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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, January 11, 2022

5:30 PM

Lower Conference Room

Agenda

- 1) Call to Order, Roll Call
- 2) Approval of Meeting Minutes
Action requested: review and approve
 - a. December Meeting Minutes
- 3) Ordinances
Action requested: review and recommend approval
 - a. Pool Fencing
 - b. Fire Pit/Burn Ordinance
- 4) Discussion Items
Action requested: discuss and take action as needed
 - a. Architectural Review Board Membership
- 5) Information Items
 - a. Work Calendar
- 6) Next Meeting Date and Time
February 8, 2022 at 5:30 P.M.
- 7) Adjourn

Dated: January 11, 2022

/s/ Mark Gierl, Chair

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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PUBLIC WELFARE COMMITTEE

Tuesday, December 14, 2021

6:00 PM

Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Chair Mark Gierl
Alderman Glenn Bushee
Alderman Kathleen Schneider

Also Present: Mayor Wirth, City Attorney Sajdak, Building Inspections Supervisor Hadley, Assistant Director of Community Development Zader, Assistant City Administrator Schoenemann, City Clerk Fochs, Fire Chief Bialk, Deputy Fire Chief Zellmann, Executive Assistant Enea, Amber Schroeder, and other interested parties.

2) Approval of Meeting Minutes

a. October Minutes

3) Ordinances

Action requested: review and recommend approval

a. **ORDINANCE 2021-1610** An Ordinance Amending Section 2-19 of the Mequon Municipal Code, Providing for Electronic Meeting Attendance by Members of the Common Council

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Schneider

AYES: Gierl, Bushee, Schneider

b. **ORDINANCE 2021-1611** A Charter Ordinance Amending Provisions of the Mequon Municipal Code that Establishes the Planning Commission, to Allow for Electronic Meeting Attendance

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

Attachment: Public Welfare Meeting Minutes for 12 14 21 (6954 : December Meeting Minutes)

AYES: Gierl, Bushee, Schneider

4) Discussion Items

a. Pool Fence and Cover Requirements

Building Inspections Supervisor Hadley began the conversation by saying that it has been brought to their attention by a homeowner who wants to eliminate the fencing requirement around pools, deeming that pool covers are enough. City staff do not support eliminating the fencing requirement due to safety concerns. The homeowner, Amber Schroeder, was present and thinks the ordinance is archaic because pool covers are now more technologically advanced than they once were. She claimed they are safer because it can only be opened with a code and are strong enough for an elephant to walk over. She looked up other municipalities and found that River Hills, Sturgeon Bay, Wales, Stevens Point, Howard, Grafton, Green Bay, Kohler, and the Town of Cedarburg do not require fencing. Wausau is reviewing their code and do allow variances. A lot of other municipalities said they hadn't reviewed their policy in a long time. A discussion then pursued regarding enforcement. City Attorney Sajdak stated that another one of his communities looked into changing their pool fencing ordinance in lieu of pool covers and will bring those specifics to the next meeting.

b. Fire Pits Discussion

Resident Schroeder began the discussion by explaining how she is the President of her neighborhood's HOA. Residents are required to submit patio plans to be approved by the HOA and many include built-in fire pits. The current ordinance requires fire pits to be 75 feet away from homes. Commercial devices, patio hearths, and barbeque grills are exempt. The committee agreed that the current ordinance is vague and could be clarified. They will look at it at the January meeting.

RESULT: Tabled [Unanimous]

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bushee

AYES: Gierl, Bushee, Schneider

c. Architectural Review Board Procedures

Building Inspections Supervisor Hadley shared a chart of neighboring municipalities and how many members are on their architectural board, if they even have one. Mequon has 23 members and they have to find 10-12 new members each year. The committee discussed reducing the size to 5-7 and not needing district representation. Also, are there certain items that don't even need to go to the board? The Committee and staff will discuss again at January's meeting.

5) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3898** A Resolution Designating Polling Sites in the City of Mequon
Based on the Approved 2022 Aldermanic Districts

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Schneider
SECONDED BY: Alderman Gierl

AYES: Gierl, Schneider
NOT PRESENT: Bushee

6) Information Items

a. Work Calendar

All discussion items from this meeting will be on January's agenda.

7) Next Meeting Date and Time

a. January 11, 2022 at 6:30 P.M.

8) Adjourn

Alderwoman Schneider moved to adjourn at 7:10 P.M. Alderman Gierl seconded.

Respectfully Submitted,

Carrie Enea



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Office of Administration

TO: Public Welfare Committee
FROM: Kim Tollefson, Director of Community Development
DATE: January 11, 2022
SUBJECT: Pool Fence

Background

The City presently adopts the State Building Code with respect to the installation of swimming pools. The State Code presently requires fences for all non-temporary pool installations. A resident has approached the Committee to request that the City consider amending its code to allow for automatic pool covers in lieu of fences for residential pools. Following discussion at its December meeting, the Committee requested that I prepare a proposed ordinance to allow for these covers to be used as an alternative to a fence.

Discussion

According to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for 1- to 4-year-old children. Each year, nearly 300 children under age 5 drown in swimming pools. Many of these young victims could be saved if homeowners fenced in their pools completely and installed gates with self-closing and self-latching devices. For childproofing pools, the CDC follows the guidelines of the U.S. Consumer and Product Safety Commission (CPSC).¹

The CPSC published Safety Barrier Guidelines for Residential Pools, a set of guidelines written to prevent injuries and deaths around pools.² These guidelines center on keeping children from entering the pool area when unaccompanied by a supervising adult. The CPSC concludes that fences provide the best level of protection. When it considered pool covers, the CPSC notes that they would be beneficial for adding an additional layer of protection.

Notwithstanding the CPSC's recommendation, the International Code Council (ICC) and the Association of Pool & Spa Professionals (APSP) developed a set of swimming pool-related building codes called the International Swimming Pool and Spa Code (ISPSC). The 2015 version of the ISPSC allows for an automatic pool cover in lieu of a fence for all inground pools and spas.³ As of 2019, 10 states have adopted the ISPSC for use state-wide and 10 states have adopted the ISPSC for use as determined by local authorities.⁴ Wisconsin has not adopted the ISPSC in any capacity for state-wide use. With that said, there are a handful of municipalities across the state of Wisconsin that have allowed for automatic pool covers.

To be clear, staff's recommendation is that pool covers alone should not be allowed. The available data shows that fences provide the best level of safety in all circumstances. Further,

¹ <https://www.cdc.gov/nceh/publications/books/housing/cha14.htm>

² <https://www.poolsafely.gov/wp-content/uploads/2017/08/Safety-Barrier-Guidelines-Pub-2017.pdf>

³ <https://codes.iccsafe.org/content/ISPSC2015/chapter-3-general-compliance>

⁴ <https://www.iccsafe.org/wp-content/uploads/April-2019-APSP-ISPSC-Adoption-Sheet-Map-002.pdf>

enforcement becomes a challenge. With a fence, it is easy to determine whether the fence is solid and without gaps, whether the gate has closed and/or whether the latch is working. With pool covers, there is significant grey area. Certainly, it can be determined whether the cover is operation or not, just as you can determine whether the latch works. However, the latch is required to be self-locking – it works automatically. A pool cover does not close automatically. It needs to be operated by the physical controls. Accordingly, staff cannot ensure that the cover is actually used. An owner could install the cover and then proceed to leave it open 24-7, which provides zero protection from drownings. The proposed ordinance includes the requirement of additional safety measures when using a cover, but these safety measures are designed to be secondary to physical access restrictions like a fence.

Attempts to include operational requirement are also difficult to enforce. For example, we could require the cover to be closed when there is no adult present to supervise the pool. Or establish a time threshold — it needs to be closed when there is no use of the pool for more than 15 minutes. But each of these restrictions is impossible to enforce. If a neighbor calls and says there is no adult present, staff would need to physically observe the lack of an adult before a citation could be issued. Between the time of the call and the time staff could arrive, the presence of an adult would likely change. Or what if the owner of the pool says they are supervising by watching from inside the house through a window.

One part of the discussion from December’s meeting addressed the situations where a pool has a fence on three sides but uses the wall of the residence for the fourth enclosing side. One of the purposes of regulating pool safety is to prevent neighboring children from drowning by being drawn to an unattended pool (the so-called attractive nuisance). However, recognize that one CPSC study found that some 75% of incidents involve pools owned by the victim’s family. Accordingly, the proposed ordinance also includes language addressing this circumstance and requires additional safety features to address the risk posed in these circumstances.

The CPSC acknowledges that “[b]arriers are not childproof, but barriers do provide layers of protection for a child when there is a lapse in adult supervision.” Therefore, the City’s code should ensure that there are appropriate levels of protection surrounding a pool for children. Because fences appear to provide the best protection, the proposed ordinance defaults to requiring a fence. However, it also provides the opportunity to utilize a powered pool cover provided that the pool is also equipped with an alarm and one additional safety measure. Lastly, irrespective any local codes, remember that subdivision covenants and homeowner’s/liability insurance requirements may dictate more stringent protection than any code requirements.

10-26 – Residential Swimming Pools.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building within the city except in accordance with the following regulations.

(a) Definitions.

- (1) "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. "Swimming pool" includes a spa, hot tub, and temporary pool unless otherwise specifically excluded within this section.
- (2) "Temporary pool" means any swimming pool that has a surface area of less than 314.159 square feet (20-foot diameter) which is installed for any length of time less than four (4) months and which is installed after May 1 and removed by September 30 in the same year.
- (3) "Power safety cover" means a barrier which can be placed over the water area of a pool and removed with a motorized mechanism actuated by a suitable control mechanism that provides a high level of safety for children under the age of five by inhibiting their access to the water and is certified to meet the standards of American Society for Testing and Materials (ASTM) specification 1346-91.

(b) Permit.

- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has first been obtained from the Building Inspector. A temporary pool shall be exempt from this permit requirement.
- (2) Application. The following information shall be required:
 - a. Survey or accurate drawing of the property, in duplicate, showing all existing structures, proposed swimming pool or spa location, fencing if required, and overhead or underground electrical wiring.
 - b. Type of pool installation, above ground or in-ground.
 - c. Pool height above highest point of grade if above ground installations.
 - d. Type and height of fence, if proposed.
 - e. Type and support of decking, if proposed.
 - f. Type and location of safety features to be installed, if proposed.
 - g. Overall size and locations of the above in regard to existing buildings and lot lines for property survey reference.
 - h. Any change in finished grade near pool.

- i. County Health Department approval for properties using a private septic system, where applicable.
- j. Site inspection letter from a local wiring utility.
- k. Two (2) copies of brochure which shows the type, style, etc. of the swimming pool and safety features to be installed.

(c) Construction Requirements.

- (1) No swimming pool shall be located, erected, constructed or maintained within any front yard or closer to any side or rear lot line than allowed by Chapter 58 for permitted accessory structures, and the waterline of any swimming pool shall not be less than 4 feet from any lot line, wall, fence, structure or building.
- (2) No connection shall be made to the sanitary sewer or septic system.
- (3) Gaseous chlorination systems shall not be used for disinfecting swimming pool waters.
- (4) Swimming pools shall be located from well and septic systems in accordance with the Wisconsin State Plumbing Code, Wis. Admin. Code § SPS 383.

(c) Fences or Other Safety Measures.

- (1) All non-temporary swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the swimming pool, not less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one dimension. No fence shall be located, erected, constructed or maintained closer than four (4) feet to a swimming pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be located at least three (3) feet above the ground, accessible deck or stairs.
- (2) The wall of the house or building facing a swimming pool may be incorporated as a portion of the fence required under paragraph (1) above provided that the swimming pool is equipped with at least one of the following:
 - a. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - b. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
 - c. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.

- (3) In lieu of a fence under paragraph (1) above, a swimming pool may utilize a power safety cover provided that such cover is in working order, is closed at all times where an adult is not physically outside and within ten (10) feet of the pool, and that the pool is also equipped with:
- a. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 “Standard Safety Specification for Residential Pool Alarms,” which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
 - b. And at least one of the following:
 - i. Removable mesh fencing that meets the standards of ASTM Specification F2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - ii. Exit alarms on all doors within a residence that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that “the door to the pool is open.”
 - iii. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors of a residence providing direct access to the swimming pool or spa.
- (4) Above ground swimming pools with platforms and railings that are four (4) feet or more in height above ground and temporary pools are not required to be enclosed as provided in paragraph (1) above; however, all ladders and stairways providing access to such swimming pools shall be removed from the swimming pool or shall be adequately fenced and fitted with gates or folded up and locked to prevent entry when the swimming pool is not in use.
- (5) Spas and hot tubs are exempt from the fence requirement under paragraph (a) above provided that such spa or hot tub has a locking safety cover which is certified to meet ASTM specification 1346-91 and which shall be in place and locked when the hot tub or spa is not in use.
- (d) Electrical Requirements. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.
- (e) Pool Lights. If overhead flood or other artificial lights are used to illuminate the swimming pool at night, such lights shall be shielded to direct light only on the swimming pool.
- (f) Swimming Pool Decks. All decks shall be constructed in accordance with the Uniform Building Code. Decking shall be considered an integral part of the swimming pool and shall comply with the applicable setback dimensions per the local zoning code.

- (g) Drainage. In no case shall any swimming pool be drained onto lands of property owners other than the owner of the swimming pool. Drainage from said lot shall be in accordance with city code.
- (h) Use of Swimming Pool. No swimming pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.



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Office of Fire/Ambulance

TO: Public Welfare Committee
FROM: David Bialk, Fire Chief
DATE: December 30, 2021
SUBJECT: Review of City of Mequon Burning Ordinance

Background

At the December 2021 Finance and Personnel Committee meeting the committee had questions regarding Mequon's current burning ordinance. The current ordinance was drafted when Mequon was much less densely populated, and lot sizes were much larger. The current ordinance was drafted at a time when Mequon was experiencing a lot of wildland/grassland fires due to the vast amount of open land at the time. The Finance and Personnel Committee asked the current ordinance be brought back for review.

Analysis

Many homes in the City are adding a variety of fire features to their properties which have gained popularity recently. Many are not following the current Ordinance because it's unrealistic with current lot sizes and the definition of open burning. There are also a number of residents who complain about any type the open burning in their neighborhood and the nuisance it causes.

Fiscal Impact

The financial impact is minimal as many people are likely conducting recreational burns without a permit as is. But there is the possibility of the decrease in burn permits currently being purchased annually. Most of the approximately 500 annual issued burn permits are for open burning.

Recommendation

Review and discuss the attached proposed changes to Chapter 30, Article V, Open Burning.

Attachments:

Updated Burning Ordinance (DOCX)

- **ARTICLE V. – OPEN AND RECREATIONAL BURNING**
- **DIVISION 1. - GENERALLY**

- **Sec. 30-111. - Procedures for conducting open burning; penalties.**

(a)

~~Burning in an approved location container.~~ Burning in an approved location container shall be allowed after the issuance of an annual permit by the fire chief or ~~his~~ their duly appointed agent(s). ~~Such burning may be conducted without obtaining daily permission from the fire chief or his duly appointed agent(s), but shall be subject to all other provisions set forth in sections 30-126 through 30-130 of this chapter.~~

(1)

The ~~burn location must be a minimum container shall be placed at a~~ distance of at least 75 feet from any structure, wooded area, ~~or~~ public roadway ~~or combustible materials.~~

(2)

~~The area around the container shall be of such a nature as to prevent the fire from spreading from the container.~~

(3)

A responsible person ~~of at least sixteen (16) years of age,~~ shall be in attendance at all times when ~~the container is used for~~ burning.

(4)

Only those materials identified in section 30-130 shall be burned ~~in the container.~~

(5)

The by-products of combustion resulting from burning ~~in a container~~ shall not form a fire hazard or nuisance to neighboring citizens.

(b)

The open burning of materials in a pile not to exceed four feet in height and six feet in diameter shall be permitted provided that:

(1)

Daily permission, set forth in section 30-129, is obtained.

(2)

~~The pile is located a distance of 75 feet from any structure, wooded area or public roadway.~~

(3)

The area surrounding the pile shall be of such a nature as to prevent the fire from spreading from the pile.

(4)

~~A responsible person shall be in attendance at all times when material is being burned.~~

(5)

The responsible party shall ensure that the fire has been completely extinguished at the conclusion of any burning activity or dusk, whichever occurs first.

(6)

~~Only materials identified in section 30-130 shall be burned.~~

(7)

A source of water ~~or other fire extinguishing equipment~~ shall be ~~readily~~ available to the responsible person attending the fire.

(8)

The by-products of combustion resulting from burning ~~in a pile~~ shall not form a fire hazard or nuisance to neighboring citizens.

(9)

The fire chief, or ~~his~~ **their** designee, may allow piles of approved material larger than described in subsection (b) of this section to be burned.

(c)

The burning of standing grass for the purpose of establishing and/or maintaining a prairie landscape at a designated and approved site shall be permitted provided that:

(1)

The designated and approved prairie site shall be bordered on all sides by a closely mowed area, the width of which shall be determined by the fire department.

(2)

The mowed border area shall be a minimum of 75 feet from any structure, fence line, wooded area or public roadway.

(3)

In the event that the fire department must be called to extinguish a fire set to establish or maintain a prairie landscape, the property owner shall be charged the reasonable costs of suppression as a special charge or assessment pursuant to Wis. Stats. §§ 66.0627 or 66.0703.

(d)

Any person responsible for attending to a fire which escapes confinement or control of the person, such that the ~~city~~ fire department responds to suppress the fire, shall be liable for the actual costs of responding to and suppressing the fire. The liability provided for herein shall be in addition to and independent of any liability for a forfeiture for violation of this section.

(Code 1957, § 11.01(5); Ord. No. 97-917, 4-8-1997; Ord. No. 2002-1040, § I, 2-12-2002)

- **Secs. 30-112—30-125. - Reserved.**

- **DIVISION 2. - PERMIT**

- **Sec. 30-126. - Required.**

- Before issuing a permit for open burning or burning in an approved container, the fire chief, or ~~his~~ **their** designee, shall consider the time, place and manner in which the fire is to be set, the type of material proposed to be burned and such other factors he may deem relevant or necessary for the safe control of such a fire. The fire chief, or ~~his-their~~ designee, is authorized to revoke or refuse to issue a permit for the setting of any fire when, in his judgment, the starting of such would endanger the health and safety of persons or property, including crops and structures, within the city. A copy of the general regulations of the fire department for the control and management of such fires may be attached to such permit, or printed thereon, as may be determined to be most feasible.

(Code 1957, § 11.01(4)(a); Ord. No. 97-917, 4-8-1997; Ord. No. 2002-1040, § I, 2-12-2002)

- **Sec. 30-127. - Annual permit fee.**

An annual permit fee to conduct open burning or burning in an approved container shall be established.

(Code 1957, § 11.01(4)(b); Ord. No. 97-917, 4-8-1997; Ord. No. 2002-1040, § I, 2-12-2002)

• **Sec. 30-128. - Activities exempt.**

The following activities shall be exempt from the permit and fee provisions of this chapter:

(1) Fires set by the Mequon fire department for practice and instruction of firefighters, and/or testing of firefighting equipment.

(2) Small open flames for welding, acetylene torching or similar flame devices for commercial or industrial purposes.

~~Fires set in devices commonly referred to as barbecue grills for the purpose of cooking.~~

3. Cooking Fires in Grills

- a. fueled by charcoal, wood, or propane gas.
- b. Cannot be used within ten (10) feet of a multi-family structure (three or more units)
- c. Cannot be located on a balcony or under any overhanging portion of the structure.

~~Fires set in manufactured devices commonly referred to as a "patio hearth" constructed of ceramic materials or those of metal construction having an attached cover when burning wood for a recreational fire.~~

4. Fires in patio hearth, outdoor fireplace or other feature

- a. Must be placed on and surrounded by non-combustible material
- b. Wood burning features must be at least 20 feet from any structure
- c. Devices that are solely gas fueled can be placed 10 (ten) feet from any structure.
- d. If wood burning, all screens and covers must be in place. The fire shall not be ignited with a flammable or combustible liquid.
- e. Must be attended by a responsible person of at least sixteen (16) years of age with a water source or other fire extinguishing equipment readily available.

~~Campfires for cooking, ceremonies or recreation, not contained in devices commonly described as barbeque grills or patio hearths, and being described as a pile of wood not exceeding two feet in diameter shall be permitted provided that:~~

~~Daily permission, as set forth in section 30-127 is obtained.~~

~~The fire site is located a distance of at least 75 feet from any structure or public roadway.~~

~~The area surrounding the fire shall be of such a nature as to prevent the fire from spreading.~~

~~A responsible person shall be in attendance at all times when material is being burned.~~

~~The responsible party shall ensure that the fire has been completely extinguished at the conclusion of any burning activity.~~

5. Campfires located on the ground

- a. Must be at least 25 feet from any structure, wooded area, public roadway or combustible materials.
- B Must not exceed three feet in diameter.
- c. Shall not be ignited with a flammable or combustible liquid.

- d. Does not exceed two feet in height above the ground.
- e. Must be attended by a responsible person of at least sixteen (16) years of age with a water source or other fire extinguishing equipment readily available.

f.

The by-products of combustion resulting from burning shall not form a fire hazard or nuisance to neighboring citizens.

(Code 1957, § 11.01(4)(c); Ord. No. 97-917, 4-8-1997; Ord. No. 2002-1040, § I, 2-12-2002)

- **Sec. 30-129. - Restrictions on permits.**

Issuance of permits for the starting, burning, or setting of any fire under this chapter shall be subject to the following:

(1)

No permit shall be issued for the starting, burning or setting of any fire at any location within the city that may be within 75 feet of any building or structure, or that shall cause smoke to obscure visibility on a public roadway, or in any location, or at any time where it is reasonable to anticipate that there is a danger of fire spreading in such a manner as to endanger land, crops or structures within the city, whether such land, crops or structures are owned by the person starting the fire or otherwise.

(2)

Permitted fires shall not be ignited before dawn and shall be completely extinguished by dusk; with the exception as such activity is permitted pursuant to [section 30-128](#). For purposes of this section, the Dawn/Dusk Table of the Wisconsin Department of Natural Resources shall be utilized to determine the times of dawn and dusk.

(3)

No permit shall be issued at a site having retail, commercial or industrial zoning or use, except as such activity is permitted pursuant to [section 30-128](#). The fire chief, or ~~his~~ **their** designee, may grant an exemption for burning at sites zoned for retail, commercial or industrial use if the purpose of the fire is to dispose of small amounts of refuse plant material where burning is the recommended alternative to the application of agricultural chemicals. No material shall be burned which was generated from an off-site location.

(4)

After a proper permit for open burning has been obtained, it shall be necessary for the property owner, or his agent, to obtain daily permission from the fire chief or ~~his~~ **their** duly appointed agent(s) to conduct any open burning, however, this provision does not apply to burning in an approved container, which may be conducted without obtaining daily permission from the fire department.

(5)

No permit for burning in an approved container shall be issued unless the container is constructed of a noncombustible material, not to exceed 55 gallons or eight cubic feet in size, closed at all sides and at the bottom. One-inch holes or smaller may be in the bottom and sides to allow air intake for the combustion process. Over the top shall be a cover or screen with one-half-inch holes or smaller. The container and/or screen shall be discarded and replaced when it deteriorates from use or climatic conditions.

(6)

The fire chief shall have the authority to grant a variance to these restrictions on an individual basis after he reviews each request and determines it presents no fire hazard or other problem.

(Code 1957, § 11.01(4)(d); Ord. No. 97-917, 4-8-1997; Ord. No. 2002-1040, § I, 2-12-2002)

- **Sec. 30-130. - Appropriate materials; prohibited materials.**

(a)

The following materials may be burned: ~~after a proper permit has been obtained:~~

(1)

Dry leaves, dry grass, dry garden residue, small branches or tree limbs.

(2)

Standing grass for the purpose of establishing or maintaining a prairie landscape at a designated site.

(b)

Materials which shall not be burned include, but are not limited to: wet combustibles, any material containing rubber, garbage, plastic, recyclable materials, wood products containing glues or resins, any material capable of generating black or noxious smoke or any building materials associated with construction, remodeling or demolition.

- **Sec. 30-131. – RESTRICTIONS AND LIMITATIONS ON ALL BURNING**

Notwithstanding anything herein to the contrary, no burning shall be allowed:

When the wind velocity exceeds 12 miles per hour as indicated by the National Weather Service.

During periods when the Fire Chief or their Designee, or the Department of Natural Resources has issued a burning ban.

(Code 1957, § 11.01(4)(e), (f); Ord. No. 97-917, 4-8-1997; Ord. No. 2002-1040, § I, 2-12-2002)



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Office of Community Development

TO: Public Welfare Committee
FROM: Kim Tollefson, Director of Community Development
DATE: January 11, 2022
SUBJECT: Architectural Review Board Membership

Background:

At the request of Mayor Wirth, an assessment of the Architectural Review Board structure from within Mequon and surrounding communities was completed and presented at the December Public Welfare meeting. Discussion between committee members and attendees resulted in staff proposing the following changes to the Division 2 Architectural Board Municipal Code.

Analysis

Due to issues filling vacancies and losing a quorum when district representatives leave meetings. The following recommendations are to limit the board to seven regular members and two alternates. No more than two regular members shall be from one aldermanic district to ensure diversity of membership and varying character within the city. Included are the attached track changes version.

Staff Recommendation

Staff recommends the follow changes to membership which will make the Architectural Review Board more consistent with other Boards. If Public Welfare is supportive of the proposed changes, then an ordinance will be drafted and forwarded for action in February.

Attachments:

Architecture Review Board Membership Track Changes (DOCX)
Architecture Review Board Membership Changes Clean Version (DOCX)
Current Architecture Review Board Membership Municipal Code (DOCX)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE IX. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 2. ARCHITECTURAL BOARD

DIVISION 2. ARCHITECTURAL BOARD

Sec. 2-441. Creation.

The city shall have a board known as the "City of Mequon Architectural Board."

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-442. Purpose.

The board shall be responsible for review and final approval of all single-family and plex residential housing plans unless the single-family or plex residential housing is contained in a mixed-use development.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-443. Membership.

- (a) The board shall consist of ~~seven regular five voting citizen~~ members ~~and two alternate members~~, at least one of whom shall be a registered architect or experienced home designer. ~~These five members shall be known as "at-large members."~~ ~~No more than two regular members shall be from one aldermanic district.~~
- ~~(b) There shall be a reserve panel consisting of two residents from each aldermanic district. A reserve panel member shall vote only on proposals which are located within his or her aldermanic district. The two reserve panel members from each district shall not be appointed in the same year.~~
- ~~(be) The mayor shall nominate the seven five at large regular~~ members ~~and two alternate members.~~ ~~and the reserve panel.~~

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017; Ord. No. 2020-1570, § I, 5-12-2020)

Sec. 2-444. Chair and vice-chair.

The mayor shall, at each common council organizational meeting, appoint a chair and vice-chair from among the board's members.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-445. Powers and duties.

The board shall have the powers and duties set forth in section 58-40.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017)

Sec. 2-446. Deviation from general provisions.

Section 2-425(a) shall not apply to the board. A quorum shall consist of four members, ~~at least two of whom shall be at-large members.~~

Section 2-430 shall not apply. A quorum shall be required to be physically present to transact business or to take any action on any agenda item on the meeting's agenda.

(Ord. No. 2017-1505, § II(Exh. A), 10-10-2017; Ord. No. 2019-1554, § III, 12-10-2019)

Secs. 2-447—2-460. Reserved.

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(b) The mayor shall nominate the seven regular members and two alternate members.

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- (c) The mayor shall nominate the five at-large members and the reserve panel.

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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: October 6, 2021
SUBJECT: Work Calendar

Month	Agenda Topics
December	• Electronic Meetings • Pool Fencing • Firepit Distance Requirements From a Structure • Architectural Board Review • Polling Sites
January	• Pool Fencing • Firepit Distance / Burn Ordinance • Architectural Board Review
February	• Pool Fencing • Firepit Distance / Burn Ordinance • Architectural Board Review

Future Agenda Topics

• Composting Plan (Continued) • Chapter II, Article IV Review (Continued) • Adopt-A-Median Program • Community Outreach Initiatives • Home Program Review/Renewal	• Nuisance Ordinance Review • Logo Redesign/Branding • Home Irrigation Systems (Fall 22)
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2021 Completed Items

• Electronic Meetings Ordinance (Continued) • Pooling Sites • Home Irrigation Systems • Redistricting • Tree Trimming & Wood Retention • Chapter II Article II • Subdivision Ordinance Amendments • Political Signs Ordinance • Chickens Ordinance	• Micro-Breweries & Micro-Wineries Ordinance • Storage of Outdoor Power Equipment Ordinance • Bee City Designation • Bird City Designation • Hybrid Meeting Technology Update • Review of Protest Petition Process • Electronic Meetings Post COVID-19 • Review of Protest Petition Process
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