

AGENDA

**CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Thursday, June 8, 2023
4:30 p.m.
Council Chambers, City Hall – 421 Michigan Street**

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from March 1, 2023
4. Public Comment on Agenda Items
5. Consideration of: Class B Combination Licenses for AMAGMA, LLC
6. Consideration of: Class B Combination Licenses for Kippis, LLC
7. Consideration of: Natural Lawns
8. 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: 6/5/23
Time: 4:00pm
By: SSO

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

COMMUNITY PROTECTION & SERVICES COMMITTEE
March 1, 2023

A meeting of the Community Protection & Services Committee was called to order at 5:00 pm by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Chief Henry, Mike Barker, Stephanie Servia, Marty Olejniczak and Josh VanLieshout.

Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following amended agenda and moving item 6 up after Public Comment:

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from February 1, 2023
4. Public Comment of Agenda Items
5. Consideration of: Natural Lawns
6. Consideration of: Fines and Forfeitures Chapter of the Municipal Code
7. Discussion of: Street Lights
8. Adjourn

All Ayes. Carried.

Approval of Meeting Minutes

Moved by Ald. Wiederanders seconded by Ald. Reeths to approve the February 1, 2023 minutes. All Ayes. Carried.

Public Comment

None

Fines and Forfeitures Chapter of the Municipal Code

An open discussion regarding the Fines and Forfeitures Chapter of the Municipal Code mainly addressed if the penalty amount in Chapter 25.04 could be raised.

Chief Henry researched and found that forfeitures cannot exceed a penalty of \$200; whether first offense or second offense. He wanted to make sure all understood the \$200 was the deposit amount, and not the full dollar amount of the citation that would be issued, factoring in court costs. Chief Henry felt the bond amounts we currently have are fair; however, the deposit amounts could be reviewed to see if that is something that the City would want to raise. Also, he stated the City does not follow the Municipal court bond schedule, we follow the State court bond schedule as we don't have our own Municipal Court. Chief Henry feels any changes would need to be proposed, but Zoning forfeitures could be increased as there is no dollar amount attached; the City could adopt those changes. These deposit amounts could range anywhere from \$0-\$200.

Mr. Olejniczak stated the other issue is not all our Municipal ordinances are included in the schedule of deposits that were adopted within the last 20 years. Mr. Olejniczak feels we should at least update the code to include the most recent additions.

It was decided staff will continue to work on updating the Municipal Codes, and will bring back to the next meeting.

Natural Lawns

Mr. Barker lead an Ad Hoc Committee which included members Mark Holey, Karen Newbern, Cathy Grier and Nick Lutzke.

The Ad Hoc Committee met three times; their focus was on:

- Defining what would be a natural landscape.
- What percentage of a yard could be considered natural landscape.
- What lot size would be appropriate when considering natural landscape.
- Address having lawn borders or parameters.
- Advise what species grow well in the environment and only allow those.

The ordinance was mirrored from Green Bay; parts were taken that related to the needs of Sturgeon Bay. Items discussed included:

- Maintenance and appearance of building structures and land.
- What percentage of the lawn being a natural landscape would require registration with the City.
- Types of plantings allowed.
- Natural landscape areas and placement in relation to location and maximum areas.

All agreed the presented ordinance is solid; it addresses all areas. Changes will occur as they come up down the road.

Moved by Ald. Reeths, seconded by Ald. Wiederanders to recommend the Common Council approve adopting the Natural Landscape Ordinance as presented. All ayes. Carried.

Street Lights

There was no report from any City department regarding where street lights and dark areas were concerning. Chief Henry suggested to table this item until leaves are back on trees and walking season commences, then this item can be revisited.

This item will be brought back to the July meeting.

Moved by Ald. Wiederanders, seconded by Ald. Reeths to adjourn the meeting of the Community Protection & Services Committee. All ayes. Carried. The meeting was adjourned at 5:32 pm.

Respectfully submitted,

Sarah Spude-Olson
Police Department Office Manager

EXECUTIVE SUMMARY

TITLE: Consideration of: Class B Combination licenses for AMAGMA, LLC.

BACKGROUND: Attached is a renewal application for a Combination Class B Liquor & Beer from AMAGMA, LLC (1023 Egg Harbor Road) for the 2023-2024 license year.

AMAGMA, LLC has requested the approval, and pertinent information, of the Combination Class B Liquor and Beer license (letter attached) for the premise even though the business does not meet the City ordinance regarding documented liquor sales and non-use of the license.

The City of Sturgeon Bay's ordinance for non-use of license is as follows:

Cessation of business/non-use of license. If any party holding a class B liquor license shall suspend or cease doing business selling alcohol beverages for a period of 90 consecutive days or more, such licensee shall be in violation of this section and subject to non-renewal by the common council. Any class B liquor license holder who does not have documented liquor sales for at least 180 days per license year shall be in violation of this section and subject to non-renewal of such license.

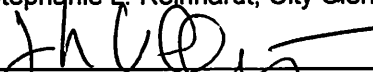
RECOMMENDATION:

- 1) Recommend to the Common Council approval of the renewal application for AMAGMA, LLC.
- 2) Recommend to the Common Council denial of the renewal application for AMAGMA, LLC.

PREPARED BY:


Stephanie L. Reinhardt, City Clerk/Human Resources Director

REVIWED BY:


Josh VanLieshout, City Administrator

DATE:

5/31/23

Steven Estes

4604 Bechtel Rd

Sturgeon Bay, WI 54235

May 11, 2023

City of Sturgeon Bay

421 Michigan St.

Sturgeon Bay, WI 54235

Dear Committee Members,

I am writing this letter to inform you that the liquor license, which was issued to AMAGMA, LLC, was not used during the period of 2022-2023. The reason for this is that we expanded the scope of construction for our new business, located at 1023 Egg Harbor Road, Sturgeon Bay, WI.

Our original proposal for the business included a bar, restaurant, and game area, which would have occupied a space of 7,000 square feet. However, we have increased the scope of work and expanded the space to 9,000 square feet. Additionally, the other 12,000 square feet of the vacant warehouse space will now become an event center, which will contain an additional bar, caterer's kitchen, vendor rooms, and offices.

We regret not being able to utilize the liquor license during this period, but the expansion of our business plan was necessary to better serve our community and meet customer needs. Bayland Builders has submitted new building plans to the state for approval. We had a feasibility study completed last week with positive results and have secured funding. Construction will start as soon as state approval is received. Our opening date is projected to be 120 days from the start of construction. We hope to continue keeping our business plan running smoothly and have all the necessary permits and licenses in order.

Thank you for your understanding in this matter. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Steven Estes

Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 07/01/2023 ending: 06/30/2024
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of } Sturgeon Bay
☐ Village of }
☒ City of }

County of Door Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company	Address of Corporation / Limited Liability Company (if different from licensed premises)
<u>AMAGMA, LLC</u>	<u>4604 Bechtel Rd, Sturgeon Bay, WI 54235</u>

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>ESTES</u>	<u>TAMMY</u>	<u>M</u>	<u>4604 Bechtel Rd, Sturgeon Bay, WI 54235</u>

All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Estes</u>	<u>Steven</u>	<u>B</u>	<u>4604 Bechtel Rd, Sturgeon Bay, WI 54235</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Virlee</u>	<u>Scott</u>	<u>R</u>	<u>3969 N New Franken Rd, New Franken, WI 54229</u>
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Estes</u>	<u>Tammy</u>	<u>M</u>	<u>4604 Bechtel Rd, Sturgeon Bay, WI 54235</u>
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Virlee</u>	<u>Rene</u>	<u>A</u>	<u>3969 N New Franken Rd, New Franken, WI 54229</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

C. Business Information

- Trade Name To Be Determined Business Phone Number none yet
- Address of Premises 1023 Egg Harbor Rd, Sturgeon Bay Post Office & Zip Code 54235
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No
- Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Building with 21,000 sq feet of a venue and entertainment space including 2 bars, alcohol storage room, walk in coolers, 2 kitchens and offices.

Applicant's Wisconsin Seller's Permit Number	
<u>456103063697602</u>	
FEIN Number	
<u>86-2616466</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$ 100
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$ 500
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ 500
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 20
TOTAL FEE	\$ <u>620</u>

5. Legal description (omit if street address is given on previous page): _____

6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete page 3 ☐ Yes ☒ No

b. Are **charges for any offenses** presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on page 3. ☐ Yes ☒ No

7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain ☒ Yes ☐ No

Premises description now includes additional spaces within the same building

8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain ☐ Yes ☐ No
no sales


9. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☒ Yes ☐ No
[phone (608) 266-2776]

10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No

11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No

12. Does the applicant owe municipal property taxes, assessments, or other fees? ☐ Yes ☒ No
(Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Contact Person's Name (Last, First, M.I.) Estes, Steven B	Title / Member Member	Date 5/11/2023
Signature 	Phone Number 920 493 8663	Email Address stevetammy34@gmail.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 5/17/23	Date reported to council / board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) (first name) (middle name)				
Estes Steven B				
Home Address (street/route)	Post Office	City	State	Zip Code
4604 Bechtel Rd		Sturgeon Bay	WI	54235
Home Phone Number	Age	Date of Birth	Place of Birth	
920 493 8663	51	09/20/1971	Elmhurst, IL	

The above named individual provides the following information as a person who is (check one):

- ☐ Applying for an alcohol beverage license as an individual.
☐ A member of a partnership which is making application for an alcohol beverage license.
☒ **Member** of **AMAGMA, LLC**
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
 which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 37 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Green For Life	Employer's Address 1509 Division Rd, Sturgeon Bay, WI 54235	Employed From 12/1/2020	To present
Employer's Name Advanced Disposal	Employer's Address 1509 Division Rd, Sturgeon Bay, WI 54235	Employed From 2014	To 11/30/2020

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


 (Signature of Named Individual)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Virlee Scott R					
Home Address (street/route)		Post Office	City	State	Zip Code
3696 N New Franken Rd			New Franken	WI	54229
Home Phone Number		Age	Date of Birth	Place of Birth	
920 321 8048		41	04/09/1982	Green Bay, WI	

The above named individual provides the following information as a person who is (check one):

- ☐ Applying for an alcohol beverage license as an individual.
- ☐ A member of a partnership which is making application for an alcohol beverage license.
- ☒ Member of AMAGMA, LLC
- (Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

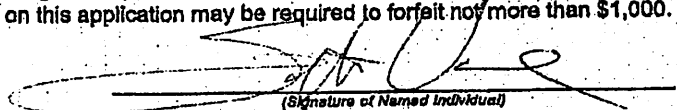
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 18 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Virlee Gunworks	2644 Diesel Ct, New Franken, WI	2009	Present
Employer's Name	Employer's Address	Employed From	To
Virlee Gunworks Shooting Center	1019 Egg Harbor Rd, Sturgeon Bay, WI	8/1/2021	Present

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Estes Tammy M					
Home Address (street/route)		Post Office		City	State Zip Code
4604 Bechtel Rd				Sturgeon Bay	WI 54235
Home Phone Number		Age	Date of Birth	Place of Birth	
920 493 7434		52	01/30/1971	Kaukauna, WI	

The above named individual provides the following information as a person who is (check one):

- ☐ Applying for an alcohol beverage license as an individual.
☐ A member of a partnership which is making application for an alcohol beverage license.
☒ Member -Agent of AMAGMA, LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
 which is making application for an alcohol beverage license.


The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 52 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
 If yes, identify. _____
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
 If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Self Employed	Employer's Address 4604 Bechtel Rd Sturgeon Bay, WI	Employed From 2017	To Present
Employer's Name Advanced Disposal	Employer's Address 1509 Division Rd, Sturgeon Bay, WI	Employed From 2014	To 2017

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


 (Signature of Named Individual)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name <i>(please print)</i> <i>(last name)</i> <i>(first name)</i> <i>(middle name)</i>				
Virlee Rene A				
Home Address <i>(street/route)</i>		Post Office	City	State Zip Code
3696 N New Franken Rd			New Franken	WI 54229
Home Phone Number		Age	Date of Birth	Place of Birth
920 321 8058		42	2/23/1981	Denver, CO

The above named individual provides the following information as a person who is *(check one)*:

- ☐ Applying for an alcohol beverage license as an individual.
- ☐ A member of a partnership which is making application for an alcohol beverage license.
- ☒ Member of AMAGMA, LLC
- (Officer / Director / Member / Manager / Agent)* *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 18 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No
If yes, identify. *(Name, Location and Type of License/Permit)*
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify. *(Name of Wholesale Licensee or Permittee)* *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Aurora Bay Care	2845 Greenbrair Rd, Green Bay	9/11/2006	present
Employer's Name	Employer's Address	Employed From	To
Bellin Health	301 E St Joseph St, Green Bay	2/14/2005	9/10/2006

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village of Sturgeon Bay County of Door
☒ City

The undersigned duly authorized officer/member/manager of AMAGMA LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as
TO BE DETERMINED

(Trade Name)
located at 1023 EGG HARBOR RD, STURGEON BAY, WI 54235

appoints TAMMY ESTES
(Name of Appointed Agent)
4604 BECHTEL RD, STURGEON BAY, WI 54235
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No 52 YEARS
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin?

Place of residence last year 4604 BECHTEL RD, STURGEON BAY, WI 54235

For: AMAGMA, LLC
(Name of Corporation / Organization / Limited Liability Company)
By: _____
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, TAMMY ESTES, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Tammy Estes 5/11/23 Agent's age 52
(Signature of Agent) (Date)
4604 BECHTEL RD, STURGEON BAY, WI 54235 Date of birth 1/30/1971
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

EXECUTIVE SUMMARY

TITLE: Consideration of: Class B Combination licenses for Kippis LLC.

BACKGROUND: Attached is a renewal application for a Combination Class B Liquor & Beer from Kippis, LLC (DBA: Union, 23 West Oak) for the 2023-2024 license year.

Kippis, LLC has requested the approval, and pertinent information, of the Combination Class B Liquor and Beer license (letter attached) for the premise even though the business does not meet the City ordinance regarding documented liquor sales and non-use of the license.

The City of Sturgeon Bay's ordinance for non-use of license is as follows:

Cessation of business/non-use of license. If any party holding a class B liquor license shall suspend or cease doing business selling alcohol beverages for a period of 90 consecutive days or more, such licensee shall be in violation of this section and subject to non-renewal by the common council. Any class B liquor license holder who does not have documented liquor sales for at least 180 days per license year shall be in violation of this section and subject to non-renewal of such license.

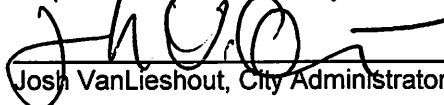
RECOMMENDATION:

- 1) Recommend to the Common Council approval of the renewal application for Kippis, LLC.
- 2) Recommend to the Common Council denial of the renewal application for Kippis, LLC.

PREPARED BY:


Stephanie L. Reinhardt, City Clerk/Human Resources Director

REVIWED BY:


Josh VanLieshout, City Administrator

DATE:

5/31/23

05/02/2023

Committee Members and to Those it May Concern,

It has come to my attention, that putting my property/business for sale at 23 West Oak Street (Union) has put me in violation of City of Sturgeon Bay Ordinance Section 9.01. It is my hope that the Committee can appreciate the value that the Union property has to our City's West Side and allow some flexibility to foster the sale of this space to a new entrepreneur that will certainly need the liquor license to utilize the banquet facility and restaurant. The complex is currently brokered through Starr Realty with an active listing that was contracted in January, 2023.

Please reach out to me with any questions or concerns. As always, I appreciate your time and consideration.

Sincerely,

Wendi Carter

920-495-9339

Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 07/01/2023 ending: 06/30/2024
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of } Sturgeon Bay

County of Door Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company	Address of Corporation / Limited Liability Company (if different from licensed premises)
<u>Kippis LLC</u>	<u>23 N. Oak St SB</u>

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Carter</u>	<u>Wendi</u>	<u>Sue</u>	<u>1106 Pennsylvania St SB 54235</u>

All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Carter</u>	<u>Wendi</u>	<u>Sue</u>	<u>1106 Pennsylvania St SB 54235</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

C. Business Information

1. Trade Name Union Business Phone Number 920 495-9339
2. Address of Premises 23 N Oak Post Office & Zip Code SB 54235
3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Coolers, Kitchen, basement, dining room, bar, banquet space

Applicant's Wisconsin Seller's Permit Number <u>456-1029877238-02</u>	
FEIN Number <u>82 445 1031</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$ 100
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$ 500
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ 500
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 20
TOTAL FEE	\$ <u>620</u>

5. Legal description (omit if street address is given on previous page): _____
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete page 3** ☐ Yes ☒ No
- b. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on page 3.** ☐ Yes ☒ No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain** ☐ Yes ☒ No
- _____
- _____
- _____
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain** ☒ Yes ☐ No
- _____
- _____
- _____
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? ☒ Yes ☐ No
[phone (608) 266-2776]
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No
12. Does the applicant owe municipal property taxes, assessments, or other fees? ☐ Yes ☒ No
(Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Contact Person's Name (Last, First, M.I.) <i>Carter, Wendy S.</i>	Title / Member <i>owner</i>	Date <i>4/26/23</i>
Signature <i>Wendy Carter</i>	Phone Number <i>920 495-9339</i>	Email Address <i>bricklotpub@yahoo.com</i>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☒ City of Sturgeon Bay County of Douglas

The undersigned duly authorized officer/member/manager of Kippis LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Union
(Trade Name)
located at 23 W. Oak St. SB WI 54235

appoints Wendi Carter
(Name of Appointed Agent)
1106 Pennsylvania St. SB WI 54235
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☒ Yes ☐ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
BH Canvas LLC Carter Holdings LLC

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☒ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 12 years

Place of residence last year 332 N. 5th Ave SB, WI 54235

For: Kippis LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Wendi Carter
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Wendi Carter, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Wendi Carter 4-26-23 Agent's age 50
(Signature of Agent) (Date)
1106 Pennsylvania St SB WI 54235 Date of birth 6-4-72
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Carter		(first name) Nendi		(middle name) Sue	
Home Address (street/route) 1106 Pennsylvania St		Post Office SB	City Sturgeon Bay	State WI	Zip Code 54235
Home Phone Number 920 495-9339		Age 50	Date of Birth 06-04-1972	Place of Birth Milwaukee, WI	

The above named individual provides the following information as a person who is (check one):

☐ Applying for an alcohol beverage license as an individual.

☐ A member of a partnership which is making application for an alcohol beverage license.

☒ owner of Kippis LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 12 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ☐ Yes ☒ No
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☒ Yes ☐ No
If yes, identify. BH Canvas LLC Carter Holdings LLC
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Schneider Nat'l	Employer's Address Packerland Dr. GB, WI	Employed From 7/08	To 6/12
Employer's Name Drach Chiro	Employer's Address 607 E Third Mfld, WI	Employed From 1996	To 2000

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Nendi Carter
(Signature of Named Individual)

32.04 Definitions.

For the purpose of this chapter, the following words and phrases will be defined as follows:

- (1) *Accessory structure.* A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (2) *Basement.* That portion of a building, the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four feet above lot grade.
- (3) *Building.* A combination of materials to form a construction adapted to permanent or temporary use for residence, business or storage.
- (4) *Deterioration.* The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.
- (5) *Dwelling.* Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant.
- (6) *Extermination.* The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health commissioner or county health department.
- (7) *Fence.* An independent structure forming a barrier at grade or between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or lattice work screen but excludes a hedge or natural growth, or a barrier of less than eighteen inches in height which is used to protect plant growth.
- (8) *Garbage.* Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.
- (9) *Infestation.* The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.
- (10) *Junk.* Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An un-licensed motor vehicle, at the discretion of local law enforcement officers, may be construed to be a junked motor vehicle.
- (11) *Lawn.* An area within the property that is planted in turf grasses and is kept mowed.
- (12) *Natural Landscape.* An area that would typically be planted in turf grasses but is planted in natural and or native grasses, plants, edible plants, or ground cover which may exceed the maximum height outlined in this chapter. The term natural lawn can be substituted for natural landscape throughout this ordinance. **(A natural landscape is not an unkempt lawn.)**
- (13) *Nuisance.*
 - (a) Any public nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the State of Wisconsin, or in the ordinances of the City of Sturgeon Bay.
 - (b) Any attractive nuisance which may prove detrimental to the health or safety of children in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak sumac, which may prove a hazard for inquisitive minors.
- (14) *Occupant.* Any person occupying or having use of a building, structure or premise or any part thereof.

- (15) *Operator.* Operators shall mean any person who has charge, care or control of a building, structure or premise or a part thereof.
- (16) *Owner.* Any person who alone, jointly, or severally with others, shall hold title to a building, structure or premise, or who shall be in actual possession of, or have charge, care or control of a building, structure or premises as an employee or agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder. For purposes of providing notice under this chapter, the city may rely on the presumption that the owner is the person or persons designated on the tax roll with respect to the premises.
- (17) *Person.* The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations. The word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
- (18) *Premises.* When used herein, the word "premises" shall include land, buildings, structures or any part thereof.
- (19) *Refuse.* All solid waste (except body waste) including but not limited to: garbage, rubbish, ashes, street cleanings, abandoned, nonlicensed or inoperable motor vehicles and solid market and industrial wastes.
- (20) *Repair.* To restore to a state of operation, serviceability or appearance in conformity with this chapter.
- (21) *Replace.* To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.
- (22) *Rubbish.* Rubbish is the miscellaneous waste material, combustible and noncombustible, resulting from housekeeping and ordinary mercantile enterprises, and includes but is not limited to boxes, cartons, excelsior, paper ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.
- (23) *Structure.* Anything construed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence free standing wall, sign or other advertising medium, whether detached or projecting.
- (24) *Substandard.* All buildings which do not conform to the minimum standards established by this chapter and by any other provisions of this Code or Ordinances or by the State of Wisconsin Administrative Code.
- (25) *Weathering.* Deterioration, decay, or damage by exposure to the elements.
- (26) *Yard.* An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.05 Compliance is responsibility of owners and operators.

- (1) Each owner of land, buildings and structures (collectively, "premises") shall have an independent responsibility for compliance. All owners shall be jointly and severally responsible for performance of the duties and obligations prescribed in this chapter. No owner shall be relieved from any such duty or obligation because another person is also responsible for performance of such duty or obligation. No owner shall be relieved from liability under this chapter because said person has contracted said responsibility to an operator or other person.
- (2) Operator(s) of land, buildings and structures (collectively, "premises") in the City shall also have responsibility for compliance. Operator(s) shall be jointly and severally responsible with owner(s) for performance of the duties and obligations prescribed in this chapter.

(Ord. No. 1109-1003, § 1, 10-21-03)

32.06 Duties and responsibilities of owners and operators.

- (1) *Maintenance and appearance of exterior of buildings and structures.*
 - (a) The exterior of buildings and structures shall be free of all nuisances, unsanitary conditions, and hazards to the safety of occupants, pedestrians and other persons utilizing premises.
 - (b) The exterior appearance of all buildings and structures shall reflect a level of maintenance in keeping with the standards of the neighborhood, and shall not constitute a blighting factor or an element leading to the progressive deterioration of the neighborhood.
 - (c) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free of defects.
 - (d) The exterior of every building and structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted as necessary for purposes of preservation and appearance. Buildings and structures shall be maintained free of broken, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
 - (e) Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and shall be so maintained as to be weather and watertight.
 - (f) Every building and structure on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites, and other vermin. Owners and operators shall be responsible for the extermination of such vermin from that part of the premises under their exclusive control.
 - (g) Every building shall have adequate refuse, garbage or rubbish storage facilities, no owner or operator shall allow occupant to accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents, or vermin.
- (2) *Maintenance and appearance of land.*
 - (a) The land surrounding the buildings and structures shall be kept free of hazards and clear of debris including, but not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse, old tires, and junk. The sole exception is where said debris has been properly placed for pickup by the city's waste disposal contractor, or other permitted outdoor storage pursuant to chapter 20 of the Municipal Code.
 - (b) Yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatment common in the Sturgeon Bay area unless areas are designated a natural landscape. Natural

landscaped areas shall comply with section (3) of this chapter. Yards shall be trimmed to maintain a neat appearance. Turf lawns allowed to grow ten inches or taller shall be considered overgrown and in violation of this chapter. Any temporarily exposed areas shall be treated to prevent dust or the blowing or scattering of dust particles.

- (c) Every yard, court, driveway or other portion of the land shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(3) *Natural Landscape*

- (a) No registration required. Any owner of record of a property, may implement a planned natural landscaping area on their property up to 25% of front and side yard, and 50% of the back yard without registration or approval from the Weed Commissioner.
- (b) Registration required. Any owner of record of a property, may implement a planned natural landscaping area on their property up to 50% of front and side yard and 75% of the back yard upon approved registration with the Weed Commissioner. Registration shall include the following information:
 - 1. Natural landscapes must be registered and approved through the City's Weed Commissioner (Municipal Services Director) prior to the natural lawn being installed. The registration application form is on the City's website and is available in the Municipal Services office.
 - 2. A plan of the property drawn to scale, indicating the location of all property boundaries, structures, sidewalks, driveways, and roadways, and the boundaries of the proposed planned natural landscaping area. No boundary survey is required. Property boundaries and other information may be indicated on an aerial photograph or other suitable and readily available base map.
 - 3. A clear description, illustration, or photograph of the type(s) of edging proposed, including materials, height, and proposed placement. A raised edging is not required. A shoveled edge maintained by mowing and/or trimming is acceptable.
 - 4. A planting plan indicating the plant species and/or seed mixes to be used.
 - 5. Any proposed change in grade or excavation required beyond standard excavation and soil replacement for establishment of the planned natural landscaping area.
 - 6. Prior to choosing to implement periodic open burning to maintain any plants, flowers, or prairie landscape, contact the Fire Chief. Periodic mowing is the preferred maintenance option and open burning is not typically permitted unless done by a professional.
- (c) Natural landscaped areas must adhere to the following standards:
 - 1. Types of plantings:
 - a) Plantings may include forbs, grasses, edible plants, shrubs, or trees.
 - b) Plantings may be designed as rain gardens with plantings and grading specifically designed to receive and infiltrate rainwater or clear water flows.
 - c) Plantings shall be deliberately selected and arranged as part of a coherent overall plan. Overgrowth of conventional turf grasses or weeds, or any other unmanaged vegetation growth, shall not constitute a planned natural landscaping area.
 - d) No species listed on the Wisconsin Department of Natural Resources' Regulated Invasive Plants list, whether designated as Prohibited or Restricted, shall be permitted.
 - e) Edging required. A planned natural landscape area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing up to three

feet in height, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscape.

- f) Plant height at maturity. Plant height shall be maintained at the appropriate maximum height at maturity for the specific species. University of Wisconsin Horticulture, Division of Extension shall be consulted in the event of dispute as to the appropriate maximum height for a particular plant.

(d) Location and maximum areas:

1. The natural landscaped area located in the front and/or side yard(s) is limited in size to less than fifty percent (50%) of the total square footage of the front and side yards.
2. The natural landscaped area located in the back yard or setback behind the rear plane of the principal building is limited in size to less than seventy-five (75%) of the back yard area.
3. A minimum distance of six feet (6') from streets, public sidewalks, shared driveways and fire hydrants.
4. Planned natural landscaping areas are strictly prohibited within City right of way.
5. Natural landscape areas shall not obstruct the vision triangle at intersection as outlined in Chapter 11.02(4)(v)2.

(e) Review and enforcement.

1. The City may at any time determine that a planned natural landscaping area violates the terms of this section. If this determination is made, the Weed Commissioner will notify the property owner in writing of the violation and give the property owner twenty-one (21) days to make corrections. The property owner will be required to contact the Weed Commissioner within ten (10) days to discuss the plan to correct the violation. If the Weed Commissioner finds an ongoing violation of the terms and conditions of the registered plan (fails to correct issues after notification), or if the Weed Commissioner determines that the planned natural landscaped area is harboring vermin or other pests.
2. Noncompliance. In the event of noncompliance with the citation, the Weed Commissioner may cause the premises to be mowed, or otherwise maintained and shall report the cost thereof in writing to the clerk-treasurer. This cost shall be entered on the tax roll as a special tax to be collected in the same manner as other taxes. If noncompliance continues, the Community Protection and Services Committee may order the revocation of the registration of the natural landscaped area.
3. Appeal.

- a) Appeals may be made by submitting a letter in writing to the City Clerk asking for this issue to be reviewed by the Common Council.

(f) Natural landscapes larger than described areas. Waivers for natural landscapes beyond the maximize size outlined in 3.(d) of this chapter will be considered on a case by case basis. If a resident would like to apply for a waiver the following steps must be followed.

1. Application for natural landscape. Any owner of land in the City of Sturgeon Bay may apply for approval of a land management plan for a natural landscape, one where grasses exceed the inches in height and are of a size larger than outlined in 3.(d) of this chapter, with the City Clerk. Approvals, conditional approvals or denials of the land management plan shall be by majority of the community protection and services committee.
 - a) Land management plan means a written plan relating to management of the landscaped area which contains a description of the area of the lawn upon which the ground covering will exceed ten inches in height, a statement of intent and purpose for said area, a general description of the

vegetation types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The land management must include provisions for maintaining areas within the setbacks as outlined in 3.(d) of this chapter.

- b) *Revocation of the land management plan.* The land management plan may be revoked for failure to comply with the general requirements of this chapter, solely as modified by an approved land management plan. Notice of intent to revoke a land management plan may be issued by majority vote of the community protection and services committee. The community protection and services committee's decision may be appealed to the Common Council. All applications for appeal shall be submitted to the City Clerk's office within 15 days of notice of intent to revoke a land management plan, or the right of appeal shall be deemed waived.
 - c) *Application requirements.* Each application for a land management plan shall be on an application form provided by the city clerk. A copy of the application shall be mailed by the city clerk or given personally by the city clerk to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of, the properties affected. The city clerk shall certify that such owners have been duly notified. The notified property owners shall have 15 days from the date of notice to file written objections to the application with the city clerk. Following said 15-day period, the city clerk shall refer the application materials and objections, if any, to the community protection and services committee for hearing and decision at the next regularly scheduled community protection and services committee meeting. The applicant and those property owners who filed written objections shall be notified of the meeting. Notice shall be by the city clerk mailing copies of the agenda to said persons no less than five days prior to the meeting. If there is insufficient time to mail such notice, the hearing and decision shall be set over to the next subsequent meeting unless the applicant provides written waivers of notice from the applicant and the objecting property owners.
 - d) *Application for appeal.* The owner or operator of land in the City of Sturgeon Bay may appeal a decision of the board of appeals refusing to grant a land management plan. The fee for appeals shall be set by resolution of the common council. All appeals shall be to the board of appeals which shall hear such appeals as necessary. All applications for appeal shall be submitted within 15 days of notice of denial of the land management plan, or the right of appeal shall be deemed waived.
2. *Application to all premises.* This chapter applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement on the land.

(Ord. No. 1109-1003, § 1, 10-21-03)

CITY OF STURGEON BAY
421 MICHIGAN STREET
STURGEON BAY, WI 54235

APPLICATION FOR NATURAL LAWN / LAND MANAGEMENT PLAN

** This form is used to apply for a Natural Lawn as outlined in Municipal Code 32.06(2)(e). A copy of the code has been included on subsequent pages.

NAME OF APPLICANT: Margaret Bayer Susan Nugent
ADDRESS: 722 South 17th Place

EXPLAIN WHY YOU WISH TO USE A NATURAL LAWN INSTEAD OF A GRASS LAWN (ATTACH ADDITIONAL SHEET IF NEEDED): After reading
Bringing Nature Home by Doug Tallamy we were inspired
to plant native plants to create an ecosystem that
benefits native insects (particularly bees), butterflies
(particularly Monarchs) and birds.

1. Include a detailed drawing of proposed natural lawn area.
2. Include your proposed land management plan. This must include steps to maintain your proposed natural area, vegetation types, plants, and plant succession.
3. Include a list of any native grasses or plants that would be planted. List of plants and grasses must be of common names and approximate height at maturity.

By signing this application, you are acknowledging you fully understand the process as outlined in Municipal Code 32.06(2).

Signature: Margaret Bayer
Susan Nugent

Date: 9-16-2022