



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

PUBLIC PROPERTY & HEALTH COMMITTEE

Markesan City Hall

August 6, 2019

Immediately following the Streets & Utilities Meeting

AMENDED AGENDA

Call to Order

Roll Call

Citizen's Comments

Public Works Report

- Discussion and Action on Overhead Door for City Garage

Old Business

- Discussion and Action on Solder's & Sailor's Park Beach Preservation
- Discussion and Action on Pool Ordinance
- Discussion and Action on Agreement with the Lion's Club

New Business

- Discussion on Unleashed Dogs in the Community
- Discussion and Action on Dangerous Weapon/Hunting Ordinance
- Discussion and Action on Property Maintenance Codes and Enforcement
- Discussion and Action on Weed Control in City Limits (Use of Roundup)
- Discussion and Action on Update on Raze Order for 650 North Margaret Street

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: Markesan State Bank City Hall
Farmers State Bank Post Office
www.markesanwi.gov

Dated August 5, 2019
Elizabeth Amend, Clerk-Treasurer

ORDINANCE NO. 115-7

An Ordinance Amending Ordinance No. 115-7 of the Municipal Code of the City of Markesan.

The Common Council of the City of Markesan in session duly begun on the ____ day of _____, 2019, hereby amends Ordinance No. 115-7 of the Markesan Municipal Code to read as follows:

SECTION 1: Ordinance 115-7 of the Municipal Code is hereby amended to read as follows:

Swimming Pool Regulations

A. Definition. A swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container.

B. Private outdoor swimming pool means a man-made rigid or semi-rigid receptacle for water having a capacity depth at any point greater than 18 inches, used or intended to be used for swimming, wading or bathing, including pools installed or maintained in-ground or aboveground and which is used exclusively by the owner or occupant of the property on which it is located, and his or her family and guests. Installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. This does not include pools intended for or designed to be disassembled for transportation, storage or relocation. This also includes Portable/Temporary above ground pools with a capacity depth greater than 48 inches.

C. Portable/Temporary above-ground pool means a private swimming pool which can be disassembled for transportation, storage or relocation and includes portable pools with flexible non-rigid walls that achieve structural integrity by means of uniform shape, support frame or a combination thereof, and which can be disassembled for storage or relocation, and which has a capacity depth of less than 48 inches.

D. Exempt pools. Storable children's swimming or wading pools with a maximum dimension of 15 feet and a maximum wall height of 18 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.

E. Permit required. Before work is commenced on the construction or erection of private or residential outdoor swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.

F. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection C unless the following construction requirements are observed:

- (1) Approved materials. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the City now in effect or hereafter enacted.

(2) Plumbing. All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(3) Electrical installations. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

G. Setbacks and other requirements.

(1) Private swimming pools shall be erected or constructed in rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) A swimming pool shall be at least 10 feet from any lot line or building unless designed and approved as an addition to a building and in no case shall the pool be allowed closer than what is permitted for an accessory structure.

H. Life Preservers required.

Every private swimming pool shall be equipped with a minimum of two throwing ring buoys or equivalent life preservers.

I. Enclosure – Private Outdoor Swimming Pool.

(1) Fence; in-ground/above ground pools. All outdoor, private pools shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching devices and kept securely closed and locked at all times when not in actual use.

(2) Pool wall border.

(a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend more than three feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure

which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing and gate a minimum of 36 inches high on the top.

J. All Portable/Temporary above ground pools shall be adequately covered or drained when not in use. Pool covers must be well-maintained and secured and fitted to the pool to prevent a child, adult or animal from getting over, under or through. The pool cover fabric must hold a static weight of 485 pounds (the average weight of two adults and one child).

K. Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

L. Pool Draining. No private swimming pool shall be constructed to allow water from the pool to drain into a sanitary sewer or septic tank or onto any adjoining property. Provisions may be made for draining the contents of a swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Water Department Superintendent and/or Building Inspector.

M. Filter system required. All private, outdoor swimming pools within the meaning of this ordinance must have a filtration system in place to assure proper circulation of the pool water and maintenance of the proper bacterial quality.

N. Dirt bottoms prohibited. All permanent or semi-permanent swimming pools shall have the sides and bottom of a smooth, impervious finish, and no sand or dirt bottom shall be permitted.

SECTION 2: This ordinance shall be in full force and effect upon passage and publication.

ROLL CALL: Ayes ___ Nays ___ Absent ___ Abstained

APPROVED this ___ day of _____, 2019.

CITY OF MARKESAN

RICH SLATE, Mayor

ATTEST:

ELIZABETH AMEND, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL D. SONDALE, City Attorney

Proposed Pool Ordinance check list:

- This ordinance would apply to all pools with a greater dimension of 15 feet and any pool that has a wall height greater than 18 inches.
- Before work is commenced on the construction or erection of a private or residential outdoor swimming pool or any alternations, additions, remodeling or other improvements, a swimming pool permit must be obtained from the building inspector.
- Every private or residential, outdoor swimming pool shall provide suitable draining methods; in no case shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to the pool.
- All electrical installations, including lighting and heating used in conjunction with the private pool shall be in conformance with state laws and city ordinances regulating electrical installations.
- Private pools shall be erected or constructed in the rear or side yard only and only on a lot occupied by a principal building.
- A swimming pool shall be at least 10 feet from any lot line or building unless designed and approved as an addition to a building and in no case shall the pool be allowed closer than what is permitted for an accessory structure.
- Every private swimming pool shall be equipped with a minimum of two throwing ring buoys or equivalent life preservers.
- All below grade swimming pools and above ground pools with sides less than four feet high shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening larger than three inches square. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device and kept securely closed and locked at all times when not in actual use.
- All Portable/Temporary above ground pools shall be adequately covered or drained when not in use. Pool covers must be well-maintained and secured and fitted to the pool to prevent a child, adult or animal from getting over, under or through. The pool cover fabric must hold a static weight of 485 pounds (the average weight of two adults and one child).



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Update:
* The agreement has not been returned to the City.

July 17, 2019

Markesan Lion's Club
Attn: President
PO Box 138
Markesan, WI 53946

Dear Lion's Club:

At the Common Council meeting held on July 9, 2019, the Council approved the Park agreement for Soldier's and Sailor's Park.

I have enclosed two copies of the memorandum of understanding between the City of Markesan and the Lion's Club for Soldier's & Sailor's Park. Please have the club's president and secretary sign both copies. Return one copy to the City of Markesan and keep one copy for your records.

Thanks in advance.

If you have any questions, please contact our office at 920-398-3031.

Sincerely,

Elizabeth Amend
Clerk-Treasurer

*City of Markesan, WI
Monday, August 5, 2019*

Chapter 107. Animals

§ 107-3. Nuisance; vicious dogs.

[Amended 4-14-2015 by Ord. No. 233]

No person shall keep or harbor any animal or fowl which, by frequent or habitual howling, yelping, barking, or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City. No owner or a person harboring a fierce or vicious dog shall permit the same to run at large at any time within the City.

§ 107-4. Dogs and cats running at large.

It shall be unlawful for any person owning or possessing any dog or cat to permit it to run at large. "Run at large" shall mean the presence of an animal which is not on a secured leash of six feet or less on any public property or thoroughfare or on any private property without the permission of the property owner or occupier. Dogs and cats which are not leashed in vehicles are not deemed to "run at large" if they are secured in a manner as will prevent their escape therefrom. This requirement does not apply to dogs utilized for law enforcement purposes.

Chapter 177. Firearms and Weapons

Article I. Possession and Use of Firearms and Dangerous Weapons

[Adopted as Ch. 9, Secs. 9.02 and 9.25, of the 1991 Municipal Code]

§ 177-1. Definitions.

For the purpose of this article, the following definitions shall apply:

FIREARM

Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.

OTHER DANGEROUS WEAPON

Includes bow and arrow, crossbow, sling shot, blow gun and other similar weapons.

PUBLIC BUILDING

Any building, including the grounds thereof, owned by the state or federal governments, the City, the county or the public school district.

PUBLIC LAND

Any land owned by the state or federal governments, the City, the county or the public school district.

PUBLIC PLACE

Any privately owned building which is open to the public.

§ 177-2. Possession of firearms prohibited.

In addition to the provisions of § 177-3 below, no person except duly authorized City, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building or on public land within the City. No person shall possess a firearm while in any public place within the City unless written consent to so possess a firearm has been given by the owner or lessee of such public place, and such possession is not contrary to § 440.26, Wis. Stats.

§ 177-3. Use of firearms.

A. Regulated. No person except an authorized police officer shall discharge any firearm within the City or have any firearm in his possession within the City unless it is unloaded and enclosed in a carrying case or other suitable container, except as provided in Subsection **B** below.

B. Exceptions.

(1) Pest control permits issued by the Chief of Police.

(2) Ceremonial salutes by veteran organizations on the Fourth of July, Memorial Day, Veterans Day or at military funerals.^[1]

[1] *Editor's Note: Former Section 9.02(3)(b)3, which immediately followed this subsection, was repealed by Ord. No. 141.*

§ 177-4. Use of other dangerous weapons.

[Amended 1-12-2016 by Ord. No. 236]

- A. No person shall fire or discharge any bow, arrow, spear, spring or air gun of any description within the City. Except as provided in Subsection **B(3)** below, this section shall be deemed to prohibit hunting within the City.
- B. Subsection **A** above, shall not apply to any of the following:
- (1) The maintenance and use of duly supervised rifle or pistol ranges, shooting galleries or archery ranges authorized by the Common Council.
 - (2) Uses granted under a conditional use permit pursuant to Chapter **400**, Zoning, of the Markesan Code of Ordinances.
 - (3) To persons hunting with a bow and arrow or crossbow who meet the following conditions:
 - (a) A person hunting with a bow and arrow or crossbow shall not hunt within a distance of 100 yards from any building located on another person's land which is a permanent structure used for human occupancy, and includes a manufactured home as defined in § 101.91(2), Wis. Stats. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.
 - (b) A person hunting with a bow and arrow or crossbow shall discharge the arrow or bolt immediately toward the ground.
 - (c) No person shall discharge an arrow or bolt on or across any portion of City-owned or leased parkland.
 - (d) The person shall not discharge an arrow or bolt in such a manner that endangers the life, limb, or property of another or will traverse any part of any right-of-way, street, alley, public grounds or parks.
 - (e) The person possesses a current, valid permit or license issued by the Wisconsin Department of Natural Resources and complies with all applicable state laws, rules, and regulations pertaining to bow hunting.
 - (f) Hunting does not include target practice.

§ 177-5. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-3 of the Code of the City of Markesan.

Article II. Throwing and Shooting Arrows and Other Missiles

[Adopted as Ch. 9, Secs. 9.03 and 9.25, of the 1991 Municipal Code]

§ 177-6. Throwing or shooting of arrows, stones and other missiles prohibited.

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.

§ 177-7. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-3 of the Code of the City of Markesan.



Property Maintenance Codes Item

Betsy Amend <bamend@markesanwi.gov>

Letter to

1 message

Tim Tripp <ttripp@generalengineering.net>

Thu, Jun 13, 2019 at 2:51 PM

To: Betsy Amend <bamend@markesanwi.gov>, William Pflum <wpflum@markesanwi.gov>

Betsy and Wil,

I have prepared a letter to send t regarding the violations of the City's property maintenance ordinance. Ordinance 273- 8 thru 273-12 require me to give him a maximum of 30 days to correct the violations. He would get the option of requesting an appeal before the Common Counsel.

After the 30 days, the Building Inspector can placard the building or the City can start issuing citations for each day the property continues in violation to the ordinances.

Does the City want me to state the 30 day time limit for correction or take another course? Please advise.

Timothy Tripp
General Engineering Company
Municipal Building Inspector
Office 608.745.4070
Cell 608.617.6873

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* Does the committee want this to be the procedure for all subsequent properties going forward?