

City of Black River Falls
COMMON COUNCIL – AGENDA

Tuesday – August 5, 2025 – 6:00 PM
City Hall – 101 S. Second Street, Black River Falls, WI

Join Zoom Meeting:

<https://us02web.zoom.us/j/86241711746?pwd=3jlmdQUH6aHx285zbkkyh27Na3byaM.1>

Or Dial: 1-312-626-6799

Meeting ID: 862 4171 1746

Password: cityhall

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Reading of the Minutes of the July 16, 2025 Special Common Council Meeting – Action
5. Citizens in Attendance
6. Committee Reports:
 - a. Plan Commission July 16, 2025
 - b. Utility Commission June 28, 2025
7. **ORDINANCE 897** – An ordinance creating Chapter 21 of the Code of Ordinances for the City related to sex offender residency – 2nd Reading / Possible Action
8. Consider recommendation from the Plan Commission to grant a variance/exception to Section 17.29 of the Code of Ordinances of the City of Black River Falls to allow the Ed & Pat Davis Family Trust to install a vinyl mural on over 25% of window panes and install vinyl lettering and mural on the outside of the glass at 34 South First Street – Action
9. Request to sell 2020 Dodge Caravan by sealed bids – Action
10. Wal-Mart Real Estate Business Trust Settlement Agreement – Action
11. Scooter, E-Bike regulations – Discussion
12. Meetings: Committee of the Whole **Wednesday, August 20, 2025 6:00 PM**
13. Adjourn

Posted: August 1, 2025

The Common Council met in special session at City Hall in the City of Black River Falls on July 16, 2025 at 6:00 P.M. Alderpersons Ammann, Peloquin, M. Rave, Dougherty, Gearing-Lancaster, and Wussow were present. Alderperson Busse attended remotely via Zoom meetings. Mayor Eddy was excused. Alderperson E. Rave was absent. Council President Busse presided.

There were 18 citizens in attendance as Mark Nordahl took the oath of office to become the new Fire Chief for the Black River Falls Fire Department.

It was moved by Alderperson Peloquin, seconded by Alderperson Dougherty to dispense with the reading of the minutes of the July 1, 2025 Common Council meeting and approve as presented. Motion carried.

CITIZENS IN ATTENDANCE

There were no citizens in attendance.

It was moved by Alderperson Dougherty, seconded by Alderperson Gearing-Lancaster to place on file the minutes of the July 2, 2025 Plan Commission meeting. Motion carried.

It was moved by Alderperson Wussow, seconded by Alderperson Gearing-Lancaster to place on file the minutes of the July 7, 2025 Ad Hoc Branding Committee meeting. Motion carried.

It was moved by Alderperson M. Rave, seconded by Alderperson Peloquin to place on file the minutes of the July 8, 2025 Joint Review Board meeting. Motion carried.

There was discussion on concerns submitted by downtown business owner Tyson Clarke regarding motorized scooters on downtown sidewalks. The City Administrator will research what other municipalities have in place and work with the City Attorney to draft an ordinance for consideration.

The Department Head monthly reports were reviewed. Department heads present were Mark Nordahl, Travis Brown, Darryl Nelson, Jarod Mayer, and Brad Chown. Cara Hart was excused.

1. The Parks & Recreation Director advised Festival in the Park was well attended and people were very impressed with the band and the fireworks.
2. The Police Chief advised they have two candidates for the last remaining full-time Patrol Officer position and hope to have someone on board in the coming weeks.

It was noted that Monroe County was listed in error in multiple locations on the proposed CSM submitted by Jason R. Osborne, and this will need to be corrected.

It was moved by Alderperson M. Rave, seconded by Alderperson Ammann to approve the Certified Survey Map (CSM) submitted by Jason R. Osborne on behalf of Robin & Leah Warden for land located on Melrose Street and South Eleventh Street with corrections. Motion carried.

It was moved by Alderperson Dougherty, seconded by Alderperson Gearing-Lancaster to approve a variance/exception to Section 17.29 of the Code of Ordinances of the City of Black River Falls to allow Wisconsin Housing Preservation Corp (WHPC) to construct a sign in an R-3 Multi-Family Residential District at 200 North Fourteenth Street. Motion carried.

It was moved by Alderperson M. Rave, seconded by Alderperson Dougherty to approve vouchers for June 2025 Check #75661 - #75780 totaling \$406,144.79. Motion carried.

It was moved by Alderperson Wussow, seconded by Alderperson M. Rave to approve the City Treasurer's Report for June 2025. Motion carried.

It was moved by Alderperson M. Rave, seconded by Alderperson Peloquin to approve the Revenue & Expense Report for June 2025. Motion carried.

It was moved by Alderperson Peloquin, seconded by Alderperson Dougherty to adjourn. Motion carried at 6:47pm.

A. Brad Chown, City Administrator

The Plan Commission met at City Hall in the City of Black River Falls on July 16, 2025 at 5:30 P.M. Commissioners Mike Rave, Randy Eddy, Jared Smith, and Dennis Guenther were present. Mayor Jay Eddy, and Commissioners Marc McDowell and Anneliese Eddy were excused. Commissioner Mike Rave presided.

1. Commissioner Mike Rave called the meeting to order at 5:30 P.M.
2. Commissioner Mike Rave opened the public hearing regarding the petition of Ed & Pat Davis Family Trust requesting a variance/exception to Section 17.29 of the Code of Ordinances for the City of Black River Falls to allow the installation of a vinyl mural on over 25% of window panes and placing the vinyl lettering and mural on the outside of the glass.
3. The City Administrator explained the existing sign ordinance does not allow window signs to cover more than 25% of the pane they are installed on and also requires vinyl to be installed on the inside of windows.
4. There were no citizens in attendance.
5. No one spoke against the request.
6. It was moved by Commissioner R. Eddy, seconded by Commissioner D. Guenther to close the public hearing. Motion carried at 5:46pm.
7. It was moved by Commissioner R. Eddy, seconded by D. Guenther to recommend the Common Council approve a variance/exception to Section 17.29 of the Code of Ordinances of the City to allow Ed & Pat Davis Family Trust to install a vinyl mural on over 25% of window panes and place the vinyl lettering and mural on the outside of the glass at 34 South First Street. Motion carried.
8. It was moved by Commissioner J. Smith, seconded by Commissioner R. Eddy to adjourn. Motion carried at 5:49 P.M.

A. Brad Chown
City Administrator

BLACK RIVER FALLS UTILITY COMMISSION MEETING MINUTES

July 28, 2025

Utility Commission President John Lund called a meeting of the Black River Falls Municipal Utility Commission to order on July 28, 2025 at 3:29 p.m. in the Utility Conference Room at 349 South McKinley Street. Commissioners in attendance were Jeff Amo, Justin Dougherty, Jay Eddy and Don Mathews. Also present were General Manager Casey Engebretson, Office Manager Sam Linehan, and Garrett Aleckson (Banner Journal).

A motion was made by Commissioner Mathews and seconded by Commissioner Amo to approve the minutes from the June 30, 2025 regular meeting.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion carried.

A motion was made by Commissioner Eddy and seconded by Commissioner Dougherty to approve the accounts payable vouchers; VC #42959; CK #42998 – 43071; EP #100935 – 100941 and #100946 – Totaling \$730,694.30.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

The Commission reviewed the June 2025 arrears.

The Commission reviewed the 2nd Quarter (June) financial statements.

Casey Engebretson presented a comparison of sonic drilling vs. mud rotary drilling to the Commission. Casey also explained the process of drilling, test pumping, and water quality testing in both the unconsolidated and Mt. Simon formations, and the projected costs associated with both. Commissioner Amo stated with the uncertainty of water capacity and quality when drilling a new well, he inquired whether it would be beneficial for the water utility to look at constructing a new water tower versus drilling and constructing a new well. The Commission asked Casey to reach out to SEH to determine if a tower would enable us to adequately serve future expansion of water customers or if a new well is the best option. Casey stated if SEH recommends a new well, he would get the proposal from SEH and hold a special meeting to approve. If a new tower is a viable option, then Casey will provide more information at the next meeting.

Casey Engebretson informed the Commission that new batteries and charger were delivered for German Hill and Lincoln substations. Casey has reached out again to EPS to schedule completion of the German Hill rebuild.

Casey Engebretson presented three (3) contribution requests to the Commission.

A motion was made by Commissioner Mathews and seconded by Commissioner Amo to contribute \$440 to the Jackson County historical Society.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

A motion was made by Commissioner Mathews and seconded by Commissioner Dougherty to contribute \$1,000 to the Tiger Football 222 Fundraiser.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

BRFMU IS AN EQUAL OPPORTUNITY PROVIDER

A motion was made by Commissioner Eddy and seconded by Commissioner Amo to contribute \$1,000 toward the revitalization of the historical monument located at the Utility's Power House property.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

Casey Engebretson informed the Commission that the two (2) Congressional Directed Spending grant requests were both denied grant funding.

Casey Engebretson provided a short update on the Low Income Home Energy Assistance Program (LIHEAP). The entire LIHEAP staff at the federal level was terminated and approximately \$400,000,000 of funds previously appropriated by Congress were frozen. Those funds have since been released. MEUW's Washington D.C. lobbyist believes Congress will likely appropriate new funding in the future and either figure out federal level staffing or determine a way for funding to go directly to the states.

Next Meeting: August 25, 2025 @ 3:30 p.m.

A motion was made by Commissioner Amo and seconded by Commissioner Dougherty to adjourn the meeting at 4:18 p.m.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

Casey Engebretson, General Manager
comm.mtg.minutes.7.28.2025

CITY OF BLACK RIVER FALLS ORDINANCE NO. 897

AN ORDINANCE CREATING CHAPTER 21 OF THE CODE OF ORDINANCES FOR THE CITY OF BLACK RIVER FALLS, JACKSON COUNTY, WISCONSIN RELATING TO SEX OFFENDER RESIDENCY

The Common Council of the City of Black River Falls, Jackson County, Wisconsin do ordain as follows:

Section 1. **CHAPTER 21** in the Code of Ordinances of the City of Black River Falls is hereby created to read as follows:

CHAPTER 21

21.01 Title.

21.02 Recitals.

21.03 Purpose.

21.04 Definitions.

21.05 Residency restriction.

21.06 Residency restriction exceptions.

21.07 Safety zones.

21.08 Safety zone exceptions.

21.09 Original residency restriction.

21.10 Sale or rental of property for use by sex offenders.

21.11 Enforcement.

21.12 Petition for exemption and appeals.

21.01 Title.

This Ordinance shall be entitled the "Sex Offender Residency Ordinance."

21.02 Recitals.

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The city is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

The city council has reviewed findings in several studies related to recidivism and risk related to individuals who have committed sex crimes. Those studies include the following:

- Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about sex offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in 33 adult men experience an attempted or completed sexual assault; that approximately 67 percent of all victims of reported

sexual assaults are under age 18 and more than half are under age 12; and that about 12 to 24 percent of sex offenders will re-offend.

- U.S. Department of Justice, Bureau of Justice Statistics—Recidivism of Sex Offenders Released from Prison in 1994. This study found that compared to non-sex offenders released from state prisons, released sex offenders were four times more likely to be re-arrested for a sex crime.

- Correctional Service Canada—Forum on Corrections Research. This study of 178 sex offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5 percent of sex offenders in the study sexually recidivated and 40.4 percent of the sex offenders were arrested, convicted, or returned to a psychiatric facility for a violent offence.

- California Research Bureau—The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A Literature Review. This study found that at the time it was written 22 states had enacted some form of residency restriction that prohibits sex offenders from living within a certain distance of schools, daycare centers, or places where children congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.

- National Bureau of Economic Research—There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims' homes. It also found that prices of homes near sex offenders declined considerably following an offender's arrival in the neighborhood.

- An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri. This study found that while in Michigan, residency restrictions led to a slight increase in recidivism, in Missouri, the reconviction rate declined.

- Whereas the Common Council acknowledges that literature on sex offender recidivism, sex offender desistance, and sex offender residency restrictions contains studies which report varying effectiveness of certain strategies. The Common Council intends to use these strategies and studies to best create a regulatory framework which protects the children of the City of Black River Falls yet allows for a constructive and safe assimilation of designated sex offenders into the community.

- The Common Council finds that the risk of recidivism decreases over time from the date of the last conviction, especially in circumstances where offenders have community connections, goals, and employment. The Common Council is also aware that absent a domicile clause, the city would have open doors for nonresident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, thereby increasing potential negative impacts on the health, safety, welfare, and additional cost to the city and its residents. Studies show increased recidivism rates for offenders who frequently move or do not have established community networks. These studies support maintaining a domicile clause thereby limiting designated offenders with no ties to the community and increasing the likelihood that a designated offender implements appropriate and existing community support while allowing the community to remain intelligently attentive, aware, and provide adequate and appropriate intervention if needed.

- The Common Council further acknowledges difficulties and risks associated with designated offenders who are left homeless if reasonable efforts and considerations are not made to enable said individuals to secure proper housing, as long as the need to protect the health, safety and welfare of the public is prioritized.

• Accordingly, the Common Council has created this regulatory measure designed to protect the health and safety of the children in the city against the threat posed by certain designated sex offenders. Sex offenders who prey on children represent a substantial danger to victims, target a particularly vulnerable group within the community who are less able to articulate or report abuse, and create a significant impact on law enforcement time and community resources to investigate abuses and mitigate risks. This chapter is also intended to demonstrate the city's resolute goal of protecting children in areas of potential vulnerability and impart the community's confidence by demonstrating safe, productive, and law-abiding behavior while residing within the city. It is the intent of the Common Council that this regulatory scheme is civil and nonpunitive to serve the city's compelling interest to promote, protect, and improve the health, safety, and welfare of all citizens of the city.

Based on the above studies and other information presented to the Common Council, the Council determines that the restrictions set forth in this section serve the purpose of protecting the public health, safety, and welfare from the risk of recidivism of sex offenders. The Council further determines that the intent and effect of this article is not to banish sex offenders from residing within the city, and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the city in compliance with the requirements of this article.

The Council further determines that the opportunity for individualized consideration of the risks and benefits of residency restrictions on a case-by-case basis is the best approach to achieve the purposes of this article and, to that end, this article establishes an "exemption" process by which a sex offender may seek an exemption from its residency restrictions by petition, which is further covered by an appeals process.

21.03 Purpose.

The purpose of this article is to protect the public health, safety, and welfare in the City by regulating the residency of sex offenders.

21.04 Definitions.

(a) Sex offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a sexually violent offense or a crime against children.

(b) Sexually violent offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).

(c) Crime against children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault.

Wis. Stat. § 940.225(3) Third Degree Sexual Assault.

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist.

Wis. Stat. § 940.30 False Imprisonment — Victim was Minor and Not Offender's Child.

Wis. Stat. § 940.31 Kidnapping — Victim was Minor and Not Offender's Child.

Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225).

Wis. Stat. § 944.06 Incest.

Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02).

Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02).

Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07).

Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child.

Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child.

Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child.

Wis. Stat. § 948.05 Sexual Exploitation of a Child.

Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity.

Wis. Stat. § 948.06 Incest with a Child.

Wis. Stat. § 948.07 Child Enticement.

Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime.

Wis. Stat. § 948.08 Soliciting a Child for Prostitution.

Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff.

Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material.

Wis. Stat. § 948.12 Possession of Child Pornography.

Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children.

Wis. Stat. § 948.30 Abduction of Another's Child.

Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense.

Wis. Stat. § 975.06 Sex Crime Law Enforcement.

(d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

(e) City. Means the City of Black River Falls, located in Jackson County, Wisconsin.

21.05 Residency restriction.

(a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 750 feet of any real property upon which there exists any of the following uses:

- (1) A school for children.
- (2) A public park, park facility, or pathway.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.

- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center
- (10) Designated School Bus Stops (pick-up/drop-off) as provided by the Black River Falls School District and the Ho-Chunk Nation.

(b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the sex offender's residence is located to the closest boundary line of the real property of the applicable use. A map depicting the above-enumerated uses and the resulting residency restriction distances shall be created annually. Such map shall be the official map for purposes of this section until the new annual map is created and filed annually. The official map shall be on file in the office of the City Clerk for public inspection.

21.06 Residency restriction exceptions.

A sex offender residing within an area otherwise prohibited by section 21.05 does not commit an offense if any of the following apply:

- (1) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- (2) The person had established a residence, as defined in section 21.04(d) above, at the location prior to the effective date of this article.
- (3) The use enumerated in section 21.05(a) was established after the sex offender established a residence at the location and registered that residence as required by law.
- (4) The sex offender is a minor or ward under guardianship.
- (5) The designated offender's most recent offense, which falls under section 21.04 above occurred more than ten years ago and it has been at least ten years since the designated offender has completed any period of incarceration or court mandated supervision for any offense.

21.07 Safety zones.

No sex offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (1) A school for children.
- (2) A public park, park facility, or pathway.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center.

21.08 Safety zone exceptions.

A Sex Offender present in an area otherwise prohibited by section 21.07 does not commit an offense if any of the following apply:

(1)The property supporting a use enumerated in section 21.07 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

- a. Entrance and presence on the property may occur only during hours of worship or other religious program or service.
- b. The person may not participate in any religious education programs that include individuals under the age of 18.

(2)The property supporting a use enumerated in section 21.07 also supports a use lawfully attended by the sex offender's natural or adopted child or children, which child's use reasonably requires the attendance of the sex offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

(3)The property supporting a use enumerated in section 21.07 also supports a polling location in a local, state, or federal election, subject to the following conditions:

- a. The sex offender is eligible to vote.
- b. The polling location is the designated polling location for the sex offender.
- c. The sex offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(4) The property supporting a use enumerated in section 21.07 also supports a school lawfully attended by the sex offender as a student, provided that the sex offender may only remain on the property at such times that are reasonably required for his or her educational purposes.

(5) The property supporting a use enumerated in section 21.07 also supports a police station, City Hall, or other governmental building, provided that the sex offender vacates the property immediately after completing the activity that required his or her presence at the property.

21.09 Original residency restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in section 21.06, no sex offender may establish a residence in the city unless he or she was a resident of the city at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a sex offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the sex offender's family at the time the sex offender establishes residence therein. For purposes of this section, a member of a sex offender's family means the sex offender's mother, father, brother, sister, child, or grandparent.

21.10 Sale or rental of property for use by sex offenders.

No person may sell or rent any place, structure, or part thereof with knowledge that it will be used as a residence by any sex offender that is prohibited from establishing residence therein by this article.

21.11 Enforcement.

A person violating this article shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$1,000.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this article are also deemed public nuisances, and the city may bring an action in circuit court to enjoin or abate any violation.

21.12 Petition for exemption.

(a) Procedure. A designated offender may request an exemption from this chapter by submitting a written request for exemption, including any pertinent rationale for an exemption, to the Black River Falls Police Department prior to establishing a residence that would be in violation of this chapter or within 30 days after notification that the designated offender is in violation of this chapter. The City shall provide the appropriate form. The Chief of Police or his/her designee shall conduct a review of the request for an exemption using any pertinent information and the criteria set forth in this Chapter. The Chief of Police or his/her designee shall approve an exemption, approve an exemption subject to necessary conditions (hereafter "conditional exemption"), or deny the request. The Chief of Police or his/her designee shall issue the decision within 30 days of receiving the request for exemption and shall provide a written copy of that decision to the designated offender, City Administrator, and the city attorney's office. Any request for an exemption which has not been approved, approved for a conditional exemption, or denied by the Chief of Police or his/her designee within 30 days of the request shall be deemed to be denied for the purpose of this chapter.

(b) The decision by the Chief of Police or his/her designee may be appealed by the designated offender within 30 days by submitting a written appeal to the City's Administrative Review Appeals Board as established under Chapter 6 of the City of Black River Falls Code of Ordinances (hereafter "the board") via the City Administrator's office. The City shall provide the appropriate form. The board shall hold a hearing on each appeal within thirty (30) days of the City Administrator's actual receipt of the written appeal, during which the board may review any pertinent information and may accept oral and written statements from any person.

(c) The Chief of Police or his/her designee and/or the board shall base their decision upon any factors related to the city's interest in promoting, protecting, and improving the health, safety, and welfare of the community, including, but not limited to:

- (1) The nature of the predicate offense causing the appellant to be a designated offender.
- (2) Police reports related to the predicate offense if available.
- (3) Proximity of the requested residence to the victim.
- (4) The age of the offense, offender, and victim.
- (5) Recommendation of the probation or parole officer, if one exists.
- (6) Recommendation of the police department.
- (7) Recommendation of any treatment practitioner.
- (8) Proposals for safety measures and assurances by the designated offender.
- (9) Conditions to be placed on any exception or variance from the requirements of this chapter.

- (10) Support systems in place by the designated offender.
- (11) Who the designated offender will be or is living with at the prohibited location.
- (12) Statements of the surrounding community or victim.
- (13) Treatment, sobriety, or rehabilitative measures taken by the designated offender.
- (14) The designated offender's current employment or social activities.
- (15) The designated offender's criminal history.
- (16) Whether the designated offender meets any of the exceptions listed in this Chapter.

(d) The board shall issue a decision by a majority vote. The board may decide to deny an exemption, issue an exemption, or issue a conditional exemption. A written copy of the decision shall be provided to the designated offender in person or by first-class mail at the designated offender's last-known address. A designated offender must consent to the terms of the conditional exemption for the conditional exemption to be valid and must demonstrate acceptance of the terms of the conditional exemption by signing and dating a copy of the board's decision and conditions. The designated offender must provide a copy of the signed conditional exemption to the City Administrator's office and the City of Black River Falls Police Department. The designated offender will have fourteen (14) days from the date the written conditional exemption is issued to accept and return a signed copy to the appropriate locations, or the conditional exemption will be deemed as void and the appeal denied by the board. A designated offender need not sign an exemption that has been denied by the board or an exemption approved without any necessary conditions by the board.

(e) A conditional exemption may include, but is not limited to, the following terms:

- (1) Curfew restrictions.
- (2) Cohabitant restrictions or requirements.
- (3) Sobriety restrictions.
- (4) Conduct restrictions.
- (5) Residency restrictions.

(f) If an exemption or conditional exemption is granted by the Chief of Police or his/her designee or the board, that exemption will only apply to the specific designated offender who had applied for the exemption at the requested residence and shall not be transferable to any other or to any other location.

(g) An exemption expires when the designated offender who was granted said exemption changes his/her domicile and/or changes his or her residence, whether within the city or outside the city.

(h) An exemption or conditional exemption issued by the Chief of Police or his/her designee or the board may be revoked by the Chief of Police or his/her designee if the designated offender is found to have violated the conditions or there is probable cause to believe the designated offender has committed (an) additional act(s), which had occurred either before or after the exemption or conditional exemption was issued, that would cause a person to be classified as a designated offender. The Chief of Police or his/her designee shall provide written notice to the designated offender that the exemption or conditional exemption has been revoked. This notice shall be deemed properly delivered if sent by either first class mail to the designated offender's last known address or if delivered in person to the designated offender's last known address. If the

designated offender cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the designated offender's address which had been exempted in the presence of some competent member of the family at least fourteen (14) years of age or a competent adult currently residing there. If notice cannot be so served, it may be served by publishing a Class I notice. The revocation of an exemption may be appealed to the board pursuant to the above procedure.

(i) For the purposes of this chapter, pursuant to Section 68.16, Wisconsin Statutes, the City of Black River Falls is specifically electing not to be governed by Chapter 68, Wisconsin Statutes. As such, appeals under this Chapter shall be heard by the Administrative Review Appeals Board established under Chapter 6 of the City of Black River Falls Code of Ordinances, but the process of such appeals shall be governed by this Section 21.12 rather than as may be set forth in the aforementioned Chapter 6, as allowed by section 6.06 thereunder.

(j) If the board denies the request for exemption or upholds a revocation of exemption or conditional exemption, the designated offender may appeal the decision within thirty (30) days to the circuit court.

(k) The City Administrator shall approve official forms for (i) requests for exemption, and (ii) appeals to the City's Administrative Review Appeals Board.

Section 2. Severability. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

Section 3. Effective Date. This ordinance becomes effective upon passage and publication as required by law.

ATTEST:

Jay Eddy, Mayor

A. Brad Chown, City Administrator

DATE PASSED: _____

DATE PUBLISHED: _____

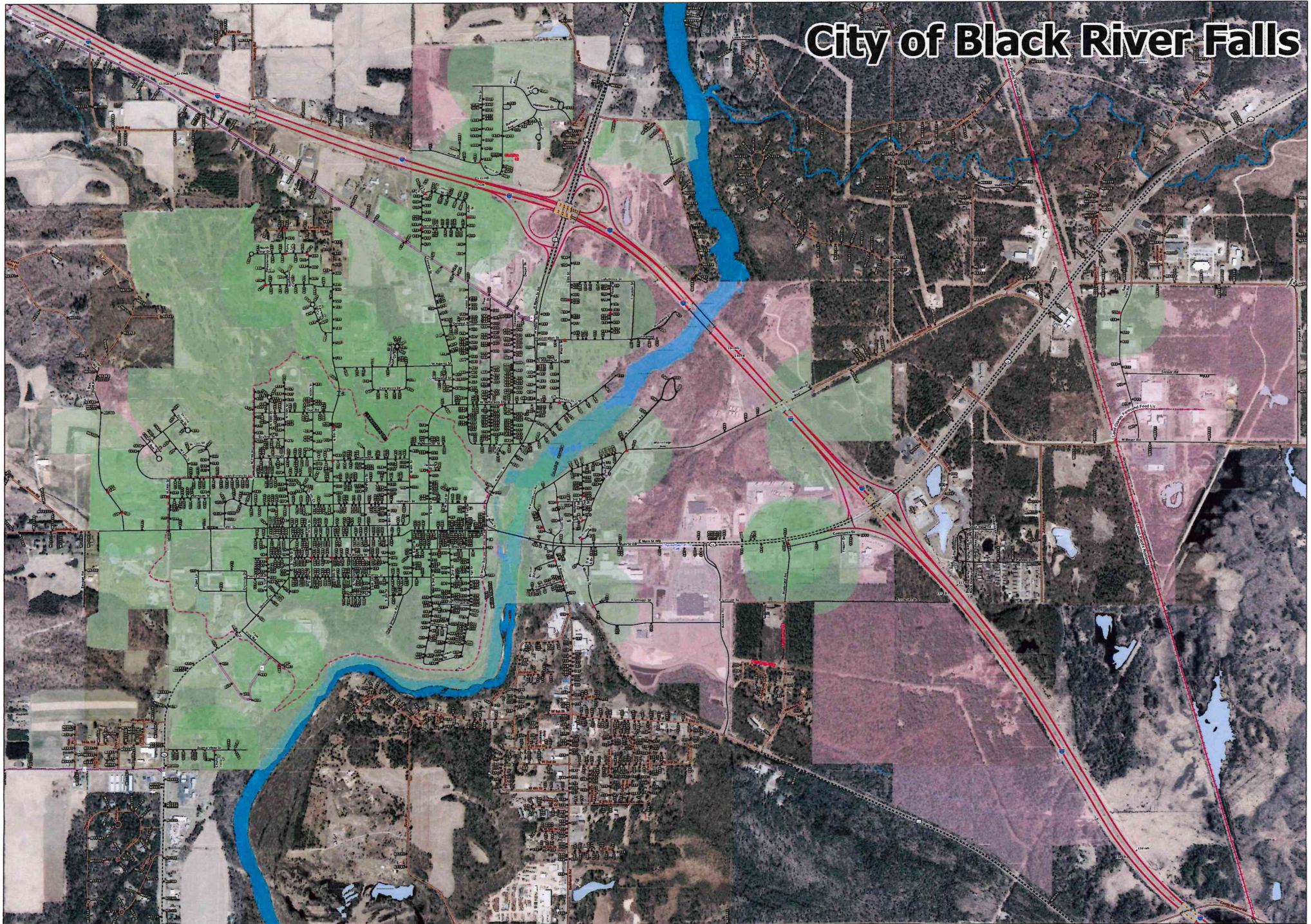
ACKNOWLEDGEMENT

State of Wisconsin)
) ss.
County of Jackson)

Personally came before me this ____ day of _____, 2025, the above-named Jay Eddy and A. Brad Chown, to me known to be the Mayor and City Administrator of the City of Black River Falls, Jackson County, Wisconsin respectively, and to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public - State of Wisconsin
My commission expires _____.

City of Black River Falls



Sex Offender Residency Restriction Map

Residency Restriction

1 School for Children

Parcel	206-2278.0000	Forrest Street / Red Creek Schools
Parcel	206-2570.0000	Black River Falls Middle and High School

2 & 5 Public Park, Park Facility or Pathway (See Also: "Foundation Trail" Tab) / Public Playground

Parcel	206-1645.0000	Al Young Park
Parcel	206-1848.0000	Cheyney Park
Parcel	206-2620.0000	Rock Springs Park
Parcel	206-2620.0000	Sig Peterson Park
Parcel	206-1377.0000	Field of Honor - Jaycee Shelter
Parcel	206-1384.0000	Field of Honor - Lions Shelter
Parcel	206-1385.0000	Field of Honor - Veteran's Memorial
Parcel	206-0166.0000	Mills Hill Park
Parcel	206-1930.0000	Skyline Golf Course
Parcel	206-2337.0005	Skyline Golf Course
Parcel	206-2525.0000	Skyline Golf Course
Parcel	206-2541.0005	Skyline Golf Course
Parcel	206-2551.0000	Skyline Golf Course
Parcel	206-2565.0000	Lunda Community Park / Hoffman Aquatic Center
Parcel	206-2175.0000	Pet Park
Parcel	206-1276.0010	Walking Path - Lallapalooza Estates
Parcel	206-1276.0020	Walking Path - Lallapalooza Estates
Parcel	206-1276.0025	Walking Path - Lallapalooza Estates
Parcel	206-1276.0030	Walking Path - Lallapalooza Estates
Parcel	206-1276.5000	Walking Path - Lallapalooza Estates
Parcel	206-1276.5600	Walking Path - Lallapalooza Estates
Parcel	206-1276.5700	Walking Path - Lallapalooza Estates
Parcel	206-1276.6200	Walking Path - Lallapalooza Estates
Parcel	206-1276.6300	Walking Path - Lallapalooza Estates
Parcel	206-1276.6400	Walking Path - Lallapalooza Estates
Parcel	206-1276.6500	Walking Path - Lallapalooza Estates
Parcel	206-1276.6600	Walking Path - Lallapalooza Estates
Parcel	206-2328.0000	Black River Area Child Care Service
Parcel	206-2335.0005	Black River Area Child Care Service
Parcel	206-1956.0005	Black River Falls Head Start Center

4 Public Library

Parcel	206-0599.0000	Black River Falls Public Library
--------	---------------	----------------------------------

6 Public Athletic Field

Parcel	206-2341.0000	Marks Field
Parcel	206-2339.0005	Marks Field Parking Lot
Parcel	002-0160.0030	Soccer Field (Town of Adams)
Parcel	206-2560.0000	Soccer Field
Parcel	206-2627.0000	Milt Lunda Memorial Arena / Fair Park

7 Residential Care Centers for Children

Parcel 206-2625.0005 Tadpoles Daycare & Little Ryno's Child Care

8 Public Swimming Pool

Parcel 206-2214.0005 Day's Inn

9 Public Community Center

Parcel 206-2577-0015 Lunda Community Center

Foundation Trail Parcels

Start at Chamber headed West and ending at Chamber

Parcel Numbers
206-1389.0000
206-1388.0000
206-0451.0000
206-0452.0000
206-2287.0000
206-2382.0000
206-2384.0000
206-2338.0000
206-2337.0000
206-2337.0005
206-2337.0010
206-2341.0000
206-2370.0000
206-2366.0000
206-2541.0005
206-2551.0000
206-2565.0000
206-2570.0000
206-2557.0010
206-2577.0015
206-2576.0000
206-2575.0000
206-2625.0000
206-2630.0000
206-2627.0000
206-2620.0000
206-1645.0000
206-1639.0000
206-1634.0000
206-1632.0005
206-1640.0000
206-1630.0005
206-1628.0005
206-1625.0000
206-0656.0000
206-1389.0000

Bus stops within Black River Falls City Limits
Updated 6/25/2025

1. 125 Rye Bluff Road
2. 145 Rye Bluff Road
3. 200 N. 14th Street
4. 10th & Harrison
5. 11th & Fillmore
6. 9th & Fillmore
7. 8th & Fillmore
8. 6th & Fillmore
9. 8th & Monroe
10. 519 N 8th Street
11. 402 Pineview Road
12. Buena Vista Drive & Chula Vista Drive
13. Black River Child Care Center (725 N 8th Street)
14. West Wind Drive @ the SW curve
15. North Star Drive @ the NE curve
16. North Star Drive & Pony Lane
17. Pony Lane & Larson Road
18. Anne & Pine
19. 301 N 4th Street
20. N 3rd Street & Jackson
21. Jefferson Street @ the alley between Chestnut & Pine
22. City Hall/Library (222 Fillmore)
23. Forrest & Gordon
24. Forrest & Clifton
25. Western Dairyland Head Start (905 Alder)
26. N6695 Riverview Drive
27. N6641 Riverview Drive
28. 650 Elm Street
29. Rose Street Middle of the block (fluctuates from year to year)
30. Washington Street @ the cemetery
31. Jefferson & Maple
32. Winnebago & N McKinley
33. Oak & NE 2nd Street
34. 205 Oak Street
35. N Roosevelt & Winnebago
36. Cedar & NE 3rd Street
37. 24 N Roosevelt
38. Gebhardt & Wilson
39. Gebhardt & Cleveland
40. S McKinley & E Lincoln
41. Days Inn (919 Hwy 54)
42. Aptiv (720 Red Iron Road)

ed@davisengineering.com

FOR INSPECTIONS CALL:		GENERAL BUILDING PERMIT APPLICATION			PERMIT #	
		GENERAL ENGINEERING COMPANY OFFICE: (608) 745-4070 FAX: (608) 745-5763			EXPIRATION DATE:	
Parcel Number:		Property is Located in ☐ Town of ☐ Village of ☒ City of			Municipality Number	
		Name: <u>Black River Falls</u>				
PROJECT DESCRIPTION (Submit Building Plans & Site Plan) <u>Window Vinyl Lettering & Window Mural (Historic Photo)</u>					Does this project require any additional approvals or permits? ☐ yes ☐ no	
Building Project Address: <u>34 South 1st Street</u>					Finished Project Value \$ <u>1000.00</u>	
Zoning District(s): <u>B-1</u>	Zoning Permit No.:	Corner Lot ☒ yes ☐ no	Bldg. Height Ft.	Setbacks:	Front	Rear
						Left
						Right
Owner's Name(s) <u>Ed & Pat Davis Family Trust</u>		Mailing Address <u>N4873 Markon Rd. Melrose, WI</u>			Telephone <u>715-896-3442</u>	
					Email <u>ed@davisengineering.com</u>	
Contractor Name & Type		Licen. / Cert #	Exp. Date	Mailing Address		Telephone & Email
Construction Contractor						Tel.
						Email
Dwelling Contractor Qualifier				The Dwelling Contr. Qualifier shall be an owner, CEO, COB or employee of the Dwelling Contr.		Tel.
						Email
HVAC Contractor						Tel.
						Email
Electrical Contractor						Tel.
						Email
Master Electrician						Tel.
						Email
Plumbing Contractor						Tel.
						Email
RESIDENTIAL Single Family/Duplex	Addition: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction _____ sq. ft. ☐ Erosion Control					
	Detached Accessory Building: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction _____ sq. ft.					
	Remodel: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction _____ sq. ft.					
	Other: ☐ Fence ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction _____ sq. ft. ☐ Erosion Control ☐ Electrical Service Upgrade (Amp _____) ☐ Removal of Structure (Raze) ☐ _____					
COMMERCIAL	New Commercial Building: _____ Bldg. Sq. Ft. ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction ☐ Erosion Control					
	Commercial Addition/Alteration: ☐ Electrical ☐ Plumbing ☐ HVAC ☐ Construction ☐ Erosion Control _____ Building Sq. Ft. ☐ Electrical Service (Amp _____) ☐ Fence ☐ Sign ☐ Removal of Structure (Raze)					
	State of Wisconsin Plan Approval Needed: ☐ yes ☐ no (Approved plans must be submitted with permit application)					
Zoning – When applicable, owner shall research setback information regarding height, lot coverage, etc. prior to submittal of this application.						
I agree to comply with all applicable codes, statutes and ordinances and with the conditions of this permit; understand that the issuance of the permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If I am an owner applying for an erosion control or construction permit, I have read the cautionary statement regarding contractor financial responsibility on the reverse side of the last page of this application. I expressly grant the building inspector or the inspector's authorized agent permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done. It is the Owner/Contractors Responsibility to Call in ALL INSPECTIONS to the Inspector.						
APPLICANT'S SIGNATURE <u>Edward Davis</u>					DATE SIGNED <u>6/20/25</u>	
APPROVAL CONDITIONS This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. ☐ See attached for conditions of approval.						
BELOW SECTION FOR OFFICE USE ONLY						
FEES:		PERMIT(S) ISSUED		PERMIT ISSUED BY:		
Construction	\$ _____	☐ Construction		Name _____		
Plumbing	\$ _____	☐ HVAC		Date _____ Telephone _____		
Electrical	\$ _____	☐ Electrical		Cert No. _____ Census Code _____		
HVAC	\$ _____	☐ Plumbing		<u>www.generalengineering.net</u>		
Zoning	\$ _____	☐ Erosion Control		VER. 1/3/2018		
Other	\$ _____	☐ Other _____				
Administrative	\$ _____					
Total Permit Fee	\$ _____					

Smiley Bear Design/Lyall White

Estimate of costs for building at 34 S. 1st Street for the Jackson County Historical Society

June 11, 2025

Window logo graphics/lettering installed \$450

Large window Historical BRF photo mural signage installed \$550

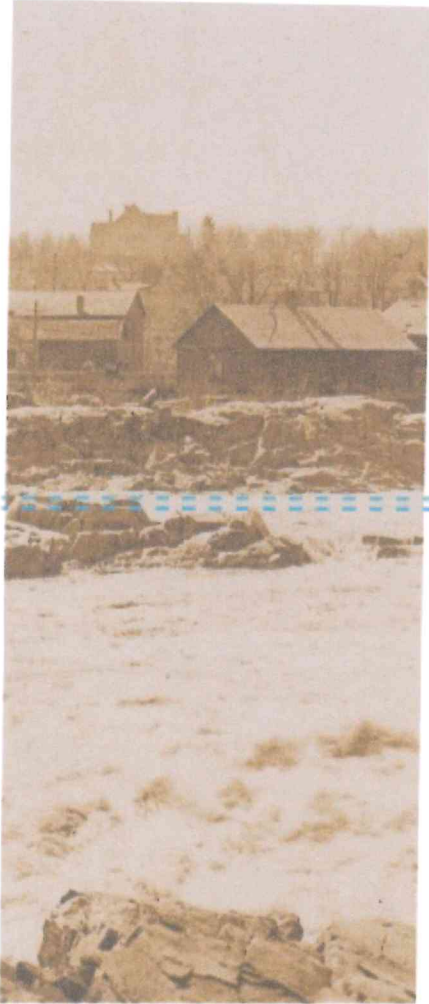
Grand total \$1000.00



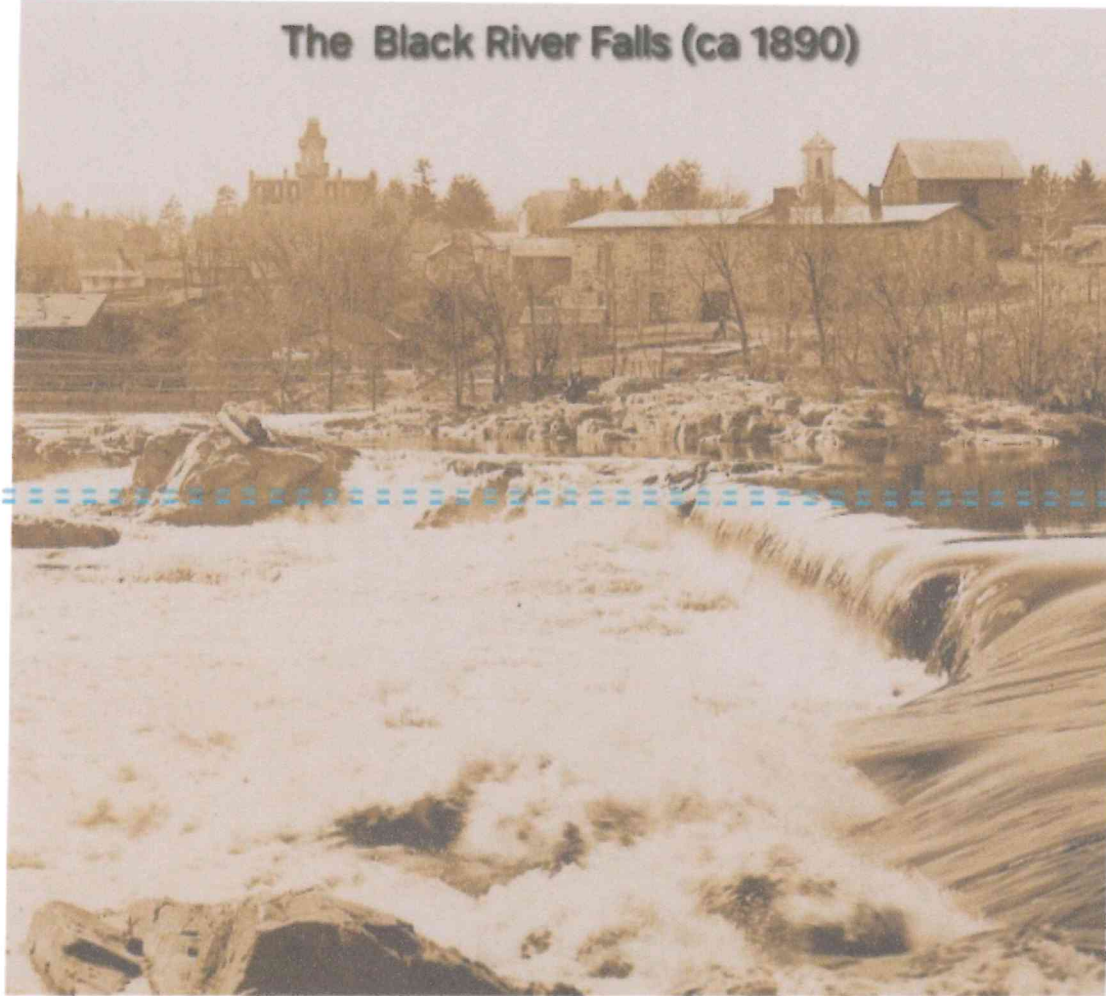
Large Window Mural

\$550

with install

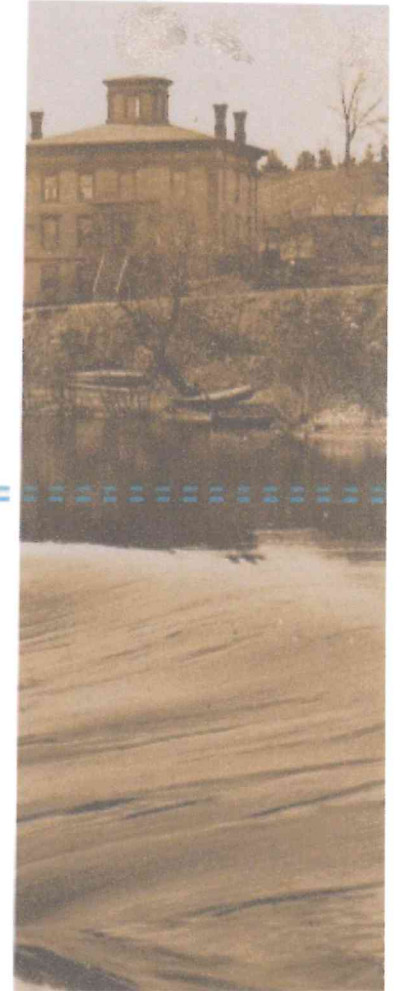


Window 29" X 70"



The Black River Falls (ca 1890)

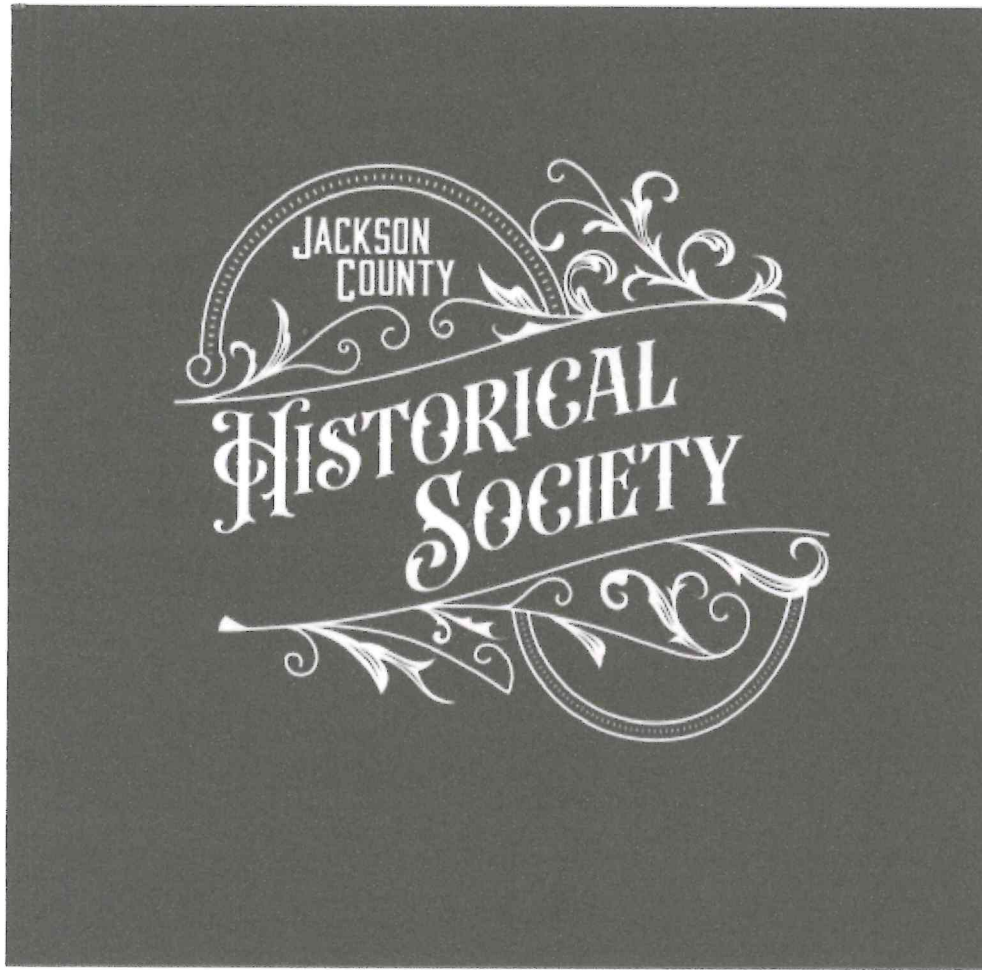
Window 76" X 70"



Window 29" X 70'

Graphic will have splice (overlap) indicated by blue lines

Window Graphics 1

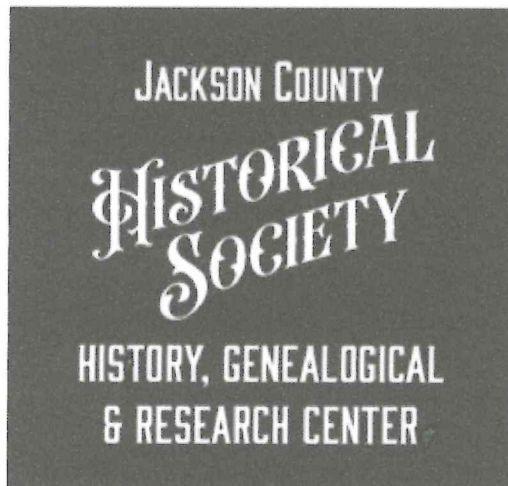
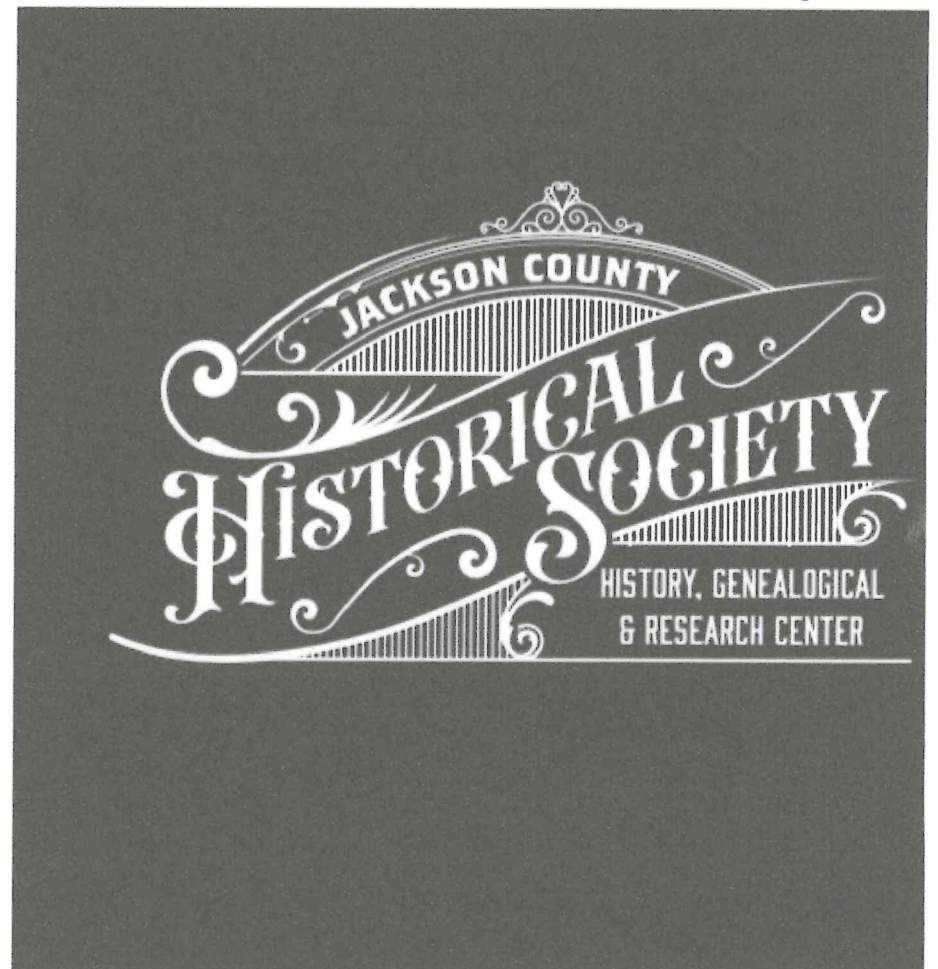


Door Window Graphics

\$450

with install

Window Graphics 2



Door Graphics 1

Window 72"wide X 70" high

17.29 SIGNS, CANOPIES, AWNINGS AND BILLBOARDS

A) Purpose of Sign and Billboard Regulations. The purpose of this Chapter is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the City of Black River Falls.

B) Signs, Canopies, Awnings and Billboards-Definitions. The following definitions are used in this Chapter:

- (1) Awning. A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (2) Billboard. A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (3) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (4) Canopy. A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (5) Sign. A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (6) Directly Illuminated Sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

ZONING CODE 17.29 (7)

- (7) Directory Sign. Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (8) Electronic Message Unit Sign. Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays but does not include Multiple Message Signs as defined herein.
- (9) Flashing Sign. Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (10) Grounds and/or Pole Sign. Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign").
- (11) Identification Sign. Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (12) Indirectly Illuminated Sign. Shall mean a sign that is illuminated from a source outside of the actual sign.
- (13) Marquee Sign. Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (14) Multiple Message Signs. An outdoor advertising sign, display or devices whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.
- (15) Nonconforming Sign. Any sign which does not conform to the regulations of this chapter.
- (16) Off-Premise Sign. Any sign, devise or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the service is located.
- (17) Portable Sign. Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.

ZONING CODE 17.29 (18)

(18) Premises. The land or building that is owned or occupied by the business, community group or individual proposing to erect a sign. Premise includes all contiguous lots or parcels owned or occupied by the same business, community group or individual.

(19) Projecting Sign. Any sign extending more than eighteen (18) inches, but less than six (6) feet from the face of a wall or building; such sign may not extend more than six (6) feet into the right-of-way.

(20) Real Estate Sign. Any sign offering for sale, lease, or rent the property upon which the sign is placed.

(21) Roof Sign. Any sign erected upon or over the roof or parapet of any building.

(22) Temporary Sign. Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

(23) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than eighteen (18) inches from such wall.

(24) Window Sign. Any sign located completely within an enclosed building and visible from a public way.

(C) Required Permits For Signs, Canopies, Awnings And Billboards.

(1) Application. Except those specified in Section 17.29(D), no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Chapter. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the City of Black River Falls. Signs shall not be erected or altered until a permit has been issued by the Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

(2) Required Information. Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.

(3) Fee. The fee for each sign permit shall be set by the City's building inspection firm.

ZONING CODE 17.29 (C)

(4) Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Building Inspector before the sign permit is granted.

(5) Inspection. Every sign shall be inspected and approved by the Building Inspector within thirty (30) days after it is erected or altered.

(6) Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Board of Zoning Appeals.

(D) Signs Excepted. All signs, awnings and canopies must have a sign permit, except the following, provided that the following exempt signs may not be located over a public road right-of-way or in, on or over public water:

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(3) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.

(5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

(6) Official signs, such as traffic control, parking restriction, information and notices.

(7) Temporary signs for a period not to exceed fourteen (14) days authorized by the Zoning Administrator.

(8) Rummage sale and auction sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.

(9) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar promotion

ZONING CODE 17.29 (D)

of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Plan Commission and subject to the following:

- (a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Plan Commission for approval.
- (b) The permitted size and location of any such sign shall be at the discretion of the Plan Commission based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- (c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one (1) year. An extension may be permitted for a period not to exceed two (2) years total.
- (d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine (9) months.
- (10) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
- (11) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (12) Flags and insignia of any government, (not affiliated with a religion or fascist creed), except when displayed in connection with commercial promotion.
- (13) Legal notices, identification information or directional signs erected by governmental bodies.
- (14) Integral decorative or architectural features of building, except letters, trademarks, moving parts or moving lights.
- (15) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(E) Signs Permitted.

- (1) Commercial and Industrial Districts. Signs are permitted in the B-5 Shopping Mall District and the Industrial Districts subject to the following restrictions:

ZONING CODE 17.29 (E)

(a) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) for any one (1) premises, and shall not exceed twenty (20) feet in height above the centerline street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than ten (10) feet above a driveway or an alley.

(c) Ground signs shall not exceed forty-five (45) feet in height above the centerline of the grade of the street from which the advertising is directed, and shall not exceed three hundred (300) square feet on one (1) side, nor six hundred (600) square feet on all sides for any one (1) premises. Any sign in excess of forty-five (45) feet in height requires a conditional use permit. Additionally, off-premise signs are subject to the set-back requirements of 17.29(1)(2)(i).

(d) Roof signs shall not exceed fifteen (15) feet in height above the roof, shall meet all yard requirements for the district in which it is located, shall be considered part of the structure in meeting all height requirements for the district in which it is located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.

(e) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed. Temporary painted specials on windows shall not be considered signs, but limited to 25% of glass area.

(d) Off-premise signs, displays and devices on or within the "adjacent areas" of all State, Freeway and Federal Aid Primary Systems, as defined in Chapter 84.30 of the Wisconsin Statutes, shall be regulated pursuant to Chapter 84.30 of the Wisconsin Statutes and Chapter Trans. 201, as revised, of the Wisconsin Administrative Code, provided, however, that where this Section (f) establishes more restrictive criteria for signs, then the provisions of this Section (f) shall supersede the state criteria. Spacing of signs along non-interstate highways shall be measured from other off-premise signs along the same side of the street and shall be at least three hundred (300) feet apart and not exceed three hundred (300) square feet per side. A State permit must be issued before a City permit is issued.

ZONING CODE 17.29 (E)

This is the sole Section for regulating off-premise signs for size and spacing. Additionally, off-premise signs are subject to the set-back requirements of 17.29(1)(2)(i).

(g) Directory signs for shopping centers are permitted as an alternative to ground signs, projecting signs and roof signs for individual stores in the shopping center. The top of a directory sign shall not exceed thirty (30) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not less than fifteen (15) feet above a driveway or alley. The double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center name shall not exceed ninety (90) square feet for one (1) side and a total of one hundred eight (180) square feet for all sides. That portion of the directory sign which advertises the individual store name shall not exceed fifteen (15) square feet for one (1) side and a total of thirty (30) square feet for all sides. Directory signs shall meet all side and rear yard requirements for the zoning district in which they are located.

(h) Any sign qualifying as more than one (1) of the above-listed types shall meet the requirements for each type.

(i) Bills and posters shall not be posted on the exterior of buildings or windows.

(2) **B-1 Commercial Districts.** Signs are permitted in the B-1 Commercial District subject to the following restrictions:

- (a) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) for any one (1) premises, and shall not exceed twenty (20) feet in height above the centerline street grade
- (b) Projecting signs fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than ten (10) feet above a driveway or an alley.
- (c) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed. Temporary painted specials on windows shall not be considered signs, but limited to 25% of glass area.

ZONING CODE 17.29 (E)

- (d) Other signs are permitted by conditional use permits subject to the restrictions of Section 17.29(E)(1).

(2) Other Commercial Districts. Signs are permitted by conditional use in the B-2 and B-3 Districts subject to the restrictions of Section 17.29 (E)(1).

(3) Residential Conservancy and Agricultural Districts. All signs are prohibited in the R-1, R-2, R-3, R-4, R-Duplex, Conservancy, Agricultural, Historic Preservation, Planned Unit Development and Flood Districts, except the following:

- (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (b) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
- (c) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.
- (d) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.
- (e) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (f) Official signs, such as traffic control, parking restrictions, information and notices.
- (g) Temporary signs or banners, when authorized by the Zoning Administrator.
- (h) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
- (i) House numbers or signs identifying parks or country clubs or official bulletin boards.

ZONING CODE 17.29 (E)

(j) An approved professional sign shall be a sign not exceeding six (6) square feet in area, stating only the name and business or profession of the occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move. Only one (1) such approved professional sign shall be maintained on a premise.

(F) Prohibited Signs.

(1) Signs Facing Residential Districts. No sign, except those permitted in Section 17.29(D) shall be permitted to face a residential district within fifty (50) feet of such district boundary.

(2) Traffic Interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

(3) Moving or Flashing signs. No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or be reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media, which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property, shall be permitted in any district.

(4) Number of Signs Permitted. No more than two (2) signs of any type shall be located on any premises, except that premises occupied by a shopping center may, as an alternative, have one (1) detached sign plus one (1) wall sign illuminated or otherwise for each place of business located in said shopping center provided that the aggregate total of all signs located on any premises so occupied shall not exceed the total area permitted for one (1) detached sign and one (1) wall sign as set forth in this Chapter. This Paragraph shall not apply to directional on-site signs or flat identification signs attached to buildings.

(G) Dangerous and Abandoned Signs.

(1) Removal. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of thirty (30) days or when, in the judgment of the Zoning Administrator such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first.

(2) Alterations. Any sign which was erected before the adoption of this sign Chapter shall not be rebuilt or relocated without conforming to all of the requirements of this Chapter.

ZONING CODE 17.29 (G)

(3) Violations. All signs constructed or maintained in violation of any of the provisions of this Chapter are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the City Council, or its designee, may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

(H) Variances or Exceptions. Exceptions to these sign regulations may be granted by the City Council, following a recommendation from the Plan Commission.

(I) Construction and Maintenance Regulation for Signs.

(1) Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.

(2) General Requirements.

(a) Construction Standards. Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall withstand a wind load pressure of thirty (30) p.s.f. of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.

(b) Roof Signs. No sign shall be located so as to project above the parapet line, unless approved by the Plan Commission. Roof sign structures shall be constructed entirely of steel or aluminum, and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.

(c) Illuminated Signs. Any illuminated signs shall not interfere with surrounding properties or traffic.

(d) Prohibited Mountings. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.

(e) Blanketing. Blanketing of signs shall not be allowed.

(f) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean,

ZONING CODE 17.29 (I)

sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

(g) Annexed Areas. All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

(h) Height Restrictions. All off-premise and on-premise signs must be constructed such that at least ten (10) feet of clearance exists between the bottom of the sign including any supporting structure, and the ground. Exceptions to this requirement can be granted by the Plan Commission as a Conditional Use Permit.

(i) Set-backs. Signs shall not be permitted within five (5) feet of a public right-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.

(3) Search Lights. The City Council may permit the temporary use of a search light, pennants, streamers or spinners for advertising purposes in any district provided that the use will not be located in any public right-of-way, will not be located closer than ten (1) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Such permits shall not be granted for a period of more than five (5) days in any six (6) month period.

(4) Signs on Public Rights-of-Way. Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

(J) Specific Requirements.

(1) Electronic Message Unit Signs.

(a) Such signs may be used only to advertise activities conducted on the premises or to present public service information pursuant to Section 17.29(F).

(b) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.

(c) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) light columns per second.

(2) Portable Signs.

(a) Such signs shall be limited to use to thirty (30) days at a time following approval by the Zoning Administrator provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign if it presents a vision obstruction and not more frequently than four (4) times per year at any one (1) location.

ZONING CODE 17.29 (J)

(b) The maximum size shall be twenty-five (25) square feet on each face, back-to-back.

(3) **MULTIPLE MESSAGE SIGNS.**

(a) Such signs are subject to the all other applicable provisions herein subject to the following restrictions.

1) The louver rotation time to change a message shall be one second or less.

2) The time a message remains in a fixed position shall be 6 seconds or more.

(K) **Nonconforming Signs.**

(1) **Signs Eligible for Characterization as Legal Nonconforming.** Any sign located within the City of Black River Falls limits on the date of adoption of this Chapter hereafter which does not conform to the provisions of this Chapter is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

(a) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance.

(b) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.

(2) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

(a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;

(b) The sign is relocated.

(c) The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

(d) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefore or shall be removed.

(3) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

(L) **Awnings and Canopies.**

(1) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder

ZONING CODE 17.29 (L)

is first obtained and the same conforms to the regulations of the zoning district in which the same are to be located:

- (a) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
- (b) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
- (c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.
- (d) Advertising. No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side edges.

(2) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (a) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the City of Black River Falls. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section (I) of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
- (b) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
- (c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.
- (d) Advertising. No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding twenty (20) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than twelve (12) inches on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.
- (e) Canopy Insurance Requirements. Every applicant for a canopy permit, which will overhang the public street or sidewalk shall, before the permit is granted, file with the Zoning Administrator a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars

ZONING CODE 17.29 (L)

(\$100,000.00) for property damage which shall indemnify and save harmless the City from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said permit.

(M) Abandoned Billboards And Signs. Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Zoning Administrator shall give the owner thirty (30) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property. The Zoning Administrator may take any other appropriate legal action necessary to attain compliance.

N) Violations Of Sign Code.

(1) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Chapter prior to the granting of a permit shall pay a penalty of four (4) times the amount of the permit otherwise required.

(2) If the Zoning Administrator or Building Inspector finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.

(3) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Chapter.

(4) Any person, firm or corporation who violates any provision of this Chapter shall be subject to the penalty of Fifty Dollars (\$50.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

2020 Dodge Caravan – Former Taxi



SETTLEMENT AGREEMENT

This Agreement is between Wal-Mart Real Estate Business Trust (“Wal-Mart”), a Delaware statutory trust organized and existing under the laws of the State of Delaware and registered and authorized to conduct business in the State of Wisconsin, and the City of Black River Falls, Wisconsin (“City”), a municipal corporation organized and existing under the laws of the State of Wisconsin.

1. Definitions. In this Agreement:

The “Property” means the land and improvements located at 611 State Highway 54, Tax Parcel No. #206-2210.0000, within the City.

“Cases” mean the actions pending in the circuit court for Jackson County, Wisconsin titled *Wal-Mart Real Estate Business Trust. v. City of Black River Falls*, Case No. 21-CV-99.

“Court” means the Circuit Court of Jackson County.

A “tax year” means a year in which an assessment is made as of January 1, with taxes based on the assessment payable in the year following the tax year

2. Walmart Right to Prosecute Case for Walmart Real Estate Business Trust. Walmart represents that it is the tenant of the Property and warrants that for the 2021 through 2025 tax years it is responsible for the payment of property taxes, as well as for the prosecution of property tax disputes involving the Property. Walmart represents and warrants that it has the right to prosecute and resolve the Cases in the name of the owner of the Property Wal-Mart Real Estate Business Trust, including the right to dismiss the Cases as provided in paragraph 9.

3. Refund of Taxes 2021. The City shall issue a refund to Wal-Mart Real Estate Business Trust and mail it to MALLERY s.c., pursuant to Wis. Stat. § 74.37, in the amount of \$1,443.40 for 2021 as a refund of property taxes previously paid by or billed to Walmart based on the property tax assessments of the Property for the tax year 2021. The parties agree that no portion of this amount constitutes interest.

4. Refund of Taxes 2022. The City shall issue a refund to Wal-Mart Real Estate Business Trust and mail it to MALLERY s.c., pursuant to Wis. Stat. § 74.37, in the amount of \$1,495.13 for 2022 as a refund of property taxes previously paid by or billed to Walmart based on the property tax assessments of the Property for the tax year 2022. The parties agree that no portion of this amount constitutes interest.

5. Refund of Taxes 2023. The City shall issue a refund to Wal-Mart Real Estate Business Trust and mail it to MALLERY s.c., pursuant to Wis. Stat. § 74.37, in the amount of

\$1,439.91 for 2023 as a refund of property taxes previously paid by or billed to Walmart based on the property tax assessments of the Property for the tax year 2023. The parties agree that no portion of this amount constitutes interest.

6. Refund of Taxes 2024. The City shall issue a refund to Wal-Mart Real Estate Business Trust and mail it to MALLERY s.c., pursuant to Wis. Stat. § 74.37, in the amount of \$29,211.19 for 2024 as a refund of property taxes previously paid by or billed to Walmart based on the property tax assessments of the Property for the tax year 2024. The parties agree that no portion of this amount constitutes interest.

7. Waiver of Costs. Each party waives all claims for costs.

8. Time of Payment for Refunds 2021 through 2024. The City shall pay the refund of taxes for the 2021 through 2024 tax year, as provided in Sections 3 through 6 of this Agreement, within 30 days of the dismissal of the pending case in circuit court.

9. Responsibility for Fees and Expenses of Attorneys and Experts. Each party shall be solely responsible for the fees of its attorneys and experts.

10. No Representations. Each party acknowledges and agrees that no representation or promise not expressly contained in this Agreement has been made by the opposing party or any of its employees, attorneys, agents, or representatives. Each party acknowledges that it is not entering into this Agreement on the basis of any such representation or promise, express or implied.

11. Binding on Successors. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective heirs, successors, and assigns.

12. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Wisconsin.

13. Interpretation of Agreement. The parties acknowledge that this Agreement is the product of joint negotiations. If any dispute arises concerning the interpretation of this Agreement: (a) neither party shall be deemed the drafter of this Agreement for purposes of its interpretation; and (b) the parties shall attempt in good faith to resolve the dispute. The parties agree that the Court retains jurisdiction to enforce this Agreement and that a party may ask the Court to enforce this Agreement by filing a motion in the Cases and serving the same on the other party.

14. Representation by Counsel; Reliance. Each party acknowledges that it has been represented throughout all negotiations leading up to this Agreement by attorneys of its choice and that its attorneys have approved this Agreement. Each party represents that in entering into this Agreement, the party has relied on its own judgment and on the advice of its attorneys, and that no statements or representations made by the other party or any of its agents, except statements or

representations expressly made in this Agreement, have influenced or induced the party to sign this Agreement.

15. No Assignment or Transfer. Walmart represents and warrants that it has not assigned or transferred to anyone any of the claims in the Cases.

16. Entire Agreement. This Agreement states and constitutes the entire agreement of the parties concerning its subject matter and supersedes all prior or contemporaneous agreements (written or oral), representations, negotiations, and discussions concerning its subject matter, including but not limited to, all agreements (written or oral), representations, negotiations, and discussions made in the course of mediation of the Cases.

17. Use of this Agreement. This Agreement shall not be filed with the Court in the Cases or in any other case or proceeding, except for the purpose of enforcing this Agreement. This Agreement and any part of this Agreement shall not be admissible in the lawsuit or in any future judicial or administrative proceeding and shall not be offered as evidence or presented by any party in the Cases or any future judicial or administrative proceeding, except for the purpose of enforcing this Agreement.

18. No Admissions of Liability Concerning Assessments or Fair Market Value. This Agreement is the settlement of disputed claims. By entering into this Agreement, the City does not admit any liability to Walmart for any of the claims asserted in the Cases or Walmart's objections to the assessments, and the payments made under this Agreement shall not be construed as an admission of any such liability. Except as explicitly provided herein, neither Party makes an admission about the assessments or the fair market value of the Property as of January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, or any other date nor any other admission concerning the assessment of Walmart's property. In addition, none of the agreed upon values or assessments as of January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, shall be admissible in any proceeding or assessment challenge in any subsequent year.

19. Waiver. No waiver of any breach of this Agreement shall be deemed a continuing waiver of that breach or a waiver of any other breach of this Agreement.

20. Amendments or Modifications. This Agreement may not be amended, modified or altered in any manner whatsoever, except by a further written agreement duly authorized and signed by the parties.

21. Authorization to Sign Agreement. Each person signing this Agreement on behalf of either party represents and warrants that the person holds the position indicated beneath the person's signature and that the person has the requisite corporate or other authority to sign this Agreement on behalf of the party. Each party represents that entry into this Agreement is not in contravention of any agreement or undertaking to which the party is bound.

22. Reading of Agreement. Each person signing this Agreement on behalf of either party acknowledges that the person has read this Agreement, that the person understands the terms and conditions of this Agreement, that the person (if other than an attorney for the party) has been advised by legal counsel concerning this Agreement, and that the person freely and voluntarily signs this Agreement.

DATED: _____

MALLERY, S.C.
Attorneys for Plaintiff, Wal-Mart Real Estate
Business Trust

By: _____

Christopher L. Strohbehn
State Bar No. 1041495
Russell J. Karnes
State Bar No. 1054982
Samantha Bailey
State Bar No. 1118995

DATED: _____

WAL-MART STORES INC.

By: _____

Authorized Representative
Title: _____

DATED: _____

Town Counsel Law & Litigation. LLC.
Attorney for Defendant, City of Black River Falls

By: _____

Tyler D. Pluff
State Bar No. 1114503

DATED: _____

CITY OF BLACK RIVER FALLS

By: _____

Authorized Representative
Title: _____

Under Wis. Stat. § 340.01(15ps), an electric scooter is:

- A device under 100 pounds
- Has handlebars and a floorboard for standing
- Powered solely by an electric motor + human effort
- Limited to ≤ 20 mph on level surfaces

They are distinct from e-bikes, mopeds, motorcycles, and other mobility devices.

Where & How You Can Ride

Roadways & Bike Paths

- Can be ridden on streets, shoulders, bike lanes, and bike paths, unless local rules say otherwise.
- Must follow the same rules as bicycles, including:
 - Using hand signals
 - Obeying traffic signals, signs, and right-of-way rules
 - Riding no more than two abreast per lane, yielding when merging.

Sidewalks

- Allowed statewide: yield to pedestrians and cyclists, use audible warning before passing.
- Local ordinances may ban sidewalk riding. For instance:
 - Milwaukee prohibits scooter riding on sidewalks & Riverwalks; riders must stay on the streets.

Freeways & Expressways

- Illegal to ride on freeways or expressways.
 - Violators face fines of \$30–300.
-

Equipment & Safety Requirements

- Must have:
 - A white front light (visible 500 ft)
 - A rear red reflector or red light (visible 500 ft)
 - Helmet: not required by state law, but strongly recommended—some local programs (like Milwaukee’s) encourage it.
-

Licensing, Registration, Age

- No license or registration needed.
 - No statewide minimum age requirement.
 - Only Class 3 e-bikes (not electric scooters) require riders to be 16+
-

While Intoxicated

- E-scooters are explicitly defined within motor vehicle statutes—but you cannot be cited for OWI (operating while intoxicated) on one.
 - Reckless or dangerous behavior while riding can still result in citations.
-

Local Regulations & Programs

- Cities may:
 - Ban sidewalk riding
 - Set age limits, speed caps, or permit rules
 - Require helmet usage
 - Manage rental programs by limiting street access, requiring parking zones, etc.
-

In Wisconsin

Allowed	Conditions
Ride on street, shoulder, bike lane/paths	Follow bike traffic laws
Ride on sidewalk	Yield to pedestrians & signal before passing
No license/registration required	But follow safety gear laws
No age limit	Unless local ordinance says otherwise
No OWI enforcement	But unsafe conduct still penalized
No riding on freeways	Fines apply

Municipality Sidewalk Riding

Sheboygan: Prohibited citywide

Eau Claire: Banned in pedestrian zones

Brookfield: Prohibits parking & sidewalk use

Shawano: Banned across city

Burlington: Prohibited in Central Business District (Downtown)

Many Wisconsin cities ban sidewalk scooter riding, often with pedestrian-zone restrictions and/or downtown/business district limitations.

Fines can range from \$25 to \$500 per offense.

Ordinances often pair sidewalk bans with parking restrictions, helmet recommendations, and speed/area limitations.

ORDINANCE NO. 539

Amend Chapters 2 and 6 of the Village of West Salem Code of Ordinances to Create Ordinances Relating to Operation of Remote-Controlled or Radio-Controlled Toys or Devices and Electric Bicycles, Electric Scooters, and Electric Skateboards

The West Salem Village Board of Trustees do hereby ordain as follows:

Section 1: Sections 2.01(H) through 2.01(S) are hereby renumbered as Section 2.01(I) through 2.01(T).

Section 2: Section 2.01(H) is hereby created as follows:

2.01(H) Operation of Remote or Radio-Controlled Toys or Devices.

(1) It shall be unlawful for any person to fly, operate, or make use of any remote-controlled or radio-controlled model airplane, helicopter, vehicle, or any other such device in, over, or upon any street, park, or public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

(2) It shall be unlawful for any person to fly, operate, or make use of any airborne remote-controlled or radio-controlled model airplane, helicopter, vehicle, or any other such device in, over, or upon any street, park, or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

(3) **Penalty.** Any person who shall violate the provisions of this Section or amendments therefor shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars, together with the costs of prosecution.

Section 3: Sections 6.11(A)(6), (7), and (8) are hereby created as follows:

6.11(A) Regulations of Bicycles.

(6) **Definitions.** As used in this Section, the following terms shall have the means indicated:

(a) **Electric Bicycle or E-bike.** An electric bicycle, or e-bike, as defined in Sec. 340.01(15ph), Wis. Stats., is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

(i) **Class 1 Electric Bicycle.** An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour;

(ii) **Class 2 Electric Bicycle.** An electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour; and

(iii) **Class 3 Electric Bicycle.** An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

(b) **Electric Scooter or E-scooter.** An electric scooter, or e-scooter, is a two-wheeled, personal electric vehicle designed for short-distance transportation, typically in urban areas. They are powered by an electric motor and battery, allowing riders to stand and travel without needing to pedal.

(c) **Electric Skateboard or e-board.** An electric skateboard, also known as an e-board, is a personal mobility device that combines the features of a regular skateboard with an electric propulsion system. It uses a battery and motor to propel the rider forward, eliminating the need to push with their feet.

(7) **Use of Electric Bicycles, Scooters, Skateboards, and Play Vehicles.** All Classes of electric bicycles, electric scooters, and electric skateboards are prohibited on all sidewalks and crosswalks. Electric bicycles, electric scooters, electric skateboards, and electrically-powered play vehicles are prohibited on any private property, unless written permission has been given by the owner or the person in charge of the property. Electric bicycles, electric scooters, electric skateboards, and electrically-powered play vehicles are prohibited on any street or public space temporarily closed to vehicular traffic by use of emergency vehicles, traffic barricades, barrels, and/or cones by order of the Chief of Police or as designated by a Village Board approved special event permit. Class 1 and Class 3 electric bicycles may be used on any pathways, parks, and trails

allowing bicycles but must observe a 15-mile per hour speed limit. Class 2 electric bicycles are prohibited on all pathways, parks, and trails.

(8) **Rules of Road.** The provisions of Chapters 346 and 347, Wis. Stats., and applicable Village Ordinances shall govern the operation of electric bicycles, electric scooters, and electric skateboards, where appropriate.

(9) **Penalty.** Any person violating any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Twenty (\$20.00) Dollars nor more than Five Hundred (\$500.00) Dollars.

Section 2: This Ordinance shall become effective and in full force and effect from and after its passage and publication as required by law.

DATED this 17th day of June, 2025.

(SEAL)

Scott Schumacher, Village President

Ashley M. Bohl, Village Clerk/Treasurer

ADOPTED: June 17, 2025
PUBLISHED: June 21, 2025

ORDINANCE NO. 785

The City Council of the City of Fort Atkinson does hereby ordain as follows:

That Chapter 94, TRAFFIC AND VEHICLES, Article VI, Bicycles and Play Vehicles, Division 2, Bicycles, be deleted in its entirety and replaced with the following:

DIVISION 2. – BICYCLES, e-BIKES AND e-SCOOTERS

Sec. 94-201. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Curb means the lateral boundaries of that portion of a street designed for the use of vehicles, whether marked by a curb or not.

(b) Registration sticker means a sticker indicating that a bicycle, e-bike or e-scooter is registered.

(c) e-Scooter means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

(d) e-Bike means a bicycle with a motor attached. It must have pedals that are operational, an electric motor that is less than 750w and have a maximum speed of 20mph on level ground.

(Code 1969, § 18.07(1))

Cross reference— Definitions generally, § 1-2.

(Code 1969, § 18.07(20))

Sec. 94-203. - Registration required.

(a) No person shall ride or propel a bicycle, e-Bike or e-Scooter on any street or upon any public path set aside for the exclusive use of bicycles, e-bikes or e-scooters unless such unit has been registered and a sticker is attached thereto.

(b) At the time of the issuance of any such registration sticker, the applicant shall pay a registration fee. Registration stickers issued in accordance with this section shall be attached to the bicycles, e-bikes or e-scooters immediately after issuance.

(c) This section shall apply to all persons who operate bicycles, e-bikes or e-scooters upon the streets sidewalks or paths of the city habitually or frequently.

(d) All bicycles, e-bikes and/or e-scooters must be registered within ten days of purchase.

(Code 1969, § 18.07(2))

Sec. 94-204. - Application for bicycle, e-bike or e-scooter registration.

Application for a bicycle, e-bike or e-scooter registration sticker shall be made upon a form provided by the police department. A registration fee specified in chapter 10 shall be paid to the city before registration is granted.

(Code 1969, § 18.07(3))

Sec. 94-205. - Inspection of bicycle, e-bike or e-scooter.

The police department or any officer assigned such responsibility may inspect each bicycle, e-bike or e-scooter before registering the same and shall refuse registration for any bicycle, e-bike or e-scooter he/she determines to be in unsafe mechanical condition.

(Code 1969, § 18.07(4))

Sec. 94-206. - Issuance of license.

(a) The police department or other designated authority, upon receiving proper application therefor, is authorized to issue a bicycle, e-bike or e-scooter registration, which shall be valid for the duration of ownership.

(b) The police department shall not issue a registration for any bicycle, e-bike or e-scooter where reasonable grounds exist that the applicant is not the owner of or entitled to the possession of such bicycle, e-bike or e-scooter.

(c) The police department shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, the number on the frame of the bicycle, e-bike or e-scooter for which issued, and a record of all registration fees collected by him/her. Registration forms and registration stickers shall be serial numbered to coincide with each other.

(d) If a bicycle, e-bike or scooter does not have a serial number and if proof of ownership can be proven, the police department shall assign one to the bicycle, e-bike or e-scooter.

(Code 1969, § 18.07(5))

Sec. 94-207. - Attachment of sticker.

(a) The police department, upon issuing a bicycle, e-bike or e-scooter registration, shall also issue a registration sticker bearing the registration number assigned to the unit and the name of the city.

(b) The registration sticker shall be placed midway on the seat tube for bicycles and e-bikes and on the handlebar base for e-scooters in such a manner to be visible.

(c) No person shall remove a registration sticker from a bicycle, e-bike or e-scooter except upon a transfer of ownership or if the bicycle, e-bike or e-scooter is dismantled and no longer operated upon any street in the city.

(Code 1969, § 18.07(6))

Sec. 94-208. - Lost registration sticker.

If an owner shall lose his/her registration sticker or it should be destroyed or stolen, he/she shall report same immediately to the police department, which shall then issue to such owner a new registration sticker at a cost to such owner as provided in chapter 110.

(Code 1969, § 18.07(8))

Sec. 94-209. - Alteration of registration sticker.

It shall be unlawful for any person to alter or counterfeit any registration sticker issued in conformity with this division.

(Code 1969, § 18.07(9))

Sec. 94-210. - Transfer of ownership.

Within ten days after any registered bicycle, e-bike or e-scooter has changed ownership or been dismantled and taken out of service or operation, the person in whose name the unit has been registered shall report such information to the police department. In case of change of ownership, the registration shall thereupon be changed to show the name of the new owner; in case of dismantling and taking out of service of operation, the registration shall be canceled.

(Code 1969, § 18.07(7))

Sec. 94-211. - Nonresident.

Any nonresident may operate a bicycle, e-bike or e-scooter that is duly registered in any municipality, and equipped with valid registration plates, without obtaining a local registration, provided that such other municipality wherein the bicycle, e-bike or e-scooter is registered extends the same privilege.

(Code 1969, § 18.07(10))

Sec. 94-212. - Unclaimed or unidentified bicycles, e-bikes or e-scooters.

All abandoned or unidentified bicycles, e-bikes or e-scooters remaining with the police department shall, after 30 days, be sold at public sale or donated to a charitable organization.

(Code 1969, § 18.07(11))

Sec. 94-213. - Riding on sidewalks.

(a) It shall be unlawful for any person to operate a bicycle, e-bike or e-scooter upon a sidewalk within the downtown business district of the city. This section shall not prohibit a person from dismounting and walking a bicycle, e-bike or e-scooter upon the sidewalk.

(b) Riders exercising due care may drive and operate their bicycles, e-bikes or e-scooters upon the sidewalk, other than in the downtown business district, when such riding does not jeopardize the safety of the pedestrians on the sidewalk.

(c) It shall be unlawful for any person driving a bicycle, e-bike or e-scooter on the sidewalk to attempt to pass another person going in the same direction on the sidewalk without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving the bicycle, e-bike or e-scooter. Pedestrians shall at all times have the right-of-way upon the sidewalks; and if necessary, the person driving such bicycle, e-bike or e-scooter shall dismount and vacate the sidewalk to prevent a collision; and any such person driving a bicycle, e-bike or e-scooter upon the sidewalk must have the bicycle, e-bike or e-scooter under control at all times.

Sec. 94-213. - Riding on Paved Recreational Paths.

(a) Riders exercising due care may drive and operate their bicycles, e-bikes or e-scooters upon the paved recreational paths within the City when such riding does not jeopardize the safety of the pedestrians or other riders traveling on the path.

(b) It shall be unlawful for any person driving a bicycle, e-bike or e-scooter on the bike paths to attempt to pass another person going in the same direction on the path without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving the bicycle, e-bike or e-scooter. Pedestrians shall at all times have the right-of-way upon paved multi use recreational paths; and if necessary, the person driving such bicycle, e-bike or e-scooter shall dismount and vacate the recreational path to prevent a collision; and any such person driving a bicycle, e-bike or e-scooter upon the recreational path must have the bicycle, e-bike or e-scooter under control at all times.

(Code 1969, § 18.07(13))

Sec. 94-214. - Improper riding, trick riding, racing.

(a) No person driving a bicycle, e-bike or e-scooter upon a public highway, recreational path, sidewalk or street shall participate in any race, speed or endurance contest.

(b) No person riding or operating a bicycle, e-bike or e-scooter shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public highway, recreational path, sidewalk or street.

(Code 1969, § 18.07(14))

Sec. 94-215. - Parking.

(a) No person shall park any bicycle, e-bike or e-scooter against windows or on the main-traveled portion of a sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property.

(b) If there is no bicycle rack or other facilities intended to be used for the parking of bicycles, e-bikes or e-scooters in the vicinity, bicycles, e-bikes and/or e-scooters may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

(Code 1969, § 18.07(15))

Sec. 94-216. - Effects of regulations.

(a) It is unlawful for any person to perform any act forbidden or fail to perform any act required in this division.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this division.

(c) The regulations applicable to bicycles, e-bikes and e-scooters shall apply whenever a bicycle, e-bike or e-scooter is operated upon any highway, street, sidewalk or any path set aside for the use of bicycles, e-bikes and/or scooters subject to those exceptions stated in this division.

(Code 1969, § 18.07(16))

Sec. 94-217. - Penalties.

Every person 16 and over convicted of a violation of any provision of this division shall forfeit not less than \$10.00 or more than \$50.00.

(Code 1969, § 18.07(18))

Sec. 94-218. - Disposal of offenders according to age.

Any offender under the age of 16 years disregarding the rules and regulations governing the operation of bicycles, e-bikes or e-scooters not in conflict with the state laws shall be dealt with in accordance with the bicycle, e-bike and e-scooter court provisions.

(Code 1969, § 18.07(17))

Sec. 94-219. – Bicycle, e-Bike and e-Scooter court provisions.

The penalty for violating any of the rules and conditions set forth in this division shall be as follows:

- (1) First violation within one-year period: Written warning and notice to parents of violator.
- (2) Second violation within one-year period: Conference with parents, child and police department representative.
- (3) Third violation within one-year period: Municipal Court citation with mandatory appearance to court.

(Code 1969, § 18.07(19))

Secs. 94-220—94-240. - Reserved.

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

This ordinance shall take effect and be in force from and after the date of its passage and publication.

Adopted: October 15, 2019.

City of Burlington, WI
Thursday, July 17, 2025

Chapter 293. Vehicles and Traffic

§ 293-14. Bicycles, in-line skates and play vehicles.

[Added 11-19-2002 by Ord. No. 1703(17)]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CENTRAL BUSINESS DISTRICT

The area inclusive of the named streets, alleys and adjacent sidewalks and municipal parking lots beginning on East State Street at North Dodge Street, proceeding north on North Dodge Street to East Chestnut Street, north through the alley beginning on Chestnut Street opposite Dodge Street and exiting onto Milwaukee Avenue near the railroad crossing, southwest on Milwaukee Avenue to Commerce Street, northwest on Commerce Street to Mill Street, southwest on Mill Street to West Chestnut Street, southeast on West Chestnut Street to Milwaukee Avenue, southwest on Milwaukee Avenue to North Kane Street, south on North Kane Street to Washington Street, east on Washington Street to North Perkins Boulevard, south on North Perkins Boulevard to East Jefferson Street, east on East Jefferson Street to North Pine Street, south on North Pine Street to East State Street and east on East State Street to North Dodge Street.

IN-LINE SKATES

Skates with wheels in single file.

PLAY VEHICLE

A skateboard, roller skates, roller skis, scooter, coaster, sled, toboggan, unicycle or toy vehicle upon which a person may ride. "Play vehicle" does not include in-line skates.

SCOOTER

A device consisting of handlebars attached by a long rod to a footboard on two or more wheels. One foot is placed on the board and the other propels it along.

B. Bicycles.^[1]

- (1) Every person operating or riding a bicycle on any public street, highway or roadway in the City shall observe any and all applicable traffic rules and regulations.
- (2) It shall be unlawful for any person to operate or ride a bicycle in any of the following places:
 - (a) On any sidewalk in the Central Business District.
 - (b) On any portion of the Riverwalk or other municipal walkways posted "Pedestrian Only."
- (3) Stunt, acrobatic or trick riding is not permitted in any of the following places:
 - (a) On any public street, highway or roadway.
 - (b) In any public parking lot or on any public property except where specifically authorized by posted sign.

- (c) On private property unless permission has been received from the owner, lessee or person in charge of that property.
- (4) No operator of any bicycle shall tow or draw any wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on any public street, highway or roadway except for trailers specifically manufactured as bicycle tow trailers or trail-a-bike attachments that enable bicycles to become tandem bicycles.
- (5) No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else. Bicycles shall be parked either in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic and in such a manner as not to obstruct the ingress and egress to buildings used by the public.

[1] *Editor's Note: See also Ch. 110, Bicycles.*

C. Skateboards, roller skates, roller skis, scooters and play vehicles.

- (1) It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller skis, scooter or other play vehicle in any of the following places:
 - (a) On any City street.
 - (b) On any sidewalk in the Central Business District.
 - (c) On any portion of the Riverwalk or other municipal walkway posted "Pedestrian Only."
 - (d) In any public parking lot in the Central Business District.
 - (e) In any public parking lot outside the Central Business District except when transiting through the parking lot.
 - (f) On any other public property except where specifically authorized by posted sign.
 - (g) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (2) Operators or riders of skateboards, roller skates, roller skis, scooters, or play vehicles shall yield the right-of-way to other pedestrians using the City sidewalks and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.

D. In-line skates.

- (1) It shall be unlawful for any person to operate in-line skates in any of the following places:
 - (a) On any sidewalk or street in the Central Business District.
 - (b) On any City street designated as a state highway except when transiting across.
 - (c) On any City street with a posted speed limit greater than 25 miles per hour, except when transiting across.
 - (d) In any public parking lot in the Central Business District.
 - (e) In any public parking lot outside the Central Business District.
 - (f) On any portion of the Riverwalk or other walkway posted "Pedestrian Only."
 - (g) On any other public property except where specifically authorized by posted sign, excluding sidewalks outside the Central Business District.
 - (h) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (2) Rules for in-line skate usage.

- (a) All persons using in-line skates shall be in single file when on a street and shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the roadway.
 - (b) Every person using in-line skates on any public street in the City shall observe any and all applicable traffic rules and regulations.
- E. Damage to property. It shall be unlawful for any person to operate or ride a bicycle, skateboard or other play vehicle, or in-line skates in such a manner as intentionally or negligently to cause damage to property, including damage caused while trick riding, without the consent of the property owner.
- F. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this chapter.

DIRECT REFERRAL TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

Gen. Ord. No. 43 - 20 - 21. By Alderpersons Sorenson and Dekker.
April 14, 2021.

AN ORDINANCE regulating the rental and operation of electric scooters in the City of Sheboygan.

WHEREAS, Bird Rides, Inc. ("Bird") has expressed interest in operating an electric scooter rental business in the City of Sheboygan (the "City"); and

WHEREAS, throughout the United States, when one electric scooter rental business begins operations in a city, it is not unusual for other electric scooter rental businesses to follow; and

WHEREAS, unregulated electric scooter rentals can have adverse impacts on public health, safety, and welfare; and

WHEREAS, Wis. Stat. § 349.237 permits the Common Council of the City to regulate the rental and operation of electric scooters in the city; and

WHEREAS, the Common Council finds that this Ordinance, which regulates the rental and operation of electric scooters in the city, is appropriate to protect the public health, safety, and welfare by preventing or mitigating against any adverse impact that electric scooter rental and operation may have.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. The title of Chapter 118, Article VIII of the Municipal Code is hereby amended to "Bicycles, Tricycles, Motorized Vehicles, Skateboards, Roller Skates, Roller Blades, In-Line Skates, and Electric Scooters."

Section 2. Chapter 118, Article VIII, Division 3 of the Municipal Code is hereby created to read as follows:

"DIVISION 3. ELECTRIC SCOOTERS

Sec. 118-481. *Intent.*

The intent of this division is to protect the public health, safety, and welfare by preventing or mitigating against any adverse impact that electric scooter rental and operation may have, by restricting the locations in which electric scooters may be operated

and parked, and by licensing the short-term commercial rental of electric scooters in the city.

Sec. 118-482. *Definitions.*

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boardwalk means the public walkways and pier extensions along the north bank of the Sheboygan River northerly and easterly of the Eighth Street Bridge.

Electric scooter means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Licensee means the holder of a commercial electric scooter rental license issued under this division.

Operate an electric scooter means to ride on an electric scooter powered at least in part by the electric motor.

Rebalancing means redistributing electric scooters throughout the city.

User means an individual who uses an electric scooter for the purpose of transportation or recreation.

Sec. 118-483. *Usage of Electric Scooters.*

- (a) No person shall operate an electric scooter on any roadway under the City's jurisdiction having a speed limit of more than twenty-five (25) miles per hour.
- (b) No person shall operate an electric scooter on any sidewalk under the City's jurisdiction.
- (c) No person shall operate an electric scooter on the boardwalk.
- (d) No person shall operate an electric scooter on the North Pier or the South Pier.

- (e) Electric scooters may be operated on any roadway under the City's jurisdiction having a speed limit of twenty-five (25) miles per hour or less, and on recreational trails under the City's jurisdiction.

Sec. 118-484. *Parking of Electric Scooters.*

- (a) Electric scooters shall be parked in an upright position, with 2 wheels making a point of contact with the ground.
- (b) Electric scooters shall not be parked in a way that provides less than a five (5) foot wide path on the sidewalk for pedestrian access.
- (c) Electric scooters shall not be parked in a way that obstructs access to parking meters.
- (d) Electric scooters shall not be parked between the sidewalk and the curb where such area is less than three (3) feet wide.
- (e) Where possible without impeding the flow of pedestrian traffic, an electric scooter may be parked on a sidewalk, or in a bicycle rack or other similar area designated for bicycle parking.
- (f) On blocks without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed by so parking the electric scooter.
- (g) Except at existing permitted bicycle facilities, electric scooters shall not be parked between the sidewalk and the curb where adjacent to or within the following locations: (1) parklets; (2) loading zones; (3) accessible parking spaces; (4) curb ramps; (5) entryways; (6) driveways; (7) street furniture requiring pedestrian access; and (8) transit stops (including bus stops, shelters, and passenger waiting areas).

Sec. 118-485. *Rental of Electric Scooters.*

- (a) *License Required.* No person or business shall offer short-term commercial rental of electric scooters to the public unless the person or business has obtained a license in accordance with this section.
- (b) *License Application Requirements.*

- (1) Application for a commercial electric scooter rental license shall be made in writing to the city clerk, upon blanks furnished by the clerk.
 - a. In the case of a sole proprietorship, the owner shall sign the application.
 - b. In the case of a partnership, the name of the business and the names and addresses of all partners shall be provided on the application. One of the partners shall sign the application.
 - c. In the case of an LLC or a corporation, the name of the business and the names and addresses of the principal officers shall be provided on the application. In the case of an LLC, one of the members shall sign the application. In the case of a corporation, the president and secretary shall sign the application.
- (2) The application shall identify contact information (including a phone number and email address) for an operations manager based within fifty (50) miles of the city.
- (3) The applicant shall include a copy of their user agreement and privacy policy with the application.
- (4) Insurance.
 - a. The applicant shall include a certificate of insurance with the application that meets the requirements of this provision.
 - b. The applicant's insurance shall provide that the City of Sheboygan will receive a thirty (30) day written notice of cancellation, non-renewal, or material change by any insurer providing coverage required by this provision.
 - c. Insurance companies must have a current A.M. Best rating of A-VII or better.
 - d. Applicant's insurance policy limits shall meet at least the following requirements:

1. Workers' Compensation (only required if the applicant employs persons within the State of Wisconsin) - Statutory Limits
 2. Commercial General Liability Insurance - \$1,000,000 per occurrence and \$2,000,000 in the aggregate
 3. Auto Liability - \$1,000,000 per occurrence
- e. The City of Sheboygan shall be listed as an additional insured on the applicant's Commercial General Liability Insurance policy.
 - f. If applicant uses subcontractors for maintenance, rebalancing, or any other aspects of the applicant's commercial electric scooter rental business, the subcontractor must be covered by applicant's insurance or applicant must demonstrate the subcontractor independently meets the insurance provisions of this requirement.
- (5) Indemnification. The applicant shall agree to indemnify, defend, and hold the City of Sheboygan (and the City's officers, employees, and agents) harmless from and against all actions, damages, or claims brought against the City of Sheboygan arising out of the applicant's operations. The city attorney shall have the authority to negotiate the terms of the indemnification provision with the applicant.
 - (6) Application Fee. The fee for a commercial electric scooter rental license required by this article shall be \$250.00 per year or any fractional part thereof.
 - (7) Granting Licenses. The city clerk shall issue a license under this section if all requirements have been met and if issuance is in the best interest of the city. The city clerk may deny any license under this section in his or her full discretion in the interest of public safety or if the application is not in the interest of the city. In reviewing the application, the city clerk shall consider any input from the city administrator, the city attorney, the police chief, the director of planning and development, or their designees. If the clerk denies a license, the applicant may appeal said denial to the licensing, hearing, and public safety committee of the common council.

- (8) Term of License. Any license issued pursuant to this section shall be effective upon issuance. It shall expire on the 31st day of December following its issuance.
- (c) *Rental Operation Requirements.* In conducting their electric scooter rental business, each holder of a commercial electric scooter rental license shall comply with the following:
- (1) Maximum Number of Scooters. No licensee shall have more than three hundred scooters available for rent within the city at any one time without the approval of the licensing, hearing, and public safety committee of the common council.
 - (2) Hours of Operation. No licensee shall make electric scooters available for rent before 4:00 a.m. or after midnight.
 - (3) User Fees. Any user fee for the rental of an electric scooter shall be clearly and understandably communicated to the user prior to the usage of the electric scooter.
 - (4) Parking. The licensee shall:
 - a. Provide instructions for properly parking electric scooters to users.
 - b. Keep the sidewalk free from obstructions to pedestrians by requiring users to park electric scooters such that a walk space not less than five (5) feet wide shall at all times be kept open for pedestrians.
 - c. Use geofencing to prohibit parking in areas in which parking is prohibited by this division.
 - d. Upon notification by the city administrator or a designee to the operations manager that an electric scooter of licensee is improperly parked, the licensee shall relocate the electric scooter in accordance with the following requirements:
 1. Within three (3) hours of notice received between 7:00 a.m. and 7:00 p.m.
 2. By 10:00 a.m. for notice received between 7:00 p.m. and 7:00 a.m.

The City of Sheboygan may relocate improperly parked electric scooters which are not relocated in accordance with this requirement, and shall bill the licensee \$50.00 for each electric scooter it relocates, which is reasonably calculated to recapture the City's costs in relocating an improperly parked electric scooter.

- e. Licensees may appeal fees imposed by subdivision d., above, to the licensing, hearings, and public safety committee by providing written notice to the city clerk within ten (10) business days of receiving notice of a fee.
 - f. Licensees that owe \$500.00 or more to the City of Sheboygan related to the relocation of licensee's electric scooters shall, upon five (5) business days written notice, have their license suspended until the total amount owed has been paid. Prior to the expiration of the five (5) business days' notice, licensee shall remove their electric scooters from the city or shall make payment to the City. If licensee does not remove their electric scooters from the city or make payment to the City during this time period, the City may remove the electric scooters pursuant to subsection (e).
- (5) Safety Education. Licensee shall provide materials to its users to promote safe riding and educate users on rider responsibilities and encourage safe and courteous riding and parking.
- (6) Snow Events.
- a. The licensee shall ensure that their electric scooters do not impede City of Sheboygan or resident snow removal and ice control operations.
 - b. In the event that the City of Sheboygan declares a snow emergency under section 42-104, the licensee shall ensure that its electric scooters are removed from the right of way for the duration of the snow emergency.
- (7) Notice of Changes. In the event that licensee changes its operations manager identified in its application (including contact information for the operations manager), user

agreement, privacy policy, or insurance, licensee shall provide notice to the city clerk within three (3) business days of the change.

(8) Website or Mobile Application. If the licensee operates a website or smartphone application, the website and smartphone application shall:

- a. Notify users that: (i) helmet use is encouraged while riding an electric scooter, (ii) sidewalk riding is prohibited, (iii) users are required to follow all rules of the road, and (iv) scooters must be parked responsibly.
- b. Provide a means for users to notify the licensee if there is a safety or maintenance issue with the electric scooter. Licensee shall immediately take the scooter out of service upon receipt of notice that there is a safety or maintenance issue, and shall not return the scooter to service until licensee has resolved the safety or maintenance issue.

(9) Electric Scooter Standards. Any electric scooter made available for rent by licensee must meet the following requirements:

- a. Each electric scooter shall meet the requirements described in Wis. Stat. §§ 340.01(15ps), 347.489(1), 347.489(2), and 347.489(3).
- b. Each electric scooter shall include easily visible contact information, including a toll-free phone number and email address for members of the public to make relocation requests or to report other issues with the electric scooters.
- c. Each electric scooter shall be inspected by licensee at least once per month. The inspection shall include, at a minimum, a check of the brake function and brake-level wear. Any electric scooter deemed unsafe or inoperable shall be placed out of service immediately. Licensee shall maintain records of its inspections, which shall be open to the City for inspection upon reasonable request.
- d. Each scooter shall be equipped with wheel-lock technology to prevent unauthorized use.

e. Geofencing shall be used to prohibit usage in areas prohibited by this division.

f. Each scooter shall be assigned a unique identifying number (which is clearly labeled on the electric scooter), which shall be provided to the city clerk prior to making the electric scooter available for rental in the city.

(10) Data and Reporting. Licensee shall provide data reasonably requested by the City of Sheboygan to assist with monitoring program usage.

(11) Assist with User Compliance. In addition to the requirements set forth above, licensee shall take any additional steps reasonably requested by the City to ensure appropriate usage of electric scooters by its users.

(d) *Suspension or Revocation of License.*

(1) A license may be suspended or revoked by the city clerk or their designee for any of the following reasons:

a. Failure to comply with any of the provisions of this article;

b. Violating any state statutes or City Code provisions;

c. By request of the city administrator, city attorney, police chief, director of planning and development, or their designees, when said request provides evidence of the reasons in subdivisions a. or b. above.

(2) Any licensee whose license has been suspended or revoked under the provisions of this subsection may appeal said suspension or revocation to the licensing, hearings, and public safety committee of the common council by providing written notice to the city clerk. The licensing, hearings, and public safety committee shall conduct a hearing within thirty (30) days of receipt of a written appeal.

(e) *Unlicensed Electric Scooter Rentals.* In the event that a person or business commences short-term commercial rental of electric scooters to the public in the city without having first obtained a license in accordance with this section, the City may - without advance notice - take possession of any unauthorized

electric scooters in the right-of-way. The City shall provide notice to the unauthorized person or business that it has taken possession of the electric scooters and invoice the unlicensed person or business the rate for relocating an electric scooter set in subdivision (c)(4)d., above. The unlicensed person or business may appeal fees imposed by this subsection to the licensing, hearing, and public safety committee by providing written notice to the city clerk within twenty (20) business days of receiving notice of a fee. If the unlicensed person or business does not appeal the fees imposed, or make payment within forty-five (45) days of receipt of invoice, the City may dispose of any electric scooters belonging to the unlicensed person or business in its possession. Any proceeds from the disposition shall be used to offset the unlicensed person or business's unpaid fees. Any costs from the disposition shall be billed to the unlicensed person or business.

Sec. 118-486. *Penalties.*

- (a) The forfeitures for violations of sections 118-483 and 118-484 shall be not less than \$0 and not more than \$25. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.
- (b) The forfeiture for violations of section 118-485 shall be not less than \$50 and not more than \$500 per occurrence.
- (c) For the avoidance of doubt, citations for violations of Wis. Stat. § 346 which arise out of the operation of an electric scooter may be issued pursuant to section 118-1."

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.