



11333 N. Cedarburg Road
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www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, March 14, 2023

5:30 PM

Lower Conference Room

Agenda

I) Call to Order

II) Approval of Meeting Minutes

Action requested: review and approve

1. February Meeting Minutes

III) Ordinances

Action requested: review and recommend approval

1. **ORDINANCE 2023-1643** An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits

IV) Discussion Items

Action requested: discuss and take action as needed

1. Chapter 58 Zoning Code Text Amendment Related to the Length of Recreational Vehicles
2. City Provided Cell Phone Policy Discussion

V) Work Calendar

VI) Adjourn

Dated: March 14, 2023

/s/ Dale Mayr, 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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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, February 14, 2023

5:15 PM

Lower Conference Room

Minutes

I) Call to Order

Present:

Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, and Executive Assistant Enea

II) Approval of Meeting Minutes

1. January Minutes

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

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Schneider

AYES: Mayr, Gierl, Schneider

III) Ordinances

Action requested: review and recommend approval

1. **ORDINANCE 2023-1639** An Ordinance Amending Chapter 50 and Section 46-133 of the Mequon Municipal Code, Relating to Nuisances Within the City Including Noise

Alderman Mayr moved to amend the hours for when construction noise is not allowable from 9:00PM – 9:00AM Monday-Friday to 8:00PM - 7:00AM and for the weekends and holidays from 10:00PM – 8:00AM to 8:00PM – 8:00AM. Alderwoman Schneider seconded and the motion passed by Voice Acclamation.

RESULT: **Approved with Amendments [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

2. An Ordinance Amending Section 10-26 of the Mequon Code of Ordinances Related to Residential Swimming Pools Standards

City Attorney Sajdak updated the Committee regarding the changes made to the Code that staff would like the Committee to consider now that the ordinance has been in place for a few months. The term public safety cover was modified. Some of the ordinance's original specifics were eliminated (i.e. weight that the cover needs to hold) because manufacturers would only certify to the standard weight, not to the weight that was previously set. Alderman Mayr requested to see the math behind it. City Attorney Sajdak said it is supposed to hold two adults and one child. The Committee asked the City Attorney to ask the Fire Chief what the weight of a fireman with equipment would be. Furthermore, the Committee discussed the alarm language. The ordinance will be brought back at the next meeting with the changes and the math behind the standard weight a safety cover can hold.

IV) Resolutions

Action requested: review and recommend approval

1. **RESOLUTION 4012** A Resolution Authorizing Renewal of an Application with Bird City Wisconsin and Observing World Migratory Bird Day in Conjunction with Arbor Day

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

2. **RESOLUTION 4011** A Resolution Designating Mequon, Wisconsin as a Bee City USA

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

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

V) Work Calendar

1. Grass Length
2. Recreational Vehicle Length Extension
3. City Cell Phone Usage
4. Community Survey
5. Building Code Ordinance

VI) Adjourn

Alderman Gierl moved to adjourn at 5:57 PM and Alderwoman Schneider seconded.

Respectfully Submitted,
Carrie Enea
Executive Assistant



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Office of Community Development

TO: Public Welfare Committee
FROM: Jac Zader, Assistant Director Community Development
DATE: March 14, 2023
SUBJECT: ORDINANCE 2023-1643 An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits

Background

A State review of **Chapter 10: Buildings and Building Regulations** contained within the Mequon Municipal Code revealed some minor clerical issues which need to be addressed to achieve compliance with state law, as outlined in the attached ordinance that is proposed for adoption.

Analysis

To comply with the requirements of the State, staff has prepared the following changes to Chapter 10 of the Mequon Code of Ordinances:

1. Modifications to Sections 10-21, 10-108, and 10-110 that provide minor language clarifications, and updates all references to the Wisconsin Administrative Code to reflect the current Administrative Code sections based on changes the State made to the name of the responsible administrative agency and numbering sequence used for current building codes.
2. Modification to Section 10-81(a), striking the requirement that all applications shall be signed by a licensed master electrician or a licensed electrical contractor.

Representatives from the State have reviewed and approved these required changes to Chapter 10.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

Staff recommends approval of these changes to comply with State requirements. Because the changes are in accordance with State process and requirements, staff advises that a suspension of rules for a second reading of the ordinance be considered.

A recommendation from the Public Welfare Committee is forthcoming on March 14, 2023.

Attachments:

Chapt 10 Clean - BCS Version (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1643

An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits

RECITALS

A. The Common Council previously adopted Chapter 10 of the Mequon Municipal Code, which establishes certain rules and regulations related to building within the City.

B. Chapter 10 references various sections of the Wisconsin Administrative Code, and the Wisconsin legislature renamed the various administrative agencies responsible for building codes and renumbered the Administrative Code sections.

C. The Common Council desires to amend Chapter 10 to reflect the current Administrative Code provisions.

D. The regulation of buildings and the establishment of building codes within the City furthers the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Section 10-21 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

Sec. 10-21. - Wisconsin Building Codes adopted by ordinance.

(a) The Wisconsin Uniform Building Code prepared by the Building Inspectors Association of Southeastern Wisconsin with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein. This code shall apply to existing buildings and to additions, alterations and repairs to existing buildings and to all construction, demolition or moving of existing buildings not within the scope of paragraph (b) of this section.

(b) Wisconsin Uniform Dwelling Code, **Wis. Admin. Code §§ SPS 320-325**, ~~Chapters SPS 20-25 prepared by the Department of Professional Services of the State of Wisconsin~~ with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(c) Wisconsin Commercial Building Code, Wis. Admin. Code §§ SPS 360-366, Chapters SPS 60-66 prepared by the Department of Professional Services of the State of Wisconsin with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(d) Wisconsin Flammable and Combustible Liquids Code, Wis. Admin. Code § ATCP 93, Chapter SPS 10 prepared by the Department of Professional Services of the State of Wisconsin with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(e) The following sections of the Wisconsin Administrative Code with all amendments and revisions thereto are adopted by reference and made a part of this ordinance as though fully set forth herein:

- (1) SPS 305 — Credentials
- (2) SPS 327 — Campgrounds
- (3) SPS 375-379 — Buildings Constructed Prior to 1914

SECTION II

Section 10-81(a) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is struck through; Added text is **bolded & double-underlined**):

(a) *Permits required.* The electrical inspector shall issue permits for electrical installations for light, heat, or power upon the filing of a proper application which shall be made on blanks furnished by the electrical inspector prescribing the nature of the work and such other information as may be required for inspection, and no work shall be done until a permit has been obtained. ~~All applications shall be signed by a licensed master electrician or a licensed electrical contractor.~~

SECTION III

Section 10-108 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is struck through; Added text is **bolded & double-underlined**):

Sec. 10-108. - Adoption of State Plumbing Code.

The provisions of Wis. Stat. Ch. 145, Wis. Admin. Code §§ SPS 381-387, and Wis. Admin. Code § NR 113, Wis. Stats. ch. 145 and Wis. Admin. Code SPS chs. 81—87 and NR ch. 113e and all amendments thereto, are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. ~~Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein.~~

SECTION IV

Section 10-110 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

Sec. 10-110. - Plumbing inspector.

(a) The common council plumbing inspector shall have control of the supervision and inspection of all plumbing work and shall faithfully enforce all laws, ordinances, and rules in relation thereto. It shall be the duty of said plumbing inspector to require that the construction, reconstruction and alteration of all plumbing, sanitary drainage, wells and plumbing ventilation hereafter installed in all of the buildings in the City of Mequon, shall conform to the laws **and rules** of the state, ~~the rules of the department of commerce, and the~~ ordinances, rules and regulations adopted by the common council of the City of Mequon.

(b) Upon approval by the division of health, the City of Mequon and the plumbing inspector shall be authorized to require, examine and approve all plumbing plans for facilities as described in Wis. Admin. Code **§ SPS 382.20** ~~Comm. 82.20~~ with the exception of the following:

- (1) Health care and related facilities.
- (2) State owned buildings.
- (3) Reduced pressure zone principle type backflow preventers.
- (4) Controlled roof drainage systems.
- (5) Mobile and manufactured homes.
- (6) Mobile home parks, water and sewerage systems.
- (7) The granting of variances to the state uniform plumbing code.

(c) The plumbing inspector shall charge fees for the above plan review and approval in accordance with Wis. Admin. Code **§ SPS 382.20(7)** ~~Comm. 82.20~~.

(d) The review and approval of plans as described in subsection (b) of this section shall not interfere with the normal inspection and administrative duties of the plumbing inspector. Additional staff time shall be authorized as needed for the accomplishment of such review.

(e) All plans reviewed by the plumbing inspector under the authority of this section shall be retained in good order for a period of five years.

SECTION IV

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION V

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION VI

Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

Caroline Fochs, City Clerk

Published: _____

Sec. 10-21. - Wisconsin Building Codes adopted by ordinance.

- (a) The Wisconsin Uniform Building Code prepared by the Building Inspectors Association of Southeastern Wisconsin with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein. This code shall apply to existing buildings and to additions, alterations and repairs to existing buildings and to all construction, demolition or moving or existing buildings not within the scope of paragraph (b) of this section.
- (b) Wisconsin Uniform Dwelling Code, Wis. Admin. Code §§ SPS 320-325, with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.
- (c) Wisconsin Commercial Building Code, Wis. Admin. Code §§ SPS 360-366, with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.
- (d) Wisconsin Flammable and Combustible Liquids Code, Wis. Admin. Code § ATPC 93, with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.
- (e) The following sections of the Wisconsin Administrative Code with all amendments and revisions thereto are adopted by reference and made a part of this ordinance as though fully set forth herein:
 - (1) SPS 305 — Credentials
 - (2) SPS 327 — Campgrounds
 - (3) SPS 375-379 — Buildings Constructed Prior to 1914

Sec. 10-81. – Electrical Permits.

- (a) *Permits required.* The electrical inspector shall issue permits for electrical installations for light, heat, or power upon the filing of a proper application which shall be made on blanks furnished by the electrical inspector prescribing the nature of the work and such other information as may be required for inspection, and no work shall be done until a permit has been obtained.

Sec. 10-108. - Adoption of State Plumbing Code.

The provisions of Wis .Stat. Ch. 145, Wis. Admin. Code §§ SPS 381-387, and Wis. Admin. Code § NR 113 and all amendments thereto, are adopted and by reference made a part of this chapter with the same force and effect as though set out in full.

Sec. 10-110. - Plumbing inspector.

(a) The common council plumbing inspector shall have control of the supervision and inspection of all plumbing work and shall faithfully enforce all laws, ordinances, and rules in relation thereto. It shall be the duty of said plumbing inspector to require that the construction, reconstruction and alteration of all plumbing, sanitary drainage, wells and plumbing ventilation hereafter installed in all of the buildings in the City of Mequon, shall conform to the laws and rules of the state, and the ordinances, rules and regulations adopted by the common council of the City of Mequon.

(b) Upon approval by the division of health, the City of Mequon and the plumbing inspector shall be authorized to require, examine and approve all plumbing plans for facilities as described in Wis. Admin. Code § SPS 382.20 with the exception of the following:

- (1) Health care and related facilities.
- (2) State owned buildings.
- (3) Reduced pressure zone principle type backflow preventers.
- (4) Controlled roof drainage systems.
- (5) Mobile and manufactured homes.
- (6) Mobile home parks, water and sewerage systems.
- (7) The granting of variances to the state uniform plumbing code.

(c) The plumbing inspector shall charge fees for the above plan review and approval in accordance with Wis. Admin. Code § SPS 382.20(7).

(d) The review and approval of plans as described in subsection (b) of this section shall not interfere with the normal inspection and administrative duties of the plumbing inspector. Additional staff time shall be authorized as needed for the accomplishment of such review.

(e) All plans reviewed by the plumbing inspector under the authority of this section shall be retained in good order for a period of five years.



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Office of Community Development

TO: Public Welfare Committee
FROM: Jac Zader, Assistant Director Community Development
DATE: April 11, 2023
SUBJECT: Chapter 58 Zoning Code Text Amendment Related to the Length of Recreational Vehicles

Background

Staff understands that the Public Welfare Committee wants to discuss the parking requirements on residential properties as it relates to Recreational Vehicles. Attached is Section 58-441 (11) of the zoning code related to parking on residential properties. According to subsection (d) every residential property is allowed one camper, boat, trailer or other recreational vehicle not to exceed 20 feet in length or 10 feet in height. These vehicles need to be closer to the dwelling than to any adjacent lot line.

Enforcement History

In 2022, the City of Mequon has issued 42 violation letters related to this code section. The majority of the orders were related to exceeding the 20-foot length requirement. Recreational vehicles accounted for the majority of the violation letters (13). Other violation letters were related to the length of boats, trailers, trucks, and construction vehicles. In some cases, the orders included multiple violations including the height of the vehicle and the location of where it was parked.

Staff Comment

If the Committee is interested in making changes to the code section, staff will prepare an amendment to the code for future meeting. Since this is in Chapter 58 of the Municipal Code, Planning Commission review and recommendation is required prior to action of the Common Council.

Attachments:

Sec._58_441.____Parking_requirements. (DOCX)

Sec. 58-441. Parking requirements.

- (11) *Residential parking.* The provisions of this subsection shall apply to the following vehicles: Automobiles, trucks, vans, snowmobiles, mopeds, boats, all-terrain vehicles, camping trailers, mobile homes, motor homes, pick-up campers, motor buses, road tractors, truck tractors, motorcycles, trailers, semi-trailers, panel trucks, dump trucks, road machinery, farm implements, riding lawn care/snow removal tractors, and other such engine driven devices or vehicles designed to be towed by a motor vehicle, collectively referred to herein as "vehicles" unless otherwise specifically stated.
- a. The unenclosed parking or storage of unlicensed, unregistered, inoperable or junk vehicles is expressly prohibited within the City of Mequon.
 - b. The unenclosed parking or storage of more than one licensed but non-operated vehicles is not permitted for longer than 180 consecutive days beyond which time the vehicles must either be enclosed in a garage or removed from the site.
 - c. The unenclosed storage of not more than one snowmobile, moped, boat, all-terrain vehicle, camping trailer, mobile home, motor home, pick-up camper, trailer, panel truck, snow removal tractor or other similar device shall be permitted, provided such vehicle does not exceed 10,000 pounds empty weight or in the case of a trailer, boat, camping trailer, mobile home, panel truck or motor home a total length of 20 feet or an overall height of ten feet. Note: lawnmowers shall not be subject to this limitation. Storage of these vehicles shall at all times be closer to the principal residence than any adjoining lot line but never within 40 feet of an abutting right-of-way. Furthermore, such storage shall be restricted to vehicles owned by the resident of property upon which the vehicles are parked or stored.
 - d. The unenclosed parking or storage of personal use automobiles, trucks and vans with an empty weight of not more than 10,000 pounds, total length of not more than 20 feet and overall height of not more than ten feet shall not be restricted in number unless, as determined by finding of City of Mequon department of community development and/or planning commission, the number of personal use automobiles, trucks and vans parked on an individual property is excessive, unusual or atypical with respect to the character of the surrounding neighborhood. If such finding occurs, the city may limit the number of unenclosed automobiles parked on a single property. Additionally, all personal use automobiles, trucks and vans shall be parked only on a driveway or paved surface and be owned by the residents or guests of the residents of the property upon which the vehicles are parked or stored.
 - e. Unenclosed parking or storage of any vehicles not specifically identified or permitted in this subsection shall require specific approval by the director of community development and/or planning commission. Approval may be based on, among other things, evidence that appropriate screening is available or will be installed to mitigate the visual effect such parking or storage may have on the surrounding neighborhood.
 - f. The conditions set forth in this subsection shall not contravene any other ordinance of the city which can be construed as more restrictive than the terms set forth herein.
 - g. Where applicable, definitions of the terms utilized in this subsection shall be in accordance with definitions listed in Wis. Stats. ch. 340.



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: March 8, 2023
SUBJECT: City Provided Cell Phone Policy Discussion

Background

At its February meeting, the Public Welfare Committee expressed interest in reviewing the City's cell phone policy. The policy is part of the City's Policy and Procedures Manual and was last updated in 2012. In addition, the City's IT Strategic Plan identified a number of IT policies that should be reviewed and updated, including the use of City-owned cell phones.

Analysis

The City's cell phone policy states:

"If deemed necessary by the Department Head, an employee may be required to carry a City sponsored cell phone.

Use of the City sponsored cell phone shall be limited to City related business. Personal use of the City sponsored cell phone should be kept to a minimum. Employee use of the phone is not confidential, the City Administrator his/her designee or the Department Head has the right to view cell phone activity.

Use of any cell phone is prohibited while driving a City sponsored vehicle unless the phone is being used for emergency purposes. Texting while driving is prohibited."

The policy is no longer sufficient to address the advancements and functionality that cell phones can now perform. Staff has compiled a list of policy considerations to assist The Committee in its review. The Committee could consider adding some of the provisions listed below or other additional amendments the Committee sees as appropriate.

Cell Phone Policy Amendment Suggestions:

1. Stating City provided phones are property of the City.
2. Stating no personal accounts or apps may be used on City provided phones.
3. Specify calling, messaging, and use of all phone features should be limited to City business.
4. Specify personnel use of City provided phones for calls or messages should be limited to occasional use.
5. Employees are responsible for the security of their City provided phones. The phone must be password protected.
6. Employees shall report lost or stolen phones as soon as possible.

Recommendation

City staff will gather the Committee's feedback and suggestions for amending the policy. Staff would then incorporate the amendments into a larger IT policy update for the Policy and Procedure Manual as identified by the IT Strategic Plan. It is on the IT Division's work plan to bring forward updated IT related policies to the Finance-Personnel Committee and Common Council for approval later this year.



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: February 7, 2023
SUBJECT: Work Calendar

Meeting Topics

February

- Nuisance Ordinance (Continued)
- Pool Cover Ordinance
- Bird City Designation
- Bee City Designation

March

- Pool Covers
- Recreation Vehicle Length
- Building Code Update
- City Cell Phone Policy

April

- Recreational Vehicle Length (Continued)

Future Agenda Topics

- Architectural Board Review (Continued)
- Chapter II, Article IV Review (Continued)
- Home Irrigation Systems (Fall 22)
- Composting Plan (2023)
- Community Survey
- Adopt-A-Median Program
- Community Outreach Initiatives
- Logo Redesign/Branding

2023 Completed Items

- Setbacks For R-2 Zoning District
- No Mow May
- Nuisance Ordinance
- Bird City Designation
- Bee City Designation