise the FIS numbers.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of this text amendment.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the February 20, 2019 Committee of the Whole meeting and is scheduled for final consideration at the same evening Common Council meeting.

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**Attachments**

Ord 2043(9) Amendment to the Floodplain Maps

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**AN ORDINANCE AMENDING SECTION 119-5(B)(1)(a) "OFFICIAL MAPS, BASED ON THE FLOOD INSURANCE STUDY (FIS)" OF THE MUNICIPAL CODE OF THE CITY OF BURLINGTON**

**NOW THEREFORE BE IT RESOLVED** that the Common Council of the City of Burlington does hereby ordain as follows:

- I. Section 119-5(B)(1)(a) of the City of Burlington Municipal Code entitled, "Official Maps: Based on the FIS" is hereby amended as follows:

(1) Official maps, based on the FIS:

(a) Flood Insurance Rate Map (FIRM), Panel Numbers 55101C0133D, 55101C0134D, 55101C0141D, 55101C142D, 55101C0143D, 55101C0144D, 55101C0153D, 55101C0161D and 55101C0163D, dated May 2, 2012; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated ~~May 2, 2012; Volumes 55101CV001A and 55101CV002A~~ **February 01, 2019; Volumes 55101CV001B and 55101CV002B**. Panel Numbers 55127C0229D and 55127C0233D, dated October 2, 2009, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated September 3, 2014; Volume 55127CV000B; approved by the DNR and FEMA.

- II. It is further ordained that the application of this ordinance shall be effective after its passage and publication as required by law.
- III. All other provisions as contained in Chapter 119 of the Municipal Code of the City of Burlington shall continue and in full force and effect.

Introduced: February 20, 2019  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahnn Halbach, City Clerk



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 7B**

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**DATE:** February 20, 2019

**SUBJECT:** ORDINANCE 2044(10) - To repeal and recreate Chapter 155, "Fire Prevention, Protections and Control Code" of the Code of the City of Burlington.

**SUBMITTED BY:** Alan Babe, Fire Chief

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**BACKGROUND/HISTORY:**

In 2013 Wisconsin Act 270 established a Uniform Commercial Building Code (UCBC) for the State of Wisconsin, as well as a Building Code Council for the purpose of establishing standard code provisions. The Wisconsin UCBC went into effect on April 18, 2014. The previous Commercial Building Code acted as a minimum standard and allowed for municipalities to enact ordinances above and beyond those detailed in the code. The UCBC replaced the previous Commercial Building Code and eliminated municipal variations.

Each community in Wisconsin was then required to follow the International Building Code (IBC) unless a community passed an ordinance that is more restrictive than the IBC before May 1, 2013. This provision allowed for municipalities to submit fire detection, prevention, and suppression ordinances that relate to the construction, alteration, or addition to a public building or building that is a place of employment, to the DSPS for review and exemption. DSPS received ordinance reviews from over 320 communities.

The attached redlined ordinance has been in effect and practiced since 2014, but has not been officially codified yet. This is merely a housekeeping item.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of this text amendment to Ch. 155 in order to properly codified the ordinance.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the February 20, 2019 Committee of the Whole meeting and scheduled for final consideration at the same evening Common Council meeting.

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**Attachments**

Ord 2044(10) Ch 155 Fire Prevention Cod Update

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**AN ORDINANCE REPEALING AND RECREATING CHAPTER 155, FIRE PREVENTION,  
PROTECTION AND CONTROL CODE OF THE CODE OF THE CITY OF BURLINGTON**

**WHEREAS**, the City of Burlington seeks to update the provisions of the Fire Prevention, Protection and Control Code of the City of Burlington to reflect regulatory changes in the International, National and State Codes, to update “best practice” policies, and, where appropriate, to impose standards more restrictive than provided under State Law, and to gather related provisions regarding fire dangers into one chapter of the Code; and

**WHEREAS**, the Common Council has determined that these changes are necessary in order to protect the health, safety, welfare and convenience of the public:

**NOW THEREFORE BE IT ORDAINED** by the Common Council of the City of Burlington as follows:

**Part I.** Chapter 155 of the Code of Burlington, Racine and Walworth Counties, Wisconsin, entitled “Fire Prevention,” is hereby repealed and the new Chapter 155, entitled “Fire Prevention, Protection and Control,” attached hereto and made a part hereof as though fully set forth herein, is hereby recreated and adopted.

**Part II. Common Council Approval.** The Common Council of the City of Burlington proceeded to adopt these proposed amendments and additions to the Code of the City of Burlington at its meeting held on \_\_\_\_\_, 2019.

**Part III. Severability.** If any provision of this Ordinance is found invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this Ordinance.

**Part IV. Effective Date.** This Ordinance shall take effect upon passage and adoption by the Common Council and the filing of proof of posting or publication in the Office of the City Clerk.

Approved by the Common Council of the City of Burlington this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Introduced: February 20, 2019  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk

## CHAPTER 155

### ARTICLE I GENERAL REGULATIONS

#### 155-1. Title.

This chapter shall be known as, referred to, and cited as the “Fire Prevention, Protection and Control Code” or the “Fire Protection Code” and is hereinafter referred to as “this chapter.”

#### 155-2. Intent.

It is the intent of this chapter:

- A. To provide the City of Burlington (Municipality) with comprehensive regulations to improve public safety by attempting to control, limit, restrict and/or eliminate fire hazards.
- B. To improve life safety for residents, occupants, employees, firefighters, and frequenters of places of employment and public buildings.
- C. To regulate the installation, use and maintenance of equipment; regulating the use of structures, occupancies and open areas.
- D. To require the removal and/or reduction of fire hazards; establishing the responsibilities and procedures for code enforcement; and to set the minimum standards for compliance and achievement of these objectives.
- E. To protect property from the hazards of fire and explosion by establishing minimum standards for the use, operation, maintenance and inspection of buildings, structures and premises.

#### 155-3. Scope.

- A. The provisions of this chapter shall apply to all public buildings and places of employment.
- B. The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this chapter:
  - (1) One and two-family dwellings except where specifically included, as provided in this section and this chapter.
  - (2) Buildings used exclusively for farming as described in s. 102.04(3), Wis. Stats.
  - (3) Nothing contained in this chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, or as applying to the military forces of the United States.
  - (4) Buildings used primarily to house livestock.
  - (5) Temporary buildings used for construction purposes only, not to exceed two stories in height and not used as living quarters.
  - (6) Buildings owned by the federal government.

- C. The provisions of this chapter shall apply equally to new structures, including additions, and to change of use, change of occupancy, change of occupants, renovations of, alterations of, remodeling of and/or modifications to existing structures and existing conditions, except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property, as determined by the Authority Having Jurisdiction (AHJ), or have been superseded by this chapter.
- D. The provisions of this chapter apply equally to the property owner and/or occupant.
- E. Sections 155-4, 155-15, 155-16, 155-17, 155-18, 155-19, 155-20, 155-23, 155-25, 155-26, 155-28E, F, and G, 155-29 and Articles III and IV of this Chapter apply to all individuals and/or properties within the jurisdiction of the municipality.
- F. If any conflicts exist between this Chapter and any NFPA Code and/or Standard and/or State Code, the most restrictive, as determined by the AHJ, shall be enforced by the AHJ.
- G. Where the AHJ finds that an existing building, because of current occupancy or a change in occupancy constitutes a hazard to its occupants or adjoining property, the AHJ may order compliance with the provisions of this chapter. A hazard shall be determined by the existence of one or more of the following conditions:
  - (1) Any building which by reason of its construction or highly combustible occupancy and/or contents involves a hazard to its occupants or, in the judgment of the AHJ, constitutes a fire menace, e.g., paint shop and other occupancies involving processing, mixing, storing, and dispensing of volatile liquids or solids.
  - (2) Non-fire-resistive characteristics of a structure.
  - (3) Accumulation of flammable or combustible materials of any kind.
  - (4) Lack of accessibility to the premises for fire-fighting equipment.
  - (5) Substantial number of fire calls or complaints on the premises.
  - (6) Traffic patterns for pedestrian ingress and egress which require protection under this section.
  - (7) Insufficient ventilation system.
  - (8) Lack of an internal communication system, or due to the size or type of building making regular fire department radio communication inoperable, the building owner is required to install a repeater system or something comparable to assist radio communications.
  - (9) Number, characteristics and movement of employees which require protection under this section.
- H. Additions to, Change of Use, Renovated, Altered, Remodeled or Modified Buildings.
  - (1) The provisions of this chapter shall apply to all existing structures, public buildings and places of employment that are additions, change of use, renovations of, alterations of, remodeling of and/or modifications to existing structures and existing conditions. Note: s. 155-3H(5) also applies.
  - ~~(2) If fifty (50) percent or more of the total existing floor area of a building is added to, renovated, altered, remodeled or modified, the entire building shall be brought into compliance with all of the requirements of this chapter. Note: s. 155-3H(5) also applies.~~
  - ~~(3) If twenty five (25) to forty nine (49) percent of the total existing floor area of a building is added to, renovated, altered, remodeled or modified, the portion of the building that is~~

~~remodeled shall be brought into compliance with the requirements of this chapter. Note: s. 155-3H(5) also applies.~~

- ~~(4) If less than twenty-five (25) percent of the total existing floor area of a building is added to, renovated, altered, remodeled or modified, the requirements of this chapter are not required to be complied with unless the area includes dwelling units. If the total floor area includes dwelling units, that part of the building which is remodeled shall be brought into compliance with this chapter. Note: s. 155-3H(5) also applies.~~
- (5) All percentages of remodeling shall be cumulative as applied to sections (1),(2),(3) and (4) above.
- ~~(6) If any addition to an existing building exceeds the thresholds established in Tables 155-21H and/or 155-23B, the addition must comply with this chapter.~~
- (7) If any addition is made to an existing building and/or structure that currently has a fire sprinkler, fire suppression, fire control or fire alarm system installed, the addition shall comply completely with this chapter.
- (8) If any addition is made to an existing building and/or structure that currently has a fire sprinkler, fire suppression, fire control or fire alarm system installed, the addition shall have a fire sprinkler, fire suppression, fire control or fire alarm system installed.
- (9) If the use of and/or contents of any existing building is changed and becomes more hazardous as determined by the AHJ, the building shall be brought into compliance with this chapter.
- (10) Those portions, elements, systems or components of existing buildings and structures to be renovated, altered, remodeled or modified on or after the effective date of the rules under this chapter and where the alteration, modification or the addition affects a building element or component relating to subject matters regulated by this chapter, shall be designed, constructed and maintained in accordance with the applicable rules of this chapter as the rules exist on one of the following:
  - (a) The date plans for the alteration or modification are conditionally approved by the AHJ.
  - (b) The date the local building permit is issued.
  - (c) The date the replacement is initiated, where ss. 155-3H(10)(a) and (b) do not apply.
- (11) Any change in occupancy or change of use of any premise. Any owner, agent or occupant making a change in occupancy or use of any premise, or occupying a previously vacant space, excluding any private dwelling, shall be required to obtain a safety inspection by the Fire Department prior to the new tenant taking occupancy of any building or structure that was previously vacated or any change in occupancy or change of use of any existing building or structure or portion thereof.
  - (a) The owner, agent or occupant of a building shall schedule an appointment with the Fire Inspector for an inspection of the building and/or occupied space(s).
  - (b) Any violations of this chapter, including all applicable Codes and/or Standards adopted by reference, or other portion of the City of Burlington Municipal Code observed at the time of inspection shall be corrected prior to the new tenant taking occupancy or any change of use taking place.
  - (c) The Fire Department is authorized to require a consultation and/or inspection fee for this inspection.

#### I. System Submittal Requirements

Any time that an Automatic Fire Sprinkler, Fire Protection, Fire Alarm, Fire Control, Fire Extinguishing and/or Fire Suppression System and/or any portion thereof is to be installed, altered, added on to, or

has appliances removed, plans shall be submitted to the AHJ for review, permitting and conditional approval.

- (1) All plans for Automatic Fire Sprinkler, Fire Protection, Fire Alarm, Fire Control Fire Extinguishing, and/or Fire Suppression Systems and/or any portion thereof must meet or exceed the applicable NFPA and AHJ's requirements. Also see specific requirements in each system type Section.
- (2) Plans and all equipment data and manuals shall be submitted for review and conditional approval to the AHJ prior to a permit being issued.
- (3) A minimum of three copies of each plan, specification, equipment data and manuals and all calculations required by the AHJ shall be submitted. Two copies of each may be retained by the AHJ.
- (4) An AutoCAD electronic file of the plans shall also be submitted to the AHJ with each submittal and upon the completion of each project with the as-built conditions.
- (5) Complete and accurate as-built drawings and revised hydraulic calculations must be resubmitted for the AHJ's review and approval for ALL fire sprinkler systems that utilize CPVC piping prior to any piping being concealed.
- (6) A completed permit application must accompany all plan submittals.
- (7) The permit application must be signed by the individual assuming complete responsibility for the submitted system(s).
- (8) The permit application for all fire sprinkler and standpipe systems must be signed by an individual who holds a valid Wisconsin Automatic Fire Sprinkler Contractor's License.
- (9) The appropriate permit, inspection and/or plan review fees must be submitted with each permit application.
- (10) Plans will not be reviewed until all fee(s) have been received by the Municipality.
- (11) All fire protection systems must meet or exceed all applicable State of Wisconsin codes, City of Burlington local code and all applicable requirements of NFPA Codes and/or Standards.
- (12) Conditional Approval of any Fire Protection Submittal and/or portion of any Fire Protection Submittal is not intended to imply waiver or modification of any requirements of any applicable code, standard, regulation and/or law.
- (13) Conditional Approval of any Fire Protection Submittal and/or portion of any Fire Protection Submittal does not grant waiver to and/or modify any requirements of any applicable code, standard, regulation, requirement and/or law.
- (14) In granting any Conditional Approval, the City of Burlington and/or the City of Burlington Fire Department reserve(s) the right to require changes or additions should conditions arise making them necessary for code compliance.
- (15) As set forth in s. 101.12(2) Wis. Stats., nothing in any review and/or conditional approval shall relieve the designer of the responsibility for designing a safe building, structure, or component.
- (16) As set forth in s. Comm 5.51(1), Wis. Admin. Code, a person licensed as an automatic fire sprinkler contractor shall be responsible for each installation of an automatic fire sprinkler system.
- (17) All fire protection, fire control, fire suppression, fire alarm and/or fire extinguishing system, plan and/or submittal reviews are based on information provided.
- (18) All fire protection, fire control, fire suppression, fire alarm and/or fire extinguishing system plan and/or submittal reviews are done for general code compliance only.
- (19) Fire protection, fire control, fire suppression, fire alarm and/or fire extinguishing system plan and/or submittal review(s) do not relieve or limit the responsibility and/or liability of the contractor(s), architect, engineer, designer or any other responsible party for the

- system(s) reviewed.
- (20) The City of Burlington and/or the City of Burlington Fire Department or any of its agents and/or firm or persons hired by the City of Burlington and/or the City of Burlington Fire Department to review plans are not responsible for and do not accept any responsibility and/or liability for the system(s) indicated on any plans and/or submittals reviewed.
  - (21) The conditional approval of any fire protection, fire control, fire suppression, fire alarm and/or fire extinguishing system, plan and/or submittal by the City of Burlington Fire Department and/or their authorized representative(s) shall not be construed as an assumption of any design responsibility by the City of Burlington Fire Department and/or their authorized representative(s).

#### **155-4. Permits Required.**

- A. The following Permits are required, and the Fire Department is be responsible for issuance upon submission of acceptable application.
  - (1) Fireworks permits
  - (2) Open Burning permits
  - (3) Bonfire permits
  - (4) Blasting permits
  - (5) Construction/installation and/or modification permits for any portion of the modification of any fire protection, fire alarm, fire detection, fire suppression, or fire control system.
  - (6) Operational permit for high piled storage
- B. A permit must be obtained prior to the start of installation and/or alteration of any portion of a Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System.
- C. An operational permit issued by the AHJ is required to use a building or a portion thereof as a high-piled combustible storage area exceeding five-hundred (500) square feet.
- D. Permits will only be issued after the required Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System plans and specifications have been reviewed and Conditionally Approved by the AHJ.
- E. Permits for the installation and/or alteration of Fire Sprinkler and/or Standpipe Systems and/or any portion thereof will only be issued to individuals who hold a valid Automatic Fire Sprinkler Contractor's License.
- F. Any contractor that begins installation and/or alteration of any system regulated by this chapter prior to obtaining the required permit will be charged a triple permit fee.
- G. Anyone that begins installation and/or alteration of any system regulated by this chapter prior to obtaining the required permit will be charged a triple permit fee.
- H. Any change in use or occupancy shall require a new permit.
- I. Permit described. A permit, as specified and/or required by this chapter, shall constitute permission to maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities and/or for the installation and/or alteration of any portion of a Fire Protection, Fire

Alarm, Fire Control, and/or Fire Suppression System. Such a permit shall not take the place of any other license or permit required by law.

- J. A permit shall be valid for a stated or indefinite period as may be specified thereon as determined by the AHJ to be reasonably necessary to promote safety in the permitted activity.
- K. A permit shall not be transferable.
- L. Inspection. Before a license, occupancy permit or other permit for the conducting of a business, trade, occupation or calling may be issued by the municipality or its departments under other chapters or provisions of this Municipal Code, the AHJ shall inspect and conditionally approve the receptacles, vehicles, buildings or storage places to be used.
- M. Location of permit. Permits and licenses subject to the issuing, inspection or approval authority of the Fire Department or the AHJ under this chapter shall, at all times, be kept on the premises designated therein and be subject to inspection by the AHJ.
- N. Certificates of occupancy. The AHJ shall have dual authority with the Building Inspector in the issuance of certificates of occupancy for multifamily, public buildings, places of employment, commercial structures, places of public assembly and schools to the extent that the AHJ shall inspect and have approval authority over proposed occupancies to ensure compliance with this chapter.
- O. Plans. A copy of structural or applicable plans for all proposed construction of multifamily residences, commercial and industrial buildings and installations or upgrades of above and below ground tanks as required by ch. Comm 10, Wis. Admin. Code, shall be submitted to the AHJ for review.
- P. Building permits. Building permits shall be issued only for those buildings which conform to the provisions of this chapter.
- Q. The AHJ shall review and conditionally approve or deny all plans submitted to the Fire Department under this chapter within 14 working days of submission and, upon a denial, shall within such time mail to the applicant a written statement setting forth the fact of such denial and the reasons therefore. If the AHJ denies a plan, the Building Inspection Department shall not issue a permit. The applicant may appeal the decision of the AHJ to the Zoning Board of Appeals within 30 days of the date of the written denial. Plans not returned to the Building Inspection Department stamped "Denied" or "Conditionally Approved" within 14 working days of submission to the AHJ shall be considered "Conditionally Approved."
- R. Whenever the applicant shall claim that the provisions of this section do not apply to the structure in question or that the intent and meaning of this section have been misconstrued or wrongly interpreted by the AHJ, the applicant may appeal such decision of the AHJ to the Zoning Board of Appeals within 30 days of the date of the decision.

#### **155-5. Stop-work Order.**

- A. The AHJ may request that the Building Inspector issue a stop work order upon any permit issued subject to the inspection and approval authority of this chapter, where the AHJ finds that any of the conditions for issuance have not been maintained or where there has been any false

statement or misrepresentation of any material fact made in the application or plans upon which the issuance was based.

- B. If the AHJ determines requirements of this chapter are not complied with, the AHJ may issue a stop work order on any project or portion thereof.
- C. No work may begin on installation of a fire sprinkler, fire alarm, fire control, fire suppression, fire extinguishing system or any portion thereof until plans have been submitted and reviewed by the City of Burlington Fire Department or its designee and a permit and conditional approval has been obtained from the City of Burlington Fire Department. A stop-work order may be given to any contractor, owner or agent who has begun work on any system without conditionally approved plans and permit. All fees will be tripled and a special inspection fee as set by the Common Council will be charged by the Fire Department. An inspection of all work completed at the time of the stop-work order will be performed after plans have been conditionally approved. Should any discrepancy exist from the conditionally approved plans and the actual installation, it shall be corrected prior to a start-work release being issued.

#### **155-6. Inspection and Testing.**

- A. All Fire Sprinkler, Fire Control, Fire Extinguishing, Fire Suppression Systems and Fire Alarm Systems shall be inspected by the AHJ prior to having any of its parts covered-up or concealed in any manner whatsoever.
- B. The AHJ shall be given a minimum of a seventy-two (72) hour notice prior to any system inspection.
- C. The AHJ shall witness all tests of Fire Sprinkler, Fire Control, Fire Extinguishing, Fire Suppression Systems, Fire Alarm Systems, Fire Alarm Initiating Devices, Notification Appliances, and any other required system requiring an operational test.
- D. The AHJ shall be given a minimum of a seventy-two (72) hour notice prior to any system witness test.
- E. All testing for any reason that requires the use of a pressure gauge shall be done using a liquid filled gauge that is new or has been calibrated and certified within six (6) months of any test the AHJ requires. The certification shall be acceptable to the AHJ.

#### **155-7. Right of Entry; Required Inspections.**

- A. The AHJ and/or its authorized representative may, at all reasonable hours, enter any place of employment and/or public building within its jurisdiction for the purposes of making any inspection or investigation which, under the provision of this subchapter, it shall deem necessary.
- B. The AHJ shall inspect, or cause to be inspected, all places of employment and public buildings as often as may be necessary, but not less than once a year.
- C. The purpose of any inspection and/or investigation is to determine if any violations of the provisions or intent of this chapter and/or the codes or standards adopted by reference exist and to order corrections of the violations observed.

- D. The AHJ, upon the complaint of any person or whenever it shall deem necessary, shall inspect any place of employment and/or public building and premises within its jurisdiction.
- E. Any owner or occupant of any place of employment and/or public building who refuses to permit, prevents, or interferes with entry into or upon the premises by anyone authorized by the AHJ shall be guilty of violating this chapter and shall be subject to a penalty as set forth in section 155-55.
- F. Exception: The interiors of individual dwelling units will not be inspected unless an inspection is specifically requested by the owner or occupant and/or as allowed by Wisconsin State Statutes.
- G. Inspection warrants. The Fire Chief or Fire Inspector may obtain a special inspection warrant as provided under s. 66.0119, Wis. Stats., when necessary in his opinion for the purpose of making an inspection or investigation of any building or premises where the owner has either failed to respond to previous orders for entry or has refused entry.

**155-8. Enforcement and Documentation.**

- A. The Fire Chief or anyone the Fire Chief has designated as the AHJ shall enforce the provisions of this chapter.
- B. Whenever any AHJ or any designee of the Fire Department shall discover fire hazards as listed below, he or she shall order such conditions or materials removed or remedied in such manner as may be specified or in a manner acceptable to the AHJ.
  - (1) Dangerous or unlawful amounts of flammable, combustible or explosive material as determined by the AHJ.
  - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive material.
  - (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ.
  - (4) Accumulations of dust, grease, or waste materials in air conditioning systems, exhaust ducts or vent hoods.
  - (5) Obstructions to or in fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operation of the Fire Department or egress of occupants. This includes snow.
  - (6) Any building, structure, or premises which for want of repairs, lack of exit facilities, fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any cause, creates a fire hazard.
- C. The AHJ may use any means in documentation of any inspections and/or conditions, including but not limited to the use of photographing, video and/or electronic equipment.

**155-9. Notification of Use or Occupancy Change.**

- A. Whenever there is a change in occupancy or the agent(s) (manager, shift supervisor, after hours emergency contact, etc.) of that occupancy, the owner or their duly authorized agent shall submit the changes in writing to the Fire Department within five working days. The information shall consist of the following:

- (1) Name and address of occupancy.
- (2) Owner's name, address and phone number(s).
- (3) Agent's name, address and phone number(s).
- (4) Other information as required by the AHJ.

B. Whenever a change in the service company for the alarm system has occurred within the occupancy, the owner or authorized agent shall submit the changes in writing to the Fire Department within five working days. The information shall consist of the following:

- (1) All information required in 155-9A.
- (2) Type(s) of fire protection systems.
- (3) Service company name, address and phone number(s).

C. No change can be made in the use or occupancy of any building or structure, or any space within a building, structure, or space of a building or structure either in a different division of the same occupancy group or in a different occupancy group, unless the building or structure complies with this chapter's requirements for the new division of occupancies, as these requirements exist. This subsection does not apply to an approved Temporary Use or to a new use that will be less hazardous, based on life and/or fire risk, than the existing use.

D. An inspection by the Fire Department shall be required for any new or change of occupancy.

#### **155-10. Temporary Use.**

The AHJ may allow a building or portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

- A. The AHJ shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use.
- B. The AHJ shall determine maximum occupancy load.
- C. The AHJ shall determine any fire protection and/or control devices and life safety provisions that may be needed.

#### **155-11. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning indicated in this section. Additional definitions applicable to this chapter are contained in the applicable NFPA Codes and/or Standards.

**ACCESS BOX** -- A steel key vault, mounted on the exterior of a building that contains keys, floor plans, maps or other items as required by the AHJ, for access to all portions of the building.

**ADULT DAY CARE** -- Any place that receives at any time for compensation four or more adults for care and supervision for less than twenty-four (24) hours a day.

**ADULT FAMILY HOME** -- Similar to a CBRF except that they are licensed for five or less tenants.

ALARM -- An automatic or manual alarm notification summoning the Fire Department to the location of an alarm indicating fire.

ANNUNCIATOR -- A unit containing one or more indicator lamps, alphanumeric displays, or other equivalent means in which each indication provides status information about a circuit, condition, or location.

APPROVED -- Acceptable to the AHJ.

APPROVED AGENCY -- An agency accepted or acceptable to the AHJ, which may include the following: Underwriters Laboratories, Inc., the National Institute of Standards and Technology, the American Gas Association laboratories or other nationally recognized testing authorities.

ASSEMBLY GROUP A -- Group A occupancies include, among other, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than fifty (50) persons and accessory to another occupant shall be included as a part of that occupancy. Assembly occupancies shall include the following:

- A. A-1 Assembly uses, usually with fixed seating, intended for the production and viewing of performing arts or motion pictures.
- B. A-2 Assembly uses intended for food and/or drink consumption.
- C. A-3 Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A.
- D. A-4 Assembly uses intended for viewing of indoor sporting events and activities with spectator seating.
- E. A-5 Assembly uses intended for participation in or viewing outdoor activities.

AUDIBLE NOTIFICATION APPLIANCE -- A notification appliance that alerts by the sense of hearing.

AUTOMATIC FIRE DETECTOR -- A device designed to detect specific products of fire – smoke, heat or both.

AUTHORITY HAVING JURISDICTION (AHJ) -- The Fire Chief of the City of Burlington Fire Department, or any designee of the Fire Chief, to enforce this chapter and the laws of the State of Wisconsin, as designated in ch. Comm. 14, Wis. Admin. Code, pertaining to the prevention of fires and public safety, and/or conditionally approving equipment installation, and/or procedures as outlined in NFPA Standards, Codes and/or Recommended Practices.

AUTOMATIC CLOSING DEVICE – A device which functions without human intervention and is actuated as a result of predetermined temperature rise, rate of rise of temperature, combustion products or smoke density.

AUTOMATIC FIRE ALARM SYSTEM -- A system which automatically detects fire condition and actuates NOTIFICATION APPLIANCES throughout the protected premises and actuates a fire alarm

signal device to a U.L. Listed Central Station for Fire Service that is acceptable to the AHJ.

**AUTOMATIC FIRE-EXTINGUISHING SYSTEM** -- An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of fire.

**AUTOMATIC FIRE SPRINKLER SYSTEM** -- An integrated system of underground and/or overhead piping designed in accordance with fire protection standards. The system includes a suitable water supply. The portion of the system above ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water in the fire area.

**AVAILABLE WATER SUPPLY** -- The quantity of water at a specific pressure that can be used by the Fire Department for firefighting purposes and/or used by an automatic fire sprinkler, standpipe, fire control or fire suppression system.

**BASEMENT** -- That portion of a building that is partly or completely below Grade Plane. A basement shall be considered as a story.

**BUREAU OF FIRE PROTECTION** -- The Bureau of Fire Prevention is made up of the following personnel: The Fire Chief, The Fire Marshal and/or Fire Inspectors, or any other Designee of the Chief.

**BOARDING HOUSE** -- A building arranged or used as lodging for compensation, with or without meals, not occupied as a single-family unit.

**BONFIRE** -- A recreational fire larger than three feet in diameter or larger than three feet tall, used to mark a public event, victory celebration or similar occurrence.

**BUSINESS GROUP B** – Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts.

**CEILING** – The upper surface of a space, regardless of height. Areas with a suspended ceiling would have two ceilings, one visible from the floor, and one above the suspended ceiling.

**CODE** – A standard that is an extensive compilation of provisions covering a broad subject matter or that is suitable for adoption into law independently of other codes and standards.

**COMBUSTIBLE MATERIAL** – All materials not classified as “Noncombustible” are considered combustible. This property of a material does not relate to its ability to structurally perform under fire exposure. The degree of combustibility is not defined by standard fire test procedures.

**COMM** -- Wisconsin Department of Commerce.

**COMMON AREA** – Any area in a building that can be accessed by more than one person at one time. This does not include areas within a dwelling unit.

**COMMUNITY BASED RESIDENTIAL FACILITY (CBRF)** -- A community facility where five or more adults who are not related to the operator or administrator and who do not require care above

intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board, but that include no more than three hours of nursing care per week per resident.

**CONDITIONAL APPROVAL** -- An approval of plans, calculations, submittals and/or specifications by the AHJ based upon information provided to the AHJ, including but not limited to, any changes required by the AHJ to the above mentioned plans, submittals and/or specifications. Conditional Approval of any submittal and/or portion of any submittal does not grant waiver to and/or modify of any requirements of this chapter, any other applicable code, standard, regulation and/or law. The conditional approval of any automatic fire sprinkler, suppression or fire alarm submittal by the AHJ shall not be construed as an assumption of any design responsibility by the AHJ, Municipality, any individual employed by the municipality and/or any agent(s) for the municipality.

**CONSULTANT(S)** – A company, individual or agency hired by the Fire Department or Municipality to provide advice to the Fire Department on fire and/or life safety related issues. Consultants may provide services, which could include, but is not limited to, plan reviews of fire sprinkler, fire alarm, fire control, fire suppression, fire extinguishing systems, witness tests and/or conduct inspections.

**DAY CARE CENTER** – Any place which receives at any one time for compensation four or more children under the age of seven years, for care and supervision, for less than twenty-four (24) hours a day or more than ten days a month, without the attendance of a parent, relative or legal guardian.

**DWELLING OR DWELLING UNIT** – A single unit providing living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this chapter, Dwelling Unit includes apartments and condominiums but does not include hotel and motel rooms, guest suites, dormitories, boarding rooms, or sleeping rooms in nursing homes.

**EDUCATIONAL GROUP E** – Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12<sup>th</sup> grade.

**FACTORY INDUSTRIAL GROUP F** -- Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembly, disassembly, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as Group H occupancy.

- A. F-1 Moderate-Hazard occupancy.
- B. F-2 Low-Hazard occupancy.

**FALSE ALARM** -- The initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists. Further defined as:

- A. Malicious Alarm – A false alarm of fire deliberately sounded by someone in order to inconvenience the Fire Department.
- B. Accidental Alarm -- An alarm set off and transmitted through accidental operation of an automatic or manual fire alarm device.
- C. Good Intent False Alarm -- An alarm that turns out to be false but was reported in good faith.

**FAMILY UNIT** – Two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this chapter, a group of not more than 4 persons, not necessarily related by blood or marriage, living together in a single living unit, will be considered equivalent to a single family.

**FIRE ALARM** – An automatic or manual alarm notification summoning the Fire Department to the location of an alarm indicating fire.

**FIRE ALARM ANNUNCIATION DEVICE** -- A device connected to a fire alarm to signal either a fire or trouble condition. Fire Alarm Annunciation Devices include visible notification appliances, strobes, audible notification appliances, horn/strobes, horns, bells, and/or annunciator panels.

**FIRE ALARM INITIATING DEVICE** -- A device connected to a FIRE ALARM SYSTEM that causes a trouble, supervisory and/or alarm signal to be initiated. Fire Alarm Initiating Devices could include: manual pull stations, smoke, heat, flame, ionization, or photoelectric detectors, spark detectors, water flow, low air, low temperature, low water, or supervisory switches.

**FIRE ALARM SYSTEM** -- A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of the fire alarm or supervisory signal-initiating devices to activate notification appliances throughout the protected premises and to initiate the appropriate response to those signals.

**FIRE CONTROL SYSTEM** -- A system designed and constructed with the intent of controlling or limiting a fire. Fire Control Systems may be automatic or non-automatic. Fire Control Systems could include AUTOMATIC FIRE SPRINKLER SYSTEMS, standpipe systems, chemical agent systems, fire hydrants and/or any other system acceptable to the AHJ.

**FIRE DEPARTMENT CONNECTION (FDC)** -- A part of a sprinkler, standpipe, deluge and/or combination system to be used by the Fire Department to pump additional water into the system(s) it is connected to.

**FIRE DOOR ASSEMBLY** -- Any combination of a fire door, frame, hardware, and other accessories that together provide a certain degree of fire protection to the opening.

**FIRE RESISTIVE** -- That property of materials of their assemblies that prevents or retards the passage of excessive heat, hot gases or flame under conditions of use. Materials are tested as prescribed in s. 703 of the International Building Code (IBC), as adopted by s. Comm 61.05, Wis. Admin. Code and amended by s. Comm 62.0703, Wis. Admin. Code.

**FIREWALL** -- A fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

**FIREWORKS** -- as anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have any other use and includes those items set forth in ss. 167.10(1)(m) and (n), Wis. Stats.

**FLOOR AREA OR SQUARE FOOTAGE OF A BUILDING** – The total square footage of the sums of all basement, floor levels, balconies and mezzanines.

A. The area for basements and floor levels shall be measured from the outside perimeter of the

outside walls.

- B. The area for mezzanines shall be determined from the product of the length of the mezzanine multiplied by the width of the mezzanine.
- C. For the purpose of determining square footage, fire division walls will not be accepted as outside walls or area dividers.
- D. Buildings that are in close proximity to each other will have their building square footage added together to arrive at the total square footage.
- E. For the purpose of determining close proximity the following will hold true:
  - (1) Single story buildings – Thirty (30) feet apart or less.
  - (2) Two story buildings – Sixty (60) feet apart or less
  - (3) Three story buildings – Sixty (60) feet apart or less.
  - (4) All other multiple story buildings – Sixty (60) feet apart.
  - (5) Buildings of variable height next to each other – Thirty (30) feet apart or less.
- F. For the purpose of determining square footage, a FIRE WALL which has a fire resistance rating of not less than four hours and which subdivides or separates a building to restrict the spread of fire, including a three foot parapet wall is an approved area divider.

FLOOR, GROUND -- That level of a building on a sloping or multilevel site which has a floor line at or not more than three feet above exit discharge grade for at least ½ of the required exit discharges.

FREQUENTER -- Every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.

GRADE PLANE -- A reference plane representing the average of finished ground level adjoining the building exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

HAZARDOUS GROUP H -- Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those found in Tables 307.7(1) through 307.7(4) of the International Building Code.

- A. H-1 Buildings and structures which contain materials that pose a detonation hazard.
- B. H-2 Buildings and structures which contain materials that pose a deflagration hazard or a hazard from accelerated burning.

- C. H-3 Buildings and structures which contain materials that readily support combustion or pose a physical hazard.
- D. H-4 Buildings and structures which contain materials that are health hazards.
- E. H-5 Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials are used and the aggregate quantity of materials is in excess of those listed in Tables 307.7(1) and 307.7(2) of the International Building Code.

**HAZARDOUS MATERIAL, OR INFECTIOUS AGENT** -- any material or combination of materials which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, products that are explosive, toxic, corrosive, or flammable, irritants, strong sensitizers, pesticides or a biological hazard.

**HEIGHT, BUILDING** -- The vertical distance from the **GRADE PLANE** to the average height of the highest roof surface.

**HIGH-CHALLENGE FIRE HAZARD** – A fire hazard typical of that produced by fires in combustible high-piled storage, flammable/combustible liquid storage, tire storage and other special occupancies.

**INSTITUTIONAL GROUP I** -- Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies are classified as I-1, I-2, I-3 or I-4, as described in the International Building Code.

**LISTED** -- Included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or materials meet nationally recognized standards or has been tested and found suitable for use in a specified manner.

**MANUAL FIRE ALARM SYSTEM** – A system or portion of a combination system that consists of components and circuits arranged to initiate the **NOTIFICATION APPLIANCES** and appropriate response to those signals only after a person manually activates the fire alarm system.

**MERCANTILE GROUP M** – Group M occupancy includes, among others, building and structures or a portion thereof, for the display and sale of merchandise, and involves stock of goods, wares or merchandise incidental to such purposes and accessible to the public.

**MEZZANINE OR MEZZANINE FLOOR** -- An intermediate level or levels between floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located.

**MISCELLANEOUS GROUP U** – Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this chapter commensurate with the fire and life hazard incidental to

their occupancy.

MUNICIPALITY – The City of Burlington.

MULTIFAMILY DWELLING -- A building or portion thereof containing three or more dwelling units, such as tenements, apartments or rooming houses. Row houses with fire walls extending from the basement to the underside of the roof separating each living unit are not considered multifamily for the purpose of this chapter.

NFPA -- The National Fire Protection Association.

NON-ACCESSIBLE AREA -- A portion of a building or structure that people do not have access to.

NONCOMBUSTIBLE MATERIAL – A material which, in the form in which it is used, meets one of the requirements listed below. Materials used adjacent to or in contact with heat producing appliances, warm air ducts, plenums and chimneys shall be classified as noncombustible only on the basis of requirement A. Noncombustible does not apply to the flame-spread characteristics of interior finish or trim materials. No material shall be classified as noncombustible building construction material which is subject to increase in combustibility or Flame-Spread Classification (FSC) beyond the limits herein established through the effects of age, moisture or other atmospheric conditions. (See flame spread rating in Wis. Admin. Code.)

- A. Materials which pass the test procedure of ASTM E-136 for non-combustibility of elementary materials when exposed to a furnace temperature of 1,382° F for a minimum period of five minutes and do not cause a temperature rise of the surface or interior thermocouple in excess of 54° F above the furnace air temperature at the beginning of the test and which do not flame after exposure of thirty (30) seconds.
- B. Materials having structural base of noncombustible material as defined in par. A., with a surfacing not more than 1/8" thick which has a Flame-Spread Classification (FSC) not greater than fifty (50) when tested in accordance with the method of test for surface burning characteristics of building materials (ASTM E-84).

NORMAL ACCESS ROUTES – For the purpose this chapter, Normal Access Routes are defined as pavement, sidewalks, streets, driveways and paths leading to a building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills, shrubs, flower beds, fences, walls or any other area not typically used for ingress to or egress from a building.

NOTIFICATION APPLIANCE -- A fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, visible outputs or any combination thereof that is acceptable to the AHJ.

OCCUPANTS – The person or persons who physically reside, work or are present anywhere in a facility, building and/or structure.

OCCUPIABLE AREA – The spaces of a facility that can be occupied or used by the facility occupants as part of the building function or to support building operations and maintenance. This includes, but is not limited to, storage areas, mechanical and electrical equipment areas, walk-in closets or janitor's rooms, restrooms, conference rooms, and individual offices.

**OTHER TERMS** – Terms not defined herein used in this chapter shall be as defined in the International Fire Code Section 202 and/or NFPA Codes and Standards that are adopted in this chapter by reference.

**OWNER** -- Includes his or her duly sworn agent or attorney, a purchaser, devisee, fiduciary or person having a vested or contingent interest in the property in question.

**OWNER'S CERTIFICATE** – A form completed by the Owner(s), or the Owner's authorized agent, of a building or structure where a fire sprinkler system is going to be installed that provides the sprinkler contractor with information required to properly design a fire sprinkler system.

**PERMIT** -- A Permit as specified and/or required by this chapter shall constitute permission to maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities and/or for the installation and/or alteration of any portion of a Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System. Such a Permit shall not take the place of any other license or permit required by law. A Permit shall be valid for a stated or indefinite period as may be specified thereon as determined by the AHJ to be reasonably necessary to promote safety in the permitted activity. A Permit shall not be transferable. Any change in use or occupancy shall require a new Permit

**PLACE OF EMPLOYMENT** – Includes every place, whether indoors or out or underground, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04(3) Wis. Stats., and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, Place of Employment does not include an adult family home, as defined in s. 50.01(1) Wis. Stats., or, except for the purposes of s. 101.11 Wis. Stats., a previously constructed building used as a community-based residential facility, as defined in s. 50.01(1g) Wis. Stats., which serves 20 or fewer residents who are not related to the operator or administrator.

**PROTECTED PREMISES** – The physical location protected by a Fire Alarm System.

**PUBLIC BUILDING** – Any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "Public Building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01(1g) Wis. Stats., which serves 20 or fewer unrelated residents or an adult family home, as defined in s. 50.01(1) Wis. Stats.

**RECOGNIZED SCALE** -- A scale commonly used by architects, engineers, designers and others in the preparation of drawings that is acceptable to the AHJ.

**RECORD** – Any form of written material that shows information pertaining to a device, system, method or person. Written records are required whenever tests and/or maintenance of any kind is performed on

any fire alarm, fire control, fire suppression or life safety system or device.

REMODEL -- To remodel, alter or both, means to change any building or structure which affects the structural strength, fire hazard, internal circulation, or exits of the existing building or structure. This definition does not apply to maintenance, re-roofing, or alterations to the heating and ventilating or electrical system.

REMOTE FIRE DEPARTMENT CONNECTION (FDC) -- A Fire Department Connection that is not attached to the building or structure that is protected by the system the FDC supplies and is connected by piping usually installed underground or a piping method that is acceptable to the AHJ.

RESIDENTIAL GROUP R -- Group R occupancy includes, among others, the use of a building or structure, or portion thereof, for sleeping accommodations when not classed as an Institutional Group I.

- A. R-1 Residential occupancies where the occupants are primarily transient in nature.
- B. R-2 Residential occupancies containing more than two dwelling units where occupants are primarily permanent in nature.
- C. R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified R-1, R-2 or I, and where buildings do not contain more than two dwelling units or adult and child care facilities, that provide accommodations for five or fewer persons of any age for less than twenty-four (24) hours.
- D. R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including five but not more than 16 occupants, excluding staff.

ROOF SPACE -- The space located above the finished ceiling(s) and below the exterior roof of a structure. This includes but is not limited to any space that could be defined as an attic.

ROOMING HOUSE -- Any building, which has a room or rooms for sleeping, without permanent provisions for cooking. Rooming House rooms do not include any room in a one or two-family dwelling.  
ROUGH INSPECTION -- Visual observation from the floor and/or ground level of any system and/or component thereof required by this chapter prior to being concealed in any way by any means.

ROW HOUSE -- A place of abode arranged to accommodate three or more attached side-by-side or back-to-back living units.

SAFETY MARGIN -- A specific measurement of pressure in pound per square inch (psi) at a specific rate of waterflow that all fire sprinkler, fire control and water base fire suppression systems must maintain below the anticipated available water supply as determined by a waterflow test, a Municipality specified flow and pressure or any other water supply acceptable to the AHJ.

SINGLE-FAMILY DWELLING -- A detached building containing only one dwelling unit and designed exclusively for use and occupancy by one family.

SHALL -- Indicates a mandatory requirement.

SHOULD -- Indicates a recommendation or that which is advised but not required.

**SPACING** – A horizontally measured dimension relating to the allowable coverage limits of fire detectors, automatic sprinkler systems, and fire alarm visual notification devices.

**SPECIAL OCCUPANCY** – Any area that a High-Challenge Fire Hazard exists and any NFPA Codes and/or

Standards contain design criteria, limitations or requirements that apply specifically to the occupancy.

**STANDARD** -- A document, the main text of which contains only mandatory provisions using the word “shall” to indicate mandatory requirements and which is in a form generally suitable for reference by another standard or code or for adoption into law.

**STORAGE GROUP S** -- Group S occupancy includes, among others, the use of a building or structure, or portion thereof, for storage that is not classed as Hazardous Group H.

- A. S-1 (Moderate-Hazard Storage) Buildings occupied for storage uses which are not classified as S-2.
- B. S-2 (Low-Hazard Storage) Building used for storage of noncombustible material such as products on wood pallets or in paper cartons with or without single thickness divisions or in paper wrappings. Such products may have negligible amount of plastic trim such as knobs, handles, or film wrapping.

**STORY** -- That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. To determine the number of stories in a building, all floors will be counted whether they are above grade or below grade, including basements, sub-basements, and ground floors, but not including penthouses or mezzanines less than one-third (1/3) of a story.

**TEMPORARY** -- Less than one hundred-eighty (180) days.

**TACTILE NOTIFICATION APPLIANCE** – A notification appliance that alerts by the sense of touch or vibration.

**TEXTUAL AUDIBLE NOTIFICATION APPLIANCE** -- A notification appliance that conveys a stream of audible information. An example of a textual audible notification appliance is a speaker that reproduces a voice message.

**THROUGHOUT** – One of the following, depending on the circumstances:

- A. Throughout, for automatic fire sprinkler systems, means providing fire sprinkler protection in all areas of a structure as required by NFPA 13.
- B. Throughout, for automatic fire alarm systems, means installing detection, audible and visual notification devices in all areas of the protected premises installed in accordance with NFPA 72.
- C. Throughout, for manual fire alarm systems, means installing audible and visual notification devices in all areas of the protected premises installed in accordance with NFPA 72.

**TWO FAMILY DWELLING** – A detached building containing not more than two individual dwelling units

which are entirely separated by vertical walls or horizontal floors, un-pierced except for access to the outside or common basement.

VEHICLE -- Any self-propelled device fueled by flammable or combustible liquid, or compressed gas, used to transport people or goods.

VISIBLE NOTIFICATION APPLIANCE – A notification appliance that alerts by the sense of sight.

WATERFLOW TEST – A test of an available water supply that indicates the quantity of water flowing out of a specific orifice, at a specific pressure, at a specific point in time.

WELFARE – Includes comfort, decency and moral well-being.

WISCONSIN STATUTES – All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the State of Wisconsin Statutes as of the adoption of this chapter as or as they may be amended or renumbered from time to time.

### **155-12. Adoption of Wisconsin Department of Commerce Codes.**

A. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

Comm 3	Petition for Variance Procedures
Comm 5	Licenses, Certification and Registration
Comm 7	Explosive Materials
Comm 8	Mines, Pits and Quarries
Comm 9	Manufacture of Fireworks
Comm 10	Flammable and Combustible Liquids
Comm 14	Fire Prevention
Comm 16	Electrical
Comm 18	Elevator Code
Comm 28	Smoke Detectors
Comm 33	Passenger Ropeways
Comm 34	Amusement Rides and Attractions
Comm 35	Infectious Agents
Comm 40	Gas Systems
Comm 41	Boilers and Pressure Vessels
Comm 43	Anhydrous Ammonia
Comm 45	Mechanical, Refrigeration
Comm 48	Petroleum Products
Comm 61-65	Wisconsin Commercial Building Code
Comm 70	Historic Buildings
Comm 71	Solar Energy Systems
Comm 75-79	Existing Buildings
Comm 95-98	Manufactured Homes

B. Any violation of the incorporated provisions of any State of Wisconsin Code, Law, Regulation, Standard or any other requirements constitutes a violation of this chapter.

- C. In cases of conflict between Local and State of Wisconsin Codes, the most restrictive provisions, as determined by the AHJ, shall govern.
- D. Copies of the Wisconsin Department of Commerce codes are available from:  
 Wisconsin Department of Administration  
 Document Sales and Distribution Section  
 P.O. Box 7840  
 Madison, WI 53707  
 1-608-266-3358

**155-13. Adoption of the International Code Council Code(s).**

The latest International Code Council (ICC) publication(s) listed below and published on or before the effective date of this chapter are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

International Fire Code (IFC), 2006 edition (applies only to sections specifically referenced in this chapter).

**155-14 Adoption of National Fire Protection Association Codes and Publications.**

The latest National Fire Protection Association (NFPA) Codes and publications published on or before the effective date of this chapter are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

NFPA 1	Uniform Fire Code (applies only to use, maintenance, operation and testing), 2006 edition
NFPA 10	Standard for Portable Fire Extinguishers, 2007 edition
NFPA 11	Standard for Low-, Medium- and, High-Expansion Foam, 2005 edition
NFPA 12	Standard on Carbon Dioxide Extinguishing Systems, 2008 edition
NFPA 13	Standard for the Installation of Sprinkler Systems, 2007 edition
NFPA 13D	Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes, 2007 edition
NFPA 13R	Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 2007 edition
NFPA 14	Standard for the Installation of Standpipes, Private Hydrant, and Hose Systems, 2007 edition
NFPA 15	Standard for Water Spray Fixed Systems for Fire Protection, 2007 edition
NFPA 16	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2007 edition
NFPA 17	Standard for Dry Chemical Extinguishing Systems, 2002 edition
NFPA 17A	Standard for Wet Chemical Extinguishing Systems, 2002 edition
NFPA 20	Standard for the Installation of Stationary Pumps for Fire Protection, 2007 edition
NFPA 22	Standard for Water Tanks for Private Fire Protection, 2003 edition
NFPA 24	Standard for the Installation of Private Fire Service Mains and their Appurtenances, 2007 edition
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2008 edition
NFPA 30	Flammable and Combustible Liquids Code, 2008 edition

NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages, 2008 edition
NFPA 30B	Code for the Manufacture and Storage of Aerosol Products, 2007 edition
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials, 2007 edition
NFPA 34	Standard for Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 edition
NFPA 35	Standard for the Manufacture of Organic Coatings, 2005 edition
NFPA 36	Standard for Solvent Extraction Plants, 2004 edition
NFPA 37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, 2006 edition
NFPA 40	Standard for the Storage and Handling of Cellulose Nitrate Film, 2007 edition
NFPA 42	Code for the Storage of Pyroxylin Plastic, 2002 edition
NFPA 45	Standard on Fire Protection for Laboratories Using Chemicals, 2004 edition
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes, 2007 edition
NFPA 51A	Standard for Acetylene Cylinder Charging Plants, 2006 edition
NFPA 51B	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work, 2003 edition
NFPA 54	National Fuel Gas Code, 2006 edition
NFPA 55	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, 2005 edition
NFPA 58	Liquefied Petroleum Gas Code, 2008 edition
NFPA 59	Utility LP-Gas Plant Code, 2004 edition
NFPA 59A	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), 2006 edition
NFPA 61	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities, 2008 edition
NFPA 68	Guide for Venting of Deflagrations, 2007 edition
NFPA 69	Standard on Explosion Prevention Systems, 2008 edition
NFPA 70	National Electrical Code®, 2005 edition
NFPA 72	National Fire Alarm Code, 2007 edition
NFPA 75	Standard for the Protection of Information Technology Equipment, 2003 edition
NFPA 76	Standard for the Fire Protection of Telecommunications Facilities, 2005 edition
NFPA 80	Standard for Fire Doors and Fire Windows, 2007 edition
NFPA 82	Standard on Incinerators and Waste and Linen Handling Systems and Equipment, 2004 edition
NFPA 85	Boiler and Combustion Systems Hazards Code, 2007 edition
NFPA 86	Standard for Ovens and Furnaces, 2007 edition
NFPA 88A	Standard for Parking Structures, 2007 edition
NFPA 88B	Standard for Repair Garages, 1997 Edition
NFPA 91	Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, 2004 edition
NFPA 92A	Standard for Smoke-Control Systems), 2006 edition
NFPA 92B	Standard for Smoke Management Systems in Malls, Atria, and Large Spaces, 2005 edition
NFPA 96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 edition

NFPA 99B	Standard for Hypobaric Facilities, 2005 edition
NFPA 99C	Standard on Gas and Vacuum Systems, 2005 edition
NFPA 101	Life Safety Code®, 2006 edition
NFPA 101B	Code for Means of Egress for Buildings and Structures
NFPA 102	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2006 edition
NFPA 105	Standard for the Installation of Smoke Door Assemblies, 2007 edition
NFPA 110	Standard for Emergency and Standby Power Systems, 2005 edition
NFPA 111	Standard on Stored Electrical Energy Emergency and Standby Power Systems, 2005 edition
NFPA 115	Standard on Laser Fire Protection, 2003 edition
NFPA 160	Standard for the Use of Flame Effects Before an Audience, 2006 edition
NFPA 170	Standard for Fire Safety and Emergency Symbols, 2006 edition
NFPA 204	Standard for Smoke and Heat Venting, 2007 edition
NFPA 214	Standard on Water-Cooling Towers, 2005 edition
NFPA 221	Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls, 2006 edition
NFPA 230	Standard for Fire Protection of Storage, 2003 edition
NFPA 232	Standard for the Protection of Records, 2007 edition
NFPA 241	Standard for Safeguarding Construction, Alteration, and Demolition Operations, 2004 edition
NFPA 291	Practice for Fire Flow Testing and Marking of Hydrants, 2007 edition
NFPA 303	Fire Protection Standards for Marine and Boatyards, 2006 edition
NFPA 318	Standard for the Protection of Semiconductor Fabrication Facilities, 2006 edition
NFPA 400	Hazardous Chemical Code
NFPA 407	Standard for Aircraft Fuel Servicing, 2007 edition
NFPA 408	Standard for Aircraft Hand Portable Fire Extinguishers, 2004 edition
NFPA 409	Standard on Aircraft Hangars, 2004 edition
NFPA 410	Standard on Aircraft Maintenance, 2004 edition
NFPA 418	Standard for Heliports, 2006 edition
NFPA 430	Code for the storage of Liquid and Solid Oxidizers, 2004 edition
NFPA 432	Code for the Storage of Organic Peroxide Formulations, 2002 edition
NFPA 434	Code for the Storage of Pesticides, 2002 edition
NFPA 484	Standard for Combustible Metals, 2006 edition
NFPA 490	Code for the Storage of Ammonium Nitrate, 2002 edition
NFPA 495	Explosive Materials Code, 2006 edition
NFPA 499	Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas, 2004 edition
NFPA 560	Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation, 2007 edition
NFPA 654	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids, 2006 edition
NFPA 655	Standard for Prevention of Sulfur Fires and Explosions, 2007 edition
NFPA 664	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities, 2007 edition
NFPA 704	Standard System for the Identification of the Hazards of Materials for Emergency Response 2007 edition
NFPA 720	Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in

	Dwelling Units 2005 edition
NFPA 750	Standard on Water Mist Fire Protection Systems, 2006 edition
NFPA 780	Standard for the Installation of Lightning Protection Systems, 2008 edition
NFPA 801	Standard for Fire Protection for Facilities Handling Radioactive Materials, 2003 edition
NFPA 804	Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants, 2006 edition
NFPA 850	Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations, 2005 Edition
NFPA 853	Standard for the Installation of Stationary Fuel Cell Power Systems, 2007 edition
NFPA 1123	Code for Fireworks Display, 2006 edition
NFPA 1124	Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition
NFPA 1125	Code for the Manufacture of Model Rocket and High Power Rocket Motors, 2007 edition
NFPA 1126	Standard for the Use of Pyrotechnics before a Proximate Audience, 2006 edition
NFPA 2001	Standard on Clean Agent Fire Extinguishing Systems, 2008 edition
NFPA 2010	Standard for Fixed Aerosol Fire Extinguishing Systems, 2006 edition

Copies of the National Fire Prevention Association codes and publications are available from:

National Fire Protection Association  
 1 Batterymarch Park  
 Quincy, Massachusetts 02169-7471  
 Tel: 617-770-3000  
 Sales/Member Services: 800-344-3555 or 617-770-3000  
 Fax: 617-770-0700

**155-15. Liability for Damages.**

This Chapter shall not be construed to affect the responsibility of any persons owning, operating, or installing equipment, for injury to persons or damage to property caused by any defect therein, nor shall the Municipality, any person, firm, company or agent(s) for the Municipality be held as assuming such liability by reason of any plan, system, submittal review and/or conditional approval, inspection or re-inspection authorized herein or the permit issued herein provided or by reason of the disapproval or approval of any equipment and/or system authorized herein.

**155-16. Service of Correction Orders.**

- A. The service of correction orders may be made upon the owner, occupant or both or any other person responsible for the condition(s) that violate any section of this chapter. A copy of the service order can be delivered personally to the owner or by leaving it with the person in charge of the premises. Whenever it may be necessary to serve such order upon the owner of the premises, such an order may be served either by delivering to and leaving with the person a copy of the order, or if such owner is absent from the jurisdiction of the AHJ making the order, by mailing such a copy to the owner's last known post office address. Any such order may be given verbally, handwritten on an approved inspection form or typed and delivered to such occupant personally or by placing such order in a conspicuous place on the door to the entrance of the premises.

- B. Compliance with service of correction orders that include conditions that are hazardous to life or safety of the occupants shall require immediate correction. All other violations shall be corrected within a specified time or date, as the AHJ shall determine.
- C. When the owner of any property or person in apparent control of the property is issued an order by the AHJ and fails to comply with the order, the Municipality may do the work ordered or cause the work ordered to be done and the cost of such work shall constitute a special charge against the property upon which the work is done and shall be levied against such property pursuant to s. 66.0627, Wis. Stats.
- D. No person shall refuse to permit or shall prevent or interfere with any entry into or upon any building or premise by the AHJ who is lawfully on the premises or interfere with any such inspection. If consent to enter onto personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the AHJ shall obtain a special inspection warrant under s. 66.0119, Wis. Stats.
- E. Compliance with orders. Any such order given shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner or occupant may, within 24 hours of the receipt of such order, appeal to the Fire Chief in writing for a review of such order, who shall thereafter as soon as possible file his decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and shall be complied with in the time fixed in said order. Appeals of orders in conflict with orders of the Department of Commerce may be made pursuant to s. Comm 14.01(7), Wis. Admin. Code.

**155-17. Variances.**

- ~~A. The AHJ shall have the power to modify any of the provisions of this chapter upon application in writing by the owner or occupant, or a duly sworn authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this chapter, provided that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.~~
- B. The AHJ thereon shall enter upon the records of the Department, and a signed copy shall be furnished to the applicant the particulars of such variances when granted.
- C. The AHJ may require tests as proof of compliance with the intent of this chapter. Such tests are to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.
- D. If technical expertise is unavailable within the Municipality because of new technology, process, products, facilities, materials, design, operation or use of a building or premises subject to the inspection of the Municipality, the AHJ may require the owner or the person in possession or control of the building or premises to provide, without charge to the Municipality, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety organization, acceptable to the AHJ and the owner, and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribed all necessary recommended changes. The Fire Department may also acquire technical assistance from a consultant and may charge a fee to the owner or occupant for the service provided.

#### **155-18. Revocation and/or Expiration of Permits.**

- A. The AHJ may revoke any permit issued in accordance with this chapter in any case where the AHJ may find that any of the conditions for the issuance have not been maintained or where there has been false statement or misrepresentation of any material fact in the application or plans on which the issuance was based.
- B. The AHJ shall promptly notify the permit holder of the request for revocation and, if so requested by the permit holder, the effective date of the revocation shall be deferred pending a hearing before the Chief of the Fire Department. The decision of the Chief for revocation, following the hearing, shall be final.
- C. All permits and conditional approvals shall automatically expire two (2) years after the date of the permit or conditional approval, whichever is later, if the system or equipment has not been completely installed and tested to the satisfaction of the AHJ.
- D. The AHJ may extend a permit and/or conditional approval as required if requested in writing by the owner or the owner's authorized representative.

#### **155-19. Closing and Vacating Buildings.**

- A. The AHJ may order the compliance with this section and all other lawful orders or laws relating to fire prevention and fire protection in existing building and structures.
- B. Where the public is exposed to immediate danger, the AHJ shall order the closing and vacating of the building at once.

#### **155-20. Investigation of Fires/Police Powers.**

- A. The Fire Department shall investigate the cause and origin, and circumstances of fires occurring within their jurisdiction to determine if the fire was caused by carelessness or design. Such investigations may begin immediately upon the occurrence of such a fire, and if it appears to the Officer making such an investigation that such fire is of suspicious origin and of a significant nature, the Fire Chief shall be notified of the facts. The AHJ shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. A member of the fire investigation team shall file a written report of damage associated with every fire in a timely manner. It shall contain a statement of all facts relating to the cause and origin and circumstances of such fire and other information as may be required.
- B. The Municipal Attorney and any other Department of the Municipality, upon the request of the Fire Chief, shall assist in the investigation of any fire that, in the Chief's opinion, is of suspicious origin.
- C. Any Officer of the Fire Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to or investigating an incident.
- D. The Fire Chief or Officers in Command may prescribe certain limits in the vicinity of any incident within which no persons, excepting Firefighters and Police Officers and those admitted by order

of any Officer of the Fire Department, shall be permitted to enter.

- E. The Fire Chief or Officers in Command shall have the power to cause the removal of any property whenever it is deemed necessary and prudent for the preservation of such property. During the progress of any fire, they shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes work of the Fire Department during the progress of fire.
- F. It shall be lawful for any Fire Department personnel while acting under the direction of the Fire Chief or Officer in Command to enter premises adjacent to or in the vicinity of a building or other property that is on fire for the purpose of extinguishing, containing, or searching for extension of such fire or other exigent circumstances.
- G. During the progress of fire the Fire Chief or Officers in Command shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire or to ensure that the fire has not extended to other areas; providing that it is likely that, unless such property is removed, other property is in danger of being destroyed by fire.
- H. No person shall hinder, resist or obstruct any Firefighter in the discharge of his duties as provided in this section. The person so offending shall be deemed guilty of resisting Firefighters in the discharge of their duties.

**155-21. Automatic Fire Sprinkler Fire Control and/or Fire Suppression System Protection.**

- A. Intent. The intent of this section is to require the installation of Automatic Fire Sprinkler, Fire Control and/or Fire Suppression Systems to improve the protection of life and property within the Municipality. It will establish a minimum standard for fire safety through the standardization of the design, installation, testing and maintenance requirements for automatic fire sprinkler suppression.
- B. Code Compliance. All Automatic Fire Sprinkler Fire Control and/or Fire Suppression Systems installed, modified, altered and/or repaired, shall comply with this chapter and all of the applicable NFPA Codes and/or Standards.
- C. Code Conflicts. If any conflicts exist between this chapter and any NFPA Code and/or Standard, the most restrictive, as determined by the AHJ, shall be enforced by the AHJ.
- D. Working Plans. Working plans shall be submitted to the AHJ for review and conditional approval before any equipment is installed, modified or remodeled.
- E. Deviation from conditionally approved plans shall require permission of the AHJ.
- F. All working plans submitted for conditional approval must be signed and sealed by at least one of the following:
  - (1) An architect registered in the State of Wisconsin
  - (2) An engineer registered in the State of Wisconsin
  - (3) A person who holds a Designer of Engineering Systems permit in the State of Wisconsin
  - (4) The individual who holds a valid Automatic Fire Sprinkler Contractors License

and is responsible for the system installation.

G. Working plans shall be drawn to an indicated scale, on sheets of uniform size, with a plan of each floor, and shall show those items from the following list that pertain to the design of the system and any that NFPA 13 and/or the AHJ may require:

- (1) Name of owner
- (2) Name of occupant
- (3) Location, including street address
- (4) Point of compass
- (5) Full height cross section, or schematic diagram, including structural member information
- (6) Ceiling construction
- (7) Elevation of the sprinklers relative to the ceiling
- (8) Method of protection for nonmetallic piping
- (9) Minimum clearance required from the sprinkler deflectors to the top of storage
- (10) Location of partitions
- (11) Location of fire walls
- (12) Occupancy class of each area or room
- (13) All Storage information, limits and exact configurations shall be on the working drawings prepared by the Automatic Fire Sprinkler Contractor
- (14) Hazard Classification for each protected area
- (15) All special occupancy protection areas
- (16) All storage limits based on the sprinkler system design criteria including the following:
  - (a) The storage high limit for each different commodity class
  - (b) The storage arrangement for each different commodity class and/or special occupancy hazard arrangements including the following:
    - [1] Storage method (solid pile, shelf, rack or other)
    - [2] Minimum aisle widths for all rack storage and where required
    - [3] Minimum required clearance from overhead fire sprinkler deflectors
    - [4] Minimum required clearance from in-rack fire sprinkler deflectors
    - [5] Minimum required transverse flue space
    - [6] Minimum required longitudinal flue space
    - [7] Pile Stability
    - [8] Storage array
    - [9] Any other information the AHJ deems necessary to determine compliance with the applicable NFPA Code and/or Standard
  - (c) All special occupancy restrictions and/or limits contained in the applicable NFPA Code and/or Standard.
- (17) Location and size of concealed spaces
- (18) Location and size of combustible concealed spaces
- (19) Closets
- (20) Attics
- (21) Bathrooms
- (22) Any small enclosures in which no sprinklers are to be installed
- (23) Size of city main in street
- (24) Whether city main in street is dead end or circulating
- (25) Direction and distance to nearest circulating main
- (26) City main water flow test results

- (27) System elevation relative to test hydrant
- (28) Other sources of water supply, with pressure or elevation
- (29) Make, type, model, and nominal K-factor of sprinklers including sprinkler identification number
- (30) Temperature rating of all sprinklers
- (31) Total area protected by each system
- (32) Total area protected by each system on each floor
- (33) Number of sprinklers on each riser per floor
- (34) Total number of sprinklers on each wet system
- (35) Total number of sprinklers on each dry pipe system
- (36) Total number of sprinklers on each preaction system
- (37) Total number of sprinklers on each combined dry pipe-preaction system
- (38) Total number of sprinklers on each deluge system
- (39) Approximate capacity in gallons of each dry pipe system
- (40) Approximate capacity in gallons of each preaction system
- (41) Pipe type and inside diameter
- (42) Nominal pipe size and cutting lengths of pipe (or center-to-center dimensions)
- (43) Location and size of riser nipples
- (44) Type of fittings and joints
- (45) Location of all welds and bends
- (46) The contractor shall specify on drawing any sections to be shop welded and the type of fittings or formations to be used
- (47) Type and locations of hangers
- (48) Locations of sleeves
- (49) Locations of braces, and methods of securing sprinklers
- (50) All control valves
- (51) All check valves
- (52) All drain valves and pipes
- (53) All test connections
- (54) Make, type, model, and size of alarm valve
- (55) Make, type, model, and size of dry pipe valve
- (56) Make, type, model, and size of preaction
- (57) Make, type, model, and size of deluge valve
- (58) Type and location of alarm bells
- (59) Size and location of standpipe risers
- (60) Size and location of hose outlets
- (61) Size and location of hand hose
- (62) Size and location of monitor nozzles, and related equipment
- (63) Private fire service main sizes, lengths, locations, materials, point of connection to city main; the sizes, types and locations of valves, valve indicators, regulators, meters, and valve pits; and the depth of cover
- (64) Piping provisions for flushing
- (65) Where the equipment is to be installed as an addition to an existing system, enough of the existing system indicated on the plans to make all conditions clear to the AHJ
- (66) For hydraulically designed systems, the information on the hydraulic data nameplate including the following:
  - (a) System design requirements including hazard and/or occupancy classification
  - (b) Design area of water application in square feet or minimum number of sprinklers designed to operate at one time

- (c) Minimum rate of water application (density), gpm/square foot or minimum flow rate per sprinkler in gpm
- (d) Area per sprinkler in square feet
- (e) Total water demand requirements as calculated, including allowance for inside hose, outside hydrants, in-rack sprinklers, water curtains and exposure sprinklers in gpm
- (f) Limitations (spacing, flow, and pressure) on extended coverage or other listed special sprinklers
- (67) A graphic representation of the scale used on all plans
- (68) Name and address of installing fire sprinkler contractor
- (69) Phone number of installing fire sprinkler contractor
- (70) State of Wisconsin Automatic Fire Sprinkler Contractors License number
- (71) Hydraulic reference points shown on the plan that correspond with comparable reference points on the hydraulic calculation sheets
- (72) The minimum rate of water application (density), the design area of water application, in-rack sprinkler demand, and the water required for hose streams both inside and outside
- (73) The total quantity of water and the pressure required noted at a common reference point for each system
- (74) Who determined the design criteria
- (75) Relative elevations of sprinklers, junction points, and water supply or reference points.
- (76) If room design method is used, all unprotected wall openings throughout the floor protected
- (77) Calculation of loads for sizing and details of sway bracing
- (78) The setting for pressure-reducing valves
- (79) Information about backflow preventers (manufacturer, size, type)
- (80) Information about antifreeze solution used (type and amount)
- (81) Size and location of hydrants, showing size and number of outlets and if outlets are to be equipped with independent gate valves. Whether hose houses and equipment are to be provided, and by whom, shall be indicated
- (82) Static and residual hydrants that were used in flow tests shall be shown
- (83) Size, location, and piping arrangement of fire department connections
- (84) The working plan submittal shall include the manufacturer's installation instructions for any specially listed equipment, including descriptions, applications, and limitations for any sprinklers, devices, piping, or fittings
- (85) The maximum spacing allowed for each type of sprinkler being used based on the square footage used to determine the minimum flow rate for the hydraulic calculations.
- (86) The size, make, type and model of the backflow device
- (87) Any other information the AHJ deems necessary to be on the working plans
- (88) The working plan(s) for all specific occupancies shall include the following:
  - (a) The specific hazard the system is intended to protect
  - (b) The specific NFPA Standard and/or Code the system design criterion is contained in
  - (c) The specific NFPA Standard and/or Code Section the system design criteria is contained in
  - (d) The maximum storage height of the commodity being protected
  - (e) The method of storage rack, solid pile, shelf or other
  - (f) The maximum ceiling height in the building and/or structure

- (g) All aisles in the storage area
- (h) All required flue spaces, transverse, longitudinal, and/or between piles.
- (i) Any minimum clearance requirements between commodities
- (j) Any minimum clearance requirements between incompatible commodities and/or materials
- (k) The required minimum clearance between the sprinkler deflectors and the top of storage
- (l) All Storage information, limits and exact configurations shall be on the working drawings prepared by the Automatic Fire Sprinkler Contractor
- (89) Water Supply Capacity Information. The following information shall be included:
  - (a) Location and elevation of static and residual test gauge with relation to the riser reference point
  - (b) Flow location
  - (c) Static pressure, psi (bar)
  - (d) Residual pressure, psi (bar)
  - (e) Flow, gpm (L/min)
  - (f) Date
  - (g) Time
  - (h) Test conducted by or information supplied by
  - (i) Other sources of water supply, with pressure or elevation

H. **INSTALLATION REQUIRED.** Automatic Fire Sprinkler Systems shall be installed in all structures where the floor area exceeds the thresholds established in Table 155-21H of the specific occupancy type and construction type involved. For the purpose of determining square footage as it relates to the required installation of fire sprinklers in a building, firewalls shall not be considered area dividers unless the firewall is rated at four hours without penetrations and extends a minimum of three feet above the roof.

**Table 155-21H**

OCCUPANCY TYPE	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
<del>A-1</del>	<del>5000 SF</del>	<del>5000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>ALL</del>
<del>A-2</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>A-3</del>	<del>3000 SF</del>				
<del>A-4</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>1000 SF</del>	<del>1000 SF</del>	<del>1000 SF</del>
<del>A-5</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>
<del>B</del>	<del>5000 SF</del>	<del>5000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>
<del>E*</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>F-1</del>	<del>5000 SF</del>	<del>5000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>
<del>F-2</del>	<del>5000 SF</del>	<del>5000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>
<del>H-1</del>	<del>1000 SF</del>				
<del>H-2</del>	<del>1000 SF</del>				
<del>H-3</del>	<del>1000 SF</del>				
<del>H-4</del>	<del>1000 SF</del>				
<del>H-5</del>	<del>1000 SF</del>				
<del>I-1</del>	<del>5000 SF</del>	<del>5000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>	<del>3000 SF</del>
<del>I-2</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>I-3</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>

I-4	ALL	ALL	ALL	ALL	ALL
M	5000-SF	5000-SF	3000-SF	3000-SF	3000-SF
R-1	6000-SF	6000-SF	6000-SF	6000-SF	6000-SF
R-2	<del>Multi-Family Statute applies</del>				
R-3	<del>State Statutes apply</del>				
R-4	ALL	ALL	ALL	ALL	ALL
S-1	3000-SF	3000-SF	3000-SF	3000-SF	3000-SF
S-2	5000-SF	5000-SF	3000-SF	3000-SF	3000-SF
U	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF

\*excludes single family home day cares

- I. Additional Automatic Fire Sprinkler System Installations Required. An Automatic sprinkler system shall be installed in all:
- (1) Parking structures above and below ground with ceilings.
  - (2) CBRFs (Community Based Residential Facilities)
  - (3) Adult Family Homes
  - (4) Throughout all Dormitories, fraternities and sorority houses
  - (5) Throughout every building, new or existing, which by reason of its construction or combustible occupancy involves a life hazard to its occupants or in the judgment of the AHJ constitutes a fire menace.
  - (6) Throughout all Mini warehouses and unattached multifamily parking garages that exceed any of the following:
    - (a) Three thousand square feet or more in area on any floor
    - (b) Two stories in height
    - (c) Any portion of the structure is below grade level
- J. Basements and garages are to be designed to protect as a minimum of for Ordinary Hazard occupancy.
- K. When an automatic fire sprinkler system is required to be installed by this chapter but not the Wisconsin Department of Commerce, in a structure that is not currently serviced by a municipal water source, the following must be complied with:
- (1) Any required fire sprinkler system shall be installed in complete compliance with the appropriate NFPA Code(s) and/or Standard(s).
  - (2) Exception: An automatic water supply for any fire sprinkler system(s) required to be installed by this chapter but not required by the Wisconsin Department of Commerce Code, the automatic water supply shall comply with the following:
    - (a) The automatic water supply for the automatic fire sprinkler system(s) shall be conditionally approved by the AHJ.
    - (b) The fire sprinkler system(s) shall be installed and connected to a conditionally approved automatic water supply.
    - (c) ~~The minimum capacity of the conditionally approved automatic water supply shall be sufficient to supply the hydraulically most demanding area~~

~~of the sprinkler system(s) for a minimum of fifteen (15) minutes.~~

- (d) The required automatic water supply must be capable of delivering the required quantity of water at the required pressure as determined by hydraulically calculating the system demand in accordance with NFPA 13 for the most hydraulically demanding area.
  - (e) ~~The required automatic water supply could utilize a well, pressurized tank or a storage tank and fire pump.~~
  - (f) A letter from a licensed fire protection engineer or a State of Wisconsin Permitted Fire Protection Designer attesting the ability of the system to comply with the above requirement shall be required prior to occupancy.
- (3) Within ninety (90) days after a municipal water system becomes available, the sprinkler system shall be connected to the municipal water supply.
- (4) For the purpose of this chapter, an available municipal water supply shall mean any of the following:
- (a) A municipal water main located at or near the streets adjacent to the property the structure that is required to be sprinklered is located on.
  - (b) A municipal water main located in a utility easement on or near the property the structure that is required to be sprinklered is located on.
  - (c) A municipal water main located under, at or near the streets within 1500 lineal feet of any part of the property the structure that is required to be sprinklered is located on.
  - (d) A municipal water main located in a utility easement within 1500 lineal feet of any part of the property the structure that is required to be sprinklered is located on.

L. All Automatic Fire Sprinkler, Fire Control And/or Fire Suppression Systems Shall Comply with the Following:

- (1) Be designed in accordance with the appropriate NFPA Standards and/or Codes.
- (2) Be designed after a complete and correct Owner's Certificate, using a form acceptable to the AHJ, has been obtained from the building owner.
- (3) Be designed to protect the highest hazard present at any time in the protected area.
- (4) Be monitored by a U. L. Listed Central Station for fire service that is acceptable to the AHJ.
- (5) Have sprinkler control rooms located with adequate access for Fire Department, sprinkler maintenance and Inspection personnel and shall not be located within private dwellings with the exception of NFPA 13D systems.
- (6) Have direct access from the exterior to the sprinkler control valve acceptable to the AHJ.
- (7) Have a bell (minimum ten inch) and Strobe installed, located above the FDC.
- (8) The FDC must be located at least forty (40) feet from all gas meters, electrical

- meters and transformers.
- (9) The FDC must be installed in a location acceptable to the AHJ, and must be within 150 feet of a fire hydrant.
  - (10) Be designed for the hazard being protected or as specifically specified in this chapter and/or as acceptable to the AHJ.
  - (11) All automatic fire sprinkler systems hydraulic designs are to be based on a maximum of ninety (90) percent of the available water supply (a minimum of a 10% safety margin shall be maintained).
  - (12) All sprinkler systems designed shall be based on the most current water flow test conducted in accordance with NFPA 291 that is acceptable to the AHJ.
  - (12) The AHJ must witness all water flow tests.
  - (13) Have all working drawings with all required hydraulic calculations prepared by the installing contractor and submitted to the AHJ for review and Conditional Approval.
  - (14) Include a complete and correct Owner's Certificate with the approval submittal.
  - (15) The Owner's Certificate must contain all information required by the AHJ.
  - (16) All Storage information, limits and exact configurations shall be on the working drawings prepared by the Automatic Fire Sprinkler Contractor.
  - (17) Be Conditionally Approved prior to any portion of the system being installed.

M. MAINTENANCE OF EQUIPMENT.

- (1) Sprinkler systems which have been installed in compliance with permit or order, or because of any law or code, or have been installed for any other reason, shall be maintained in operative condition at all times. No owner or occupant shall reduce the effectiveness of the protection so required; except this provision shall not prohibit the owner or occupant from temporarily reducing or disconnecting the protection system when making necessary repairs, alterations or additions when a permit has been issued or permission has been granted by the AHJ.
- (2) The AHJ shall be notified before repairs, alterations or additions are started and shall be notified again when the system has been restored to service.
- (3) The AHJ shall determine if a permit and/or a submittal and review are required for any modifications and/or additions to any system.
- (4) The AHJ shall issue a permit and a conditional approval prior to any modifications and/or additions to any system.
- (5) Inspections and maintenance of all systems shall be performed by an approved agent, pursuant to the NFPA procedures and requirements listed in ss. 155-12, 155-13 and 155-14 of this chapter. The property owner/occupant and sprinkler inspector shall immediately notify the Fire Department of any deficiencies found.
- (6) A service contract is required for annual service of the sprinkler system according to NFPA 25. This will be required prior to obtaining an occupancy permit on all newly constructed and existing buildings.
- (7) A service contract is required for the monitoring of systems where monitoring is required.

- (8) The latest annual test report must be posted at the riser or a location acceptable to the AHJ.

N. Application to Existing Buildings.

- (1) Adult Family Homes and CBRFs regardless of number of occupants or class must be retrofitted with fire sprinkler protection acceptable to the AHJ.
- (2) Where the AHJ finds that an existing building, because of current occupancy or a change in occupancy constitutes a hazard to its occupants or adjoining property, the AHJ may order compliance with the provisions of this section. A hazard shall be determined by the existence of one or more of the following conditions:
  - (a) Any building which by reason of its construction or highly combustible occupancy involves a hazard to its occupants or, in the judgment of the AHJ, constitutes a fire menace, e.g., paint shop and other occupancies involving processing, mixing, storing, and dispensing of volatile liquids or solids.
  - (b) Non-fire-resistive characteristics of a structure.
  - (c) Accumulation of flammable or combustible materials.
  - (d) Lack of accessibility to the premises for fire-fighting equipment.
  - (e) Substantial number of fire calls or complaints on the premises.
  - (f) Traffic patterns for pedestrian ingress and egress which require protection under this section.
  - (g) Insufficient ventilation system.
  - (h) Lack of an internal communication system, or due to the size or type of building making regular fire department radio communication inoperable, the building owner is required to install a repeater system or something comparable to assist radio communications.
  - (i) Number, characteristics and movement of employees which require protection under this section.
- (3) Installation of an automatic sprinkler system must be started within one year from the service of such orders and shall be completed within 180 days after construction has started.

- O. Exemptions. At any location where the installation of sprinklers may cause or increase an occupational hazard as determined by any governmental authority having jurisdiction over such location or occupation, the AHJ may waive any requirement to install an automatic fire sprinkler system or any portion thereof.

P. Remote Fire Department Connections.

- (1) The AHJ is authorized to require a remote Fire Department Connection (FDC) to be installed for any system and facility that the AHJ deems it necessary.
- (2) All remote FDC's must be installed in a location that is acceptable to the AHJ.
- (3) All remote FDC's must be installed in a manner that is acceptable to the AHJ.
- (4) All remote FDC's including all piping must be tested hydrostatically and flushed in a manner that is acceptable to the AHJ.

Q. Inspections and Acceptance Testing.

- (1) The AHJ or the AHJ's authorized representative shall conduct rough and final inspections of all systems.
- (2) The AHJ or the AHJ's authorized representative shall witness all acceptance testing of all systems and portions thereof.

**155-22. Standpipes.**

- A. Intent. The intent of this section is to require Fire Department Standpipe systems to be installed in structures to help firefighters effectively extinguish a fire and help reduce property damage and losses.
- B. Where Required. Fire Department Standpipe systems shall be installed in the following structures:
  - (1) Any structure required by the State of Wisconsin Statutes or Administrative Codes.
  - (2) In all new structures over two stories in height.
  - (3) In any structure that exceeds 10,000 square feet in floor area.
  - (4) In any structure that the AHJ deems standpipes are necessary for fire fighting purposes.
  - (5) Temporary standpipes must be installed in an approved location for all of the following structures:
    - (a) All combustible structures exceeding two stories in height.
    - (b) All noncombustible structures exceeding three stories in height.
- C. Installation Requirements. Fire Department Standpipes shall be designed and installed in accordance with this section. Where any requirement in this section is more restrictive than any NFPA Standard and/or Code and/or State Code, the requirements in this section must be complied with.
  - (1) The installation of standpipes shall be in accordance with this Section and NFPA 14.
  - (2) The class and location of standpipes and Fire Department connections shall be acceptable to the AHJ.
  - (3) All standpipe system's hydraulic designs are to be based on a maximum of ninety (90) percent of the available water supply (a minimum of a 10% safety margin shall be maintained).
  - ~~(4) Class I standpipes are required in all structures that exceed 10,000 Square Feet in area on a single floor or level. It is intended that these standpipes will replace any small hose protection required by any adopted NFPA standard and/or code. These required standpipes shall have 2 1/2" hose valves located in the following locations:~~
    - ~~(a) Within 3'-0" of all exterior doors~~
    - ~~(b) At interior locations as required to comply with s. 155-22C(5) below.~~
    - ~~(c) Any other location the AHJ determines necessary for fire fighting proposes.~~
  - (5) All 2 1/2" hose valves must have a 2 1/2" X 1 1/2" reducer, cap and chain attached.
  - (6) The location of standpipe hose connections shall be accessible and shall be located so that all portions of the building are within one hundred (100) feet of hose attached to a hose valve. This distance must be measured using the

- normal aisles or the path a hose would be laid as determined by the AHJ.
- (7) The locations of all hose valves shall be acceptable to the AHJ.
  - (8) The AHJ may require additional standpipes and/or hose valve to be installed.
  - (9) ~~All structures over three stories shall have Class I standpipes installed in accordance with NFPA 14.~~
  - (10) When required by the AHJ, an approved standpipe shall be installed as construction progresses to make them available for Fire Department use in the top most floors constructed. Temporary standpipes shall be provided in place of permanent standpipes when required, during the period of construction on buildings required by this chapter.
  - (11) The location of all Fire Department Connections for standpipes shall be approved by the AHJ.
  - (12) The Fire Department Connections shall be located at least forty (40) feet from all electrical transformers, gas meters, or propane storage.
  - (13) Temporary standpipes are required on buildings over two stories in height.
  - ~~(14) All standpipes are to be automatic standpipes unless a manual or dry standpipe is allowed by the AHJ.~~
  - ~~(15) The AHJ shall determine if manual standpipes and/or if a dry standpipe will be allowed.~~
  - (16) All manual wet and all automatic standpipes must have waterflow switches and alarm test connections.
- D. Approval Requirements. Complete Plans and calculations for all standpipes must be submitted to the Fire Department and Conditionally Approved prior to installation of any standpipe.
- E. Permit Requirement. The Fire Department must issue a permit to install all standpipes prior to installation.
- F. Remote Fire Department Connections.
- (1) The AHJ is authorized to require a remote Fire Department Connection (FDC) to be installed for any system and facility that the AHJ deems it necessary.
  - (2) All remote FDC's must be installed in a location that is acceptable to the AHJ.
  - (3) All remote FDC's must be installed in a manner that is acceptable to the AHJ.
  - (4) All remote FDC's including all piping must be tested hydrostatically and flushed in a manner that is acceptable to the AHJ.
- G. Inspections and Acceptance Testing.
- (1) The AHJ or the AHJ's authorized representative shall conduct rough and final inspections of all systems.
  - (2) The AHJ or the AHJ's authorized representative shall witness all acceptance testing of all systems and portions thereof.

### **155-23. Fire Alarm Systems.**

- A. Intent. The intent of this section is to provide a means for automatic detection of fire conditions and/or to provide warning notification throughout all buildings and occupancies built herein after, structurally altered, and/or added to. Fire alarm systems are intended to provide additional life safety and help reduce property loss through early

detection of fires, providing warning to occupants and automatically notify the Fire Department of fire.

- B. Installation Required. A Fire Alarm System shall be installed in all structures where the floor area exceeds the thresholds established in Table 155-23B of the specific occupancy type and construction type involved.

**Table 155-23B**

OCCUPANCY TYPE	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
<del>A-1</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>ALL</del>
<del>A-2</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>A-3</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>A-4</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>
<del>A-5</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>	<del>N/A</del>
<del>B</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>E*</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>F-1</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>F-2</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>H-1</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>
<del>H-2</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>
<del>H-3</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>
<del>H-4</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>
<del>H-5</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>	<del>1000-SF</del>
<del>I-1</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>I-2</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>I-3</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>I-4</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>M</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>R-1</del>	<del>6000-SF</del>	<del>6000-SF</del>	<del>6000-SF</del>	<del>6000-SF</del>	<del>6000-SF</del>
<del>R-2</del>	<del>Multi-Family Statute applies.</del>				
<del>R-3</del>	<del>State Statutes apply</del>				
<del>R-4</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>	<del>ALL</del>
<del>S-1</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>S-2</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>
<del>U</del>	<del>5000-SF</del>	<del>5000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>	<del>3000-SF</del>

\*excludes single family home daycares, State Statutes apply

- C. Code Compliance. All Fire Alarm Systems installed, modified, altered and/or repaired shall comply with this chapter and all of the applicable NFPA Codes and/or Standards.
- D. Code Conflicts. If any conflicts exist between this chapter and any NFPA Code and/or Standard, the most restrictive, as determined by the AHJ, shall be enforced by the AHJ.
- E. Minimum System Requirements. The following minimum system requirements shall be met when any occupancy type exceeds the limits in 155-23B. Minimum system requirements shall include:
  - (1) Audible Notification Appliances shall be installed throughout protected premises.
  - (2) Visible Notification Appliances shall be installed throughout protected premises, except for the following:
    - (a) Closets and/or other similar small storage rooms that do not exceed 50

- square feet in floor area and are not normally occupied.
- (b) Normally unoccupied crawl spaces.
- (c) Normally unoccupied attic spaces.
- (d) Any non-accessible area.
- (e) Any area the AHJ deems Visible Notification Appliances are not required.

~~(3) Appliances that automatically detect fire and/or products of combustion shall be installed throughout protected premises. The type of appliance used in each specific application and/or area must be appropriate for the applicable conditions and acceptable to the AHJ. The determination of the acceptability of any type of detector (products of combustion, flame, heat, etc.) shall be based upon occupancy and /or building use, except for the following:—~~

- ~~(a) Closets and/or other similar small storage rooms that do not exceed fifty (50) square feet in floor area and are not normally occupied.~~
- ~~(b) Normally unoccupied crawl spaces.~~
- ~~(c) Normally unoccupied attic spaces.~~
- ~~(d) Any non-accessible area.~~
- ~~(e) Appliances that automatically detect fire and/or products of combustion are not required in buildings that have complete automatic fire sprinkler systems installed in accordance with NFPA 13, unless required by the AHJ.~~
- ~~(f) Any area the AHJ deems appliances that automatically detect fire and/or products of combustion are not required.~~

- (4) Manual Initiating Devices (pull stations) shall be located at all points of egress including all exit doors on every floor and/or building level.
- (5) Water flow detection devices shall be connected to the Fire Alarm System to specifically activate the notification appliances upon water flow.
- (6) Fire suppression system activation alarms shall be connected to the protected premises fire alarm system to specifically activate the notification appliances upon system activation. This includes but is not limited to Wet Chemical, CO2, Clean Agent, Water Mist and Dry Chemical Systems.
- (7) Fire control and/or suppression systems supervisory condition indicators shall be connected to and monitored by the Fire Alarm System. This specifically includes but is not limited to: Valve Supervisory Switches (Tamper Switches), High Air Switches, Low Air Switches, High Water Level Switches, Low Water Switches, Low Temperature Switches, Low Water Temperature Switches, Fire Pump Condition Indicators and/or any other situation or condition deem necessary by the AHJ.
- (8) Fire Alarm Systems shall be addressable and capable of indicating the status of all specific components connected to the system.
- (9) All Fire Alarm Systems shall be monitored by a service acceptable to the AHJ.
- (10) Fire alarm annunciators shall be installed in all protected premises. The number and locations of the fire alarm annunciators installed shall be acceptable to the AHJ.
- (11) As determined by the AHJ, any additional notification and/or initiation appliances/devices may be required due to size, occupancy hazards, building construction, and/or occupancy use.
- (12) The Wiring Class and Style must be acceptable to the AHJ.
- (13) The Wiring Class and Style required will vary depending on the type of construction, occupancy, building height and/or building size.

- F. Submittals for Fire Alarm Systems. Submittals for fire alarm systems are intended to provide basic information consistent with the objective of installing a fully operational, code compliant fire alarm system and to provide the basis for the record drawings required by NFPA 72. Conditional Approval of a fire alarm system submittal and/or any portion thereof is not intended to imply waiver or modification of any requirements of any Code or any other applicable criteria. See also s. 155-3 I.
- G. Three sets of each fire alarm submittal shall be submitted for Conditional Approval. The Municipality may retain two copies of each submittal and one copy will be returned to the installing contractor.
- H. Fire Alarm submittals shall include all information required by the AHJ and include to an extent commensurate with the extent of the work being performed, and the following:
- (1) Shop drawings/plans
  - (2) Riser diagrams (except for systems in single-story buildings)
  - (3) Control panel wiring diagrams
  - (4) Point-to-point wiring diagrams
  - (5) Typical wiring diagrams
  - (6) Specifications
  - (7) Battery calculations
  - (8) Voltage drop calculations acceptable to the AHJ
  - (9) Complete current Manufacturer's equipment data sheets including all installation and operation manuals for all equipment that will be used for the system
- I. All shop drawings/plans shall be drawn on sheets of uniform size to a recognized scale and shall include the following information:
- (1) Name of owner and occupant
  - (2) Location, including street address
  - (3) Device legend
  - (4) Date
  - (5) Name of the person that designed the fire alarm system
  - (6) Name, address, phone number and facsimile number of the company that designed the fire alarm system
  - (7) Name address, phone number and facsimile number of the company that is going to install the fire alarm system
  - (8) Name address and phone number of the fire alarm system monitoring company
  - (9) Name of the control panel manufacturer
  - (10) Model number of the control panel
  - (11) Control panel wiring diagrams
  - (12) Point-to-point wiring diagrams
  - (13) Typical wiring diagrams
  - (14) Floor identification
  - (15) Point of compass
  - (16) Graphic scale
  - (17) All walls and doors
  - (18) All partitions extending to within 18 in. of the finished ceiling
  - (19) Room descriptions
  - (20) Fire alarm device/component locations
  - (21) Locations of fire alarm primary power connection(s)

- (22) Locations of monitor/control interfaces to other systems
  - (23) Riser locations
  - (24) The location of the electrical panel that has the control panel circuit breaker
  - (25) All ceiling heights
  - (26) Type of wiring to be used
  - (27) Wire gauge to be used
  - (28) Wiring class and Style
- J. Fire alarm system riser diagrams shall include the following information:
- (1) General arrangement of the system, in building cross-section.
  - (2) Number of risers.
  - (3) Type and number of circuits in each riser.
  - (4) Type and number of fire alarm system components/devices on each circuit, on each floor or level.
  - (5) Control panel wiring diagram
  - (6) Power supply wiring diagram
  - (7) Battery charger wiring diagram
  - (8) Annunciator(s) wiring diagram
- K. Wiring diagrams shall be provided and shall include the following information:
- (1) Identification of the control equipment depicted
  - (2) Location(s) of control panels
  - (3) All field wiring terminals
  - (4) Terminal identifications
  - (5) All circuits connected to field wiring terminals
  - (6) Circuit identifications
  - (7) All indicators
  - (8) Manual controls
  - (9) Full text of all labels
  - (10) Field connections to supervising station signaling equipment
  - (11) Releasing equipment
  - (12) Fire safety control interfaces
- L. Typical wiring diagrams shall be provided for all of the following:
- (1) Initiating devices
  - (2) Notification appliances
  - (3) Remote alarm light emitting diodes (LEDs)
  - (4) Remote test stations
  - (5) End-of-line and power supervisory devices
- M. Inspections, Testing and Record Keeping.
- (1) The Fire department and/or their representative(s) may inspect all Fire Alarm *System* installations. All equipment must be inspected prior to any equipment being concealed.
  - (2) All inspections must be scheduled with the Fire Department **at least seventy-two (72) hours in advance and prior to any fire alarm system component being concealed.**
  - (3) The AHJ may witness all acceptance tests.

- (4) Witnessing of all tests must be scheduled with the Fire Department **at least seventy-two (72) hours in advance of any testing.**
  - (5) Two copies of a completed Preliminary Fire Alarm System Record of Completion required by NFPA 72 must be provided to the AHJ prior to final acceptance.
  - (6) Permanent records must be provided in accordance with NFPA 72. This includes the completed Fire Alarm System Record of Completion form.
- N. Special Requirements. On all buildings over four stories in height a Fire Command Center for the Fire Department operations shall be provided. The Fire Command center shall comply with NFPA 72 and shall contain the features required in the International Fire Code and NFPA 1 and NFPA 101. Two-way telephone communication service shall be provided for the Fire Department use. This system shall be in accordance with NFPA 72. The communications system shall operate between the central control station and every elevator car, every elevator lobby, and each floor level of exit stairs.
- O. Testing. When a fire alarm system and/or connected component is installed or altered, a fire alarm system performance test shall be conducted. Once the appropriate plans, permits, and installation work has been completed, the installing contractor shall contact the AHJ to set up the witnessing of a performance test to ensure all appliances are installed and functioning properly. Prior to requesting the AHJ witness a performance test the responsible parties must provide the AHJ with a completed copy of the Record of Completion required by NFPA 72.
- P. Maintenance. All devices shall be installed, maintained, and tested in accordance with NFPA 72 standards. If at any point a fire alarm fails to pass the annual test set forth in NFPA 72, the building owner and Fire Alarm System tester/inspector shall notify the AHJ of the test results. It shall be the AHJ's determination if that failed system is to be repaired or upgraded to comply with this chapter.
- Q. Fire Alarm Control Panels. Fire alarm control panels shall display the status of the system components and be installed in a location acceptable to the AHJ. Adequate access for Fire Department, alarm maintenance, and inspection personnel shall be maintained. Fire alarm control panels shall not be located within private dwellings with the exception of one and two family dwellings.

#### **155–24. Automatic Fire Protection for Cooking Areas.**

- A. Intent. The intent of this section is to require automatic fire extinguishing systems in vent hoods and duct systems in all cooking areas to effectively extinguish fire at its source and reduce property damage and losses.
- B. Where Required. Automatic fire extinguishing systems shall be installed in any cooking area required by the State of Wisconsin Codes and any area the AHJ has determined a potential fire risk exists.
- C. Installation Requirements.
- (1) All fire extinguishing systems must be submitted to the AHJ for Conditional Approval.
  - (2) All fire extinguishing system submittals must include a dimensional drawing

including the following information:

- (a) The owner's name
  - (b) The owner's address
  - (c) The owner's phone number
  - (d) The exhaust hood(s) and duct(s)
  - (e) The area of the protected surface
  - (f) The name of the installing contractor
  - (g) The address of the installing contractor
  - (h) The phone number of the installing contractor
  - (i) The fire extinguishing system equipment manufacturer's name
  - (j) The fire extinguishing system equipment manufacturer's address
  - (k) The fire extinguishing system equipment manufacturer's phone number
  - (l) The fire extinguishing system equipment manufacturer's model designations
  - (m) The name of the extinguishing agent being used
  - (n) The size and number of tanks to be installed
  - (o) All piping system with lengths and sizes
  - (p) All nozzles with the fire extinguishing system equipment manufacturer's model designations
  - (q) The distance of nozzles above the cooking surface
  - (r) The location and type of detection devices
  - (s) All cooking equipment that is to be protected
  - (t) The location of any gas shut off valves
  - (u) The location of manual pull stations
  - (v) Copies of the fire extinguishing system equipment manufacturer's data sheets for all equipment that will be install including model designations shall be included with the required submittal
- (3) The system shall be provided with automatic fuel shut-off.
  - (4) A Class K fire extinguisher shall be installed per NFPA 10.
  - (5) Alarms shall be connected to the fire alarm system per NFPA 72.
  - (6) Cooking equipment used in processes producing smoke, or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of NFPA 1 and NFPA 96, and all such equipment and performance shall be maintained per NFPA 96 during all periods of operation of the cooking equipment.

D. Inspections and Acceptance Testing.

- (1) The AHJ or the AHJ's authorized representative shall conduct rough and final inspections of all systems.
- (2) The AHJ or the AHJ's authorized representative shall witness all acceptance testing of all systems and portions thereof.

## **ARTICLE II CONSTRUCTION REGULATIONS**

### **155-25. Placement of Addresses; Door, Floor and Stairway Identification.**

- A. Placement of Addresses. Addresses as assigned pursuant to section 274-10 shall be placed on all structures or property supporting the same as follows:

- (1) Posting During and After Construction.
  - (a) During Construction. The address of a building under construction shall be prominently posted on the property along with the building permit posted pursuant to section 115-10.
  - (b) The address of a completed building shall be permanently affixed to the building as provided in this section.
  - (c) The address tiles shall be continuously maintained to be clearly readable, and in the event that replacement is required, the owner may obtain duplicate address tiles from the Building Inspector.
- (2) Description of numbers and letters.
  - (a) Numbers and letters shall be of contrasting colors (e.g. Black and white) and readable from the road or highway. Arabic numbers shall be used; script and roman numerals cannot be used alone, but may be used as an addition to the requirements of this section.
  - (b) Numbers and letters shall be visible from the roadway at all times of the year.
- (3) Multifamily requirements. All multifamily buildings shall have street numbers placed on the exterior of the principal building that faces the street, service drive or parking lot and located adjacent to the individual unit entrances to the buildings.
- (4) Commercial and Industrial requirements.
  - (a) All suite numbers that identify each individual unit shall be placed on the primary entrance to each business or occupancy.
  - (b) All commercial or industrial structures that have a rear service door shall identify the occupant and the street address conspicuously on said rear door in contrasting and reflective letters and/or numbers not less than six (6) inches in height, and shall continually maintain the same.

**B. Door, Floor and Stairway Identification.** Any occupancy having more than five exterior means of egress and/or more than two floors in height shall number the individual egress areas according to this section:

- (1) An identifying number shall be placed on the interior and exterior of each means of egress doorway not less than six inches high in contrasting color and light reflective. The main entrance or means of egress shall be numbered one with each additional means of egress, progressing clockwise around the exterior of the structure to reflect its relationship to the main entrance. All means of egress leading into the structure shall be numbered, not just the required exit egresses.
- (2) Each interior door providing access to an enclosed stairway that is considered part of an accessible means of egress shall be identified with numbers and letters not less than three and one half inches high in the following manner:
  - (a) Have a sign indicating floor level posted on both sides of the egress door in a location acceptable to the AHJ.
  - (b) Have a sign indicating the exterior exit door egress assigned in compliance with section 155-25B(2)(a) located on both sides of the egress door in a location acceptable to the AHJ.

**155-26. Elevator Cars.**

All required passenger and freight elevators in all buildings and structures hereinafter constructed, except one and two family residential occupancies, shall:

- A. Provide at least one elevator to all floors of such a size and arrangement to accommodate a twenty-four (24) inch by eighty-five (85) inch ambulance stretcher in the horizontal, open position.
- B. The elevator arranged to accommodate an ambulance stretcher shall be identified by the Star of Life. This symbol shall not be less than three inches in height and shall be placed on both sides of the hoist way door frame.

**155-27. Fire Department Access Roads and Fire Lanes.**

- A. Unobstructed fire lanes that are accessible from a public road shall be provided for every building or portion of a building in accordance with this chapter and ch. Comm. 62, Wis. Admin. Code.
- B. Fire lanes shall have an unobstructed width of twenty-four (24) feet with the road edge closest to the building at least 10 feet from the building.
- C. It shall be unlawful for any persons to park motor vehicles on, or otherwise obstruct any fire lane.
- D. Where any part of a multi-family building is two (2) or more stores in height, the minimum unobstructed width of the fire lane parallel to one side of the building shall be twenty-six feet.
- E. Designated fire access roads and fire lanes must be submitted and conditionally approved prior to issuance of building permits.
- F. The Fire Chief or Fire Inspector shall establish fire lanes at any shopping center, school or business which presents a potentially hazardous situation because of restricted access for fire department vehicles or by parked vehicles.
- G. Fire lanes shall provide access to at least two sides of all buildings up to 200 feet in length.
- H. For buildings over 200 feet long, fire lanes shall be provided for access to all four sides of the building or group of buildings.
- I. Fire lanes shall be at least 30 feet in width with the road edge closest to the building located within 30 feet of the building. Unless a different distance is required by the Fire Department.
- J. Any dead-end fire lane more than 150 feet long shall be provided with a turnaround area of at least 90 feet in diameter.
- K. All fire lanes shall be marked with freestanding signs, marked curbs, sidewalks and

traffic surfaces with the words "Fire Lane No Parking" painted in contrasting colors at a size and spacing acceptable to the Fire Department.

L. Fire Access Roads, and Fire Lane Violations.

- (1) In any area designated as a fire lane, parking shall be prohibited and shall result in the issuance of citations pursuant to the Code of the City of Burlington.
- (2) Any vehicle parked in a fire lane for more than 24 hours shall be towed at the owner's expense.
- (3) Any commercially licensed vehicle actively engaged in delivery or pickup shall be excluded from this subsection.
- (4) All fire access roads and fire lanes must be maintained by the owner or occupants at all times.
- (5) All fire access roads and fire lanes must have snow removed by the owner or occupants at all times.

**155-28. Fire Hydrants.**

A. Intent. The intent of this section is to insure adequate water supply for fire fighting purposes to structures, buildings, and normal premises.

B. Where Hydrants Required.

- (1) Buildings and/or Structures. Any building or structure except single and two family dwellings, hereafter erected, shall provide at the owner's expense, approved water hydrants. Hydrants shall be located so that no part of the building is more than three hundred (300) feet from an approved hydrant by Normal Access Routes. One hydrant shall be located within fifty (50) feet of all required Fire Department Connections, and this hydrant shall not be counted as a required hydrant fulfilling the three hundred (300) foot coverage rule. Required hydrants must be free standing and shall be installed not less than forty (40) feet from the building exterior wall and may not be closer than fifty (50) feet to another hydrant. Public hydrants across divided roads/highways shall not be used to fulfill the hydrant requirements for the building or premises. The AHJ will approve the actual location of all private hydrants. Two copies of the building plans including site plans shall be provided to the Building Inspector for Fire Department use, in addition to any copies or building plans required by the Building Inspector.
- (2) Mobile Home Parks. Any new mobile home or trailer park or any mobile home or trailer park which expands by adding additional trailer or area to the present court site shall provide an approved water hydrant when any trailer or building located in such park is more than three hundred (300) feet from an approved hydrant. Water hydrants shall be provided so that no trailer or building is more than three hundred (300) feet from an approved hydrant by Normal Access Routes.

C. Approved Water Hydrant. An approved water hydrant shall mean a water hydrant with two, two and one-half and one, four and one-half inch Fire Department Connections with National Standard Threads and an operating nut size approved by the AHJ. The connecting water line between the municipal water main and the approved water hydrant

shall not be less than six (6) inches in size when the pipe length between the hydrant and the municipal water main is one hundred-fifty (150) feet or less. If the pipe length between the hydrant and municipal water main is greater than one hundred-fifty (150) feet, the water main to the hydrant shall not be less than eight (8) inches in size. All water hydrants must be installed in accordance with the requirements of the municipal Water Utility and NFPA 24 and conditionally approved by the AHJ and the municipal Water Utility. All water hydrants shall be installed and maintained in such a manner and location so as to be accessible at all times to the Fire Department apparatus. All hydrants shall be installed, tested, in service, and accessible to the Fire Department prior to any above ground construction or combustibles are brought onto the site. If a water main supplies both a required water hydrant and a fire sprinkler system or standpipe system, the minimum size pipe between the hydrant and the municipal water main shall not be less than eight (8) inches in size.

- D. Inspection, Testing, Maintenance and Repair. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with the requirements contained in NFPA 25 and with the following requirements and at the following intervals:
  - (1) Private fire hydrants shall be inspected, flow tested and maintained annually and after each operation.
  - (2) The property owner shall immediately advise the Fire Department and the Water Utility as to hydrants that have been damaged, inoperable, or have been found deficient in required fire flow.
  - (3) All inoperable hydrants shall be repaired as soon as possible or within a reasonable time frame as determined by the AHJ.
  - (4) All records of inspections shall be maintained on site and made available to the AHJ upon request.
- E. Hydrants must be accessible at all times.
- F. Prohibited obstructions may include but are not limited to snow, parked vehicles, materials, equipment, storage, and refuse.
- G. No obstructions shall be within a four foot radius of the hydrant.

**155-29. Access Box System Requirements.**

- A. An Access Box system has been adopted for use by the City of Burlington Fire Department.
- B. The following structures shall be equipped with an Access Box at or near the main entrance or in a location as required by the AHJ:
  - (1) Commercial or industrial structures protected by a fire alarm system, fire control system, fire extinguishing system or fire suppression system.
  - (2) Any structures that are secured in a way that restricts access during an emergency.
  - (3) Multi-family residential structures that have restricted access through locked

- doors and have any common areas.
- (4) Nursing homes, CBRFs, child day care and other health facilities.
  - (5) All Educational occupancies.
  - (6) Any location where entry to the property is secured in whole or part by a fence, gate, wall or connected buildings, or as otherwise directed by this Department. Entry key override switches shall be required on any exit door at any location which uses a card reader entry system and/or a magnetic door lock security system.
  - (7) The AHJ shall have the authority to require any structure or facility to have an Access Box installed and maintained.
  - (8) The AHJ shall have the authority to require any structure or facility to have additional Access Boxes installed and maintained.
  - (9) Exception. Any building or site that has twenty-four hour, seven-day a week guard service or any occupancy that remains open twenty-four hours a day, seven-days a week, does not require an Access Box, unless ordered by the Fire Chief.
- C. All newly constructed structures subject to this section shall have the Access Box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and who are subject to this section shall have one year from the date of being ordered by the AHJ to have an Access Box installed to complete installation.
- D. The owner or agent of a structure required to have an Access Box shall keep the following inside the Box:
- (1) A master key or keys to locked points of ingress and egress whether on the interior or exterior.
  - (2) The keys to locked mechanical equipment, electrical, and elevator control rooms.
  - (3) The keys needed to open any alarm panels or other emergency equipment.
  - (4) Keys to elevator controls.
  - (5) Floor plans or maps as required by the AHJ.
  - (6) The keys to other areas as directed by the AHJ.
- E. All items required to be kept in the Access Box shall be the most currently used and must be continually updated.
- F. The Access Box shall be installed at the owner's expense.
- G. The size and type of Access Box will be determined by the AHJ.
- H. Compliance. All existing buildings shall comply with this chapter within six months from its effective date. All newly constructed buildings, not yet occupied buildings currently under construction and all buildings or businesses applying for a certificate of occupancy that are subject to this section shall comply immediately.
- I. Ordering. Property owners shall be responsible for all costs of purchasing and installation of any Access Box required herein. The City of Burlington Fire Department shall not be responsible for ordering any Access Box or key override switch or other

device required by this chapter.

- J. Maintenance. Property owners shall be responsible for the maintenance of all Access Boxes.

**155-30. Site Plan Requirements.**

Prior to, and as a condition of, obtaining an occupancy permit, the owner of all buildings, except one and two family units, shall supply the Fire Department with an eight and one-half by eleven inch site plan which includes the following:

- A. Location(s) of gas and electrical shut-offs.
- B. Location(s) of high pile storage.
- C. Location of Fire Department Connection and sprinkler control valve.
- D. Dimensions of the structure in feet.
- E. Location of the Standpipe(s).
- F. Main entrance labeled.
- G. Apartments, suites, or unit numbers.
- H. Location of all hydrants on the site and surrounding streets.
- I. Location of alarm panels.
- J. Location of Access Box(es).
- K. Special fire protection and area covered: Heat Vents, FM 200 systems etc.
- L. Special construction features: Sky Lights, Blowout Walls, etc.
- M. Floor plans, including roof access points.

**155-31. Roof Spaces.**

- A. All combustible roof spaces shall be subdivided every 3000 square feet by one-hour rated partitions unless protected by a complete approved automatic fire sprinkler system.
- B. Any openings in the required one-hour rated partition must have a minimum of a one-hour rated self-closing door.
- C. All divided spaces shall have an approved and minimum one-hour-rated access panel, the size of which must be acceptable to the AHJ.

**155-32. Rough Inspection Requirements; System/Component Concealment.**

- A. Rough inspections required by this chapter shall be conducted by the AHJ.
- B. Rough inspections are required specifically to determine if substantial compliance with this chapter has been provided for in all structures regulated by this chapter.
- C. The following rough inspection requirements are specifically established by this chapter and shall be enforced by the AHJ:
  - (1) All automatic fire sprinkler systems must have rough inspections done by the AHJ.

- (2) All fire sprinkler systems must have rough inspections done by the AHJ.
- (3) All fire control systems must have rough inspections done by the AHJ.
- (4) All fire suppression systems must have rough inspections done by the AHJ.
- (5) All fire alarm systems must have rough inspections done by the AHJ.
- (6) All fire detection systems must have rough inspections done by the AHJ.
- (7) Complete and accurate as-built drawings and revised hydraulic calculations must be resubmitted for the AHJ's review and approval for ALL fire sprinkler systems that utilize CPVC piping prior to any piping being concealed and a rough inspection must be done by the AHJ.
- (8) All systems and/or building components the AHJ deems necessary must have rough inspections done by the AHJ.
- (9) All rough inspections must be completed by the AHJ prior to any system, equipment and/or component thereof subject to the requirements of this chapter.
- (10) All rough inspections must be completed by the AHJ prior to any system, equipment and/or component thereof being concealed in any way and/or by any means.
- (11) All systems, equipment and/or component thereof, must be in plain view from the floor or grade level for all rough inspections.

D. System and/or component concealment restrictions are hereby established.

E. All structures regulated by this chapter shall comply with the following:

- (1) The AHJ shall allow the concealment of any system and/or component thereof regulated by this chapter only after determining substantial compliance with the requirements of this chapter has been accomplished.
- (2) If any system and/or any component thereof is concealed prior to the AHJ conducting a rough inspection of any system and/or any component thereof regulated by this chapter, the AHJ may order the removal of any material(s) that are preventing a rough inspection from being completed, such removal to be at the owner's expense.
- (3) All requirements of this chapter shall be complied with prior to concealing any system and/or any component thereof.
- (4) If the requirements of this chapter are not complied with, the AHJ may issue a stop work order on any project or portion thereof.

**155-33. Occupancy Inspection.**

- A. Occupancy inspections are required.
- B. The Fire Department shall conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits.
- C. Written documentation of the inspections shall be kept by the Fire Department.

**155-34. Building Plan Review.**

The Fire Department shall conduct plan reviews and approvals of fire safety related elements prior to construction of any public buildings and/or places of employment.

**155-35. Fire Sprinkler Control Valve Access.**

All structures that have automatic sprinkler systems:

- A. Shall have sprinkler control rooms located with adequate access for Fire Department, sprinkler maintenance and Inspection personnel.
- B. Shall not be located within private dwellings with the exception of NFPA 13D systems.
- C. Shall have direct access from the exterior to the sprinkler control valve(s) that is acceptable to the AHJ.

**155-36. Entry Key Override Switches.**

Entry key override switches shall be required on any exit door at any location which uses a card reader entry system and/or a magnetic door lock security system.

**ARTICLE III**

**USE REGULATIONS**

**155-37. Smoking in Certain Locations Prohibited.**

- A. No person shall smoke or carry a lighted cigar, cigarette, or pipe, or light a match or other flame-producing device in any retail mercantile establishment, except in areas approved for such purposes by the AHJ. It shall be the duty of the person in charge of such an establishment to enforce the regulations of this section.
- B. Smoking shall be prohibited in all rooms or parts of buildings which contain flammable liquids in open containers or in which flammable liquids are used in any manufacturing process or where vapors from the flammable liquids are present or sold.
- C. A plainly printed notice of the provisions of this subchapter shall be posted in a conspicuous place in all occupancies. Such printed notice shall also be posted in any place of public assembly where smoking is prohibited.
- D. No smoking or use of flame-producing devices in schools or public libraries.
  - (1) No person shall light a match or other flame-producing device, smoke, or carry a lighted cigar, cigarette, or pipe in any school building or public library except in areas approved for such purpose by the AHJ. It shall be the duty of the person(s) in charge of such buildings to post and maintain approved signs bearing the words "NO SMOKING" in locations designated by the AHJ.
  - (2) Sections 101.025(1) and 101.123, Wis. Stats., are hereby adopted by reference as if fully set forth herein.

### **155-38. Securing Fire Damaged Buildings.**

All dwellings and buildings within the Municipality damaged from fire shall be secured within twenty-four hours of release of the property by the AHJ. The owner of the damaged property shall assume the liability for the protection of the public until the property is secured.

### **155-39. Fireworks.**

- A. Sales. Except as provided in ss. 167.10(2) and (4) Wis. Stats., no person shall sell fireworks or possess fireworks with the intent to sell.
- B. Possession. No person shall possess, manufacture, use, display, discharge or sell any fireworks without a permit.
- C. Use. Except as provided in s. 167.10(3) Wis. Stats., no person shall possess or use fireworks without a user's permit issued by the Mayor of the City pursuant to subsection D. below.
- D. User Permit. As provided in s. 167.10(3) Wis. Stats., fireworks user's permits may be issued for festivals or celebrations after proper application to the Municipality. The AHJ shall require a certificate of liability insurance or similar proof of coverage for an amount deemed appropriate. Permits to display or discharge fireworks shall be issued as follows:
  - (1) An application for a permit may be obtained at the Fire Department.
  - (2) Applications shall be submitted not less than seven days prior to the date of such display.
  - (3) No accumulating or purchase of fireworks shall be allowed prior to the issuance of the permit.
  - (4) After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter and the promotion of public safety and security of adjoining property.
  - (5) The AHJ reserves the right to re-inspect the display and landing sites at any time to ensure public safety.
  - (6) NFPA 1123 and 1124 will be used as a guideline for these inspections.
  - (7) The cost of such permit shall be as set forth under s. 155-53 of this chapter.
  - (8) All persons applying for a permit must provide proof of liability insurance to the AHJ in the amount of \$1,000,000, and a copy of any contract with companies which will be responsible in whole or part for the fireworks, storage or display.
  - (9) All display companies and personnel who are paid to set off fireworks within the City shall return to the area of the fireworks display within 18 hours of the display and during daylight hours to carefully search for and dispose of unexploded fireworks.
  - (10) The Municipality's Police and/or Fire Department's personnel are authorized to enlarge the area required to be searched by the display companies and their personnel.
- E. Fireworks Manufacture or Storage. Fireworks manufacture or storage allowed by the Plan Commission pursuant to ss. 315-31 or 315-33 shall also require a separate permit

from the AHJ.

- F. Use of caps and sparklers. No unlicensed person may use fireworks, caps, or sparklers in a Municipal Park or at a fireworks display for which a permit has been issued if the display is open to the public.
- G. Pyrotechnics. Pyrotechnics are prohibited in public buildings and places of employment unless authorized by the AHJ and shall be used in accordance with NFPA 1123.
- H. Duties of parents and guardians. No parent, guardian or other adult with delegated authority of a minor shall knowingly permit such minor to violate this section.

**155-40. High-piled Combustible Storage.**

- A. High-piled combustible storage must comply with Chapter 23 of the International Fire Code.
- B. Definitions as found in Section 2302 of the International Fire Code will be used for high-piled combustible storage.
- C. Commodities shall be classified in accordance with Section 2303 of the International Fire Code.
- D. High-piled combustible storage areas shall be designated in accordance to Section 2304 of the International Fire Code.
- E. Housekeeping and maintenance of high-piled combustible storage areas shall be in accordance with Section 2305 of the International Fire Code.
- F. General fire protection and life-safety features shall be in accordance with Section 2306 of the International Fire Code, except that compliance with Section 2306.7 is not required by this chapter. (Note: compliance with this section may be required by the State of Wisconsin).
- G. Solid piled and shelf storage shall be in accordance with Section 2307 of the International Fire Code.
- H. Rack storage shall be in accordance with Section 2308 of the International Fire Code.
- I. Automated storage shall be in accordance with Section 2309 of the International Fire Code.
- J. Specialty storage shall be in accordance with Section 2310 of the International Fire Code.

**155-41. Burning.**

- A. Burning Restricted. Burning of any kind is restricted as provided in this section. Verbal permission from the Fire Department must be granted prior to any Recreational Fire, and

a written permit must be issued by the Fire Department prior to any Open Burning or Bonfire being started. Open burning, bonfires, fire pits, and recreational fires shall comply with the requirements of NFPA 1.

B. Grills.

- (1) For other than one and two family dwellings, no hibachi, gas-fired grill, charcoal grill or similar device used for cooking, heating, or any other purpose shall be used or kindled on any balcony or under any overhanging portion of a building. Grilling on ground level is permissible provided that the grill is at least seven feet away from any structure. Smoke must not be a nuisance to neighbors, or public roadways.
- (2) Barbecue grills of any type, kettles, outdoor hibachis, other types gas fueled cooking devices other than household kitchen appliances, including but not limited to, deep fryers (Turkey Fryers) and camping stoves. It shall be unlawful to ignite or burn inside any occupancy including any residential occupancy or portion thereof any type of barbecue grill, kettle, outdoor hibachi, or other type of gas fueled cooking device other than household kitchen appliances, including but not limited to, deep fryers and camping stoves.
- (3) No outdoor cooking device shall be used between 12:00 a.m. and the following sunrise.
- (4) No flame shall at any time exceed one foot in height over the source fuel.
- (5) Listed electrical ranges, grills or similar electrical apparatus shall be permitted.

C. Portable fire pits.

- (1) Portable fire pits shall not be used or kindled on any balcony or under any overhanging portion of a structure or within 10 feet of any structure.
- (2) Portable fire pits must be placed on a non-combustible surface.
- (3) Portable fire pits shall be listed by a nationally recognized testing organization or acceptable to the AHJ.
- (4) Burning of yard waste or other refuse is prohibited; only clean, dry wood can be used.
- (5) Flammable or combustible liquids shall not be used to ignite the fire.
- (6) Smoke shall be limited and shall not become a nuisance to neighbors or public roads.
- (7) No flame shall at any time exceed one foot in height over the source fuel.
- (8) Portable fire pits shall not be used between 12:00 a.m. and the following sunrise.

D. Recreational Fires. No person shall start or maintain a recreational fire except as except as allowed by verbal permission issued by the AHJ after personal or telephone contact is made to the Fire Department requesting said permission. The Fire Department will keep a record of the contacts made and the permission granted. Once permission is received, recreational fires are subject to the following regulations and/or restrictions:

- (1) No person shall kindle, start, or cause to be kindled any fire other than in a substantial container constructed of metal, concrete, brick, or earth so as to prevent the escape of burning materials.
- (2) Recreational fires shall be permitted only between the hours of 6:00 a.m. and 11:00 p.m. and shall be completely extinguished upon completion of the activity or by 11:00 p.m., whichever occurs first.

- (3) Recreational fires shall not be located within 25 feet of a structure or combustible material unless contained in an approved manner.
- (4) The total fire area shall not exceed three feet in diameter and two feet in height.
- (5) Only clean, dry wood can be burned.
- (6) Flammable or combustible liquids shall not be used to ignite the fire.
- (7) All fires shall be continuously attended by a minimum of one person who is at least 16 years of age with an adequate means of extinguishment.
- (8) Smoke shall be limited and shall not become a nuisance to neighbors or public roads. If a fire becomes a nuisance, becomes unsafe, or is considered uncontrollable, the fire must be extinguished immediately.
- (9) On such days when atmospheric conditions are unacceptable for burning, the Fire Department shall prohibit any burning whatsoever.

E. Open Burning. There shall be no open-air burning of any combustible waste material except as allowed by permit issued by the AHJ and subject to the following regulations and/or restrictions:

- (1) No person shall start or maintain an open fire without obtaining a permit.
- (2) Special burn permits may be granted by the Fire Department provided the following conditions are met:
  - (a) Request is made in writing to the Fire Department at least three business days prior to the event.
  - (b) A site inspection is made by the Fire Department.
  - (c) A written permit is obtained from the Fire Department and kept at the site.
  - (d) The permit shall expire ten days after the scheduled event date.
- (3) Burning of trash is prohibited.
- (4) Burning of any wet combustible rubbish, garbage, oily substances, asphalt, plastic, foam, rubber products, or any other material which creates dense smoke or causes a nuisance is prohibited.
- (5) Burning of building materials is prohibited.
- (6) Wind velocity cannot exceed nine miles per hour.
- (7) Open burning shall be constantly supervised by a competent person who is at least 18 years of age until the fire is extinguished.
- (8) The pile to be burned shall be a minimum of 50 feet from buildings and 25 feet from any public roadway, highway or other thoroughfare.
- (9) If smoke travels in such a manner to obscure any public roadway, highway or other public Thoroughfare, the fire shall be extinguished.
- (10) Open-air burning shall only be permitted from 7:00 a.m. up to 1/2 hour before sunset.
- (11) Flammable or combustible liquids shall not be used to ignite or accelerate the fire at any point.
- (12) Smoke shall be limited and shall not become a nuisance to neighbors or public roads.
- (13) Whenever a fire becomes a nuisance to the neighboring residents or becomes unsafe or considered uncontrollable, the fire must be extinguished immediately.
- (14) On such days when atmospheric conditions are unacceptable for burning, the Fire Department shall prohibit any burning whatsoever.

F. Bonfires.

- (1) No person shall start or maintain a bonfire without obtaining a permit from the fire department.
- (2) An application for a permit may be obtained at the Fire Department.
- (3) Applications shall be submitted not less than seven days prior to the date of such bonfire.
- (4) No accumulating of items to burn in the bonfire shall be allowed prior to the issuance of the permit.
- (5) After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter and the promotion of public safety and the security of adjoining property.
- (6) The AHJ reserves the right to re-inspect the bonfire site at any time to ensure public safety.
- (7) The cost of such permit shall be as set forth under s. 155-53 of this chapter.
- (8) Requirements, regulations and/or restrictions for bonfires shall be as follows:
  - (a) Fires shall be no larger than 10 feet in diameter or 10 feet tall.
  - (b) The fire area shall be protected by a fire ring or in some other fashion acceptable to the AHJ to prevent fire spread or a fire hazard.
  - (c) Fires shall contain only wood; other building products are prohibited.
  - (d) Fires shall not be started or accelerated using flammable liquids.
  - (e) Fires must be attended at all times by a competent person of at least 18 years of age who has obtained the permission of the property owner.
  - (f) The fire must be at least 50 feet from all structures, roadways and lot lines.
  - (g) If smoke travels in such a manner that it obscures roadways, the AHJ reserves the right to require that the fire be extinguished.
- (9) All fires must be supervised at all times by a competent person who is at least 16 years of age, and have a proper means available to extinguish the fire.
- (10) No fire shall be left unattended.

G. Mayor authorized to prohibit fires and other activities. In the event conditions exist within the City, including but not limited to excessive dryness, the Mayor of the City of Burlington may, by order issued without notice, prohibit all burning, fires, fireworks or other activities that may cause a fire to be kindled or started. In the event the Common Council wishes to reconsider said order, it may do so at a duly convened and noticed Common Council meeting; however, until the holding of said meeting, the order of prohibition issued by the Mayor shall be in effect. Upon the issuance of such order by the Mayor, it shall be published in the official newspaper and posted as necessary to give adequate notice to all residents of the City. Upon the cessation of said conditions, the Mayor shall cancel the order.

#### **155-42. Possession of Ignition Devices by Minors.**

A. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meaning indicated in this section:

IGNITION DEVICE – Matches, lighter, or any other material when used for the purpose of ignition.

MINOR – Any person under 18 years of age.

- B. Possession by Minors Prohibited. No Minor may possess any ignition device, unless under the direct supervision of, or with direct permission of, a parent or legal guardian.
- C. Delivery to Minor Prohibited. No person may sell, give, deliver or make accessible (as determined by the AHJ), any ignition device to a Minor without the permission of the Minor's parent or legal guardian.
- D. Confiscation. Any ignition device possessed by a Minor may be confiscated by any Peace Officer, Fire Chief or authorized designee of the Fire Chief. Once confiscated, these ignition devices shall be processed as evidence in the commission of a crime and made inoperable and disposed of properly.
- E. Penalty.
  - (1) Any person who shall violate any of the provisions of this section shall for each and every violation, upon conviction thereof, be punishable as set forth in Chapter 1, s. 1-4 of this Municipal Code.
  - (2) In addition to any other penalty provided for in this chapter, the Judge of any court of any competent jurisdiction may order any person found guilty of violating this ordinance to any educational program as the Court deem appropriate and include as part of the penalty therein that such person pay the costs of such educational program.

**155-43. Christmas Tree Sales.**

The following minimum standards shall apply to the storage, handling, and display of live Christmas Trees and Foliage:

- A. Trees and foliage shall be stacked not closer than ten feet from any gasoline pump or other device for the transfer of petroleum products.
- B. Aisles or clear spaces of not less than three feet shall be maintained at all times.
- C. A fire extinguisher with a "2A-10BC" rating or greater shall be provided by the merchant for each seventy-five (75) feet of travel display and/or storage area.
- D. All storage and sales of live Christmas Trees and Foliage shall be held outside of buildings.
- E. It shall be unlawful to light a match or any flame-producing device, or to smoke or carry a lighted cigar, cigarette, or pipe in areas where live Christmas trees or foliage is displayed, sold, or stored.
- F. The person in charge of the Christmas tree sales shall post a "NO SMOKING" sign in

locations intended to give persons entering the area a notice of this regulation.

**155-44. Blasting.**

- A. Blasting Permit Required. All persons or entities who perform blasting in the City shall obtain a permit from the Fire Department prior to storage or use of blasting agents or explosives.
- B. Application for a permit may be obtained at the Fire Department. Applications shall be submitted not less than seven days prior to the date of such blasting project. No accumulating of blasting agents or explosives shall be allowed prior to the issuance of the permit. After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this is chapter, promotion of public safety and security of adjoining property. The AHJ reserves the right to re-inspect the project site at any time to ensure public safety. The cost of such permit shall be as provided in s. 155-53 of this chapter.
- C. Exemptions from Permit Requirement. Persons or entities engaged in the active operation of quarrying activities as a legal, nonconforming, permissive or special use of land prior to the effective date of this chapter shall be exempt from the permit requirement hereunder.

**155-45. Fire Escapes.**

All fire escapes shall comply with the following requirements and all other standards adopted herein:

- A. All fire escapes shall be inspected by the Fire Department at least once per year. If upon inspection the Fire Department finds any fire escape which, in its opinion, is defective, unsafe or noncompliant with existing code, the Fire Inspector shall order the needed repairs and the owner shall make such repairs. It shall be unlawful to make any such repairs to any fire escape without first obtaining a permit from the Department of Buildings to do so.
- B. The Fire Department reserves the right to require the owner to provide a structural evaluation of any fire escape it deems to be unsafe. The owner or agent shall be responsible, except for one- and two-family homes, for providing a critical examination of the fire escape by a registered architect or a registered structural engineer employed by the owner or agent.
- C. The registered architect or engineer shall submit a written report showing the structural condition of the fire escape and its supports.
- D. Two copies of the report shall be submitted to the Fire Department.
- E. If satisfactory to the Fire Department, one copy of the report shall be returned to the owner or agent.

- F. If unsatisfactory to the Fire Department, any defects noted on the written report submitted by the registered architect or engineer shall be corrected by the owner within 30 days of the date of the report.
- G. Upon correction of any defects noted in the written report, the registered architect or engineer shall submit to the Fire Department two copies of a new report showing the defects and repairs made.

**155-46. Flammable and Combustible Liquid Storage Tanks.**

- A. The local Fire Inspector shall be certified by the State of Wisconsin Bureau of Storage Tank Regulation as a tank system inspector and shall be responsible for the inspection, plan review and conditional approval of all underground and aboveground storage tanks as defined by Comm. 10, Wis. Admin. Code, Flammable and Combustible Liquids.
- B. Notification to the Fire Inspector is Required. Prior to the installation, modification or removal of any underground or aboveground storage tank, notification to the Fire Inspector shall be made in writing at least 15 days prior to the start of any work and a permit and/or conditionally approved plans shall be obtained.
- C. Certified contractors. No work shall be performed on any storage tank system underground or above ground except by a State of Wisconsin certified contractor.
- D. Tank removal. The owner or agent of any property where a storage tank exists or has been abandoned or where conflict exists as to whether or not a tank or tank system was previously removed or abandoned shall employ a state-certified contractor to clean and remove the tank or to excavate the site and prove to the satisfaction of the local tank system inspector that the tank system is no longer in place. The state-certified contractor shall obtain a permit from the tank inspector prior to the removal of any underground or aboveground tank system. It shall be unlawful to remove any exposed piping from an underground tank system in an attempt to hide its existence or location.
- E. Waste oil burners. Waste oil burners shall not be allowed in private dwellings. The owner or agent of any waste oil burner shall be required to submit to the local tank inspector, prior to any installation, four sets of plans for approval as required under Ch. Comm. 10, Wis. Admin. Code, the Flammable and Combustible Liquids Code. In addition, plans shall be submitted to the Department of Buildings for review and approval of all heating equipment associated with waste oil burners.
- F. Fees. All fees for plan approval by the local tank inspector shall be the same as those charged by the State of Wisconsin as exist on the most current copy of the flammable liquid tanks installation application form. A fee per tank as set by the Common Council shall be charged and a permit issued for the closure of any tank system. The Fee Schedule shall be on file at the City Clerk's office.

**155-47. Tavern Licensing.**

All licensed taverns within the City of Burlington shall be inspected for compliance with this

chapter at least three months prior to the renewal of their licenses or approximately April 1st of each year. Any violations at the time of this inspection shall be corrected within the time stated on such order. A final copy of all orders shall be submitted for review at the time of renewal. Failure to comply with any written order may result in the suspension of or nonissuance of the license by the Common Council or any other municipal authority.

**155-48. Private Hydrants and PIVs.**

- A. Only approved fire hydrants and post indicator valves (PIVs) shall be allowed for use on private property for the sole purpose of fire protection.
- B. Inspection, Testing, Maintenance and Repair Required.
  - (1) Approved fire hydrants and PIVs shall be maintained in proper operating condition at all times.
  - (2) Annual flow tests are required on all private fire hydrants.
  - (3) Manual operation of all PIVs to the closed position and back to the open position is required annually.
  - (4) Written records shall be maintained showing test results, dates, duration of tests, locations and who performed the tests.
  - (5) Written records shall be kept on site and available for inspection for a period of no less than seven years.
  - (6) Upon the request of the City of Burlington Fire Department, the owner shall perform such tests (to include flow tests) in order to demonstrate proper operating conditions.
  - (7) Property owners shall immediately notify the City of Burlington Fire Department and Water Utility whenever a fire hydrant or PIV has been damaged or has become inoperable.
  - (8) Repairs to damaged or inoperable equipment shall be completed as soon as possible and tested before the equipment is put back into service.
  - (9) At any time when an owner is found not properly testing or maintaining his fire hydrants and/or PIVs, the City of Burlington Fire Department and the Water Utility may perform such tests at the expense of the owner.
- C. At no time shall any fire hydrant or PIV be obstructed under any circumstance. Obstructions may include, but are not limited to, snow accumulation, vegetation and refuse, parked vehicles, and material or equipment storage.

**155-49. Existing Systems.**

- A. Any fire prevention, control, suppression, extinguishing, alarm, detection or protection

system already installed at the time of this chapter adoption shall be considered an existing system and shall comply with the provisions of this chapter.

**B. Smoke Detectors and Fire Alarm Systems.**

- (1) All smoke detectors, whether battery operated or electrically interconnected, shall be tested at least once every six months.
- (2) All fire alarm systems must be inspected, tested and maintained in accordance with all of the applicable requirements of NFPA 72.
- (3) Manual pull stations shall be tested monthly by physically activating the device. Only one manual pull station need be tested each month if there are 12 or fewer locations in the protected premise. If there are more than 12 manual pull stations, additional manual pull stations must be tested at the same time with the intent of testing all manual pull alarms connected to the fire alarm system within one calendar year.
- (4) Written records of all fire alarm system and all smoke detector testing shall be maintained showing test results, dates, duration of tests, locations and who performed the tests.
- (5) Records of all fire alarm system and smoke detector testing shall be kept on site and available for review by the AHJ for a period of no less than seven years.
- (6) If the required records are found to be missing or outdated for a period of more than one year and any portion of the fire alarm system or smoke detectors have been found to be missing or inoperable, the Fire Inspector may order the installation or replacement of the existing system or smoke detectors with new electrically interconnected smoke detectors to include the fire alarm control panel at the owner's cost.
- (7) All fire alarm system and smoke detection testing may be required to be performed in the presence of the AHJ at the AHJ's discretion.

**C. Fire Sprinkler, Fire Control, Fire Suppression and/or Fire Extinguishing Systems.**

- (1) All fire sprinkler, fire control, fire suppression and/or fire extinguishing systems must be inspected, tested and maintained in compliance with this chapter and all of the applicable requirements of the applicable NFPA Codes and/or Standards.
- (2) All inspection, testing and maintenance records shall be kept on site and available for review by the AHJ for a period of no less than seven years.
- (3) If the required records are found to be missing or outdated for a period of more than one year, the AHJ may order the required inspection, testing and/or maintenance to be performed at a cost to the owner.
- (4) All fire sprinkler, fire control, fire suppression and/or fire extinguishing system testing may be required to be performed in the presence of the AHJ at the AHJ's discretion.

**D. Contracted Service Providers.**

Whenever inspection, testing and maintenance services are contracted by the owner or agent with an outside vendor, the vendor shall provide a written report of all work performed. This report shall be the same as provided in the appropriate NFPA publication, describing all work performed and listing any deficiencies or needed repairs. This report shall be left with the owner or agent and a copy shall be sent to the Fire Department by the service provider.

## **155-50. Flammable, Combustible, and Hazardous Materials.**

- A. The following items shall not be stored in any multi-family dwelling in the community except in locations approved by the AHJ.
- (1) Charcoal, except in a metal container equipped with a metal cover.
  - (2) Oily rags or oily dust mops.
  - (3) Flammable or combustible liquids of any nature other than new motor oils in original manufacturer's containers.
  - (4) Bottle gases, propane, acetylene, oxygen or other substances of a similar nature.
  - (5) Gasoline motors and gasoline power equipment, such as outboard motors, power lawn equipment, snow blowers, snow mobiles motorcycles, etc.
  - (6) Dangerous or hazardous amounts of flammable, combustible or explosive material as determined by the AHJ.
  - (7) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ.
  - (8) Dangerous accumulations of dust or waste materials in air conditioning systems.
- B. The AHJ may require the elimination of hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive material.
- C. Flammable, Combustible and Hazardous materials shall be identified in accordance with NFPA 704.
- D. Reporting. All persons, firms or organizations using, researching, storing, or producing hazardous materials and/or infectious agents shall notify the Fire Department in writing as prescribed by this section.
- E. The manufacture, storage, handling and use of hazardous materials and/or infectious agents shall be safeguarded in accordance with the applicable requirements of the applicable NFPA Standards and/or Codes and industry standards and with the manufacturer's recommendations.
- F. The Fire Inspector may require the separated storage or isolated storage of any hazardous or infectious material that in combination with other substances may bring about a fire, health hazard or explosion or may liberate a flammable, nonflammable or poisonous gas.
- G. The AHJ may require separation of hazardous or infectious materials from other storage facilities when the quantity to be stored increases the fire, health or explosive hazard to any occupancy.
- H. Limitation on storage quantities shall be considered with regard to proximity of these exposures and to congested commercial and industrial areas.
- I. The AHJ may require fire suppression, fire detection, on-site containment, smoke venting or control and/or other fire protection, life safety or environmental safe systems

as deemed necessary.

- J. Identification markings. Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain a hazardous or infectious material shall be identified with signs in accordance with this section and NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response. Signs shall be maintained at all times and shall be located as directed by the AHJ. Signs shall be durable, weather-resistant and unobstructed.
- (1) A sign at least 7 1/2 inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.
  - (2) A sign with no numbers, at least 7 1/2 inches square, shall be conspicuously placed on the front of the building as directed.
  - (3) Doors that directly access a room or area that contains a hazardous or infectious material shall be identified with a numbered sign at least 7 1/2 inches square. In any room that has more than one hazardous material, the sign shall list the highest number for each hazard classification.
  - (4) Special hazards shall be identified in the lower quadrant of the sign as follows:
    - (a) Radiation hazard: standard radiation symbol.
    - (b) Water-reactive hazard: W.
    - (c) Oxidizer: OX.
    - (d) Biological hazard: BIO.
    - (e) Corrosive: COR.
- K. Material safety data sheets. Material safety data sheets (MSDS) shall be required for all materials which are stored, used or handled and shall be available on site in a location acceptable to the AHJ.

**155-51. Special Inspections Required.**

- A. All CBRFs, Adult Family Homes, Adult Day Care Centers and Child Day Care Centers (Group) are required to be inspected not less than once a year by the Fire Department.
- B. A courtesy fire inspection is recommended for all Family Child Day Cares.

**ARTICLE IV  
APPEALS, FEES, CITATIONS AND PENALTIES**

**155-52. Appeals.**

- A. Whenever the AHJ disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the AHJ.
- B. Appeals shall be submitted in writing to the Chief of the Fire Department for a review of the initial determination within 30 days from the date of the decision of the AHJ.

- C. All appeals shall proceed pursuant to Wisconsin Statute Chapter 68, Municipal Administrative Procedure.

**155-53. Fees.**

- A. Inspection Fees. No fee will be charged to the property owner for an inspection or reinspection performed pursuant to ss. 22-19, 155-47 or 155-51 of this Municipal Code.
- B. Other Fees. Fees in the amount set by the Common Council and reflected on the Fee Schedule on file in the office of the City Clerk shall be charged for permits, certificates, submittal reviews, inspections and other functions performed under this chapter, excepting only those exempted under in section 155-52A.
  - (1) Required fees shall accompany each application for a certificate, permit, submittal review or other fee related to new construction, the remodeling of an existing building or occupancy and/or the modification of any fire alarm, detection, extinguishing, protection or control system and/or any other permit, inspection or other submittal review required by this chapter.
  - (2) Fees shall be made payable to the City of Burlington and submitted to the City of Burlington Fire Department. When plan and/or submittal review and/or inspections are assigned by the Fire Department to a designee outside of the Department who is qualified to perform plan reviews and/or inspections, the applicant shall pay additional fees charged by that designee directly to the City.

**155-54. Citation Authority.**

- A. Any Fire Department officer, Fire Inspector or City official charged with the responsibility for enforcement of this chapter is authorized to issue citations for a violation of this chapter pursuant to Chapter 1, s. 1-5 of this Municipal Code.
- B. Citations may be issued to a property owner, contractor, occupant, or any or all of them, as appropriate under the circumstances.

**155-55. Penalties.**

- A. Except as otherwise provided in this chapter, any person found to be in violation of this chapter or any rule or order promulgated hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and conditionally approved hereunder, shall be subject to a penalty as provided in Chapter 1, s. 1-4 of this Municipal Code. Each and every 24 hours a violation continues is a separate offense.
- B. In addition to penalties imposed pursuant to subsection A:
  - (1) False Alarms. If the Fire Department responds to three or more false alarms as defined in s. 155-11 of this chapter in one calendar year, in addition to the penalties provided in sections 96-6C and 96-12 of this Municipal Code, the Fire Department may require that the fire alarm be serviced, upgraded, or replaced to bring the alarm system into compliance with current code, solely at the owner's cost, in order to prevent future false alarms.

- (2) Failure to Apply for a Permit. Any owner or contractor that begins installation and/or alteration of any system and/or portion thereof regulated by this chapter, or proceeds without a permit required for any other activity, prior to obtaining the required permit will be charged a triple fee.
  - (3) In addition to or as a complete alternative to the penalties set forth in this section, the Common Council, the Fire Chief, or any person who would be specifically damaged by a violation of this chapter may institute appropriate action or proceeding to enjoin a violation of this chapter.
- C. Imposition of a penalty for a violation under this chapter shall not excuse the violation or permit it to continue and such violations or defects shall be corrected or remedied within the time stated in an order.



**DATE:** February 20, 2019

**SUBJECT:** MOTION 18-913 - To consider approval of a Certificate of Appropriateness and recommendation regarding the revised signage for property located at 457 Milwaukee Avenue.

**SUBMITTED BY:** Gregory Guidry, Building Inspector

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**BACKGROUND/HISTORY:**

This item is coming before the Common Council for approval of a Historic Preservation District Certificate of Appropriateness and a recommendation of signage at 457 Milwaukee Avenue. The applicant, Life Bridge Church, proposes to repaint signage on the western façade. The western façade has changed throughout the years, with the painted signs advertising the particular business located within the building. Though the brands have changed, the style and colors of these signs have preserved a consistent aesthetic. The existing signage is a unique one of a kind sign that was installed prior to any sign ordinance or any Historical District Guidelines (approximately the early 1950's), giving it significance as a historical sign reference for the downtown area. Please note the different font styles they use in the existing signage as well as the letter sizes. The proposed signage for LifeBridge Church maintains this historic aesthetic, while updating the information presented to reflect the new use.

The originally proposed signage (example #1) features the name and logo of LifeBridge Church, its vision statement, a welcome message, and service times. Each of these elements is framed in a way that mirrors the existing layout that features appliance brands. The proposed signage will also mirror typography of the former Chevrolet signage that was featured on this building, with a primary dark text color on white background, and a contrasting white text on blue background, serving to highlight the primary logo. The signage will utilize both sans serif font and cursive, just as the original Chevrolet signage did. Though larger than what is explicitly permitted for signage in the Historic Preservation Overlay District, the proposed signage will maintain the maximum letter height of the existing signage. For your convenience a copy of the originally proposed signage is attached.

The Historic Preservation Commission approved this signage at the October 3, 2018 special meeting with a vote of 3 to 1.

On November 29, 2018 the applicant submitted a revised sign (example #2) for HPC consideration showing the reduction of words, reduction of the cursive font and size, number of signs, and eliminated the curved lettering. The Commissioners denied the revised design with a vote of 4 to 3.

As a reminder, the Common Council approved a change in the HPC sign ordinance at their February 16, 2016 meeting to allow a sign permit request in the Historic Preservation Overlay (HPO) District be approved by the Building Inspector following the recommendation of the Historic Preservation Commission (HPC), without Common Council consideration. As this signage request is unusual per regulations in the zoning code, although closely replicating what is currently on the building in regards to size and features, staff seeks the Common Council's final recommendation regarding this sign proposal.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Historic Preservation Commission (HPC) recommended approval of the Certificate of Appropriateness application and original sign design at their October 3, 2018 meeting. The HPC recommended denial of the Certificate of Appropriateness and revised sign design at their November 29, 2018 meeting.

As Building Inspector, performing the review for the proposed signage on the west side of the building located at 457 Milwaukee includes the following tools in the City's sign ordinance, the Burlington Historic Downtown Main Street District Standards Guidelines, and previous HPC decisions for signage on the side of the building. The sign ordinance, 315-62 through 315-83 are rules allowing staff to enforce signage, and the Historic Downtown Guideline as stated on page 14 "are recommendations and for the intention of promoting voluntary change", which are not enforceable rules. For reference, our sign ordinances for the downtown area are 315-74 through 315-83.

The Building Inspector has the final decision on whether or not to approve the installation of the signs; however, staff seeks the Common Council's final recommendation regarding this sign proposal.

**TIMING/IMPLEMENTATION:**

This item was originally discussed and then tabled at the November 20, 2018 Committee of the Whole meeting. This item is for discussion again at the February 5, 2019 Committee of the Whole meeting and per common practice is scheduled for final consideration at the Common Council meeting the same evening.

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**Attachments**

Building Inspector Memorandum  
Administrator's Memo - 457 Milwaukee Avenue History  
Attorney Bjelajac Letter  
Original Design (#1)  
Revised Design (#2)  
HPC Minutes 11-29-18

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**DATE:** January 24, 2019

**TO:** Mayor and Common Council

**FROM:** Gregory Guidry, Building Inspector

**RE:** Life Bridge Church signage at 457 Milwaukee Avenue

Thank you Mayor and members of the Common Council,

The purpose of this memo is to provide insight to my future decision making process regarding potentially approving the signage at 457 Milwaukee Avenue.

Staff is bringing before you for further discussion the proposed signage on the west side of Life Bridge Church at 457 Milwaukee Avenue, in light of a recent revision to the design that was denied at the November 29, 2018 Historic Preservation Commission (HPC) meeting. The Building Inspector has the final decision on whether or not to approve the installation of the signs; however, I want your feedback and to provide insight regarding my thought process towards my future decision.

Ordinances, guidelines and codes are created to protect and maintain the aesthetics, integrity and value of the city and community. All ordinances cannot be written to cover all situations. That is why when staff reviews are done, the reviewer considers color, size and wording, but also the intent and purpose of the ordinance written. After considering all pertinent topics to the proposal, we make our recommendation. In the past you have had many reviews come before you that state that the proposal does not meet the exact ordinance, but the reviewer still recommends approval. As the Building Inspector, I often use this same procedure in my inspections.

One prime example of the HPC's past review that considered the intent and purpose of the ordinance and not the exact wording was the approval Life Bridge Church was given at its June 14, 2016 HPC meeting to install signage on the south side/street side of the building with larger than permitted letters, it just looked architecturally correct. Please remember, the original signage proposal for the west side of the building was voted on and approved by the Historical Preservation Committee with the recommendation from our city planner Graef, after a thorough review. I included some photos of the existing wall and the previously approved signage by Life Bridge Church.

All city boards and commissions review bodies do consider many topics including whether our decision will set a precedence, or if it will have an adverse effect on the neighbors and community. We consider each proposal thoroughly, one at a time, on its own merit. The signs on the west side of the old Bigelow building are quite a unique one-of-a-kind situation. The old signs are historical in that they were installed

prior to there being any historical district or zoning regulations. Maybe that is why the previous Zoning Administrator did not have these sign removed as he recognized the historical significance. The Life Bridge Congregation family wants to replace the historical signs with their own signs and maintain some historical character.

Previously you have been given much information on City ordinances and the Historical Downtown District "Guidelines". It is not my position to discuss whether or not these signs meet these regulation or guidelines, because by the letter of the ordinance, they do not.

In conclusion remember this, Ordinances, guidelines, and codes are created to help maintain the aesthetics and value of our city and community. They cannot and should not always be held to the strict wording of the ordinances. As I stated earlier, ordinances can never be written to cover all situations and circumstances, whereas, this proposed sign fits one of those unwritten situations. We have to remember to keep the intent and purpose of the ordinance in mind and make a rational decision after looking at the entire situation.

Thank you again for your input.



February 12, 2019

**To:** Members of the Common Council  
**From:** Carina Walters, City Administrator

**Re:** History of 457 Milwaukee Avenue

During the February 20, 2019 Committee of the Whole meeting, staff is seeking a recommendation from the Common Council regarding the merits of the painted wall sign on the west side of the building of 457 Milwaukee Avenue.

The Common Council has the following options:

1. Make a Recommendation to Gregory Guidry to allow the wall sign (or a portion of the wall sign) to be painted on the west side of 457 Milwaukee Avenue and a further recommendation of Original Design Sign 1 (that was approved by the Historic Preservation Commission (HPC) or Revised Sign 2 (not approved by the HPC).
2. Make a Recommendation to Gregory Guidry to not allow the wall sign to be painted on the west side of 457 Milwaukee Avenue; or
3. Stay silent on the item.

Prior to the Common Council discussion staff outlined the history of the file for your consideration:

- On March 24, 2016, the HPC was set to discuss a Certificate of Appropriateness (COA) and sign permit for 457 Milwaukee Avenue for the **front** façade. This item was tabled to the April 28, 2016 meeting.

*A Certificate of Appropriateness is necessary for any building owner to complete work to buildings completed in the Historic Preservation Overlay District. This may include any exterior change including painting, windows, signage, addition to, or demolition of any part or all of the exterior of a structure.*

- During its April 28, 2016 meeting, the HPC discussed a Certificate of Appropriateness (COA) and sign permit for 457 Milwaukee Avenue for the **front** façade. During this discussion, the then Interim Planner Mark Roffers, recommended approval of the request; however, made notations within his report that the painted wall sign on the west façade should be removed. During that time, the memo outlined that the applicant intended to remove the series of outdated, non-conforming signs on the west end (the painted wall sign being discussed this evening). *The copy of the report dated March 14, 2016 is attached.*

As indicated the Interim Planner, recommended approval of the front facade subject to the items listed in the March 24, 2016 memo regarding the West Elevation memo. During this meeting, the HPC unanimously approved the Certificate of Appropriateness (COA) and sign permit for 457 Milwaukee Avenue for the front façade and east facade, **excluding** the painting over the signs on the west elevation as this was not on the agenda.

- On June 14, 2016 the Zoning Board of Appeals unanimously approved a variance to allow an eighteen-inch height for signage only the Front Façade at 457 Milwaukee.
- On March 9, 2017 LifeBridge Church asked for an extension of the COA for up to one year, for the front façade grant program subject. Staff recommended the approval be contingent satisfying Planner Mark Roffers' memo of March 24, 2016. The item was tabled to the March 23, 2017 HPC meeting as the Church was not present.
- On March 23, 2017 Jon Thorngate advised the HPC the extension was needed due to financing. The Extension was granted.
- On September 27, 2018 the HPC agenda included a Petition from Jon Thorngate for a Certificate of Appropriateness and Sign Permit for 457 Milwaukee Avenue regarding the west elevation. A copy of the HPC packet is attached. Please note, two important items:
  - 1) the original materials of the March 24, 2016 recommendations from the then Interim Planner Mark Roffers were not included. These materials were inadvertently not provided to Graef and/or HPC members.
  - 2) Graef recommended approval of the wall sign in the memorandum dated September 18, 2018.

The Historic Preservation Commission approved a COA and sign permit (Original Design Sign 1) for the west elevation at 457 Milwaukee Avenue with a vote of 3 to 1 on October 3, 2018.

- On November 7, 2018 the COA was discussed at the Committee of the Whole and tabled at the Common Council meeting (Original Design Sign 1).
- On November 29, 2018 the applicant submitted a revised sign #2 to the HPC for consideration; however, the design was denied with a vote of 4 to 3 (attached).

Regardless of the history on this file and differing opinions/ perspectives of the current and Interim Planners, Building Inspector Gregory Guidry is seeking direction from the Common Council regarding the merits of the painted wall sign on the west side of the building of 457 Milwaukee Avenue.

Both staff and the City Attorney are happy to answer any questions, the Common Council may have.



## CITY OF BURLINGTON

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1164 – (262) 763-3474 fax  
www.burlington-wi.gov

<b>Historic Preservation Commission Item: 7H</b>	<b>Date:</b> March 24 <sup>th</sup> , 2016
<b>Submitted By:</b> Gregory Guidry, Building Inspector	<b>Subject:</b> Certificate of Appropriateness for 457 Milwaukee Avenue

**Details:**

Jonathan Thorngate of LifeBridge Church is requesting approval of a Certificate of Appropriateness located at 457 Milwaukee Avenue. The proposed project consists of:

- The restoration and alteration of the front façade, replacement of windows and doors, painting over current signage and installation of projecting and wall signs. The installation of awnings is proposed to be made of black metal. The installation of gooseneck lighting. The entryway location is proposed to change from the east side of the building to the center which updates the building, but still maintains the historic character.

Mark Roffers, Interim City Planner, recommends approval of this request, subject to conditions listed in his March 14, 2016 memorandum to the Commission.

**Financial Remarks:**

The applicant applied for a Façade Grant as seen in item 7J.

**Executive Action:**

This item is for consideration to approve the Certificate of Appropriateness at the March 24, 2016 Historic Preservation Commission meeting and be placed on the March 5, 2016 Committee of the Whole and Common Council meetings for consideration.



To: City of Burlington Historic Preservation Commission  
From: Mark Roffers and Colette Spranger, Interim City Planning Consultants  
Date: March 14, 2016  
Re: Certificate of Appropriateness and Sign Permit Application, 457 Milwaukee Ave.,  
LifeBridge Church

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**Desired Outcomes:** Restoration and alteration of front building façade, replacement of windows and doors, installation of wall and projecting signs; installation of awnings.

**Location:** Owner-occupied building at 457 Milwaukee Avenue, intended for church use. Early use of this building was for a car dealership.

**Summary:** We believe that the applicant is proposing a set of changes that will update the building for contemporary use, while restoring and altering the front façade in a way that maintains the historic character of this building within the Historic Preservation Overlay District. The project in general meets applicable guidelines and ordinance requirements. We are advising a Certificate of Appropriateness for everything but the installation and removal of signage—an aspect of the proposal that we believe could use some further development.

**Recommendation:** We recommend that the Commission recommend that the Common Council approve the request for building improvements at 457 Milwaukee Avenue, subject to the following conditions:

1. All work shall be per the application materials submitted on 3/7/16, except as necessary to meet the conditions that follow. The approval does not include any signage at this time.
2. The applicant shall obtain a building permit for the work. Prior to the issuance of a building permit, the applicant shall adjust and resubmit building elevations for City staff approval, including the following adjustments:
  - a. Indicate design, materials, and color for awnings, per the Commission's recommendation.
  - b. Indicate that signage is conceptual and subject to subsequent City approval.
  - c. Include a catalog page for proposed light fixtures, including proposed housing color, and indicate that lights above signage may be installed only when associated signage is installed.

- d. Indicate trim materials and colors for windows and doors, per the Commission's trim recommendations.
  - e. Specify existing and proposed locations for roof-, building-, and ground-mounted utility and mechanical units.
  - f. Indicate that removal of aluminum siding near the top of the south façade and specific approaches for restoration/replacement of the brick beneath will be completed in communication with the Building Inspector.
3. Any other conditions that the Commission may recommend that are consistent with applicable zoning ordinance requirements.

We also recommend that the Commission postpone action on the sign aspects of the proposal, including the proposed lighting above the wall sign(s), enabling the following to occur before taking action on signage:

1. The applicant should hire a sign contractor, who may advise differences in signage from what is currently proposed.
2. Submittal of better details on proposed materials, fonts, and colors of signage.
3. Any adjustments to sign colors to respond to Commission review against the design guidelines.
4. A specific plan, following investigation of the range of possible options, for removal of the nonconforming painted wall signs on the west elevation of the building, including power washing, acid or other chemical treatment, painting in a color that matches the brick below, or painting in a color that contrasts with the brick color below. Any painting option shall include cleaning and priming recommendations.

**Analysis of Requests Against City Ordinance Requirements and Design Guidelines**

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
<b>HAS APPLICANT SUBMITTED REQUIRED APPLICATION MATERIALS?</b>		
(1) For Certificate of Appropriateness	Sufficient for conditional approval	Applicant has confirmed some missing details from the initial submittal, as indicated in the comments that follow. Some additional details on trim and awnings should be better documented in refined plans.
(2) For Sign Permit Application	In progress	Applicant has confirmed some missing details from the initial submittal, as indicated in the comments that follow, but has yet to hire a sign contractor who may suggest adjustments. Also, plan for removal of nonconforming signs on the west façade has not been fleshed out.
<b>STANDARDS FOR SIGNAGE IN THE HPO HISTORIC PRESERVATION OVERLAY DISTRICT</b>		
(1) Prohibited Signs	In Progress	Applicant intends to remove the series of outdated, non-conforming signs on the west elevation, but we believe that the method of removal deserves further scrutiny. Putting another layer of paint over brick is generally not the preferred solution, and will require care in application and future maintenance.

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
(2) Wall, fascia (including transoms), and awning signs	In progress	For the proposed wall sign(s) on the south façade, the signage area requirement has been met. Also, the building is permitted up to 3 wall signs, so whether "LifeBridge" and "Church" count as one or two signs seems immaterial. Applicant indicates that the proposed lettering would be similar in style to what was previously used on the building: externally illuminated solid white lettering. Lexan (polycarbonate resin) or metal lettering may be used; sign contractor not yet hired.
(3) Projecting and Hanging Signs	Met	The proposed projecting sign is well above the minimum required eight feet above the sidewalk. Proposed sign is a square, 2' 8½" in area, set on end, and made of metal. Sign area meets HPO District standard.
(4) Illumination of Signs	Met	Application shows shielded spotlights for signage, which are permitted in this district and historically appropriate for this building. As we are suggesting deferring action on sign approval, we also advise deferring action on the 6 lights proposed to illuminate the wall sign(s).
(5) Limitations on types of window signs (including transom windows)	NA	

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
(6) Signage Color	In progress	Wall signage color proposed to be a shade of white, intended to match the white in the projecting sign. The projecting sign colors are more contemporary than those advised within the Historic Preservation District. The sign represents the applicant's existing logo. We believe that the colors used are not inappropriate for the District, and are being proposed for a small sign. The Commission may wish to discuss this aspect
<b>GENERAL STANDARDS IN HPO HISTORIC PRESERVATION OVERLAY DISTRICT (SECTION 315-42)</b>		
District Standards 315-42(B)	Sufficient for conditional approval	Building improvements and window and door details, up to what is presently known, conform to district standards. The proposed awning material is metal—a material subject to Historic Preservation Commission consent. Metal may reflect back to the building's historic use as a car dealership, and awnings on a south façade is a practical improvement. Proposed sign colors may pose some issues for discussion.

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
<p>Limitation on Structural/Appearance Changes 315-42(E)</p>	<p>Met</p>	<p>Replacing the existing windows will help the new owners conserve energy. Applicant reports paint-over and damage to the original transom windows, which in his opinion warrant replacement (i.e., extension of windows further up on buildings to fill this space). This seems to be a reasonable design solution.</p> <p>Proposed changes would represent a significant improvement and general return to the building's original character, compared to its current state. The main entrance to this building has been a door on east side of the front façade. Proposed remodeling would move the main entrance to the center of the building, which appears to work visually and functionally. The two proposed side-by-side doors would be surrounded by glass windows, which would fill the remaining area traditionally filled by a large display window. The former east door area would be used for a window and the remaining windows on the front and east façades will also be replaced. The east elevation also includes a proposed window installed where there is currently a garage door. This change improves the overall appearance of the building, even if it covers a reminder of its historic use. In total, the relationship of solids to voids is similar to the building's historic condition.</p>

**BURLINGTON HISTORIC DOWNTOWN MAIN STREET DISTRICT DESIGN QUALITY AND STANDARDS GUIDELINES**

<p>Design Issues (pp. 7-9)</p>	<p>Met</p>	<p>The proposed change in entryway location – from the side of the building to the center – is consistent with other “storefronts” in the downtown, and is consistent with the standard that storefronts be composed almost entirely of glass. In total, it is our opinion that this project updates the building for contemporary use in a way that both maintains the unique qualities of the original building front and adjusts it to align with other HPO District guidelines.</p>
<p>Maintenance and Repair (pp. 10-13)</p>	<p>In Progress</p>	<p>The original masonry near the top of the south façade is current beneath aluminum siding. The applicant intends to restore this area to its original appearance as much as possible.</p> <p>There are large, painted non-conforming signs on the west elevation of the building. The applicant has spoken with the City Building Inspector about an acceptable method of removing these signs. Painting over the signs seems to be the recommended method at present, but this would create some long-term maintenance needs and demands care in application.</p>
<p>Lighting (pp. 15-16)</p>	<p>In progress</p>	<p>Lighting around wall signage meets standards for signage lighting set forth in Section 315-74. Other lights attached to the building are in historically appropriate locations, and appear to be of a design that compliments the building and the Historic Preservation District.</p>
<p>Screening (pp. 16)</p>	<p>NA</p>	

Pedestrian Access (pp. 17)	Met	Proposed changes do not disrupt the sidewalk pattern or pedestrian access.
Secretary of Interior's "Standards for Rehabilitation" (pp. 19)	Met	Historic features are proposed to be restored. New windows and doors complement historic rhythm of building.
<b>OTHER APPLICABLE STANDARDS FROM THE ZONING ORDINANCE</b>		
Existing Nonconforming Signs 315-75	In Progress	See commentary above. These require removal before new sign permits are granted.
Awnings in B-2 Central Business District 315-61(A)	In progress	The applicant is proposing black metal awnings for use above the new display windows. The use of metal awnings will be subject to approval from the Historic Preservation Commission.



**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1164 – (262) 763-3474 fax  
www.burlington-wi.gov

<b>Historic Preservation Commission Item: 7A (1 &amp; 2)</b>	<b>Date:</b> September 27, 2018
<b>Submitted By:</b> Gregory Guidry, Building Inspector	<b>Subject:</b> Certificate of Appropriateness and Sign Permit for 457 Milwaukee Avenue

**Details:**

Jonathan Thorngate, owner, is requesting approval of a Certificate of Appropriateness and Sign Permit located at 457 Milwaukee Avenue. The proposed project consists of:

- Repainting signage on the western façade. The western façade has changed throughout the years, with the painted signs advertising the particular business located within the building. Though the brands have changed, the style and colors of these signs have preserved a consistent aesthetic. The proposed signage for LifeBridge Church maintains this historic aesthetic, while updating the information presented to reflect the new use.

The proposed signage features the name and logo of LifeBridge Church, its vision statement, a welcome message, and service times. Each of these elements is framed in a way that mirrors the existing layout that features appliance brands. The proposed signage will also mirror typography of the former Chevrolet signage that was featured on this building, with a primary dark text color on white background, and a contrasting white text on blue background, serving to highlight the primary logo. The proposed signage will utilize both sans serif font and cursive, just as the original Chevrolet signage did. Though larger than what is explicitly permitted for signage in the Historic Preservation Overlay District, the proposed signage will maintain the maximum letter height of the existing signage.

Graef, whose memorandum is attached, recommends approval of this request, subject to conditions listed in the September 18, 2018 memorandum to the Commission.

**Financial Remarks:**

The approved items will be paid 100% by the owner.

**Executive Action:**

This item is for consideration to approve the Certificate of Appropriateness and Sign Permit at the September 27, 2018 Historic Preservation Commission meeting.



collaborate / formulate / innovate

## MEMORANDUM

**TO:** Historic Preservation Commission  
City of Burlington

**FROM:** GRAEF  
Ben Block  
Tanya Fonseca, AICP

**DATE:** September 18, 2018

**SUBJECT:** Review of Certificate of Appropriateness Application and Sign Permit Application for  
457 Milwaukee Avenue.

### A. PURPOSE

Review two applications from LifeBridge Church, located at 457 Milwaukee Avenue, Burlington, WI, to repaint the signage on the western façade.

### B. RECOMMENDATION

Based upon the review of submitted materials, GRAEF recommends that the Historic Preservation Commission recommend to the Common Council the **APPROVAL** of the following:

1. An Application for the Certificate of Appropriateness for new signage at 457 Milwaukee Avenue; and,
2. A Historic Preservation Overlay District Sign Permit Application for new signage at 457 Milwaukee Avenue.

### C. TYPE AND CHARACTER OF RENOVATIONS

LifeBridge Church, located at 457 Milwaukee Avenue in Burlington, WI, submitted a Certificate of Appropriateness Application and a Sign Permit Application to repaint the western façade of the building. The western façade has changed throughout the years, with the painted signs advertising the particular business located within the building. Though the brands have changed, the style and colors of these signs have preserved a consistent aesthetic. The proposed signage for LifeBridge Church maintains this historic aesthetic, while updating the information presented to reflect the new use.

The proposed signage features the name and logo of LifeBridge Church, its vision statement, a welcome message, and service times. Each of these elements is framed in a way that mirrors the existing layout that features appliance brands. The proposed signage will also mirror typography of the former Chevrolet signage that was featured on this building, with a primary dark text color on white background, and a contrasting white text on blue background, serving to highlight the primary logo. The proposed signage will utilize both sans serif fonts and cursive, just as the original Chevrolet signage

*III. "Burlington Historic Downtown Main Street District: Design Quality – Standards Guidelines"*

The "Burlington Historic Downtown Main Street District: Design Quality – Standards Guidelines" describe the preferred technical characteristics of contextually-appropriate historic preservation renovations. A building owner that follows these guidelines may increase the likelihood of approval of his or her project, as the Historic Preservation Commission uses the guidelines to determine compliance. The primary objective of the guidelines is to preserve the traditional façade of the storefronts through the regulation of materials, colors, and construction and renovation techniques. Specifically, an assessment of an applicant's proposed renovations considers:

- a. Historically appropriate design themes,
- b. Contextual sensitivity of renovations in relation to surrounding buildings, and
- c. Simple and unobtrusive storefront materials that maintain the building's original appearance.

The proposed renovations to the signage on the building at 457 Milwaukee Avenue are appropriate, contextually sensitive, and unobtrusive. The proposed signage is harmonious with the past signage that has been featured on this building and will be an attractive addition to Downtown Burlington that improves navigability and reduces confusion for the patrons of LifeBridge Church.

In light of the above, the proposed renovations are compliant with the "Burlington Historic Downtown Main Street District: Design Quality – Standards Guidelines."



Application for the Certificate of Appropriateness

**Per section § 315-42 of the HPO Historic Preservation Overlay District zoning ordinance, the following application must be completed when alterations in the architectural appearance of any structure within the HPO district is proposed.**

**Please provide the following:**

1. Architectural plans, elevations, photographs, color samples and/or perspective drawings and sketches illustrating the design and character of all proposed alterations (except painting, see below) must be submitted. Said elevations and drawings shall indicate the location and placement of all auxiliary building equipment such as heating, ventilating, and/or air-conditioning equipment. These drawings are to be completed to a recognized architectural scale with the name of the project noted. Building plans shall be submitted with all detail drawn on each elevation. Plans drawn with partial building details indicated will be returned to the Applicant for redrafting.

For alterations consisting of painting only, color samples and photographs shall be submitted indicating the areas to be painted.

2. Project Address: 457 Milwaukee Ave, Burlington, WI
3. Applicant Name: LifeBridge Church
4. Owner Name: LifeBridge Church
5. Name of Tenant: \_\_\_\_\_
6. Name of Business: LifeBridge Community Church, Inc.
7. What is (are) the existing use(s) of the building? Church
8. Telephone Number: 2622157887 Facsimile Number: \_\_\_\_\_
9. E-Mail Address: jon@lifebridge.church
10. Applicant Mailing Address: PO Box 28, Burlington WI 53105
11. Does the applicant own the project building?  Yes  No
12. If no, please list owner's name and address: \_\_\_\_\_
13. Architect or engineer's name and address: \_\_\_\_\_
14. Date of submittal of plans: 8/14
15. Scale of drawings noted on each drawing: Not scaled-measurements listed
16. Building type, size and location: Church, 8000 sqft, downtown
17. Height of building: 14'
18. Exterior material samples to be provided: None- paint is the only proposed material

NOTE: Please supply material samples of all exterior alterations for the HPC meeting.

19. Proposed Start Date: 10/1/2018
20. Proposed Completion Date: 10/31/2018



City of Burlington  
 Historic Preservation Overlay District  
 Sign Permit Application

**All parties intending to place signage within the HPO District must complete the following steps:**

- Provide completed Sign Permit Application to the City of Burlington Building Inspector's office located at 300 North Pine Street, Burlington;
- The Historic Preservation Commission (HPC) meets every 4<sup>th</sup> Thursday of the month at 6:30 p.m. within the Common Council Chambers located at 224 East Jefferson Street. Application(s) must be submitted by Monday following the meeting (to be on the next month's regularly scheduled HPC meeting).

You are encouraged to attend said meetings to address any questions or concerns that the Commission members may have regarding your sign application.

**Please find the attached ordinances, which indicate the standards of signage within the HPO district.**

Project Location: (Building Address) 457 Milwaukee Ave.	Applicant Name(s): LifeBridge Church
Property Owner Name: LifeBridge Church	Applicant Mailing Address: PO Box 28, Burlington WI 53105
Property Owner Telephone Number: 2622157887	Applicant Telephone Number: 2622157887
Property Owner E-mail: jon@lifebridge.church	Applicant E-mail: jon@lifebridge.church
Sign Contractor Undetermined	Sign Contractor Mailing Address

**1. Signs Prohibited in the HPO District.**

In addition to signs prohibited in ALL ZONING DISTRICTS as set forth in § 315-65, the following signs are **prohibited**:

- A. **Freestanding Signs.** Exception – one sandwich sign not exceeding six (6) square feet per sign face and does not constitute a public safety or traffic hazard.

Applicable to proposed sign permit application?      Yes      No

- B. **Plastic Formed Signs.** No plastic formed signs or signs formed from plastic-like materials unless such materials simulate historic signage.

Applicable to proposed sign permit application?      Yes      No

Applicable to proposed sign permit application?  Yes  No  
Conform to Extension Requirement?  Yes  No

- C. **Placement of Projecting and Hanging Signs.** All projecting and hanging signs shall be placed perpendicular to the façade and not flush with building façade.

Applicable to proposed sign permit application?  Yes  No  
Conform to Perpendicular Requirement?  Yes  No

- D. **Maximum Area of Projecting and Hanging Signs.** The maximum cumulative area allowed for projecting and hanging signs shall not exceed 7% of the UPPER building façade area.

Applicable to proposed sign permit application?  Yes  No  
Conform to Maximum Area Requirement?  Yes  No

- E. **Limitation of the Number of Projecting and Hanging Signs.** The total number of projecting and hanging signs allowed on a structure shall be 1 sign per business.

Applicable to proposed sign permit application?  Yes  No  
Conform to Number of Signs Requirement?  Yes  No

4. **Illumination of Signs.**

- A. **No internally illuminated signs shall be placed in the HPO District.** If signs are illuminated, signs shall be EXTERNALLY illuminated.

Applicable to proposed sign permit application?  Yes  No  
Conform to Illumination Requirement?  Yes  No

- B. **Non-flashing, illuminated neon signs shall be permitted.**

Applicable to proposed sign permit application?  Yes  No  
Conform to Neon Requirement?  Yes  No

5. **Limitation of Types of Window Signs.**

All window signs, including transom windows, shall be gilded, painted, vinyl, etched glass or leaded glass letters placed on the inside of storefront display windows. Product and/or company logo signs are allowed on the inside of storefront display windows.

Applicable to proposed sign permit application?  Yes  No  
Conform to Types of Signage Requirement?  Yes  No

6. **Signage Color.**

All signage shall be of a color, which is compatible with the color of the building construction materials found in the HPO District.

Applicable to proposed sign permit application?  Yes  No  
Conform to Color Requirement?  Yes  No

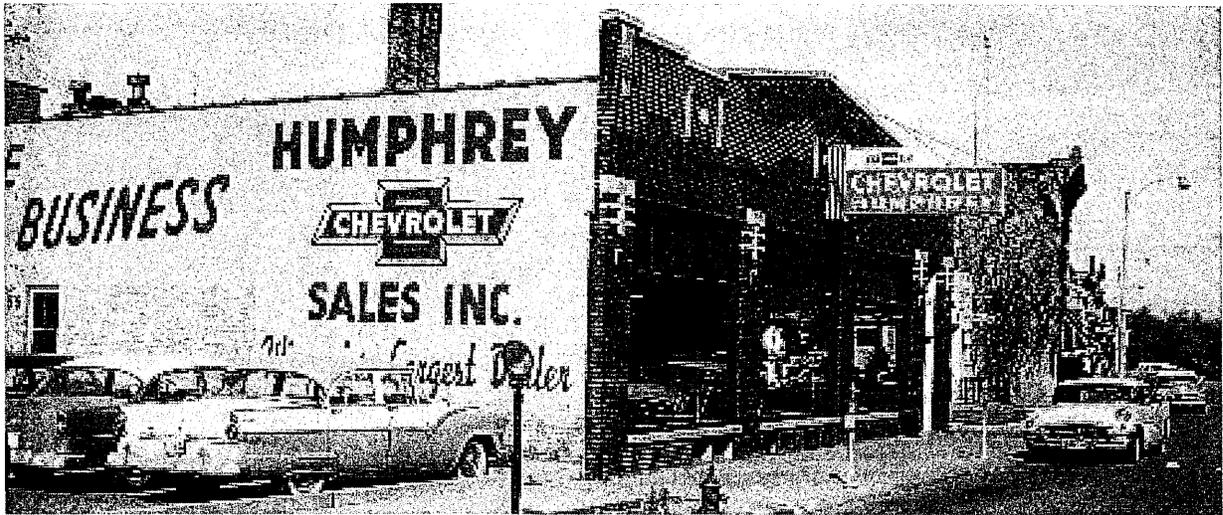
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# LIFEBRIDGE CHURCH

## PAINTED SIGN DESIGN NARRATIVE

Historical/Past Image

(Larger Image Below)



Back when our building was a Chevy dealership. Take notice of the two fonts on the signage nearest the front facade. Two fonts are used- a sans serif font, and a cursive font. A primary dark text color is used, with a contrasting white one highlighting the primary brand/logo. All of these typography elements are carried over into our new design.

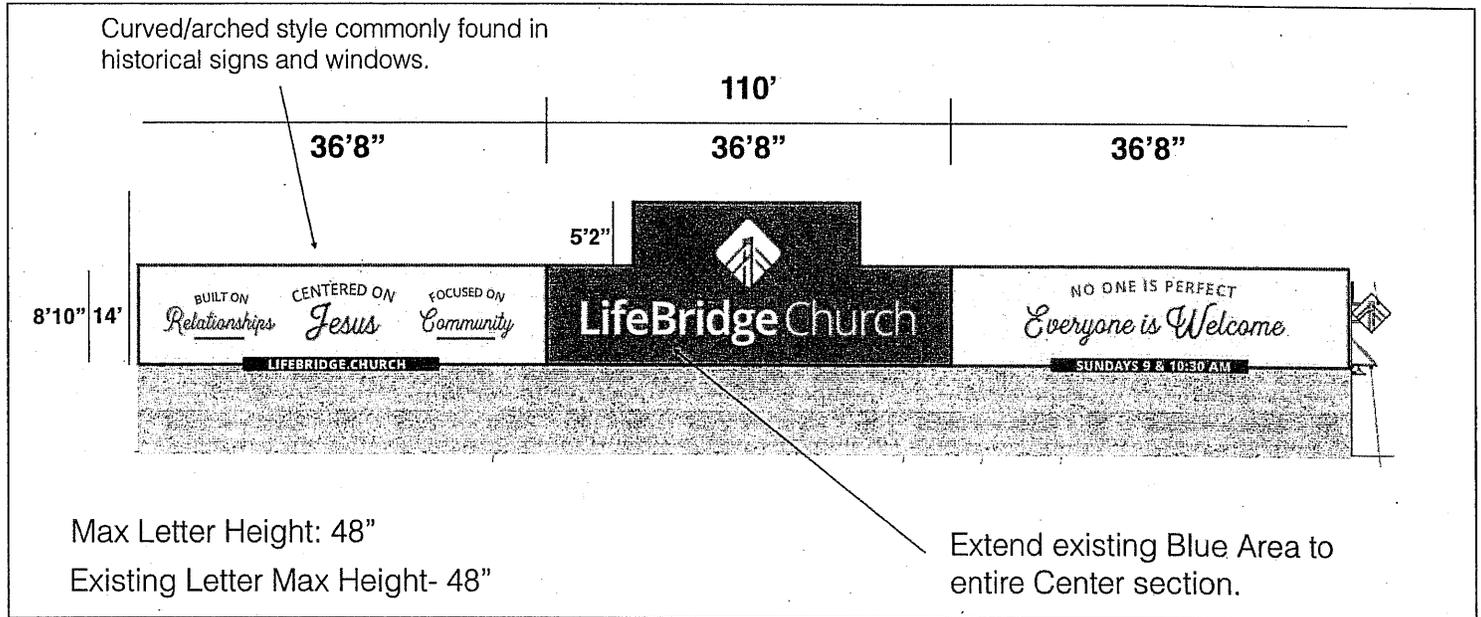
## Existing Signage (Larger Image Below)



The fonts in this sign are largely tied to the logos of the various brands represented. **The largest existing letters are over 48" in height.**

This signage does have historical significance in Burlington, and we wanted to maintain some elements of the design. We focused on the layout, bordering, and existing background colors.

## Proposed Signage (Larger Image Below)



### Left Side

The text content here is our vision statement, which we use on an almost weekly basis as a manner of describing our church DNA.

### Center

The center section contains our name and logo. Our primary logo/brand color is blue, so we took the existing blue space and extended it in order to create a larger primary section.

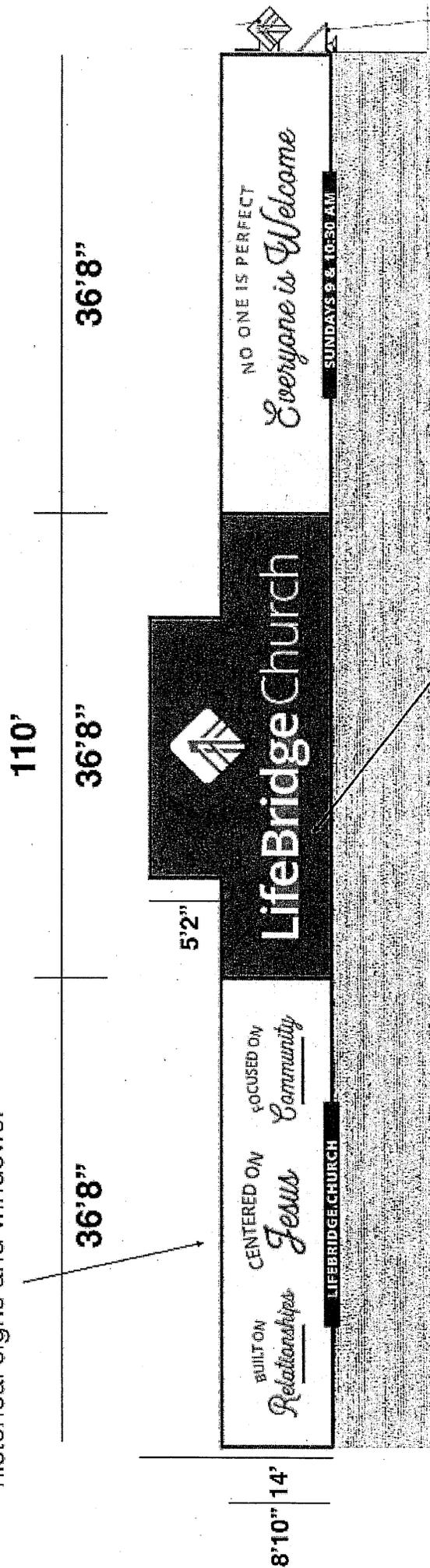
### Right Side

The right side matches the aesthetic of the left side, and contains a welcome message and our service times, which is our most frequently asked question.

### Conclusion

Our proposal incorporates both the existing aesthetic (layout and color) and the older Chevrolet aesthetic (font/typography). We did our best to design something that is both a) historically appropriate, and b) a beautiful value-add for downtown. The current signage creates consistent confusion for both LifeBridge and Bigelow, and we hope and plan to resolve this quickly, following

Curved/arched style commonly found in historical signs and windows.

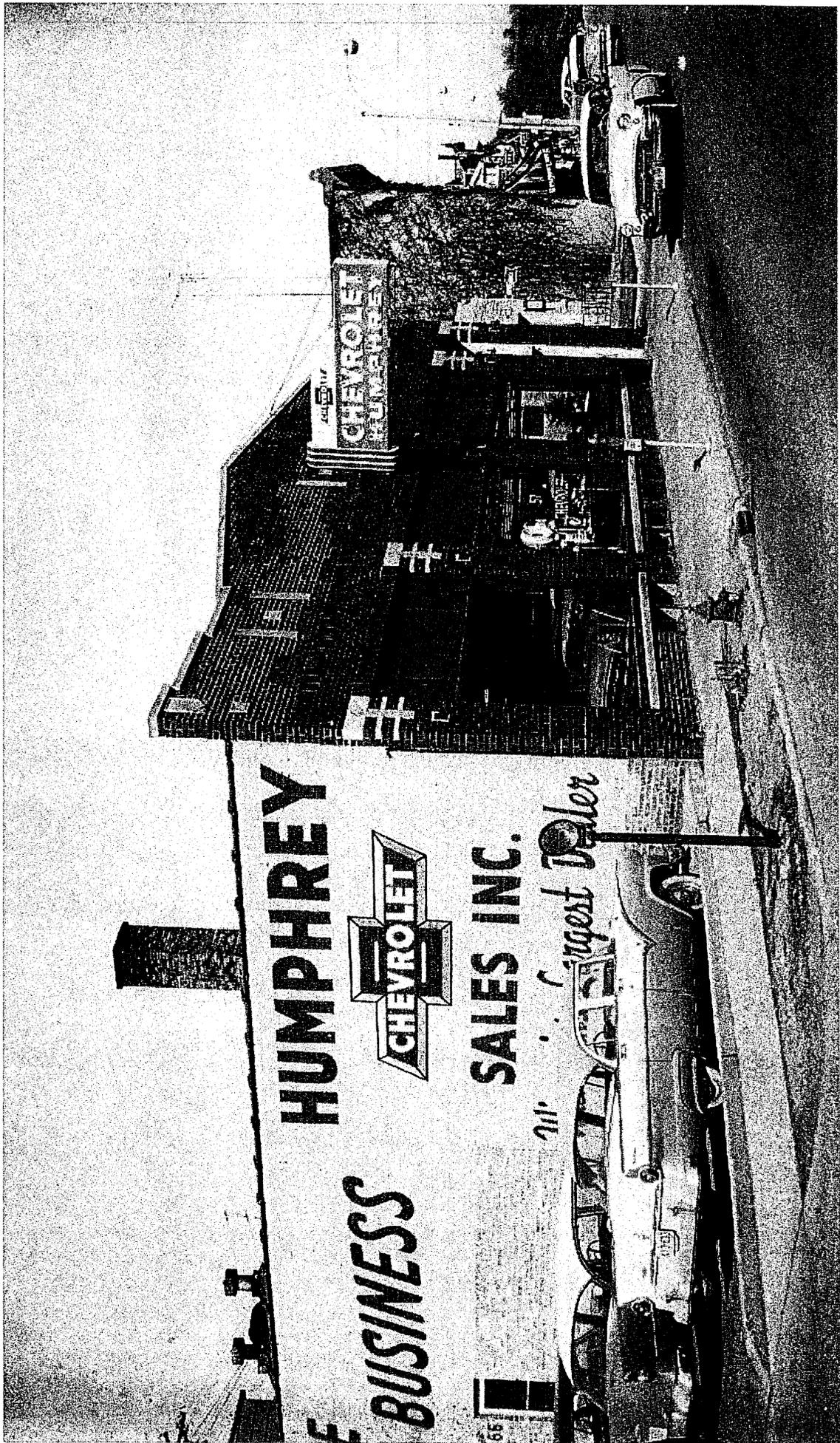


Max Letter Height: 48"

Existing Letter Max Height- 48"

Extend existing Blue Area to entire Center section.







**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1164 – (262) 763-3474 fax  
www.burlington-wi.gov

<b>Historic Preservation Commission Item: 6A &amp; B</b>	<b>Date:</b> November 29, 2018
<b>Submitted By:</b> Gregory Guidry, Building Inspector	<b>Subject:</b> Certificate of Appropriateness and Sign Permit for 457 Milwaukee Avenue

**Details:**

Jonathan Thorngate, owner, is requesting approval of a Certificate of Appropriateness and Sign Permit located at 457 Milwaukee Avenue. The proposed project consists of:

- Repainting signage on the western façade. The western façade has changed throughout the years, with the painted signs advertising the particular business located within the building. Though the brands have changed, the style and colors of these signs have preserved a consistent aesthetic. The proposed signage for LifeBridge Church maintains this historic aesthetic, while updating the information presented to reflect the new use.

The proposed signage features the name and logo of LifeBridge Church, its vision statement, a welcome message, and service times. Each of these elements is framed in a way that mirrors the existing layout that features appliance brands. The proposed signage will also mirror typography of the former Chevrolet signage that was featured on this building, with a primary dark text color on white background, and a contrasting white text on blue background, serving to highlight the primary logo. The proposed signage will utilize both sans serif font and cursive, just as the original Chevrolet signage did. Though larger than what is explicitly permitted for signage in the Historic Preservation Overlay District, the proposed signage will maintain the maximum letter height of the existing signage.

Please find the attached REVISED signage for the West side wall. A previous signage plan for the west wall was approved at the HPC October 3, 2018 meeting. This item was then requested by the Common Council for discussion and possible recommendation at the November 7, 2018 Common Council meeting. The item was ultimately tabled by the Council.

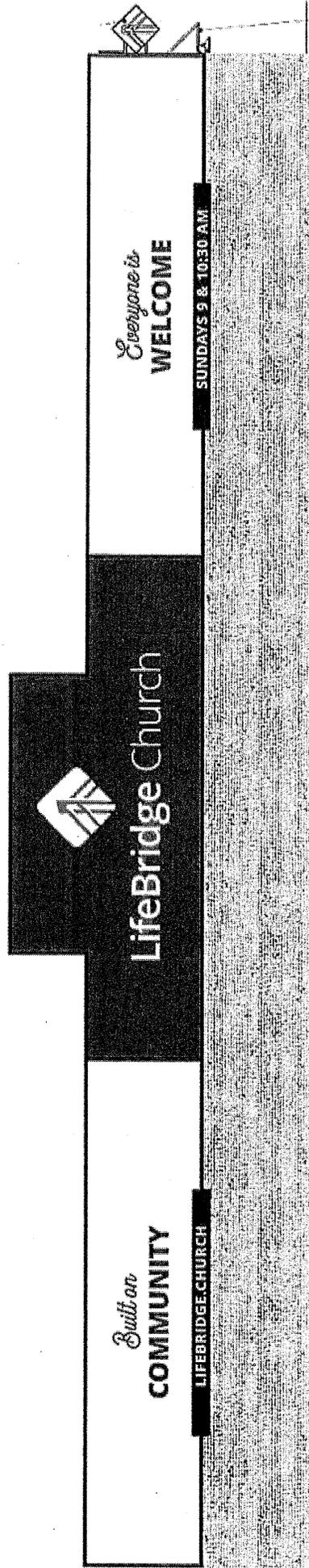
**Financial Remarks:**

The approved items will be paid 100% by the owner.

**Executive Action:**

This item is for consideration to approve the Certificate of Appropriateness and Sign Permit at the November 29, 2018 Historic Preservation Commission meeting.

# REVISED DESIGN



❖ **REDUCED CONTENT FROM 22 WORDS TO 12**

❖ **REDUCED MAX LETTER HEIGHT FROM 48" to 36" & 24"**

❖ **REDUCED CURSIVE FONT from 6 Words to 4 at Half the size**

❖ **ELIMINATED CURVED LETTERING ENTIRELY**

THE EXPANDED LEGAL LANDSCAPE  
OF THE LIFE CHURCH WALL SIGN

I. The Initial Discussion.

The initial discussion about the request of the Life Bridge Church to paint a wall sign over the existing wall sign on their building, located at 457 Milwaukee Avenue, Burlington, Wisconsin, centered on the legal ability of the Historical Preservation Commission (the “HPC”) to allow a painted wall sign, subject to the final approval of the same by Gregory Guidry, the Building Inspector.

Under Section 315-74 of the City’s Code of Ordinances, and as this writer has previously advised the HPC and the Common Council, the approval of painted wall signs by the HPC and Mr. Guidry is expressly allowed, notwithstanding the prohibition of painted wall signs in Section 315-65(A)(15) of the zoning code.

This is the result of the lead-in language of Section 315-74, which states in relevant part that:

Where conflicts exist between the standards set forth in other sections of this chapter and this section, the standards set forth in this section shall prevail in the HPO Historic Preservation Overlay District.

Section 315-74(B) expressly makes wall signs one of its planning tools, and (i) does not differentiate between painted and non-painted wall signs, and (ii) can allow wall signs on any of the walls of a building. Under Section 315-83, it can be argued that Mr. Guidry accordingly has the legal authority to approve or deny the present two applications of the Life Bridge Church for a painted wall sign.

II. The Counterpoint Argument.

Those objecting to the allowance of a wall sign for the Life Bridge Church make the following argument:

- a) Section 315-74(A) reads in relevant part:

In addition to those signs prohibited in all zoning districts as set forth in 315-65 of this chapter, the following signs shall be prohibited in the HPO Historic Preservation Overlay District. [Subsections (1) and (2) are then cited, but not relevant to this discussion]

- b) Section 315-65(A) (15) prohibits painted wall signs.

Section 315-74(B) of the HPC ordinance in question, though, then provides for, and allows, “wall signs” as a planning tool for the HPC. As noted above, the text of 315-74(B) does not indicate one way or another as to whether painted wall signs, of the variety sought by the Life Bridge Church, are included or excluded in the phrase “wall signs”.

A reading of 315-74(B), in the context of 315-74(A), leads to the conclusion that painted wall signs are not allowed. A reading of 315-74(B), in the context of the “prevailing standard” lead-in sentence of 315-74, leads to the conclusion that painted wall signs are still allowed, especially in light of the express reference to “wall signs” in 315-74(B).

Based on all of the foregoing, this writer stands ready to defend whatever decision Mr. Guidry may make with respect to the two applications that the Life Bridge Church made to the HPC for a painted wall sign.

### III. Other Approving Authorities.

The allowance of a wall sign by Mr. Guidry under Section 315-83 of the City’s Code of Ordinances is just one of four separate ways that the wall sign requested by the Life Bridge Church can be granted. Besides Mr. Guidry under 315-83, the following other entities have the separate and independent legal authority to grant the wall sign:

- a) The Zoning Board of Appeals (the “ZBA”);
- b) The City of Burlington Plan Commission;
- c) The City of Burlington Common Council.

The ZBA has the authority to grant the wall sign under Section 62.23(7)(e) of the Wisconsin Statutes, and the related provisions in Article X of Chapter 315 of the City’s Code of Ordinances. There are strict standards that the ZBA is required to follow under the law in granting any variance for a wall sign, however, so an application for a wall sign to the ZBA would always be problematic for the applicant.

Both the City of Burlington Plan Commission and the City of Burlington Common Council have the separate and independent power to also grant variances, or “special exceptions” as that phrase is used in Section 62.23 (7)(e), which reads in relevant part:

Nothing in this subdivision [62.23(7)(e)] shall preclude the granting of special exceptions by the city plan commission or common council....

And neither the Plan Commission nor Common Council have to follow the strict standards imposed under the law for the ZBA to grant such “special exceptions”, which are more commonly called “variances”. The Plan Commission and the Common Council can grant special exceptions/variances for any and all reasons that they might deem appropriate.

#### IV. Lawful Nonconforming Use.

The final legal consideration in this entire matter is the distinct possibility, and the high probability, that the painted wall sign that has historically existed on the wall in question is a continuing lawful nonconforming use.

By all accounts, there has been a painted sign on that wall since at least 1958, as shown in a photograph taken that year of the Humphry Chevrolet Sales building. Further, the first zoning code provisions affecting signage, as shown by the City's records, were not enacted by the City until about nine (9) years later, on the date of May 2, 1967.

The painted wall sign can accordingly itself be deemed a lawful nonconforming use, notwithstanding changes in the ownership and/or use of the property and/or use or non-use of the building. During all of the varied events that took place in the history of the use of the building, a painted wall sign has always been on the wall, right up to the present time.

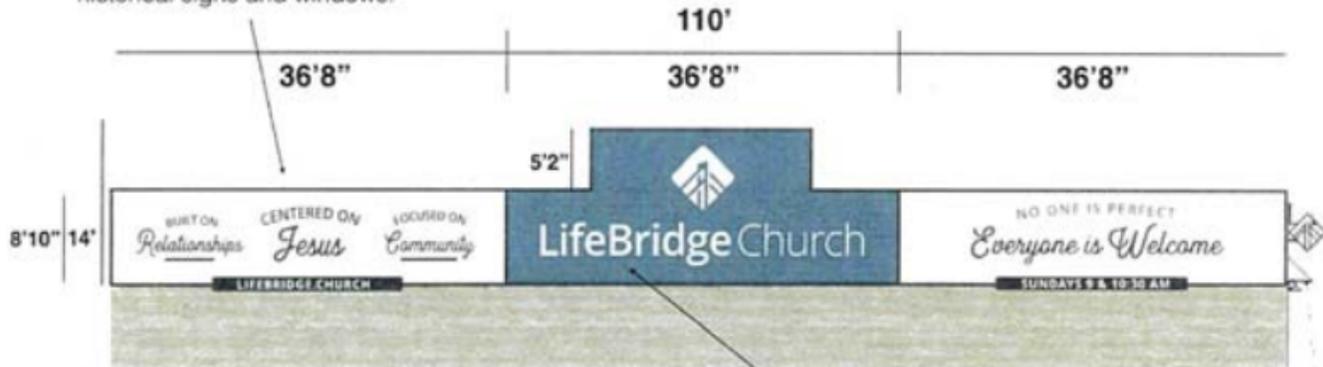
If the painted wall sign is a lawful nonconforming use, then none of the City's Code of Ordinances applies to the continuation of a painted wall sign on that wall. In that event, the Life Bridge Church could paint on the wall its desired sign, and (i) no City approval would be required for the same, and (ii) the City would not be able to regulate or control such a use of that wall.

John M. Bjelajac  
City Attorney  
Burlington, Wisconsin  
February 4, 2019



HPC Signage approved  
Oct. 3, 2018

Curved/arched style commonly found in historical signs and windows.



Max Letter Height: 48"  
Existing Letter Max Height- 48"

Extend existing Blue Area to entire Center section.

HPC Signage denied  
Nov. 29, 2018

## REVISED DESIGN



- ♦ **REDUCED CONTENT FROM 22 WORDS TO 12**
- ♦ **REDUCED MAX LETTER HEIGHT FROM 48" to 36" & 24"**
- ♦ **REDUCED CURSIVE FONT from 6 Words to 4 at Half the size**
- ♦ **ELIMINATED CURVED LETTERING ENTIRELY**



**HISTORIC PRESERVATION COMMISSION  
MEETING MINUTES  
Thursday, November 29, 2018**

The meeting was called to order by Chairman Darrel Eisenhardt at 6:30 p.m. Aldermanic Representative Susan Kott; Commissioner Frank Capra; Commissioner Steve Wagner; Commissioner Ken Morrison; Commissioner Kevin O'Brien; and Commissioner Daniel Colwell were present. Student Representative Grace Lashbrook was present. Student Representative Tyler Van Patten was excused.

**CITIZEN COMMENTS**

Judith Schulz, 533 Milwaukee Avenue, stated that 533 Milwaukee Avenue is on the National and State Register, and building owners should be aware of tax credits they can receive. Ms. Schulz handed out pictures of old buildings that had the paint removed.

**APPROVAL OF MINUTES**

Commissioner Wagner corrected the minutes to read “the fire escape will look like it is in the horizontal rest position”. Commissioner Wagner moved, and Commissioner Colwell seconded to approve the minutes of October 25, 2018.

**LETTERS AND COMMUNICATIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

- A. A Certificate of Appropriateness application from Jon Thorngate of Lifebridge Church for property located at *457 Milwaukee Avenue* to paint signage on the side wall. This item was at the October 3, 2018 meeting.
- Chairman Eisenhardt introduced and opened this item for discussion.
  - Attorney John Bjelajac explained the version of the law, and the outcome from the November 7, 2018 Council meeting. Attorney Bjelajac handed out the City Ordinance for signage, and stated the decision is not made on the content of the sign, but rather what is in the ordinance. Attorney John Bjelajac further stated the building inspector would have the final decision.
  - Jon Thorngate, 224 Peters Parkway, presented the revised design of the sign that was scaled down, as well as the cursive that became secondary, because the Historic Preservation Commissioners stated the original sign was too large and busy. Aldermanic Representative Kott mentioned that Gregory Guidry, Building Inspector, wrote a review in 2016 which states the signage was non-conforming and would have to be painted over. Aldermanic

Representative Kott asked why Mr. Thorngate budgeted for signage when he knew it was non-conforming. Mr. Thorngate replied he does not recall that, but remembers that the signage had to be reviewed at a later date. Mr. Thorngate stated the intention was to always put a sign there, and wanted to resemble the size and style of the existing sign.

- Commissioner Colwell asked for a recap since he was not present at the October 3, 2018 meeting.
- Chairman Eisenhardt explained the discussion was regarding the wording, size of the letters, and the previous Bigelow signage. Chairman Eisenhardt further explained that years ago there was no signage. Tanya Fonesca, Graef, explained the recommendation to approve, was based on the historical context of the downtown businesses.
- Commissioner O'Brien asked if there is verbiage in the city ordinance when a building changes hands, if the paint has to be removed and the brick painted to the original natural color. Ms. Fonesca answered no, there is no language in the ordinance that states it has to be painted to the original brick color. Commissioner O'Brien questioned in order to maintain the historical look of the building, then maybe the brick should go back to the original color. Ms. Fonesca responded that it is up to the Historical Preservation Commissioners. Ms. Fonesca explained many historical committees operate differently, whether it is going with the original look when the building was built or allowing property owners to do as they wish. The Commissioners discussed when the building was originally painted as the Chevrolet dealership, the guess was around 1950-1960. Aldermanic Representative Kott mentioned that during that era there were no codes or even a historic district. Mr. Thorngate stated the Commissioners should not base the decision on an estimated timeline. Mr. Thorngate further stated the paint cannot be removed from the brick, because the brick is in bad condition and it is too expensive to repair.
- Commissioner Morrison clarified that no paint is to be applied to any brick, and questioned how the deteriorated brick could be updated. Chairman Eisenhardt replied that either a special stripper could be used if it has been previously painted, or re-painted to the original brick color if it is beyond repair. Ms. Fonesca asked where in the guidelines it says that it has to be painted to the original brick color. Ms. Fonesca stated she found where it says brick cannot be painted, unless it has been previously painted. Chairman Eisenhardt stated in the Historic Downtown District Guideline it mentions the ways that are not recommended for protection of masonry. Ms. Fonesca explained those are guidelines and not requirements. Mr. Thorngate questioned if the Commissioners would like to see the brick plain, even though it has been painted that way for over 60 years, verses not removing the paint. Commissioner Colwell responded that the guidelines read the paint shall be removed if it does not damage the building, but re-painted if there is damage.
- Attorney John Bjelajac reminded the Commissioners the application is for signage and not for the wall. Commissioner Colwell stated if there was a sign there previously and it is appropriate for signage in that location, regardless of the content and it meets the needs, then the sign should be approved. Commissioner Capra stated he thought the purpose of this committee was to bring buildings back to its original condition. Mr. Guidry explained that in 2016 a sign was never presented, only discussed. Mr. Guidry further explained at that time he was under the

impression that signs were not allowed to be painted on the building, and since then Attorney John Bjelajac has informed Mr. Guidry that signage is allowed. Chairman Eisenhardt commented the grant application in 2016 was budgeted for painting over the signage. Mr. Thorngate replied at that time the intention was to paint over the signage and come back later, but was not given permission to do so. Mr. Thorngate stated they are trying to work with the city by keeping the color, style, and make an improvement. Mr. Thorngate further stated that side of the building has always had signage, and is more historically looking, as well as allowed according to the codes.

- There were no further comments.
- Commissioner Capra moved, and Commissioner O'Brien seconded to deny the Certificate of Appropriateness for painting the sign.
- Roll call: Chairman Darrel Eisenhardt, nay; Aldermanic Representative Susan Kott, aye; Commissioner Frank Capra, aye; Commissioner Steve Wagner, nay; Commissioner Ken Morrison, aye; Commissioner Kevin O'Brien, aye; and Commissioner Daniel Colwell, nay. Aye – 4, Nay – 3. Motion carried.

B. A Sign Permit application from Jon Thorngate of Lifebridge Church for property located at **457 Milwaukee Avenue** to paint signage on the side wall. This item was tabled at the October 3, 2018 meeting.

- Chairman Eisenhardt introduced and opened this item for discussion.
- There were no comments.
- Aldermanic Representative Kott moved, and Commissioner O'Brien seconded to deny the Sign Permit for painting the sign.
- Roll call: Chairman Darrel Eisenhardt, nay; Aldermanic Representative Susan Kott, aye; Commissioner Frank Capra, aye; Commissioner Steve Wagner, nay; Commissioner Ken Morrison, aye; Commissioner Kevin O'Brien, aye; and Commissioner Daniel Colwell, nay. Aye – 4, Nay – 3. Motion carried.
- Mr. Guidry questioned if this could be brought back to the Council meeting. Attorney Bjelajac replies yes, but stated the signage is ultimately Mr. Guidry's decision for denial or approval. Attorney Bjelajac stated that most of which is approved at a Historic Preservation meeting is recommendation to Council, but the signage is recommendation to Mr. Guidry.
- Aldermanic Representative Kott questioned what the purpose was of having a discussion to deny, and then Mr. Guidry presents it to Council for approval. Mr. Guidry responded that Council does not want signage to come before them that is why the decision making role changed.

## **DISCUSSION ITEMS**

A. Introduction and discussion with the City Planner, Graef, to explain their roles and challenges they will be accepting, as well as a “HPC 101” for the members of the commission.

- Chairman Eisenhardt introduced and opened this item for discussion.
- Ms. Fonesca handed out documents regarding the roles of a Historic Preservation Commission (HPC). Ms. Fonesca explained this is a broad overview, and will need to be brought back to another meeting for a more detailed guidance. There are some decisions that need to be made for property owners, such as; whether or not the building shall be in compliance immediately, given a time period, or work with them until financially able. Ms. Fonesca further explained the city would like to see properties sold, but if the HPC is too restrictive, then owners will not want to come to Burlington. It is important for the purchaser to be aware of what is being required prior to signing papers. The codes can be confusing, but they can be re-written to be simplified. The codes were written decades ago, and things have changed over the years. The purpose of the Historic District is to help stabilize and improve property values, which strengthen the economy. The intent is to provide protection and preservation of structures. There are a few times when an applicant may be required to present the project to the Plan Commission, such as; when there is a change of use or an addition to a building. Aldermanic Representative Kott asked if the Plan Commission is supposed to know the codes for the historic district. Ms. Fonesca responded no, Sign Permit applications are not presented to the Plan Commission, so it is not necessary for them to know the codes. The Plan Commission decides if the project can be completed according to Site Plans. Commissioner Morrison asked if a flow chart for signage and other projects can be provided to help guide how the process works. Ms. Fonesca responded yes, and stated Graef will provide options instead of recommendations in the reviews.

Tyler Van Patten arrived at 6:26 pm.

- Ms. Fonesca stated there are three ways of voting for items on the agenda; 1) approve, 2) deny, or 3) table. Commissioner Wagner asked if an item is approved, can there be conditions so the applicant does not have to come back at a later date. Ms. Fonesca responded yes, as long as the conditions are specific and written in the minutes. Aldermanic Representative Kott questioned if codes could be re-written, such as murals. Ms. Fonesca replied yes, and suggested looking at other municipal codes. Ms. Fonesca further replied the codes can be written to help with the difference between signs and murals. Ms. Fonesca asked the Commissioners to write down their top 5 things that are difficult when reviewing, so it can be changed to make understanding the codes easier.
- Commissioner Colwell questioned if an applicant completes a project without approval, what can be done. Commissioner O’Brien thought there were so many days to apply for a Certificate of Appropriateness (COA), or a fines may be issued. Mr. Guidry asked if a COA is required if an applicant would like to paint a building a different color or the same color. The Commissioners answered a COA is required only if the color is changing.
- Commissioner Wagner asked if there is someone that can be designated to collect old photos. Ms. Fonesca answered that would be helpful. Aldermanic Representative Kott stated Ms.

Schulz and herself would like to put together a binder of old photos for the Commissioners, Historical Society, and City Hall, so the applicant will have the oldest photo available to them.

- Aldermanic Representative Kott asked for information regarding the Kane Street District. Mr. Guidry replied it is a Federal Program and the City does not enforce the rules for repairs.
- Mr. Guidry reminded the Commissioners to read the guidelines and codes.

### **ADJOURNMENT**

Commissioner O'Brien moved, and Commission Morrison seconded to adjourn the meeting at 7:19 p.m. *All were in favor and the motion carried.*

Recording Secretary,

Kristine Anderson  
Administrative Assistant



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 8B**

**DATE:** February 20, 2019

**SUBJECT: MOTION 19-921** - To consider approving a Certificate of Appropriateness for property located at 164 E. Washington Street.

**SUBMITTED BY:** Gregory Guidry, Building Inspector

**BACKGROUND/HISTORY:**

According to Ch. 315-42E(1), the Common Council must approve any alteration including architectural appearance. Alterations include any exterior change (including painting), addition to, or demolition of any part or all of the exterior of a structure within the HPO District. In determining such approval, the Common Council shall take into consideration the recommendation of the Historic Preservation Committee.

Brian Torgerson, owner, is requesting permission to improve three facades for property located at 164 E. Washington Street.

- The renovation for the front, rear, and side façade of the building, include new windows, new window trim, a new door, and fresh tuck-pointing. The building is in a highly visible location and would benefit from improvements.
- The four storefront windows are proposed to be reduced in size, with 36” of cedar planking added to the bottom, which does not meet the guidelines. The Standards Guidelines reads as follows: “If windows are to be completely replaced, the new units should fill the entire original opening and match the profile of the existing units”.
- Additional details regarding the proposed replacement windows and replacement door are required. Additional details regarding why target windows and doors must be replaced and cannot be repaired are also required. The Standards Guidelines’ philosophy prioritizes repair over replacement whenever possible.
- It should be noted that the applicant has also applied for three façade grants. The property currently has open code violations related to the maintenance of this property.

**BUDGET/FISCAL IMPACT:**

The owner was awarded three Façade Grants for this project. The front facade was in the amount of \$5,000, the side facade was for \$4,620.76, and the rear facade was for \$4,700 at the January 29, 2019 Historical Preservation Committee (HPC) meeting. All other costs associated with this project will be paid by the property owner.

**RECOMMENDATION:**

The Historic Preservation Commission (HPC) unanimously recommended approval of the Certificate of Appropriateness application at their January 29, 2019 meeting.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the February 20, 2019 Committee of the Whole meeting and per common practice is scheduled for final consideration at the same evening Common Council meeting.

**Attachments**

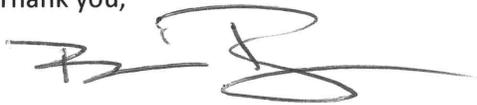
Motion 19-921 COA 164 E. Washington  
Paint Stripper Information



Dear HPC Commissioners,

Attached are applications for 3 facade grants for my building at 164 E. Washington Street. The trim on all the windows will be a clear stained cedar board that should go well with the brown brick color. The windows come in 10 different finishes I am going with a brown tone that contrasts the building slightly. In reading through the grant application, I feel that my building qualifies for the 3<sup>rd</sup> facade grant. I know that 3 facades were awarded to various buildings around the city and my building will be highly viewed by many weddings in the new venue being created by the Lynch's who operate the Mercantile. That space will form an alley like area from the street and flows into the parking lot in the rear that also has a clear view of the rear facade of my building. I have signed an agreement to allow Shad Brannen to pour concrete up to the rear of my building to get rid of all the mud and broken concrete behind the buildings, so they will have a nice finished space for their weddings. Please let me know if you have any additional questions for me.

Thank you,

A handwritten signature in black ink, appearing to read 'Brian Torgerson', with a stylized flourish at the end.

Brian Torgerson

29820 Woodlawn Drive  
 Burlington, WI 53105  
 (262) 206-3356



Meeting Your Needs with Quality Home Improvements Since 1984

Proposal Submitted To Brian Torgerson		Phone 262-210-1665	Date 12/06/2018
Street		Job Name	
City, State and Zip Code		Job Location 164 E Washington Street, Burlington, WI 53105	
Architect	Date of Plans	Job	

We hereby submit specifications and estimate for:

**Side A (Storefront)**

(6) Windows including removal & install	\$2741.51
(6) Custom window framing using cedar planks	\$2000.00
(4) Storefront windows including install	\$6534.00
Knee wall construction including demo	\$3800.00
Front door including removal & install	\$1000.00
Tuckpointing	\$200.00
Materials	\$2600.00
Lift rental	\$920.00
<b>Total</b>	<b>\$19795.51</b>

**Side B (Parking lot)**

(6) Windows including removal & install	\$2741.51
(6) Custom window framing using cedar planks	\$2000.00
Tuckpointing & brick repair	\$2500.00
Materials	\$2000.00
Lift rental	\$920.00
<b>Total</b>	<b>\$10161.51</b>

**Side C (Alley)**

(3) Custom window framing using cedar planks	\$1000.00
(3) Custom decorative boarding of old windows	\$1800.00
Extensive tuckpointing & brick repair	\$4500.00
Gutter replacement & repair	\$600.00
Materials	\$1500.00
Lift rental	\$920.00
<b>Total</b>	<b>\$10320.00</b>

We expect this job to take approximately 3 weeks to complete. We request half down once the proposal is accepted, with the balance due once our work is completed.

**We propose** hereby to furnish material and labor – complete in accordance with above specifications, for the sum of: \$40277.00 dollars. Payment to be made as follows: Half due at proposal acceptance. The remaining balance due once our work is completed.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within 7 days.

**Acceptance of Proposal** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

# Businesses

WASHINGTON LAUNDROMAT AND GARAGE  
E. WASHINGTON ST. AND WEST STREETS. ABOUT 1911



LAUNDROMAT AND GARAGE AND QUARTERMASTER'S GARAGE  
WEST SIDE OF W. PINE ST. BETWEEN E. WASHINGTON AND WASHINGTON STREETS. ABOUT 1911



LAUNDROMAT ON WASHINGTON ST. ON NORTH SIDE JUST WEST OF N. PINE ST. ABOUT 1911

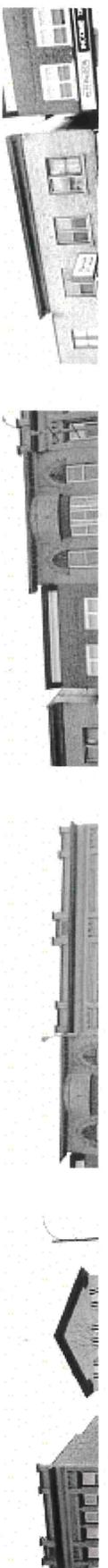


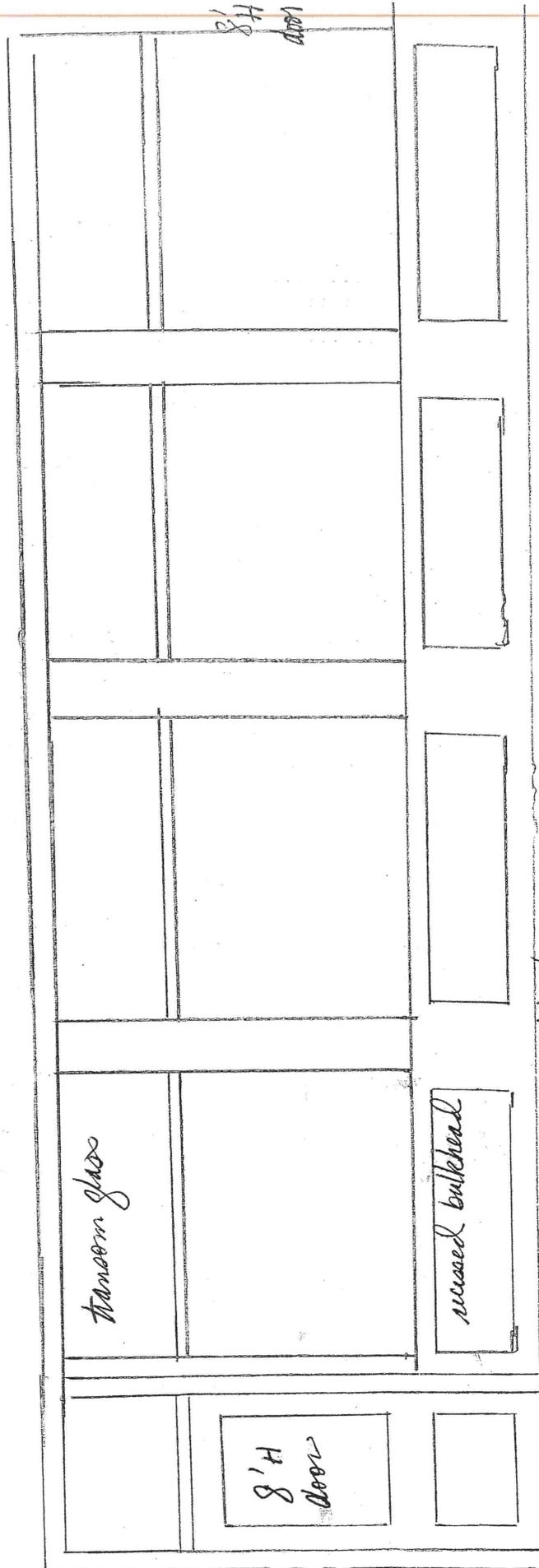
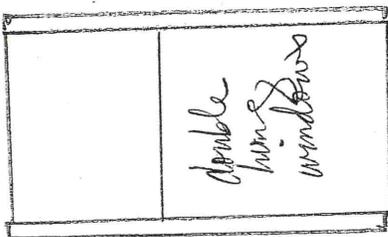
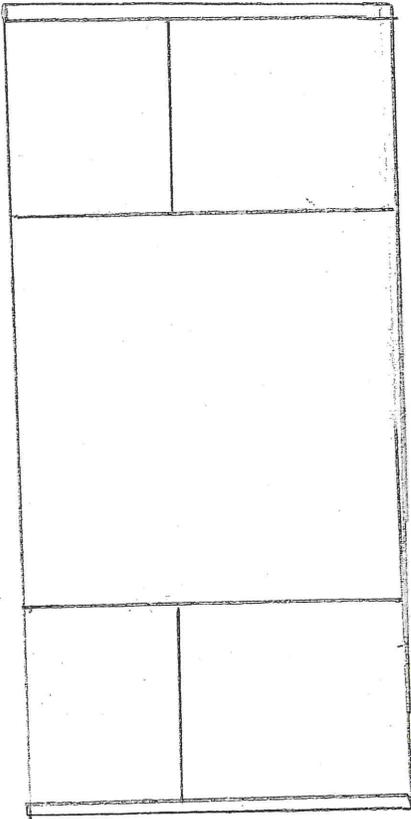
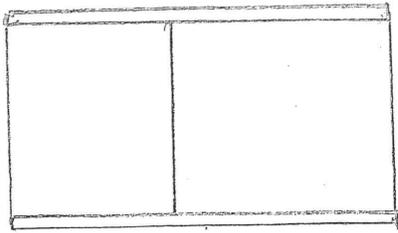
LAUNDROMAT ON WASHINGTON ST. ON NORTH SIDE JUST WEST OF N. PINE ST. ABOUT 1911

BOYD HOUSE LOCATED AT CORNER OF WASHINGTON AND CHANDLER STS.  
CORNER OF MADISON AND JAYS ST. DISTRICT ST. ABOUT 1911

WYOMING CITY BUILDING LOCATED AT CORNER OF MADISON AND JAYS ST.  
CORNER OF MADISON AND JAYS ST. DISTRICT ST. ABOUT 1911

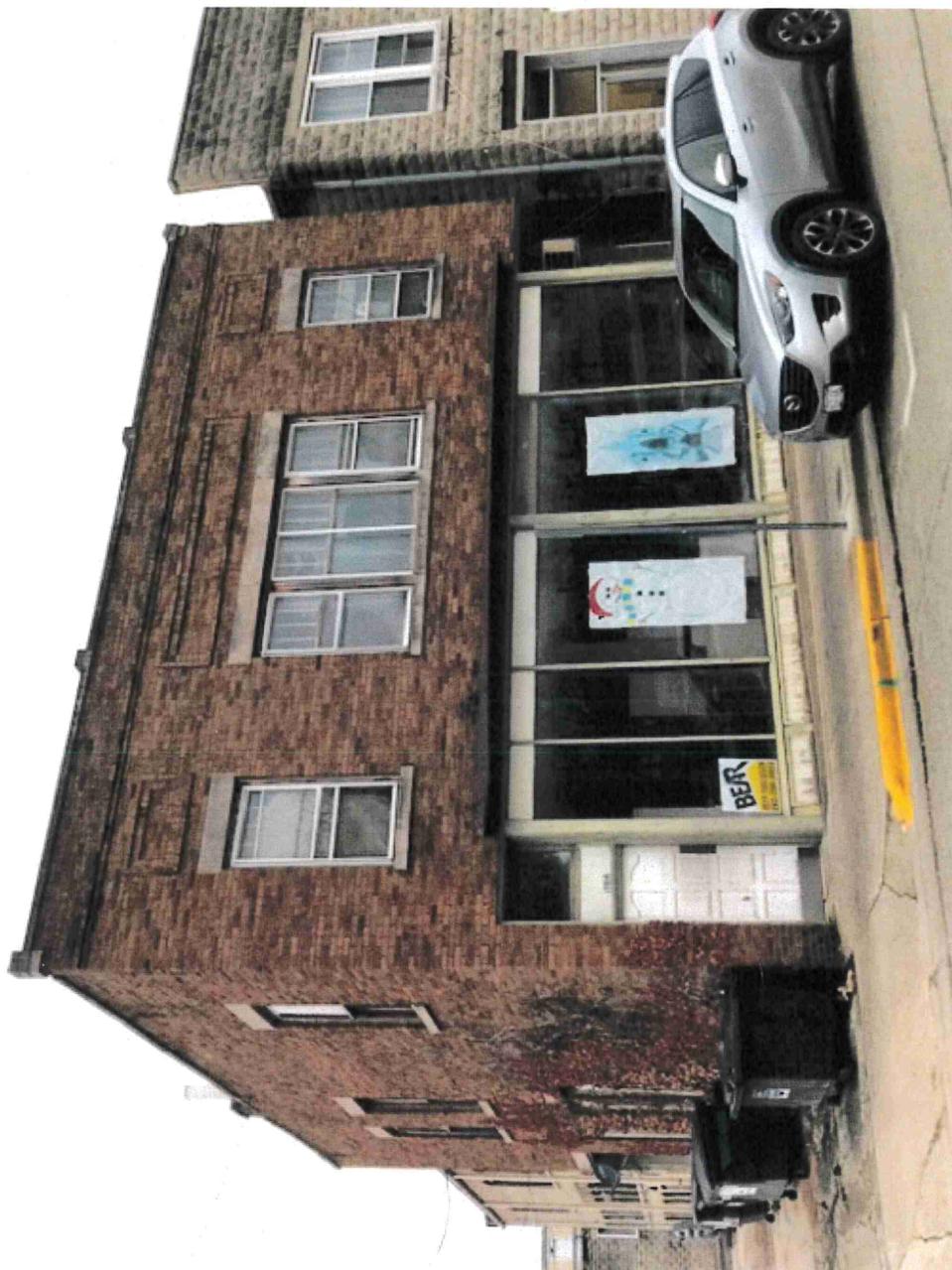
WYOMING CITY BUILDING LOCATED AT CORNER OF MADISON AND JAYS ST.  
CORNER OF MADISON AND JAYS ST. DISTRICT ST. ABOUT 1911

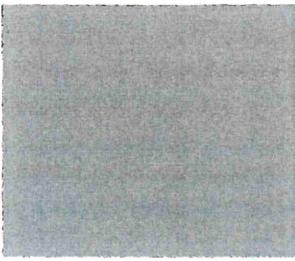
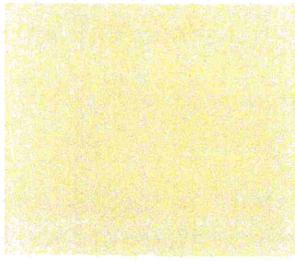
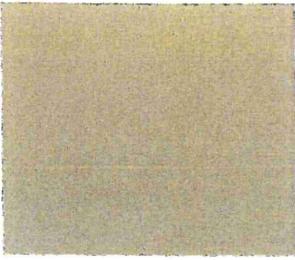




windows trim - black

front





body  
estructura

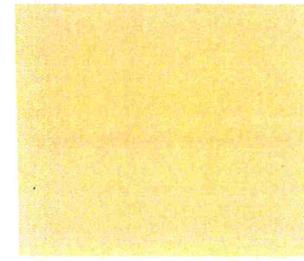
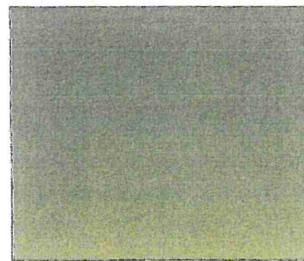
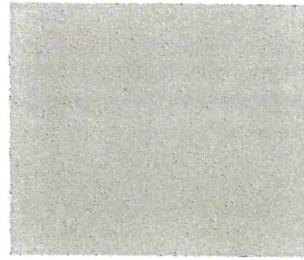
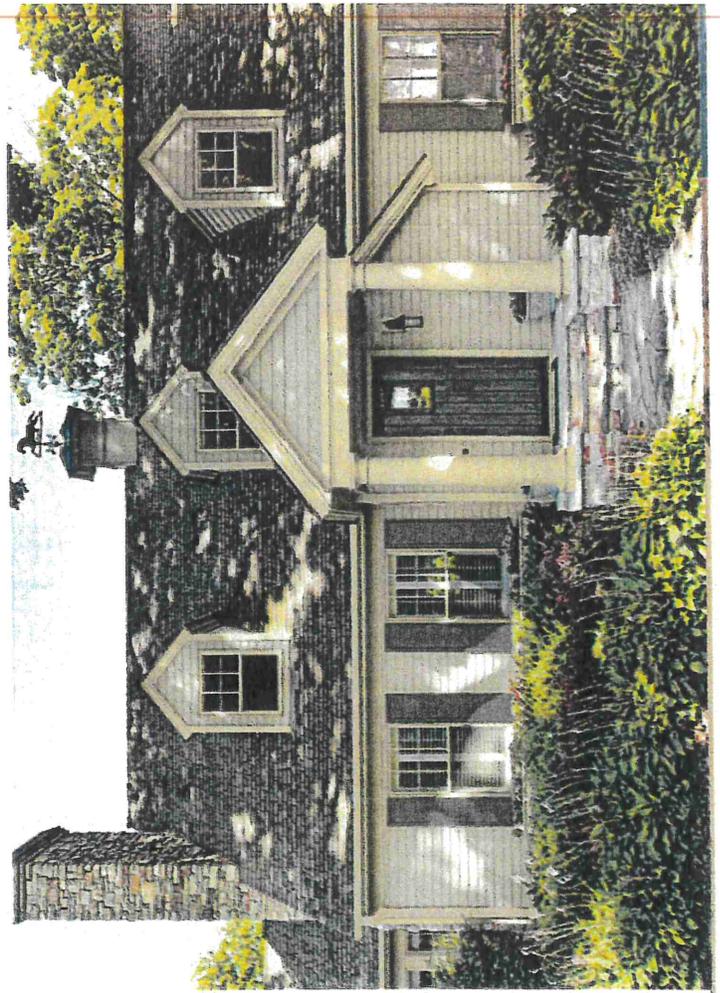


accents

woodstock tan  
bronceado de woodstock HC-20  
crown point sand  
arena de crown point HC-90  
fairview taupe  
gris pardo de fairview HC-85

putnam ivory  
marfil de putnam HC-39  
old salem gray  
gris de old salem HC-94  
new london burgundy  
burdeos de nuevo londres HC-61

brewster gray  
gris rie brewster HC-162  
coventry gray  
gris de coventry HC-169  
knoxville gray  
gris de knoxville HC-160



body  
estructura

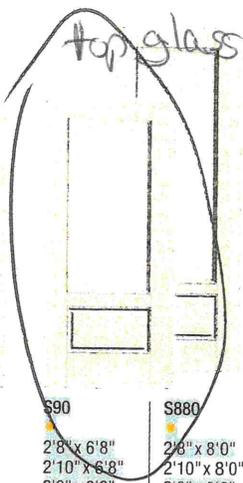


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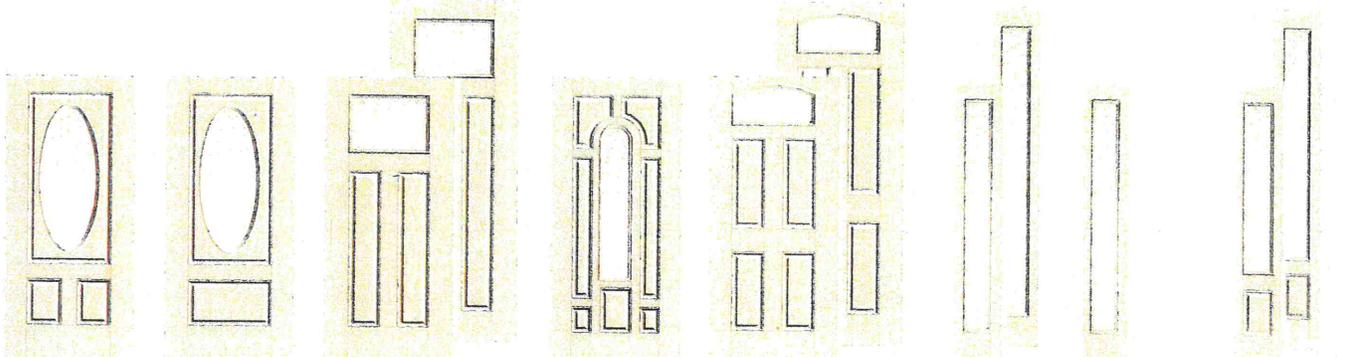
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gris de sandy hook HC-108  
kendall charcoal  
carbón de kendall HC-166  
caldwell green  
verde de caldwell HC-124

great barrington green  
verde de great barrington HC-122  
richmond gray  
gris de richmond HC-96  
whitall brown  
marón de whitall HC-69

shelburne buff  
ambrillo de shelburne HC-28  
clinton brown  
marrón de clinton HC-67  
stratton blue  
azul de stratton HC-142

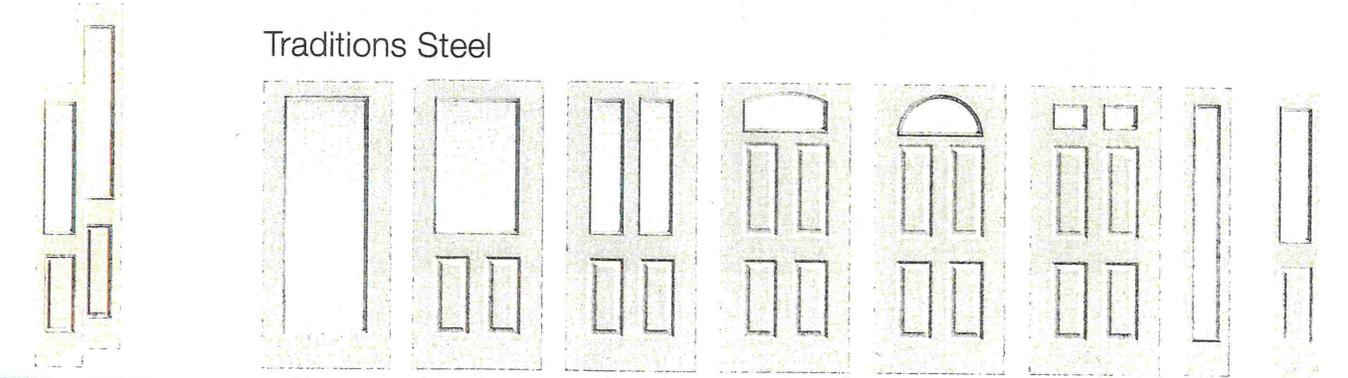


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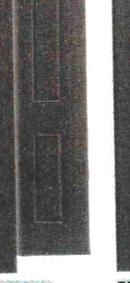
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Traditions Steel



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| <b>S210SL</b><br>12" x 6'8"<br>14" x 6'8" | <b>S85910SL</b><br>12" x 8'0"<br>14" x 8'0" | <b>TS118</b><br>2'6" x 6'8"<br>2'8" x 6'8"<br>2'10" x 6'8"<br>3'0" x 6'8" | <b>TS206</b><br>2'6" x 6'8"<br>2'8" x 6'8"<br>2'10" x 6'8"<br>3'0" x 6'8" | <b>TS289</b><br>2'6" x 6'8"<br>2'8" x 6'8"<br>2'10" x 6'8"<br>3'0" x 6'8" | <b>TS708</b><br>2'8" x 6'8"<br>2'10" x 6'8"<br>3'0" x 6'8" | <b>TS256</b><br>2'8" x 6'8"<br>2'10" x 6'8"<br>3'0" x 6'8" | <b>TS296</b><br>2'6" x 6'8"<br>2'8" x 6'8"<br>2'10" x 6'8"<br>3'0" x 6'8" | <b>100SL</b><br>10" x 6'8"<br>12" x 6'8"<br>14" x 6'8" | <b>TS210SL</b><br>10" x 6'8"<br>12" x 6'8"<br>14" x 6'8" |
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Fiber-Classic® Mahogany Collection™

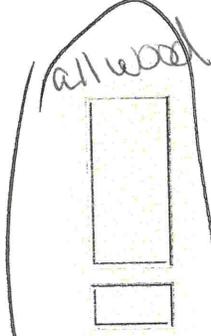
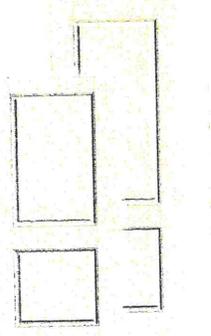
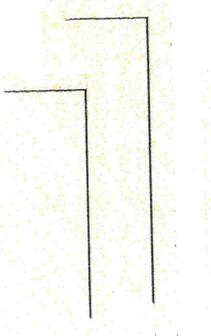
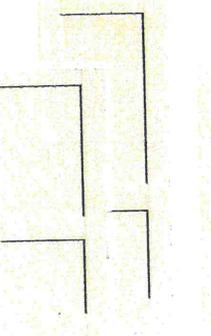
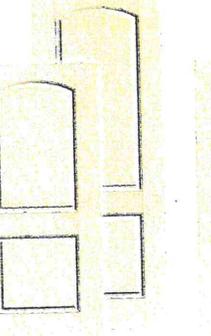
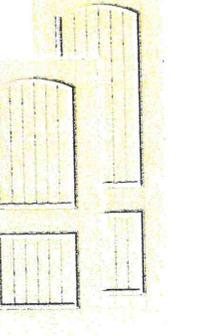
									
<b>FCM31</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM220</b> <b>FMF220</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM205</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"  <b>FMF205</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM755</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM600</b> <b>FMF600</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM134</b> <b>FMF134</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM60</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"  <b>FMF60</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FCM860</b> 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>FCM1000</b> ■ <b>FMF100</b> ■ 🔥 2'0" x 6'8" 2'4" x 6'8" 2'6" x 6'8" ‡ 2'8" x 6'8" ‡ 2'10" x 6'8" ‡ 3'0" x 6'8" ‡	<b>FCM81000</b> ■ 2'0" x 8'0" 2'4" x 8'0" 2'6" x 8'0" 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"

Fiber-Classic® Oak Collection™

									
<b>FC31</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FC809</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FC862</b> 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>FCF808</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FC755</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FC134</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>FC60*</b> <b>FCF160</b> 🔥 2'6" x 6'8" ‡ 2'8" x 6'8" ‡ 2'10" x 6'8" ‡ 3'0" x 6'8" ‡	<b>FC860</b> 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>1000</b> ■ <b>FCF1000</b> ■ 🔥 2'0" x 6'8" 2'4" x 6'8" 2'6" x 6'8" ‡ 2'8" x 6'8" ‡ 2'10" x 6'8" ‡ 3'0" x 6'8" ‡	<b>81000</b> ■ 2'0" x 8'0" 2'4" x 8'0" 2'6" x 8'0" 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"

Smooth-Star®

*all wood*

										
<b>S93</b> 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>S220*</b> <b>SSF220</b> 🔥 2'8" x 6'8" ‡ 2'10" x 6'8" ‡ 3'0" x 6'8" ‡	<b>S8200</b> <b>SSF8200</b> 🔥 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>S1100</b> <b>SSF1100</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>S81100</b> <b>SSF81100</b> 🔥 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>S120</b> <b>SSF120</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>S8120</b> <b>SSF8120</b> 🔥 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>S200</b> 2'6" x 6'8" 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>S897</b> 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"	<b>S205</b> <b>SSF205</b> 🔥 2'8" x 6'8" 2'10" x 6'8" 3'0" x 6'8"	<b>S8201</b> 2'8" x 8'0" 2'10" x 8'0" 3'0" x 8'0"

**Key**

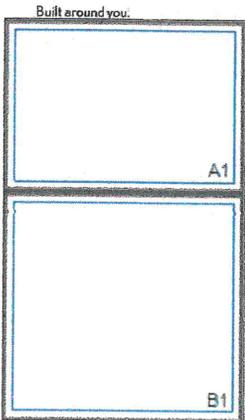
- No Stile Lines
- ‡ 7'0" Height Available
- 🔥 20-Minute Fire-Rated
- 🔥 NOT Available Fire-Rated
- Stock

\*Available with elevated 10" bottom rail.  
Note: Finish colors may vary from an actual application due to fluctuations in finishing or printing. Product images show exterior side of door.

**LINE ITEM QUOTES**

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit:	Net Price:		2,498.40
Qty: 4		Ext. Net Price:	USD	9,993.60



As Viewed From The Exterior

Entered As: Size by Units  
 RO 69" X 110 3/4"  
 Egress Information A1, B1  
 No Egress Information available.

Bronze Clad Exterior  
 Primed Pine Interior .....54.72  
 1W2H - Rectangle Assembly  
 Assembly Rough Opening  
 69" X 110 3/4"

Unit: A1 .....896.40  
 Clad Ultimate Casement Picture  
 Basic Frame 68" X Call Number 48  
 Rough Opening 69" X 47 5/8"  
 Bronze Clad Sash Exterior  
 Primed Pine Sash Interior  
 IG - 3/4" - 1 Lite  
 Low E2 w/Argon  
 Stainless Perimeter Bar  
 Ogee Interior Glazing Profile  
 Standard Bottom Rail  
 Black Weather Strip  
 Solid Wood Covers

Unit: B1 .....1,152.00  
 Clad Ultimate Casement Picture  
 Basic Frame 68" X Call Number 64  
 Rough Opening 69" X 63 5/8"  
 Bronze Clad Sash Exterior  
 Primed Pine Sash Interior  
 IG - 3/4" - 1 Lite .....370.08  
 Tempered Low E2 w/Argon  
 Stainless Perimeter Bar  
 Ogee Interior Glazing Profile  
 Standard Bottom Rail  
 Black Weather Strip  
 Solid Wood Covers

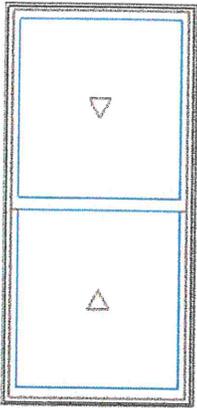
Standard Mull Charge .....25.20  
 4 9/16" Jambs  
 Nailing Fin

\*\*\*Note: This configuration meets a minimum structural performance of DP 20 through either physical testing or calculations in accordance with AAMA 450 and building code requirements. Mull certification ratings may vary from individual unit certification ratings. Reference the mulling chapter of the ADM for additional information.  
 \*\*\*Note: Unit Availability and Price is Subject to Change

Line #2	Mark Unit:	Net Price:		522.00
Qty: 10		Ext. Net Price:	USD	5,220.00



Stone White Exterior  
 White Interior .....43.20  
 Integrity Traditional Double Hung .....456.48  
 Wood-Ultrex  
 CN 3672  
 Rough Opening 36 1/2" X 72 1/4"  
 Top Sash  
 IG - 1 Lite  
 Low E2 w/Argon  
 Stainless Perimeter Bar  
 Bottom Sash  
 IG - 1 Lite  
 Low E2 w/Argon  
 Stainless Perimeter Bar  
 White Interior Weather Strip Package

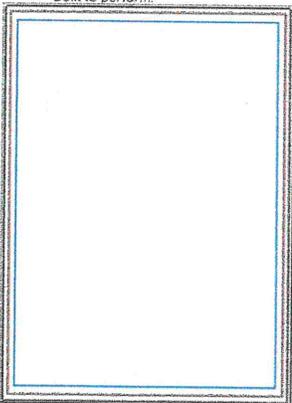


As Viewed From The Exterior

- White Sash Lock
- Exterior Aluminum Screen .....
- Stone White Surround .....
- Charcoal Fiberglass Mesh .....
- 4 9/16" Jamb
- Nailing Fin
- \*\*\*Note: Unit Availability and Price is Subject to Change

Entered As: CN  
 CN 3672  
 RO 36 1/2" X 72 1/4"  
**Egress Information**  
 Width: 32 3/8" Height: 30 31/32"  
 Net Clear Opening: 6.96 SqFt

Line #3	Mark Unit:	Net Price:		659.52
Qty: 1		Ext. Net Price:	USD	659.52



As Viewed From The Exterior

- Stone White Exterior
- White Interior .....
- Integrity Traditional Double Hung Picture .....
- Wood-Ultrex .....
- CN 5472
- Rough Opening 54 1/2" X 72 1/4"
- IG - 1 Lite
- Low E2 w/Argon
- Stainless Perimeter Bar
- 4 9/16" Jamb
- Nailing Fin
- \*\*\*Note: Unit Availability and Price is Subject to Change

Entered As: CN  
 CN 5472  
 RO 54 1/2" X 72 1/4"  
**Egress Information**  
 No Egress Information available.

Line #4	Mark Unit:	Net Price:		307.44
Qty: 3		Ext. Net Price:	USD	922.32



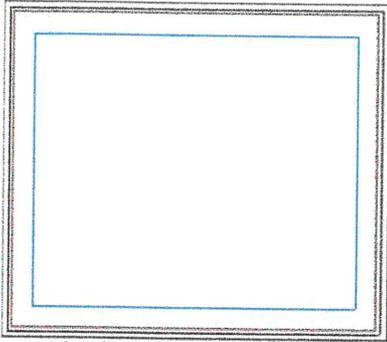
- Stone White Exterior
- White Interior .....
- Integrity Awning - Stationary .....
- Wood-Ultrex .....
- CN 3327
- Rough Opening 33" X 27 5/8"
- IG - 1 Lite
- Low E2 w/Argon
- Stainless Perimeter Bar
- 4 9/16" Jamb
- Nailing Fin
- \*\*\*Note: Unit Availability and Price is Subject to Change

## UNIT SUMMARY

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes.

Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

NUMBER OF LINES: 4		TOTAL UNIT QTY: 18		EXT NET PRICE: USD		16,795.44
LINE	MARK UNIT	BRAND	ITEM	NET PRICE	QTY	EXTENDED NET PRICE
1		Marvin	Clad Marvin Assembly RO 69" X 110 3/4" Entered as Size by Units	2,498.40	4	9,993.60
2		Integrity	Wood-Ultrex Traditional Double Hung CN 3672 RO 36 1/2" X 72 1/4" Entered as CN 3672	522.00	10	5,220.00
3		Integrity	Wood-Ultrex Traditional Double Hung Picture CN 5472 RO 54 1/2" X 72 1/4" Entered as CN 5472	659.52	1	659.52
4		Integrity	Wood-Ultrex Awning CN 3327 RO 33" X 27 5/8" Entered as CN 3327	307.44	3	922.32



As Viewed From The Exterior

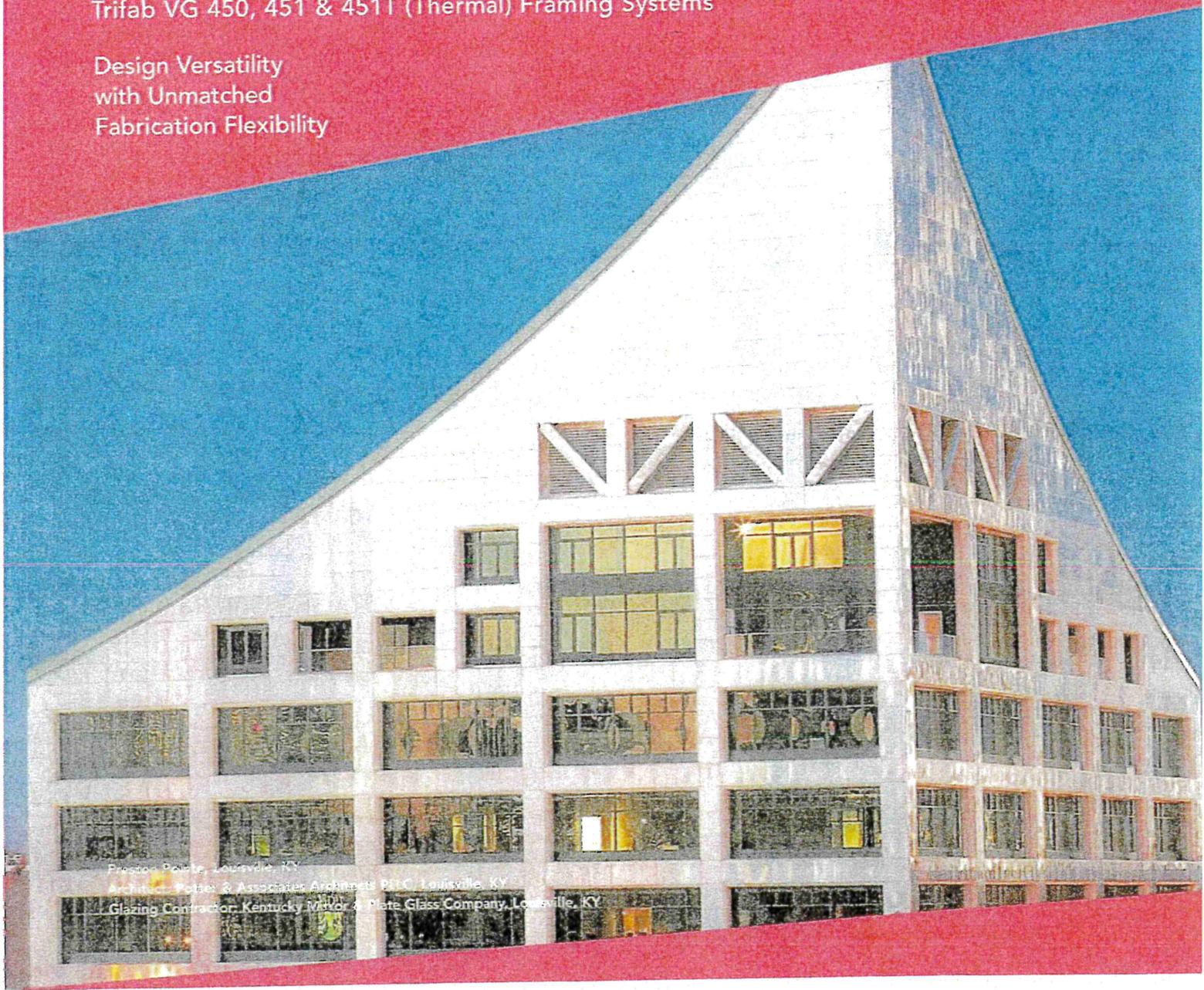
Entered As: CN  
CN 3327  
RO 33" X 27 5/8"  
Egress Information  
No Egress Information available.

Project Subtotal Net Price: USD	16,795.44
5.100% Sales Tax: USD	856.57
Project Total Net Price: USD	17,652.01

# Trifab® VG (VersaGlaze®)

Trifab VG 450, 451 & 451T (Thermal) Framing Systems

Design Versatility  
with Unmatched  
Fabrication Flexibility



Preston Peeler, Louisville, KY

Architect: Potter & Associates Architects PLLC, Louisville, KY

Glazing Contractor: Kentucky Mirror & Plate Glass Company, Louisville, KY

Trifab® VG (VersaGlaze) is built on the proven and successful Trifab platform – with all the versatility its name implies. Trifab set the standard and Trifab® VG improves upon it. There are enough fabrication, design and performance choices to please the most discerning building owner, architect and installer. Plus the confidence a tried and true framing system instills. Select from four glazing applications, four fabrication methods and multiple infill choices. Consider thermal options and performance, SSG and Weatherseal alternatives and your project takes an almost custom shape whether your architecture is traditional or modern and the building is new or retrofitted.

## Aesthetics

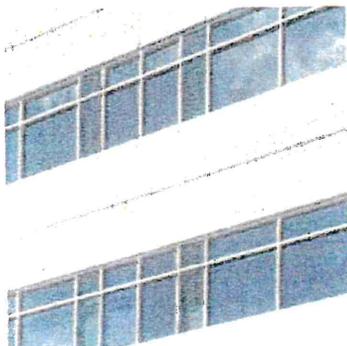
Trifab® 450 has 1-3/4" sight lines and both Trifab® 451 and Trifab® 451T have 2" sight lines, while all three have a 4-1/2" frame depth. Designers can not only choose front, center or back glass planes, they can now add the versatility of multi-plane glass applications, thus allowing a greater range of design possibilities for specific project requirements and architectural styles. Structural Silicone Glazing (SSG) and Weatherseal options further expand the designer's choices.

Trifab® VG can be used on almost any project due to virtually seamless incorporation of Kawneer entrances, Sealair® windows or GLASSvent™ for visually frameless ventilators. These framing systems can also be packaged with Kawneer curtain walls and overhead glazing, thereby providing owner, architect and installer with proven, tested and quality products from a single source supplier.

### Economy

Trifab® VG offers four fabrication choices to suit your project:

- **Screw Spline** – for economical continuous runs utilizing two piece vertical members. Provides the option to pre-assemble units with controlled shop labor costs and smaller field crews for handling and installation.
- **Shear Block** – for punched openings or continuous runs using tubular moldings. Provides the option to pre-assemble multi-lite units using shear block clips under controlled shop labor conditions. Clips provide tight joints for transporting large units. Less field time is necessary to fill large openings.
- **Stick** – for fast, easy field fabrication. Field measurements and material cuts can be done when metal is on the job.
- **Type B** – for multi-lite punched openings. Provide option for pre-assembled units for installation into single openings and controlled shop labor costs. Head and sill running through provide fewer joints and require less time to fill large openings.



Brighton Landing, Cambridge, MA.  
Architects: ADD Inc., Cambridge, MA.  
Glazing Contractors: Ipswich Bay Glass Company, Inc., Rowley, MA

Trifab® VG 450, 451 and 451T can be flush glazed from either the inside or outside. The Weatherseal option provides an alternative to the structural silicone glazed vertical mullions. This ABS/ASA rigid polymer extrusion allows complete inside glazing and creates a flush glass appearance on the building exterior, without the added labor of scaffolding or swing stages. Optional patented HP

Flashing™ and HP Interlock clip are engineered to eliminate the perimeter sill fasteners and their associated blind seals and are compatible with all glass planes.

### Performance

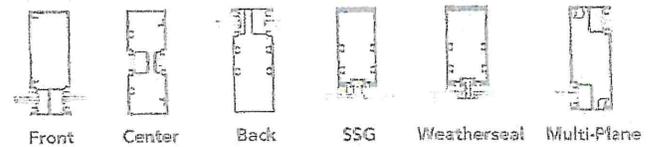
Kawneer's IsoLock™ Thermal Break option is available on Trifab® VG 451T. This process creates a composite section and prevents dry shrinkage.

U-factor, CRF values and STC ratings for Trifab® VG vary depending upon the glass plane application. Project specific U-factors can now be determined for each individual project. (See Kawneer Architectural Manual or Website for additional information)

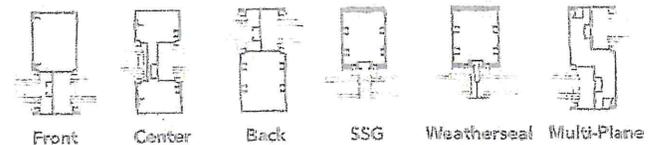
### Performance Test Standards

Air Performance	ASTM E 283
Water	AAMA 501 and ASTM E 331
Structural	ASTM E 330
Thermal	AAMA 1503
Thermal Break	AAMA 505 and AAMA TIR-A8
Acoustical	AAMA 1801 and ASTM E 1425

### Trifab VG 450



### Trifab VG 451/451T



### Finishes

Permadonic Anodized finishes are available in Class I and Class II in seven different colors.

Painted Finishes, including fluoropolymer that meet or exceed AAMA 2605, are offered in many standard choices and an unlimited number of specially-designed colors.

Solvent-free powder coatings add the "green" element with high performance, durability and scratch resistance that meet the standards of AAMA 2604.

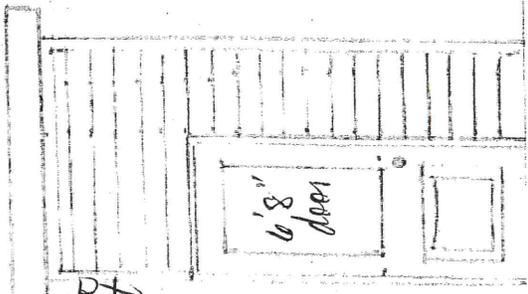
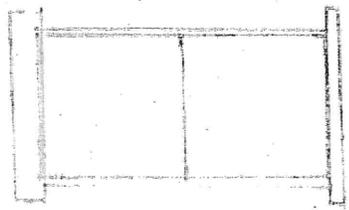
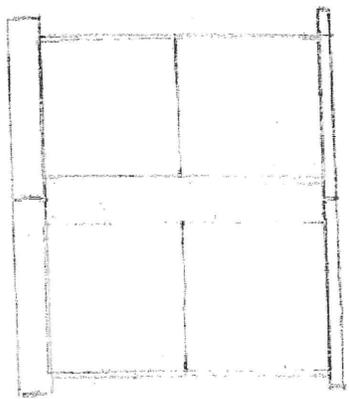
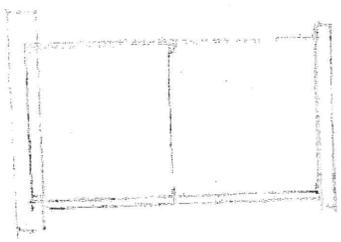
Kawneer Company, Inc.  
Technology Park / Atlanta  
555 Guthridge Court  
Norcross, GA 30092

kawneer.com  
770 . 449 . 5555

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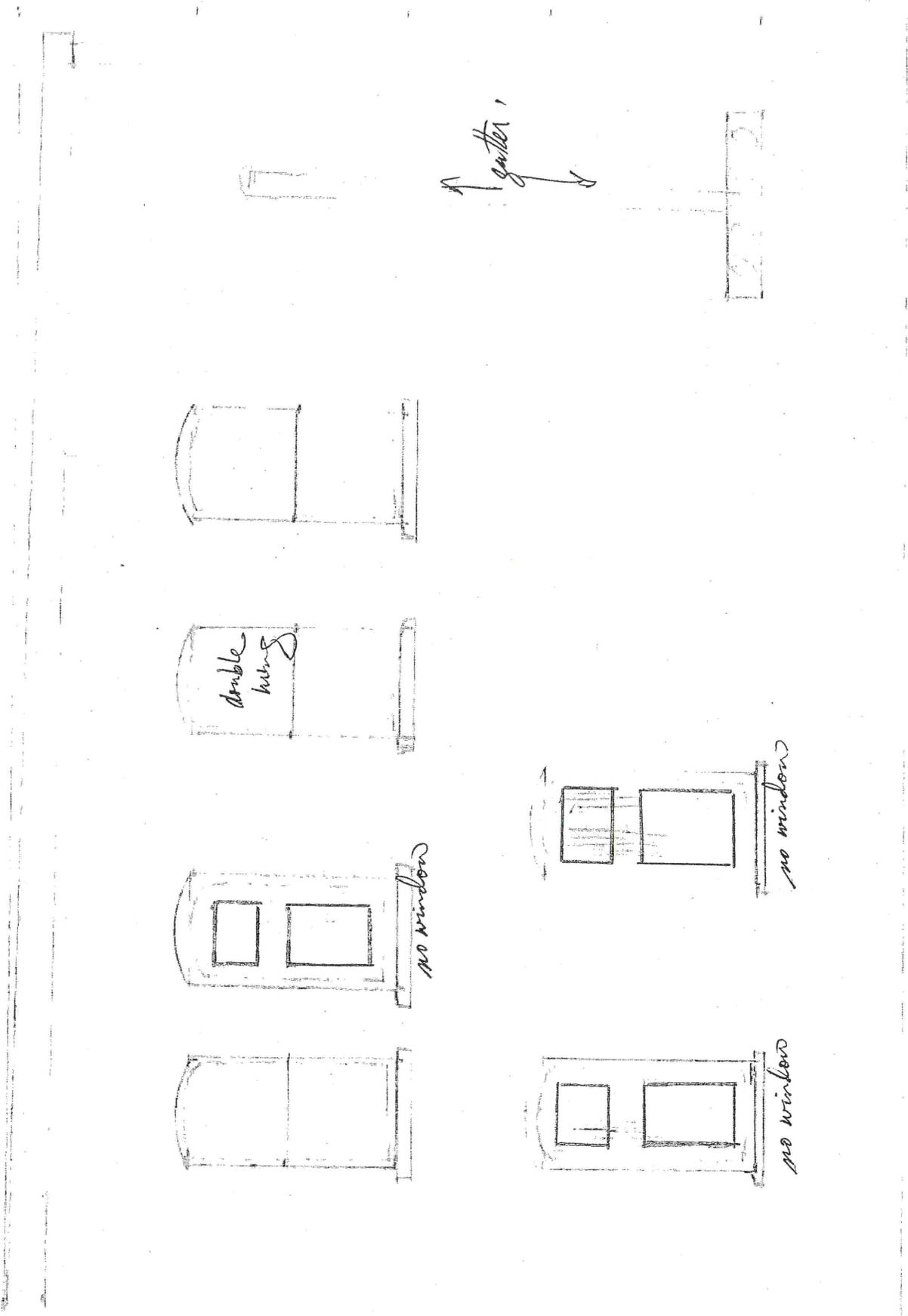


*side*



*composite product*





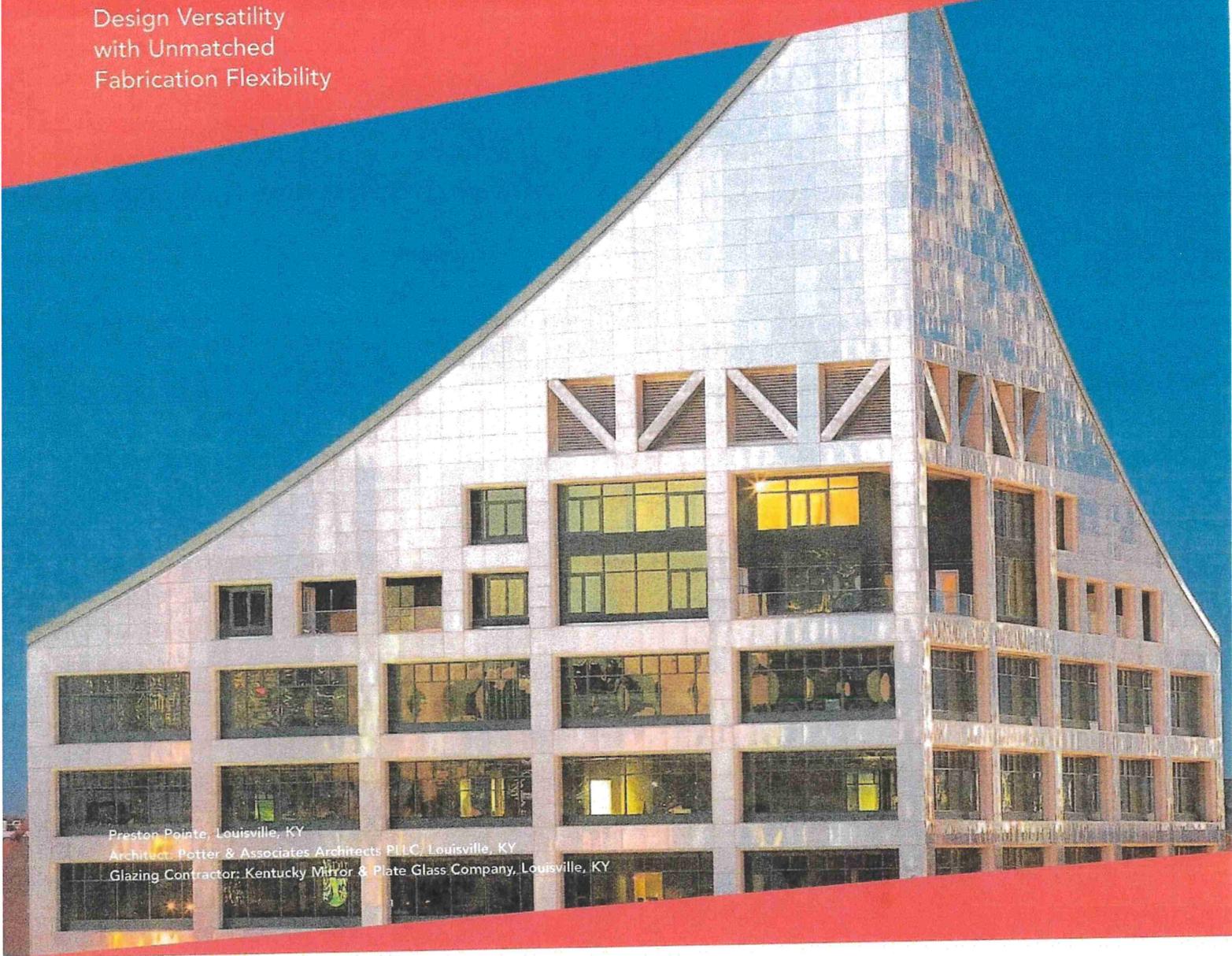
back



# Trifab® VG (VersaGlaze®)

Trifab VG 450, 451 & 451T (Thermal) Framing Systems

Design Versatility  
with Unmatched  
Fabrication Flexibility



Preston Pointe, Louisville, KY

Architect: Potter & Associates Architects PLLC, Louisville, KY

Glazing Contractor: Kentucky Mirror & Plate Glass Company, Louisville, KY

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## Aesthetics

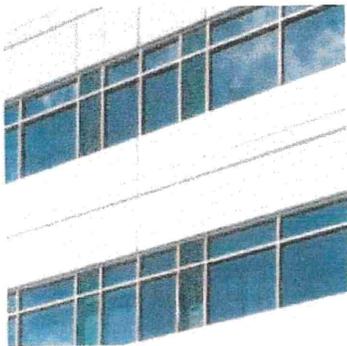
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### Economy

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- **Shear Block** – for punched openings or continuous runs using tubular moldings. Provides the option to pre-assemble multi-lite units using shear block clips under controlled shop labor conditions. Clips provide tight joints for transporting large units. Less field time is necessary to fill large openings.
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Brighton Landing, Cambridge, MA  
Architects: ADD Inc., Cambridge, MA  
Glazing Contractors: Ipswich Bay Glass Company, Inc., Rowley, MA

Trifab® VG 450, 451 and 451T can be flush glazed from either the inside or outside. The Weatherseal option provides an alternative to the structural silicone glazed vertical mullions. This ABS/ASA rigid polymer extrusion allows complete inside glazing and creates a flush glass appearance on the building exterior, without the added labor of scaffolding or swing stages. Optional patented HP Flashing™ and HP Interlock

clip are engineered to eliminate the perimeter sill fasteners and their associated blind seals and are compatible with all glass planes.

### Performance

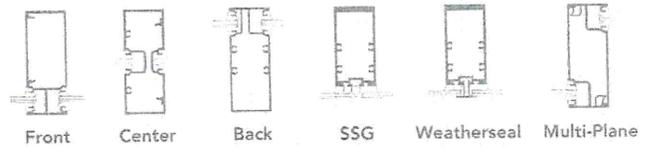
Kawneer's IsoLock™ Thermal Break option is available on Trifab® VG 451T. This process creates a composite section and prevents dry shrinkage.

U-factor, CRF values and STC ratings for Trifab® VG vary depending upon the glass plane application. Project specific U-factors can now be determined for each individual project. (See Kawneer Architectural Manual or Website for additional information)

### Performance Test Standards

Air Performance	ASTM E 283
Water	AAMA 501 and ASTM E 331
Structural	ASTM E 330
Thermal	AAMA 1503
Thermal Break	AAMA 505 and AAMA TIR-A8
Acoustical	AAMA 1801 and ASTM E 1425

### Trifab VG 450



### Trifab VG 451/451T



### Finishes

Permadonic Anodized finishes are available in Class I and Class II in seven different colors.

Painted Finishes, including fluoropolymer that meet or exceed AAMA 2605, are offered in many standard choices and an unlimited number of specially-designed colors.

Solvent-free powder coatings add the “green” element with high performance, durability and scratch resistance that meet the standards of AAMA 2604.

Kawneer Company, Inc.  
Technology Park / Atlanta  
555 Guthridge Court  
Norcross, GA 30092

kawneer.com  
770 . 449 . 5555



## **Sure Klean® Heavy Duty Paint Stripper Paint, Coating & Graffiti Removers Specification**

*Specifier Note: The information provided below is intended to guide the Architect in developing specifications for products manufactured by PROSOCO, Inc. and should not be viewed as a complete source of information about the product(s). The Architect should always refer to the Product Data Sheet and MSDS for additional recommendations and for safety information. See also PROSOCO Section 04900 Masonry Restoration & Cleaning.*

*Specifier Note: Paragraph below is for PART 1 GENERAL, Quality Assurance.*

### **Test Area**

Test a minimum 4 ft. by 4 ft. area on each type of masonry. Use manufacturer's application instructions. Let the test panel dry 3 to 7 days before inspection. Keep test panels available for comparison throughout the cleaning project.

*Specifier Note: Paragraphs below are for PART 2 PRODUCTS, Manufacturers and Products.*

**Manufacturer:** PROSOCO, Inc., 3741 Greenway Circle, Lawrence, KS 66046. Phone: (800) 255-4255; Fax: (785) 830-9797. E-mail: CustomerCare@proso.com

### **Product Description**

Sure Klean® Heavy Duty Paint Stripper, an alkaline formula with organic solvents, removes multiple layers of paint and graffiti from masonry surfaces. This "slow-working," extended-contact remover, remains active for 24 hours. One application of Heavy Duty Paint Stripper dissolves heavy accumulations of paint, most spray paint, lacquers and graffiti, restoring old masonry to its original appearance. Following paint removal, the masonry must be neutralized with the appropriate Sure Klean® product. Heavy Duty Paint Stripper contains no methanol, methylene chloride, or chlorinated solvents, and is water rinsable and nonflammable.

### **Technical Data**

FORM: White gel

SPECIFIC GRAVITY: 1.293

pH: 14

WT./GAL.: 10.6 lbs.

TOTAL SOLIDS: N/A

ACTIVE CONTENT: N/A

FLASH POINT: > 200 degrees F (> 93 degrees C) ASTM D3278

FREEZE POINT: < -22 degrees F (< -30 degrees C)

SHELF LIFE: 2 years in tightly sealed, unopened container.

### **Limitations**

- Product efficiency is reduced during cold weather. Surface and air temperatures should be at least 50 degrees F (10 degrees C) during application.
- Contains highly alkaline ingredients. Neutralize treated surfaces with Sure Klean® Limestone & Masonry Afterwash or other appropriate Sure Klean® cleaner.
- Do not use on wood. Alkaline ingredients raise the grain of wood and may interfere with paint adhesion or performance.
- Not appropriate for metal surfaces.

*Specifier Note: Paragraphs below are for PART 3 EXECUTION, Installation.*

## Application

Before applying, read "Preparation" and "Safety Information" sections in the Manufacturer's Product Data Sheet for Heavy Duty Paint Stripper. Do not dilute or alter. Stir or mix well before use.

1. Remove all loose and peeling paint using pressure water or scraper. Let surface dry thoroughly.
2. Apply approximately 1/8 inch coat of stripper.
3. Leave paint stripper on the surface until the paint is obviously "lifted" or dissolved. If stripper is left on the surface unattended, take precautions to prevent pedestrians from coming near treated surfaces.
4. Using pressure-rinsing equipment and working from the bottom of the treated surface to the top, thoroughly rinse the stripper and solubilized paint from the surface. Use as much water as possible. The best combination of rinsing pressure and water volume is provided by masonry washing equipment generating 400-1000 psi with a water flow rate of 6-8 gallons per minute delivered through a 15-45 degree fan spray tip. Equipment should be adjustable to reduce water flow rate and rinsing pressure as required for controlled cleaning of more sensitive surfaces. See also "Equipment" section of the Product Data Sheet.
5. Reapply stripper if needed. Shorter dwell times are usually enough on second applications where only a little paint remains.

### *Surface Neutralization*

When all paint has been removed, treated surfaces must be neutralized by applying a solution of Sure Klean<sup>®</sup> Limestone & Masonry Afterwash pursuant to the application instructions on the product label.

6. Brush apply the prepared Afterwash to treated surfaces in a gentle scrubbing manner. Let Afterwash stay on the surface 3 to 5 minutes.
7. Rinse the treated area thoroughly. Remove all traces of paste residue and solubilized paint coatings. Note: When rinsing, heated water (150-180°F; 65-82°C) improves removal efficiency and reduces rinse water and liquid waste.
8. Using pH papers, pH pen or pH indicator solutions, check treated surfaces to ensure neutralization has been achieved. Repeat steps 6-7 above if needed until surface pH is 5.0 to 9.0.
9. Let neutralized surface dry thoroughly. Before applying new surface coatings, check the cleaned surface again using pH papers, pH pen or pH indicator solutions. Check that surface pH is neutral. Inadequate neutralization may cause surface discoloration or failure of new surface coatings.

Note: When removing 15-20 coats of paint, a second application directly over the first application (before rinsing) often improves stripping efficiency. Let the first coat dwell for the predetermined time before the second application.

*Specifier Note: Failure to neutralize the surface may result in an alkaline residue that may cause unsightly white haze and interfere with adhesion of clear sealers and paint coatings. If the waste generated through paint stripping operations is classified as "hazardous," contractors must consult and comply with current federal, state and local regulations regarding containment, transport and disposal of hazardous waste. See also "Lead-Based Paint Removal" section of the manufacturer's product data sheet.*