

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE
Thursday, March 17, 2016 * 7:00 PM * Parkview Room

AGENDA

1. Call meeting to order

Documents: [legislative committee memo- 031716.pdf](#)

2. Review and Act on Previous Meeting Minutes

Documents: [LC021816dm.pdf](#)

3. Review, discussion and possible action on an amendments to Chapter 106 Building Construction, Chapter 134 Electrical Standards and Chapter 212 Plumbing.

Documents: [106 Building Permit.pdf](#), [134- Electrical Standards.pdf](#), [212 Plumbing.pdf](#)

4. Review, discussion and possible action on an amendment to Chapter 204 Parks and Recreation.

Documents: [204-6 Parks and Recreation Vending and peddling.pdf](#)

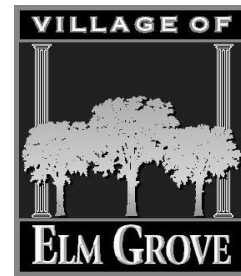
5. Other Business

6. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

Memo



To: Legislative Committee

From: Casey Griffiths, Zoning & Planning Administrator/Assistant to the Village Manager

Date: March 11, 2016

Re: Review of Agenda for March 17th Meeting

Review, discussion and possible action on an amendments to Chapter 106 Building Construction, Chapter 134 Electrical Standards and Chapter 212 Plumbing.

The Village's has been working with its building inspection contractor Safe Built to streamline processes for review of documents. The Village has applied to the State of Wisconsin seeking delegated municipal authority to allow for Safe Built to perform commercial plan reviews, rather than the state. In order for the state to grant delegated status to the Village our ordinance needs to be updated to reflect current Wisconsin State Code. The changes to Chapters 106, 134 and 212 remove all references to previous state code (listed a COMM) and update them to the current state code, which is the SPS 300 series.

Additionally, Chapter 212 is proposed to be updated to include the current reference to Wisconsin Stats §145.01(10). Chapter 134 is proposed to be updated to reference 2013 Wisconsin Act 4, which prohibits municipalities from enforcing any ordinance requiring an electrical contractor to obtain a license directly from the municipality. Beginning April 1, 2014 ordinances requiring contractor licenses were not enforceable, and the Village has not required electrical contractors to obtain a municipal license since state law changed. Under state law electrical contractors are still required to have state licensing, which will now be referenced in this section. The amendment contains an exception to the licensing requirement for home owners who do work on their own single family residence they own and occupy as a permanent residence.

Please see the enclosed amendments.

Review, discussion and possible action on an amendment to Chapter 204 Parks and Recreation.

Scott and Ben Alsum received approval of a temporary plan of operation for a vegetable stand at the March 7th Plan Commission Meeting. The proposed stand to be located on Village property at 12600 Bluemound Road (South Park Facility). As the property is Village owned, vending is prohibited under §204-6 unless a business holds a temporary vending permit for a special event. The Alsum's are will not be vending under a special event and as such in order for them to utilize the property the ordinance needs to be amended.

The amended ordinance provides an exception to the vending prohibition provided that an applicant obtain approval of a temporary plan of operation for a seasonal business, and that they have an agreement for the use of the property approved by the Village Board.

Please do not hesitate to contact me with any questions or concerns.

**VILLAGE OF ELM GROVE
LEGISLATIVE COMMITTEE MINUTES
Thursday, February 18, 2016**

Present: Trustee Domaszek, Trustee Haas, Angie Jodie, and John Collins. Casey Griffiths, Zoning & Planning Administrator, and Village Attorney Hector de la Mora

1. Call meeting to order

Trustee Domaszek brought the meeting to order. Casey Griffiths took the roll.

2. Minutes

Haas and Jodie moved and seconded to approve the September 17, 2015 minutes. Motion carried.

3. Review, discussion and possible action on an amendment to §95-Nuisances

Domaszek stated that the proposed ordinance amendment has been referred to the committee by the Public Safety Committee, after a resident had requested a review of the inconsistencies in the animal ordinance as related to dogs and the use of leashes. Domaszek stated that a mandate for leashes is not needed, individuals need to have control over their dog.

Haas noted that he had been contacted by a resident who walks her dog and that this resident's concern was that other dogs that are not on a leash could get into a tussle with her dog. There is a concern that the dog owner does not necessarily know about the dog that's not on a leash.

de la Mora stated that subjectively it is much easier to enforce the ordinance with a leash requirement, however Elm Grove is a unique enough community that replicating an ordinance which is found in a community like Wauwatosa with smaller lots and sidewalks may not make sense. A possible compromise would be to have a leash requirement on pathways and sidewalks.

Collins noted that a police officer can infer about situations where a dog does not appear to be under control by its owner.

Haas stated that there is no need for a six foot leash requirement on pathways or roads. The reason the Village Park has the six foot leash requirement is that there is a greater number of animals in the park that could interact with one another.

Discussion was held regarding the ordinance amendment language. The committee recommended that the following changes be made to the ordinance.

Section A(1) is to be changed to read: "Except for any police canine, while performing a law enforcement function, it shall be unlawful for a dog to run at large on any public property or on any private land without the landowner's permission. A dog shall be deemed at large if:"

New subsections under A(1), (a) and (b) are to be created to read as follows: "(a) It is accompanied by its owner or a member of the owner's household and is under the control or command of such a person and is not threatening or disturbing any other persons or animals, or; (b) On a Village pathway or sidewalk, except in Village parks as described under §204-3, is attached to a leash of sufficient length to restrain the dog. The leash must be of such a length to restrict the dog from contacting other people or animals."

Under A (2) "suffer" is to be changed to "permit"

Subsections B and D as currently written are to be reordered, with the current subsection B becoming the new subsection D and the current subsection D becoming subsection B.

Under the new subsection B “solid” is to be inserted in front of “waste matter”

Under subsection C, “from separate households” is to be inserted at the end of the subsection.

Haas and Jodie motioned and seconded to recommend the ordinance amendment with the changes discussed in the meeting. Motion carried.

4. Other Business
None

5. Adjourn
As there was no other business, Jodie and Collins moved and seconded to adjourn at 8:11 p.m. Motion carried.

Respectfully submitted,

Casey Griffiths
Zoning & Planning Administrator/
Assistant to the Village Manager

draft

**CHAPTER 106
THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
BUILDING CONSTRUCTION**

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: §106-4. Adoption of Administrative Code provisions of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~strikethrough~~ text.

A. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal administration and enforcement by the Building Inspector: ~~Chapter COMM 20 - Administration and Enforcement; Chapter COMM 21 - Construction Standards; Chapter COMM 22 - Energy Conservation Standards of the Uniform Dwelling Code; Chapter COMM 23 - Heating, Ventilating and Air Conditioning; Chapter COMM 24 - Electrical Standards; and Chapter COMM 25 - Plumbing.~~ Chapter SPS 302.31 Plan Review Fee Schedule; Chapter SPS 305 Credentials; Chapter SPS 316 Electrical Code; Chapters SPS 320- 325 Uniform Dwelling Code; Chapters SPS 361- 366 Commercial Building Code; Chapters SPS 375-379 Buildings Constructed Prior to 1914; Chapters 381-387 Uniform Plumbing Code.

Section 2: §106-8 Fees of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and the deletion of ~~strikethrough~~ text.

Building permit fees and plan review fees shall be determined by resolution of the Board of Trustees.

Section 3: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 4: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this day of 28nd day of March 2016

Neil H. Palmer, Village President

Mary S Stredni, Village Clerk

CHAPTER 134
THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
ELECTRICAL STANDARDS

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: §134-4 License for electricians of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and the deletion of ~~strikethrough text~~

No person shall alter, install, or repair electrical wires, equipment or devices for any purpose in the Village without first having procured a license or registration per Wisconsin Statutes §101.862, except for any person meeting the requirements of §106-3B.

A. ~~No person shall install, alter, repair, remove, connect or disconnect any electrical wiring, fixtures or apparatus for any purpose whatsoever in the Village of Elm Grove without first having procured a license therefor as hereinafter provided in this chapter, except any person who is performing such work as a bona fide employee of and for the holder of a license or any person meeting the requirements of § 106-3B.~~

B. ~~All such licenses shall be issued for one year commencing May 1 and expiring on April 30 of each year following their issuance, unless sooner revoked. If any license shall not be renewed on or before the first day of May of each year, such license shall be considered as having lapsed, and the renewal fee therefor shall be charged. Electrical license fees shall be as determined by resolution of the Board of Trustees.~~

C. ~~Application for an electrical contractor's license shall be made to the Village on furnished forms. All applicants shall be required to possess a currently valid certificate of qualification or electrical contractor's license granted by a municipality having as prerequisites for certification or licensing the following:~~

~~(1) A minimum of six years' practical experience in electrical work or the equivalent thereof; and~~

~~(2) A recommendation by a licensing board or board of electrical examiners, the purpose of which is to preliminarily certify the qualifications (electrical fitness) of applicants desiring licensing or certification; and~~

~~(3) Successful completion of the State of Wisconsin examination for the purpose of testing the qualifications and knowledge (electrical fitness) of such applicants; or~~

~~(4) The continued connection with the licensee of a person meeting the requirements of Subsection ~~C(1)~~ through ~~(3)~~ above.~~

D. If the applicant for a license from the Village does so based upon Subsection ~~C(4)~~ above, the applicant shall designate the person meeting the requirements of Subsection ~~C(1)~~ through ~~(3)~~ a supervising electrician. If the applicant for a license from the Village does so as an individual pursuant to the criteria of Subsection ~~C(1)~~ through ~~(3)~~ above, he or she shall be designated the supervising electrician connected with the license.

- (1) The granting of an electrical contractor's license by the Village is predicated upon the continued connection with the licensee of a supervising electrician. The connection required between the licensee and the supervising electrician is that of copartner, stockholder, officer, employee or, in the case of an individual, the licensee himself or herself must continue to fulfill the duties of supervising electrician. A supervising electrician shall be required, at all times, to actively engage in the supervision of all work performed by the licensee under the electrical contractor's license issued by the Village.
- (2) At the time of making application for an electrical contractor's license the person, firm or corporation making application shall include on the application, in the space so provided, the name of the supervising electrician connected with the applicant. The application for license shall be notarized, attesting to the fact that the supervising electrician named on the application has satisfied the criteria of Subsection ~~C(1)~~ through ~~(3)~~ above as evidenced by a certificate, license or his or her being designated a supervising electrician upon an electrical contractor's license issued by a municipality whose licensing procedures are approved by the Village of Elm Grove. The Village of Elm Grove, through the office of its Electrical Inspector, reserves the right to investigate and determine the sufficiency of the quality and nature of the licensing or certification process of the municipality from which the applicant or its supervising electrician has received a license or certificate.
- (3) Should the supervising electrician named in the application for license sever his or her connection with the licensee for any reason whatsoever or cease to perform the duties of supervising electrician, the licensee shall immediately file with the Electrical Inspector a notarized statement naming the successor to the original supervising electrician and attesting to the qualifications of the new supervising electrician. Failure of a licensee to maintain a connection with a supervising electrician shall result in the immediate invalidation of the license involved. A license so invalidated shall be revalidated without charge upon the filing with the Electrical Inspector of a notarized statement naming a successor supervising electrician which certifies his or her qualifications.
- (4) Any applicant for a license may name one or more supervising electricians by attaching a notarized statement for each person qualified and connected with the applicant in that capacity. The statement shall be worded in the manner of the sworn portion of the license application. For purposes of facilitating the licensing procedure, the Electrical Inspector may, at his or her discretion, maintain a list at the Village Hall of those municipalities he or she deems to fulfill the requirements of Subsection ~~C(1)~~ through ~~(3)~~ above in their licensing procedures.

~~E. When a license is revoked, no license shall again be granted to the same licensee for a period of at least 30 days. After 30 days have expired, the licensee may make application for reinstatement by filing a request therefor with the Village. Should the Village refuse reinstatement of the license, the licensee shall not be permitted to make application for reinstatement for a period of six months from the date of his or her last petition. Any licensee petitioning for reinstatement may demand a hearing, and the Board of Trustees shall meet and hear the licensee within 60 days from the date of petition.~~

~~F. In all cases where any action is taken to enforce the regulations of this chapter, such action or act shall be considered as done in the name of and on behalf of the Village. The Village shall not be judged as liable for any damage that may accrue to any person or persons or property as a result of any such action or act committed in the discharge of its duties.~~

~~G. Fees for all licenses shall be paid to the Village, and no license shall be issued or held valid unless signed by the Electrical Inspector and stamped as paid by the Village in the amount required by such license.~~

Section 2: §134- 9 Adoption of state code of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and the deletion of ~~strikethrough~~ text

A. Wisconsin Administrative Code Chapter COMM 16, which incorporates by reference the National Electrical Code NEC 1999, with Wisconsin SPS 316 with amendments thereto, is hereby adopted and shall be complied with by all persons, firms or corporations performing electrical work within the scope of this chapter within the Village. It is the intent of the Village that all revisions to the Wisconsin State Electrical Code shall be considered to be adopted by the Village as they occur and become effective within the Wisconsin State Electrical Code without further revision of this chapter or action on the part of the Village.

Section 3: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 4: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this day of 28nd day of March 2016

Neil H. Palmer, Village President

Mary S Stredni, Village Clerk

CHAPTER 212
THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
PLUMBING

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: §212-3 State regulations adopted of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and the deletion of ~~striketrough~~ text.

Except as otherwise specifically provided herein, the provisions and regulations of Ch. 145, Wis. Stats., and Chapters ~~COMM 81 to 87~~ SPS 380-387 of the Wisconsin Administrative Code are hereby made a part of this chapter by reference and shall extend over and govern all plumbing installed, altered or repaired in the Village.

Section 2: §212-5 Definitions of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~striketrough~~ text.

As used in this chapter, the following terms shall have the meanings indicated:

PLUMBING

Includes the provisions of § 145.01(10)(a), ~~(c), (d) and (e), and (br)~~ Wis. Stats., and shall also include the construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal, including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets, valves, pipes and appliances and the removal of stoppages in soil or waste pipes.

Section 3: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 4: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this day of 28nd day of March 2016

Neil H. Palmer, Village President

Mary S Stredni, Village Clerk

**CHAPTER 204
THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
PARKS AND RECREATION**

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: §204-6. Vending and peddling prohibited of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~striketrough~~ text.

No person, at any time, shall sell or offer to sell any article, thing, or food item, or station or place any stand, table, display unit, cart or vehicle for the transportation, sale or display of any such article, thing or food item in any Village of Elm Grove park or lands unless said person holds a valid temporary vending permit for special events under § **262-12** of this Code, or that a person has met all of the following requirements:

A. A temporary plan of operation for a seasonal business, such as a fruit or vegetable stand, has been reviewed and approved by the Plan Commission as provided under §335-85B

B. The Village Board, has reviewed and approved an agreement for the use of the property for seasonal business purposes.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this day of 28nd day of March 2016

Neil H. Palmer, Village President

Mary S Stredni, Village Clerk