

AGENDA

**CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Thursday, February 6, 2020
4:30 p.m.
Council Chambers, City Hall – 421 Michigan Street**

1. Roll Call
2. Adoption of Agenda
3. Public Comment on Agenda and Non-Agenda Items
4. Consideration of: Prohibiting Vaping in Public Places where Tobacco is Currently Prohibited
5. Consideration of: Updating the Inspection Agreement for the Town of Jacksonport
6. Consideration of: Quadricycle License for Foxy Pedaler, LLC
7. Consideration of: Guidelines Regarding External Lighting of Signs
8. Discussion of: Impact of Proposed Quarry Development
9. Discussion of: Impact of PFAS in Drinking Water
10. Discussion of: Recycling
11. Discussion of: Green Tier Community
12. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 1/31/20
Time: 11:00a.m.
By: SSO

Committee: Community Protection & Services
Dan Williams, Chr.
Kirsten Reeths
Seth Wiederanders

**Sturgeon Bay Fire Department
421 Michigan St.
Sturgeon Bay, Wi 54235
920-746-2916**

INSPECTION AGREEMENT

This Inspection Agreement is entered into this _____ by and between Sturgeon Bay Fire Department. (hereinafter referred to as the Contractor) and Jacksonport Fire Department, (hereinafter referred to as Fire Department) .

WHEREAS, the Fire Department requires fire inspection services sensitive to community needs; and WHEREAS, Sturgeon Bay Fire Department performs such services;
NOW THEREFORE, the parties agree as follows:

1. Term. This agreement will begin January 1, 2020 (to be referred to as the services commencement date) and will end December 31, 2020. After the initial term, the contract will renew on identical terms on a year-to-year basis, except that either party may terminate this Agreement on the last day of each 12 month term by providing to the other party written notice of termination at least thirty (30) days prior to the last day of any 12 month term.

2. Contractor Duties. The Contractor will provide for the Fire Department:

- A. Fire Inspections by inspectors certified or qualified in fire inspections as defined in Chapter 101 of the Wisconsin Statutes.
- B. Necessary contact with business owners and municipal officials.
- C. Liability insurance and workman's compensation insurance for its inspector(s).
- D. Fire Prevention education and materials shall be provided to schools upon request of the Fire Department.

3. Compensation to Contractor. The Fire Department agrees to pay Contractor \$1,750 annually, payable on or before December 1 of the year of service.

4. Reinspection fee of \$75 for each reinspection without compliance shall be charged to the Fire Department monthly as inspections dictate.

5. Billing from Contractor. The Contractor shall provide a summary of inspections and violations and a statement for services rendered on or before October 15, of each year.

6. Designation of Fire Inspectors. The Fire Department is designating the Contractor to perform fire inspections of all occupancies in their fire area. This is done in accordance with Section 101.14 (2), Wisconsin State Statutes. This empowers the Contractor to exercise all rights under this Section.

7. Severability.

In the event that any sentence, paragraph, section or provision of the Agreement shall be held to be invalid or unenforceable for any reason whatsoever, it is agreed such invalidity or unenforceability shall not affect the validity of any other provision of this Agreement, which shall remain in full force and effect.

8. Applicable Law.

This Agreement shall be interpreted in accordance with the internal laws of the State of Wisconsin.

9. Notices.

All notices provided for under this Agreement shall be in writing and shall be sufficient if sent by first class mail as follows:

To Fire Department: Fire Chief
Jacksonport Fire Department
3365 County Road V
Sturgeon Bay, WI 54235

To Contractor: Fire Chief
Sturgeon Bay Fire Department
421 Michigan Street
Sturgeon Bay, WI 54235

Any such notice shall be effective and deemed "provided" upon hand delivery to the addressee or upon deposit, postage prepaid, in the United States mails.

10. General.

This Agreement supersedes all prior agreements between the parties, written or oral and is intended as a complete and exclusive statement of the terms of the Agreement between the parties. This Agreement may be modified only by a written document executed by all parties. The headings contained in the Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement. Nothing in this Agreement, expressed or implied, is intended to confer upon any person other than the parties hereto, any right or remedies under or by reason of this Agreement.

City of Sturgeon Bay

Town of Jacksonport

By: David Ward, Mayor

By: Randall Halstead, Chairman

By: Stephanie Reinhardt, Clerk

By: Theresa Bieri, Clerk

EXECUTIVE SUMMARY

TITLE: Consideration of: Quadricycle license for Foxy Pedaler, LLC.

BACKGROUND: The City has received an Application and Plan of Operation for a Quadricycle License from Foxy Pedaler, LLC.

The application is substantially in order and the \$50.00 application fee paid. Also attached is a letter from Foxy Pedaler owner, Will Liebergen, regarding their current operation.

The application has been reviewed by the City Clerk, Police Captain, and Fire Chief in regards to completion and route approval.

Mr. Liebergen will supply the proper certificate of Insurance for the quadricycle and the ASE certification upon approval by the Common Council.

FISCAL IMPACT: \$50 application fee has been paid.

RECOMMENDATION: Approve the quadricycle license application, plan of operation and route for Foxy Pedaler, LLC, subject to the proper certificate of insurance and ASE certification filed with the City of Sturgeon Bay

PREPARED BY: Stephanie L. Reinhardt
Stephanie L. Reinhardt, City Clerk/HR Director

REVIEWED BY: Dan Brinkman
Dan Brinkman, Police Captain

Tim Dietman
Tim Dietman, Fire Chief

DATE: 1/27/2020

FOR 2020



COMMERICAL QUADRICYCLE LICENSE APPLICATION

PART A - APPLICATION INFORMATION

No commerical quadricycle may be operated in the City of Sturgeon Bay unless first licensed by the City. You must apply for a separate license for each commercial quadricycle. Complete this application, provide proof of insurance with a minimum of \$1,000,000 combined single limit liability coverage with specifically lists the vehicle identified below to the City Clerk's Office. An insurance submittal and approval, along with this completed form, pay the licensing fee of \$50.00, ~~provide copy of current registration through WI DOT~~, along with certification from ASE mechanic regarding vehicle inspection.

The approval of the Commercial Quadricycle License is conditioned upon approval of proposed route(s).

PART B - TO BE COMPLETED BY APPLICANT

1. Vehicle Owner's Name Will Liebargen
2. Vehicle Owner's Date of birth 11/04/1984
3. Business Name Foxy Pedaler, LLC
4. Business Address P.O. Box 1101, Green Bay, WI 54305
5. Business Phone Number(s) 920-884-1159
6. Commercial Quadricycle Year, Make, Model 2018 Atek custom 72V
7. Commerical Quadricycle Serial Number AC0036
8. Commerical Quadricycle #: 3
9. Insurance Carrier United States Fire Ins Co. 10. Policy Number SRPGAPML-101-0719

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the signer states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any inaccurate or untruthful answer may be grounds for prosecution and license revocation. Signer acknowledges the provisions of the Sturgeon Bay Municipal Code relating to public vehicles and agrees to observe these provisions and all applicable provisions the Sturgeon Bay Municipal Code and Wisconsin State Statutes.

[Signature]

Signature

Date

PART C - CITY USE ONLY

Certificate of Insurance _____

Approved by: _____

Date Filed 1-24-20

Copy of Vehicle Registration _____

ASE Certified Filed _____

License Fee Paid \$50 C200124#9 UM

To Sturgeon Bay City Council,

Thank you for your consideration of our Quadricycle application.

The Foxy Pedaler currently operates 2 bikes in Green Bay. We have purchased a 3rd bike to bring to Sturgeon Bay. We currently carry liability insurance for our 2 active bikes in Green Bay and can easily add coverage for our 3rd bike once approved in Sturgeon Bay.

Please direct any questions directly to the owner Will Liebergen. Will is available directly by phone at 920-884-1159 or email FoxyPedaler@gmail.com.

Thank you,

Will Liebergen



CITY OF STURGEON BAY
COMMERCIAL QUADRICYCLE PLAN OF OPERATION
OFFICE OF CITY CLERK, 421 MICHIGAN ST, STURGEON BAY
920-746-2900

COMPANY NAME: _____		
Hours of Operation		
Day of the week	Earliest Start Time (Include AM/PM)	Latest End Time * (Include AM/PM)
Sunday	10:00 AM	10:00 PM
Monday	10:00 AM	10:00 PM
Tuesday	10:00 AM	10:00 PM
Wednesday	10:00 AM	10:00 PM
Thursday	10:00 AM	10:00 PM
Friday	10:00 AM	10:00 PM
Saturday	10:00 AM	10:00 PM

* The "Latest End Time" can be no later than 10:00 p.m.

ROUTES

Attach maps which identify the streets where the commercial quadricycle will operate.

* Your license will not be approved until the proposed route(s) are approved.

THERE MAY NOT BE ANY OPERATION OF A COMMERCIAL QUADRICYCLE IF THE HOURS OF OPERATION AND THE ROUTES CONFLICT WITH A SPECIAL EVENT OR ANY EVENT WHERE THE STREET ARE CLOSED OFF TO MOTOR VEHICLES.

ALCOHOL BEVERAGE REGULATIONS (COMMERICAL QUADRICYCLES ONLY)

Before operating, what type of inventory of the types & amounts of fermented malt beverages will be taken?

A list of approved beverages will be provided to riders to choose from for purchase. the tour host will then put these beverages into the cooler and bring onto the bike.

What are your plans to ensure no other alcohol beverage, including intoxicating liquor, is carried upon or consumed on the commercial quadricycle?

The tour + host and driver will look over all items carried on to the bike. If any non approved beverages are present or appear on ride they will be immediately removed + discarded.

What are your plans to ensure amounts in excess of that are allowed by law (36 ounces per person) will not be brought on the commercial quadricycle?

Approved beverages may only be purchased from us at the tour origin bar. therefore we can control exactly the amount of approved beverages brought on the bike.

What are your plans to ensure glass beverage containers will not be carried upon the commercial quadricycle?

only aluminum cans will be the only container that will be on our list of approved beverages riders may purchase at the tour origin.

What are your plans to ensure no underage persons are on the commercial quadricycle when fermented malt beverages are present? When riders arrive, release forms and personal identification are completed and checked for each rider by the tour host. A wristband is then tightly placed on approved riders.

How will disorderly and/or intoxicated patrons be addressed? We will find ways to slow them drinking down before the issue gets to drunk + disorderly. If it does get to be an issue of safety we will immediately remove rider and send to safe place by cab or uber.

How will patrons be notified of the restrictions on alcohol beverages?

Conspicuous posting ☒ Other: Website, beverage order form, waiver and verbally by tour host upon arrival.

What types of beverage carrying containers will be allowed on the commercial quadricycle?

☒ Cans ☒ Plastic bottles 12oz cans of fermented beverages
Bottles of water

Where will the patrons store their fermented malt beverages?

When they purchase them from the tour origin they will be placed in a cooler that is controlled by staff.

LITTER AND NOISE

How will excess noise be prevented? The driver has control of the volume of the onboard music system. The driver also gives a speech of the rules which include keeping the fun/noise inside the bike.

How will excess noise be addressed?

If riders noise becomes excessive the driver will alert them to reduce their noise. If it continues the driver will stop the bike until it is addressed. After that the driver will cancel the tour or remove the loud riders.

Will there be an amplified sound system? ☒ Yes ☐ No If yes, describe:

Onboard stereo system, that is controlled by driver. speakers face down to minimize noise escaping interior of bike.

What are your plans to prevent litter?

Large on bike garbage cans in center of bike make it easy for riders to dispose of garbage.

What are your plans to address littering by a patron?

Riders sign a conduct waiver upon arrival that outlines fines if they litter. If debris were to fall off bike the driver would pull over and personally go back to retrieve.

LICENSED COMMERCIAL QUADRICYCLE OPERATORS

What are your plans to ensure all drivers hold a valid Quadricycle Operator's license with the City of

Sturgeon Bay at all times while operating? Drivers will have to apply with our guidance and then produce the license issued by Sturgeon Bay before their allowed to drive. The license will need to be displayed on the bike during each tour. The license last one year (calendar) so sudden expiration are not relevant.

Names of all currently employed as drivers (attach additional sheets as needed):

Will Lieberger
Scott Clark

NOTARIZED SIGNATURE

Failure of a licensee to comply with the approved Plan of Operation shall constitute grounds for non-renewal suspension or revocation:

SUBSCRIBED AND SWORN BEFORE ME THIS

24 DAY OF January, 2020.

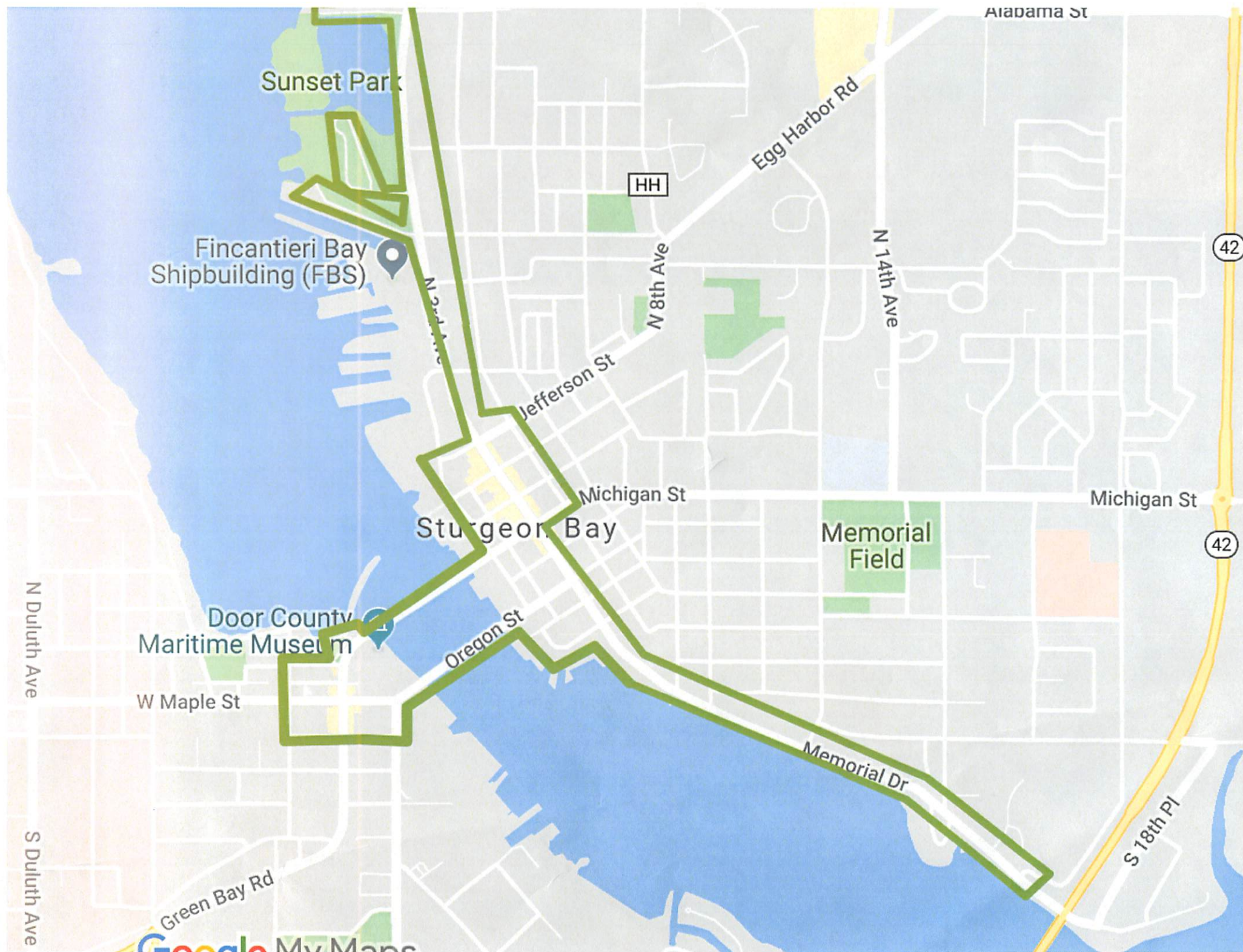
NOTARY PUBLIC, STATE OF WISCONSIN

My commission expires: 2-9-22

Print Name of Ind/Partner/Officer/Member/Agent

Signature of Ind/Partner/Officer/Member/Agent

Notary Seal must be affixed





current cert of ins

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/10/2019

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

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

PRODUCER
FL DEAN JAMIE EATMON
12800 UNIVERSITY DR STE 125
FORT MYERS, FL 33907-5335
8007452409

CONTACT NAME:

PHONE (A/C, No, Ext): 8007452409

FAX (A/C, No):

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: United States Fire Insurance

21113

INSURER B: Seneca Insurance Company, Inc.

10936

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED SPORTS AND RECREATION PROVIDERS ASSOCIATION (PURCHASING GROUP) AND ITS PARTICIPATING MEMBERS:

Foxy Pedaler LLC
7333 CASEY LANE
SOBIESKI, WI 54171

COVERAGES

CERTIFICATE NUMBER: USP301027

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		SRPGAPML-101-0719	07/11/2019 12:01 AM	07/11/2020 12:01 AM	GENERAL AGGREGATE \$2,000,000.00
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						PRODUCTS - COMPIOP AGG \$2,000,000.00
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						PERSONAL & ADV INJURY \$1,000,000.00
	<input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS						EACH OCCURRENCE \$1,000,000.00
	GEN'L AGGREGATE LIMIT APPLIES PER:						FIRE DAMAGE (Any one fire) \$300,000.00
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						MED EXP (Any one person) \$5,000.00
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTO <input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR						EACH OCCURRENCE \$
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>						
B	INLAND MARINE COVERAGE			FIM2300426	07/11/2019 12:01 AM	07/11/2020 12:01 AM	Owned Sports and Recreational Equipment - Scheduled \$120,000.00
							Deductible \$500.00

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

The Certificate holder is added as an additional insured but only with respect to liability arising out of operations of the named insured during the policy period.

Covered Activity: Party Bike

Scheduled Activities Exclusion Applies-Please Refer to Named Insured Member Certificate of Coverage

CERTIFICATE HOLDER

City of Green Bay
100 N. Jefferson Street
Green Bay, WI 54301

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Francis L. Dean

Chapter 37 - COMMERCIAL QUADRICYCLE LICENSING

37.01 - Definitions.

- (1) *Applicant* means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.
- (2) *Commercial quadricycle* means a vehicle with fully operative pedals for propulsion entirely by human power that:
 - (a) Has four wheels and is operated in a manner similar to a bicycle;
 - (b) Is equipped with at least eight seats for passengers;
 - (c) Is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle;
 - (d) Is used for commercial purposes; and
 - (e) Is operated by the vehicle owner or an employee of the owner.
- (3) *Commercial quadricycle business* means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.
- (4) *Commercial quadricycle operator's license* means an operator's license as described below in [section] 37.02.
- (5) *Public commercial quadricycle operator* means any person who operates a commercial quadricycle or commercial quadricycle which transport passengers for hire or compensation.

(Ord. No. 1361-0819, § 1, 8-6-19)

37.02 - Licenses required.

- (1) *Commercial quadricycle business license.* No person may engage in a commercial quadricycle business unless each commercial quadricycle used in the business is licensed. A commercial quadricycle business license shall expire on December 31 of each year.
- (2) *Commercial quadricycle operator's license.* No person may operate a commercial quadricycle for purposes upon a highway or public road unless the person is licensed as a public commercial quadricycle operator. The public commercial quadricycle operator's license shall expire on December 31 of each year.

(Ord. No. 1361-0819, § 1, 8-6-19)

37.03 - Commercial quadricycle business application process.

- (1) *Application.* A person wishing to operate a commercial quadricycle business shall apply to the city clerk for a business license using an approved form and pay the clerk a fee in the amount designated in the City of Sturgeon Bay fee schedule for each commercial quadricycle managed by the person. The clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:
 - (a) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity;
 - (b) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.
 - (c) The applicant made a false statement on the application.

- (d) The applicant is under 18 years old.
- (2) *Commercial quadricycle plan of operation.* All applicants must complete and file with the clerk a commercial quadricycle plan of operation detailing the hours of operation, routes, quadricycle operators, and the rules the licensee will enforce on its customers regarding alcohol beverage possession and consumption and litter and noise regulation. This plan of operation shall be forwarded to the police and fire departments for consideration as a condition of approval of the license. In its review, the police and fire department may recommend approval, approval subject to certain modifications or denial of the license.
- (3) *Appeal.* If the police or fire department denies an application for a commercial quadricycle business license, or demands modifications that the applicant objects to, the applicant may appeal within 15 days after the police and fire department mails a notice of its decision to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the community protection and services committee.
- (4) *Hearing before committee.* The committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee's decision.
- (5) *Issuance.* The clerk shall issue the commercial quadricycle business license if the applicant has been approved by the common council and has satisfied all other provisions of this section.
- (6) *Vehicle inspection.* Before a commercial quadricycle business may operate a commercial quadricycle on a highway, the applicant shall obtain a certificate of inspection of the commercial quadricycle by a mechanic certified by the National Institute for Automotive Service Excellence (ASE). The ASE mechanic will provide certification, satisfactory to the police department that the commercial quadricycle is in sound mechanical working condition. This paragraph does not apply to a commercial quadricycle owned or operated by:
- (a) A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.
 - (b) An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.
- (7) *Insurance.* Maintain liability insurance coverage for the commercial quadricycle containing the limits of not less than \$1,000,000.00 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the state. A certificate of insurance for liability coverage for the calendar year specific to each commercial quadricycle shall be filed with the city clerk.
- (8) *Police department vehicle review.* The police department shall affix a license sticker to the rear of each inspected commercial quadricycle if the department determines that the commercial quadricycle is:
- (a) Licensed with the city clerk.
 - (b) Certified in safe working condition as required by subsection (g)(6) of this section.
 - (c) Insured as required by subsection (g)(7) of this section.
 - (d) Conspicuously displaying on the exterior driver and passenger side of the vehicle:
 - 1. The name or trade name of the public vehicle business.
 - 2. The phone number of the public vehicle business.
 - 3. A unique number assigned by the commercial quadricycle business that identifies the particular vehicle.
 - (e) Conspicuously displaying within the front passenger compartment:

1. A display holder within which commercial quadricycle operators can show their licenses while operating the commercial quadricycle.

(Ord. No. 1361-0819, § 1, 8-6-19)

37.04 - Commercial quadricycle operator's license application process.

- (1) *Application.* A person wishing to obtain a commercial quadricycle operator's license shall apply to the city clerk using a common council approved form and pay to the clerk the proper license fee and submit an acceptable passport-sized photo. The clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the clerk. The police department shall deny the application if any of the following applies:
 - (a) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
 - (b) The applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular job or licensed activity.
 - (c) The applicant made a false statement on the application.
 - (d) The applicant is under 18 years old.
- (2) *Appeal.* If the police department denies an application for a commercial quadricycle operator's license, the applicant may appeal within 15 days after the police department mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the community protection and services committee. The committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee's decision.
- (3) *Issuance.* The clerk shall issue a commercial quadricycle operator's license if the applicant has been approved by the police and fire departments or the common council and has satisfied all other provisions of this section.

(Ord. No. 1361-0819, § 1, 8-6-19)

37.05 - Commercial quadricycle regulations.

The owner and operator of a commercial quadricycle are both responsible for ensuring compliance with this subsection.

- (1) *Deviation from plan of operations.* Licensees must adhere to the routes specified in their submitted plan of operations. New routes must be applied for and approved by the common council before a licensee may use the new routes. Temporary routes must be applied for and approved by the chief of police or his or her designee. A temporary route application must be submitted in writing and include a proposed map no later than ten business days prior to the applicant's proposed first date of operation of the temporary route. No licensee shall operate a commercial quadricycle on a street closed off to public traffic regardless of whether the street is included in an approved route. Any deviation from a new or temporary route without approval shall be a violation of this section.
- (2) *Hours of operation.* Commercial quadricycle operation is permitted between the hours of 10:00 a.m. and 10:00 p.m. Commercial quadricycle operation does not include the use of a commercial quadricycle for maintenance, inspection, or without passengers.

- (3) *Limitation on location.* It is unlawful for any person to operate or to permit another to operate a commercial quadricycle at other times or in other locations than those approved by the common council or the chief of police or his or her designee.
- (4) *Operations without license.* No public commercial quadricycle operator shall drive, or be permitted by a public commercial quadricycle operator to drive, a commercial quadricycle without a valid Wisconsin driver's license or a valid driver's license issued by any other state in the United States.
- (5) *Limitation on possession.* Passengers on a commercial quadricycle may possess on or carry onto the commercial quadricycle no more than 36 ounces of fermented malt beverages as defined in § 125.02(6), Wis. Stats. No other alcohol beverages, as defined in ch. 125, Wis. Stats., may be possessed on, carried upon, or consumed upon a commercial quadricycle.
- (6) *Prohibition of glass containers.* No glass containers may be carried on a commercial quadricycle.
- (7) *Application to all use.* Restrictions on possession, transportation and consumption of alcohol beverages in the operation of commercial quadricycles upon city highways and public places shall apply to operation of commercial quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.
- (8) *Driver consumption.* No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.
- (9) *Driver restriction.* No person may drive a commercial quadricycle with an alcohol concentration of more than 0.02.
- (10) *Beer and fermented malt beverages only.* No person may drive a commercial quadricycle on which any alcoholic beverages are carried or consumed other than beer or fermented malt beverages under this section.
- (11) *Delivery prohibited.* No person may drive a commercial quadricycle on which alcoholic beverages are sold and may not transport alcoholic beverages on a commercial quadricycle for the purposes of sale or delivery upon sale.
- (12) *Notice of restrictions.* Passengers shall be advised by the operator, driver or other person responsible for the operation of the commercial quadricycle that no alcohol beverages shall be possessed on, carried upon, or consumed on a commercial quadricycle in violation of city ordinance or state statute, and shall conspicuously post a notice of these restrictions upon the commercial quadricycle in a form and manner approved by the city.
- (13) *License required.* The operator of the commercial quadricycle shall hold a valid operator's license pursuant to subsection 37.01(1) City of Sturgeon Bay Code of Ordinance.
- (14) *Traffic laws.* The operator of the commercial quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic and parking laws.
- (15) *Grounds for license action.* Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for suspension or revocation of license.
- (16) *Council may amend.* The common council may adopt and from time to time amend the regulations relating to commercial quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

(Ord. No. 1361-0819, § 1, 8-6-19)

37.06 - Suspension and revocation.

- (1) *Intent.* Commercial quadricycle licenses or commercial quadricycle operator's license may be suspended or revoked by the common council upon first affording the license holder an opportunity for a public evidentiary hearing as provided in this section.
- (2) *Hearing form.* The community protection and services committee shall conduct any hearing or prehearing as described in this subsection.
- (3) *Grounds.* Licenses may be the subject of hearings as described in this provision for any violation of a provision of this section or any other violation of ch. 125, Wis. Stats., or the Code of Ordinances deemed pertinent to the licenses regulated by this section including, for purposes of illustration, but not limited to:
 - (a) Licensee or operator directly interfering with police officers or otherwise violating the law in a manner substantially related to the operation of the licensed operation.
 - (b) Traffic code violations including disorderly conduct with a motor vehicle or other action deemed unsafe in the judgement of the committee.
 - (c) Disorderly or disruptive conduct by customers not controlled by licensee.
 - (d) Operating off route.
 - (e) Operating outside of permitted hours.
 - (f) Serving an underrated person.
 - (g) Violation of the commercial quadricycle plan of operation.
 - (h) Failure to maintain the qualifications required for a license under this section.
- (4) *Prehearing.* Any state or city agency may, by communication to the common council, bring allegations of any violation of state liquor laws or any violation referenced above before the community protection and services committee for prehearing as an item in the regular meeting of said committee. Conduct of such prehearing shall be informal, allowing the committee an opportunity to hear the allegations and permitting the accused licensee to respond if they so wish. The purpose of such prehearing will be to determine if the allegations are of such magnitude, importance, or otherwise of such nature to require a formal evidentiary hearing as provided by [subsection] (5) below. After hearing the allegations and any response, the committee shall determine whether to recommend to the common council that: a formal evidentiary hearing be held based on the factors listed below. Nothing in this subsection shall prohibit a person from filing a verified complaint with the community protection and services committee and proceeding directly to a hearing as provided in subsection (6) below.
 - (a) The licensee's history of convictions, charges, or complaints and the relationship of such history to licensed activities.
 - (b) The length of time since such conviction, charge, or complaint.
 - (c) The circumstances and seriousness surrounding the complaint(s) before the committee.
 - (d) The degree of personal rehabilitation since the last incident involving the licensee.
 - (e) The community's standards or interests to be protected.
 - (f) The need for formal hearing to clarify the facts in regard to factors listed above.
- (5) *Hearing.* If a prehearing is conducted, as provided in subsection (4), and a formal evidentiary hearing is ordered by the community protection and welfare committee, the city attorney's office, or a special prosecutor appointed for such hearing, shall draft a formal complaint and see to it that such complaint is served with a summons as provided in subsection (6) below. The complaint may include any alleged violation of state or municipal liquor law occurring in the preceding license year which was not the subject of a hearing under this section. Such complaint shall be issued in the name of the complainant and shall state specific violations complained of and may include any other violations involving the licensee in the past two license years which have not been the subject of a

formal hearing. The complaint shall be served with a summons as provided in subsection (6) below. Any formal evidentiary hearing shall be held in conformity with the procedures in subsection (6) below.

(6) *Hearing procedures.*

- (a) Upon a verified complaint filed with the city clerk that any person licensed hereunder has violated the provision of ch. 125, Wis. Stats., the criminal code of the state, or any provision of the Code of Ordinances, including those referenced in subsection (3) above, or any other provision of this chapter or ch. 125, Wis. Stats., the common council shall issue a summons signed by the clerk directed to any peace officer or constable therein, commanding the person so complained of to appear before the protection and welfare committee on a day and at a place named in such summons, not less than three days nor more than ten days from its date, and show cause why the license should not be suspended or revoked. Such summons shall be served at least three days before the time in which such person is commanded to appear, and shall be served as provided at ch. 801, Wis. Stats.
 - (b) The licensee may be represented by counsel at their own expense, present and examine witnesses, and have prepared at the licensee's expense a transcript of the hearing.
 - (c) The licensee and complainant shall be allowed the right to call and cross-examine witnesses under oath, present evidence and arguments.
- (7) *Recommendations.* At the conclusion of the evidentiary hearing, which may be held in open or executive session depending on the nature of the evidence to be produced, the committee, following deliberation in open or executive session, shall consider the factors listed at subsection (4) and shall thereupon make specific findings of fact and conclusions of law, and forward one or more of the following recommendations to the common council:
- (a) No action should be taken due to insufficiency of the evidence.
 - (b) No action should be taken at present because of an accommodation on the part of the license holder has been reached.
 - (c) A warning letter be issued and the original thereof be retained in the licensee's file kept in the office of the city clerk.
 - (d) A suspension of not less than ten days nor more than 90 days be imposed.
 - (e) The license be revoked or invalidated.
 - (f) The licensee be placed on probation, and the committee shall set conditions therefore.
 - (g) The complaint be tabled pending disposition of pending criminal or municipal court code violations, at which time the matter will be considered and a recommendation made.
- (8) *Consideration and appeal.* The common council shall consider and take action on the recommendation of the community protection and services committee within 45 days after the committee adjourns the hearing. The common council may adopt, reject, modify, or remand the recommendation to the committee for further deliberations. Appeal from the decision of the council shall be to the Door County Circuit Court.

(Ord. No. 1361-0819, § 1, 8-6-19)

37.07 - Penalties.

In addition to any penalty specifically provided for or ordered under this chapter, any person who violates any provision of this chapter shall be subject to a penalty as provided in section 25.04 of this Municipal Code.

(Ord. No. 1361-0819, § 1, 8-6-19)

Design Guidelines and Review Criteria

for the

Sturgeon Bay Aesthetic Design & Site Plan Review Code

When acting upon an application, the Sturgeon Bay Aesthetic Design and Site Plan Review Board shall rely upon generally accepted site planning and design principles, the stated purposes and intent of the Sturgeon Bay Aesthetic Design and Site Plan Review code, and the provisions of the Sturgeon Bay Comprehensive Plan or other applicable plans and ordinances. The Aesthetic Design and Site Plan Review Board shall also give important consideration during the review process to the following criteria for approval:

(1) Site layout.

- (a) The existing natural topographic and landscape features of a site should be incorporated into a development plan. Such plan shall include all prudent and necessary steps required to protect the natural environment of the site and surrounding areas during and after construction.
- (b) The site shall be designed to accomplish a desirable transition from the public streetscape, and between commercial, industrial, and residential land use areas.
- (c) Where grading is necessary for the construction of structures and paved areas, the grading should blend into adjacent property. Abrupt changes in grade are discouraged.
- (d) Where possible, buildings should be situated on the site to promote and protect public views to and along shorelines from public roads and other public lands.
- (e) In areas where sidewalks exist or are planned, buildings containing retail and other commercial uses should have entrances that provide convenient pedestrian access from the street.
- (f) Where a pattern of small-scale commercial development exists or is planned, narrower buildings or multiple storefronts within larger buildings are encouraged.
- (g) Where a pattern of relatively consistent building setbacks exist on a street, new buildings should be situated to closely match such setback pattern.
- (g) On corner parcels where the proposed building is located close to both street lines, the corner of the building shall be recessed from the street lines in order to create pedestrian areas; prominent building entrances; and more architecturally interesting buildings.

- (h) Stormwater drainage shall be designed so as not to alter the natural drainage systems or cause flooding or erosion on neighboring properties.

(2) Access, circulation and parking.

- (a) Vehicular driveways into the site shall be located in a manner to minimize traffic congestion and difficult turning movements and shall be coordinated with existing and proposed access points on adjoining or nearby properties. Individual developments having more than one access points per street are discouraged and shared access driveways with adjoining properties is encouraged.
- (b) The interior circulation of the site shall be designed to provide for the convenient and safe flow of pedestrians and non-pedestrian traffic through the site and to/from public streets or sidewalks.
- (c) Off-street parking areas for motor vehicles and bicycles that are shared with neighboring businesses and parcels through the use of common driveways or internal access driveways shall be encouraged, if feasible, instead of stand-alone single use parking areas.
- (d) Off-street parking located to the rear or side of buildings is preferred over parking between the building and the street, particularly if the amount of off-street parking supplied is greater than required under the zoning code. For stand-alone buildings under 15,000 square feet, it is preferable that not more than one tier (single row or double row) of parking be located between the building and the street it fronts.
- (e) For large developments over 40,000 square feet, the site design shall allow for present or future alternative transportation modes, such as bike routes or transit stops.
- (f) Permeable surfaces, bioswales, rain gardens, and other forms of stormwater runoff prevention for parking and on-site traffic areas are encouraged.

(3) Building design.

- (a) Buildings shall not be limited to a preferred type of architecture or building materials. However, architectural styles, which are generally not common to Sturgeon Bay or Northeastern Wisconsin, are discouraged.
- (b) Buildings should be sited and designed to be aesthetically pleasing as viewed from adjoining public streets. Excessively long, unbroken building facades shall be avoided. Building materials and design features shall be consistent with the general design theme and/or proposed use of the development.
- (c) The architectural character of historic structures shall be maintained or enhanced whenever remodeling, expansions, or other changes are proposed.

- (d) Buildings on in-fill sites shall be compatible with surrounding buildings in terms of scale, massing, height, entrances, and windows.
 - (e) Rhythm/re-occurring patterns in windows and storefronts are encouraged.
 - (f) Building components, such as windows, doors, eaves, and parapet, should be in proportionate scale in relationship to one another.
 - (g) The use of door and window canopies and awnings is encouraged.
 - (h) The use of special architectural features, including projecting windows, towers, turrets, arches and cupolas are encouraged, particularly on corner buildings.
 - (i) Rooftop mechanical equipment shall be screened with parapets or the roof form.
 - (j) Designs seeking Leadership in Energy and Environmental Design (LEED) certification are encouraged.
 - (k) Buildings containing retail commercial uses that are located within 15 feet of the street should have transparent windows on the ground floor along at least 50% of the length of the building facade facing the street.
 - (l) Garages should be designed to not dominate the site. Whenever possible, detached garages shall be located to the rear of the principal building or shall be screened or have overhead doors not facing the street. Attached garages that extend beyond the front façade of the building are discouraged. Garages with three or more parking stalls shall be designed to limit the visual impact of overhead doors through features such as offsets or side-loading.
 - (m) Blank walls viewable from the street are undesirable.
- (4) Materials and colors.
- (a) Opaque or reflective window tints and glazes are discouraged.
 - (b) The use of identical building materials on all sides of a building that are visible from public streets is encouraged.
 - (c) For developments with multiple buildings, a palette of options for exterior building colors for use throughout the site should be established. The range should be wide enough to allow for variety, yet narrow enough to unify all the buildings on a site.
 - (d) Metal siding is strongly discouraged except for industrial buildings or for facades not facing public areas such as streets or parking areas.

(5) Landscaping.

- (a) The appearance of paved areas should be enhanced through landscaping. Large parking areas shall comply with the interior landscaping requirements of the Sturgeon Bay Zoning Code. Required landscape islands shall be dispersed throughout the parking area to avoid large expanses of pavement.
- (b) Storage areas, dumpsters and other places that tend to be unsightly shall be screened by walls, fences, berms, vegetation, or combinations of these. The screening should be equally effective in winter and summer.
- (c) To reduce erosion and surface runoff, trees and other vegetative land cover shall be removed only where necessary for the construction of structures or paved areas.
- (d) Vegetative landscaping shall be used to soften the appearance of blank walls.
- (e) Fences and retaining walls shall be surfaced, painted, landscaped or otherwise treated to blend with their surroundings.
- (f) Utility lines should be placed underground where appropriate and economically feasible to reduce the visual impact on open and scenic areas. Utility pedestals should be screened.
- (g) The use of native and indigenous plant species is encouraged over exotic species. The use of invasive species, as defined by the Wisconsin Department of Natural Resources, is prohibited.

(6) Lighting.

- (a) Exterior light fixtures shall be shielded such that direct beams of light are not cast skyward or onto adjoining property.
- (b) Lighting of an intensity beyond which is reasonably required to conduct operations or maintain security is discouraged.
- (c) Lighting fixtures and devices promoting energy efficiency are encouraged.

(7) Signs.

- (a) The location, size, design, materials, and colors of signs should be compatible with the building style.
- (b) The location and design of freestanding signs shall be coordinated with the landscape treatment.

- (c) Neon signs, portable arrow signs, and light box signs are discouraged. Interior lit cabinet signs, when approved, should be designed with opaque materials such that only the message/logo is lit rather than the entire cabinet.
- (d) Signs that are raised on a pole or pylon should have landscaping such as shrubs or flower beds surrounding the base of the sign.